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THE ENGLISH
HISTORICAL REVIEW

PUBLISHED QUARTERLY

EDITED BY THE

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VOLUME V.

1890

36326
13/12/92

LONDON
LONGMANS, GREEN, AND CO.
AND NEW YORK: 15 EAST 16th STREET
1890

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PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
LONDON

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The English Historical Review

NO. XVII.—JANUARY 1890

Fustel de Coulanges

BY the death of Fustel de Coulanges, a very notable figure passes away from the ranks of historians. Fustel de Coulanges was not only a man of wide and exact erudition; he was one of those powerful and coherent thinkers who have the force to shape out a path for themselves, and the faith to abide by it. Drawn instinctively towards the most delicate and the most contested points of history, he has left everywhere an abundance of new lights. Indeed, wherever he has trodden, he seems to have changed the centre of gravity, so that, in proportion to the bulk of their writings, few men have effected more. His lofty almost contemptuous independence was due to no vulgar hostility or love of parade. It sprang from a sustained faith in the value of an historical method from which he believed that other historians had departed. To read all the available texts and to report upon them strictly, such was, in the eyes of Fustel de Coulanges, the function of the historian. If every word in the text has been given its due weight, the truth will be disengaged not hypothetically but necessarily. After an exhaustive analysis of institutions as presented to us by all the existing documents, their affinities will emerge by a sequence as imperious as that which exists between the flash and report of a cannon. History is not an art, but the most arduous of sciences, in which subjective elements have no place. *Il se peut sans doute,* he says, *qu'une certaine philosophie se dégage de cette histoire scientifique, mais il faut qu'elle se dégage naturellement, d'elle-même, presque en dehors de la volonté de l'historien.* In an article written for the *Revue des deux Mondés* in September 1872, entitled 'La Manière d'écrire l'Histoire en France et en Allemagne,' he complains, in tones which are perhaps too rancorous, that German history is throughout infected by patriotism. He was

animated by a profound belief that the origins of medieval history had been written on wrong lines to serve the ends of Teutonic self-glorification, that the texts had been insufficiently studied, and that a large amount of interested speculation had been imported to fill up the lacunæ. Sweeping away the Teutonic tradition, he set himself to build up history anew from its very base, and to correct the results of German erudition by a fresh and thorough investigation of the texts. He possessed important qualifications for the task, a keen logical understanding, a subtle sense of nice distinctions both of language and law, and untiring industry. The one virtue on which he prided himself, that of absolute scientific impartiality, is the one virtue which experience does not allow us to assign to those historians who give to burning questions a burning answer. The fact is that Fustel de Coulanges was a logician first and an historian afterwards. He has a wonderful eye for the unity of history, for the common properties of institutions, for the widely distributed consequences of some remote force. But he missed the complexity of events, and was, in the process of simplification, apt to ignore the plurality of causes. Determined to extract a clear answer from the darkest oracles of the past, he often submitted his texts to unwilling tortures. In his treatment of institutions he was prone to overlook the political circumstances which contributed to their growth and gave them their distinctive colour, to view them in an unreal and stationary isolation, and to insist too strongly on those features which appeared to harmonise with his own dominating convictions. Always a clear and incisive writer, he excelled especially in the exposition and elucidation of texts. No one has better understood the art of eliciting the maximum of meaning out of the minimum of text, of developing the result into all its logical consequences, and of exhibiting the process in an attractive and exhilarating form. Although every one of his works was in part, if not in entirety, a polemic, and sustained by a background of intense personal feeling, he rarely departed from that sobriety which is the true note of genius. He is trenchant without bluster, imperious without insolence.

Fustel de Coulanges was born at Paris on 18 March 1830. In 1850 he entered the Ecole Normale, and on his exit three years later was named professor of rhetoric at the Lycée of Amiens. *Agrégé* in 1857, he was doctor of letters in 1858, presenting for his *doctorat* the usual two theses, one in French entitled 'Polybe ou la Grèce conquise par les Romains,' the other in Latin, 'Quid Vestae cultus in institutis veterum privatis publicisque valuerit.' In 1859 he was named professor *suppléant* at the Lycée St. Louis, and in 1861 he was appointed to the chair of history at Strassburg. 'La Cité Antique' appeared in 1864, three years after Sir Henry Maine's 'Ancient Law.' The subject was suggested by the Latin

thesis on the cult of Vesta which Fustel sent up for his *doctorat* six years before. From that time onward he had devoted himself to the study of the institutions of Greece and Rome, taking them one by one, and submitting each to a rigorous analysis. He was then struck by the fact that all the institutions of the ancient Aryan world bore signs of a common origin in the primitive cult of dead ancestors. The remarkable cohesion of the family group in early times, the primitive inalienability of property, the phenomena of agnation, adoption, and female disabilities were all explicable on the hypothesis that the social evolution of the race was controlled by a particular order of religious belief and observance. A federal union of patriarchal families, each worshipping a common ancestor, the ancient city passed through the successive stages of monarchy, aristocracy, plutocracy, and democracy, each of which marks a point in the progressive decomposition of the primitive family group. The appearance of the archon and the consul, of the strategus and the tribune, the Solonian revolution and the twelve tables are parallel steps in the break-up of the familiar system, which yields to the pressure of a growing non-privileged population. It is obvious that in this conception of antiquity, pieced together though it largely is by a medley of fragments of dateless and doubtful application, there is much that is true as well as striking. But its value depends not so much on the amount of ascertained truth which it may contain, as upon the new angle at which it presents every fact and institution of the ancient world. It is a lantern held up from an untried corner, in the light of which familiar shapes assume new relations, one of those fertilising conceptions which produce on every side a fresh crop of suggestive views—on the lot at Athens, on the Solonian ὅροι, on the origin of priestly families—and which infuse a new sap into the great reconstruction of the past.

Between 'La Cité Antique' and the first volume of 'Les Institutions Politiques de l'Ancienne France,' there elapses a period of eleven years, broken by occasional contributions to the *Revue des deux Mondes*, three of which have been substantially incorporated in later works. In 1870 Fustel de Coulanges was summoned back to the Ecole Normale as professor, to become its director in 1880, and in 1875 he was admitted into the Académie des Sciences Morales et Politiques. During all these years he had been making an enthusiastic and unintermittent study of all the texts bearing upon Roman and Germanic institutions. He boasted that he was the only scholar who had studied, pen in hand, all the Latin texts from the sixth century B.C. to the tenth century A.D., and certainly there is no higher authority on the social history of the later Roman empire. Four works have already appeared as the result of this great labour. In 1875 he issued his 'Institutions Politiques de l'Ancienne France,' in 1885 the 'Recherches sur quelques Problèmes d'Histoire,' and in

1888 'La Monarchie Franque.' Since his death a fourth volume has been published, entitled 'L'Alleu et le Domaine Rural pendant l'Epoque Mérovingienne,' and three more volumes are in preparation, two of which, 'La Gaule Romaine' and 'L'Invasion Germanique,' will cover in a more matured form the ground occupied by the volume of 1875, while the third, 'Le Bénéfice de l'Epoque Mérovingienne,' will complete the account of the Frank land system. We have thus not yet reaped the full harvest of Fustel's labours, but if we may judge from the striking work which he never lived to complete, the store which is yet in reserve will be a rich one.

The question of the primitive form of landed property had, until quite lately, received but one answer. In 1848, J. M. Kemble asserted that the mark is the original basis upon which all Teutonic society rests, and his view was worked out in detail by Maurer with reference to Germany, and by Nasse with reference to England. Sir Henry Maine, M. de Laveleye, M. Paul Viollet, M. d'Arbois de Jubainville, all accepted the results of the Teutonic theory, and verified them from additional sources. In 'La Cité Antique' Fustel de Coulanges had expressed his opinion that although communism may have been the original form of landed property, there was no existing Greek or Latin text which indicated its existence. The proposition, as it stands in 'La Cité Antique,' is still disputable, but it indicates the line of attack which Fustel de Coulanges afterwards adopted with such great results in another field. In 1844, Guérard in his prolegomena to the 'Polyptique d'Irminon' had attempted to trace the chief features of the manor to the legislation of the later Roman Empire, but he had not, as far as we are aware, received any notable support until Fustel de Coulanges opened up the whole question of the Germanic invasion and the organisation of justice under the Merovingians in articles written to the *Revue des deux Mondes* in 1871 and 1872.

The task which Fustel de Coulanges set himself was strictly critical. The Teutonic school had in the first place overlooked the Roman evidence, and had in the second place read the Teutonic documents in the light of national or philosophical prepossessions. With the leaven of Jean-Jacques still fermenting in their brains, they had confused a positive historical problem with a speculative ethnological hypothesis. They had run, too, into the easy excesses opened out by the new comparative method. They had eagerly annexed the Russian mir, which, whatever it may have been before 1592, has ever since that date been subject to a lord, and the Javanese sawahs, concerning which the earliest quoted document dates from 1804. Wherever they had discovered either joint familiar holdings, or indivisibility of tenure, or village common lands, or joint agricultural exploitation, they either boldly identified them with the object of their quest, or treated them as sure

indications that the object existed. They relied upon the words *ager, mark, allmend, communia,* but had never examined their history or tested their meaning. It was clear that before any sound result could be attained, the problem must be divested of its dazzling accessories, and submitted to critical tests in a narrowed area. The question for the historian is not, 'what was the primitive state of man?' but, 'what do our documents relate of the early German?' Fustel de Coulanges aimed at showing that, on the existing textual evidence, the Teutonic tradition is not only not proven but positively contradicted. On the one hand all the agricultural characteristics of the manor existed under the empire, and are again discoverable under the earliest Merovingians. On the other hand the Germans, so far from imposing their free institutions on conquered Gaul, never, in historical times at least, possessed those institutions, and would in any case have been powerless to impose them.

In the admirable essay on the *Colonat,* in which he traces the serfdom of the Polyptiques to its varied origins under the Roman empire, and in the no less admirable chapters in 'L'Alleu et le Bénéfice,' in which the structure of the Roman and Merovingian land system is analysed, Fustel de Coulanges has satisfactorily established the first half of his contention. The second half is larger and more complex. It involves a dissection of the Germanic institutions before the conquest, an account of the invasion, and a comprehensive yet minute study of the institutions which prevailed in France during the sixth, seventh, and eighth centuries. No one can have read the four volumes which deal with these questions without feeling the immense service which Fustel de Coulanges has rendered to historical inquiry. Although we may hesitate to believe that the Germans of the fifth century were the *débris d'une race épuisée,* or that Clovis ruled as a delegate of the Roman empire, it is certainly true that Germans had been settled in Gaul, both as cultivators and as soldiers, long before the conquest, and that the Merovingian monarchy aped the nomenclature of Constantinople. Although Fustel de Coulanges was wrong in supposing that the pope did not intervene in the concerns of the Merovingian dioceses, he was right in pointing out that the bishop was always nominated by the king. Criticisms may be made, and those not sparingly, on his treatment of evidence, but they are unavailing to shake the solid fabric of his work.

He has not only recalled social history from hasty inference and flimsy analogy to the study of the texts, but he has investigated and largely determined the use of the terminology which serves as its datum. Among the many debts which we owe to Fustel de Coulanges, it is not the least that he has traced and accurately noted, through documents covering a period of six cen-

turies, the varying significance of the terms *marca, communia, allmend, alodis.* He has worked new and untried veins of inquiry, and has placed every detail of his investigations before the eye of the reader. He has not only written history in his own way, but he is at pains to show how the thing is done. If ever the world is to possess a definitive account of the origins of feudalism in France, we suspect that the author will owe his opportunity to Fustel de Coulanges.

H. A. L. FISHER.

Sir Richard Church.[1]

I. 1784—1801.

THE war of independence left Athens a heap of ruins: not the battered fragments of her imperishable art alone, but unsightly wrecks of modern houses, overthrown by Reshid's artillery. Even in the year of revolutions, the ominous epoch of 1848, when twenty years and more had passed since the surrender of the Acropolis, little had been done to repair the ravages of the war. Four streets of mean-looking houses crossed one another at right angles; above, on Constitution Place, rose the bald white outline of the palace; and miserable twisting lanes, with neither lighting nor pavement, bordered for the most part by wretched cabins or high garden walls, extended on either side of the main thoroughfares. One such lane, called 'the Street of Hadrian,' ran below the old wall at the north-east angle of the Acropolis, and in it stood a house familiar to every resident in Athens. It was built round an open court, in eastern fashion, with a cypress and a pepper-tree for shade and fragrance One side was formed by a three-storied tower, a relic of the Turkish domination, still kept in a state of defence with a view to possible revolutions. On another side stairs led up to a gallery out of which three sitting-rooms opened. Beneath were the offices and dwellings of the trusty Palicari who formed the voluntary garrison of the house in all Greece least likely to need defence.

Its master was sure to be found, in the forenoon, in his corner of the divan in the reception-room, where a motley crowd of visitors was commonly assembled, smoking the long chibûk and speculating on the turns of politics—senators and deputies of the opposition, Suliots of Albania, nomarchs of the islands, chiefs of western Greece attired in *floccata*, embroidered vest, and *fustanella*, save where the sense of fashion had prescribed the unsightly dress of the West. There sat Makrijanni, Monarchides, Argyropoulos, and Demo Chelio, the 'white devil' of Acarnania, his aides Mostras of Arta,

[1] In the preparation of this sketch of Sir Richard Church's military adventures, I have been greatly assisted by the notes of the Rev. C. M. Church, canon and sub-dean of Wells, who has also placed in my hands a large number of letters and other documents illustrating his uncle's career.

Theagenes of Thebes—men who had given their all (such as it was) for their country. They were discussing the *immensi evenimenti*, the sequels of the Paris revolution of February 1848, the prospects of their friends in the Boulê and Gerousia, the raids of the brigand bands of Papacosta or Velenza, and all the news of the hour. The master talks freely, genially, humorously with his friends in French or Italian, and more seldom in Greek, his clear blue eyes flashing now and again as he denounces some treachery of the powers that be, or moistening with the warmth of enthusiasm as he recalls some golden deed; for age has not availed to quench the generous passion of his youth. His slight figure bears the stamp of the man of action, and his eager glance confirms it. All who surround him, Englishmen, Greeks, be they who they may, evidently revere him. For the master is Sir Richard Church, formerly commander-in-chief of the Hellenes in the war of independence, and still and for always the best beloved Englishman in Greece.

In 1848 he was approaching his threescore years and five, and had sheathed his sword for many a long day. But few men had seen more service—more responsible and adventurous service—than Richard Church. His early commands went back to the days of the great French war; he had served under Abercromby and Stuart, Kempt and Hudson Lowe, and had met the armies of Ménou, Masséna, and Murat, in the days of the consulate and empire. He had seen the birth of the modern English army; and a handful of raw undermanned regiments had grown before his eyes into the victorious legions of Wellington. He had taken a foremost part in the long battle which England, and England alone, waged in the Mediterranean against the Napoleonic dream of eastern empire; Alexandria, Maida, Capri, Zante, Santa Maura, all these had viewed him at his post; and the man who landed at Aboukir in the opening year of the century, who had fired a salute in honour of Trafalgar, had conversed with *dolosissima* Caroline, queen of Sicily, and had passed through countless perils, and faced a thousand ventures since then, lived to hear of France and Germany fighting on the Rhine. The soldier who fought against the first Napoleon, before he was emperor, survived to witness the fall of the Second Empire at Sedan.

It speaks well for the Society of Friends that so sturdy a fighter as Richard Church should have been born a quaker. He was the second son of Matthew Church, a merchant of Cork, and Anne Dearman, his wife, and was born in 1784. His school career was cut short by an adventure which was to be predicted in the son of such peaceable parents. Richard ran away, and took the king's shilling before he was sixteen. His father wisely abandoned the attempt to make a quaker of a son of war, and, instead of reproach-

ing him, purchased a commission in the 13th (Somersetshire) light infantry. Richard was never a big man, but when he was gazetted ensign (3 July 1800) he was unusually small for his age, and apparently ill prepared to battle with the hardships and privations of an eastern campaign.

Nevertheless to Egypt he went, when the 13th was despatched in the autumn of 1800 to join Major-general Cradock's brigade in the Mediterranean, on the most important service that England at that time had to demand of her little army. We find him in February 1801 on board the transport 'Adventure' in the harbour of Marmorice, on the Karamanian coast, where Sir Ralph Abercromby and Lord Keith had found refuge from the winter storms—rather, indeed, to their own surprise, for even their pilots were not aware of the existence of this fortunate haven. The general, thus unexpectedly preserved from shipwreck, was busily collecting information, drilling his raw army, negotiating through Sir John Moore with our allies, the Turks, and gathering horses and transports, with very disproportionate results; meanwhile the men were being practised in disembarking and landing under the imaginary guns of the enemy. From this scene of deferred expectation, Church wrote to his sister (10 Feb. 1801):—

> We have been here about six weeks, but expect to leave it for our final destination in about a week more. It is the most *savage* country imaginable. You see nothing from the ship but the most tremendous mountains all round which form the harbour.

He was not favourably impressed with either the town of Marmarice or the people: the former was 'filthy,' and we quite believe it; 'the inhabitants are the most ferocious as well as the most indolent in the world'—a more questionable statement, since they once formed the best oarsmen in the Turkish galleys. Pashas then were much as they are now, but more splendid in dress, and at least equally addicted to coffee and pipes. Thunder-storms accompanied by heavy hail, and the nightly approach of wild beasts, added to the inconvenience of the camp, and even in February the heat and effluvia were distressing. The letter continues:—

> We are about two or three days from Alexandria, where the French have their chief army and where we expect the greatest resistance. It is reported that they have received a reinforcement of 1,800 men. . . . We have here *Le Tigre* and Sir Sydney Smith; he is to command a battalion of marines and seamen and act on shore:—with him there must be success. His dress is curious, a large pair of mustachios, a long blue cloak lined with ermine, gold epaulets, and a large sabre. . . .
>
> Shocking idea! five paras—a coin of this country worth only one halfpenny—is the inducement held out to these wretches, the Turks, for the head of a Frenchman, and wonderfully well it succeeds; but it matters not whether French or English, so they have an opportunity of murdering

him; his head goes to the Grand Vizir, and the assassin receives his paras. The Greeks, who are slaves to the Turks and are Christians, are as opposite a people as possible, a brave, honest, open, generous people, continually making us presents of fruit. If they make any money by trade, when it pleases the Turk he takes it from him, and if he murmurs, death is his redresser. Oh, how I hate the Turks! . . .

We, the army, certainly go through more than any people in fatigue, hardship, dreadful living, and storms: living on salt pork, towed three days astern of the ship, and still so full of salt you eat it with the greatest difficulty; foul water, maggotty biscuit: such living is common to us, and happened no less than four times riding at anchor, twice before enemy's towns—Vigo and Cadiz, and twice in Tetuan Bay. I felt that I never knew the real sweets of home, and how many dangers, hardships, and fatigues would I now go through, and smile at, for the happiness of a return home to my dear parents, sisters, and brothers.

General Abercromby sailed from Marmarice on 22 Feb. and anchored in Aboukir Bay on 2 March. For the third time Aboukir was to be the scene of a battle. Here Nelson had destroyed the French fleet in 1798, and here Buonaparte cut the Turkish army to pieces in 1799. The bay was now filled with English transports, bringing some 14,000 men to dislodge the French who defended the beach with all arms, including fifteen cannon on the sandhills. Stormy weather delayed the encounter, but on the 8th General Moore took his division ashore in open boats under the enemy's fire, and, forming on the beach, carried the French battery at a rush, seized four guns, and drove their two battalions from the field. General Oakes with the other division repulsed the attack of cavalry and infantry, and sent the enemy flying over the sandhills with the loss of three guns. The whole position was brilliantly stormed, and the French took refuge within their lines at Alexandria.[2]

The 13th foot was not in the front at the landing, but it had its full share of work afterwards. Cradock's brigade, to which it belonged, formed part of the centre column in the advance of 13 March, and was exposed to a most destructive fire; and in the victorious battle of the 21st, when Abercromby fell, it held a critical position on the left of the British line resting on Lake Mareotis. It also took part in the capture of Rosetta, and forced the surrender of Cairo, escorted the French army down to its embarcation in July, and witnessed the fall of Alexandria in August. Contemporary documents relating to the expedition are very scarce, and the following letter from Church to his mother (written, he says, upon 'the only sheet of paper in the camp') is therefore valuable.

Egypt, 7 Sept. 1801.

The two letters [not preserved] I wrote from Rosetta, my dear parents, must have long ere this arrived. We then were prepared to march to

[2] See Sir H. Bunbury's *Passages in the Great War*, pp. 93 ff.

the siege of Alexandria, which was to be stormed on all sides, and would undoubtedly have been taken with a tremendous loss to both parties. Fate ordained it otherwise. General Ménou, having often tried the valour of the British troops in the field, and dreading the dreadful slaughter which would be made by the Turks on every armed as well as unarmed person (more particularly the latter), the evening [26 Aug.] previous to the assault sent into our camp his aide-de-camp with a flag of truce to ask for a cessation of arms for six-and-thirty hours, to consider the terms we had offered. Our commander-in-chief [General Sir John Hely Hutchinson] agreed to an armistice, in the course of which time General Ménou thought fit to capitulate, to the great joy of both French and English. Thus has the campaign in Egypt finished to the great glory of the British army. The 2nd of September 1801 was the memorable day when the grenadiers of the whole British army, under the command of Major-General Cradock, took possession of the heights and fortifications of Alexandria, and hoisted the British flag in place of that of the French Republic. The terms are the most honourable on our part. The French are allowed six pieces of cannon, six-pounders, and their private property, and small arms only; and without sacrificing one soldier we have possession of the whole of the transport which brought out the whole of Buonaparte's army, besides six new frigates (two sixty-four's), and a vast number of vessels of different sizes, upwards of 600 pieces of ordnance, principally brass, besides thousands of all descriptions of stores, and granaries full of wheat and rice.

The taking of Rosetta, Aboukir, Cairo, and Alexandria, with a number of small forts and castles all through the country, afforded us a vast deal of trouble, and is expected to yield us some prize money. We landed in this country 14,000 men to attack 22,000 French bayonets (from the French returns for embarkation), and before the arrival of any troops from Europe three battles were fought between us, in every one of which we were victorious. The landing on 8 March gave us a footing in the country; the action of the 13th insured that footing to us by driving that enemy from the heights they occupied, and the glorious battle of the 21st sealed, with the death of our noble commander-in-chief, the entire possession of the country to our arms. Ménou shut himself up in Alexandria, and Belliard retreated to Cairo in the greatest precipitation. We followed up the blow, leaving a sufficient force to guard the heights in front of Alexandria. The remainder of the army marched for Cairo, and on their march reduced Fort Julian, a strong fort at the mouth of the Nile, took Rosetta and a fort on the bank, and encamped before Gizeh, a town at the opposite side of the river from Cairo. We were hardly arrived ere the French sent in an offer to surrender on the terms which they should propose. With some alterations we agreed to them; their private property and some pieces of ordnance were no object to us. Our numbers at the greatest calculation amounted to about 5,000, and theirs at the smallest were 9,500 fighting men. A few days were allowed them to get ready; they marched to Rosetta to embark, French in one column, English in another, and they embarked at Aboukir to the amount of 20,000 persons of every description.

Once the French under General Belliard embarked, the general lost

no time. We proceeded to Alexandria and invested it on all sides. General Coote with a division of the army landed to the westward; we on the eastward made a false attack, which deceived the enemy; they turned their attention to us; in the meantime General Coote surprised the castle of Marabout and landed his army to the westward without the loss of a man. On our side we were equally fortunate. It was the dead of the night, and so dark that we got, without being perceived, within the range of the guns on the batteries; the guns had no effect, their whole line appeared one blaze and one continued roar of thunder, all to no purpose; we gained our own line with the trifling loss of a few horses. The next night we cut off the whole of their picquets, took seven officers and a hundred and twenty men; our loss was trifling. Our works to the eastward approached every day; from our trenches we picked their artillerymen from the guns, our *friends* the Turks were excellent at *that*: they would lie the whole day behind anything that would conceal them, purposely to pick off the men on the front lines or any other situation. They are the greatest cowards in the world; they never once fought with us in the field. At last our force on their right, the sea to their left, an army in front, and an army in their rear, cut off every chance of supply; we harassed them day and night. The 'heroes of Italy' were obliged to surrender to the paid troops they despised so much on hearing of their arrival in Aboukir Bay. . . .

Impressions of Egypt—'this infamous country'—follow, such as might be expected from a young ensign with little opportunity for close observation. He has seen 'everything worth seeing—the Pyramids, Pompey's Pillar, Sphinx, Cairo, Rosetta, and Alexandria, the Delta, and the country all along the banks of the Nile;' he has encountered 'reptiles of all sorts, a dreadful scorching sun, deserts without a drop of water,' and sums up Egypt as a country with 'some good qualities, though but very few.' The principal amusement of the inhabitants appeared to be smoking, and though there were Christians at Rosetta, it was hard to distinguish between them and the Turks, when it came to cheating. Like all Englishmen, Church admired the Mamlûks, but even at this early period the Turks excited his utmost scorn and detestation.

We had at Cairo the Grand Vizir and his army. We have here the Captain Pacha and his also—such a set of villains never were seen before; they go loaded with arms to molest every one they meet, yet are the greatest cowards in the world. The greater the rank the greater the rascal! From seven months' residence in the country I know so much of the Arabic language as to be able to converse with the Arabs; the French speak it fluently. I must now conclude about Egypt, only add, once out of it I would never wish to see it again.

A soldier could hardly begin his career better than in the Egyptian expedition of 1801. It was commanded by officers of exceptional ability and character, and its success effected a signal change in the position of the English army. Before 1801 we were

discredited, and it was believed, not only abroad but at home, that our officers could never cope with Buonaparte's 'heroes of Italy' and of Germany. Alexandria restored our confidence, and England began to recover her faith in her generals. Richard Church shared in this revival of hope, and it was his good fortune to bear a hand also in the next triumph of the British arms: Alexandria and Maida were the prelude to Talavera, Vittoria, and Waterloo.

II. 1802–1806.

The illusive peace of Amiens in 1802 interposed a brief truce in the war between England and France, but in 1804 Richard Church shared in the patriotic fervour which lined our southern coast with hundreds of thousands of troops, militia, and volunteers, eager to repel the invasion of 'the common enemy of Europe.' Buonaparte's vast preparations for the conquest of London, his thousand transports at Boulogne, and the splendid troops which were massed on shore ready for instant embarcation, had roused England to strenuous exertions, and recruits and reserves mustered so rapidly that the regular infantry, which in 1803 was reckoned at 40,000 (and this figure exaggerated the effective strength of the thinned and worn-out battalions) sprang at a leap in 1804 to 75,000, besides 80,000 militia and no less than 343,000 volunteers. Never had the nation more heartily responded to the call of the crown. To present anything like a practical opposition to Buonaparte's veterans, however, these large bodies of raw recruits and volunteers needed constant drilling; camps of instruction were forthwith established along the Essex, Kentish, and Sussex coasts, and Sir John Moore at Hythe set that model of discipline which, emulated by the other camps, served more than anything else to prepare our soldiers for the long trials and triumphs of the Peninsular campaign.

In one of these camps at Hailsham—'a paltry place, but still on the coast (*sic*), and an advanced post, which is the only satisfaction we have to enable us to bear it'—Church and his new regiment, the 39th, into which he had exchanged, were stationed, and here he had the time and opportunity of learning those lessons in the art of war which the brief campaign in Egypt could scarcely have taught him. But he was not long forced to endure the rustic monotony of Hailsham, lighted up, as it was from time to time, by rumours of the approach of that hated enemy whose ships lay almost in sight across the narrow strait. The 39th were on their way to the Mediterranean in the spring of 1805, though what they were going for they knew not. That they were going to fight 'Bony' somewhere was enough.

Few people take much interest in the minor efforts of the great French war; yet they sometimes presented features of romance

and opportunities for daring and resource such as the movements of great armies rarely afford. Nor were they without their due effect upon the main struggle. The unremitting attacks of our small forces in the Mediterranean upon every possible vantage-ground of the enemy drew off large detachments of the French armies from more vital spots, and, while depriving Buonaparte of many important dépôts for arms and supplies, effected what was at least equally important, by raising the credit of the British army wherever it landed, and showing Europe that, if we could not turn out vast numbers of troops, at least those who did battle for us knew how to fight. The dash and vigour of our onslaughts upon the French positions in the Mediterranean from Alexandria to the islands of the Adriatic and the bay of Naples, did much to restore that prestige which the triumphant course of French successes had impaired.

The expedition with which Church sailed, on 19 April 1805, consisted of about 7,000 men under the command of Sir James Gibson Craig, who was to proceed to Malta and thence carry on operations, of what description the government had no precise idea, except that they would be against the French in Italy or Sicily, or perhaps Sardinia or Minorca, according as circumstances and instructions should dictate. The principal object, however, was to keep the treacherous court of Naples out of the arms of the French, and for this purpose to land in Italy, in company with a large force of Russians, then at Corfu, and to endeavour jointly to protect the Neapolitan capital from invasion. It was a curious plan, and with such allies was bound to fail; but at least it did not lack able officers. Craig, Sir John Stuart, Fox, and Sir John Moore successively held the chief command in Sicily, and they were admirably seconded by men who afterwards made their mark in greater fields, such as Lowry Cole, Hudson Lowe, Ross of Bladensburg, Kempt, and Sir Henry Bunbury, who has ably recorded his recollections of the military operations of the time.

The expedition did not reach Malta till July. Alarms of the French fleet and a long detention at Gibraltar, where it had to wait for further orders, delayed it; but to one at least of the officers the interval of leisure was not unwelcome. Church was for his age an ardent student, and took a keen delight in French and still more in Italian literature. At Gibraltar, when there was no Spanish gunboat to be attacked or avoided, he spent his time 'reading the few books I have, amusing myself with fortification, as usual, occasionally taking a row about the fleet, bathing. Ossian, Ariosto, and Plutarch's Lives are my chief authors, and one constantly relieves the other.' He was very romantic, and his letters are full of poetical quotations, varied by metrical outbursts of his own.

At Malta the young lieutenant of the 39th received unexpected promotion. He was made adjutant of the light battalion then being formed under Colonel Kempt. Writing from Valetta, 5 Oct., he says:—

> The several light companies (Chasseurs) are embodied and made for the time being one regiment, to act, when in service, as sharpshooters, riflemen, &c., and to form invariably the advanced guard of the army. We consist of 890 select men, from all the British regiments on the island, and placed under the command of Colonel Kempt, a very excellent officer, who was military secretary to Sir R. Abercromby in Egypt and in all his campaigns elsewhere. I am placed on the staff as adjutant to the light infantry battalion. Believe me that I am sensible that there are many officers whose abilities make them more fit for the situation. There were no less than fifteen applications made by different officers, and all strongly recommended by their commanding officers, and I am really astonished to find that I succeeded in obtaining what I so little deserved or expected. It is of all others the most advantageous situation an officer of my rank could obtain, and to me the most flattering. You know that I am devoted to the life of a soldier and can relish no other, so I have at least that to urge in my favour; inclination will not be wanting in doing my duty, whatever may be the case with the abilities. I have at last stepped out of the common track in the army, and I sincerely hope never to return into it again. We sail to-day [he adds, 8 Nov.], supposed for Naples, and it is believed we shall proceed 200 or 300 miles in Italy without having any affair with the French. A great many regiments who served in Egypt are with us, and if we meet the 'invincible army of Italy,' I hope grenadiers and light infantry of the British will be able to give a good account of them.—The last cannon from the fleet has fired.

It was a fine sight to view the flotilla of more than a hundred ships making out of Malta harbour, and finer still when nine Russian ships of the line and eighty-five transports joined them off Syracuse; and the fact that all this brave array was bound on a bootless errand did not at the moment diminish its imposing effect. Ten days they tacked in sight of Etna, and at last weathering the western point of Sicily—for the fleet was too large to risk the passage of Scylla and Charybdis,—they began to disembark at Castelamare on 20 November. Here Church's duties as adjutant began in earnest, though indeed the beginning seemed more like play. There was a grand review of the troops before the king of Naples, and exultant volleys were fired by the British when at length the tidings reached them of Trafalgar and 'the glorious 21st of October.'. Then up the country they all marched, and occupied the defiles of Itri and Fondi, and other strong positions. They little knew then what was going on beyond the distant Alps, but the disastrous news travelled fast. Mack had capitulated at Ulm; the fatal field of Austerlitz had been fought and lost; the French were advancing in overwhelming force

upon Naples; and the perfidious court of Ferdinand had already submitted to the demands of Buonaparte. There was nothing for it but to beat as dignified a retreat as circumstances permitted. General Craig on his own responsibility, and in spite of the remonstrances of our minister, Mr. Hugh Elliot, re-embarked his army on 20 Jan. 1806, and set sail for Messina.[3] He was only just in time. What happened in the next three weeks may be told in the words of the contemporary Neapolitan historian Coletta:—

The king, queen, and the royal family flying, the Princes Leopold and Francis retreating with the army through the Calabrias, a timid and inexperienced regency in Naples, the kingdom laid open to hostile armies, the city undefended, the partisans of the king fugitives or hiding, the mob fluctuating between lust of plunder and fear of chastisement, the honest with arms in their hands for the defence of their own lines and for the maintenance of order in the city:—such was the state of Naples in the first days of February 1806, while at the same time 50,000 French under Marshal Masséna were conducting to his throne Joseph Buonaparte, with the name of lieutenant of the Emperor Napoleon.[4]

Sicily now assumed a double importance in the eyes of England. It was her advanced outpost against the enemy, and must be held at any cost against the army which General Regnier was leading into Calabria with the express design of reducing the remnant of the Bourbon kingdom, which Buonaparte had declared to be extinct. The Neapolitan court, piqued at our retreat, had at first forbidden a single English soldier to land at Messina; but no sooner had the queen taken refuge at Palermo than fear got the better of resentment, and General Craig was invited to disembark his troops for the protection of Sicily. It was a welcome bidding, for four weeks in transports had not improved the health or temper of the men. The English army, numbering about 7,500, was now posted with its centre at Messina, the left fortified at Milazzo, and the right stretching towards Taormina and Cape Passaro. An active flotilla of Sicilian boats scoured the straits, and a corp of natives was raised in our service. Church was zealous in his duties as adjutant of the light division; he was at the taking of the fort of Scylla, which guarded the straits on the opposite shore; and his familiarity with Italian brought him into useful intercourse with the Sicilians, among whom he mentions 'about 1,000 friars and monks, the apothecaries and parsons in the six parishes around our cantonments, many of whose names I do not know, and all the fishermen from Messina to Scarletta, whose names I *do* know, because I have them registered.'

He was already beginning to exercise that influence over foreign

[3] See Mr. Oscar Browning's article on 'Hugh Elliot at Naples,' in the *English Historical Review*, No. 14, April 1889.

[4] *Storia di Napoli*, ii. 10.

peoples which afterwards became the chief pride and delight of his life. In the same letter he records his first experiences of a Sicilian earthquake, and its different effects upon the English soldiers and the Sicilians:—

> A battle is nothing to it; it was a most deplorable scene to see the whole of the inhabitants on their knees, in the middle of the street, in the most dreadful rain. The villagers were surprised and enraged to see us performing all the duties of the regiment as if nothing had happened, and in a great degree they attribute this event to our being in the country.

The daily sight of the French encampments across the narrow straits irritated our men beyond measure, and in the summer plans were matured for anticipating the threatened French invasion by a landing upon the Calabrian coast. Church had gained credit by the zeal of his service, and in the arrangements for the advance he was attached as brigade major to Colonel Kempt's division.

> His zeal and attachment to the duties of his profession [wrote Sir J. Stuart, the hero of Maida, to the Horse Guards] were conspicuous in a series of services that occurred within my own observations. I hardly know a more promising young man, or professionally a more deserving one. I gave him to Kempt as brigade major at Maida, and he always fully appreciated him.

The battle of Maida is the best known of the military operations during the occupation of Sicily.[5] It was in effect a successful sortie of the British garrison against the advanced position of the French army on the Calabrian coast. The English to the number of 5,000 landed on 1 July in the bay of St. Eufemia; the battle was fought on the 4th. The marshy plain of the river Lamato, which lay between the forest of St. Eufemia and the hill of Maida, where the French were posted, formed a most unhealthy camping-ground, and had the French left us alone the battle might never have been won.

> The English army, massed on the heated sands of that desert beach, struck during the day by the burning rays of the July sun, and by night breathing in the pestilential vapours of the neighbouring marshes, were sickening and on the point of abandoning the enterprise, when Regnier, longing for revenge, flung himself upon their camp; he who had fought unsuccessfully against Stuart in Egypt hoped a return of fortunes in Calabria.[6]

In vain: he was completely routed; Kempt's light brigade broke the attack, and pushed the enemy relentlessly over the plain to the slopes of Maida; the guns and stores collected for the invasion of Sicily fell into our hands; Lower Calabria was cleared for a time

[5] The best account of this and other military operations in the Mediterranean during the great French war is to be found in Sir H. Bunbury's *Passages*.

[6] Coletta, vi. 14.

of the French; the victory broke their prestige, and raised the spirits of our army. The pity was that it was not followed up.

In August of the same year, Church was entrusted with a mission which called forth to the full those qualities which afterwards proved so valuable against the secret societies of Apulia. At this time the Sicilian authorities, aided by Sir Sydney Smith, were encouraging by every means in their power the numerous bands of *masse*, or banditti, which the barbarities of the French army had fostered among the miserable population of Calabria. No weapon against the enemy could be neglected, and war, as well as adversity, sometimes makes strange bedfellows. To investigate the doings of these disreputable allies, and to discover the strength and position of the French troops, became a matter of necessity; and the task demanded not only considerable courage and presence of mind, but a familiarity with Italian. Church was in a manner marked out for the work, and he hastened to volunteer. The risk was so great that his colonel, the Hon. Lowry Cole, hesitated for a whole day, and, even when he had consented, knew no peace of mind till he saw the young officer safe back again. Accompanied by only twelve Neapolitan cavalry, Church pushed his reconnaissance to Nicastro, where he found matters in a critical state. The brigands were pouring into the town to the number of 1,500, murdering the inhabitants in the streets and making targets of the syndic and other notables. It was then that Church displayed that cool mastery over lawless ruffians which so often, in after years, stood him in good stead. With his twelve men he not only drove the *masse* out of a house which they had attacked, but ordered the chiefs to leave the town, an order which, strange to say, was for the most part obeyed. All night, however, his little company had to patrol the streets, and it was not till morning that he felt he could safely leave Nicastro restored by his efforts to comparative tranquillity.

For this service, and for his detailed report on the movements and positions of the French, he received the thanks of Generals Stuart and Fox, and was shortly promoted to the rank of captain in the Corsican Rangers. But the chief reward to one of his chivalrous nature was the thought of the rescue of hundreds of women and children from the tender mercies of the brigands. He had resolved to 'perish rather than leave the helpless people in the hands of assassins,' and a sentence in a letter to his mother shows us the generous humanity which was ever his characteristic :—

> I feel more real pleasure at having been the sole instrument in the salvation of these hundreds than in having assisted in the destruction of the thousands of our abominable and treacherous enemies at Maida.

III. 1806–1808.

A month before the battle of Maida, Church had written home (10 June 1806), 'Sir S. Smith sails this day. On his way here from Gaeta he took the island of Capri in the bay of Naples. Colonel Lowe with five companies of the Royal Corsican Chasseurs sailed four days ago to garrison the island, as an attack from the French is daily expected.' Capri now formed a sort of vedette of the Sicilian garrison, whence a sharp look-out could be kept upon the enemy's doings in Naples, and communications established between the English army and the continent. It was a post for bold and venturesome men, and the authorities instinctively sent Church to the point of danger as captain of the Corsican rangers. For two years, from October 1806 to September 1808, he commanded the upper town of Ana Capri, which looks down eastward from its lofty terrace of lava over rugged precipices to the Marina and Lower Capri, and on the west hangs steeply over the blue waters of the Mediterranean. Colonel Hudson Lowe in the nether town placed entire confidence in his lieutenant above; and, unlike some others, Church always entertained a warm esteem and affection for his commanding officer, who, whatever his faults, was at least a gallant soldier.

At first the novelty of the situation, and the delight of flaunting the flag of England in the very eyes of Joseph Buonaparte over the way at Naples, were pleasurable enough, but after a while the monotony of the place and the association with none but foreigners began to weary him. He describes his life in a series of letters to his sister:—

14 Oct. 1806.

How fast is the scene changed! A twelvemonth has not yet passed and I have written you from Malta, from various parts of Italy, from Sicily, from Calabria, from Sicily again, from Capri. I have been repeatedly changed on duty from one of these places to another; served an unsuccessful campaign allied with the Russians against the French in Italy; and been on a most glorious expedition against the same enemy in Calabria. I have been under arms three times to be reviewed by two crowned heads—twice for the king of Naples, once for the king of Sardinia. I have witnessed an earthquake; scarcely been, even for a week, out of sight of Mount Etna, Vesuvius, or Stromboli. I formed a party with the army selected to besiege Scylla, and was at the taking of it; and have had the *good luck* to have been *actually* shipwrecked at Charybdis; and have been no less than seven times embarked, and as often landed, . . . mixed up alternately with Russian and Neapolitan troops, Calabrese, Sicilians, and French. . . . I have served in the various capacities of lieutenant, adjutant, brigade-major, and captain, and have had no less than four different commanding officers in that space of time. To conclude this history, I am

now, through the great favour of my present commanding officer, Colonel Lowe, duly installed captain-commandant of Ana Capri. . . .

From Capri you have the most beautiful view imaginable of Naples and Vesuvius, as well as of Baiae, Pozzuoli, the Elysian fields, Portici, the palace of La Favorita, and all the towns in the bay of Naples towards Castellamare, . . . the islands of Ischia and Procida, and Ponza in the bay of Gaeta, and on a very fine day, with a glass, Gaeta itself. You have a fine view of the Apennines and the highlands in the Neapolitan territory for many miles. From the back of the island you command a prospect of the gulf of Salerno and the various towns on its shores. So much for the views: now for the island itself. It is about 5½ [3½] miles in length, and perhaps its greatest breadth is not above two. It is divided in two parts, Capri and Ana Capri, and has three towns, or rather villages, several convents, and a bishop, and several remarkable ruins of palaces, &c., built by Tiberius when that wretch made the island his place of residence. The whole island is a perfect garden, is covered with vines, figs, &c. Capri is the chief town and port, and has a castle; it is the seat of government and headquarters of the regiment, and has about 3,000 inhabitants; the roads are all very hilly, narrow, and, for the most part, *in steps*. Ana Capri is above two-thirds of the island, and once up, a level terrace abounding in fruit, wine, and oil; it has no place of anchorage for shipping, but several creeks and small bays where an enemy may attempt a landing. The only road from Capri here is (do not be surprised at an absolute fact) up a rock, cut into 600 [535] perpendicular steps, and this is the only communication between the two places. . . . Fancy my leading a high-spirited Arabian horse up these steps, which I have done, and he is the only horse in this part of the island. . . . My residence is in the Palazzo, a delightful house, one of those belonging to the many Neapolitan nobility who formerly spent a month or two of each year here previous to the French occupation.

I am sole governor here, civil and military; my military force consists of two companies, besides an officer's detachment of forty men, making my regular troops about 200, and two four-pounders. Besides these I have about sixty militia, and some few of the king of Naples' gamekeepers. I am at the advance post, the first to be attacked when King Giuseppe shall be that way inclined. I am totally independent of the commanding officer, except what relates to the regiment, and communicate with him by telegraphic and night signals. The population consists of about 900 people, not one of whom can go down to Capri without my passport. There is here a convent of nuns and a college for ecclesiastical education. I am on great terms with the *abbadessa*, a most respectable old lady, who was obliged to fly from Naples by the French, and is much attached to the English. We correspond almost daily, and as often as possible I make her a present of fish, fresh butter, hams, and anything else that I accidentally pick up. . . .

On 3 Nov. 1806 Church writes to his mother:—

My time is at present occupied in entrenching this part of the island, making a harbour, building towers of defence, making roads—anything whatsoever that renders my post so strong as to be able with a very

few men to defend the place against whatever number of men *King* Joseph may think proper to attack me with. . . . These works, and exercising the men, signing passes from this to Capri for the country people, and now and then a ride or walk round my whole territory, or a game of rackets, fully occupy the morning from daylight, at which I invariably rise, until dinner, 5 o'clock. It is in the evening that *ennui* becomes a guest, for there is no society except of the few officers composing the detachment, for instance, a German, a Piedmontese, a Corsican, &c.

So long have I been accustomed to foreigners [he adds in another letter] that my native language seems of little use—French and Italian are our only languages now. I shall soon forget my native tongue. Would I could have some lessons in it from you!

I am absolutely *remarkable* in the regiment for the number and the length of the letters I write, and also for various translations from foreign papers.

His copious note-books full of poetry, and many extracts from books of history, bear witness to his love of reading.

Since I last wrote [this to his brother in April 1807] we have been on the point of attack. . . . On 1 March a division of about 2,500 or 3,000 French troops under General Merlin embarked . . . from Baiae and were half-way across, when a tempest arose which obliged them to put back. . . . We had only at most 700 men, and it requires 2,000 to guard all the landing-places, but I do not think we should have lost the island. We have worked night and day to increase our strength. . . . I often wished for practice in fortification; I have now plenty of it, as Colonel Lowe has made me chief engineer and inspector of the coast, and I have the whole of the fortifications for Ana Capri to design and complete with my own resources and according to my own ideas. Since we heard of M. Merlin's intentions we have considerably increased our ammunition. . . . By offering rewards for the balls fired by the British ships into the island when the place was taken, and which were to be found in the vineyards, I have recruited as far as 500 extra rounds; . . . since that we have received from Messina a large supply of ammunition and provisions, and we only wish to see our friends [the French].

Lowe manages so well that in spite of precautions we have almost daily correspondence with Naples, and are informed of everything going on there.

Italy is like a barrel of gunpowder, and only wants a match to blow it all up: that match is an English army of 20,000 men under Moore.

If the English at Capri managed to get wind of the enemy's movements, the scent of English doings at Capri was at least equally burning at the Court of Naples, and the intrigues of the French and of Queen Caroline of Sicily compelled the garrison to keep a strict watch on the inhabitants. 'This is a rascally island,' wrote Church in 1807, 'as you will see by this report of mine to Colonel Lowe. I have arrested some priests detected in correspondence with the French. This is a nuisance, for we are now obliged to fortify against the inhabitants on shore as well as against the

enemy at sea.' The island seems to have been left by our commander-in-chief strangely unprotected at sea, considering its advanced and exposed position.

> Six months without a ship-of-war of any sort, our greatest distance from the enemy's head-quarters being only eighteen miles, nearest two miles. My detachment and myself have had the hardest duty I ever experienced—watching and patrolling night after night, and working in the day-time: an enemy without, treason within, is enough to keep one on the alert. Enough of this vile island.

During 1808 the monotony of his island service was relieved by employment on expeditions along the Calabrian coast, watching and gaining information of the enemy's movements. He even seems to have been to Naples, doubtless in disguise, and to have been imprisoned there for four days on account of a dispute with a French officer; and he was sent with despatches to Messina to the commander-in-chief with a report of the affair.

So long as Church commanded at Ana Capri the rock was safe. But two events happened in the course of 1808 which materially affected the issues of the contest. Joseph Buonaparte was succeeded by Murat, and those who knew the two men were aware that this meant a complete change in the conduct of the war—a change from languor to masterly activity. The other event was the reinforcement of the garrison of Capri by the royal regiment of Malta—an increase merely in numbers, for the Maltese were not fit to stand in the shoes of the Corsicans, and the issue demonstrated the blunder of placing such troops at the post of danger. One important effect of the change was to transfer the command of Ana Capri to Major Hamill, who now occupied the advanced position with the Malta regiment, while Church and his Corsicans joined Hudson Lowe in Capri. The relief took place on 10 September, and the French were not slow to turn it to their own advantage. Church had been longing for an attack, though he knew that if the island were taken 'I should get into such a passion as to fight to the last rather than let the monsieurs have it without paying for it more than it is worth.' But now he had lost hope of a scrimmage. 'There is no chance of our being attacked,' he wrote, 'as at present we have two regiments here; I kept the place for two years with one' (26 September). Only a week after this confident assertion a large flotilla sailed from Naples with 3,000 men under Lamarque. The French attacked the island on all sides (4 October), but were vigorously repulsed by Hudson Lowe from the lower town. Ana Capri was less fortunate, and less well defended. Church and his Corsicans were ordered up to support the Maltese, but these had already allowed the enemy to land, under cover of the guns of a considerable flotilla, including a frigate, sloop-of-war, mortar vessel, and twenty-four gun-boats, which kept up a perpetual cannonade

against the heights, under which their men ascended to the summit. In spite of their superior numbers the French were four times driven back with loss, and at sunset they had apparently made up their minds to return on board, for they were seen hiding among the rocks at the landing-place. In the evening, however, they were reinforced by other troops, who had been repulsed from Lower Capri, and as the moon rose Church saw three formidable columns advancing over the plain of Orico upon the town of Ana Capri. He kept up a brisk fire on their flank, but could not pursue as he found another body of the enemy threatening his right. The Malta regiment precipitately retired, the French passed through the lines, Church and his company of Corsicans were separated from the two other companies of his regiment; defence of Ana Capri was already hopeless, and the enemy's guns could be heard in the town. All that remained was a perilous retreat. Church flung his guns into the sea, and guided his men through vineyards and narrow tracks towards Capo di Monte, whence a descent by steps led to Capri. On his road, to his intense surprise, for he had imagined the French at some distance, he suddenly fell in with a strong division of the enemy, and was instantly challenged. With prompt presence of mind he answered in French that his party were French troops pushing on to the town, and was allowed to proceed, the Corsicans actually brushing the enemy as they passed. Some of the Malta regiment in the rear, however, by their red uniforms betrayed the deception, and the result was a brisk fire, which pursued them for a mile. At last Church got his men, closely followed by the enemy, to Capo di Monte, and thence to Monte Salaro, picking up the two missing companies on the way. Here a letter from Hudson Lowe determined him to continue his retreat to Capri.

The adventures of the night were not yet over. To reach Lower Capri, where Lowe held his ground, was impossible unless the cliffs, some 150 feet high, and nearly perpendicular, were scaled. His local knowledge served him well in this emergency. The ordinary step-road was held by the French, but he knew of a path, scarcely practicable indeed, save to mountaineers, but such as Corsicans might compass; and down went the whole regiment, man by man, ammunition, guns, and all, in the blackness of night. It was a perilous descent, but only one man missed his footing; the rest with their officers joined Colonel Lowe at Capri the same night.

The French had won the day by a surprise, largely due to the supineness of the Malta regiment, but Church and the Corsicans enjoyed the full measure of praise for their daring. 'Captain Church's exertions,' reported Hudson Lowe, 'were peculiarly conspicuous. The orderly retreat of this detachment, through parties

of the enemy and down precipices heretofore deemed impracticable, forms the highest eulogium on the officers who guided it. They had been twenty hours under arms and in constant movement.'

For a fortnight the garrison in Lower Capri held out against the slow siege of the French, who did not venture on an assault. For twelve nights and days the garrison was perpetually under arms. The reinforcements despatched by Sir John Stuart from Sicily were impeded by calms or dispersed by gales, and meanwhile ammunition ran short and a successful assault became imminent. When the enemy offered honourable terms of capitulation, Colonel Lowe had no alternative but to accept them (18 Oct.), and to withdraw his force to Sicily.[7] It was a severe blow to the British fame, and grievously weakened the effect of Maida. The French had enjoyed every advantage: an English frigate had retired before them, no sufficient succour had been attempted, the weather had been unprecedentedly calm for the time of year and had allowed a singularly easy disembarkation of troops and guns, and then changing to a gale prevented the arrival of British reinforcements; while the regiment at the point of attack had proved quite unequal to its duties. Nevertheless it was a calamity which the English burned to retrieve.

Church had been wounded in the head by a splinter from the last shot fired by the enemy (15 Oct.), while he was leading the sharp-shooters of Capri, and was put on board ship in a disabled state. On his arrival in Sicily he became the hero of the hour, and was warmly welcomed by the Commander-in-Chief and recommended for the majority in the Malta regiment, vacant by Major Hamill's death. He never joined the regiment, however, for he was soon well enough to ride across the island to Messina, where he was placed under Bunbury as assistant-quartermaster-general.

IV. 1809-1814.

How to retrieve the loss of Capri was the anxious thought of the British commanders in the Mediterranean, and especially of Lord Collingwood, who had succeeded Nelson in the command of the fleet. An expedition was despatched in the summer of 1809 to the Bay of Naples to make a reconnaissance 'for a particular object,'[8] but though Ischia and Procida were taken, and many of Murat's gun-boats captured, the movement was apparently a feint to deceive the enemy as to our real intentions. Church, who was honourably selected (27 June) to accompany the reconnaissance on board the *Canopus*, was sorely disappointed that no

[7] See *Papers presented to the House of Commons relating to the capture of the Isle of Capri by the French Forces.* (Ordered to be printed March 29, 1809.)

[8] Despatch from Lt. Col. Coffin, D.Q.M.G., to Capt. Church, June 27, 1809.

attempt was made to recover Capri, but subsequent proceedings restored his equanimity. In September the fleet sailed again from Sicily under sealed orders, the purport of which was unknown even to him (he was now assistant-quartermaster-general and chief of the staff to General Oswald, who commanded the troops of the expedition), and, instead of carrying on the usual operations against the Italian coasts, boldly sailed for the Adriatic and attacked the Ionian islands, then occupied by the French. The islanders had already sent urgent appeals to Collingwood and Stuart for English aid, and the result was the despatch of the 35th regiment, the Corsican rangers under Hudson Lowe, two companies of the 44th, a few dragoons, and a company of artillery, with the co-operation of H.M.S. *Warrior* (Captain Spranger) and other vessels. The first point of attack was Zante, where the French, taken completely by surprise, capitulated on the spot. Church conducted the landing, and drew up the terms of surrender (2 Oct.). Thenceforward, until the cession of Corfu by the French in 1814, Zante was the head-quarters of the British government in the islands. Cephalonia fell two days later to the onslaught of Colonel Lowe, and the reduction of Ithaca, in which Church himself commanded (supported by Captain Crawley of the *Philomel*) and 'made the French commander surrender unconditionally,' and of Cerigo, which had long been a nest of privateers, speedily followed, each in a single day.[9]

For five years the young officer's life (he was only twenty-six) was spent in active employment in the Ionian islands. It was work that was in every way suited to his special capacity; it tended more than any other experience to confirm the high opinion which he had, from the very first contact, formed of the Greeks, and which moulded the whole course of his later life. His genius lay in the command and discipline of native regiments; he seemed to possess a potent charm which gave him ascendency over rough and untutored ragamuffins, whom none but he could convert into something like orderly troops. Hardly had he arrived on the shores of Greece when he began to prepare for the levy of native regiments. His zealous enterprise in anticipating the requirements of his government led him immediately to prosecute a series of inquiries into the condition and resources of the Ionian islands and the adjacent mainland, and to report the results, illustrated by plans and maps of Corfu, Zante, Santa Maura, &c., to General Coffin at Messina. The information was especially welcome just then, for there were rumours, as an intercepted letter from the Morea to Buonaparte afterwards disclosed, that England contemplated the occupation of the Peloponnesus as a *place d'armes* against France; and a despatch from General Coffin (16 Jan. 1810), commending

[9] Despatches from Brig. Gen. Oswald and Capt. Church, A.Q.M.G., in *London Gazette*, 16322, Dec. 5–9, 1809.

Church's zeal and discretion, emphasised the importance of his continuing to furnish reports, especially on the resources and disposition of the Moreotes, and the possibility of defending the isthmus of Corinth. The detailed report did not come in till many months later, and meanwhile the idea of an occupation had been abandoned; but it is full of minute information as to the proportions of Turks and Greeks in the Morea, and the probable number of fighting men, all of which proved of the utmost service to Church in his later dealings with the Greeks.

His observations of the qualities of the Greeks soon strengthened his estimate of their capabilities as soldiers, and in 1810–11 he was hard at work raising a force of 950 men. The first regiment of the duke of York's Greek light infantry was soon placed upon its trial. For three months the army in the Ionian islands was left without a word of instructions from headquarters at Messina, and did not know what to do next: a delay, wrote Church, 'characteristic of the manner in which we generally carry on military matters.' In March 1811, however, it was decided to attack the island of Santa Maura, and Church led his Greek recruits to the assault of 'that diabolical castle seated like a magician's fortress in the middle of the sea.' The new regiment behaved with great steadiness and pluck, and the fort was taken; but in the moment of victory Church's sabre was smashed by grape, and his left arm was at the same instant shattered by a bullet.[10] For two months he was seriously ill, for the bone was divided, but a sound constitution and a skilful surgeon pulled him through, and in the summer of 1811 he was allowed to go on leave for a tour through Greece to Turkey and Asia Minor. With two companions he rode through Northern Greece, Thessaly, and Macedonia, visiting Delphi, Chaeroneia, Thermopylae, Pharsalia, Philippi, and other homes of classical associations; at Constantinople he found a hospitable welcome at the embassy, and began a lifelong friendship with Stratford Canning, the twenty-three-year-old minister at the Porte; and a row up the Bosphorus to the murmuring rocks of Jason, and an excursion to Smyrna and Magnesia, completed a tour replete with intense interest to Church's romantic imagination.

On his return he devoted himself again to the duties of his Greek infantry. He had been appointed major commanding the regiment early in 1810 by Sir John Stuart, for whom he always testified a warm admiration and esteem: 'I look up to him as a father,' he wrote home (12 Nov. 1811), '(a sacred name not to be

[10] What was thought at the Horse Guards of this exploit may be judged from a letter from Sir H. E. Bunbury to Church, Aug. 9, 1810, in which he hoped his arm was mending and that he might 'be able to enjoy the high credit you have so nobly gained, without any alloy of sickness.'

adopted without good cause); it is difficult to conceive the affection he has for me; believe me, mother, it was a cordial to my grateful heart to receive his unlimited approbation to my exertions on his reviewing my regiment, which he did some time ago whilst on a tour to these islands.' It remained to be seen, however, whether Sir John's appointment would be ratified by the Horse Guards: 'Sir D. Dundas,' said Church, 'may have some of the MacSycophant family to provide for, whose campaigns in England may entitle them to promotion prior to those sons of St. Patrick whose services are confined to the Mediterranean.' He was not fond of Scotsmen, and made unfavourable comments on the Highland regiments in Sicily. His fears, however, were groundless, and in November 1811 he was able to write, 'I am now full and approved major in His Majesty's service, and commanding a regiment originally raised, organised, and disciplined by myself,' where he had gained 'the warm approbation of my superiors, and the decided love and attachment of those placed under my command. My constant prayer is that I may be allowed to be of service to mankind and particularly to my country.' His letters are full of patriotic fervour, strong family love, and simple unaffected piety.

The command of the regiment taxed Church's powers to the utmost. He was far from well; his wound was still open, after a year and a half; and his visit to Turkey had been followed by a severe and distressing fever. Moreover, the management of raw Greek levies was a very different matter from a parade in Wellington Barracks.

You will conceive [he told his mother, 12 Nov. 1811] that my charge is no light one—that of a thousand men—and that my mind is continually occupied with the cares, the necessary attendants of so heavy a trust; for do not conceive that I have the easy task of an officer in command of an English regiment where all is clock-work, and where the men are accustomed to the rules of discipline. Far different has been my task, and through the Almighty's assistance I have been enabled to reduce to obedience and military discipline men whom English, Russians, or French, could never in any way discipline or civilise. To you, mother, I do not boast; but I have now, thank God, divested those men of prejudices rooted by ages, and converted them from the most lawless of mankind, not only into good soldiers, but also into praiseworthy members of civilised society. These men, who once knew no law but their sword, are now the admiration of the inhabitants for their correct, quiet, and obedient conduct. My maxim has been to treat them with mildness and humanity, and by that means I have succeeded in gaining the love of these people beyond what can be imagined. The number of recruits that flock to me from all parts of Greece is really extraordinary. . . . Should government wish for men, I will answer from my character alone in this country to raise 6,000 or 8,000 men in as many months. The regiment is now regularly approved of by government, and will enjoy the same advantages as all other in his majesty's service.

General Oswald was much impressed with the ability displayed by his chief of the staff in recruiting the regiment. 'The first embodiment of the Greeks in our service,' he wrote, 21 Aug. 1811, 'was one of those delicate experiments demanding a rare and unusual combination of conciliation and firmness, and indeed of that enthusiasm by which great difficulties alone can be overcome. No one,' he added, 'was so capable of embodying and disciplining people whose love and respect you had by the most valid titles acquired,' and he not only assured Church that the regiment would remain under his command, but that he might look forward to the formation of a second regiment of the same kind which would also be placed under his orders as lieutenant-colonel. 'For my own part,' said the general, 'I am convinced that our corps is but the commencement of a great plan for engaging numbers of Greeks in our service.'

The wheels of government roll slowly, and it was not at once that these predictions were realised. Church, however, lost no time in making preparations for embodying another Greek regiment so soon as permission should arrive from home. Considerable enthusiasm had been aroused in the Morea by the success of the first experiment, and numerous offers of assistance came in from the chiefs, insomuch that the Turkish authorities took alarm, and complained of what they imagined might be construed as an infraction of their neutrality towards France. Volunteers wrote from all parts of Greece, and their letters possess a singular interest in view of later events. They show that the Greeks were already looking to England as their champion against the misrule of the Turks, and they also bear witness to the eagerness of the Greeks to profit by the advantages of English discipline, which they plainly foresaw would turn to their profit in the deadly struggle which was already flashing upon their horizon. The Greek regiments raised by Church in the Ionian Islands took no small part in the War of Independence; the names of Colocotroni, Valaeti, Vlacopoulo, and Stratto, and other prominent leaders in the revolution, figure among his recruits at Zante; and his influence over the men was the direct cause of their eager desire to serve under him again in their effort for freedom in 1827. They had grown to love him in the earlier years at Zante, when they served as mercenaries of a foreign power, and would have no other leader when they fought for their own homes.

How strong and beloved that influence was, may be gathered from the memorial (24 July 1812) which the first regiment of Greek light infantry presented to their major on his departure for England on sick-leave, for his wound still troubled him. They recited their experience of three years' service under his orders, and spoke of his success as a 'zealous, benevolent, and mild' com-

mander, who had 'won them by affection from their own country to learn military science' under his direction, and had even converted those who had always maintained that the Greeks were incapable of discipline. Among those who signed this memorial were names conspicuous under the same leader in the War of Independence.

There was no doubt that the experiment had succeeded; and even the Horse Guards, after a period of bewildered surprise, were free to express their entire satisfaction with the zeal and enthusiasm of the young major, who was now pleading his cause in person at Whitehall. All the authorities concurred in admiration of his energy and tact; the duke of York, commander-in-chief, was 'fully impressed with the judicious and zealous conduct he had invariably manifested in the command and organisation of the Greek light infantry;'[11] and the recommendations of Sir J. Stuart, Generals Campbell and Airey, and Colonels Bunbury and Torrens, induced the home authorities to waive the objection of his youth and brief period of service, to create a special second lieutenant-colonelcy expressly for him in the 1st Greek light infantry.[12] Moreover, the commander-in-chief, alive to the importance of Colonel Church's recruiting abilities, favourably entertained and supported his memorial and offer to raise a second corps like the first.[13] A despatch from Lord Palmerston to Church (War Office, 29 June, 1813) gave the necessary permission and regulations for the new regiment, which was to be officered by Greeks, with the exception of the lieutenant-colonel and one British captain. The men of Sparta, Elis, Epirus, Arcadia, Aetolia, Messene, and Acarnania, and the Islands, came forward with enthusiasm, and the regiment was speedily embodied at Cephalonia to the permitted strength—first of 450, and subsequently of 580 men, with English staff and field officers. The corps was engaged for five years and for service in any part of Europe, but the only action in which it took part was the capture of Paxo on 14 Feb. 1814; when, by skilful combination with Captain Taylor of the *Apollo*, Church and Arata surprised the citadel.[14] A garrison order of 8 July, 1814, gives a very favourable report of the steadiness and soldierlike bearing of the 2nd Greek light infantry, and its good conduct throughout its year of service; but its work was now over. The general peace put an end to all military operations in the Mediterranean: the Greek regiments were disbanded[15] in October, partly

[11] Despatch from H. Torrens to R. Church, Feb. 26, 1813.

[12] H. Torrens to R. Church, Horse Guards, Nov. 25, 1812.

[13] Despatch from Frederick, Comm.-in-chief, to Lt. Col. Church, March 9, 1813, and from the same to Earl Bathurst, April 27, 1813.

[14] Lt. Col. Church to Lt. Gen. J. Campbell, Paxo, Feb. 15, 1814.

[15] General Order, Corfu, Sept. 14, 1814.

in deference to the representations of Turkey; [16] and the men returned quietly and in excellent spirits to their homes.[17] To Church personally the disbanding was a severe pecuniary loss; he had spent considerable sums in recruiting, and lost his pay and appointments after a single year's tenure.

The Septinsular Republic was now revived under the protection of Great Britain, and the officer who had taken so large a share in its recovery and organisation was summoned to Vienna to lay before the Congress of Europe a report on the conditions and resources of the islands. The report is an excellent summary of the strategical and commercial importance of Corfu as a possession of Great Britain, and upon it the Ionian treaty was largely founded. This closed the fourth period of Colonel Church's services. His connexion with the Ionian Islands terminated amid the cordial congratulations of the commander-in-chief, the general in command, and all others in authority. He had played an important part in the organisation of the Septinsular Republic, which for half a century formed a valuable and legitimate field for British influence in the Mediterranean.

STANLEY LANE-POOLE.

[16] Lt. Gen. J. Campbell to Lt. Col. Church, Zante, Nov. 8, 1813.
[17] General Orders, Argostoli, Oct. 1; Corfu, Oct. 25, 1814.

(*To be continued.*)

The Execution of Major André

On the twentieth of September of the year 1780, perhaps no officer in the king's service was more envied than Major John André of the Cameronians and of the staff. Of foreign extraction, and with no aristocratic connexions, he was nevertheless, after eight years' service, major in one of the finest of King George's Scottish regiments, and adjutant-general of the British army in America. And if already a distinguished, he was still more a promising, officer ; the war which had ruined so many reputations was making his. Clinton was notoriously influenced by his favourite : it was an open secret that, at this very time, André was about to undertake an important service, which might win him the Bath and a brigade, and these might be only a step towards those higher things which his friends expected for him. But if envied, this good fortune does not seem to have been grudged. 'Jack' André had the happy gift of winning golden opinions from all; his comrades loved him, the other sex made much of him, everyone liked and respected him. Within one fortnight later Major John André had perished on the gallows.

It is proposed here to state briefly the main facts of an interesting tragedy, and then to examine, and possibly to place in a new light, the conduct of General Washington, and the propriety, according to military law, of the sentence under which André suffered.

General Arnold, a very distinguished, and impecunious, rebel officer, offered to betray the important works at West Point, together with their garrison, to the British; whether the betrayal of Washington's person formed part of the plot seems uncertain. Sir Henry Clinton, as was his duty, was willing to profit by Arnold's offer, but each side seems to have distrusted the other ; the American might, Clinton thought, be laying a trap for the British, and Arnold desired to make personal arrangements with, and to receive personal assurances from, a responsible officer. The adjutant-general, at Arnold's desire, consented to an interview. The duty was what is colloquially called 'dirty,' but it was also dangerous, and if successfully performed might have saved the American colonies for his sovereign. These were inducements enough for a man like André,

and they were joined to the promptings of an honourable ambition, which had possessed him from the time of one of those disappointments in love which drive men into action. André approached West Point in the king's ship the 'Vulture,' and left that ship with an American flag of truce to meet Arnold outside the American lines, going on shore as Mr. John Anderson, but wearing his regimentals.

What then took place is best told in his own letter to Washington, which may be unhesitatingly accepted because André pledged his honour for its accuracy, the board of American officers accepted it as evidence, and it is corroborated by Clinton's despatches, by Arnold's letters, and by André's own statements on his trial.

Sir,—What I have as yet said concerning myself was in the justifiable attempt to be extricated. I am too little accustomed to duplicity to have succeeded. I beg your Excellency will be persuaded that no alteration in the temper of my mind, or apprehension for my safety, inclines me to take the step of addressing you, but that it is to rescue myself from an imputation of having assumed a mean character for treacherous purposes or self-interest; a conduct incompatible with the principles that actuate me, as well as with my condition in life. It is to vindicate my fame that I speak, and not to solicit security. The person in your possession is Major John André, Adjutant-General to the British army. The influence of one commander in the army of his adversary is an advantage taken in war. A correspondence for this purpose I held as confidential (in the present instance) with his Excellency Sir Henry Clinton. To favour it I agreed to meet, upon ground not within the posts of either party, a person who was to give me intelligence. I came up in the 'Vulture,' man-of-war, for this effect, and was fetched by a boat from the ship to the beach. Being there I was told that the approach of day would prevent my return, and that I must be concealed until the next night. I was in my regimentals, and had fairly risked my person. Against my stipulation, my intention, and without my knowledge beforehand, I was conducted within one of your posts. Your Excellency will conceive my sensation on this occasion, and will imagine how much more must I have been afflicted by a refusal to reconduct me back the next night as I had been brought. Thus become a prisoner, I had to concert my escape. I quitted my uniform and was passed another way in the night without the American posts to neutral ground, and was informed I was beyond all armed parties, and left to press for New York. I was taken at Tarrytown by some volunteers. Thus, as I have had the honour to relate, was I betrayed (being Adjutant-General of the British army) into the vile condition of an enemy in disguise within your posts. Having avowed myself a British officer, I have nothing to reveal but what relates to myself, which is true on the honour of an officer and a gentleman.[1]

[1] *Proceedings of a Board of General Officers, held by order of his Excellency General Washington, Commander-in-Chief of the Army of the United States of America, respecting Major John André, Adjutant-General of the British Army.* Published at Philadelphia, 1780.

There are several points in this, on the whole, clear statement of facts, which require special notice. André, ignorant of what Washington knew, and bound in any case to secrecy, could not give a clear and full explanation of his object in meeting 'a person who was to give me intelligence.' That object is thus stated by Sir Henry Clinton in his despatches to Lord Germaine :—

> It became necessary at this instance that the secret correspondence under feigned names, which had been carried on so long, should be rendered into certainty, both as to the person being General Arnold commanding at West Point, and that the manner in which he was to surrender himself the forts and the troops to me, should be so conducted under a concerted plan between us, as that the king's troops sent upon this expedition should be under no risk of surprise or counterplot.[2]

For the same reason, the letter does not explain that André left the 'Vulture' on an American general's invitation, and under an American flag of truce; also that he strongly objected to changing his dress when within the enemy's lines, and only yielded with great reluctance to Arnold's urgings. Why Arnold acted as he did, why he took André within the lines, and above all why he refused to allow him to return in uniform with a flag, has never been satisfactorily explained. Clinton's orders had been precise: André was to wear uniform, to carry no papers, and not to enter the American lines. The latter of these injunctions he involuntarily, the two former he voluntarily, disobeyed. He was compelled to choose between disobeying his orders and quarrelling with Arnold. To do the one was to risk his life and the success of the negotiations; to do the latter was, in Arnold's nervous and excited state, probably to put an end to the whole scheme, and also to compel Arnold to run what he seems to have regarded as a fatal risk. Under these circumstances the choice was, for a British officer, a merely nominal one.

Again, the letter says: 'I was in my regimentals, and had fairly risked my person.' All the American authorities I have consulted admit this, but add that André left the 'Vulture' in a blue surtout. Now, was this overcoat a uniform one, or was it assumed as a partial disguise? I have been unable to ascertain whether a blue surtout formed part of André's uniform, either as adjutant-general or as a field officer of the Cameronians. But that such must have been the case, or that, as often happens on active service, officers were in the habit of wearing any overcoats they pleased, appears from the following reasons: (1) To have adopted a partial disguise would have been an act of direct, and at that time altogether uncalled for, disobedience to Sir Henry Clinton. (2) André wrote to Washington: 'I was in my regimentals, and had fairly risked my person.' (3) He remonstrated warmly against the adoption of a disguise when

[2] *Despatches of Sir Henry Clinton to Lord Germaine.*

he had to pass out of the American lines, and it is therefore not likely that he would have previously adopted one under no pressure whatever. (4) The board of inquiry which sat on the case makes no mention of the surtout in a report highly unfavourable to the prisoner. The fact that André put on an overcoat of some sort before going for a row at night, does not of itself imply any sinister motive.

André, having been seized and found to be in possession of compromising papers, was brought back to the American lines, and wrote the above-quoted letter to Washington, who, acting on the letter as evidence, appointed a board to inquire into the case, and in conformity with its report Major André was hanged on 2 Oct. He himself acknowledged the technical justice of his sentence, but petitioned, in vain, for a soldier's death; a pathetic and dignified letter which he wrote to Washington on the subject being left unanswered. Sir Henry Clinton strove earnestly, though injudiciously, to save his comrade, but Washington was inexorable, although he made the inadmissible proposal that Major André's life should be bought by the betrayal of General Arnold. Two questions are suggested by the above facts: had André a fair trial, and did he suffer by a just sentence?

The greatest essential of a fair trial is an unprejudiced and capable court, one which may be trusted to decide, without fear or favour, according to the proper evidence submitted to it. Now, at that time, the feelings of both the royal and the rebel armies were distinctly acrimonious and exasperated; and on the American side these feelings had been stimulated by the conduct of the British, who had not only executed Hale, who by the laws of war deserved to die, but had treated him with a gross want of common humanity and of decent Christian feeling. Then came Arnold's treason, a treason which disgraced the American uniform, and might have brought destruction on the young republic. It must surely, therefore, have suggested itself to Washington, that the presence on the board of officers serving the king of France would be an advisable precaution in the interests of justice. It, however, was entirely composed of officers in the American service, only two being foreigners, Steuben, a soldier of fortune, and La Fayette, a young and red-hot partisan, whose later life proves him to have been injudicious, shortsighted, impulsive, and swayed by prejudice. The president of the board was the well-known Nathanael Greene, who was appointed on 25 Sept. The board met on 29 Sept., but on the 26th appeared Greene's general order, containing the following paragraph: 'Major André, the Adjutant-General of the British army who came out *as a spy* to negotiate the business, is our prisoner.'[3] Is it an unreasonable inference, therefore, that, when

[3] Greene's general order is quoted by Lossing in his historical sketch *The Two Spies*. But that author does not seem to have appreciated its significance.

the board did meet, its most important member attended, not to investigate and to judge, but to repeat his previously formed and publicly stated opinion, and to condemn in accordance with it? It may be asked why the man who had shown such a conspicuous want of fairness, and of comprehension of the duties of his office, was allowed to preside at the board. The answer appears to be, that, as Washington openly stated, the board met not only for the purpose of investigation, and of judgment, but also for the performance of another and more important duty, namely to convict the prisoner. Readers with whom General Washington's faultlessness is an article of faith, will be inclined to meet this statement with a contemptuous denial; it is made, however, on the authority of Washington himself, whose orders to his subordinates ran thus:—

> After careful[4] examination you [*i.e.* the Board] will be pleased, as speedily as possible, to report a precise state of his [*i.e.* Major André's] case, together with your opinion of the light in which he ought to be considered, *and the punishment that ought to be inflicted.*

The possibility of the board's finding that no punishment ought to be inflicted is altogether ignored; and few persons will deny that General Washington, by his choice of its members, by his continuing Greene as its president, and by the official and unmistakable statement of his wishes, reduced that possibility to a minimum. But, it may be argued, why should Washington, a man whose worst enemy dare not accuse him of bloodthirstiness or brutality, desire to hang André? To ascertain motives is a very much more difficult thing than to state facts, and I can only offer a suggestion, which may, or may not, be an answer to the question. Arnold's treachery had hit Washington hard; it might have destroyed the republic, it might have cost him his liberty, it had given a handle to his enemies, in the teeth of whose opposition the commander-in-chief had supported and trusted his comrade. Washington was himself an upright man, and, as Lord Mahon says,[5] had 'by nature strong and most angry passions; these he had curbed and quelled by a resolute exertion of his will, but he did not always prevent them from hardening into sternness.' The occasion was one which seems to have roused all that was worst in Washington's nature; he must have hated Arnold with a blinding hatred, or he would scarcely have twice acted as we know he did. He would not have consented to a scheme for kidnapping Arnold at a time when that officer was wearing, and was entitled to wear, the king's uniform; he would not have allowed it to be proposed that Sir Henry Clinton should save his friend by betraying Arnold to the Americans. Washington's faculties must have been utterly

[4] *Proceedings of a Board etc.*

[5] *History of England*, vii. 105. 1854.

obscured by passion, if he did not perceive that no British officer could treat with anything but contempt a proposition which Hamilton, General Washington's own aide-de-camp, thus correctly estimates in his letter to Miss Schuyler :—

> It was proposed to me to suggest to him [André] the idea of an exchange for Arnold, but I knew I should have forfeited his esteem by doing it, and therefore declined it. As a man of honour he could not but reject it, and I would not for the world have proposed to him a thing which must have placed me in the unamiable light of supposing him capable of meanness, or of not feeling myself the impropriety of the measure.[6]

To this opinion of an American gentleman there seems nothing to add ; the proposal was one which no man of honour could have entertained, and which, as Hamilton felt, no man of honour should have made. Now, as Washington was twice led away by passion, is it not possible that he was led away three times ? Believing André to be a spy, hoping that an English general would sacrifice even the honour of the service to save a loved and valued comrade from a terrible death, may not Washington have determined to secure, by foul means, a verdict which would be no injustice to André, and which might lead to the betrayal of Arnold ?

This theory, however, is simply offered as a possible explanation of a perplexing piece of history. The important fact is that, for whatever cause, André was not allowed a fair trial. But it by no means follows, that because a tribunal is committed in advance to a certain verdict, that verdict is necessarily an unjust one ; we may regard it with suspicion, but it can only be reversed on the merits of the case. For the sentence and its justification the board shall speak for itself ; this was its official report :—

> The Board having considered the letter from his Excellency General Washington respecting Major André, Adjutant-General of the British army, the confession of Major André and the papers produced to them, report to his Excellency the Commander-in-Chief the following facts, which appear to them relative to Major André :
>
> First, that he came on shore from the 'Vulture' sloop of war in the night of 21 Sept. instant on an interview with General Arnold in a private and secret manner.
>
> Secondly, that he changed his dress within our lines, and under a feigned name and in a disguised habit passed our works at Stoney and Verplank's Points, the evening of 22 Sept. instant, and was taken the morning of 23 Sept. instant at Tarrytown in a disguised habit, being then on his way to New York, and when taken, he had in his possession several papers, which contained intelligence for the enemy.
>
> The Board having maturely considered these facts do also report to his Excellency General Washington, That Major André, Adjutant-General

[6] *The Official and other Papers of the late Major-General Alexander Hamilton*, i. 481. 1842.

to the British army, ought to be considered as a spy from the enemy, and that, agreeable to the law and usage of nations, it is their opinion, he ought to suffer death.'[7]

Signed by Board.

From this report we know on what grounds the board considered Major André to be a spy, and unless these grounds justified the conclusion based on them, we are bound to hold that conclusion an unjust and unauthorised one. Now with regard to the statement how André came on shore, it is simply irrelevant. André was in his regimentals, and therefore his approaching the American lines secretly and at night in no way justified the supposition that he was acting as a spy. An officer in uniform is permitted by military law to meet an enemy under a flag of truce, as secretly as, and at any time, he pleases. It was indeed open to the board to argue that the circumstances of their meeting proved that Arnold and André were consciously abusing a flag of truce, but no such argument is set out in the report. This is the more significant because the attention of the board was directed to the fact of the interview having taken place under a flag of truce, and André was induced to state that he did not consider himself protected by such flag. On the other hand the statement as to André's change of dress &c. is distinctly to the point; there is, at least, reasonable ground of suspicion with regard to an officer captured in the vicinity of an enemy's force, wearing a disguise and carrying papers containing information as to the distribution of the enemy's troops &c.; and the papers found on André were a pass made out in a false name, and various papers giving the strength of the garrison at West Point, the strength required to man its works, and certain important information as to the guns in position at different points. But the duty, that is to say the nominal duty, of the board was, not to decide on suspicion, but to inquire into the case. And the facts of the case were these. A king's officer being within the American lines had passed through them in disguise and under a feigned name, and when taken had on his person papers containing information as to the distribution &c. of American troops. But though these facts did prove the existence of good grounds for suspicion, they did not prove conclusively that Major André was a spy.

Vattel, the then greatest existing authority on practical international law, defines spies as follows: *Ce sont des gens qui s'introduisent chez l'ennemi pour découvrir l'état de ses affaires, pénétrer ses desseins, et en avertir celui qui les emploie.*[8] This definition has been in its main points adopted by subsequent jurists. Hall in his well-known text-book lays down that a spy is 'a person who penetrates

[7] *Proceedings of a Board etc.*

[8] Vattel, *Le Droit des Gens*, nouvelle édition, 1863, tome iii. page 58.

secretly, or in disguise, or under false pretences, within the lines of an enemy, for the purpose of obtaining military information for the use of the army employing him.' 'No one,' he adds, 'can be treated as such who is clothed in uniform.'[9] As, however, it might be objected that Professor Hall is an English witness, his summing up of the law may be compared with that of Halleck, a writer of known repute, a citizen of the United States, and whose valuable work is, he tells us, based on notes made when

> during the war between the United States and Mexico, the author, while serving on the staff of the commander of the Pacific squadron, and as Secretary of State of California, was often required to give opinions on questions of international law growing out of the operations of the war.[10]
>
> Spies [according to Halleck] are persons who in disguise, or under false pretences, insinuate themselves among the enemy, in order to discover the state of his affairs, to pry into his designs, and then communicate to their employer the information thus obtained.[11]

Or let us take, as representing contemporary continental opinion, the 19th article of 'the project of an international declaration &c.' agreed to by the conference at Brussels, 1874:—

> No one shall be considered as a spy but those who, acting secretly or under false pretences, collect or try to collect information in districts occupied by the enemy, with the intention of communicating it to the opposing force.[12]

There are therefore two conditions, each of which is essential to the offence of a spy: 1. Secrecy as shown by the adoption of a disguise or otherwise. 2. The intention of acquiring information as to the military position of the enemy, and of communicating such information to the other belligerent. Now, in the case we are considering, the secrecy was proved by Major André's using a pass made out in a false name, and wearing a civilian's dress. But how about the intention? André's intention was, in his own words, to escape from a virtual imprisonment: 'Thus become a prisoner, I had to concert my escape,'[13] is his account in the letter to Washington which the board of inquiry subsequently used against him. And how came André to be within the lines from which he had to escape? Owing, as the same letter says, to involuntary ignorance: 'Against my stipulation, my intention, and without my knowledge beforehand, I was conducted within one of your posts.'[14] But it is admitted that compromising

[9] Hall, *International Law*, 1880, p. 463.

[10] Halleck, *International Law*, 1861, preface.

[11] *Ibid.* p. 406.

[12] *Project of an International Declaration concerning the Laws and Customs of War*, adopted by conference at Brussels, 1874, article 19.

[13] See above, p. 32. [14] *Id.*

papers, papers containing such information as a spy would seek to obtain, were found on the person of Major André. The board, however, do not assert that the contents of these papers—papers, be it observed, in General Arnold's handwriting—were known to André. And if they had been known, is an officer a spy because he consents to convey a communication from an enemy general to his own commanding officer? There is, in international law, a difference between seeking to gain information, and consenting to transmit, perhaps in ignorance of its nature, information thrust upon its bearer. Lastly, did André seek Arnold in the vicinity of an American garrison, in order to obtain information of a military description? André's motive, which was well known by the board, was stated in Clinton's despatch to Lord Germaine,[15] from which it appears that André undertook his mission in order to guard against a possible American treachery, and to arrange with Arnold the mode in which his betrayal of West Point was to be carried out. Any information Major André would receive would be incidental —perhaps necessarily incidental—to his arrangements with Arnold, but the conclusion of such arrangements, and not the obtaining of information, was the object of the British officer.

It is needless to point out that the betrayal of a fortress can never be planned out without a certain knowledge of the distribution of its garrison &c., but international law does not on this account fail to distinguish between a spy and an officer engaged in the seduction of the commander of an enemy stronghold. Thus Halleck, after defending the execution of Major André, writes:—

> Moreover, even though André had not been a spy in the strict technical meaning of that term, he nevertheless deserved death, for the laws of war impose that punishment upon any one who attempts to seduce the fidelity of an officer by bribery.[16]

Hall puts the distinction with his customary clearness:—

> Together with spies as noxious persons whom it is permitted to execute, but differing from them in not being tainted with dishonour, and so in not being exposed to an ignominious death, are . . . and persons employed in negotiating with commanders or political leaders intending to abandon or betray the country or party to which they belong.[17]

This was André's case, and Halleck is, I think, correct in asserting that André might have been executed by military law. The point is, that his execution as a spy was illegal, and that the board of inquiry arrived at a conclusion wholly unjustified by the facts of the case as set out in their official report; and the difference is important not only from the point of view of the historian, but also because a correct decision would have entitled

[15] See above, p. 33. [16] Halleck, *International Law*, 1861, p. 409.

[17] Hall, *International Law*, 1880, pp. 463, 464.

Major André to claim as a right the soldier's death for which he entreated as a favour, in a letter which Washington preferred to leave unanswered. That the board drew this conclusion, however, cannot fairly be made a matter of accusation against them; the questions of military law raised were very obscure ones, and André himself seems to have admitted the justice of his sentence, a sentence which has been subsequently defended by writers of weight and authority, and which was impugned by Clinton and others on altogether mistaken grounds. But this moral justification can only apply to the board as a body, it does not extend to the president, who acted as such after having declared his conviction of Major André's guilt, still less to the commander-in-chief, who continued General Greene as president, who neglected to insure the presence of men of impartiality and of professional knowledge by appointing officers of King Louis to serve on the board of inquiry, and who rejected General Clinton's proposition of referring a delicate, difficult, and disputed question of military law to two experienced and impartial foreign officers.

HERBERT HAINES.

Frederick Henry, Prince of Orange

THE history of the United Netherlands, during the century and a half which saw the rise, culmination, and decline of the republic, is mainly associated with the names of the four great stadholders of the House of Orange-Nassau, William the Silent, his sons, Maurice and Frederick Henry, and his great-grandson, William III. Of the four men it is difficult to say which, in the several periods over which they were called upon to preside, showed the greater capacity, or played his part with the more eminent ability and skill. All were born to be leaders of men and captains of armies, and yet each was differently gifted, and to some extent specially gifted for the particular conjuncture of affairs in which it was his lot to be placed. But while the careers and achievements of the two Williams and of Maurice have formed the subject of elaborate and eloquent narratives, the deeds of the third stadholder have never as yet been adequately described, nor the influence which he exercised in the united provinces, during the palmiest years of their prosperity and success, satisfactorily investigated or recorded. The epoch of Frederick Henry, or, as it is frequently styled by Dutch writers, the golden age of Holland, yet awaits its historian. Some account, then, of the man whose name is thus indissolubly connected with one of the most remarkable and interesting periods of European history may not be unacceptable to English readers.

Frederick Henry[1] of Nassau, the youngest of the twelve children of William the Silent, by his fourth wife, Louise de Coligny, was born at Delft on 29 Jan. 1584, only a few months before his father's assassination. His mother was the daughter of the heroic and ill-fated Huguenot chieftain, Gaspar de Coligny, admiral of France, and had only been married to the prince of Orange in April 1583. She was a woman of more than ordinary courage, prudence, and intelligence, who throughout her life occupied a position of no slight influence and importance in the country of her adoption. Her stepson, Maurice, always treated her with the

[1] He was always called Henry Frederick in his early youth. The two names were those of his sponsors, Henry IV of France, and Frederick of Denmark.

greatest respect and deference, and not infrequently both sought and followed her advice. The education and training of Frederick Henry could scarcely have been confided to better hands. At an early age, he was sent to the high school of Leyden to be instructed in languages and such other branches of knowledge as befitted his position. But application to books was little to his taste. He preferred the study of the art of war, and had little difficulty in persuading his brother, who was tenderly attached to him, to allow him, from time to time, to accompany him on his expeditions. When but nine years old, he was present at the capture of Geertruydenburg, and was by the States presented with the lordship of the town. From this time forward a portion of every year was spent in the camp, and Frederick Henry may be said, literally, to have been born and bred a soldier.

He was noted, from the first, for his daring and coolness in the presence of danger, and already, in 1599,[2] in an encounter in the neighbourhood of Bommel, with a portion of the Spanish forces under the command of the admiral of Arragon, gave conspicuous proof of his possession of these qualities. A skirmish had arisen between a detachment of French cavalry in the service of the states, with which was the young prince, and some squadrons from the opposite camp, which ended in the retreat of the latter. The French hurried forward in pursuit only to find themselves suddenly in the presence of the main body of the enemy, and attacked by superior forces. Frederick Henry and his men, however, fought with desperate courage, and not only made good their escape, but succeeded in inflicting considerable loss upon their adversaries. In the hand-to-hand fight the boy leader was more than once in imminent risk of being killed or captured. In the following year he was made a member of the council of state and, as colonel of a Walloon regiment, accompanied his brother in the adventurous expedition into Flanders, which, undertaken against the advice and remonstrances of Maurice, so nearly ended disastrously for the states. Finding himself driven to deliver a pitched battle with his back to the sea, on the issue of which depended the safety of himself and his entire army, the stadholder was only moved from his iron resolve to conquer or to die by his affection for his young brother. He could not bear the thought that possibly the cause of Dutch freedom might at one fell blow be deprived of both its natural leaders, and he besought Prince Henry to take ship for Zeeland, and put himself out of the power of the enemy. But the brave lad was proof alike against commands and entreaties; his place was at the head of his regiment, and he remained to take his share in the glorious victory of Nieuwpoort, by setting his troops an example of reckless gallantry, and encouraging them, in

[2] Aged 1

the crisis of the long doubtful strife, to fight to the bitter end.[3] From this time forth, Frederick Henry became the popular hero of the people of the Netherlands. In 1602, he was sent at the head of an embassy to congratulate James I upon his accession to the English throne, and in the same year he was, possibly in consequence of his fulfilment of this mission, appointed, in the place of the brave Francis Vere who was killed before Grave, to the command of the English troops[4] serving under Maurice. Shortly afterwards he was made governor of Sluis and the conquered districts of Flanders, and finally received the highest mark of confidence which his brother and the states-general could bestow, by being, at the early age of twenty years, promoted to be second-in-command of the Netherland armies, and general of the States' cavalry. It was not long before he was called upon to show his qualifications for the post. Maurice ordered him, in 1605, to drive from the village of Mullem a large force of Spinola's cavalry under the command of Count Trivultio. Frederick Henry accordingly took with him several regiments, and assailed the Spaniards. The latter, however, offered a determined resistance, and with such effect that a part of the States' troops were broken and fled away from the field. But the prince, though thus deserted, would not yield. Rallying a few companies, he led them in person against the advancing foe, and restored the fight. Once more his temerity well-nigh cost him his life. A Spanish trooper had discharged his pistol into his side, and, when it missed fire, had seized him by the sash with the intention of dragging him from his horse. At this critical moment some of his followers came to the rescue, and a fierce struggle ensued, which at length, after the fight had lasted seven hours, by the timely arrival of reinforcements from Maurice, ended in the defeat and flight of the Spaniards.

In 1609, the twelve years' truce put an end to all warlike operations, and during this period comparatively little is known of Frederick Henry. He took a certain part in the affairs of the government, as member of the council of state, and undertook various commissions for his brother, as, for instance, an expedition to Brunswick, which had revolted against its duke, and another to Orange, in order to secure the succession to that principality on

[3] See the fine lines of Vondel's *Begroetenis aan Frederik Hendrik*, beginning

> *Gij naakte naauwelijks de grenzen uwer jeugd,*
> *Of gaaft een proefstuk van uw aard en oorlogsdeugd,*
> *Op Vlaandrens kusten.*
>
> Vondel, *Dichtwerken*, ed. van Vloten i. 188.

[4] This splendid body of troops are called by Kommelijn (*Frederik Hendrik, zyn leven en bedrijf*, i. 4. Utrecht, 1652), *kern van 't Staten-heyr*. Throughout the wars of Frederick Henry they consisted of four regiments, and, as will be seen later, were constantly entrusted with the most difficult services, and as constantly covered themselves with distinction.

the death[5] of his half-brother, Philip William, the eldest son of William of Orange. He, probably, in these years of comparative repose, occupied himself in completing those studies which his constant military service from boyhood onwards had led him hitherto to neglect. He was for years an intimate friend of Hugo Grotius, and can, therefore, have scarcely failed to imbibe some of that love of letters and thirst for knowledge for which that remarkable man was so distinguished. We know, at least, that in later life Frederick Henry regularly put aside some hours every day for study, that he was well-read in both ancient and modern history, and was accustomed to carry about a small copy of Cæsar's Commentaries in his pocket; and these habits and tastes were undoubtedly acquired, when living quietly with his mother, during these years of outward peace and internal discord.

Upon the story of that sad time of civil and religious strife it is not my intention here to dwell. The embers of the fierce controversies, which cluster round the names of Maurice and Barneveldt, still smoulder, and it is sufficient for the purposes of the present writer to point out that the attitude of Frederick Henry at so trying a crisis was that which should approve itself to the impartial historian. He was personally attached to the patriotic statesman, who had for forty years so well and wisely guided the fortunes of the land through manifold storms and dangers. He sympathised, moreover, with the advocate's tolerance in religious matters, and had no desire to make the stern and bigoted contra-remonstrant party omnipotent in the state; but he did not permit himself to be made a tool of by the aristocratic faction, who were anti-Orange in their hearts, or to be drawn into open opposition to the stadholder.

On the contrary, although Frederick Henry condemned the extremities to which Maurice proceeded, and more especially his connivance, to say the least, with the carrying out of the death-sentence upon the advocate, he never appears to have been estranged from, or at enmity with, his brother.

In judging of the merits of this thorny question, such an attitude might well be that of posterity. Maurice was no more an ambitious and unscrupulous self-seeker than Barneveldt was a scheming traitor anxious to maintain himself in power even at the expense of his country's liberty. Both were technically unassailable in the principles which they maintained; the one as the representative of the sovereignty of the generality, the other as the upholder of the right of each province severally, and of Holland in particular, to govern itself; and both were likewise undoubtedly prompted by mixed motives, by personal rivalry, and divergences of opinion as to foreign and religious policy, to adhere obstinately to irreconcilable

[5] 1618.

views, which, if pushed to an extreme, threatened the very existence of the state. Some settlement of the question between them had to be found, and the latest evidence goes far to show that Maurice, with the indecision which was the natural infirmity of his character, was pushed on from step to step by wills stronger than his own, and, above all, by the pressure of public opinion, until it was impossible for him to draw back.[6] And may we not suppose that it was from personal acquaintance with his brother's real motives and sentiments that Frederick Henry, despite his well-known sympathies, continued to maintain friendly relations with him, and declined to lend himself to the suggestions of those who would have fain made him the head of an anti-Maurician party?

We find, at any rate, on the renewal of the war at the expiration of the twelve years' truce in 1621, that the two brothers worked together for the common cause, as before, with the most perfect unanimity. The long cessation from hostilities had given time to the contending parties to recruit their energies and to consolidate their position. The union between the northern provinces of the Netherlands had stood the test of civil strife, and, by the complete overthrow of the particularists, had escaped, for a time at least, from all danger of internal disruption. In the south the wise and benignant rule of the archdukes[7] had won the hearts of their subjects, and made them content with their position of semi-independence, and had for ever severed the Flemings and Walloons, both politically and religiously, from the Netherlanders who dwelt beyond the Scheldt. So Prince Maurice and the Marquis Spinola confronted each other once more, as they had done for so many years previously to 1609, and the annual marchings and countermarchings, sieges and forays recommenced with the same monotonous regularity, though scarcely with the same energy and resolution, as of yore. Both the generals had grown older, and despite his success, as a whole, in keeping the enemy from encroaching upon the territory held by the united provinces, the skill and enterprise of Maurice, in particular, had obviously become feebler. A cloud seemed to rest upon him during his latter years, and we have no repetition of the brilliant successes of his earlier campaigns. Nothing of real moment occurred until 1624, when Spinola, pushing

[6] The *légende barneveldienne*, which the genius of the great poet Vondel first called into existence, and which in our own days has so eloquently inspired the brilliant pen of Motley, is like most legends a distortion of the truth. The correspondence published by the eminent Dutch historian, Groen van Prinsterer, between Maurice and his cousin William Louis of Nassau, stadholder of Frisia, and the admirable critical reviews of the question by another accomplished Dutch historian, Professor R. Fruin, have done much to rehabilitate the character of Maurice, though they cannot altogether remove the stain which lies upon his memory.

[7] For an enthusiastic account of Albert and Isabella, their high qualities, excellent government, and character of court, see Bentivoglio's *Relazioni di Fiandra sotto gli arciduchi.*

northwards with a formidable army, laid siege to the very important town of Breda. This town, after its capture by stratagem in 1598, had been fortified by Maurice in the most formidable manner, and with all the resources of his consummate engineering skill, and when the Spaniards made their appearance before it, it contained a garrison of 7,000 men, plentifully provided with stores of every kind. The prince, believing the place to be impregnable, took advantage of his adversaries' absence to make himself master of Cleve, Gennep, and other towns on the eastern frontier, which were in the hands of the Spaniards. Meanwhile, the marquis sat down before Breda, and, finding the fortifications were too strong to be taken by regular operations, surrounded his position by entrenchments and forts, and determined to starve the garrison into surrender. Maurice, now seriously alarmed, tried every device by which to compel or entice Spinola to abandon the siege, but without effect. An attack made upon Antwerp ended in failure, and an attempt to cut off the supplies of the besiegers in their own camp was frustrated, just as the Spaniards were being reduced to great want, by the success of the count de Berg[8] in introducing a convoy of provisions within their lines. At last, losing heart, when he saw that the marquis obstinately continued the blockade, even after the winter had set in, Maurice gave up all hopes of relieving the town, and, sending his troops into their quarters, retired to the Hague. Here chagrin and vexation, acting upon a constitution prematurely enfeebled by the hardships of military service, threw him upon a bed of sickness. Finding himself dangerously ill, as the spring drew on, the stadholder obtained the consent of the States to the appointment of his brother to the chief command in his stead, and then, weary and disappointed, calmly prepared himself for death. But one thing more remained for him to do. Neither of the brothers was married. Though admirers of womankind in general, they had neither of them shown any inclination to part with their bachelor freedom by entering into the bonds of wedlock. But the prince of Orange, as he felt his end approaching, was anxious before he died to secure, as far as in him lay, the prospect of an heir being born to his father's house.

Frederick Henry had been attracted by the Countess Amalia von Solms, a member of a noble German family connected with the house of Nassau, and the stadholder had for some time pressed him to conclude the marriage, but hitherto without avail. He now sent for his brother from the camp, and, after using all his powers of persuasion, even went so far as to threaten to disinherit him if he did not comply with his last wishes. The preliminaries were quickly arranged, and on 4 April, quietly and without any pomp or display, because of the illness of the prince of Orange, the nuptials

[8] Spinola's second-in-command.

took place at the Hague. Frederick Henry installed his bride in her new home, and almost immediately afterwards left her to resume the duties of his command, and many were the fears expressed that the brilliant cavalry general would make but an indifferent spouse. But all such forebodings were doomed to be signally falsified. The youth, beauty, and abilities of the princess speedily gained for her a great ascendency over her husband, and enabled her not merely to win and retain his affection, but to obtain a considerable influence in matters of state and public policy.[9]

Scarcely had the prince arrived back at the camp when news reached him of the death of Maurice. The famous stadholder, to use the words of the old biographer,[10] 'very peacefully fell asleep in the Lord,' on 23 April, in the 58th year of his age, after having spent more than forty years in the service of his country, and having as the commander of her armies won by universal consent the repute of being the most accomplished general of his age. He left his brother sole heir to his titles and vast possessions in the Netherlands, France, and Germany.

The new prince of Orange at once hurried back to the capital, where he was received with demonstrations of joy, alike by the authorities, the people, and the troops. His kindly disposition, well-known moderation and geniality, his handsome face and chivalrous bearing, his often-proved gallantry and skill in war, and, last but not least, his Dutch birth and training,[11] all conspired to win for him golden opinions, and to make his accession to power acceptable to all parties. After the terrible divisions and severe repression of the last few years of Maurice's government, the remonstrant and Barneveldian partisans looked forward with hope and expectation to the advent of a new *régime*, and united with their opponents in placing unreservedly in the hands of Frederick Henry the reins of power. He was at once elected, in his brother's place, as stadholder of the four provinces of Holland, Zeeland, Utrecht, and Guelders,[12] and was appointed, by the states-general, captain-general and admiral-general of the union and head of the council of state.

The authority which these offices carried with them and the influence which their holder thereby acquired in the state are but little understood, and almost defy any clear and circumstantial exposition. Of all the forms of government that have ever come

[9] Veegen's *Oranjezaal*, p. 212; Busken Huet, *Land van Rembrandt*, iii. 223; *Archives de la maison d'Orange-Nassau*, 2nd ser. iii. 49, &c. (This volume is henceforth referred to as *Archives*.)

[10] Kommelijn, p. 7.

[11] Born at Delft, he was the first of his family who spoke Dutch without a German accent.

[12] His cousin, Ernest Casimir, was stadholder of Friesland, Drenthe, and Groningen.

into being, probably the most complicated and difficult of comprehension is that of the united provinces in the seventeenth century. It may, therefore, be well to clear the way for a right understanding of the history of his time, by explaining at once, as briefly as possible, the exact position which Frederick Henry occupied in the government of the Netherlands, with the view of determining the extent and the limits of the powers which he exercised and the prerogatives with which he was invested.

The stadholders of the Low Countries, as is well known, were originally the representatives of the sovereign in the various provinces, which at different times and in different ways and by different rights had all fallen under the sway of the powerful house of Burgundy, and afterwards, through the marriage of the only daughter of Charles the Bold with Maximilian of Austria, had passed by inheritance to the Habsburgs. The functions of these stadholders were partly military, partly judicial. They were the commanders-in-chief of the native levies in their several districts, and likewise supreme judges in the civil and criminal tribunals. All military posts were at their disposal, and they had also in their hands the nomination of certain municipal officials, though their functions and powers in each township and district varied according to local rights and privileges. William the Silent, during the first years of the war, in the exercise of his authority, always maintained the legal fiction that he was acting as the representative of Philip II, nor was it indeed until the year 1581 that, provoked at length beyond all endurance by the promulgation of the ban against the prince of Orange, the Northern Provinces finally abjured their sovereign, and declared their severance from the yoke of the Spanish king. But they had no intention, even then, to set themselves up as an independent state. They desired, to quote the words of the proclamation of the states-general, 'to find another mighty and well-disposed prince to help to defend and protect the aforesaid lands.' [13] The sovereignty, as a matter of fact, through the influence of William, was offered to and accepted by the duke of Anjou, who under the title of protector (*beschermer*) was placed at the head of affairs. The death of this vain, but ambitious, prince in June 1583, brought to a natural termination a suzerainty which had been marked by the extremes of feebleness and violence, and had become utterly unendurable to his nominal subjects. These now turned themselves to the prince of Orange, who, after some demur, had actually consented to accept the dignity of count of Holland and of Zeeland, when his life was cut short by the hand of the assassin. But for that untoward event, the probability is that the sovereignty of the other provinces, and thus of the union, would speedily have been thrust upon him. As it was, his death left, as his representa-

[13] *Groot Placaet-Boek*, i. 26–2 .

tive, a youth of seventeen, whose age was in itself a disqualification, and whose hereditary rights might have been disputed by his elder brother, Philip William, who, kidnapped in his childhood by Philip II, had been brought up at Madrid, and was Spanish in sentiment and catholic in religion. Utter confusion, therefore, reigned for a while in the provinces. Men knew not where to turn, or what to do. The chief responsibility fell upon the old friends and counsellors of the murdered prince, amongst whom St. Aldegonde, Barneveldt, and Buys were the most influential. At their suggestion a council of state was speedily called into being by the states-general, in whose hands the supreme executive power should rest, and at its head was placed *pro formâ* Maurice, the second son of William, while still pursuing his studies at Leyden. At the same time the weakness and perilous position of the Netherlanders led them once more to seek for safety under the protection of a powerful foreign prince. They had not yet attained to that confidence in their own vigour and resources which could lead them to deem it possible that they could, as a free and independent state, make head against the mighty power of Spain. An embassy was therefore sent to make the proffer of the sovereignty, in the first instance, to the king of France, and, should he decline the dangerous honour, to the queen of England. Henry III of France had far too many troubles on his own shoulders to think of adding to the burden. Elizabeth, however, with her usual caution and finesse, while refusing to commit herself by accepting the title, was not unwilling to reap advantage from the proposal that was made to her. She would not be sovereign, but she promised assistance in men and money on condition that she exercised in the person of an English governor-general what would practically be supreme authority. The earl of Leicester was sent, and for a few years was the picturesque figure-head of the Netherland government. But, partly through his own personal disqualifications for so delicate a post, partly through the half-hearted support which he received from his royal mistress, whose evasive instructions and double-dealing made it almost impossible for him to carry out or to divine her real wishes, and largely through the constant, though veiled, hostility and opposition of a large party in Holland, at whose head stood Barneveldt, his mission proved a complete failure. His final withdrawal in 1588 allowed Maurice to step to the front. While still a mere youth, at the proposal of the province of Holland, the posts of captain- and admiral-general of the union were conferred upon him, and in 1590 he became stadholder of Holland, Zealand, Utrecht, and Guelders.

Such a position and such various and extensive powers might have given the son of William the Silent, who had already shown himself to possess splendid military talents, the opportunity of ren-

dering himself supreme in the state. Maurice, however, by the universal confession of all who have studied his character, whether from a friendly or a hostile point of view, was neither a politician nor a statesman. The circumstances of the times called upon him for a long succession of years to place himself at the head of armies, and his natural inclinations led him to throw all his interest and his energies into the study of the art of war. Meanwhile, all the threads of government passed into the hands of John of Barneveldt. At once minister of war, of marine, of the colonies, of finance, of home and foreign affairs, this extraordinary man remained for thirty-two years a virtual dictator in the Netherlands. His was truly, in every sense of the word, statesmanship of the very highest order, and whatever errors of judgment during the last year of his life may have brought his grey head with dishonour to the grave, there can be no question that the Dutch republic owed as much to the marvellous sagacity, foresight, tact, and ability with which he steered her course through all the shoals and reefs of intrigue and ambition, at home and abroad, through all the dangers that threatened her from internal disunion and open assault, as it did to the military skill and prowess of the great captain.

But the obvious consequence of the advocate's omnipotence in so many departments of state was a diminution of the stadholder's legitimate influence and authority. This the younger man could brook so long as he found in the conduct of campaigns abundant occupation for his talents, and in the applause which greeted his triumphs ample satisfaction to his ambition. After the conclusion of the truce, however, which was chiefly brought about by the efforts of Barneveldt, and in opposition to the wishes of Maurice, it was inevitable that there should be no longer room in one commonwealth for two such personages: each accustomed so long to exercise undisputed authority in his own domain, and by the very circumstances of the case, unconsciously and almost against their will, finding themselves regarded as the heads of rival parties. How the little rift between them widened into an impassable and yawning breach has already been referred to, and does not need repetition. But it is very important to notice that during the long ascendency of Barneveldt, he and not the stadholder was in reality the most influential man in the united Netherlands. The advocate's persuasive eloquence dominated the states of Holland; the states of Holland through their deputies sent their resolutions to be ratified by the states-general, while the states-general in their turn gradually usurped the powers which had originally belonged to the council of state.

The downfall of Barneveldt gave for the time greatly increased authority to the states-general, yet not more than was absolutely necessary for the maintenance of the union. Nothing could do away

with the weakness which was inherent in an assembly where, according to the terms of the compact of Utrecht, 'no truce or peace was to be concluded, no war commenced, and no impost established affecting the generality, but by the unanimous advice and consent of the provinces.'[14] The delegates sent by each province were simply delegates bound to carry out the instructions of their masters the provincial states, which were often most minutely and strictly drawn up.[15] Holland was by far the most important province by wealth, population, and enterprise. It was continually jealous of the others, and eager to obtain in the councils of the union even more than the weight attaching to its relative importance. And yet, strangely enough, such was the complicated machinery of this most intricate and extraordinary system of government, which not only consisted of wheels within wheels, but apparently was supplied with several independent motor-springs and regulators, that even the states of Holland, which attempted so often, and frequently so successfully, to dictate its will to the rest of the union, was itself representative, not of the people of Holland, but of a limited *bourgeois* aristocracy. Nor was this all. Each town had an independence of its own, and Amsterdam, in particular, defied at times alike the authority of the stadholder, the states-general, and the states of the province of Holland itself.[16]

That such a system worked at all was remarkable; that it worked on the whole so well during the period from 1625 to 1647, which we are especially considering, was largely due to the sagacity, tact, and statesmanlike insight of the stadholder who during those years presided over the fortunes of the republic. Frederick Henry came to power at a time when men were weary of strife, and when he himself in the prime of life,[17] the inheritor of an honoured name, had ingratiated himself with all parties and classes by his engaging manners, kindly disposition, and many deeds of daring. He had no rival in the field, and by the offices which were conferred upon him he found himself clothed with a vast, though undefined, authority. The council of state, of which he was officially a member, and where his advice was first asked, became an instrument in his hands for the carrying out of his behests. In the states-general he exercised a preponderating influence. Indeed, to quote the words of Aitzema,[18] with reference to one of the eternal disputes between

[14] Motley's *Rise of the Dutch Republic*, p. 789.

[15] See Lijndrajer, *De ontwikkeling der Stadhouderlijke Macht onder Frederik Hendrik* p. 78.

[16] Bilderdijk, *Geschiedenis des Vaterlands*, viii. 142–143. Busken Huet (*Land van Rembrandt*, ii. 307) puts the case very strongly: *Al bewegen de Staten-Generaal hemel en aarde; al vallen, in de Staten van Holland, de afvaardigden van alle andere steden de Staten-Generaal bij; indien Amsterdam, meesteres van de koorden der beurs, neen zegt, dan de buidel gesloten.*

[17] He was 41.

[18] *Saken van Staten*, xvii. 490.

'my lords of Holland' and 'their high mightinesses, his highness did what he pleased in the generality,' and one of the nobles of Guelders bitterly complains 'that the prince in truth disposed of everything as he liked. All things gave way to his word.'[19] Nor was the increased deference that was paid to his opinion in matters political the only difference between the status of Frederick Henry and his predecessor. A great change took place in the outward surroundings of the stadholder's life. He became more a prince, less a servant of the state. Maurice was a bachelor, lived plainly, and was averse to display. His successor was a man fond of the pomp and trappings of state, and married to a wife of luxurious and refined tastes, who delighted in society, and whose court at the Hague was maintained in a style of lavish splendour.[20] The presence at this court of the exiled king and queen of Bohemia, who resided in Holland for many years on terms of the closest friendship with the prince and princess of Orange, the passing[21] of the *acte de survivance,* which declared his five-year-old son to be his successor in all his dignities, and the subsequent marriage of that son to the princess royal of England, all conspired to surround him, who was but in reality the first citizen of a republic, with the state and honours of royalty. The importance of the *rôle* played by Amalia von Solms, in thus giving added dignity and status to an office which had been rendered illustrious by the great deeds of three successive stadholders, may be judged from the fact that Frederick Henry himself, during the entire period of his tenure of power, was compelled to spend a considerable portion of every year in the camp. The war dragged on its weary length during the whole time, and only during the months when the troops went into winter quarters did he find himself able to bestow continuous attention to the details of internal government, and even in the winter he was much occupied with the inspection of fortifications and in the preparations for the next campaign. To his clever and ambitious wife was confided the task of remaining at the seat of government, and keeping herself and him in touch with the undercurrents, cabals, and intrigues of crafty politicians and over-reaching diplomatists. Seldom has a ruler of men spent a life of more constant labour and toil than did this soldier-statesman. He never had any opportunity for enjoying rest and tranquillity. To quote the words of one well qualified to know:[22] *On ne le voyoit guères revenu des travaux de la campagne, que de victorieux assiégeur il ne devinst un misérable assiégé d'affaires politiques et civiles, qui*

[19] Van der Capellen, *Mem.* i. 569.

[20] Lijndrajer, p. 24, quotes the declaration of the English ambassador, 'that he had never seen such splendour on this side of Persia as at the stadholder's court.'

[21] In 1631.

[22] The celebrated Constantine Huyghens, his secretary and companion throughout his stadholdership. See his *Mémoires*, p. 85.

attendoyent le respect de son entremise, sans comprendre la presse de tant d'autres occupations qui ne donnoyent point d'intervalle de repos à son esprit, mais auxquelles il se sacrifioit avecq une patience et assiduité si prodigieuse, qu'il ne s'est jamais pu rien veoir de mesme.

One department of state he, with the help and advice of certain trusted councillors and confidants, entirely controlled, the direction of foreign affairs. When he stepped into his brother's place, he found that the united provinces occupied a position at once of great danger and critical importance. The protestants of Germany were on the point of being crushed by the superior forces of the house of Hapsburg and the catholic league, and looked eagerly towards the Netherlands, if not for actual aid, at least for such a diversion as would prevent the Spanish monarch from lending assistance to his Austrian relative. The Netherlanders themselves, on the other hand, without an ally on whom they could rely, were exposed to the risk of being overwhelmed should the imperial armies take them in flank while still engaged in a deadly struggle with their old enemies.

It had been the policy of William I and, after him, of Barneveldt to court the alliance and armed aid of France, and, if possible, of England also, and they had not scrupled, under the pressure of dire necessity, even to offer the sovereignty of the provinces to each of these powers in turn, as a bait wherewith to secure their protection. As, however, the position of the states became more assured by the successes of Maurice and the destruction of the naval power of Spain, their alliance became of itself a thing of high value, and all idea of submission to the rule of a foreign prince was given up. Elizabeth found it to be her interest to support them, though in her own somewhat niggardly and ambiguous fashion; while Henry IV scarcely needed the dexterous promptings of Barneveldt's masterly diplomacy to show to him how important a factor the united provinces would be in the carrying-out of his deep-laid scheme for the humiliation of the house of Austria. But the death of the English queen and the murder of Henry, at the very moment when the great enterprise which his genius had planned was on the point of being put into execution, changed the aspect of affairs. A weak and vain pedant sat upon the throne of the Tudors, and it was soon perceived that nothing was to be hoped from a man who, while he posed as the head of the chief protestant power, refused to aid the protestant cause, even when his own son-in-law was ignominiously driven from his hereditary states, and who, for the honour of a matrimonial alliance with a daughter of his most catholic majesty, made himself for years the subservient tool of Spanish statecraft. In France, the outlook was even more unsatisfactory. Under the regency of the unworthy Marie de' Medici the court became a hotbed of intrigue and corruption, and the

country, which the great Henry had raised so speedily to the first rank among European powers, sank as quickly once more into a condition of impotence and division. The regent ostentatiously abandoned and reversed the policy of her husband, and finally cemented her alliance with Spain, by the marriage of the young king, Louis XIII, with Anne of Austria. At the conclusion then of the twelve-years' truce the Netherlanders found themselves face to face with their old enemies without any expectation of assistance from their old allies. But this state of things was not long to continue. The year 1624 saw cardinal Richelieu grasp with strong and steady hand the reins of power in France, and in the spring of 1625, Charles I, stung with the rebuff that he received in the matter of the Spanish marriage, ascended the throne of England. The removal from both countries of those influences which had so long blocked the way to the carrying out of any firm or consistent policy, coinciding as it did with the accession to power, in the Netherlands, of a new and popular stadholder, gave hopes for the future, and fresh opportunities for the exercise of diplomatic skill. And this was not lacking. Already, at the time when Frederick Henry assumed the direction of foreign affairs, subsidy treaties had been concluded with England and France by the exertions of a man who occupies a large space in the political history of his time, the celebrated Frans van Aerssens, lord of Sommelsdyck.[23]

For many years, as Dutch ambassador at Paris, the right-hand man of Barneveldt, Aerssens had, in 1613, been compelled to relinquish his post through the dislike felt by Marie de' Medici to the presence of a diplomatist at her court who made no secret of his disapproval of her policy. On his return to Holland, by whatever motives impelled, he not only espoused the cause of Maurice in his quarrel with Barneveldt, but took the most prominent part in stirring up public opinion against his former chief and benefactor, and did not even scruple to sit as one of the twenty-four judges who illegally sentenced the aged statesman to an ignominious death. He may have held that this was one of those occasions when *reipublicæ salus suprema lex*, but unfortunately all appearances are against him,[24] for he, of all men, must have known that the special charges on which the advocate was condemned were false. Be this as it may, we find him once again, as a diplomatist, doing his country excellent service from 1619 to 1624 at Venice, Paris, and London, and during the first months of the stadholderate of Frederick Henry, we discover him at the court of Whitehall,

[23] Richelieu is reported to have said that he had never known but three great politicians, Oxenstiern, Visconti, and Aerssens. (*Archives*, Proleg. p. 1, *note.*)

[24] Under the disguise of Ulysses he is scathingly pilloried by Vondel in his *Palamedes*.

trying to accelerate [25] the negotiations entered into with the new king.

Frederick Henry, though his prepossessions were, at first, against Aerssens, speedily saw that he could not neglect or throw aside a man so useful, so gifted, and so devoted to the house of Orange. Close relations sprang up between them, which, as time went on, ripened into absolute trust on the part of the prince in the capacity, prudence, and skill of the diplomatist. He was constantly employed by the stadholder on every delicate and important mission, and from the voluminous correspondence [26] which passed between them may be learned better than from any other source, not merely the main lines of the policy which on the whole was so firmly and consistently followed throughout the entire period of Frederick Henry's *régime*, but the various entanglements and hitches, plots and counterplots, side-issues and back-stairs influences, which at times obstructed and retarded the execution of the best-laid plans. But for the revelations contained in the letters of Aerssens, the world would never know that Frederick Henry was one of the first statesmen as well as one of the best generals of his time, and that, by the skill with which he, for well-nigh a quarter of a century, *par sa prudence et dextérité à manier les esprits*,[27] controlled and kept the many jealous, discordant, and rival authorities and parties in the united provinces from thwarting or turning him aside from the statesmanlike path which from the first he had marked out for himself, and pursued without wavering until the goal was finally attained, quite as much as by his military triumphs, he exerted an important, perhaps a decisive, influence upon the issue of the thirty years' war. No one doubts that the intervention of Cardinal Richelieu after the death of Gustavus Adolphus really turned the scale in favour of the protestant cause, and it is only necessary to read the correspondence between Aerssens and the French minister to see that the course of action taken by the latter was mainly due to the skilful pressure and persuasive arguments of the Dutch diplomatist, and that these would all have been futile but for the powerful assistance and influence of the stadholder.[28]

But it is time to turn from general considerations to a more specific narrative of the actual sequence of events.

[25] *Pour raccourcir les longueurs de cette course.* Aerssens to F. H. *Archives*, p. 3.

[26] More than one half of the entire number of letters and documents contained in the volume of the *Archives de la maison d'Orange-Nassau*, which covers the period 1625–1642, are from the hand of Aerssens.

[27] *Archives*, letter 534, from Aerssens to Marshal de Châtillon.

[28] *Archives*, letters 497, 498, 499, 501, &c.; Aerssens to Heufft (Dutch envoy at Paris), p. 54. *Monseigneur le Prince d'Orange a puissamment aydé à faire accepter ceste alliance, et, sans son intervention et sages persuasions, nous fussions tousjours resté en irresolution.*

The first difficulty which confronted the new prince of Orange was the religious question. The remonstrant party welcomed the death of Maurice, as the end of the harsh disabilities and persecution to which they had been subjected since 1619, and they hoped great things from his successor, whom they had always looked upon as favourably inclined to their views. Frederick Henry, however, was not the man to take any violent course. The synod of Dort was a *fait accompli*, and must be accepted as such. But the stadholder reverted to that policy of toleration which had been consistently advocated by his illustrious father, and afterwards by Barneveldt. He endeavoured to maintain, as they did, the authority of the state as supreme over that of the church, and, while supporting the established protestant religion, to allow to other sects and forms of opinion the utmost freedom that was prudent and legal. The decrees against the remonstrants were still enforced, but with as little severity as possible, and were speedily, through the personal influence of the prince, followed by others, which permitted, in defined localities and with certain restrictions, liberty of worship.

The course adopted was at once wise and far-sighted, and, though it did not satisfy the bigoted adherents of either party, was that which alone could bridge over the yawning chasms of religious bitterness and partisan hatred which had split the inhabitants of every province and almost every town of the Netherlands into mutually hostile sections.

The first campaign of Frederick Henry was not crowned with success. All through the winter of 1624–25 the blockade of Breda had continued, and the place was already hard pressed for want of food. A great effort must be made, and at once, if the siege was to be raised. The prince, therefore, as soon as he was free to take the field, sent a message of encouragement to the brave governor, and at the head of an army consisting of 20,000 foot and 6,000 horse advanced to within a short distance of the town. But a close inspection of the entrenchments with which Spinola had surrounded himself showed them to be practically impregnable, and an attempt to cut off a large convoy of provisions having failed, he was driven to try the effect of an assault upon the Spanish fortifications at Terheyden. But despite the heroic gallantry of the English under Colonel Vere, who formed the assailing column, the defences proved too strong to be carried by a *coup-de-main*, and after a useless sacrifice of men and officers, Frederick Henry withdrew, and Breda was left to its fate. It capitulated on most honourable terms after having endured an eleven months' siege, which so exhausted the conquerors, that for the rest of the summer of 1625, and during the whole of the following year, they were incapable of undertaking any fresh enterprise. Meanwhile

disease had broken out in the army of the States, and the prince of Orange on his side, seeing his forces melting away, retired at an early season into winter quarters, and hostilities ceased.

On 27 May 1626 the princess of Orange gave birth to a son at the Hague, and the news was received throughout the provinces with universal demonstrations of joy. The christening of the boy, on whom the name of William was bestowed, was conducted with great pomp. The queen of Bohemia held him in her arms at the font, while representatives of the states-general, of the states of Holland and Zeeland, and of the towns of Amsterdam and Leyden stood as the sponsors. Scarcely could greater honours have been paid to the heir-apparent of the most ancient monarchy.

The year 1626 was devoid of military interest, and indeed, had the Spaniards been able to take the offensive, it would have been difficult for the prince to make head against them. The Netherlanders were sick of the war and of its heavy charges, and insisted that the operations should be confined within the narrowest limits. This state of things led Aerssens to appeal in the strongest manner to Richelieu, and to reproach him with his backwardness in rendering assistance.[29] 'Do me the honour of believing, monseigneur,' he pleads, 'that never were we in a more critical and hazardous condition; it is more than time for you to stretch out your hand.' Richelieu did stretch out his hand, and a subsidy of a million pounds annually was promised on the part of the king of France, if the Dutch on their side undertook to send ships of war to assist the cardinal to reduce the Huguenot stronghold of Rochelle. It was a case of *do ut des*, and, though the condition imposed ran counter to popular feeling in Holland, the prince and his advisers clearly saw that, as Ranke says in his admirable review of the situation,[30] 'the political power of the Huguenots in France and their antagonism to their king were opposed to the interest of the great protestant and anti-Spanish party in Europe.'[31]

In the spring of 1627, Carleton came, as ambassador extraordinary from Charles I, bearing the order of the garter to the prince of Orange. The presentation took place in the assembly of the states-general with much ceremony, and led to the exchange of many civilities. The growing rivalry, however, of the English and Dutch upon the sea prevented the relation between the two powers from becoming friendly, and the war which the caprice of Buckingham led Charles to declare against France made them for a time very strained.

Frederick Henry opened the campaign of 1627 by laying siege

[29] *Archives*, p. 9, letter 475. [30] *Französische Geschichte*, ii. 345.

[31] *Tous les vœux du Roi Catholique et de ses ministres furent pour la ville 'heretique' contre le roi très-chrétien.* (H. Martin, *Histoire de France*, xi. 275.)

to Grol, a town upon the eastern frontier, strongly fortified and garrisoned. The troops took up their ground and entrenched themselves in the face of a strong Spanish army under the command of the count de Berg, and at once commenced their approaches. It was the custom of Frederick Henry to take advantage of the fact that soldiers of many nationalities served under his colours by rousing the emulation of the various contingents to outvie each other, and on this occasion as on many others the English and French regiments specially distinguished themselves by the rapidity with which they pushed on their lines. A daring night attack by the count de Berg upon a weak point in the entrenchments, aided by a sortie from the town, was repulsed with such heavy loss that no further attempts were made to interfere with the operations of the besiegers, and, despite the gallant and vigorous resistance of the garrison, they found themselves obliged to capitulate. The siege had lasted only three weeks. It was a really brilliant success, only marred by the death of William of Nassau, admiral of Holland and natural son of Maurice, a young man of the highest promise, who was shot through the head by one of the last balls fired by the defenders. The prince himself, while upon a tour of inspection of the defences of the Scheldt in the autumn of this same year, had again a narrow escape of his life. As he was landing from his vessel near some forts which the Spaniards had erected to close the river near Lillo, the captain, while in the act of handing him ashore, had his leg carried away by a cannon-ball.

It may be as well here to point out that as in his foreign policy so in his conduct of the war Frederick Henry steadily adhered to a scheme of operations which had for its end the creating of an artificial frontier of strong places which should form an impenetrable barrier of defence to a territory which was not marked out by natural boundaries. With this object during this winter he gave directions for the construction of a number of forts to protect the various channels and creeks of the Scheldt and the Maas against Spanish attacks, and as in the following summer of 1628 the states refused, on the ground of the expense, to give their consent to any campaign upon a large scale, he occupied himself with the carrying out of the works he had planned, and with watching the Spaniards, who on their side were likewise debarred from undertaking offensive operations by lack of the sinews of war.

There were, however, within the territory of the united provinces several important places which were still in the hands of the enemy, and in 1629 the prince of Orange made up his mind to strike some great and impressive blow. France and England both stood aloof, but nevertheless he determined, even though left alone to face the whole power of the house of Austria, to wrest the great fortress of

Hertogenbosch[32] from the possession of the Spaniards. He knew that the Spanish treasury was impoverished through the capture by the Dutch admiral, Piet Heins, of the great silver fleet in the West Indies, whose value was assessed at no less a sum than 11,509,524 florins. Moreover, the marquis Spinola was in Spain. With this view he pressed the states to consent to the levying of a formidable army, and though, through the opposition which his proposals encountered, much delay was caused, he was on 28 April able to assemble the forces that he had raised on the moor of Mooc. He made several feints to draw away the attention of the enemy from the real object of his attack, and then suddenly directed his march straight upon Hertogenbosch.

The history of the siege that follows is a most interesting example of the warfare of the time, and is especially interesting to Englishmen from the prominent part taken in it by their own countrymen.

The army of the states, as usual a medley of many nationalities, consisted of 24,000 foot and 4,000 horse. Frederick Henry himself (in his memoirs, pp. 56, 57) tells us that it was composed of eighteen regiments; of these three were Dutch, one Frisian, one Walloon, two German, three Scotch, four French, and four English.[33] Their chief bond of union lay in their attachment to and confidence in their commander, who, while he was a rigid disciplinarian, knew how to win the hearts of all his soldiers, not only by his kind and encouraging words, but by freely sharing in all their dangers and fatigues.

On the very first day of their forced march, which lay over sandy ground under a hot sun, considerable disorder occurred, and there were many stragglers. On reaching the bivouac the prince sent for the officers of the offending regiments to his tent, severely reprimanded them, and threatened to dismiss them. On the second day not a man fell out from the ranks.

On 30 April Frederick Henry arrived before the town, which he proceeded at once to invest. Hertogenbosch was a large and handsome town, with fine streets and buildings, the possession of which was of vital importance to the states, as a defence against attack from the south and east, and as giving them a firm *pied-à-terre* in North Brabant, which since the fall of Breda was almost entirely in Spanish hands. Its position was one of extraordinary strength. Its garrison consisted of more than 3,000 men, under the command of a brave and experienced governor, the Baron de Grobendonc, who could count likewise upon the aid of 5,000 citizens, well armed and trained, who in the course of the war had shown themselves so successful in beating off all previous assailants that the town had

[32] Gallicè, Bois-le-Duc.
[33] The names of the colonels were Vere, Cecil, Morgan, and Howard.

come to be looked upon as impregnable. The Spaniards, therefore, when they heard of the enterprise of the prince of Orange, were filled with joy, for they felt sure that any serious attempt on his part to besiege 'Bolduc la Pucelle,' as it was proudly called, must end in his destruction, as the house of Habsburg were determined, if necessary, to exert all their strength to prevent its capture.

The prince, however, far from being dismayed by the difficulties of his task, set quietly to work to survey the ground and to seize every point of vantage for carrying out the formidable operations that lay before him. Trained from his youth in the school of the most scientific general of the age, he showed himself to be not merely an apt pupil, but a master in his craft. He had need indeed of all the resources of engineering skill. The town was almost surrounded by marshes covered with water to a depth of three or four feet, through which passed four raised roads, one to each of the gates of the town, and of these the Antwerp road alone was sufficiently wide to be available for military purposes. Two small rivers, the Dommel and the Aa, each divided into several branches, passed through the town, and the waters were used to fill moats of great width and depth, both before and between the lines of fortification, which were of the strongest description. The road above mentioned, along which alone approaches were feasible, was flanked on the one side by the river Dommel, on the other by a large canal, and was further defended at the point where it emerged on to higher ground by two powerful detached forts, named the St. Isabella and the St. Anthony—each with five bastions, round which the river was made to flow. After traversing the town, the Dommel and the Aa united to form the Diese, which in its turn fell into the Maas at Crèvecœur, after a short course of a little more than a league. To overcome such natural obstacles in spite of the opposition of a resolute garrison, whose available numbers amounted to at least 8,000 men, was indeed no light undertaking.

The prince on his arrival at once proceeded to surround the town by a double line of circumvallation, with forts and redoubts at short intervals, and a deep fosse at either side, and to complete this in places where detachments of his forces were separated by the marshes, he built two immense dykes, the first and more important 3,500 feet in length, 12 feet wide, and rising 4 feet above the water with parapets 8 feet high on either side; the other of 1,500 feet in length, and of somewhat smaller dimensions. Both were strong enough to admit of cavalry and artillery passing along them. The whole of the materials, consisting of earth and fascines, for these vast works had to be brought by boat from Holland. These, as well as his munitions and supplies, were landed at Crèvecœur, and in order to insure his communications with his base, a body of troops, strongly entrenched at the village, were connected with the

main body of the beleaguering forces by a double line of earthworks following the course of the Diese. The labour involved in the construction of these works was enormous, but such was the ceaseless energy and resolution with which the troops, under the immediate direction and supervision of Frederick Henry himself, set themselves to their task, that the whole was completed in the incredibly short time of three weeks.

As soon as he felt his position secure, the stadholder, without pausing even to rest his men, immediately commenced operations against the forts of St. Isabella and St. Anthony. The approaches were entrusted to the English and French contingents, who, placed in communication with each other by a covered way, and spurred on by national rivalry, pressed forward with resistless ardour, company relieving company without cessation; and despite all the efforts of the garrison, the trenches advanced rapidly towards the ramparts.

The news of these vigorous proceedings being carried to Brussels alarmed the Infanta and her advisers. They felt that no time was to be lost, and the count de Berg received orders to advance as quickly as possible to the succour of Hertogenbosch with all available forces. The count promptly obeyed, and with the utmost despatch concentrated on 19 June at Turnhout a splendid army consisting of 30,000 foot and 7,000 horse, amply provided with artillery, munitions, and supplies, and, gathering reinforcements from Breda and other garrisons as he advanced, set out with the utmost confidence to the relief of the beleaguered town. Neither he nor his army imagined for one moment that the prince of Orange would even dare to await his coming. But the approach of so powerful an adversary only stirred Frederick Henry to fresh exertion and the more strenuous prosecution of his plans. By constantly visiting all the posts, and by word and example personally inciting men and officers to use their utmost endeavours, he kept them in good spirits, and made them to forget their hardships and dangers. Nor was he content with merely pushing on the approaches against the forts. With the view of rendering his position practically unassailable from without, he ventured upon an undertaking which had been pronounced to be impossible. He determined to throw a dam across the rivers Dommel and Aa, and thus divert sufficient water to form two broad canals all round his lines, while forcing the rest to rush over the banks and flood all the low-lying country beyond. This enterprise, too, by the most assiduous toil and diligence, was successfully completed in about twenty days, and all approach to the Netherland entrenchments rendered so difficult as to be wellnigh impracticable. Meanwhile the enemy drew near, and encamped near Haren at about an hour's distance, ready to take advantage of the first opportunity of breaking through and throwing succour into the town.

But the prince was on his guard. Detachments of troops were called out every night at sunset, and posted at fifty paces distant from each other throughout the entire circle of the lines, and Frederick Henry himself went round to inspect in person every post, and never retired to rest until the dawn, when, after a short repose, he set out to visit the approaches, which were daily drawing closer to fort Isabella.

At last one dark night the count de Berg resolved to deliver an attack in three different places, only to find that although his soldiers boldly waded up to their waists in water in order to reach their foes, the difficulties of access in every direction were too great to hope for success. Nothing therefore was left to him but to try the effect of a bold advance into the heart of the Netherlands, which lay exposed and almost defenceless before him. He therefore broke up his camp, and crossing the Issel entered a portion of the country, which for many years had been free from hostile attacks, and ravaging the province of Utrecht with fire and sword finally captured the town of Amersfoort, which lies at no great distance from the Zuyder Zee. Amsterdam itself was threatened, and men's minds were filled with terror and apprehension throughout the united provinces. It was an anxious time for the prince of Orange. He is advised to give up the siege. But his resolution is fixed. Come what may, he is determined to take Hertogenbosch. He despatched, therefore, a force under Count Ernest Casimir to watch the Spaniards, and ordered the peasantry of the invaded districts to devastate the country, and to betake themselves with their cattle and goods into the fortified towns. He thus hoped to compel the count de Berg to retire from want of provisions.

Meanwhile, there was no slackening in the progress of the siege. On 17 July the forts are stormed, and the way to the main defences of the town lies open. The approaches have now to be made along a narrow road swept by the enemies' fire. Along this the English and French regiments, in the keenness of their emulation scorning fatigue and peril, the relief parties, turn by turn, working in the trenches day and night, forge slowly onwards in spite of the desperate efforts of the garrison, who contest their advance foot by foot.

And now occurred an event which was of the utmost advantage to the States, and relieved the besiegers from all further anxiety from the movements of the count de Berg. A certain Colonel Dieden, governor of Emmeric, having heard that a considerable portion of the garrison of the town of Wesel had been withdrawn to reinforce the main Spanish army, proposed to the prince of Orange that an attempt should be made to surprise it. The design met with the prince's approval, and a small force of picked men was sent to co-operate with the troops under Dieden's command. With

these on 18 Aug. that enterprising officer set out with the intention of making his attack under cover of the night. After a long and fatiguing march, through the rain and along muddy roads, the weary column arrived unperceived before the town at four o'clock in the morning just as day was dawning. They were just in time. An assault was immediately delivered upon a portion of the ramparts which was defended only by a palisade, and before the astonished garrison were aware that there were any enemies in the vicinity a body of Dieden's troops had penetrated into the town and thrown open the gates to their comrades. A short but fierce struggle ensued. But the efforts of the garrison were unavailing. The Netherland cavalry swept through the streets, the governor himself was taken prisoner, and the place surrendered at discretion. In this astonishing victory the conquerors lost but 30 men, while of the Spaniards 200 were killed and 1,200 taken prisoners.

The news of the capture of Wesel had a twofold effect. It was received in the camp before Hertogenbosch with salvoes of artillery and general rejoicings, and filled the hearts of the besiegers with fresh hope and courage, the more so as the count de Berg, fearing for his communications, at once retired, abandoned Amersfoort, recrossed the Issel, and withdrew in the direction of Rhinberg, and an imperialist force under the command of count John of Nassau, which had advanced into the Veluve to cooperate with the Spaniards, followed their example. Hertogenbosch was left to its fate. The siege had now arrived at its last phase. The English troops, under the command of colonel Herbert,[34] now bore all the brunt of the fighting, and right well did they acquit themselves. The moat of the counterscarp is reached and bridged with much loss under a terrible cross-fire from the battlements. An outwork, known as the half-moon, is next mined, breached, and carried by assault. Before the assailants lie at last the great bastions of the fortress itself protected by a wide fosse, which can only be traversed by covered galleries. These have to be constructed under the fire of the enemy, who repeatedly sally forth, now to burn, now to flood the works. Everything that brave men could do, who are ready to jeopardy their lives even unto the death, is done by the garrison, to drive back their assailants or at least to delay their operations. But the besiegers, encouraged by the presence of the prince, who exposed himself freely to every danger, and had colonel Vere killed at his side, were not to be gainsaid. The gallery was carried up to the bastion, a mine driven under it, and a great piece of the wall blown down by a ton and a half of gunpowder, and although the defenders still faced their opponents behind yet a fresh line of entrenchments, it was felt that further resistance was useless. A parley ensued, and after a request for a fortnight's

[34] *Rijp van oordeel en een goed soldaet.* (Kommelijn, p. 78.)

respite, in which to send to Brussels to ascertain the will of the Infanta, had been rejected, the town capitulated on most favourable conditions on 14 September.

The news spread like wild-fire through Holland, and crowds hurried to Hertogenbosch to witness the ceremony of the marching out of the garrison. Among these were the princess of Orange and the queen of Bohemia, for whose accommodation a magnificent pavilion was erected. The siege had been for months a public spectacle towards which the eyes of all Europe had been directed, and in the Netherland camp were to be found the king of Bohemia, the duke of Würtemberg, and the prince of Denmark, besides a crowd of smaller German princes, and French and English nobles. The theatre of war was in those days something more than a mere metaphor, and when at last the remnants of the brave garrison, with drums beating and colours flying, marched out between the serried lines of their whilom foes, and the governor and the prince of Orange met to exchange words of courtesy before so brilliant an audience, it was but a fitting termination to what had literally been a drama of many acts, the *dénouement* of which had long hung in suspense, and which had been throughout invested with all the excitement aroused by the uncertainty and importance of the issues.

Nothing now remained for Frederick Henry to do except to repair the fortifications of the captured towns and strongly garrison them before placing his army in its winter quarters. He returned to the Hague amidst the ovations of the people on 13 November, after an absence of six months, stronger now after his success to deal with those perplexed questions of internal and religious policy which required, no less than the most triumphant campaigns, a firm head, a patient temper, and a fine and delicate tact.

George Edmundson.

(*To be continued.*)

The German Peasant War of 1525

NOTHING tends more fatally to vitiate our comprehension of a great historical event than to devote all our attention to a single one of its aspects. The great outbreak of the peasantry of southern and central Germany in the year 1525 has had a very considerable amount of attention devoted to it by historians; unfortunately, however, it has won that attention not so much from its own interest, as from the light which it casts on some of the developments of the Reformation. Its religious bearings are discussed with a fulness which leads to a neglect of its equally important social and economical aspects. Some of its most characteristic features are slurred over because they arose from uninteresting local politics: some of its most unimportant and incidental developments are brought into undue prominence because they can be made to illustrate the great movement of the day. Out of the whole history of the war historians are prone to fix on two events, Thomas Münzer's fantastic proceedings at Mühlhausen and the massacre of Weinsberg, and to allow their readers to suppose that these were typical instances of the behaviour of the peasants all over the land. But it was precisely on account of their strange and abnormal nature that these two occurrences obtained notice: neither blasphemous fanaticism nor cold-blooded slaughter was a prominent feature in the insurrection. Münzer, however, was Luther's nearest neighbour and antagonist, while the massacre of Weinsberg was the incident which frightened into union all those classes in Germany which had anything to lose, and sent them crusading against a movement with which many of them had previously sympathised. Thus the ravings of the mad prophet and the atrocities of the 'White Band' of Franconia have secured a place in history which their own intrinsic importance did not deserve. On the other hand there are numerous features in the rise and development of the revolt which are usually passed over in unmerited silence. Ulrich of Würtemberg's invasion of Swabia at the head of his Swiss allies—an invasion which exactly synchronised with the crisis of the rebellion—paralysed for the moment the only armed force which could be turned against the insurgents, and was within an ace of securing a triumph for them. Yet how

little attention has the exiled duke's bold enterprise attracted: Ranke dismisses it in less than twenty lines, many minor writers do not mention it at all. It did not fall within the sphere of Luther's action, it did not connect itself with the great movements of the time, and therefore it has been dismissed to oblivion. Nevertheless its influence on the history of the war can hardly be exaggerated.

Original sources for the history of the peasant war exist in plenty. Its Thuringian episodes have several narrators; its main course in Swabia and Franconia many more. A perusal of those accounts contained in Baumann's invaluable 'Quellen zur Geschichte des Bauernkriegs' has led the writer of the present article to endeavour to produce a narrative more consecutive than those with which he is at present acquainted in the English tongue. More especially has he endeavoured to work out, with the aid of several narratives—and above all of that of the writer who detailed the itinerary of the army of the Swabian league during the insurrection—the military side of the insurrection, the one among its aspects which has been the most commonly neglected.

For some thirty years before the commencement of the Reformation peasant wars had been continually breaking out. When the misery of the people of any district reached an unbearable pitch, a local revolt followed. Since 1490 there had been risings in Elsass, in the Low Countries, at Kempten, at Bruchsaal, in Würtemberg, in Carinthia. In some cases the anger of the insurgents had been directed against priests and monks, in others against feudal superiors, while occasionally a tyrannical prince had provoked the convulsion. But each rebellion had been purely local, and caused by some specific acts of oppression. As yet no national movement had arisen to stir up the whole of the peasantry to one simultaneous outbreak. At last, however, the impulse came, in the shape of the great wave of feeling in favour of a religious reformation which rolled over all Germany from the ocean to the Alps. The same cause which in 1522 had sent forth Sickingen and his knights on their freebooting crusade against the archbishop of Trier, was now to set in motion the villagers of Swabia and the Thüringerwald.

To the peasant latest of all Germans, for he was the most isolated and debased member of the nation, there came an echo of the preaching of Luther. He was told that the oppressive religious system under which he was living was an organised hypocrisy, a mockery and perversion of true Christianity. The luxury and pride of the higher clergy, the ignorance and greed of the lower, were asserted to be God's judgments on the church for going astray from the spirit of the true faith. 'The pope,' cried the preachers of the new doctrines, 'is antichrist, and the clergy the servants of antichrist.' At the same time a new scheme of salva-

tion was opened to the peasant, and it was one very different from that which had been expounded to him by his parish priest. With the fervent reassertion of Christ's invitation to the poor and sinful were mixed scathing denunciations of clerical oppressors. Both portions of the message appealed to the peasant, and his soul inclined to the new teaching. But a readiness to listen to the reformers' sermons did not constitute him an ideal Christian. He allowed too much of the gospel teaching concerning love and obedience to pass over his head. But he hearkened to Christ's blessings on the poor till he almost fancied that his own wretched condition was enough to constitute him one of the elect. He had detested his clerical tyrants before, and now he was furnished with religious, as well as temporal, reasons for abhorring them. A one-sided reading of his bible was liable to make him look upon them as Pharisees to be cursed, if not as Amalekites to be smitten with the edge of the sword.

The peasant was thus taught to resist one of his masters; but at this point he did not stop. It is not strange that his ignorance and misery led him to carry the ideas which were brought to him concerning religion into the sphere of social life. The intuition of Luther might perceive that individual liberty was required in spiritual things, but not in temporal; the peasant, however, was not so clearsighted. He could not draw a hard and fast line between obedience to the oppressor of his soul, and obedience to the oppressor of his body. Indeed, in numberless cases, where a bishop or a monastery was his feudal superior, the persons were the same. There are passages enough in holy writ which speak of all Christians as equal in the sight of God. Men read them and pondered on them, till their own wretchedness began to make them question whether there was a greater obligation to obey evil temporal than evil spiritual rulers. They had been bidden to free themselves from one bondage, and now would they not be justified in freeing themselves from the other? Who were the nobility and the princes, it was asked, that they should make slaves of their Christian fellowmen?

While this was the frame of mind of the peasantry, they fell into the hands of men who were the most eccentric products of the Reformation. The fanatical Karlstadt and the raging madman Münzer had been driven out of Saxony by Luther and the party of order, and now they with their fellows and disciples were wandering up and down the land. Karlstadt, arrayed in the grey frock of a peasant, roamed through southern Germany, preaching of the equality of all Christian men, the vanity of baptism, and the mistaken view taken by the reformers as to the meaning of the Lord's supper. His crowning delight was iconoclasm, and wherever the populace were influenced by him, his sermon was followed by the

destruction of the sculptures and ornaments of the nearest church. If Karlstadt did not absolutely inculcate sedition, he certainly conduced to its progress. His violence in enforcing spiritual reform confirmed others in the belief that violence might be employed to obtain social reform also. We shall soon find him in the heart of the Franconian revolt, influencing the burghers of Rothenburg to cast in their lot with the revolted peasantry.

The famous Thomas Münzer was even wilder than Karlstadt. He began by asserting that the Reformation and Christian equality might be defended by the sword, but he ended with the frightful Taborite doctrine that all opponents not only might, but must, be put to death by 'the saints.' This last development of his theories, however, was not perfected till after the outbreak of the revolt, when his first success had rendered him quite beside himself, and altogether irresponsible for his own actions. For the last two years he had been growing more and more frenzied, and wandered like an unquiet spirit through all the lands between Thuringia and Switzerland. His teaching had considerable effect, though even among the peasants most men shrank as yet from its worst enormities.

There were numerous preachers of less note who were more or less infected with the taint of sedition. All through southern Germany, save perhaps in Bavaria, the lower parochial clergy were deeply stirred by the new movement. Not a few among them were maddened by the wrongs of the class from which they had sprung. The priests of Leipheim and Günzberg in Swabia and Strauss of Eisenach were found among the leaders of the rebellion of 1525, and the first named is said by some to have compiled the famous 'Twelve Articles.' It is noticeable that similar defections from the ranks of the church had not been unknown in the earlier peasant wars. Priests had been implicated in the old 'Bundschuh' rising, and in the 'League of Poor Conrad.'

Many of the German towns were drawn into the rebellion of 1525. The causes of their revolt were various. In some cases the town was a small agricultural centre, inhabited by a class in close touch with the peasantry, who felt the ordinary rural grievances as keenly as their neighbours in the open country. In other cases, as at Würzburg, the rising was political, as the townspeople hoped to take advantage of the convulsions of the time, and by liberating themselves from their sovereign to become free like the imperial cities. In other places, as at Rothenburg, religious differences had embittered the old strife between the oligarchy who formed the town council and their less privileged fellow-citizens. The latter were easily led to call in the insurgent peasantry to aid them in putting down their oppressors. In the small towns of Würtemberg the Austrian governors had set themselves to crush the reforming move-

ment, and were hated as persecutors as well as foreigners. But, with the single exception of Mühlhausen, the towns were not driven into the war by the religious frenzy which had proved such a powerful incentive to the rural population.

By the summer of 1524 the times were ripe, and the great outbreak took place. 'In the month of August of the year 1424,' writes one of the contemporary chroniclers of the rebellion, 'the peasants of the landgraviate of Stühlingen rose against their lord Count Sigmund of Lüpfen, maintaining that they were overburdened with feudal services, and impoverished by his hunting and preservation of game. When they came together and found no one to withstand them, they grew haughty and highminded, and said that they would no longer be serfs.'[1]

It has been affirmed that the immediate cause of the rising was a command of the countess of Lüpfen that the peasants should spend a holiday in collecting snail shells for her. Apparently this display of petty caprice added the last straw to the burden of the discontented villagers. They flocked together in arms to the number of six hundred, whereupon Count Sigmund sought refuge behind the walls of Radolfzell, a small town at the foot of the lake of Constanz, and despatched letters asking for assistance to Archduke Ferdinand of Austria and George Truchsess, general of the forces of the Swabian league.

Meanwhile the numbers of the assembled peasants rapidly increased. They set up a white, red, and black standard—a sign that they disavowed their allegiance to the local sovereign,—and chose as their leader one Hans Müller, an old lanzknecht. This man, 'an evil and rebellious fellow' as he seemed to his master, was one of the few chiefs of the revolt who displayed any capacity for organisation or command. When he found himself at the head not only of the Stühlingen people, but also of the subjects of the counts of Sulz and Fürstenberg, he was encouraged to carry out a scheme which had been suggested to him by the fanatic Thomas Münzer. He determined to establish an 'evangelical brotherhood,' whose members should each contribute two kreutzers to a fund destined for the payment of agitators who were to be despatched throughout the land. They were to rouse the peasantry and extend the association over Swabia and the whole of south Germany. The way for them had already been prepared by Münzer, who had for some time been wandering up and down, preaching his new gospel of reformation by the sword. Roused by these missionaries or excited by the impunity of their neighbours, the villagers of the Hegau and Klettgau joined the revolt in October, while in November the people of the parts of the Black Forest round Villingen were added to the rebels.

[1] *Schreiber des Truchsessen Georg von Waldburg*, p. 527.

By this time the Archduke Ferdinand and the Swabian league had collected some 2,000 troops, whom they placed under the command of Jacob von Landau, and sent into the disturbed region. For one moment there was a chance that the movement might be checked without a collision. The peasants did not assume the offensive, while the free action of the soldiery was fettered by the dread of provoking the Helvetic confederates. The Swiss of Schaffhausen owned much property in the Stühlingen territory, and would have resented fiercely any injury which might follow the ravages of open war. The Swabian league had no desire to see a repetition of the conflict of 1499, when it had fared so badly at the hands of its southern neighbours. Accordingly negotiations with the insurgents were commenced at Stockach, and no blow was struck. Many of the peasants, especially in the Hegau, were persuaded to return to their homes, on the understanding that none but the old-established feudal services should be exacted. 'Everyone thought that the whole business had been properly settled and put in order.' This, however, was far from being the case : a few weeks' experience showed the villagers that nothing had been won by their rising. The majority of the nobles, believing that the entire movement had collapsed, immediately resumed their old system of oppression. Looking on their subjects not as parties in an agreement but as men conquered without a struggle, they made yet more heavy the burden which had already been found intolerable.

As a natural result of this display of bad faith the whole Hegau again burst into revolt, and the month of December saw an increase in the area of disaffection, accompanied by the commencement on a small scale of the deeds which usually distinguished a peasant war. The insurgents of the Black Forest, joined by some of the Klettgau people under Hans Müller, made an incursion into the Breisgau, raised the serfs there, and plundered the abbey of St. Rupert. Meanwhile the negotiations at Stockach showed no signs of coming to a satisfactory conclusion, though several deputations from the peasants were received and heard, and advocates (one a doctor of the university of Tübingen) chosen to represent them. The cause of the deadlock was simple : the nobles wished to give up as little of their power as possible, while the insurgents, after their first disappointment, were very naturally suspicious of their lords, and had made up their minds for the entire abolition of serfdom.

While this was the state of affairs in the south-west of Swabia, in the south-east a similar movement began to appear. The peasants subject to the abbey of Kempten, in its broad domains east of the lake of Constanz, had always been among the most unfortunate of their class. Several abbots in succession had continued to encroach upon their rights. They had done their best to reduce

the yeoman to a tenant, and the tenant to a serf. As early as 1492 the inhabitants had striven in an unsuccessful armed rising to win back lost privileges. Since that date more and more feudal services had been heaped on the wretched villagers. A newly appointed abbot utterly refused all redress, and menaced petitioners with the sword of the Swabian league. Hence it was not unnatural that the people of Kempten should be attracted by the example of the Hegau and the Black Forest. Their first tumultuous assembly was on New Year's Day, 1525 :[2] on January 23 a great meeting formally resolved that if the Swabian league would not right them they would 'set the church bells ringing all through the Allgau and resort to force.' In a few days they were joined by the peasantry all down the valley of the Iller, including the subjects of the bishop of Augsburg and the count of Montfort. Their united forces mustered on the Luibas under a smith named Knopf. They appear to have adopted the idea of Müller's 'Evangelical Brotherhood,' and declared everyone who would not join their society a public enemy. They then drove a stake into the ground before the door and forbade anyone to buy, sell, or hold any communication whatever with him—a course which seems to foreshadow a modern method of procedure among the peasantry of a country nearer home.

In February the two areas of insurrection were connected by the revolt of the subjects of the abbeys of Ochsenhausen and Roth, and of the count of Waldburg. They numbered, if we may trust contemporary figures,[3] as many as 18,000 men, and are usually referred to as the Baltringen band (Baltringer Haufen) from the name of the village which at first formed the centre of their operations. Finally the rising of the whole of South Swabia was completed, by the accession to the insurgents of the people of the Austrian Landvogtei on the lake of Constanz and of the neighbouring territories. These were known as the Band of the Lake (See-Haufen), and were headed by a bankrupt merchant of Lindau, named Hurlewagen. The entire countryside was now divided between the five great masses of revolters—the bands of the Hegau, Black Forest, the Allgau, Baltringen, and the Lake—each of which mustered over ten thousand men.

The chiefs of the Swabian league at last recognised that it was no mere local agitation with which they had to deal, and consented to open a new series of negotiations with the peasantry on a broader base than that of the Stockach conference. They sent Neidhart, the burgomaster of Ulm, with other ambassadors of the first importance, to the camp of the Baltringen band, and asked for a full statement of grievances and demands. Meanwhile the nobles

[2] Cochlæus in Baumann, p. 783.

[3] *Schreiber des Truchsessen* &c. p. 533.

everywhere withdrew into the towns, taking with them such of their more valuable goods as they could contrive to transport.

In response to the new overtures the peasants made a formal statement of their wishes. Of the documents which they submitted to the deputies of the league the famous 'Twelve Articles' ('Die gründlichen und rechten Hauptartikel aller Bauerschaft') was the first and foremost. This declaration is of the highest importance and interest, as it furnishes us with the genuine expression of the spirit of the revolt in its earlier stage. Had we to trust for our information on this point to the vague and exaggerated language of the chroniclers, we should be far from understanding the basis on which the more moderate and clear-headed spirits among the popular leaders hoped to conclude an agreement with their masters. The 'twelve articles' was soon to become the chief manifesto of the Swabian insurrection, a position which it well deserved from its reasonable and practical character. It argues very considerable capacity in the person or persons who drew it up—we are unfortunately unable to fix with certainty on the author[4]—and is far from resembling the extensive scheme for the reconstruction of the whole empire which was afterwards put forward in Franconia, or the visionary and antinomian programme advocated by Thomas Münzer. Stated briefly the demands of the 'twelve articles' were:

I. That ministers should be chosen by the whole congregation, and should preach the pure gospel without human additions. If they misconducted themselves their parishioners should be empowered to remove them.

II. Only the great tithes (of wheat and other grain) as mentioned in the Old Testament should be in future exacted, and not the small tithes (of the produce of animals and the minor crops), which 'are unjust and vexatious inventions of men.' Of the proceeds one-third was to maintain the minister, the rest was to be divided between the sustentation of the church and the poor of the parish, a small reserve fund being set aside for times of war.

III. No one should any longer be held a bondman, 'for St. Paul says, "ye are bought with a price, be not ye the servants of man" (1 Cor. vii. 23). But everyone should obey in things reasonable and Christian the rulers ordained by God.'

IV. Game, fish, and fowl should be free 'as God created them,' and not preserved. They harmed the crops, and it was not right that what God had permitted to grow for man's use should be devoured by irrational creatures.

V. The management of woods was unreasonable, as the right to all firewood was claimed by the lords. All woodland should be restored to the community, and everyone should be permitted to take as much as he

[4] They were wrongly ascribed to Schappeler and Heuglin. Holtzwart, one of our contemporary authorities, says that the parson of Leipheim was reported to have been the author.

required for fuel or carpenter's work. But this should be done under the supervision of men appointed by the community, who should prevent the excessive destruction of timber.

VI. No feudal services were to be exacted beyond those which could be proved to be of immemorial antiquity.

VII. Any work beyond these ancient services was to be voluntary and to be paid for.

VIII. Rents, which were in a majority of cases excessive, should be reduced to reasonable amounts.

IX. All punishments should be fixed, not arbitrary, and no one should be twice punished for the same offence.

X. Common land on which the lords had encroached should be restored to the community.

XI. The right of heriot should be abolished, as being ruinous to widows and orphans.

XII. All these articles should be tested by scripture, and any which could be refuted therefrom should be null and void.

When we reflect that these demands were made by an oppressed population of serfs, labouring under strong religious excitement, and flushed by the consciousness that for the moment they had the whole country at their mercy, the moderation of the 'Twelve Articles' appears astonishing. Except the method by which they were put forward—armed insurrection—there is nothing wild or revolutionary in them. It was an unhappy thing that afterwards very different manifestoes were published, which also passed for the demands of the whole people, and obscured these earlier and more reasonable requests.

One of the most striking points of the document is the manner in which things secular and religious are interwoven. The German peasant wars had from the first a strong religious colouring. Hans Behaim, the first preacher of social reform in 1476, was as much a prophet as a revolutionist. The Bruchsaal insurgents of 1502 had bound themselves to say five Aves and Paternosters daily. The revolters in Würtemberg in 1513 had been encouraged by their priests, and had placed the words, 'O Lord, help the righteous,' on their great banner. Now, too, though the spirit was very different, though the war-cry was no longer 'Our Lady,'[5] yet spiritual things were more prominent than ever. The movement of the last few years had sent the peasant to the bible, now for the first time opened to him. Accordingly the preface to the 'twelve articles' was a string of texts taken from both testaments, and each clause was justified from the scriptures. There was at first no thought of maintaining that community of goods or the extermination of all adversaries was commanded in the gospel. We shall, however, see that these ideas were not unknown in a later stage of the conflict.

[5] As it had been at Bruchsaal in 1502.

In the first two articles, those which are devoted to religious demands, there is nothing extreme. The abolition of the 'lesser tithes' was by no means an extraordinary request. The claim of the priest to the tithe lamb or pig, and to the tenth of the crop of beans or hay, had in practice been most vexatious, and the cause of endless bickering. Meanwhile the 'great tithes,' the main source of the minister's income, were left untouched. The selection of the pastor by the congregation was a measure advocated by Zwingli, though not by Luther. In theory it was reasonable, but if put to the test at that particular moment might have led to the choice of men like Karlstadt or even Münzer. This prospect was distasteful alike to the secular and religious authorities, and the first article was, therefore, one of those which excited the most violent opposition.

The provisions which dealt with social reform were also remarkably sensible and moderate in tone. Some of them, such as Article IX., are so obviously just that we are struck with surprise at the existence of a state of society where it was necessary to insist on them as things new and strange. Great self-restraint is shown by the paragraph which disclaims any wish to abolish ancient and customary feudal services. The fifth article, too, is noteworthy for its foresight in providing a check on the speedy destruction of forests, which would inevitably have followed their being thrown open to the depredations of all comers.

But though these demands may appear eminently rational to the intelligence of the nineteenth century, they were by no means acceptable to the south German nobles of the days of the Reformation. To minds accustomed to regard serfdom as the proper and normal state of the lower classes, the fact that the peasants were endeavouring to legislate about their own condition seemed monstrous. When they were required to make compensation for damages done by their game, to pay their labourers, to tolerate the existence of a Lutheran preacher in every village, they thought that the whole fabric of society was tottering to its fall. Was it likely that they would consent to abandon the position of lords and masters of the rural population, and become a mere landed aristocracy, a class preponderant but no longer omnipotent in a community of freemen?

It is conceivable that the ruler of a considerable state might have accepted the peasants' terms, with the intention of reducing the power of his nobility, just as kings of France had done in an earlier age, when they fostered the growth of 'communes.' But Swabia, even more than most districts of Germany, was split up into innumerable petty states, the dominions of counts, landgraves, and abbots. In the whole circle there was but one important state, the duchy of Würtemberg, and this was at the time without a

ruler. Having been confiscated in 1519 it had been placed under Austrian rule, and was now governed by local magnates, such as the counts of Fürstenberg and Helfenstein, who bore rule under the authority of the Archduke Ferdinand.

Unhappily for the credit of the aristocracy, it seems probable that the Ulm negotiations were intended to gain time rather than to lead to reforms. That the suspicion is not unjustifiable is shown by their conduct after the previous conference at Stockach. We have already seen how unpalatable the demands of the peasantry must have appeared, and how slight was the probability of their being accepted. Yet the representatives of the league did not boldly refuse to consider them, but continued to temporise and to put off the giving of a final answer. With this end they rejected an offer of mediation made by the imperial 'Council of Regency.' That body, now, as always, very well-intentioned and very powerless, only able to suggest and not to command, proposed that each party should select arbiters. A prince and two cities were to be named by each, and were to decide on the measures of necessary reform. The league, however, would not even allow of the discussion of the scheme, for they were beginning to find themselves strong enough to resort to force. Their general George Truchsess had gradually brought together a considerable body of troops, and despite of the continuance of the negotiations proceeded to attack the peasants. He did not fall upon any of the great bands, but routed several small parties of the Hegau insurgents. These engagements seem to have been little more than massacres; the peasants were taken by surprise, as they were aware that the Ulm conference was still in progress. Hence we find that in one conflict several hundred rebels were slain with the loss to the leaguers of only a single trooper.[6]

But it was not destined that the rising should be put down at this juncture. A new factor in the disturbance now appeared, who was to give the peasants some weeks of respite. Ulrich, the exiled duke of Würtemberg, had been watching the course of events from the Swiss frontier. He judged the moment favourable for the recovery of his lost principality, and is even said to have been invited to return by the bands of the Black Forest. Accordingly he set out, not for the first or the last time,[7] to invade his old dominions. Leaving Basel on 26 Feb. he hurried by a forced march into Würtemberg, having with him 100 horsemen—his own personal followers—10,000 hired Swiss infantry, and thirteen cannon. Ulrich had been anything but a model sovereign in the day of his power, but in five years his subjects had come to appre-

[6] See Holzwart's *Rustica Seditio*, p. 6.

[7] He had already made the attempt in 1519, and finally succeeded in 1534 by the aid of Philip of Hesse.

hend that of two oppressive rulers the native was less unbearable than the foreigner. In the Austrian governors they had found tyrants almost as capricious and far more omnipresent than their late duke. The small towns accordingly threw open their gates to Ulrich, and he was able to occupy Ballingen, Herrenberg, and Sindelfingen without striking a blow. 'The populace extolled him to the skies,' says a contemporary, 'and declared that he was the only prince worthy of the obedience of such a freedom-loving race.' Truchsess was much disturbed on hearing of the duke's incursion. He at once relinquished his operations against the peasants, and marched to meet the invader.

Meanwhile, on 9 March Ulrich laid siege to Stuttgart, his old capital, which was held by a garrison of the troops of the league, under the count of Helfenstein, one of the Austrian governors of the district. In spite of an energetic resistance, a bombardment of three days brought the place to the verge of surrender. But in the very moment of success the duke experienced the disastrous effect of actions which were taking place in a far distant country. On 24 Feb. Francis I of France and his Swiss allies had lost the battle of Pavia. Some three weeks later the news reached the camp before Stuttgart, together with an urgent message from the governments of the cantons that every man was wanted at home. The duke's mercenaries obeyed, and marched off in a body, so that next day the unfortunate prince found himself left with some few hundreds of men to face the approaching forces of Truchsess. Resistance was hopeless, and accordingly a rapid retreat was ordered. At Ballingen the cavalry of the league was so close behind that Ulrich abandoned his cannon, and allowed his followers to disperse. He himself, accompanied by a few horsemen, rode back to Basel in deep dejection, having experienced in twenty-five days all the vicissitudes of good and evil fortune. George Truchsess was now at liberty to turn his arms against the peasants, who for more than a fortnight had been undisputed masters of the country. The task before him was daily becoming more difficult: from the Black Forest and the valley of the Danube the revolt was rapidly extending northward, and had already overspread the lands on the Main and Neckar. Even more important, however, than the broadening area of insurrection was the changed spirit of the movement, which was at last commencing to become embittered.

Up to the month of March the conduct of the peasants had been as moderate as their demands. When we consider the oppression under which they had been labouring, and the wild doctrines which had been set before them by Münzer and his fellows, we may be fairly amazed at their abstention from excesses. Their behaviour had on the whole been wonderfully good. Naturally there had been much petty pillage: the fish ponds of the feudal lord had been

drained, his game killed, and pilfering had taken place in his deserted castle. But of graver offences there had been few: not more than two or three castles or monasteries had been burned, and these were almost without exception in the districts where there had been a conflict with the troops of the Swabian league. When the peasants found themselves in possession of the land, they set to work to negotiate with their masters, and attempted to induce each one to sign an agreement to observe the 'Twelve Articles.' In the hour of their triumph they displayed a grotesque and lumbering hilarity rather than the ferocity that might have been expected. With the spirit of children released from fear of the rod, their leaders masqueraded in cowls and robes, and went through strange ceremonies in the character of priors or abbots. At other times they rode from village to village surrounded by the state of generals or governors. When they met a stray noble they took pleasure in addressing him with effusion as a 'Christian brother,' and sent him on his way after making him swear to observe the 'Twelve Articles.' Personal violence was as yet almost unknown. The people wandered about in great hordes, listening to preachers, exacting subscriptions to the 'Christian Brotherhood' from monasteries, and holding feasts to celebrate their newly won freedom.

A graphic picture of their behaviour is given by the monk of Irsee, whose chronicle is not the least interesting of the authorities embodied in Dr. Baumann's work. The subjects of the abbey of Irsee had risen in February, and at once commenced to put pressure on their masters, and to demand a formal ratification of the 'Twelve Articles.'

> On 3 March at nine o'clock, our vassals came to the meadow of Erlesbaind with drums, fifes, spears, pikes, and every sort of weapon. They were well furnished with helmets and breastplates, and all were armed to the teeth; nevertheless, they were not very fit for war, as they were perfectly innocent of any idea of obedience to their commanders. They were but aping soldiers in spite of their fine array.[8] It was a marvellous sight to see them, for one was bounding like a mad bull, his neighbour was yelling and tossing his arms aloft, crying, 'Ju! Ju!' while the next would be dancing. They did not attempt to keep any rank or order, and the sight of them brought to our minds the lines of the poet:
>
> *Rustica gens nulla genus arte domabile, semper*
> *Irrequietum animal.*

Nevertheless the peasants on this occasion did the monks no harm, and went away satisfied with some documents signed and a gift of food. It was not till the heat of the struggle with the army of the league, in the ensuing April and May, that the monastery was first plundered and then burnt.

After the retreat of duke Ulrich, in the latter half of March, the

[8] *Simiae erant, etsi aurea gestarent insignia.* (*Chronicon Ursonense.*)

heads of the Swabian league found their troops again at their disposal. Their resolve was immediately taken: they at once declared to the delegates of the peasants that no further negotiations would be carried on until the great bands dispersed and laid down their arms. When this was done, equitable terms should be granted. Such a conclusion was not what the insurgents had been led to expect from the previous course of the conference. They naturally refused to put themselves at the mercy of those who had already deceived them at Stockach. On receiving their answer the league commanded Truchsess to attack the peasants nearest Ulm, the 'Baltringen band.' Accordingly the general, who was encamped at Dagersheim, put his troops in motion for Ulm. Now, however, he was met by an unforeseen difficulty. Duke Ulrich's invasion had called forth all the forces of the league, and especially the contingents of the towns to whom he had been a bad neighbour. The citizens had been prepared to encounter the duke, but had no burnning desire to repress the peasants, whose conduct had not as yet been such as to disgust moderate men. Accordingly a considerable part of the army met Truchsess's orders with a downright refusal to march. 'They were resolved not to stir,' said their spokesman,[9] 'for the peasants had a just cause and were not misbehaving themselves.' Truchsess was much troubled by this declaration: he condescended to argue with the malcontents, and at last by his promises and harangues succeeded in inducing the majority of the city troops to march. The contingents of Memmingen and Constanz, however, and many of the Augsburg companies were left behind, and dispersed to their homes.

With nearly 6,000 men behind him Truchsess rode into Ulm, and passed through it to attack the Baltringen band. He found them, however, in such a good position that he shrank from a direct attack, as to reach them he would have been obliged to entangle himself in a hilly and marshy tract called 'The Alb.' To draw them down from their entrenchments he marched past their front and burnt several of the neighbouring villages, whose inhabitants were known to have joined the band. This roused the peasants to the first deeds of violence on a large scale which they had committed. Descending from their fastness they plundered and burnt the monasteries of Zweifalten, Ochsenhausen and Roggenburg, in the second of which a treasure of 7,000 gulden fell into their hands. On 2 April they made an assault on the small town of Weissenhorn, but were repulsed, in spite of the efforts of a party within the walls who made an attempt to open the gates for them. On the 4th their main body was attacked by the army of the league in front of the village of Leipheim. It was soon proved that in the open valley

[9] *Planc nihil facturos: causam bonam habere illos et nihil iniquum agere.* (Holtzwart.)

the rebels could not cope with trained soldiery. We hear that many old lanzknechts were in the ranks, but if this be true they had not been able to do much to get their comrades into fighting trim. The peasants recoiled when Truchsess's artillery opened upon them, and broke into flight when his mail-clad cavalry swept down upon their ranks. A thousand were slain, four hundred drowned in attempting to swim the Danube, the rest fled to the south. The battle was followed by the first executions: on the following day the priests of Leipheim and Günzburg, both of whom had joined the insurgents, and a peasant who had led the attack on the abbey of Roggenburg, were beheaded in the presence of Truchsess.

But the spirit of the Baltringen band was not yet crushed. The survivors, reinforced by outlying parties, took post on a hillside near Wurzach, to the number of 7,000, and again offered battle. The result of the day was even more decisive than that of the previous engagement. A vigorous attack drove the peasants back into a space where their flight was intercepted by a deep ditch, and many hundreds were cut down as they endeavoured to pass it. This blow broke up the band, and its members returned for the most part to their homes, burning such castles and monasteries as fell in their way (13 April).

The insurgents of the Hegau and the Lake had allowed their northern neighbours to be crushed without sending a man to help them. The absence of the former body may be accounted for by the fact that they were engaged in besieging the town of Radolfzell, where Sigmund of Lüpfen and many of his brother nobles had taken refuge. It is, however, more difficult to understand the conduct of the band of the Lake, who, although they were but two days' march from their brethren, made no attempt to assist them. It was now their turn to face the forces of the league: Truchsess, continuing his southward march, found them 14,000 strong, entrenched at the village of Weingarten. The evening of the 16th was spent in a distant cannonade, and it appeared that the next day would see a battle. This, however, was not to be. Truchsess was apparently influenced by the news which was then arriving of the great spread of the rebellion in the north, on the Rhine, and in Franconia. The peasants moreover were more than double the number of his troops, had fortified their position, and were well provided with artillery. Instead of attacking them, he opened negotiations. It would appear that the insurgents had been discouraged by the fate of the Baltringen band, for they assumed a conciliatory attitude. In a few hours the draught of a treaty was put together, in which several of the peasants' demands were granted, and an inquiry was promised into the whole question of serfdom. The Allgau band sent commissioners who took part in the agree-

ment, and the majority of the insurgents of south-east Swabia returned to their homes. A portion, however, of the Kempten people, who served under a red standard which gave its name to their company,[10] still kept the field, while the scattered remnants of the Baltringen band had not entirely evacuated the district south of Ulm. These lingering sparks of insurrection Truchsess was able to disregard, when an urgent appeal drew him to undertake the suppression of the more important movement in the lands beyond the Black Forest. In those parts the revolt was now at its height. On the very day on which the treaty with the band of the Lake was signed, the celebrated massacre of Weinsberg had been perpetrated, an event which has been so frequently detailed by historians that it is generally, though erroneously, supposed to show the character of the whole war.

The peasants of the states bordering on Swabia did not rise till the insurrection in that country had reached its full development. Odenwald and Franconia did not become disturbed till the end of March, Thuringia and Elsass made no movement before April, and in Salzburg and the Tyrol the outbreak occurred even later.

In the lands of the Main and Neckar the first stir was caused by the news from Swabia. It may be that the emissaries of the 'Christian brotherhood' had penetrated into the district, but at any rate the 'twelve articles' were produced at the first meeting of the insurgents on 26 March, and accepted as an exposition of Franconian as well as Swabian demands. The spread of the movement was very rapid: in a fortnight the whole of the 'priests' row,' the dominions of the archbishop of Mainz and the bishops of Würzburg and Bamberg, was in an uproar. The secular states fared no better, and the subjects of the margrave of Baden and the numerous counts on the Main were soon drawn into the revolt. Nowhere was there any organised force, like that which the Swabian league could show in the valley of the Danube, to offer opposition to the insurgents. There soon appeared two great bands—the 'white' and 'black'—one of which overspread the east of the disturbed district, the other the west. In command of the white band the innkeeper George Metzler of Ballenburg was associated with the celebrated robber knight Götz of the Iron Hand, who—perhaps acting under compulsion—had joined the peasants. These colleagues wrote in a haughty strain to the archbishop of Mainz, styling themselves 'Gottfried of Berlichingen and George of Ballenburg, commanders of all who dwell between Odenwald and Neckar.'

The Black band was recruited in great measure from the subjects of the bishop of Würzburg, and was centred at Rothenburg, a small imperial town on the Tauber. At this place Karlstadt had established himself, and soon showed how intimately his subversive

[10] *Exercitus rubei vexilli.* (Holtzwart.)

preaching was connected with the revolution. There had been an old feud in the town—as was usual in the free communities of Germany—between the town council and a democratic faction of the unprivileged citizens. The latter espoused the cause of Karlstadt, and enabled him to carry out his ideas. It was only on March 19 that the preacher arrived in the place, but already by the 24th the images were everywhere cast down and broken, while on the 26th the priests were violently expelled from the churches when they attempted to celebrate mass. On April 8 one of Karlstadt's admirers, a certain Dr. Drechsel, preached a fiery sermon 'against emperor, kings, princes, and lords for hindering the word of God.' When the peasants were already mustering before the city gates, it was evident to what such words pointed. On the 11th an address by Karlstadt was followed by the sack of a convent. A party of the citizens there sent assurances of help to the insurgents without, while the town council was forcibly dissolved, and gave place to a committee of the democratic faction. In a few days this body concluded a formal alliance 'for 101 years' with the peasants, and engaged to supply them with artillery and powder for an attack on Würzburg.

The Franconians were at first entirely unopposed in their revolt. Of their rulers hardly one refused to bend before the storm; the bishop of Bamberg, the counts of Wertheim Rheineck, Henneberg and Hohenlohe agreed to all the terms which were laid before them. The bishop of Würzburg would have followed the same course but for intervening circumstances. The people of his cathedral town had allied themselves with the peasants, in order to carry out a long-cherished scheme for making the place a free city, like the neighbouring Nürnberg and Frankfurt. They did not wish that their sovereign should come to an agreement with their confederates, and contrived that the terms dictated to him should be more than ordinarily hard. The bishop, as they had foreseen, was driven to a refusal, though his means of resistance were but small. He entrusted his citadel, the Frauenberg, to Sebastian Rothenhahn, a man of whose fidelity he showed no doubt, though Sebastian when a member of the Council of Regency had proved himself a strong supporter of Lutheran views. The townspeople and peasants combined immediately laid siege to the castle, using against it the cannon which had been furnished them by the Rothenburgers. In the whole of Franconia the citadel of Wurzburg was the sole centre of opposition, and its defenders, cut off as they were from all news of the outer world, might well doubt whether the flood of rebellion was not destined to rise over the one height which still remained unsubmerged. Nevertheless the energy of the governor encouraged the garrison to hold out for a full month, until at last relief came.

But before the investment of the Frauenberg had commenced, a deed had been done in the valley of the Neckar which wrought irreparable damage to the peasants' cause, and alienated from them the sympathy of moderate men throughout Germany. A large party, drawn apparently from the 'White' and 'Black' bands alike, had marched towards the boundaries of Swabia, wishing—as it seems—to connect the northern and southern areas of insurrection, by opening communications with the great band of the Black Forest. The direction they took brought them into conflict with the count of Helfenstein. This nobleman, as we have previously mentioned, was one of the Austrian governors in Würtemberg, and had distinguished himself by his successful defence of Stuttgart against Duke Ulrich. Though not strong enough to face the main body of the insurgents, he thought himself able to intercept the Franconian invaders. With a very scanty following he took post at Weinsberg, a little town on the Neckar which had as yet been untouched by the revolt. His energy was further displayed by the execution of some peasants of the neighbourhood who were accused of having incited their neighbours to rise. But the measure, which was intended to strike terror into the district, only led to exasperation. The moment that the Franconians appeared the whole countryside rushed to arms, and a determined assault was made on Weinsberg. The gates were thrown open by treachery from within, and Helfenstein with nineteen other knights and nobles and such of his soldiers as survived the storm were taken prisoners. The Franconian leaders Hipler and Geier had no intention of authorising a massacre, which they knew must be prejudicial to their cause. Being no mere peasants, but politicians, and men of wide though visionary views, they had no wish to inaugurate a Jacquerie. But the local insurgents had been roused to the wildest bloodthirstiness by Helfenstein's execution of their neighbours. Before the assault they had sworn that they would kill 'every man who wore gilded spurs,' and in spite of their leaders' opposition they proceeded to fulfil the threat. At daybreak on 17 April, a certain Hans of Rohrbach led them to the prison, and brought out to them the count and his companions. It was no mere military execution which followed, but a barbarous scene worthy of savages. Its circumstances were not unlike those of the murders on Wexford bridge by the Irish rebels of 1798. One of the prisoners, Dietrich von Weil by name, was taken to the top of the church tower, and thrown from it in his armour. The count himself was led between two ranks of pikemen, while a man named Melchior Nunnenmacher (who had formerly been his butler[11]) danced before him playing on a pipe, 'for the dance of death.' As Helfenstein passed,

[11] *Pincerna*, Holtzwart: others give other offices to the man. For Dietrich von Weil's fate see the chronicle of Weissenhorn in Baumann.

each pikeman stabbed him till he sank down dead. His young wife, who dared to intercede for him, was felled to the ground, and her infant son wounded in her arms. The remainder of the prisoners were then dragged forward and despatched in the same way as Helfenstein. Such was the famous massacre of Weinsberg, a crime which brought a terrible retribution on all the peasants alike, though only one band had been engaged in it.

Wendel Hipler and Florian von Geier, the leaders whose orders were disregarded by the murderers, were among the few members of the higher classes who had joined the insurrection. The latter was of noble birth,[12] while the former had held an official post of some importance as chancellor to the count of Hohenlohe. Hipler is celebrated for having produced—in conjunction with Frederick Weigant of Miltenberg—a scheme for the reconstruction of the imperial constitution which was published as the chief manifesto of the Franconian insurgents. It was a most visionary plan, full of projects for sudden and violent social changes, and could only have been put forward during the throes of a national convulsion. It did not treat of the reform of social and religious abuses alone, as did the Swabian 'Twelve Articles,' but proposed a reconstitution of the whole state, with a special care for the interests of the peasantry. In short, just as all Sickingen's plans were coloured by the fact that he was leader of the knights, so were Hipler's by the fact that his ideal constitution was to be established by the aid of the insurgent countrymen. A sweeping confiscation of church property was, according to him, the panacea for all ills. The princes and nobles were to give up, the former their taxes and tolls, the latter their feudal rights and dues. But they were not to be without compensation. The princes were to receive portions of the territory of the ecclesiastical states, the nobles of the lands of monasteries and convents. And since every rood of land in clerical hands, from the dominions of the elector of Mainz down to the holding of the smallest monastery, was to be confiscated, it was calculated that with the surplus remaining all the public expenditure of the empire could be met, and even a pittance set aside for the maintenance of the expropriated churchmen. For the emperor a tax was to be raised only once in ten years, but he was to be the sole ruler of the realm, and to him alone was allegiance to be sworn. In the unified state there was to be but one coinage and one system of weights and measures. Special care was devoted by Hipler to the parts of his scheme which dealt with the administration of justice. The peasantry bore a deep grudge against the existing courts and their Roman law. In these, as the emperor Maximilian had said,[13] 'the poor man either got no justice at all against the rich, or it was so sharp and fine-pointed

[12] See the chronicle of Weissenhorn. [13] Ranke's *Hist. of Reformation*, vol. i.

that it availed him nothing.' It was accordingly proposed that in future the citizen and peasant were to be represented by assessors in all law courts, and in the supreme court they were to muster ten votes, as against six belonging to the princes and nobles. Doctors of Roman law were to be excluded from legal business, and were to be confined to the universities, where they might give advice on the theory of jurisprudence. Finally, it was said, everyone was to live in brotherly love with his fellows; the clergy should be true pastors, and the princes and knights should employ their valour solely in the service of the nation.

These projects were, of course, hopelessly visionary. They insured the opposition of princes and nobles, and the bitter resistance of the clergy to the whole movement. The first were to be made merely the emperor's most powerful subjects instead of retaining their position as independent rulers, the second were to lose their cherished feudal rights, the third to be stripped of all their endowments. Unless the peasantry were strong enough to carry all before them by their unaided might, the scheme had no chance of being put into practice. Meanwhile the framers of the constitution were not likely to find the independent public opinion of Germany influenced in their favour by the conduct of their followers at Weinsberg. A massacre was a singular commencement for the reign of brotherly love.

From the first the conduct of the Franconian insurgents was more violent than that of their fellows in Swabia. They appear to have considered that the best way to assist their leaders' designs on church property was to destroy monasteries. Perhaps they acted on Zizca's principle that it was well to destroy the nests lest the birds should return. At any rate, the plunder and burning of abbeys and convents was begun in the first days of the rising, and the castles of the knights who had fled or joined the garrison of Würzburg shared the same fate. Of monasteries and castles more than two hundred were ruined in the months of April and May. Those of the nobility who had acceded to the peasants' terms paid for their personal safety by submitting to constant insult and exaction. The counts of Hohenlohe were hailed as brothers and embraced by a tinker, and reminded that in future they were to consider themselves not lords but peasants. Every day some new band arrived to levy contributions 'for the common cause' from these 'richer brethren.' In short, if the leaders had expected to conciliate the upper classes by the prospect of secularisations, they found their work undone by the conduct of the mob which followed them.

In the countries to the west of Franconia the rebellion broke out in the month of April. Its greatest development was in Elsass, where 20,000 men came together and seized Zabern, the residence of

the bishop of Strassburg. The small towns and the city of Strassburg remained nominally neutral, but were accused of secretly assisting the peasants with arms and cannon. For a month the revolt met with no opposition whatever, and, as in the lands across the Rhine, the flames of castle and cloister shot up as the great conflagration rolled westward.

A little further to the north the elector palatine and the bishop of Speier were attacked by their subjects, and had to treat with them on the basis of the 'Twelve Articles.' The archbishop of Mainz, whose dominions in Franconia had already passed out of his control, was in danger of losing his capital also. On 25 April the populace rose, closed the gates, and proclaimed Mainz a free imperial city. It was several weeks before the archbishop felt himself strong enough to act. At last when he had collected 600 troopers he re-entered the town. He met with little resistance, and was able to seize and behead four popular leaders, and to reinstate himself in his former position. But in the country districts his authority was not restored till the end of June. At Trier, and even as far north as Münster, the town councils were at the same time beginning to stir against the prince-bishops who were their lords, of course with the object of throwing off their subjection, and becoming free cities. At Frankfurt-on-Main the corporation was attacked by the unenfranchised lower orders, but in none of these three towns did open revolts occur. The malcontents waited to see the fate of the great movement in the south, and thus escaped the fate of those who boldly committed themselves to insurrection.

In the outlying districts of the circle of the upper Rhine there was a rising in connexion with the Franconian revolt. The peasants of the spiritual principalities of Fulda and Hersfeld compelled their rulers to come to terms, and to make ample concessions in religious as well as temporal matters. In Hesse the government of the young landgrave had not been oppressive, and a strong support had been given by the authorities to the new religious doctrines. Nevertheless a slight disturbance broke out in Philip's dominions, though it was not to be compared in violence or extent to those which raged in the neighbouring states.

But it was in Thuringia that the strangest episode of the whole war took place. The wanderings of the fanatic Münzer had brought him north, to the small imperial town of Mühlhausen. In this place he found exactly the same state of things which Karlstadt had met at Rothenburg, and which indeed existed in most of the free cities. The town council was engaged in a losing battle with the poorer inhabitants, whose demagogic leaders were prepared to go any length in their opposition. Münzer immediately put himself at the head of the latter party; it seems that his frantic energy drew them to follow wherever he chose to lead. The authorities

were soon deposed and replaced by nominees of the preacher, who was himself invited to sit as their assessor. Then his frenzy burst out in the wildest extravagance. He had taught the citizens of the 'spirit' which inspired him, and he now showed them its workings. He began by measures tending to community of goods, and made the rich—the political party he had vanquished—maintain the poor. Next he undertook to preside in the law courts, and gave sentence 'according to his revelations' unfettered by petty technicalities of Saxon law. By this time the month of April was come, and the news of the Franconian insurrection had excited the peasantry of the surrounding districts. Feudal obligations were less oppressive and general in Thuringia than in the south, but, on the other hand, the wilder teachings of the extreme reformers had sunk deeper into the popular mind, while there existed numerous unprivileged classes—notably the semi-servile miners of the Harz district,—who longed for freedom. Münzer resolved to fan this religious and social discontent into a flame, and to put himself at the head of the rising. The manifestoes which he issued to the Thuringian peasantry were the products of a diseased mind, filled with the most frantic bloodthirstiness. He did not lay before them any political scheme, or speak of the reform of definite abuses, but preached of the establishment of a 'new kingdom of righteousness,' where everything should be decided by heavenly inspiration, 'given to a second Daniel, who shall lead the people like Moses.' It was no 'fabulous and honey-sweet gospel of Luther' that he brought forward, but the stern teaching of the 'spirit of inspiration.' 'I say with Christ,' said he, 'that ungodly rulers should be put to death.' 'God was about to smite the old pots with his rod of iron,' and therefore all men should range themselves on God's side. 'Arise!' he wrote to the subjects of the counts of Mansfeld, 'arise, and fight the battle of the Lord! The time is come, the wicked are trembling. But heed not the cries of the ungodly, and be pitiless. On! on! on! Let not the fire be extinguished, let not the sword grow cool from bloodshedding.' His chief fear was that the peasants might be content to exact reforms from their lords, and might shrink from following him to the end. Therefore his exhortations were heard: 'Beloved brethren, do not relent if Esau gives you fair words; give no heed to the wailings of the ungodly. Lay Nimrod on the anvil, and let it ring lustily with your blows; cast his strong tower to the earth while it is yet day.'

Münzer's harangues were not without their effect. The rising that he desired took place, and he found himself at the head of a band of some 8,000 men, citizens of Mühlhausen, miners and peasantry. Many more gathered in troops on the hills, and waited to see the fortune of the prophet before joining him. Münzer was prepared to engage in a regular war; he had opened a cannon

foundry at Mühlhausen, and fortified the place to serve as his stronghold. But his first efforts were directed against his weakest enemies. He swooped down on all the monasteries between the Harz and the Thuringian forest, and gave them to the flames. The great work was begun, and Münzer was beside himself with joy. Everywhere his voice was heard hounding on the people to use fire and sword, while his proclamations were signed, 'Thomas Münzer with the sword of Gideon.' 'At last,' he said, 'we will pay the blasphemers back all that they have done to poor Christendom.' Having made an end of the monasteries, this dangerous madman prepared to attack the castles of the nobility. But his reign of terror was destined to last no longer than a month, and before his plans had been fully developed he met his end. While the shadow of approaching anarchy seemed closing over the land, the good old elector Frederick of Saxony lay dying in his castle of Lochau. In despite of the surrounding confusion his end was peaceful; he had always been a kind master to his subjects, and he could meet them with a clear conscience. He did not allow his last hours to be troubled by the rebellion, 'for,' he said, 'the peasants cannot conquer unless it be by the will of God.' On 5 May he died, and was succeeded by his brother John, who was even a more zealous protector of Lutheranism than himself. The new elector had little time for mourning: before he thought of anything else it was absolutely necessary that he should suppress Münzer's outbreak.

In the same month which saw the revolt of Elsass and Thuringia there were risings in the south-east of Germany. In Bavaria the dukes had succeeded far better than their neighbours in excluding the Lutheran movement from their dominions. But if the duchy was quiet, on its borders the peasants of Eichstät plundered several monasteries, and besieged their bishop in his castle. They were, however, soon dispersed by troops sent to the assistance of his clerical neighbour by Duke William of Munich.[14] In the Tyrol a more important movement arose. The Archduke Ferdinand, the archbishop of Salzburg, and the bishops of Trent and Brixen had all signed the reactionary agreement of Regensburg. But their subjects had other religious tendencies, and demanded in their manifestoes that in future 'the gospel should be preached pure and plain according to the sense borne by the text.' For two months the valley of the Inn was in the hands of insurgents led by reforming zealots, while the townsfolk of Salzburg held their archbishop besieged in his citadel.

The month of April was that which saw the rebellion at its height, both in extent and in violence. From the Harz to the valley of the Adige, from Lorraine to Salzburg, the whole country was in an uproar, and it was only at a few isolated points that the

[14] Holtzwart, in Baumann's *Quellen*.

movement had been checked. The successes of Truchsess and his army in the valley of the Danube, and the determined resistance of Würzburg and a few other garrisons, seemed of no importance while the flood of rebellion continued to rise in every other quarter.

When this supreme social and religious crisis had fully developed itself, nothing could be of more importance to Germany than the position which the recognised leaders of the Reformation might adopt. A false step might commit them either to complicity in the outrages of the peasants, or to condoning the oppression of the nobles. It is difficult to decide which of these alternative courses would have proved the more discreditable and injurious. Luckily, Luther's unswerving adherence to his principles led him to take the right decision. Now in 1525, just as formerly during the anti-clerical crusade of Sickingen, he continued to assert that the victory of the gospel was not to be won by brute force, and therefore he would not give one word of encouragement to those who made religious zeal their excuse for taking up arms. At the very commencement of the revolt he spoke to the peasants in plain terms: 'Many of their demands,' he granted, 'were founded on justice, but rebellion was the act of heathens. Christians should endure and not fight, for the warfare of faith should not be carried on with sword and arquebus.' He therefore exhorted them, hard though the sacrifice might be, to submit to the constituted authorities. But to the nobility Luther addressed words of equal strength; their conduct he declared to be quite as sinful as that of the insurgents.

> It is you [he cried] who have caused the revolt, it is your declamation against the gospel, it is your guilty oppression of the poor of the flock. My dear lords, it is not only the peasants who have revolted from you, but God is setting himself against you. The peasants are but His instruments to humble you. Think not that you can escape the punishment reserved for you; even if you could succeed in exterminating all these rebels, God could from the stones raise up others to chastise your pride. My dear lords, calm your anger, grant reasonable conditions to these poor people as to frenzied and misled persons, appease these commotions by gentle methods, lest they give birth to a conflagration which shall set all Germany in a flame. Remember that some of their twelve articles contain just and rational demands.[15]

Presently, when the news of the massacre of Weinsberg had reached him, when the excesses of Münzer were being committed at a few miles from his dwelling, the tone of Luther's exhortations became different. His tract 'Against the Plundering and Murderous Peasants' is strong even to harshness in its condemnation of actions which although unjustifiable were certainly not unprovoked. The reformer's zeal for the maintenance of constituted authority

[15] From the 'Admonition concerning the XII. Articles of the Swabian Peasants' issued early in the spring of 1525.

was so strong that it overpowered all sympathy for the delusions of the class from which he himself had sprung. We must indeed remember the original bent of his character, and remind ourselves that the bands of peasants who were immediately under his observation were the blaspheming hordes of Münzer, or we shall be tempted to stigmatise his denunciations as truculent and unjust.

> The rebels [he wrote] commit three great crimes: they rise against those to whom they have sworn allegiance, they rob and plunder castle and convent, and worst of all they cloke their crimes under the profession of the gospel. Therefore let him who can bear arms smite and slay, and meet death, if needs be, in God's service. If you neglect to shoot a mad dog, both yourself and your neighbours perish.

Such was the verdict given by Luther on the Peasants' War, a decision which unquestionably had the greatest effect in withdrawing from the rebels the sympathy of the middle classes, who looked up to the great reformer for guidance in times of doubt.

The first of all the bands of insurgents which was to meet its fate was the most mischievous, that led by Münzer. Towards the end of April, Philip of Hesse, whose own domains had been but slightly disturbed, was able to collect a considerable force, and to come to the assistance of his neighbours. He first put down the rebels of the clerical states of Fulda and Hersfeld; next turning north he proceeded to march against the great Thuringian band. The elector John, his catholic cousin George of Saxony, and Henry of Brunswick joined the Hessians with all the followers whom they could collect. On a hillside near Frankenhausen they came upon Münzer's forces, drawn up, according to the old Hussite tactics, behind a barricade of waggons. Before commencing an attack the elector prevailed upon his colleagues to give the insurgents a last opportunity for submission. A certain Maternus Geholfen was sent as herald to them, with assurances of pardon if they would lay down their arms and disperse. But Münzer was in one of his wildest moods: instead of returning an answer he took the unfortunate messenger and hewed him in pieces before the army. Then pointing to a rainbow which was visible at the moment, he proclaimed to his band that a miraculous sign of victory was vouchsafed them. In a few minutes his lying prediction was falsified. The artillery of the princes beat upon the barricade of waggons and shattered it, ploughing through the dense ranks of insurgents who were arrayed behind. Münzer had promised his men that not one of them should fall, and the sight of the carnage around suddenly revealed to them that their prophet was a deceiver. They were already wavering when the Hessian horsemen rode forward to the attack. The peasants turned to fly, but in a few seconds the cavalry had passed through the broken barricade and were among

them. Exasperated by the slaughter of their envoy the victors gave no quarter, and by far the greater number of the insurgents fell in the pursuit. As many as 8,000 met their death on the spot. Münzer himself was discovered hiding in a loft. He was dragged out and taken to the camp of the princes. When questioned as to his designs he gave answers which betrayed either actual madness or the bitterest anguish of spirit. When led out to execution he was unable even to repeat the words of the creed, and seemed hardly sensible of his position.

On hearing of the death of their prophet the remainder of the Thuringian insurgents began to return to their homes. Mühlhausen surrendered after the faintest attempt at resistance. Only a single band remained in arms, and dared to face the elector John. He met them near Meiningen and routed them without the slightest difficulty. A few executions followed, among which was that of Strauss of Eisenach, a parish priest who had made himself prominent among the rebel leaders. The pacification of the Saxon dominions was now complete.

Five days after the battle of Frankenhausen the Alsatian revolt was suppressed. Duke Antony of Lorraine defeated the main body of the insurgents at Zabern, on which the survivors sent to demand pardon. But a few days later they were accused of meditating a new attack, and surrounded by the forces of the duke. A mere massacre followed, in which it is said that some nine thousand rebels were slain. The whole campaign west of the Rhine is reported, we may hope with exaggeration, to have cost the lives of 17,000 peasants.

We have already mentioned that George Truchsess, at the head of the army of the Swabian league, had marched to the north-west after his treaty with the bands of the Lake and Allgau. His line of advance brought him in contact with the insurgents of the Black Forest. At Böblingen near the town of Sindelfingen he met and overthrew their forces. Many prisoners were taken, among whom was discovered the man Melchior Nunnenmacher, the 'piper of Weinsberg.' His execution was even more barbarous than the crime he had committed. He was fastened to a tree, while a ring of faggots was piled up at the distance of several feet from his body. When these were lighted he was slowly roasted to death, in the presence of the commander and many officers of the Swabian army. After executions had taken place and heavy fines been inflicted throughout Würtemberg, the troops marched north to attack the bands of Franconia, and more especially to relieve the long-beleaguered citadel of Würzburg, where Rothenhahn was still holding out against the siege artillery and repeated assaults of the insurgents. Truchsess's route lay through Weinsberg, which he burned to the ground. A few days after, he joined the forces of

the elector palatine and the archbishop of Trier, who had succeeded in checking the revolt on the middle Rhine, and had been lately occupied in reducing the Kraichgau to order by a series of summary hangings. The united army, now nearly ten thousand strong, marched on Würzburg. On their way they met the 'White band,' or insurgents of the Odenwald, with which the body who had perpetrated the massacre of Weinsberg had taken refuge. Near the small town of Königshofen the peasants had posted themselves on a hillside, with no less than forty cannon disposed along their front, and with their flanks protected by two small woods. Truchsess resolved on an immediate attack: he himself with the Swabian army marched straight at the insurgents' centre, while the elector palatine turned their position by marching round one of the woods. Both movements were crowned with success: the horsemen of the league rode straight through the line of guns with no great loss, and fell on the disorderly masses behind. Just as these were recoiling the elector appeared on their flank and cut off the retreat of their left wing. In the confusion and flight which followed, an awful slaughter took place; more than 3,500 insurgents fell on the spot, and several hundreds more who threw down their arms were shot, as the granting of any quarter had been prohibited.

Two days later the 'Black band,' which had been advancing to the aid of the Odenwald army and had not yet heard of its defeat, was encountered by Truchsess near Engelstadt.[16] Its defeat was even more bloody than that of the allied body; the victors again refused to give quarter, and 6,000 men are said to have fallen in the rout. The day had been more hotly contested than was usual; in one part of the field a body of 600 peasants, who had established themselves in a ruined castle, held out with desperate courage all through the afternoon and evening, and were only dislodged and cut down at nightfall.

Next morning the Swabian army was drawn up and reviewed by its commander. Of the 7,200 men whom he had led from Ulm on 2 April, 5,600 were still at his disposal. In a campaign of two months, during which five[17] pitched battles had been fought, Truchsess had lost only sixteen hundred men.[18] The price was small when we consider that he had broken the strength of the rebellion alike in Swabia and Franconia, and had destroyed nearly twenty thousand of his unfortunate antagonists.

Now that the fighting in the valley of the Main was nearly at an end, the army of the league and the princes was joined by several new contingents. Chief among these was that of Casimir of Hohen-

[16] Not Ingolstadt, as in Ranke.

[17] At Leipheim, Weingarten, Böblingen, Königshofen, and Engelstadt.

[18] Holtzwart, p. 685.

zollern, margrave of Culmbach, who distinguished himself above all his fellows by his ferocious cruelty to the conquered. When once the carnage of battle was over, Truchsess had contented himself with the hanging of a comparatively small number of the ring-leaders of the revolt. The atrocious execution of the 'piper of Weinsberg' was the only deed by which he can be accused of having outraged the moral feeling of the day, and in this case the provocation had undoubtedly been great. Margrave Casimir, however, revelled in torture and mutilation. He rode from village to village supplementing the hanging or burning of the leaders by the amputation of the right hands of the led. At one place in his own dominions seventy peasants surrendered to him under a promise that their lives should be spared. Ordering them to be brought before him, he told them that he had heard how a month ago they had boasted that they should never see their master again. He was now about to verify their prediction, as they should all have their eyes put out. Accordingly the whole of the wretched men were blinded with red-hot irons, and then confined in a dungeon, where the greater part perished from the festering of their untended wounds.

On 6 June the allied army appeared under the walls of Würzburg and relieved the long-besieged citadel.[19] The town surrendered after a faint show of resistance, and a mixed multitude of five or six thousand peasants and citizens laid down their arms in the market-place. From among them their master, the bishop, picked out sixty-two, who were beheaded: Florian von Geyer, however, who had been their chief commander, seems to have escaped. Götz of Berlichingen, the other noble who had been implicated in the revolt, and had held command in the 'White band,' was less fortunate. In spite of his protestations that he had only acted under compulsion, he was thrown into prison and held in strict confinement.

After the relief of Würzburg the princes marched to reduce the eastern parts of Franconia. There was no longer any heart left in the insurgents; Bamberg, Rothenburg, and Schweinfurt surrendered at the first summons, and gave up their leaders for execution, besides paying fines of from two to six thousand gulden. The last band of peasants which held together was surprised and cut to pieces by Margrave Casimir near Dünkelspiel, and by the end of June the whole country was reduced to order. Its condition, however, was fearful: beside the ruins of sixty burnt castles and abbeys lay those of twice as many sacked villages; corpses swung on gallows at every cross-road, and the unburied bodies threatened to breed a pestilence round the battlefields of Engelstadt and Königshofen.

[19] It was none too soon, as the besiegers had opened a breach 25 feet wide in one place, and had mined the wall and were ready to throw down 150 feet of it in another

The neck of the rebellion had now been broken; the remainder of the war was little more than the dying struggle of the isolated and outlying limbs. It was only in a few districts that the peasants remained in arms, and against these the whole force of the conquerors could be concentrated. The elector palatine and the archbishop of Trier stamped out the last sparks of insurrection on the lower Main and the banks of the Rhine. The army of the Swabian league marched to subdue the revolt which lingered in the country round Kempten. There the 'band of the red flag' had reigned unresisted since the end of April. They had committed the wildest devastations, burning every castle and convent in the Allgau. At Babenhausen, where they met with resistance, they massacred the scanty garrison to a man. Hearing that the arms of the league were now to be turned against them, they concentrated to the number of fourteen or fifteen thousand in a fortified position behind the river Luibas. Before this appeared on 19 July not only Truchsess and the troops he had led from Franconia, but the famous old general, George of Frundsberg, who had lately returned from Italy, and had been placed at the head of a small reserve army, which the league had raised during the absence in the north of its main force. For a day the peasants held their ground against the cannon which played upon them from the farther bank of the river. On the next morning, however, they were found to have disappeared. We are told that two of their leaders had been bought over by Frundsberg. These men, if report spoke aright, proposed a night attack on the Swabian camp, and led their followers by the wrong path to two isolated spots at a distance from their fortified position. At daybreak the peasants found themselves separated and misled; instead of attempting to regain their stronghold, they retreated to the hills. After a few days they began to grow short of provisions, gave up their chiefs to Truchsess, and surrendered at discretion. Twenty-four of the prisoners were beheaded the next day: the rest were dismissed to their homes.[20] About the same time the band of the Hegau, which had been occupied for the last two months in besieging the town of Radolfzell, was dispersed by the count of Werdenberg.

Of all the insurgents, who in April had appeared to be masters of half Germany, only those of the Tyrol remained unsubdued. Their reduction did not take place till the spring of 1526. This long immunity which they enjoyed was due to a series of negotiations which they carried on with Ferdinand of Austria. The archduke, unlike most German princes, saw his way to making profit out of the rebellion. The subjects of his clerical neighbours the archbishop of Salzburg and the bishops of Trient and Brixen offered to accept him as their sovereign, if he would grant them

[20] Geyer's *Handlung des Bunds wider die Bauern*, p. 746.

certain terms, modelled on the 'Twelve Articles.' Catholic though he was, Ferdinand showed no scruple in consenting to the robbery of spiritual princes. He entered into a discussion with the rebels, and would undoubtedly have secularised the bishoprics had he not met with opposition. The Swabian league, however, and the dukes of Bavaria interfered, and Ferdinand had no wish to come into conflict with them. He therefore abandoned the peasants. Left to themselves the mountaineers made a gallant stand. The first attack of the Swabian troops on the Salzburg band was defeated with the loss of 1,000 men, by far the heaviest suffered by the victorious party in the whole of the peasant war. The second assault, made by increased forces, guided by deserters, and headed by the experienced George of Frundsberg, was more successful. The rebels were dislodged from their fastnesses, and compelled to disperse. Thus the last embers of the great conflagration of 1525 had at last been stamped out.

The end of the period of actual conflict in south Germany was by no means synchronous with that of the period of punishment. On the districts already most exhausted by loss of life and destruction of material resources the penalty fell heaviest; for nine months after the fighting had ceased large bodies of the troops of the league were kept at free quarters in the towns and villages which had been the centres of revolt. By their aid rebel leaders who had for the moment escaped were continually being hunted down. Many of these fugitives were apprehended, and their executions prolonged a reign of terror for several months. Others fled to distant lands, and several are said to have been recognised twenty years later serving in the ranks of the Turkish invaders of Hungary. It is computed that in all no less than 2,000 persons were hanged or beheaded between the months of April and September. 'There was not a single noble,' writes a contemporary chronicler, 'who did not execute several peasants, and fine or imprison many more.' The exactions on the ravaged districts were often enough to retard their recovery for years; not only were heavy poll taxes of four or five florins laid upon the villagers, but the corvées and requisitions for men, carts and horses were unending. The general principle was that the harm done should be repaired by those who had wrought it, and therefore devastated castles and monasteries, whose building had been the work of centuries, were now to be reconstructed by forced labour in two or three years. Truchsess himself, pitiless as he had shown himself during the conflict, was an exception to the general rule, when he told his vassals that both he and they had suffered sufficiently from the war, and that no further burden should be laid on them.

C. W. C. Oman.

The Hundreds of Domesday

I. THE HUNDRED OF LAND.

THE occasional mention in Domesday Book of hides in Leicestershire has long been a stumbling-block to students of the great survey. The obvious explanation that these hides in a county assessed by carucates meant land newly brought into cultivation, which Mr. Eyton believes to be the meaning of the carucate in the hidated counties,[1] is excluded by the language of the Domesday entries. Mr. Eyton was puzzled by these Leicestershire hides,[2] and another eminent Domesday student, Mr. J. H. Round, merely says that 'the *formulae* in that county appear to be very peculiar,'[3] and attempts no explanation of the passages. I venture to suggest that these Leicestershire *hidae* are not hides at all, but *hundreds*. In the survey the abbreviation *hd* stands for *hundred*,[4] and it is fair to presume that it was so used in the original returns.[5] The scribe who entered these returns in the Domesday Book probably extended the abbreviation as *hide* instead of *hundred* in this case, because Leicestershire is the first county in the Domesday order in which the peculiar hundreds here intended are mentioned.

The hundreds here referred to are not the administrative hundreds, but the small hundreds of twelve geld carucates, which it may be convenient provisionally to describe as 'manorial hundreds.' These hundreds, which have been often identified by English writers with the administrative hundreds, are well defined in the Rutland Survey ('D. B.' i. fo. 293 *b*, col. 1): *In Alfnodestou Wapent. sunt ii. hundrez; in unoquoque xii. carucatae ad geldum, et in unoquoque*

[1] *Analysis of the Dorset Survey*, p. 17; *Analysis of the Staffordshire Survey*, p. 24. See also Mr. Round, in *Domesday Studies*, i. 105.

[2] *Staffordshire Survey*, p. 24.

[3] *Domesday Studies*, i. 204.

[4] *Hundred* is written 'ħd' frequently in i. 375*a*. The abbreviation is common throughout the survey. See especially the Northamptonshire and Warwickshire surveys, which precede and follow Leicestershire.

[5] The scribe of the *Inquisitio Eliensis* seems to have made the opposite mistake of writing *hundred* instead of *hide* in the cases of Waratinge (500*b*) and Meleburna (502*b*), where *Domesday* has in the same passages (i. 190*b*, col. 2; 191*b*, col. 1) *hides*. The *Inquisitio* has *hund'* instead of *hid'* at 505*a*, *Wittleseia defend[ebat] se T. R Eaduardi pro vi. hund. . . . De his vi. h. tenet S. Aedel[dreda] ii. ħ.* In *Domesdáy*, 191*b*, col. 2, the possessions of Ely in 'Witesie' (Whittlesea) are described 'ii. hid̄.'

xxiiii. carucae esse possunt. . . . In Martinesleie Wap. est i. hundret, in quo xii. caruc[atae] terrae ad geldum; et xlviii. carucae esse possunt. As these entries only agree in stating that the hundred contained twelve geld carucates,[6] we may assume that this is the meaning of the manorial hundred. The definition is supported by the invaluable survey of Lincolnshire dating from the early part of the twelfth century.[7] In this survey the wapentakes are regularly divided into hundreds, and the contents of the hundreds are sometimes given. Thus, fo. 8, *In Haxeholm habentur iiii. h[undreda,] in uno quoque xii. c[arucatae] terrae; In Welle Wap. habentur vii. hundr[eda,] in unoquoque xii. carucatae terrae.* The same contents are given to the hundreds in Walescroft (fo. 9), Hawardeshou (fo. 11), Bredelai (fo. 13), Ludeburc (fo. 15), Ierburc (*ibid.*), Calswat (fo. 20), Wragehou (fo. 21), Hilla (fo. 23), Ludesc (fo. 24), and Horncastra wapentakes (fo. 26). Moreover, at fo. 19, a fee amounting, according to the particulars, to 41 carucates and 14 bovates (that is, 42 car. and 6 bovates), is described as containing 3 hundreds ($3 \times 12 = 36$) and 6 carucates and 6 bovates. Again, at fo. 23 a fee amounting to 39 car. and 20 bovates (that is, 41 car., 4 bovates) is reckoned as 3 hundreds, 5 carucates, and 4 bovates.[8] According to Mr. Waters, this survey mentions, in Lincolnshire, 1,912 carucates and 2 bovates. Divided by twelve, this gives 159 hundreds. The survey specifies 137, exclusive of the number in the large wapentake of Manley, the particulars of which are not preserved;[9] so that the county was systematically divided into these hundreds.

Some of the hundreds of this later survey appear in Domesday as sokes. Of the fee of the earl of Chester ten carucates in Lecheburna Soca ('D. B.' i. 349*a*, col. 1) appear as 10 car. *in hundr[edo] de Lecheburna* in the later survey (fo. 20); the twelve carucates *in Suabi et Elgelo et Toresbi et Clactorp et Totele* Soca ('D. B.' *ibid.*) are *in hundr[edo] de Suabi xii. c[arucatae]* in the later survey. Geoffrey

[6] Kelham, *Domesday Book Illustrated*, p. 169, quotes *Carucatae terrae* (12) *faciunt i. hidam*, but gives no reference. If derived from Domesday, it must refer to these Rutland entries. The passage has been, rather unfortunately, copied from Todd into the *New English Dictionary*, *s.v.* 'Carucate.'

[7] My references are to the facsimile edition of this survey published by Mr. Greenstreet in 1884. He assigns the survey to between 1101 and 1109, or, at the outside, 1119. Mr. Chester Waters had previously dated it between 1114 and 1116, in the *Transactions of the Associated Architectural Societies*, vol. xvi. 1882.

[8] At fo. 20 a fee of 47 carucates and 14 bovates (that is, 48 carucates 6 bovates) is reckoned by some error as 4 hundreds and 10 bovates.

[9] A discrepancy no doubt arose from the wapentakes being divided into hundreds, some of which did not quite contain 12 carucates. Ludborough wapentake containing 36 carucates is correctly described as 3 hundreds, but the 10 hundreds of Louth Eske contained only 119 carucates 4 bovates, whilst the 14 hundreds of Yarborough wapentake contained 171 carucates $1\frac{1}{2}$ bovate instead of 178 carucates. Similarly the 6 hundreds of Gartree wapentake contained 75 carucates 2 bovates, whilst Bradley wapentake with 78 carucates 4 bovates only contained $3\frac{1}{2}$ hundreds and 3 bovates, and Aslacoe wapentake with 104 carucates $4\frac{1}{2}$ bovates was divided into 7 hundreds.

de la Wirce granted the hundred of Crowle to Selby abbey shortly after the completion of Domesday. He describes it as *Crull, scilicet hundredum terrae cum tota soca et saca ut in uicecomitatu Lincolniæ iacet.*[10] But the fact that the hundred consisted regularly of twelve geld carucates suggests that the division was really a fiscal one, and therefore the identification of a hundred with a soke is accidental. In the later survey, fo. 20, the lands of the earl of Chester, lying in at least five hundreds, are divided, irrespectively of their situation, into four hundreds, and ten carucates. There is a similar division at fo. 23.

It may be necessary to explain, before analysing the Leicestershire 'hides,' that in Domesday the value of a manor is estimated in three ways. The first is the number of ploughlands at which the manor is assessed for geld. This is the *hida ad geldum* of the south and the *carucata ad geldum* of the north. The assessment generally varied from the actual number of ploughlands in the manor, which are usually given in Domesday. The real ploughlands are distinguished as *terrae ad carucas.*[11] In addition to these details, we have the number of ploughteams recorded. These again frequently differ from the number of ploughlands. In exceptional cases, as in Anlepe, Leicestershire (i. fo. 231*b*, col. 2), all three sets of figures agree. More often the assessment for geld agrees with the number of ploughlands in the manor.

We will now proceed to the Leicestershire hides. In vol. i., fo. 236*a*, col. 1, we read: *Ogerus Brito tenet in Cilebe de rege ii. partes unius hidae, id est xii. car[ucatae] terrae.* We are, I think, justified in treating the gloss as defining the *hida*=hundred. Two-thirds of a hundred of twelve carucates are eight carucates. This is precisely the number of ploughlands recorded as being in the manor in King Edward's time (*Ibi fuerunt viii. car[ucatae]*).[12] At the time of the survey there were, however, only six teams on the manor. In Wichingestone, fo. 232*a*, col. 1, there were one 'hide' and the third of another. This, on my suggestion, means sixteen carucates. This was precisely the number of ploughlands in the manor, which were cultivated by seventeen teams. Moreover, we learn that the demesne consisted of a third of a 'hide,' *i.e.* four caru-

[10] *Monasticon Anglicanum*, iii. 149. In John's confirmatory charter, A.D. 1204, it is described as *Crull', scilicet unum hundr' in uicecomitatu Linc. Rot. Chart.* 121*a*.

[11] The ploughlands are very frequently omitted in the Leicester survey. Are we to assume that in cases of omission they agreed in number with the geld carucates?

[12] This and similar entries in Leicestershire are very puzzling. It is impossible to determine whether they mean geld carucates, actual ploughlands, or merely plough teams. Mr. Round, *Domesday Studies*, i. 204, considers *car'* to mean in these cases ploughlands. If it be read *carucata*, we must conclude that the terms of assessment had been changed since the death of the Confessor. But the word is frequently followed by details of the number of the ploughs at the time of survey, which seem to be contrasted with these entries concerning the time of King Edward. So that after al. *caruca*-plough team may be the meaning of this formula.

cates. It was tilled by four teams. This case seems to strongly support my theory. In Ailestone, fo. 231*b*, col. 1, there were $1\frac{1}{6}$ of a 'hide,' *i.e.* fourteen carucates. I am again supported by the survey, which says there were there fourteen car[ucates] in king Edward's time, although at the time of the survey there were only seven teams.[13] But if the six ploughlands held by Saxi are to be counted, there were at least thirteen ploughlands. In Brandinestor, fo. 237*a*, col. 2, we read: *Ibi sunt ii^ae^ partes unius hidae, id est xii. car[ucatae] terrae.* Here, as in Cilebe, we have the 'hide' = hundred defined as twelve carucates, but the evidence in support of the suggested reading is not so clear as in the Cilebe case. We should expect in Brandinestor eight carucates. There were, however, only six car[ucates] there in Edward's time. At the time of the survey there were five teams, and, in addition, three carucates tilled by one team. Thus there seems to have been really eight ploughlands in the manor. In Cnihtetone, fo. 231*a*, col. 1, there were two parts of a 'hide,' *i.e.* eight carucates, but there were only six ploughlands tilled by six teams. Precisely the same figures occur in Cnapetot, fo. 231*b*, col. 1. In Fostone, fo. 235*a*, col. 2, the half-'hide' (six carucates) contained only five ploughlands worked by, apparently, seven teams. In the next entry, Erendesbi, half a 'hide' and three bovates ($6\frac{3}{8}$ carucates) contained seven ploughlands, and were tilled by seven teams. Here the discrepancy is not very great. In Setintone, fo. 230*b*, col. 1, there was one 'hide,' *minus* one carucate, *i.e.* eleven carucates. The number of ploughlands is not given, the teams numbering nine. In Dislea, *ibid.* col. 2, there was one 'hide' (twelve carucates) worked by eight teams, the number of ploughlands not being given. Half a 'hide' and one carucate, *i.e.* seven carucates, at Westham, fo. 237*a*, col. 2, was six car[ucates] in Edward's time. At the time of the survey they were tilled by seven teams. Saltebi (fo. 234*b*, col. 2) was assessed at two 'hides' and three carucates (= 27 carucates). In the time of king Edward there were there twenty-eight car[ucates], and at the time of the survey it was cultivated by twenty-six teams.

The fact that the actual number of ploughlands falls short of the assumed number of carucates in some of the above instances is not fatal to my hypothesis, for in Leicestershire there are several instances where the carucates exceed the ploughlands. For example, in Chenemundescote, fo. 231*a*, col. 1, there were thirteen and a half carucates, but only eight ploughlands and five teams; in Walecote, on the same page, there were six carucates to three ploughlands and three teams; in Stoctone, 232*a*, col. 1, there were twenty-eight carucates against twenty-two ploughlands and twenty-

[13] Similarly 13 carucates at Terlintone, fo. 230*b*, col. 2, were cultivated by only nine teams, and the 8 carucates in Lubanham by five teams.

five teams. But such instances of apparently excessive assessment will not explain the Duntone entry, fo. 236*a*, col. 1. Here there were three 'hides' (thirty-six carucates), but only six ploughlands. No teams are mentioned. But there was something abnormal in this holding, for it had gone down in value from 20*s*. to 2*s*. and was 'waste' when the holder received it. There is an entry of a 'hide' in Burtone, a soke of Loughborough (fo. 237*a*, col. 1), of which the only details given are that there was one team in demesne.

The manor of Burbece (i. 231*a*, col. 2), the property of Coventry abbey, appears to be an instance of 'beneficial hidation,' *i.e.* the assessment had been reduced by royal grant. It was assessed at one and a quarter hides, that is, fifteen carucates, although it contained twenty-two and a half ploughlands. The survey only specifies ten teams in spite of the fact that the manor had increased enormously in value.

The case of Medeltune, fo. 235*b*, col. 1, is puzzling. We read: *Ibi sunt vii. hidae et una carucata terrae et una bouata : in una quaque hida sunt xiiii. carucatae terrae et dimidia.* This reveals, again assuming *hida* to mean hundred, a larger hundred of fourteen and a half carucates. Apart from my theory, it is obvious that the contents of this manor were 102½ carucates and one bovate. In Medeltune itself there were only ten and a half teams. The members of the manor contained in Edward's time forty-eight car[ucates], whilst at the survey there were forty-three ploughs. The entry is as incomprehensible as the Loughborough one (237*a*, col. 1).[14] The larger hundred of fourteen and a half carucates here mentioned may possibly be intended in the Bladi entry, 237*a*, col. 2. Here there were half a 'hide' and one and a half carucates, but in Edward's time there were there nine car[ucates]. With the larger hundred we should get eight and three-quarter carucates, agreeing very nearly with the contents in the Confessor's time. With the smaller hundred, we have seven and a half carucates, agreeing approximately with the seven ploughteams in existence when the survey was taken. In Scepeshefde, fo. 230*b*, col. 2, two and a half hides and four carucates were worked by thirty-eight ploughteams. The assessment is here thirty-six and a quarter carucates by the larger hundred, or thirty-four by the smaller one.

The above exhausts the list of 'hides' mentioned in the Leicestershire Survey, and there is, I contend, nothing in them that conflicts with the suggestion that *hida* is a mistake for 'hundred.'

[14] Mr. Pell, with his usual freedom from the trammels of facts, airily explains the Medeltune entry in *Domesday Studies*, i. pp. 187, 323, by the simple process of treating the carucates as virgates, and then making the virgate so obtained a tenth of the hide instead of the fourth. In other words, he makes the carucate into the tenth of its areal equivalent the hide.

A reference to one of these small hundreds may be, I think, detected in Derbyshire. In Domesday, i. fo. 273*a*, col. 2, occurs the title *Morelestan Wap. Salle Hd.* This is just the way in which these hundreds are entered in Lincolnshire. We find that the bishop of Chester had in Salle (Sawley) and two berewicks twelve carucates *ad geldum*, the exact contents of the hundred. In Aitone (Long Eaton), which follows under the same heading, he had twelve more carucates. This is probably another hundred. The transcriber appears to have omitted the heading *Aitone Hd.*, as, indeed, he has apparently done in every case except that of Sawley. He has even omitted the name of the wapentake before the next entry to Long Eaton, whereby the manor of Bubedene, which was really in Appletree wapentake, is made to appear in Morley wapentake at the other extreme of the county. There are other instances in the survey where the scribes, by omitting the names of the wapentakes or hundreds in codifying the holdings under the owners' names, have caused a manor to appear in a wrong division of the county. In the Nottinghamshire survey *Blidsvorde Hd.* is written against the entry of Alwoldestorp (i. 291*a*, col. 1), just as the hundreds are entered in Lincolnshire. In the Notts survey this position is frequently occupied by *soka* or *berewica*. Hundreds are mentioned in Notts at i. 291*a*, col. 1, where we read that five sokemen *in aliis hundret* pertained to the manor of Aigrun; at Lecche (291*b*, col. 2), a berewic that pertained to Pluntre Hundred; and at Farnesfeld (288*b*, col. 2), where we are told that the soke of one bovate pertained to Southwell and of the other belonged to the king, *sed tamen ad hund. de Sudwelle pertinet.* These details are essentially manorial, and seem to argue that these Notts hundreds are also manorial hundreds. The Farnesfeld entry is supported by the statement at 283*a*, col. 1, that *in Suduuelle numerantur xx. bereuu[icae]*.

In a future paper I hope to be able to throw further light upon these hundreds, which were not restricted to the three counties here dealt with.

W. H. STEVENSON.

Notes and Documents

'CHURCHSCOT' IN DOMESDAY.

An unquestionable instance of this still somewhat obscure due is to be detected in the Domesday entry relating to Derby: *Ad festum S. Martini reddunt burgenses regi xii. trabes annonae, de q[uo] habet abbas de Bertone xl. garbas.*[1] The distinctive feature of 'churchscot' was that it was payable at Martinmas. As to its form, it is found as *xxxvi. sumas de fabis* at Pagham in 1120–1122,[2] and as payable in *sumae annonae* in Worcestershire in 1086.[3] Here, at Derby, it took the form of thraves of wheat; a thrave probably representing, as in Staffordshire, 24 sheaves of wheat or trusses of straw; a sheaf of wheat being three feet round.[4]

Kemble, in his note on 'churchscot,'[5] does not refer to any Domesday instance, though he quotes from Heming's Cartulary the passages relating to Worcestershire, which occur, in almost the same words, in Domesday. This due is mentioned several times, under its own name, in the great survey, but the special value of this Derby entry consists in the payment being (1) due from a borough, (2) unconnected with the church. Dr. Stubbs holds that at least in the Anglo-Saxon time 'the clergy received' this due,[6] so that its customary payment to the king at Derby is an early instance of alienation, if such was the case. It should be noted that as each hide paid a *summa annonae* in Worcestershire, so, apparently, each of the twelve *carucatae ad geldum* at Derby paid its *trabes annonae*.

J. H. Round.

BULL OF POPE GREGORY IX TO THE BISHOP OF SODOR, 30 JULY 1231.

The following bull, of which the original is not known to exist, is preserved in a modern transcript on paper (*c.* 1600), which has recently been discovered by the present bishop of Sodor and Man between the leaves of a book in the Bishop's Court library; it bears the endorsement of Bishop Wilson (1698–1755). The copyist unfortu-

[1] *Domesday*, i. 280.
[2] See my *Ancient Charters* (Pipe Roll Society), p. 17.
[3] *Domesday*, i. 174, 175*b*.
[4] 'South Staffordshire Provincialisms in 1800,' Shaw's *Staffordshire*, ii. (1) 207.
[5] *Saxons in England*, ii. appendix.
[6] *Const. Hist.* i. 229.

nately was unable to decipher his original, and has made numerous blunders both in mistaking one word or termination for another and in omitting passages which he could not read. To add to the difficulty of understanding the document, the manuscript is badly torn, and a good many words and letters are lost. It has therefore been considered desirable to restore it to the pattern according to which, from the usage in existing bulls of the time, we may be sure it was originally drawn up. This has been done by Messrs. Reginald L. Poole and W. H. Stevenson, who have indicated all deviations from the text either by square brackets or by a reference to a note. The peculiar orthography of the scribe will not escape attention.

Simon, to whom the bull is addressed, was bishop from 1226 to 1247, and was the builder of the cathedral church of St. German, which he must have begun immediately after his consecration. It will be observed that he is addressed as *Episcopo Sodorensi*, not as Bishop of *Sodor and Man*, which is quite a recent title. The Sudreys (*Suðreyjar*) or south isles, which were so called in contradistinction to the Nordreys (*Norðreyjar*) or north isles,—the Orkneys and Shetlands,—included the Hebrides, all the smaller Western Isles of Scotland, and Man. That Man was a part of this diocese after 1154, when it was constituted, and that it was not differentiated ecclesiastically from the other Sodor islands by any distinct title, except very occasionally through the title of the bishop, as will be seen below, is clear not only from this bull, where the names of some of the other islands are given, but from numerous documents from the thirteenth to the sixteenth centuries. As sufficient specimens of these there may be quoted the phrases, *Manniam cum caeteris insulis Sodorensibus*, which occurs in 1266 in the treaty between Magnus of Norway and Alexander of Scotland; *Archidiacono Manniae in ecclesia Sodorensi* and *parochialis ecclesiae sancti Lupi in Mannia Sodorensis dioecesis*, used in a bull from Pope Urban V in 1367; and in 1459 a bull of Pope Pius II is addressed to *Thomae Stanley domino Insulae de Man Sodorensis dioecesis.* The title of the bishops of this diocese was, however, more varied. They were usually styled *Sodorensis*; but in a charter of Bishop Nicholas's in 1193 and in a bull of Pope Honorius III in 1219 the title *Insularum episcopus* is found, and in 1224, 1257, and 1423 *Manniae et Insularum episcopus.* The title *Sodorensis* or *Sodor* continues till 1532, when the 'Bishopp of Sodorensis and the Isle of Man' is found in an indenture, and in 1546 the 'Bishop of the Isle of Man' is mentioned in a document signed by Henry VIII.[1] The bishop's title,

[1] It should also be mentioned that there is in existence a seal of a certain Bishop Thomas styled *Episcopus Mannensis.* Now there were bishops of this name in 1334 1458, and 1542; but, judging from the style of the seal, it is probably of the latest date.

therefore, continued longer than the actual ecclesiastical connexion of Man with the other Sudreys. Even this, however, continued long after the political connexion with Norway and Scotland, for in 1367 Urban V in writing to Bishop William (who is known to have been bishop of Man) speaks of a *nobilis mulieris Mariae de Insulis . . . tuae dioecesis*, and, in the absence of evidence to the contrary, there is no reason to suppose that it ceased till 1458, when, by a bull of Pope Calixtus III, Man was placed under the archiepiscopal rule of York instead of Drontheim, the Scottish isles being formed into a distinct diocese.

We have seen, then, that the title of *Sodor*, as applied to the bishops of Man, survived even this last change, and we shall now proceed to show that it was probably perpetuated by the fact, which the discovery of this bull places beyond a doubt, that Peel Island was also called *Sodor*—in the words of the bull, *Holme, Sodor vel Pile vocatum.* In a charter of Thomas, earl of Derby, to the bishop of Sodor, dated 1505, these words are repeated; but this, which, previously to the above-mentioned discovery, was the first notice of *Sodor vel Pile*, or *Pele*, might have been explained by the argument that, the old diocese having so long passed out of knowledge, the true meaning of *Sodor* had been forgotten, and that, by way of getting an application for the name, it had been given to this little island of Peel. But this explanation will not now serve, for in 1231 it was a title given in a formal document of the time of Scandinavian rule, and when the Scandinavian language must have been used by at least the ruling class. The true explanation appears to be that Peel island, being the seat of the cathedral of the diocese of *Sodor*, took its name from the diocese instead of giving it to it, as is usually the case. For it is not likely that *Sodor* was the original name of an island to the west, not to the south, of another. Its earliest name seems to have been the Celtic *Peel* or *Pile*, meaning 'fort,' so called, doubtless, from the ancient round tower on it. Then the Norsemen called it *Holme* (O. N. *holmr*), their usual name for an island at the mouth of a river. Later still the ecclesiastical name of *Sodor* was given to it, and in all formal secular documents, after 1505, relating to it these three names are recited. Having thus accounted for the permanence of the name of *Sodor*, it will be interesting to trace how *Man* became associated with it. By the latter part of the sixteenth century the terms *Sodor* and *Man* had clearly become interchangeable, for in a document of queen Elizabeth's, dated 1570, mention is made of 'the bishopric of the island of *Sodor* or *Man*.' In 1609 a grant of the Isle of Man was made to William, earl of Derby; and in the document conveying this grant all the possible titles of the bishopric are recited with a verbosity and precision which leaves no loophole for error: 'The patronage of the bishopric of the said Isle of Man, and the patronage of the bishopric

of Sodor, and the patronage of the bishopric of Sodor and Mann.' The then bishop, Philips, at once took advantage of this new title, as in the following year he signs himself 'Sodor et de Man' in a letter to the earl of Salisbury, which is endorsed 'Bishop of Man' only. In 1635 Bishop Parr is called 'Bishop of the Isle of Man, of Sodor, and of Sodor and Man,' which is the full title of the see at the present day. No signature of his can be found, but his successors up to the time of Bishop Levinz, who was appointed in 1684, usually signed themselves 'Sodorensis,' occasionally 'Sodor and Man.' Since 1684 the signature has been either 'Sodor and Mann,' or 'Sodor and Man,' which title, as has been shown, has probably arisen from the ingenious precision of a legal draughtsman.

It will be noticed that 'the church of St. Patrick of the Island' is mentioned as well as the cathedral church, which are both on Peel Island. The cathedral had just been built, but the church, the walls of which are still standing, was probably old even at that time.

Of the islands mentioned in the bull the following can be identified—Bothe (Bute), Aran (Arran), Eya (Iona? usually Hy or I), Ile[2] (Islay), Jurye (Jura), Scarpey (Scarba), Col[onsay?], Muley (Mull), Chorhye (? Tiree), Cole (Coll), Ege (Eigg), Skey (Skye), Carrey (? Canna), R[um ?]. In a letter of Innocent III to the monastery of Iona in 1203 the following islands appear: Mule (Mull), Hy (Iona), Colvansei (Colonsay), Ile (Isla), Orransei (Oronsay), Calve, &c.

The whole of the properties in the Isle of Man here mentioned are also recited in the charter of 1505 already referred to, and most of them can be identified at the present day. The cathedral, St. Patrick's church, and *Holmetowen*, now Peel, have already been discussed. *Glenfaba* is the present name of one of the six sheadings or divisions of the island; *Brottby* is the farm now called Bretney, in Jurby; *Ballymore*, now Ballamore, is a farm near Peel. *Ballicure* is the old name of the farm on which Bishop's Court is built; *Ballibruste* (1505 Ballybruste), now Braust, is a farm in the parish of Andreas; *Ballicaime* (in 1505 Ballycane) might be either of the two farms now called Ballacain; *Jourbye* is the modern parish of Jurby; *Ramsey* is the present name of the northernmost town in the island. *Leay[re]*, now Lezayre, *St. Maria of Ballalaughe*, now St. Mary of Ballaugh, *St. Maughald*, now Kirk Maughold, *St. Bradarnus* (in 1505 Bradanus), now Kirk Braddan, *St. Michael*, now Kirk Michael, *Kyrkmarona*, now Kirk Marown, are all parish churches at the present day; *terramque Sancti Columbae Herbery vocatam* is in the parish, now called Arbory, which was formerly called indifferently after Columba and Cairbre, there being a chapel dedicated to each of these saints within its boundaries. *Fotysdeyn* and *Coluss-*

[2] In *Chronicon Manniae*, *Yle*.

hill (in 1505 Fotyfdeyn and Cullufby), cannot be identified. *Knokcroker* is possibly the property now called Crogga, in the parish of Santon; the land *de baculo Sancti Patracii* was mentioned in old charters as being in the parish of Patrick, but it has since been merged in the bishop's barony. This farm and another in the parish of Maughold called 'Staffland,' are said to have been formerly held on the tenure of presenting a staff or crozier to be carried in processions on the day of the saint to whom the parish church was dedicated. The 'Staffland' in Maughold is not subject to 'Lord's rent' at the present day.

A. W. MOORE.

GREGORIUS [3] episcopus, servus servorum Dei, venerabili fratri Simoni, episcopo [4] Sodorensi,[5] suisque successoribus canonice substituendis [6] [*in perpetuum*].

In eminenti [7] apostolicæ sedis spectacula, licet [8] immeriti, disponente Domino, constituti, fratres nostros episcopos,[9] tam propinquos, quam longe positos,[10] fraterna debemus charitate diligere, et ecclesiis [11] sibi a Deo commissis pastorali solicitudine [12] providere. Quocirca, venerabilis frater in Christo episcope,[13] tuis iustis postulationibus [*clementer annuimus*], et ecclesiam cathedralem sancti Garmani Sodorensis in insula Euboniæ (iam Manniæ) vocata, cui, auctore Deo, præesse dignosceris, sub beati Petri et nostra protectione suscipimus,[14] et præsentis scripti [15] privilegio communimus; [16] statuentes, ut quascunque [17] possessiones, quæcunque bona eadem ecclesia in præsentiarum iuste [18] et canonice possidet, aut in futurum concessione pontificum, largitione regum, principum, vel dominorum, oblatione fidelium, seu aliis iustis modis, præstante Domino, poterit adip[*i*]sci, firma tibi tuisque successoribus et illibata permaneant. In quibus hæc propriis duximus exprimenda vocabulis: locum ipsum Holme, Sodor, vel Pile vocatum, in qu[o] præfata cathedralis ecclesia sita est, et ecclesiam sancti Patricii de Insula, cum omnibus et singulis ecclesiarum prædictarum commoditatibus, libertatib[us], pertin[*entiisque*] [19] pleno iure spectantibus; tertiamque partem omnium decimarum de omnibus ecclesiis in prædicta insula Euboniæ vel Manniæ constitutis, et de Bothe, de Aran, de Eya, de Ile, de Iurye, de Scarpey, de Elath, de Col[onsey,] de

[3] In the following text, words and letters which are missing in the original owing to the mutilated condition of the manuscript are supplied within square brackets. Additions which have nothing to correspond to them in the original are further distinguished by italic type, as [*in perpetuum*]. In the manuscript, diphthongs, when not occurring in an abbreviated syllable, are generally expressed by the simple vowel.

[4] *Eipco* for *Epico*, MS. [5] *Sodorenc'*, MS. [6] *Substitutis*, MS.

[7] *In iumentum*, MS., probably a misreading of *imminenti* (for *eminenti*), confused, in its turn, with the *in perpetuum* of the greeting-clause, which is omitted by the copyist.

[8] *Licett*, MS., and so throughout, but not invariably, in the cases of *ett*, *fueritt*, *interveniatt*, *liceatt*, *nequiveritt*, *poteritt*, *præsumatt*, *suntt*, *utt*, *vell*, *&c*.

[9] *Epischopos*, MS.; the *ch* appearing wherever the word *episcopus* or *archiepiscopus* is written in full.

[10] *Positas*, MS. [11] *Eccletiis*, MS., and so throughout; but *ecclesiastica*.

[12] *Solisitudine*, MS. [13] *Epo* (*episcopo*), MS. [14] *Suscepimus*, MS.

[15] *Script'*, MS. [16] *Comunius*, MS. [17] *Quecunque*, MS.

[18] *Iusti*, MS. [19] *Ꝑtim*, MS.

Muley, de Chorhye, de Cole, de Ege, de Skey, de Carrey, de R[. . .], et de Howas, de insulis Alne, de Swostersey et episcoporum h[. . .]; ac etiam terras in insula prædicta, videlicet et de Holmetowen [. . .], Glenfaba,[20] de Fotysdeyn, de Ballymore, de Brottby, de baculo sanc[ti] Patracii, de Knokcroker, de Ballicure, de Ballibrushe, de Jourbye, [de] Ballicaime, de Ramsey; terras etiam ecclesiæ [21] sanctæ [22] Trinitatis in Leay[re], sanctæ Mariæ [23] de Ballalaughe, sancti Maughaldi, et sancti Michaelis adiacentes; [24] et terras sancti Bradarni et de Kyrkbye, de Kyrkemarona, de Colusshill, terramque sancti Columbæ [25] Herbery vocatam. Ad hæc, cimiteria ecclesiarum et ecclesiastica beneficia nullus iure hereditario possideat; quod si quis præsumpserit, censura ecclesiastica vel canonica compescat.[26] Præterea,[27] quod communi assensu capituli [28] tui, vel partis concilii sanioris, in tua diœcesi [29] per te vel per successores tuos fuerit canonice institutum, ratum et firmum volumus permanere. Prohibemus insuper, ne excommunicatos vel interdictos ad officium vel communionem [30] ecclesiasticam sine conscientia et consensu tuo quisque admittat, ac contra sententiam canonice promulgatam aliquis venire præsumat, nisi forte periculum mortis immineat; ac dum præsentiam tuam habere nequiverit, per alium secundum formam ecclesiæ satisfactione præmissa oporteat gratanter [31] absolvi. Sacrorumque [32] canonum auctoritatem sequentes [33] statuimus: ut nullus episcopus vel archiepiscopus, absque Sodorensis [34] episcopi consensu,[35] conventus celebrare, causas ecclesia[*ru*]m vel ecclesiastica negotia in Sodoren[*si*] diœcesi, nisi [36] per Romanum pontificem vel legatum fuerit eidem ini[unc]tum, tractare præsumat; in ecclesiis quoque Sodorensis [37] diœcesis, quæ ad ali[os ?] pleno [38] iure non pertinent,[39] nullum clericum instituere vel destituere vel sacerdotem proiicere sine consensu diœcesani præsumat. Statuimus etiam, ut in electionibus episcoporum successorum tuorum nulla vis, nulla potentia regis vel principis interveniat; nec in præmissione episcoporum quisque officium prælationis ecclesiasticæ obtineat, sed ille vacanti præficiatur ecclesiæ quem illi, ad quos electio de iure pertinere dignoscitur, scientia et moribus iudicaveri[*n*]t aptiorem, forma canonica in electione servata. Clericos etiam et tenentes tuos tuæ [40] diœcesis debite volentes libertate gaudere, districtius prohibemus, ne rex vel princeps aut dominus eos exactionibus indebitis aggravare præsumat.

Decernimus [41] ergo, ut nulli omnino [42] hominum liceat præfatam ecclesiam temere perturbare, aut eius possessiones vel libertates auferre, vel ablatas retinere, minuere, seu quibuslibet vexationibus fatigare, sed omnia integra conserventur eorum pro quorum [*sustentatione et*] gubernatione concessa sunt, usibus omnimodis profutura,[43] salva sedis apostolicæ [44] auctoritate. Si qua igitur in futurum ecclesiastica secularisve persona, hanc nostræ constitutionis paginam sciens, contra eam temere

[20] *Glensaba*, MS. [21] *Ecclesiam*, MS. [22] *Sanctam*, MS.
[23] *Sanctam Mariam*, MS. [24] *Adiacentis*, MS. [25] *Columba*, MS.
[26] *Comprestat*, MS. [27] *Preteria*, MS. [28] *Capitali*, MS.
[29] *Diocecis*, MS.; where the word is always spelled with *c* in the last syllable.
[30] *Cōmuni ōne*, MS. [31] *Gratanter*] *gātū*, MS. [32] *Sacrarorumque*, MS.
[33] *Sequentis*, MS. [34] *Sodorenc'*, MS. [35] *Concensu*, MS.
[36] *Nisi*] *nuper*, MS. [37] *Sodorenc'*, MS. [38] *Plene*, MS.
[39] *Pertineantt*, MS. [40] *Tūc*, MS. [41] *Secrevimus*, MS.
[42] *Omnino*] *amo* (?), MS. [43] MS. adds *et*. [44] *Applice*, MS.

venire temptaverit, secundo tertiove commonita, nisi [45] reatum suum congrua satisfactione correxerit, potestatis et honoris sui careat dignitate, rea[*m*]que se divino iudicio [46] existere de perpetrata in[*i*]quitate cognoscat, et a sacratissimo corpore et sanguine Dei et Domini Redemptoris nostri Iesu [47] Christi aliena fiat, atque in extremo examine districtæ subiaceat ultioni; cunctis autem [*e*]idem loco suo iura servantibus, sit pax Domini [48] nostri Iesu Christi, quatenus et [49] hic [50] fructum bonæ actionis percipiant [51] et apud districtum Iudicem præmium æternæ pacis invenia[*n*]t. Amen.[52]

Datum Romæ, tertio kalendas Augusti, Indictione quarta, incarnationis Dominicæ anno millesimo [53] cc° xxxi° et pontificatus nostri anno quinto.

[*Endorsed* (in the handwriting of Bishop Wilson): 'Popes Bull granted to the Bishop for his Thirds, &c. in this Island, &c. Anno 1231.']

A RECORD OF THE ENGLISH DOMINICANS, 1314.

The following document from the Record Office is marked Queen's Remembrancer's Miscell. $\frac{902}{49}$, and consists of one piece of parchment, written on both sides in a minute hand, and in parts illegible. It is undated, but the mention of Friar Berengarius (de Landorra) who became master in 1312, and of the general chapter of the friars preachers at London, which met on 11 June 1314, leaves no doubt as to the time to which it refers.[1] It is interesting as showing the violent internal divisions among the English Dominicans of that time, the severities to which they were subjected, and some curious customs.

In dei nomine amen. Licet religiosi viri, fratres Walterus de Wal(p)ol,[2] Adam de Mareys, Rogerus Storlaund, Radulphus Gerlaund, Johannes de Willeby, Hugo de Sigwics(?), et plures qui sunt alibi de Regno Anglie, in ordinem fratrum predicatorum canonice recepti et in eodem professi fuissent ad deum, et sint in prelibato ordine bone fame et conversacionis honeste, ac pro talibus apud fratres dicti ordinis et alios publice reputati, stetissentque in predicto ordine per non modica tempora pacifice et quiete; Cupientes iidem fratres quasdam abusiones insanissimas juri divino et humano contrarias, que in dicto ordine excercentur, necnon alia

45 *Nisi*] *in*, MS. 46 *Domo iuditio*, MS. 47 *Jusu*, MS.
48 *Dei*, MS. 49 *Et*] *utt*, MS. 50 MS. adds *in*.
51 *Principiant*, MS. 52 *Amen*] *anno*, MS. 53 *Millecimo*, MS.

1 Adam of Murimuth (p. 22), mentions a general chapter of the Friars Preachers at London in 1314, *in quo unus de ordine, per appellationes affixas in ostio ecclesiae S. Pauli, totum ordinem plurimum diffamavit.*

2 Archbishop Reynolds on 27 April, 1313, besought the chancellor and masters of the university of Oxford *quatenus nobis in Xro dilectum fratrem Walterum de Walelepol ordinis antedicti* (*sc. Predicatorum*) *sciencia moribus approbatum et ad gradus scolasticos suorum majorum judicio merito exponendum, . . . non obstante quod in universitate non legit sententias, ad legendum bibliam biblice . . . ista vice de speciali gratia admittatis.* (Register, fol. 44*a*–*b*.)

enormia, que sine heretica pravitate tolerari non poterunt, aboleri ac etiam emendari, ea coram fratre berengario, qui se gerit pro magistro ordinis antedicti, in generali capitulo Londiniis ultimo celebrato, proponebant seu proponi etiam faciebant, petentes predicta per eundem et consilium capituli memorati corigi ut debebant; quorum copia pro parte in cedula presentibus annexa continetur. Set dictus frater berengarius more aspidis optur(ans) aures suas dictos fratres super hiis seu eorum aliquo audire non curavit. Que cum iidem fratres protestati fuissent se velle deducere apud sacrosanctam sedem apostolicam in publicam nocionem, Idem magister . . .[3] suum e(l)evans contra eos, una cum complice suo, fratre Willelmo de Castreton, quem ipse berengarius prefecerat in priorem provincialem Anglie, per inimicos et emulos dictorum fratrum infames et criminosos in subversionem status eorum ad inquirendum contra eosdem nullatenus infamatos super nonnullis ocultis criminibus, que false eos asseruit commisisse, perperam procedebat contra regulam sanctorum patrum et sacrorum canonum statuta. Testes vero in generali inquisicione super statu ordinis coram ipso productos, ut sepedictos fratres criminosos nunciarent et inscriberent, minis et terroribus inducere conabatur in eorum prejudicium dampnum non modicum et gravamen. Unde ego Stephanus de Sidesmere, procurator dictorum fratrum, metuens dictis dominis meis et in eorum nomine ac aliis nobis adherentibus aut adherere volentibus in futurum ex hiis et eorum quolibet necnon ex aliis causis probabilibus et verisimilibus conj(ec)turis in futurum (que) posse(nt) . . . generari, ne predictus frater B. frater W (?) seu quivis alius, vice, auctoritate, vel mandato suo, vel alterius eorundem, quicquam in dictorum dominorum meorum prejudicium me seu nobis adherencium aut adherere volencium in futurum, monendo, suspendendo, excommunicando, interdicendo, incarcerando, sequestrando, amovendo, deiciendo, seu quovis alio modo gravando, attemptet seu attemptent, faciat seu faciant aliqualiter attemptari, sacrosanctam sedem apostolicam et pro tuicione curiam Cantuariensem in hiis scriptis provoco et apello, et apostolos, quatenus de jure sunt petendi et peti debent, instanter et clementissime peto, subiciens predictos dominos meos me et nobis adherentes aut adherere volentes in futurum, protectioni tuicioni et defensioni sedis et curie predictarum, protestans me, nomine dictorum dominorum meorum nobis adherencium aut adherere volencium in futurum, hanc meam provocacionem appellacionem, si opus fuerit, in meliorem formam velle redigere, et in eventu futuri gravaminis appellare, et meam provocacionem seu appellacionem, nomine dictorum dominorum meorum nobis adherencium seu adherere volencium in futurum, perssequi cum effectu, et omnibus quorum interest notificare super loco et tempore oportunis.

In nomine domini amen. In diversis mundi partibus est compertum quod fratres ordinis predicatorum, qui non mediocriter moribus et sciencia claruerunt, propter persecutorum instabilitatem et feritatem, aliqui mentis insaniam, quidam morbos incurabiles incurrerunt. Alii vero extra se positi, absque ullo signo penitencie semetipsos manibus propriis peremerunt, in prejudicium Regni et Regis Anglie, cum corpora hujusmodi necatorum debeant coronariis presentari; et secundum dicti Regni

[3] One word is here illegible owing to a hole in the parchment. The word begins with *c* and ends with *cum*.

statuta et consuetudines antiquas absque tamen ostensione quacunque terre nocturnis temporibus demandantur: quod etiam de ceteris interfectis in ordine fieri consuevit.

Item fratribus sic interfectis, effigies seu ydola vice corporum sunt parata et fratrum habitu cooperta, quibus cibus et potus sicut egrotantibus sunt allati, et personis secularibus dabatur inteligi quod in extremis laborarunt, deinde precedentibus ceroferariis et accensis cereis et nola pulsante, est communio sacrosancta apportata. Iterumque pulsata campana majori tanquam ad inungendum infirmos, a fratribus processionaliter fit accessus, et psalmi letanie et orationes dicuntur ibidem, sicut in communicacione et inunctione infirmancium fieri consuevit. Cum autem sic mortui fingerentur mortis articulo apropinquare, sicut circa decedentes moris est fratrum, facto signo, ad infirmariam acceditur, dicendo cimbolum fidei alta voce, et effigies sepedicte, fidelium commendacione peracta, solempniter iterum pulsata campana minore, cum officio funeris ad ecclesiam sunt portate. Licet enim aliqui sibi lamentabiliter blandiendo, conscienciam suam palliare maliciis molirentur, intenciones suas in fictione hujusmodi ad fidelium animas dirigendo, cum tam seculares quam regulares persone ad missas et exequias sunt vocate, que pro eisdem, pro quibus sacri canones prohibent exorari, preces specialiter effundunt ante Deum, prefatis falsitatibus sacrilega scelera sunt adjecta; nam effigiebus seu idolis antedictis, premissis missarum solempniis, humanitatis officia, turificaciones et aspersiones aque benedicte, ac oraciones sub certis formis verborum, que cum veritate non possent nisi presenti funere applicari et sepultura ecclesiastica, cum omnibus que fidelium reliquiis consueverunt exhiberi, solempniter sunt impensa.

Item cum fratres sepissime carceri mancipentur, loca eis sub cloacis communibus preparantur, ubi ex fetidis fetibus aer inficitur et singulis sensibus inferuntur singula nocumenta, que septure non debent propter sui turpitudinem demandari; quorum locorum vix ultima spacium lecti et locum egestionis continet artitudo, nec valet aer recentior advenire. Ubi fratres immanibus ferramentis oppressi et modis multiplicibus lacessiti, aut cito discedunt aut ut plerumque privantur valetudine pristina residuo vite sue.

Item cum infirmus propter sanitatem recuperandam debeat de locis convenientibus ac aliis solaciis provideri, fratres tamen laudabiles moribus et sciencia, qui aut debilitatem capitis aut temptaciones varias incurrerunt, in duplicem et debilitatis et temptacionis cumulum locis jam vilibus et mortiferis deputantur; unde fit ut debilitas in insaniam, in desperacionem temptacio convertatur.

Item cum infra sacros ordines constituti debeant ex preceptis canonicis canonicas horas dicere vel audire, fratribus tum inclusis carceribus nec libri ecclesiastici nec alii, ex quibus possent in devocionem consurgere seu consolacionem recipere, exhibentur; propter quod gerunt se in posterum, cum fuerint liberati, velud homines perditi aut immemores premii aut penarum. Faciunt quidem ad evidenciam custodie carceralis, quod fratres quidam tam ex loco pestifero quam ex onere manicarum et compedum et aliis malis multis sic impotentes reddebantur, quod se juvare non poterant quin a ratonibus roderentur, et cum ferramentorum anulos obtegeret tumens caro, que absque abrasione cutis et carnis dissolvi non

possent, sine alterius mitigacionis remedio, sola finem doloribus mors prestabat. Ceterum de plerisque est notorium et famosum quod cum essent in carcere et jam mortis articulus imineret, vereque penitentes ecclesiastica peterent sacramenta, non poterant assequi votum suum, sed cum ea multociens petivissent, ac quociens ea petiverunt, tociens verberati fuissent, nec quod optabant optinere valentes, vi verberum spiritum exalarunt. Alii vero, cum essent in carcere et cernerent sibi (mo)rtem superesse, sacramentum penitencie lacrimabiliter pluries petierunt, cujus cum eis copia non daretur, usi pro calamo stramine et pro attramento sanguine proprio cum urina permixto, scripserunt ut potuerunt que suam conscienciam gravius remordebant. Nec hoc solum, sed cum inter tot laudabiles lacrimas et signa penitencie expirassent, crudelitas misera in mortuos seviebat; abrasis etenim carnibus et depositis ferramentis, per pedes corpora de carceribus intempeste noctis silencio sunt extracta et projecta velud brutorum cadavera in foveas preparatas, indigna pro dolor judicata omni ecclesiastica sepultura. Non tamen autem professis in ordine set aliis innotuit scelus istud ; nam novicii quidam, qui audierant requirentes penitencie sacramentum frustratos desiderio tam salubri, ad seculum sunt reversi, periculum nimium asserentes in tali ordine profiteri ubi penitentibus via vite denegatur ; seculares vero tanti facinoris conscios renunciarunt.

Porro si de visitacionibus agatur et correctionibus faciendis, planum est quod ordo juris subvertitur, nec sanctorum patrum servantur regule aut sacrorum canonum instituta. Fiunt namque inquisitores super ocultis criminibus absque denunciacione, proclamacione, aut infamia aliqua precedente, et singulis imponitur sub precepto, adjectis muris de carcere et confusione perpetua, si quicquam celaverint infligendis ; quod si aliquis de aliquo sciverit aut de seipso quod in suam personam transierit quolibet modo, quemcunque comittentibus (?) solum constet, aut per sacramentorum confessionem fuerit precorectum, Inquirenti tanquam communi judici detegat et revelet; cujus abusionis maximus persecutor publicusque defensor est frater Berengarius qui sibi regimen ordinis supradicti usurpavit. (Verte.)

(*Of the first two lines on the reverse of the roll, only a few words are legible.*) In . . . etiam . . . ab eodem quod omnis actus (?) qui committenti mutuo potuerit propalari, ex sui . . . et precepti transgressor efficitur et (sentenciam) excommunicacionis incurrit qui hec non dixerit . . . judici revelandum . . . nonnullus actus (?) sub core(ctione ?) . . . , . . . (*3rd line begins*), valeat ut ex seipsis (?) nisi qui committenti mutuo potuerit propalari, omnino pere(ant) fratrum (?) corepcio modus ipsius et ordo, quos ipsa veritas precipit inviolabiliter observari ; formam autem inquisitionis ostensionis etiam et precepti, non solum observat in genere, sed detendit ad singulas personas quas unquam nulla sinistra suspicio maculavit.

Ad hec denique a(di)citur grande malum ; quod cum propositis preceptis et minus hujusmodi non sine precipientis et cominantis peccato dampnabili ac gravi precipitio gregis sui, multi territi, et secrete sibi ad partem privatam, ut asserit, retullissent de aliis aut de seipsis et quequam finxissent que non fuerant, metuentes, omnia que retulerant, inscribere compellebat, quibus postea per eum productis in palam, aut innocentes

penis publicis puniuntur, aut nocentes nullatenus actum infamacionis habentes notoriis penis patent, non obstante quod sibi sic referre volentibus ad partem et in publico firmiter promisisset, singulos absque fame suspendio servaturum et (fu)turum specialissimum defensorem. Itaque contra protestacionem quam pluries pluribus fecerat de secretis et creditis et quibuscunque indicibus (judicibus ?) ordinis perpetuo concelandis, cum esset de provincia Anglie recessurus, que sub sigillo secreto receperat, humanitatis et fidei immemor, in scriptis priori provinciali Anglie dereliquit, circum(stan)ciis omnibus expressis per ordinem que ad evidenciam factorum facere poterant undecumque.

Insanie etiam sue sevissime non sufficit fratres opinionis laudabilis penis debitis criminosis publice condempnare, sed eos per suum commissarium seu per suos commissarios preceptis, injunctionibus renovatis et late excommunicacionis sententia, confessionem quam ipse asserit sibi factam, coram fratrum copiosa multitudine, in irrecuperabile (fa)me sue dispendium, renovare, et, sicud proditor pessimus non corector, sua ocultissima prodere ac pupplicare compellit; sicque proditos et confessos mancipat custodie carcerali; si vero illi fratres nullam sibi confessionem ad partem fecisse se dicant nec in aliquo deliquisse, eos nihilominus judicat carceri mancipandos; quod tum (ju)dicium palliat sub alio colore verborum, imponens videlicet sub precepto quod sub secura (custodia) (p)recludantur . . . in pane et aqua jejune(nt) septimanis quousque confessionem, quam ut predicitur asserit sibi factam, modo renovent prelibato; unde ex verisimilibus timetur indiciis, quod timore penarum et afflictionum metu multiplici de ipsis seu de aliis mentientur. Cum autem sicut predicitur oculta detegere satagat non affectu, ex quo fratres bone fame efficiuntur infames, graviora crimina et notoria et de quibus infamia laborant, aut omnino dissimulat aut secundum qualitatem materie non procedit malis prestans delinquendi audaciam et occasionem ruine seu scandali bonis viris. Habet insuper omnem fratrem quemcunque fama suspicabilem publice pro convicto, si ad partem super pacto (?) cosimili licet non eodem actu fuerit delatus a duobus, non obstante quod hujusmodi delaciones minis et penis ut sepedicitur nequiter sint extorte. Ut suam etiam crudelitatem tam impiam valeat detegere et ocultare, et pacientes injuriam non possint requirere remedia oportuna, prioribus et artatoribus ac incarceratorum custodibus imponitur sub precepto, quod omnes et singulos custodiant sicut volunt pro corporibus respondere, et si pro defectu custodie quemquam contingat evadere vel abesse, ipso facto priores et custodes hujusmodi ad penam consimilem tenebuntur; propter quod in fratres artatos seu incarceratos exercentur tirannides etiam solito graviores. Item cum fratres injuriis lacessiti quemcunque ad sacrosanctam sedem apostolicam duxerint provocandum seu etiam appellandum, provocaciones seu appellaciones hujusmodi que inter fratres fiunt, penitus supprimuntur, et provocantes seu appellantes carceribus recluduntur; etiam si coram secularibus provocaverint seu appellaverint. plura non habeo, sed sunt alia multa prenominatis deteriora.

An entry in Archbishop Reynolds's Register (fol. 58*b* A° 1314) evidently refers to the same events. The Black Friars were now

engaged in their great controversy with the University of Oxford, and the latter naturally did not scruple to foster the rebellious spirit in the ranks of her adversaries.

Cancellario Universitatis Oxon' ut non deferat appellationibus frivolis apostatarum in universitate.

Cancellario et cetui magistrorum Universitatis Oxon' salutem etc. Cum non sit maliciis hominum, qui non querunt nisi ut offendant, indulgendum, nec appellationibus frivolis, quibus jura non deferunt, a judicibus deferendum; Nos, intelligentes quod quidam apostate iniqui[4] (?) ordinem fratrum predicatorum propter justiciam ipsius ordinis, quam propter eorum perpetrata facinora formidarunt, per suas appellationes frivolas et frustratorias ac reprobatas a jure, suas malicias palliare nituntur, ac ipsum ordinem necnon prelatos dicti ordinis, quorum fama per universum orbem odorifera et celebris extitit et existit, per libellos famosos et diffamatorios diffamare conantur, Vestre devocionis puritatem requirimus et hortamur, quatinus, si hujusmodi apostate per se vel per alios appellationes hujusmodi falsas et frivolas Universitate vestra publicent notificent vel interponant de novo, hujusmodi appellationibus, quas tanquam pro vitanda correctione interpositis (*sic*) jura prohibent interponi, nullatenus deferatis, nec hujusmodi libellis diffamatoriis fidem aliquam adhibere curetis, set fratres ipsius ordinis ad omnes actus scolasticos, ad quos de jure et consuetudine seu privilegio admittendi fuerint, hujusmodi appellationibus non obstantibus, admittatis. Datum apud Akum, Kal. Octobr. etc.

A. G. LITTLE.

A LOAN OF PHILIP AND MARY

THE original of this document is in the possession of Mr. G. Pritchard, of 1 Connaught Street, London. The dots (. . .) denote that the right-hand side of all the lines is partially damaged or torn off; but the sense is nowhere injured. The Calendars of State Papers constantly refer to loans from Andrew Lixsalles (once misread as Sixsalles in Calendar for 4 April 1553) and Thomas Flechammer. C. W. BOASE.

PHILIPP MARYE THE QUENE

Philippus et Maria dei gratia Rex et Regina Anglie Francie Neapolis Hierusalem et Hibernie, fidei defensores, principes Hispaniarum . . . archiduces Austrie, duces Mediolani, Burgundie et Brabantie, comites Habspurgi, Flandrie, et Tirolis, Omnibus ad quos presentes litere pervenerint . . . predilecti nobis Andreas Lixsalles et Thomas Flechammer ad nostre dicte Regine instantiam, et ut nobis rem gratam facerent, nobis dicte Regine . . . dederint, et realiter cum effectu pro nobis dicta Regina, et iuxta nostrum ordinem consignaverint et tradiderint predilecto nostro servienti Thome [Gresham] . . . agenti nostro in pecuniis, iuxta permissionem serenissimi patris nostri, Cesaree maiestatis, in Brabantia et Flandria publicatam in mense Julii, anno millesimo quingentesimo quadragesimo octavo summam Quadraginta millium centum quadraginta quinque florenorum Carolino-

[4] *iqui*, in MS. Some word such as *infra* is wanted to complete the sense, or the substitution of *ordinis* for *ordinem*.

rum, et octo stiferorum, quolibet [floreno] . . . viginti stiferos monete Flandrie : In qua summa continentur ea, que dictis Andree et Thome in remuneracionem et premium laborum suorum ex . . . donavimus iuxta convencionem inter predictum agentem nostrum ad id deputatum et predictos Andream et Thomam in hac parte factam et . . . tionem, traditionem et convencionem nos dicta Regina ratas et gratas habemus, et eandem summam in usum nostrum dicte Regine conversam esse, . . . confitemur. Quam quidem summam quadraginta millium centum quadraginta quinque florenorum Carolinorum, et octo stiferorum dicti valoris . . . huiusmodi viginti stiferos monete predicte et iuxta permissionem predictam Antverpie solvendam et rependendam dictis Andree L . . . sive eorum heredibus procuratoribusve ad hoc potestatem sufficientem habentibus vicesimo die Octobris, anno domini millesimo quingentesimo . . . promisimus nos dicta Regina et promittimus per presentes absque ullo eorum damno expensis aut interesse. Et pro maiori securitate dictorum Andree et Thome . . . pro solucione dicte summe per Maiorem et communitatem civitatis nostre London fieri, ac sigillo communi dicte civitatis sigillari, dictisque Andree et Thome . . . vel procuratoribus tradi et dari fecimus. Virtute quarum literarum Maior et communitas London, tanquam principales et per nos ad hoc authorisati et . . . eos authorizamus et condemnamus, dictam summam tempore et loco predictis, et in moneta predicta solvere tenebuntur, prout et ipsi promiserunt se facturos . . . obligationibus personalibus et realibus, et renunciantibus tam juris quam facti suffragiis, adminiculis, exceptionibus, immunitatibus libertatibus privilegiis . . . quomodolibet concessis et concedendis, prout cum dictis Andrea et Thoma, aut eorum factoribus convenient aut convenire poterunt. Et Licet hanc . . . summe, die, termino et loco, modis et speciebus constitutis, satis superque esse non ignoremus, quia tamen dicti Andreas et Thomas nobis dicte Regine hu . . . sua in hac parte meliori securitate literas nostri dicte Regine patentes pro solucione et observacione premissorum eisdem concedere dignaremur : Sciatis quod nos . . . boni et fidelis obsequii per prefatos Andream Lixsalles et Thomam Flechammer, nobis dicte Regine tum alias, tum impresentiarum impensi, volentes quod eisdem . . . bene et fideliter, tempore modo et loco antedictis ex bono et aequo satisfiat, habita etiam in hac parte matura deliberacione de avisamento et consensu illustrium . . . [consilii] privati consiliariorum promittendum duximus, quemadmodum per presentes promittimus et pollicemur in verbo regio pro nobis et successoribus nostris prefate Regine p . . . millium centum quadraginta quinque florenorum Carolinorum, et octo stiferorum valoris predicti, vel pro quolibet floreno viginti stiferos monete predicte . . . moneta, loco, tempore, et modo prenarratis dictis Andree et Thome, seu eorum heredibus, factoribus, aut procuratoribus has nostras literas, una cum d . . . [civitatis] nostre London predicte secum afferentibus absque omni dolo et dilatione quacunque solvi, et integre rependi facere, absque eorum damnis, expensis vel interesse . . . gratia, et liberalitate presentium tenere concessimus dictis Andree et Thome, eorum factoribus et procuratoribus commeatum et salvum conductum eundi . . . dominia nostra tam tempore pacis quam cuiuscunque belli ad recuperandam solucionem predicti debiti, nec non pecunias eiusdem debiti extrahendas ad . . . statutis regni nostri editis vel edendis in contrarium facientibus, quibus derogatum esse

decernimus per presentes. Volentes et concedentes . . . Thomas aut eorum heredes, factores, et procuratores, aut alii inimicos nostros pecuniis vel aliter iuverint, vel imposterum iuvabunt, aut quidvis . . . excommunicationis aut banni, aut rerum belli, confederacionum, privilegiorum, aut consuetudinum, differentiarumque vel questionum cum superiori a . . . maiestate, vel imperio, vel cum aliqua alia persona, seu personis, vel alia quacunque causa, nihil penitus excluso, neque solutio predicti debiti . . . Andree et Thome, eorum heredibus, procuratoribus, sive factoribus denegabitur, neque ipsi propterea indignacionem nostram incu[rrent] . . . exceptionibus etiam quibuscunque non obstantibus. In cuius rei testimonium his literis nostris patentibus, manibus nostris propriis sign . . . Dat. apud palatium nostrum de Westminster septimo die mensis Aprilis anno domini millesimo quingentesimo quinquagesimo qu[into].

[*At the back*] Et pro maiori securitate retroscriptorum Andree Lixsalles et Thome Flechammer, et heredum eorum nos consiliarii privati consilii Regie maiestatis retroscripte, quorum nomina hic inferius subscribuntur, nominibus nostris propriis et privatis promittimus et nos obligamus pro plena satisfaccione debiti retroscripti uti retroscriptum est absque aliqua exceptione.

Ste Winton cancell	Willm petre
Nico Ebor electus	Jo Bourne
Winchester	John Gage
W Howard	Ric Southwell
Willm paget	Thomas Wharton
Robt Rochester	E Waldegrave

CHARLES II AND THE BATTLE OF WORCESTER.

Amongst a mass of unpublished documents of the Commonwealth period at the Public Record Office, two original declarations of Charles II have lately been found.

A peculiar interest attaches to them from the fact of their having been issued a few days before the battle of Worcester in 1651, whilst Charles still entertained some immediate hope of gaining the kingship of England. Their wording is also worthy of notice, as showing the tone in which Charles addressed his subjects concerning the commonwealth government, and the government he himself meant to establish; whilst the dictates of policy and the influence of the covenanting party are very conspicuous.

Charles entered England full of hope. He had no doubt that not only all the royalists, but also large numbers of people of all grades of opinion who were suffering under the parliamentary yoke would flock to his standard. He expected to be victualled all along his route, to be received in the towns, and to increase in force and popularity as he marched southward. But these hopes were not destined to be fulfilled. It must be remembered that his army was almost entirely composed of Scotchmen, who would naturally have some objection to leaving their country behind, and that the more rigorous of the presbyterians were, on conscientious grounds, op-

posed to the acquisition of England by force of arms. From these causes, and from the coldness of their reception over the border, something like one third of the army melted away in the course of a few days and returned to Scotland. The northern towns closed their gates against Charles, and the militia were very active in preventing the assembling of the royalists, in seizing the arms of all suspected persons, and in all ways hindering recruits from joining the king. The earl of Derby, a staunch royalist, came over from the Isle of Man at once and raised a considerable force in Lancashire. But before he could rejoin the king, he was defeated and his forces cut to pieces by Colonel Selburne. This defeat was a further discouragement to Charles and his army, who at last, with flagging spirits and diminished numbers, marched into Worcester city on 22 Aug. Charles was respectfully received by the magistrates of that city and proclaimed king. The army was wearied with marching, and greatly in need of rest. It was therefore determined not to press on further, but to endeavour to bring in recruits from Wales and the neighbouring counties, whilst the main body of the forces was enjoying a few days of well-earned repose.

Two days after his entry into Worcester Charles issued the first proclamation, given below, and it was followed on 26 Aug. by the second. It may be conjectured from the difference in tone between the first and the second proclamation, that the spirits of the royalist party continued to fall as the days went on, and that the order for all persons between sixteen and sixty to assemble in arms for Charles on 26 Aug. met with very little response.

The second declaration was presumably written after what must have been but a melancholy rendezvous in the Pitchcroft meadow outside Worcester. Charles no longer attempts to carry off matters with a high hand, but assumes a tone of conciliation, makes promises, and endeavours to smooth away such difficulties as may arise in the minds of his 'subjects.'

CONSTANCE EVERETT GREEN.

CHARLES R. BY THE KING.

Whereas by the Trayterous plotts & Conspiracyes of many Rebellious people of this kingdome assuming to themselves the name & power of a Parl^t the fundamentall free and knowne lawes of this kingdome have not onely bin endeavoured to be utterly subverted And to ye end ye sd rebellious psons under their deceitfull device and p^etence of liberty & freedome fr tiranny comitted have seduced and drawne into their conspiracy many other people & subjects of this kingdome and raised forces to effect ye same wherby they not onely comitted the most horrid Act of murder upon our late deare royall father their undoubted lawfull head & soverigne of ye rightfull & long established governm^t of ye kingdome by

many success^{ors} of ages & by the undoubted & knowne lawes of ye same but also doe yett still psist in the same wicked plotts & rebellion against us our crowne & dignity And utterly to extirpate all royall govnm^{t} of this kingdome And ye lawes liberties & freedomes of ye same & to bring in a genale vassalage servitude of all the true & loyall subjects of this naton under the tyrannicall yoke of the s^{d} rebellious people calling themselves a Par^{t} And of a rebllious Army raysed & continued by their Complottm^{t} together, who have to y^{t} purpose entered into our realme of Scotland And done much hurt & spoyle to our subjects ye people of y^{t} natõn whereof it hath pleased god wth a revengfull eie to looke upon y^{t} their rebellion And to give us assurance of his mercy & p'vidence over us severall late successes ag^{t} them at ye pass at Warrington & heare at Worc, both respectively they endeavoured to keepe against us but have bin defeated of ye same & yet nevertheless they continue the same their rebellion & are come back to hinder our settlem^{t} in our throne of governm^{t} of this kingdome And doe dayly raise what forces they can to destroy our royall pson And ye just lawes and fredomes all our true & loyall subjects of this realme of England for p^{e}vention whereof And to free all our true hearted and well affected subjects to us and our governm^{t} from ye misery & slavery of bondage under such tyrants & rebels who have truly manifested their wicked intentions of their hard pressures of our loveing subjects by many yeares continuance hitherto, These are therefore to charge command you forthwth upon sight hereof by yo^{r}selves ye petty Con^{bles} of yor division to give summons & warneing as well in the p^{r}ish churches or otherwise to all & every p'son & p'sons betweene the age of 16 & 60 yeares to make their general rendezvouzes and meeting in ye great meadow called Pitchcroft near the City of Worces^{r}, wth all their horses fitt for service & ye best weapons & Armes they have or can procure upon Tuesday next being ye 26 of this instant month by ten of ye clocke in ye morneing, when & where wee shallbee p^{r}sonnally p^{e}sent to give such order & directõns as we shall find requisite touching ye disposeing such numb^{s} of them as we shall think fitt for ye defence of our pson all other our subjects of ye County & City of Worc^{r} and ye establishm^{t} of us in our throne & of ye peace & quietnes of ye kingdome in ye true & rightfull way of governm^{t} & to p^{e}serve the liberty and freedome of ye true and loyall subjects of ye same fr^{o} ye tyranny of all rebellious oppressors And y^{t} you cause ye s^{d} Con^{bles} to sett forth & keep strict watch & ward in all places withĩn yor division for apprehending of all evill affected psons to his Matie & his governm^{t} of this naton And y^{t} you cause diligent search to be made in all suspected places for Armes of all ill affected psons to his Mat^{tie} And ye same to seize And bring to his Magazeene at Worc^{r} whereof you & all other persons herein concerned are not to fail as you & they tender ye safety of us & yor selves & ye weale publique of this kingdome And this at yor & their extreamest p^{r}ill requiring this to bee read tomorrow in all Churches & Chappells where it can come. Given at Worc^{r} the 23 of this instant Augt 1651.

To ye Con^{bles} of Cradley & Dudley.

This is a true copy of his Maties order sent & directed to me wch I have received but this day at one of ye clocke And you are diligently to pforme the contents thereof in giving sumons to all such psons above specifyed

& keeping watch & ward & searching for Armes as is aforesaid And in y[e] pformance of any other thing belonging to y[r] office in y[e] s[d] order mentioned.

Y[rs]

JOHN COLE.

Dated Aug[t] y[e] 25 1651

[Endorsed] JOHN TIRER.

Passed 16 Dec. 1653.

CHARLES R.

His Ma[tie's] declaration to all his loving subjects of his kingdome of England & dominion of Wales.

Wee shall not ripp upp the causes of the unhappie differences betwixt our Royall father & the two houses of Parliament, It shall bee our studie That they may bee for ever buried and That our subjects of England & dominions of Wales, may returne to their obedience they owe us as their lawful king, and to the ancient & happie government of the kingdome by kinge Lords & Commons, wherein they & their ancestors have lived, soe longe, soe happilie, without the effusion of more blood with these thoughts wee are nowe returning into our kingdome of England with an Armie (by the blessinge of God) able to protect our Loyall subjects whoe shall joyne with us & assist us in doeing justice upon the murtherers of our Royall father, and to defend us from the violence of such as will continue the expultõn of us from our full Rights the subversion of the lawfull government of the kingdome, & the oppression of our good subjects in England by armes & exorbitant imposit[ns], And before wee enter the kingdome wee thought fitt by this short declaration to lett our good subjects there knowe, that our desires are not more to be restored unto our own Rights then to procure & maintaine to them their freedome, And as wee have given full & entire satisfaction to our subjects of Scotland both of what may concerne religion, their lawes and liberties which (god willing) wee shall inviolably preserve to them, soe it shall be our studie & would bee our greatest joy that wee might attaine the same happines in England, And because wee doe thinke ourselves bound in dutie, to looke more at the glorie of God then our owne interest, Wee doe in the first place declare That wee shall faithfully in our station & calling as we are bound by the covenant endeavour to settle Religion, in doctrine worship discipline & government according to the word of god & the example of the best reformed Churches.

We shall also endeavour that Parliam[ts] may be restored to their freedome & priveleges, by whose advise wee doe declare our resolutions are toe governe & settle all differences & distempers, That our people may enjoy theire liberties & properties, free from armes, quartering or illegall impositions These being our cleare intentions & resolutions wee doe expect & invite all our good subjects of England dominion of Wales to concurr with & assist us according to their dutie & allegiance, And such as are in armes either in Scotland or in England under Oliver Croomewell presentlie after knowledge hereof, to lay them downe, or to come in & joyne with us in our Armie, where they shall receive protection &

full assurance of satisfaction in their arreres, And to evidence how farr we are from revenge or continueing the unhappie differences betwixt [us ?] & our subjects, we doe declare & engage ourselves, to give our consent to a full act of oblivion & Indemnïtie, & for the securitie of all our subjects of England & dominion of Wales, in their persons freedomes & estates, for all things done by them relating to these warrs, These eleven yeares past, and that they shall never bee called in question by us for any of them provided that Immediatelie after knowledge of this our gratious offer & declarat^{n}, they desist from assistinge the usurped authoritie of the pretended Common Wealth of England & returne to their obedience to us exceptinge onlie from this our gratious offer, Oliver Croomewell, Henry Ireton, John Bradshawe, John Cooke their pretended Solicitor and all others whoe did actually sitt & vote in the murther of our Royall farther, And seeinge in this wee have made use of the affection & assistance of our loyal subjects of our kingdome of Scotland, who cannot possibly maintain theire whole armie in England, wee require some of qualitie or authoritie in each countie where we shall march, to come to us, that necessarie provision may be regularlie brought into the Armie, And wee doe declare that the Counties from whom they shall come shall receive no other prejudice, except such as shall oppose us or drive away their cattle & provision from us.

And because it shall be our main endeavour that our subjects of England & dominion of Wales may be safe in their persones free in their goods & as little burthened as may bee, And as wee are resolved to permitt no plunderinge or rapine, takinge any man's person, whoe is not in actual opposition to us which wee shall with all severitie punish, so if our armie shall bee found to bee burthensome to some places or persons more than to others it shall be our endeavour That as soone as is possible they may receive proportionable satisfaction & the burthen bee made equall.

And lastlie we doe declare the service being done the Scottish Armie shall retire That soe all armies may be disbanded & a lasting peace settled with religion & righteousness Given at our Court at Worcester this six & twentieth daye of Augt in the third yeare of our reigne.

Jan. 1651-2.

This declaration shewed to John Hortman, Giles Trimnell, James Simmons & proved before us.

Walter Giles.
Rich Moore.

The Relation between 'The Compleat Statesman' [1] and 'Rawleigh Redivivus.' [2]

These two pamphlets have generally been regarded as separate contributions to the controversial literature of the period of the Exclusion Bill. Wood in the 'Athenæ Oxonienses' [3] treats them in

[1] *The Compleat Statesman Demonstrated in the Life, Actions, and Politicks of that great Minister of State, Anthony, Earl of Shaftesbury.* London: 1683.

[2] *Rawleigh Redivivus: or the Life and Death of the Right Honourable Anthony, Late Earl of Shaftsbury,* by Philanax Misopappas. London: 1683.

[3] 'At the time of his death or thereabout was published *The Compleat Statesman: demonstrated &c.* . . . Lond. 1682. And after his death was published (besides some

the same paragraph, but evidently thinks of them as independent publications, and in this he is followed both by Lowndes, the bibliographer,[4] and by Christie, Shaftesbury's biographer.[5]

A detailed comparison of the two pamphlets, however, shows that the relation between them is remarkably intimate. 'Rawleigh Redivivus' opens with an account of Shaftesbury's boyhood and earlier years, before 1656, which does not appear in 'The Compleat Statesman.' This occupies about twenty pages. The ninety pages that follow, amounting to about half the volume, are to all intents and purposes a revised and enlarged copy of the greater part of 'The Compleat Statesman.' In some places the text is followed almost *verbatim*; in other places it undergoes a number of apparently aimless verbal alterations; in others, again, it is rewritten, and expanded by large additions of fresh matter, but even in these last cases the connexion between the two pamphlets is always betrayed by the order of ideas and the recurrence of particular phrases. From the date of the popish plot the parallelisms cease, and the accounts of the two publications are quite independent.

It is clear from internal evidence as well as from the statement in 'Athenæ Oxonienses' referred to above, that 'The Compleat Statesman' was written before, and 'Rawleigh Redivivus' after, Shaftesbury's death. It may be suggested that the former was published as a controversial pamphlet of the great party war, and was then worked up into a biography by Shaftesbury's friends after his death. In any case it is a mistake to regard them as entirely separate publications with an independent origin.

Besides the numerous cases in which 'Rawleigh Redivivus' quotes the same documents and speeches as 'The Compleat Statesman,' the following parallel passages occur:—

'Compleat Statesman,' pp.	11–14,	'Rawleigh Redivivus,' pp.	23–25
,, ,, ,,	22–27	,, ,, ,,	32–39
,, ,, ,,	31	,, ,, ,,	51–52
,, ,, ,,	37–39	,, ,, ,,	81–83
,, ,, ,,	39–40	,, ,, ,,	95–98
,, ,, ,,	47–54	,, ,, ,,	102–108
,, ,, ,,	56–58	,, ,, ,,	110–111
,, ,, ,,	76–77	,, ,, ,,	158–159

Compare also 'Compleat Statesman,' pp. 14–22, with 'Rawleigh

Memoirs of his life, which made against him), under the name of *Philanax Misopappus*, a book entitled *Rawleigh Redivivus &c.* . . . Lond. 1683. oct. with his picture before it. It is divided into two parts, and dedicated to the Protesting Lords, but partially written, and containeth many errors.'—*Athenae Oxonienses*, ii. 727.

[4] *Bibliographer's Manual*, art. 'Shaftesbury.' Lowndes, following Wood, enters the date of *The Compleat Statesman* as 1682 instead of 1683, and adds a note to say that the authorship of the pamphlet is attributed to John Dunton. The copy in the Cambridge University Library is annotated by an unknown hand and ascribed to 'Jo Martin.'

[5] *Shaftesbury Papers*, pp. lix–lx.

Redivivus,' pp. 25–32, where the latter follows the former word for word, though possibly quoting from some common source.

The aimlessness of some of the alterations may be illustrated by printing an extract from the two pamphlets in parallel columns.

The Compleat Statesman, pp. 56–7.

One *Blany* was then called into the House, who had delivered a paper to the Lord Treasurer *Danby*, pretending to give a relation of some words spoken by the *E.* of *Shaftesbury* in the Court of *Kings-Bench*, at the time when he moved for his *Habeas Corpus*; but though this whole Transaction were no longer since, than the last *Trinity* Term, yet the said Mr. *Blany* could not affirm that what was written in the said paper, was in part or whole really spoken by the Earl of *Shaftesbury*; so that the Lord Treasurer being able to make nothing of Mr. *Blany's* paper, (which was a hard case) the House of Lords proceeded to a Resolution in what form the Earl of *Shaftesbury* should make his submission and acknowledgement, which being drawn up in words importing much the same with what the Earl had before declared; which being read to him by the Lord Chancellor, the Earl of *Shaftesbury* repeated the same at the Bar of the House, and then his Lordship withdrew.

Rawleigh Redivivus, p. 110.

Then was one *Blany* called into the House, who had delivered a Paper to the Lord Treasurer, pretending to give an account of some words spoken by his Lordship in the Court of *Kings-Bench*, when he moved to be bailed there. But though this whole Transaction was no longer than since last *Hillary* Term, yet *Blany* could not affirm that what was written in the said Paper was really spoken by his Lordship; so that the Treasurer not being able to make any thing of *Blany's* Story, (which was an hard case, that so much pains should be taken to so little purpose), the *House of Lords* proceeded to a Resolution in what form his Lordship should make his submission and acknowledgment; which being drawn up, imported much the same with which he had before declared; which being read to him by the Lord Chancellor, his Lordship repeated the same at the Bar and then withdrew.

J. R. Tanner.

A LETTER OF JOHN SHARP, ARCHBISHOP OF YORK.

The original of the following letter from John Sharp, archbishop of York, to William Lloyd, bishop of Worcester, is in the possession of Granville E. Lloyd Baker, esq., of Hardwicke Court, Gloucestershire, whose grandfather married the heiress of the Sharps, and his greatgrandfather the heiress of the Lloyds. The letter was among the papers. Lloyd, who, as bishop of St. Asaph, was one of the seven bishops sent to the Tower by King James II. He was almoner to King William III, so he would naturally have much correspondence of this character with Archbishop Sharp, who was almoner to Queen Anne. With reference to the queen touching for the evil, it may be

noted that the prayer-books published in Queen Anne's reign have a regular form of service for this ceremony. The lord almoner's references to professorships of Arabic at Oxford and Cambridge are interesting. Bishop Lloyd's son was presently made chancellor of Worcester.

B. C. Browne.

John Sharp, AB^{p} of York, to Willm LLoyd, B^{p} of Worcester.

My Lord,—I have had the favor of 3 letters from you, to each of w^{h} I would say something, as much as the great disquietude and Hurry I am in, will permit me. But in the first place give me leave to tell you, that I hope you are under a mistake, if you think that you are under her Majesty's displeasure, or that y^{r} credit is gone with her. I protest to you I could never find any such thing by any discourse I ever had with her concerning you (and I have had occasion to speak of you several times). But she seems on the contrary to have a kindness and respect for you. I moved her but on Monday last to give y^{r} son a P^{r}bend of Worcester either when it should fall, or by removing Dr Bable to Windsor. She looked upon the motion as very reasonable, but thought it could not be done presently, by reason there are so many old chaplains wch it will be expected should (some of them at least) be provided for in the first place. But I hope in God, if God grant her Majesty life, it will be done, according to the late King's Promise, wch I acquainted her Majesty with.

There was not one of those things wch you left in charge with me, to be recom̃ended to Her Majesty, that was forgotten by me. What success my sollicitations had, you shall now have account of. Those persons that you desired might be entered into the List of the Queen's Pensioners in Mr Nicholas (an officer in the place of such as were dead), (ye L^{d} Canaris's Daughter, Madam la Chesnè and her Sister, and Monsieur La Pierre) were all rejected. As indeed all Pensions of this nature, as far as I can find, are discouraged by my L^{d} Treasurer, till the Queen have more money. And it is thought hard that any French Refugees should put in for new Allowances hear the Queen continuing the 15,000^{lb} p^{r} an. that was granted them by K. William.

As for those that had pensions before, and wch y^{r} Lord^{p} desired might be continued, their case stands thus. Mr Yeates Pension is settled, and so is the 100^{lb} for the education of 2 students in Arabic learning.

It is now put in Mr Nicholas his List, and made payable to me as Almoner, but I shall leave such a deputation to the Master of Paul's School, as the B^{p} of Oxford formerly gave. Bernard Yates and his niece Pelgins are likewise continued, but how much taken off I know not Gaffarelli's Pension likewise and Madame Bastiquenarr's are continued. The Marquess de Neufille's Pension wch was paid out of Lord Ranelagh's Office, is struck off, the Fund being ceased. Mrs Croban's Pension is also cancelled. Mr Hartman's son's Pension, wch you desired but for one year more, is ordered to be paid out of the Almoner's Quarterly Allowance.

These I think are all the particulars of wch your Lord^{p} left memorandums with me, to be laid before the Queen. I had put them all into writing, and by the Queen's Order lodged them with my Lord Treasurer,

before whom I read them first to the Queen, and I have given you the answer that I had afterwards to each of them.

I have forgot Captain Baskervill whom the Queen remembered, and will be ready to put him into a Poor Knight of Windsor's place, when any falls void, provided that Application be then made to her.

I forgot likewise yr Turk, to whom the Queen according to your desire sent 10lb, and was paid by her to Boaz the Jew.

Now, my Lord, as to yr first letter, after I have given you my hearty thanks for the kindness therein expressed to me & come to the business you mention in it, that I am capable of serving you in.

As to Mrs War, I will leave a memorandum wth the Sub Almoner that he shall continue yor Allowance of 6lb pr an to her out of the Quarterly paymt for Occasionall Charity. Tho I beg leave to acquaint you that I am ordered to grant no such sort of Pensions, till the number of the Pensioners in the list by death or otherwise be reduced to such a proportion, as that the 800lb per an wch is continued for that purpose, may be sufficient to satisfy them all.

As for yor own concern to be discharged from all demands from my Ld Montgomery, upon account of the Welsh Rectorys, I not only sent Dr Dering, my Chaplain, to Mr A Hornby to take care of that business, but I also spoke to him myself the last Sunday about it, and he has promised that he will take care you shall be discharged.

As for Peter Emy I represented his case to my Lord Treasurer some time ago. His answer was that I should do it in writing by way of Petition. Since Mr Evans came to town I have got the Petition, wch was formerly presented to the Lords of the Treasury.

[I find upon looking upon it, that it was presented to this Lord Treasurer, and by him referred to the lee of the Customs tho nothing has been done in it.] This Petition I mean to send to-morrow to Mr Taylor wth my recommendation of it to my Lord Treasurer, His Lordp being now at Newmarket.

As to speaking to Charles Bernard for a Ticket for Mr Santley's Sister to be touched for the evil, if yor Lordp was here you would certainly be convinced that it is to no purpose. The Queen has hitherto touched but 40 at a time, and there are now in London several thousands of people, some of them ready to perish, come out of the country waiting for Her Healing. Mr Bernard will give no Tickets till most of these people be served. The Queen (for I spoke to her today about it) will as she has strength (for she has lately had the gout in both her hands) increase her number, and from 40 will I hope come to touch 2 or 300 at a time. And therefore I hope in a little time there will be opportunity of getting Mr Bernard to serve your Friend.

I have now spoke to all the particulars of yor first letter. Yor Lordps 2d is wholly about Dr Mill and Dr Bull. And to do them both Right I read yor letter *verbatim* (except the Introduction wch concerned myself) to Her Majesty this morning. She well knew Dr Mill, of whom I have often spoke to her, and I do not doubt but she will, when she can, remember him [and if the Deanery of Gloucester should Fall, wch is a thing that would suit wth his Circumstances, and he has told me he would be pleased with, I dare venture to say he would be put into it]. But Dr

Bull she had never heard of before. Upon that I paraphrased upon yor Lord^{ps} letter, and told her a great many things, that yor Lord^{ps} brevity obliged you not to mention. As particularly the Thanks that were given him by the B^{p} of Meaux in the name of the General Assembly of the Clergy of France, for his Books in defence of the Catholic Faith against the Socinians.

I likewise told her Majesty of the ill usage he had met with from some partymen in Glocestershire in being turned out of the Com̃ission of the Peace for no other reason that I could hear of but his zeal in prosecuting im̃oral men according to the Statutes. I hope I have left such Impressions upon her Majesty concerning him that she will be very ready to shew him any mark of her Favor that she can. As for the B^{p}rick of St Davids wch is the matter of a considerable part of yor Third and last letter wch I received this afternoon, I will tell you my sense plainly. I do believe it is perfectly in waste to trouble the Queen about the disposall of that. For I am sure she will do nothing in that affair without the advice of her Cabinet Counsell. And I am likewise pretty sure that they will never advise her to put in a new Bishop, till the case of the Archbishops power to deprive a Suffragan Bishop be heard and agreed to by the House of Lords. And I do not doubt but we shall have this matter before us in Parliament within a Session or Two.

As for Mr Makenzy, I remember yor Lord^{p} told me the story of him as you now write it, but you left no memoriall of him in writing. And if you had, I believe it would have been to no purpose as to the getting him any Pension. But I will leave a note wth the sub Almoner to be as kind to him as he can.

As for the last thing in yor Lord^{ps} last letter about the Arabick Charity, I have allready told you that the 100^{lb} p^{r} an is settled by my Lord Treasurer, but how that is to be disposed of I do not know. Why may not 10^{lb} p^{r} an be sufficient for the Professor at Oxford and 40^{lb} go to Mr Marshall, and the other 50^{lb} go to the encouragement of a Student of the same learning in the University of Cambridge, 10^{lb} of wch shall be allowed to his Teacher. This is my L^{d} of Canterbury's proposall, wch I would have yor Lord^{p}'s sense of.

And now my Lord I have endeavoured to answer your letters, But I would not have answered them at such a rambling rate as I have done, if I had not had as great an opinion of yor Cand^{r} and Goodness (I correct myself for saying Opinion, I meant Assurance) in passing by Faults, as I have of yor Skill and Ability in discovering them when you think fit.

But when I have made these humble Addresses to yor Lord^{p} for yor mercy, may I not be allowed to give a little Advice too? Yo^{r} Lord^{p} has settled yo^{r}self at Oxford for the perfecting these great designs wch you have of a long time had in yor Thoughts and wch God Almighty has peculiarly fitted you for. For God's sake lose no time but mind yor Business. All we Bishops that are in Town dined yesterday wth my Lord of Canterbury, where we remembered yor Lord^{p} with a great deal of Love and Respect; we talked of yor Oxford Retirement, and some of us thought it would be of good effect to the Publick, and some of us thought that you would be starting new game and amuse yo^{r}self and do nothing. My proposall was that every one of us there present should write a letter

to yor Lordp containing no more than these two words Hoc Age, with our names subscribed.

If such a letter as this to yor Lordp, or in a more supplicating way, would quicken you in the pursuance of yor great design, I dare say there is none of us all nor none that has any knowledge of yor Lordp or any concern for Religion or Learning but will readily join in such a Petition to you.

I doubt not but you will forgive all the Faults of this letter, if you can read it. I heartily Love and Honor you. And I pray God to preserve yor life, for the Good of his Church, and the Improvement of good Learning among us. I and my Wife beg or Service to my Lady. We begin or Journey to Yorkshire, the next day after to-morrow. I beg yor prayers for us, and I am my Lord

Yor Lordps most affectionate Brother and Servant,

Jo Ebor.

Mar 31, 1703.

I beg of yor Lordp when ever you will do me the Honor to write to me to give me some Account of Mr Josiah Peters, and whether he be a fit object of the Queen's Charity, by way of Pension when there is room for him.[1]

[1] Copied by G. E. Lloyd Baker, 24 Aug. 1888 from the letter in his possession at Hardwicke Court, Gloucester.

Reviews of Books

History of Phoenicia. By GEORGE RAWLINSON, M.A., Camden Professor of Ancient History in the University of Oxford. (London: Longmans, Green, & Co. 1889.)

THE veteran Oxford professor, whose works have done so much to open the ancient history of the East to English readers, may be congratulated on his choice of a subject for what (as he tells us) is probably his last historical work. Nearly half a century has elapsed since the publication of Kenrick's well-known book on Phoenicia, and, after all that has been accomplished in the interval by archæological and epigraphical research, a new English history of the great commercial race of antiquity cannot fail to be acceptable to a wide circle. Canon Rawlinson knows how to make a readable book, and if he has not succeeded in imparting much human interest to the meagre details of the political history of Tyre, Sidon, and their sister cities, he makes up for this by devoting a large part of his volume to the more attractive topics of Phœnician commerce and colonies, arts and manufactures, and by illustrating his text with a number of excellent woodcuts, derived in great part from the splendid work of Perrot and Chipiez, which give a much more lively picture of Canaanite civilisation than any verbal description could convey. The book will certainly be found useful by many readers, and it may confidently be hoped that it will attain a popularity not inferior to that which is enjoyed by the author's earlier histories.

At the same time it is right to say that the volume will not be thoroughly satisfactory to professed students of ancient history, who may reasonably complain that Canon Rawlinson is eclectic rather than critical, and that he fails them in the very part of his task where they most need help, viz. in the things where the classical scholar has to depend on the orientalist. To call the book a mere compilation would not be fair, for the translator of Herodotus is well read in the Greek and Latin sources. But in many important matters he is content to reproduce what has been said by modern writers without going back to the original authorities and forming an independent judgment. And the moderns on whom he relies are not all equally safe guides. In archæological matters one will not generally go far wrong in following Renan or Perrot and Chipiez; but the writings of Cesnola ought not to be used without strict criticism. So too it is hardly legitimate to cite Deutsch as an authority on the ethnical and linguistic characteristics of the Semites, or to draw largely on Döllinger for the description of Phoenician religion. On the other hand it is remarkable that neither Bochart nor Selden

appears in the list of authors cited; for neither the *Chanaan* of the one, nor the 'De diis Syris' of the other can safely be neglected by any student in this field. Again, the masterly essay of Gutschmid in the 'Encyclopaedia Britannica' is indeed more than once referred to, and has evidently been of considerable service to the author; but the references, so far as I have observed, betray no consciousness of the authorship. The name of the most learned historian of antiquity in our generation is absent from the copious index, and is misspelt 'Gutschmidt' on p. 505. It may be presumed that if Canon Rawlinson had been more familiar with Gutschmid's name and authority he would not have passed over in silence the ingenious and most plausible restoration of the early chronology of Tyre given in the 'Encyclopaedia.'

In dealing with inscriptions and coins, and indeed in all matters that call for Semitic scholarship, Canon Rawlinson is seen to little advantage. Thus, in speaking of the Phoenician monuments of Athens and the Piraeus, he cites the stones published in the Paris *Corpus*, but does not refer to the important inscription which was published last year in the *Revue Archéologique* and has since been discussed by several scholars. At p. 114 he still takes *Mahanath*, 'the camp,' as the name of the Phoenician settlement at Panormus, a view which has long been given up, and he does not notice the more probable, though by no means certain, conjecture that the Punic name of that city was Ṣīṣ. In offering to his readers some specimens of the epigraphic literature of the Phoenicians, he follows Gesenius in a rendering that is certainly erroneous, while in another inscription, on the same page (400), where his authority is the *Corpus*, the very same phrase is correctly rendered. It is, indeed, painfully obvious that Canon Rawlinson has little Hebrew, and no sound acquaintance with the dialectical differences between the language of the Phoenicians and that of the Jews, and it would have been well for his readers if the pages devoted to an account of the Phoenician speech, and especially the list of vocables on pp. 380 sqq., had been altogether omitted. The plate exhibiting the Phoenician alphabet is also very unsatisfactory, which is the less excusable since the excellent tables of Euting are easy of access.

Next to the section on the Phoenician language and literature, that on the religion seems to me to be the least satisfactory part of the book, but on this complicated topic it is impossible to say anything useful in a short review. I will only remark that a fundamental confusion is introduced when the author treats Baal and Baalath (which were primarily titles, applicable to the god or goddess of a town, whatever the proper name of the deity might be) as divine names, indicating distinct deities from El, Astarte, and so forth; and further that when one has learned how to read Philo Byblius, with proper allowance for his euhemerism, much more can be made of his mythology than our author is disposed to admit. In reading through the book I have marked a number of other points that invite adverse criticism; and on the whole one is forced to conclude that a really satisfactory account of the Phoenicians, in which everything that is of interest for students of classical and general history is brought out clearly and put in its true light, has still to be written. In the meantime Canon Rawlinson's book will be very serviceable to

the general reader who desires something more full and more recent than the admirable sketch in Grote's 'History of Greece;' but the student must use it with the greatest caution. Indeed, those who are not themselves orientalists will probably do well to continue to take Grote and Gutschmid as their chief guides, referring also to Renan's 'Phénicie' and to Perrot and Chipiez on matters archæological. Movers is of little use to those who cannot control his often arbitrary combinations.

There is one little matter, to which my attention has been directed by a zoologist, which ought perhaps to be noted, as it lies out of the way of historical students. The *purpura lapillus*, which at p. 246 is spoken of as used for the production of the famous purple dye, is, I am assured, never found in the Mediterranean. W. Robertson Smith.

Icelandic Sagas. Vol. I. Orkneyinga Saga &c. Vol. II. Hakonar Saga. Edited by Gudbrand Vigfusson. (London: Published under the direction of the Master of the Rolls. 1887.)

These two volumes consist of the Orkneyinga Saga supplemented by two sagas of Magnus the Good, namely a shorter saga taken from a vellum of the fourteenth century, and a longer and probably later saga which now only exists in a paper copy of quite modern date. There is also a Latin *Legenda de Sancto Magno* and part of the office of St. Magnus, both taken from manuscripts in the Arna Magnusson Library. As the so-called Orkneyinga Saga contains likewise a short life of Magnus, a 'Þáttr Magnús Jarls,' and a 'Jarteina-bók' (Miracle-Book) of the saint, we have thus in this volume three lives of Magnus, all no doubt either enlargements or abridgments of the same original. Magnus's claims to be reckoned a saint were probably but slight. He was a saint in the sense in which our Edward the Martyr was one. And there is nothing surprising in the fact that bishop William at first refused to recognise these claims. But probably the Orkneys felt it was time that they should have a native saint. The cult of St. Olaf had spread everywhere—to London among other places, as we know. The setting up of St. Magnus on the part of the Orkneymen was another conscious or unconscious declaration of independence or of as little dependence as possible upon the sovereign kingdom. Besides these sagas, which may be said collectively to form one Orkney saga, vol. i. contains in an appendix (1) the extracts from the 'Flatey Book' connected with the Orkneys; (2) the portion of the 'Njála' which gives the account of the battle of Clontarf and Earl Sigurd's share therein; (3) 'Hemings þattr,' a curious mixture of mythology and history which begins with Heming's 'Tell shot' of a nut from the head of his brother Björn, and includes accounts both of Stamford Bridge and of Hastings; and (4) a short Játvarðar saga, or saga of Edward the Confessor.

The second volume contains the Hakonar saga, in a better text than in the received edition of the 'Fornmanna Sögur,' and a short saga of Magnus Legbætr. And the appendix to this volume contains a fourteenth-century life of Dunstan and a selection of later Icelandic annals chiefly of the fifteenth century. We confess we do not see why the whole of the Hakonar saga is printed here, nor do we quite understand the object of placing part of the material of each volume in the body of the

work and part as appendices. For the history of Norway no doubt the saga of Hakon, Hakon's son, is of great interest. His long reign supervened upon a period of something like anarchy, and gave to the country a new lease of life. It achieved the union of Iceland with Norway, and it prepared the way for the reforms of Magnus, Hakon's son. But the earlier part of it—say the first 160 chapters at any rate—is absolutely unconnected with British history. During the earlier years of his reign Hakon was wholly occupied in trying to keep his head above the troubled surface of Norwegian politics, the state of civil war (for it was no less) brought about by the struggles of the Berkibeinar, the Baglar, the Slittungs, Ribbungs, and the rest. It is only the final chapters containing the account of the battle of Largs which touch at all closely upon the history of our islands. It would, perhaps, have been enough in the case of a saga of this sort to edit only those portions which are likely to be of use to English historical students, following the precedent of all the other great collections of *scriptores*—Pertz's or Bouquet's or Duchesne's. Then in the space thus saved we might have had passages from other of the kings' sagas, as for example the famous account of Stamford Bridge in Harald Sigurdson's saga. The account is fabulous no doubt—the best part of it. But so is the account of Clontarf in 'Njála,' so is 'Hemings þáttr,' which seems to demand that Snorri's story should stand beside it.

It need not be said that of the sagas collected in these two volumes the Orkney saga is that which has the nearest interest for the British historian. Even for the general history of the north it will be to most minds much the most attractive. It, in the earlier chapters more especially, belongs to the heroic age of Scandinavian history, the border land between myth and history, the close of the first Viking period, the time when the Edda songs were being composed, and when the material of the Icelandic saga was being created and collected. And in our view since Dr. Vigfusson first promulgated his theory of the origins of Icelandic literature—first in the preface to the 'Sturlunga Saga,' afterwards more fully in the preface to the 'Corpus Poeticum'—the history of the Norse occupation of the western isles has acquired a still greater interest. In the expression 'western isles' I include the Orkneys and Shetlands along with the Hebrides, Man, and Ireland; all alike are western isles to Norway; it was in all of these alike that the invaders came in contact with the remains of that Celtic civilisation which had originally rayed out eastwards from Ireland, with the descendants of those 'bards of Erin' who counted in their ranks Columba himself and whose verses inspired the saint with the most charming of his own poems. According to Dr. Vigfusson, it was out of the contact of the Norsemen with the remains of this Irish culture of a bygone age, the 'colouring of the strong if somewhat prosaic Teutonic imagination with the finer and more artistic spirit' of the Celts that Icelandic literature took its rise, not the Edda poetry only, but also the prose of the sagas.

The Orkney earldom, which was virtually an independent kingdom, may be taken as a sample of the many Norse states which during the first Viking age were formed in the British islands (Northumbria, the Hebrides, Man, Dublin, &c.) midway between the parent Scandinavian kingdoms and the new settlements in Iceland and Greenland. The earlier years

of the eleventh century constituted the most flourishing age of these Scandinavian kingdoms. They were all closely connected one with another. Ethnologically their inhabitants were almost identical, and the leading families of all were nearly allied by marriage. Consider the connexions and descendants of Olaf the White of Dublin for instance —how through his wife he was connected with the Hebrides, through his son with Caithness, through his granddaughters with leading families in the Orkneys, Faroes, and Iceland. These granddaughters of Olaf and Aud the Wise, Aud planted, as a general might establish posts of observation, on her way from Scotland to Iceland whither she came as the pioneer of Norse settlement. This is only one familiar instance out of many of the ramifications of relationship among the governing families of northmen in these days. Nothing is more interesting in this respect, though it must be confessed likewise that nothing is more puzzling, than a study of the genealogical trees of this period. Of such Dr. Vigfusson has furnished us with an excellent series at the head of his first volume.

And the association and intercourse in life which these family connexions suggest we see constantly realised in history, as for example, to take an instance from the sagas we are reviewing, in the history of the greatest of the Orkney earls, earl Thorfinn. We note first that he is half a Celt, being the grandson on the female side of the king of Celtic Scotland, and his appearance and his character too perhaps witness to this hybrid descent. He was large and strongly built, ugly to look at, with black hair, keen-eyed and big-nosed and swarthy, a great hero, covetous both of money and fame.[1] His wife was the daughter of a Norwegian earl. He himself was in constant relationship, friendly or hostile, with the Hebrides, Man, and Ireland. The Hebrides he seems to have conquered, and possibly a settlement in Ireland likewise. His mainland kingdom extended as far soutward as the Moray Firth, and we are told that he was at one time—precisely when it is not very easy to determine—captain of the English king's thingmen or house-carls.

Nor less wide were the connexions of Thorfinn's kinsman, and ultimately his rival, Earl Rögnvald. He had been sent early in life as a hostage to King Olaf Haraldson (St. Olaf), and was brought up at his court. Rögnvald was present at the battle of Stiklestad in which St. Olaf lost his life, and escaped thence with Harald Sigurðarson (Hardradi) into Sweden. Thence the two companions in arms travelled to the Swedish kingdom in Russia (Gardaríki), and took high service under Jaresleif, the king of that Scandinavian state. Rögnvald stayed there as commander of the *landvörn* (Landwehr), passing his winters in Helmgard (Novgorod). Harald, as we know, fared farther still, and became the commander of the Byzantine Væringians, and had (or did not have) all the adventures related in the saga of Harald Sigurd's son.

Could anything better than these two fragments of biography from the Orkney Saga bring before our minds the great brotherhood of Scandinavian nations which stretched from Novgorod or Ladoga, through the Scandinavian lands of our day in a great arc or two great arcs, first to the western conquests of the northmen, through Northumbria, the Orkneys, the Hebrides to Ireland, and again across to the Scandinavian colonies

[1] *O. S.* c. 22 ; and earlier, c. 14 : *swartr á hár skarpleitr ok skolbrúnn.*

(not conquests), the Faroes, Iceland, Greenland, and America? In this great system the Orkney earldom might be reckoned a sort of ganglion; no one of all these countries with which her inhabitants did not sometimes come in contact. Icelanders, as Dr. Vigfusson says ('Sturlunga Saga,' preface), frequently passed their winters in the Orkneys.

We see in reading the history of these days that not Scotland and Ireland only, but England herself, since the planting of the Danelaga, three parts belonged to this great system of states. She did so wholly for a while during the reign of Cnut, and she continued to do so more than half after the restoration of the line of Ecgberht. The relationships of Godwine's sons with the north show how she continued to do this till the conquest. Unfortunately the connexion between all these different kingdoms was one of two kinds. There were numerous alliances by marriage—a perfect ramification of relationship, as we have seen, among the rulers of the different Scandinavian states; and likely enough these are only typical of similar relationships in lower ranks of life. But these, again, gave rise to blood feuds; and among the greater men the impulses of private revenge were stimulated by the love of conquest. This ceaseless intestine conflict broke the power of the Scandinavian peoples, who, united, might have been strong enough to conquer the world. The battle of Stamford Bridge is only typical in its effects of a hundred other battles during the tenth and eleventh centuries, in which the arms of one Scandinavian ruler were turned against another. At last came the battle of Hastings, which, so far as we were concerned, put an end to this state of things for ever. For the Normans were no longer Northmen in anything but the name.

In touch with all the life and movement of the northern world stood, we have said, the Orkney earldom. And of this state the greatest period was undoubtedly the rule of Thorfinn the Great, who reigned in Caithness from his fifth year to his fifty-fifth, from the death of his father Earl Sigurd at Clontarf in A.D. 1014 to his own death in A.D. 1064; and he was part ruler or sole ruler for the Orkneys and Shetlands from about ten years after he became earl of Caithness. Of the three most striking battles fought by the Scandinavian nations in this century, the first, Clontarf, coincides with the beginning of his reign; Stiklestad, the second, divides it; and Stamford Bridge falls close to its end. If, therefore, we had to fix upon a place and a period which were more likely than others to be deeply imbued with all the influences out of which grew the Icelandic life and literature, we should fix upon the earldom of the Orkneys and Caithness in the days of Thorfinn the Great.

The best part of the collection of sagas which go to make up the Orkneyinga is the Jala Saga or Sögur, which end with the death of Thorfinn the Great. That portion especially which describes the final struggles between Thorfinn and his kinsman Rögnvald may be taken as a specimen of the very best kind of saga narrative, and though it is probably familiar to many readers, we will end this review by translating a few passages from it once more.

Rögnvald, it is to be premised, was Thorfinn's nephew. Early in life he had been sent to Norway to be a hostage in the hands of Olaf Haraldson; had, as we have seen, taken part in the battle of Stiklestad, and had

passed thence into the service of the king of Garðaríki. Later on he obtained the assistance of Magnus the Good to make valid his claims to a share of the Orkney earldom. Thorfinn gave way without fighting, and for many years these two earls carried on a joint rule in the islands. At length they broke into enmity, and in a great battle fought off Rauðuborg (Ratter Brough) Rögnvald was defeated and obliged to betake himself to Norway once more. He determined now to return to the Orkneys with one ship only, whose passage over the North Sea was not likely to be reported to Earl Thorfinn, who might therefore be caught unawares. And the result answered his expectations. For coming secretly to Hrossey, Rögnvald landed his men, marched to the house in which Thorfinn was staying, and having secured all the entrances from outside set fire to the building.

'It was night, and most of the men were in sleep, and Thorfinn was still sitting up and drinking. Rögnvald set fire to the house. And when Thorfinn was aware of enemies about, he sent men to the door to ask who these foes were. And word was brought him that Rögnvald had come. Thorfinn's men sprang to their arms; but they could effect nothing, for all exit was prevented. The house took fire quickly. Then Thorfinn advised them to ask a free passage for all to whom quarter was to be accorded. This request was preferred to the earl [Rögnvald], and he let out all the women and the unfree; but of the hirdmen of Thorfinn he said that they would be better to him dead than alive.'

These hirdmen are the counterparts of the thanes of an earlier, the *comites* of a still earlier, day among the German peoples. And the above passage wherein all the thanes are condemned to death (the literal translation of the passage is 'they would be no better to Rögnvold alive than dead;' but no doubt the meaning is as we have given it) reminds us of the well-known passage in our Chronicle describing the death of King Cynewulf which was brought about by an attack of a kind precisely similar to this one, and the death of all his thanes at his side.

Thorfinn, however, in the present instance was not killed. It is a fine picture of the courage and resource of the Norse hero of those days to find him, as we do, breaking down a portion of the wooden house, leaping out with his wife Ingeborg in his arms, and escaping through the smoke and confusion and the mirk night. He made his way across to Caithness, and then for a while lay concealed. He was supposed to have perished in the fire. Rögnvald now took possession of the earldom, and the means by which he had gained it were evidently not at all repulsive to the morality of the time nor thought at all unworthy of the 'most accomplished man of his day.'

Now, however, came Thorfinn's turn.

'A little before Yule' Rögnvald had gone over to one of the smaller islands (Little Papey) 'after malt for his Yule brewing. The evening that they were on the island they were sitting a long while round the evening fire; and he who had lit it said that the firewood was running short. Then the earl [Rögnvald] made a slip of the tongue and said "We shall be old enough (*full-gamlir*) before this is burnt out." He meant to have said "warm enough" (*full-bakaðir*). A curious and prophetic slip as we see by the sequel. 'When he noticed what he had

done, Rögnvald said, "I have made a slip of the tongue, the first that I ever remember making. And I recollect that King Olaf my foster said before Stiklestad, when I noticed a slip of his, that if it ever fell out that I made a slip of the tongue, I might expect in a short while to lose my life. Can it be that my kinsman Thorfinn is still alive?" At that moment they heard that the house was surrounded by armed men. . . .'

Thorfinn, as Rögnvald had done, allowed an exit to the non-combatants. And when most had gone forth a man in a linen garment came to the door and called to Earl Thorfinn to give a hand to the deacon. Then he laid his hands upon the wall and vaulted out over the wall, over the circle of men round the house, and alighted quite beyond them, making off in the darkness of night. Thorfinn told his men to go after the man, saying 'There went Earl Rögnvald. That was his feat and none other's.' One is rather sorry to learn that the fugitive was betrayed by the barking of his dog, captured, and put to death.

Of the care which is bestowed upon the editing of these sagas we have said something, and might easily have said more. Many important additions are made to the text of the Orkneyinga, taken chiefly from transcripts made by Magnus Olafsson and from Danish translations of the seventeenth century, both derived from fuller texts than any which have been preserved to our day. As Dr. Vigfusson says, this is the first complete text of the valuable Orkney saga which has ever been printed. In preparing it the editor has gathered material from all the five great libraries of northern literature, the Royal, the Arna Magnusson, and the University libraries of Copenhagen, the Royal Library of Stockholm, and the University Library of Upsala. It is from the last two that the seventeenth-century translation and the Olafsson transcripts have been taken.

The volume contains specimen reproductions of manuscripts showing different hands in the Flateybók and in the Arna Magnusson Codex 325. These are enough to show the general characteristic of the Icelandic manuscripts and the special kind of difficulties which stand in the way of their editing. These last lie chiefly in the excessive use of abbreviations which is the mark of all Icelandic manuscripts, and of the Flatey codex perhaps more than of any other.[2] C. F. KEARY.

Catalogue of English Coins in the British Museum. Anglo-Saxon Coins, vol. i. By C. F. KEARY. (London: Published for the Trustees of the British Museum. 1887.)

THIS is by far the most important contribution to British numismatics since the books of Mr. J. Evans and Dr. Hildebrand, and it is concerned with a series of coins which they have not dealt with. In it are fully described, *first* 200, all the earliest English moneys; *second*, the whole Mercian series, viz. 403 coins of Mercian kings, 655–877, 19 of Kentish under-kings, 765–825 (all struck by Mercian moneyers), and 71 of the archbishops of Canterbury, 766–914, also struck by Mercian moneyers and under Mercian influence; *third*, the whole East-English series, 105 of East-Anglian kings, 760–890, also of Mercian mintage, 592 of St.

[2] The above review was written before the lamented death of Dr. Vigfusson had deprived Europe of its first Icelandic scholar.

Eadmund's mint between 870 and 905, and one of St. Martin's mint at Lincoln ; *lastly*, the whole Northumbrian series, 868 'stycas' of the kings, 770–867, and the archbishops of York, 734–867, and 298 silver pennies of the Scandinavian kings of Northumberland and of St. Peter's mint at York, together with those of the Quantovic and the enigmatic but contemporary Cunecti mint, 876–954.

The introduction contains a brief and careful early history of English coinage. The Roman coinage in its Frankish copy gave rise to the English coinage, as well as the coinage of North Italy, Germany, and Gaul. The English in its turn served as a pattern for Scandinavian, Irish, and Scottish coinage. The Merwing coinage was the model for the 'sceatta' coinage, gold and silver, before Offa, curious pieces with many types and occasionally runic inscriptions, such runic legends referring, as far as can be seen, to Mercian and Northumbrian personages, there being also a mint of very debased coinage at London, which city seems to have enjoyed a certain autonomy during the first two centuries of settlement. When the Carlings brought in a fresh coinage, 755, the influence was soon felt in Britain. Offa began to coin silver pennies of the new value, and the under-kingdom of Kent and the archbishop of Canterbury followed his lead, as did the East-English kings, though in their case we do not, as with Kent, find Mercian moneyers employed. Northumbria alone refused to coin the new silver pennies and developed a copper coinage of its own, the so-called 'stycas,' which no other kingdom uses. It is not till the Northmen conquered and settled Northumbria that silver pennies of the new models, *novi denarii*, were struck there with evident marks of Frankish and West-Saxon influences.

The introduction has some good remarks on Múl's weregild, on the London pieces of the Cuerdale hoard, on the 'Eusebi' piece in Paris, on the types, weights, measures of value (based on Schmidt), and the like. There is also a complete account of the royal and archiepiscopal persons named in the catalogue, with genealogical tables, and a clear and brief notice on the various letters and scripts used on the coins. The latest and best sources have been consulted, Steenstrup proving notably useful. Thirty good autotype plates complete the volume.

Among corrigenda I notice a confusion between Sihtric and Sieferd (p. lxvii), and between Sæberht and Sigeberht (p. 271), names to be kept clearly apart; and 'club' for 'hammer' (p. lxxxi), where Thor's hammer is hinted at by the moneyer. It is Thor's hammer (not a mitre or pall) too that appears on the York coins, as the plates will show when compared with the carved stone hammers. To the alphabetic varieties I would add a few more (all taken from examples in this book), which may stand thus in tabular form : —

To A add H		„ L „ Ⅎ
„ B „ b		„ V „ Ɐ
„ D „ ƀ		„ N „ n
„ G „ R, r, S, g[1]		„ T „ —
„ h „ R		„ R „ I

In his account of the runes Mr. Keary is judicious, not wholly swallowing Wimmer's theory (as is too much the present fashion). There

[1] See p. 126, type 532.

is, however, no reason to suppose F to be used for G and M for S under Greek influence; the runic S and the runic K quite account for them. The survival of the runic forms for Th, R, G, W, H, N, S, T, B, L, M, Y, till late in England, especially in East England, is noteworthy.

The index is full, but the imaginary and blundered forms want obelising further, and we may at once sweep away a great array of impossibilities. Thus one may read with some confidence

Adilhere for Adulfere
Badugils for Gaduteis, Thadigils
Swefheard, Beagheard for Swefneard, Beanneard
Beagstan for Beacilia
Deneheah for Deneneah
Eadgar for Eactu, Eucsta
Eanbald for Eariadd
Farmon for Eagmon, Famlan
Gisleca for Sisleca, Risleca, Sidefa
Gudhere for Gudnere, Hudnere
Gundbert for Oanbert
Hereferd for Heremeld
Johannes for Onnonea, etc.
Radulf for Baciager, Bacialer, Baciaser
Redmund for Redmand
Sigeheah, Sigered for Wigeheah, Sibered
Werheard for Werneard
Wigbold, Wighard for Widbold, Withard
Wintred for Wertnid, Pertnid
Hussa for Huscam, Messa
Adradus for Arus, Alus
Ædelwulf for Cedelwulf, Cedliaf
Dialla for Ciallaf
Degemund, Deimund for Otie, Drome, Dumeda, Deanunhæ, Deuntae
Hludouicus for Hfirudoic, and perhaps Hodmurbedo
Hunulf for Huntael, Hunnall
Ascolf for Acolf, Ascolu
Stephen for Snefren, and perhaps Stein, and Teven, Hevet,

As probable identifications I would read

Ingemund for Isiemund
Reguer for Meuder
Cunehelm for Cudhelm
Ecgmund and Ecga for Erdnunc and Elda
Liabing for Luning

But there are still some obstinate forms which one knows to be wrong but cannot reduce to reason; such are Desand, Desaulix, and the series Elofroed, Eratinof, and Elismus.

The name-list suggests several considerations of importance. It proves the power and influence of Offa and his dynasty by showing that in nearly every case the moneyers of the kings of Kent, of præ-Scandinavian East Anglia, and of the archbishops of Canterbury are Mercians. It proves that with the Scandinavian settlers in East England within a generation of St. Edmund's martyrdom there came a number of foreigners; such names as Abbonel, Johannes, Martinus, Stephanus occurring besides

the more distinctly German or Frankish names Beringar, Wandefred, Winegar, Remigius, and what may be the Scandinavian Grimo (Sten is, I suspect, a mis-stamp). This points to an immediate increase of trade, owing to the conquests of Guthrum and Halfdene, which has not hitherto, I think, been allowed for. This trade was chiefly in the hands of aliens, neither East-Englishmen nor Northmen, one would further conclude, for otherwise one would find, as in the later West-Saxon coinage of the eleventh century, a larger number of purely Scandinavian names. For in the later West-Saxon coinage, owing to the mint-place being given, one can trace the gradual spread of Scandinavian trade westward reign by reign, and follow its course pretty clearly.

The name-list also gives us some help in the task of fixing the provincial nomenclature of early England. Thus names in Alh-, Tid-, Red-, Pend-, Here-, Beorn-, Wer-, Diar-, are here clearly Mercian, while names in Heard- and the curious Broder (which suggests Peredur) [2] are Northumbrian, and those in Gisl- seem East-English. As we should expect, the Cyne-, Ead-, and Ethel- names are distributed throughout the three kingdoms, Mercian, East-English, and Northumbrian.

There is also something to be learnt from such series of forms as Athilirad (Mercian), 700; Oethelred and Ediluald (Mercian), *c.* 770; Ethelneod (Mercian), *c.* 800; and as Northumbrian Eotberchtus and Eadberhtus, *c.* 750; Alchred, *c.* 770 (cf. Mercian Alhmund); Edilred, *c.* 800; Ædilred, Edilred, and Edelred, *c.* 840; Eadwini, *c.* 840; Cudbereht, 844; and Mercian Beornfred, 800; and East-English Beornferd, 880. Mr. Keary notices the iotacismus of the G at the end of the ninth century in East England, as also the aspiration of G in Mercia in the middle of the same century, but he is wholly wrong in confusing Sæmund (which does not occur) with Siemund, a form of Sigemund, and in supposing that Æilred in Northumbrian, *c.* 840, is aught but a blundered Ædilred. The dropping of the H in some types is accounted for by the Latin spelling, as in many of the earliest coins in each series the spelling is Latin. The *e* and *ei* confusion noted by Mr. Keary is based on a mistaken reading. Anlaf cununc and Onlof rex by the same moneyer Radulf is curious. I read Athelferd, 1092, North., and the plate supports me; and Alvvaldus, 1078, North. I suspect Beornferd, not Beornheah, East-English, 88; and Ecwulf, not Ecgwulf; so the plate reads Hunfreð, and there is no reading Hunferð, in the case of Plegmund's moneyer. The exact reading alone should be given in the headings; the others only confuse.

The importance of numismatics where there is often little other help must excuse the minuteness with which these small inaccuracies are noticed. The book is so valuable and useful that it is worth spending a little time in getting every detail correct. As an instance of the aid the coins give, one may note the confirmation of Matthew of Westminster's account of King Radulf, though the amount of his coinage might perhaps suggest a longer reign. And it is to coins alone that we owe a knowledge of the four East-English kings, Eadwald, Ethelstan, Æthelweard, and Beorhtric (the last possibly the son of King Berhtuulf of the Mercians).

The mint-places in England named in this volume are London, York,

[2] It occurs in the Irish authorities as Brodor, Bk. of Leinster, 171*b*, cited by K. Meyer, *Arch. Rev.* June 1888.

Lincoln, Canterbury, but the St. Edmund coins must have been struck in East England, and the Mercian coins apparently at more than one place, judging by the numerous moneyers named.

The following list will give as complete and correct an onomasticon of this volume prior to the northern invasion as I can make out—omitting those names that are quite uncertain—arranged under the various districts:

A 1 *Stycas, Northumbrian, before* 875.

Adilhere
Aedilred *and* Edilred
Alchred
Aldfridus
Aldhere
Badugils
Baduuulf
Beornferð
Beornheah
Broder
Ceolbald
Coenred
Cynuulf
Cudhard
Cunemund
Cudbereht
Daegberct
Ecgberhtus
Ecgfrid
Eadwini
Eanulf
Eanbald
Eanred
Earduulf *and* Hearduulf
Elualdus
Eotberchtus *and* Eadberhtus
Erpwini
Edelgar
Edelhelm
Edilueard
Edilred
Heardulf
Folcnod
Fordred
Herred
Hunlaf
Huaetred
Leofdegn
Monne
Redulf
Odilo
Tidwini
Wendelberht
Wilheah
Winiberht
Wintred
Uigmund
Uulfhere
Uulfred
Uulfsig

A 2 *Northumbrian pennies after* 875

Aðelferd
Alfdene
Alualdus
Anlaf *and* Onlaf
Ascolv
Cnut
Ericus *and* Eric
Farmon
Gundibertus
Hunred
Ingelgar *and* Ingælgar
Regnald *and* Raienalt *and* Racnolt
Radulf
Ramoald
Sicares *or* Sicared
Siefredus
Sieuert
Sitric

B 1 *Mercian sceattas before* 704.

Epa *and* Apa
Adilirad
Pádá

B 2 *Mercian pennies*, 757.

Adhelm
Alhmund
Alcred
Babba
Beagheard *and* Bæghard *and* Bahhard
Beagstan
Berheah
Berhtuulf
Biornfreð
Beornwulf
Botred
Brig *or* Bric
Buruwald *or* Burgwald
Burgred
Cenred
Ceolbeald

Coenuulf
Ciolhard *and* Celhard
Cioluulf *or* Ceoluulf
Cunehelm
Cyneðryð
Dealga *and* Dealla *and* Dela
Deneheah
Diarulf
Diaruald
Diormod
Dun
Dudda
Dudecil
Dudeman
Dudwine
Eadgar
Eadberht
Eadhuun
Eadnoð
Eadulf
Ealhmund *and* Ealmund
Ealhstan
Ealraed
Eanmund
Eanred
Eoba *and* Eaba *and* Oba
Eðelheah
Edelmod
Eðelnod
Eðiluald
Eðelulf
Framric ?
Guðhere *and* Huðhere
Heag
Heanulf
Hereberht
Hereferð
Hugered
Hunuulf
Hussa
Ibba
Liaba
Liafman
Liofuald
Lude *and* Ludiga *and* Lulla
Ludican *or* Ludigar
Ludoman
Oeðelred
Oeðeluulf
Offa
Osmod
Osmund
Osuulf
Pehuald ?
Redmund
Sæberht
Sigeberht
Sigeheah
Sigestef
Suefheard
Tata *and* Tatel
Tidbearht
Uerbald
Uerheard
Wiglaf
Wighard
Wine
Winod
Wintred
Uulfeard

Kent [3]

Æðilheard
Baldred *and* Beldred
Beornfred = Mercian Biornfred
Biarnred
Biarnulf
Biornmod
Ceolnoð *and* Cialnoð
Cialmod *and* Cealmod
Cenwald
Cuðred
Diala = Merc. Dealla
Eadbearht
Ecgberht
Escmund ?
Elfstan
Eðelstan
Eðered
Hebeca [Gibica]
Heremod
Hunfred
Iaenberht *and* Ienberht
Liabincg
Lil
Oba
Plegmund
Suebheard *and* Suefherd = Merc. Suefheard
Tidheah
Tidueald *and* Tiduald
Tocga
Uulfred
Wunhere

[3] Many of these are probably Mercian, as the mint and governance were under a Mercian over-king. The known Mercian moneyers are excluded.

East England, 760-898.[4]

Baeghelm *and* Beghelm
Beonna
Beorhtric
Beornferð
Beornheah
Eadmund
Eaduald
Eðelstan *and* Æðilstan
Eðilberht
Edelward *and* Aedelweard
Efe
Raegenhere *and* Regner
Sigered *and* Sigred
Torhthelm
Tuduwini
Twicga = Kent Tocga
Wigbold

Those names of East-Anglian kings and moneyers which are subsequent to the northern invasion form part of a later chapter in the history of English trade and numismatics, of which it will be more convenient to treat at another time. F. YORK POWELL.

Domesday Studies: being the papers read at the meetings of the Domesday Commemoration, 1886. Edited by P. EDWARD DOVE. Vol. I. (London: Longmans. 1888. 4to.)

THIS volume contains the first instalment of the papers read at the Domesday Commemoration held in 1886, the eight hundredth anniversary of the compilation of this great record. It is rather unfortunate that such assemblages as were brought together on this occasion are apt to inspire the writers of essays with a desire to produce something interesting rather than valuable. This usual effect of congresses may be perceived in the magazine character of some of the essays. Fortunately some of the contributors were strong enough to resist the temptation to write striking essays, and the result is that we have several real contributions to the elucidation of our great national return.

It will, I think, be convenient to notice each paper in the order it occupies in the volume. The number of essays forbids more than a brief notice of each one, but I shall endeavour to occupy the space at my disposal with the discussion of certain points of real interest contained in the volume, without attempting to give abstracts of all the theories and arguments therein contained.

The volume opens with a paper 'On the Study of Domesday Book' by Mr. Stuart Moore, which gives a fairly good account of the survey, although it cannot be said to throw much new light upon it. The article is chiefly remarkable for the description of the famous account of the survey given by the Peterborough Chronicler as 'the growl of the unintelligent, unthrifty Saxon monk,' 'the grumble of the Saxon monk, who like all his tribe keenly resisted all attempts to ascertain the wealth of the church' (pp. 7, 8). The poor 'Saxon' has incurred all this abuse because he said that the oxen and swine were set down in the original returns, and the articles of inquiry given by the *Inquisitio Eliensis* omit all reference to live stock. But surely the 'unintelligent, unthrifty' writer cannot have needlessly invented this detail. If he did, it is curious that his invention should have been supported by Florence of Worcester (ii. 18), who is here speaking of affairs that happened, in all probability, in his own lifetime. Moreover, as we see from the passage in the Ramsey Chronicle recording,

[4] Names of known Mercian moneyers excluded.

with peculiar *naïveté*, the acquisition of a manor from his drunken Danish host by an unscrupulous bishop, such inquiries as to stock were necessary to form a just estimate of value.[1] Mr. Moore has partly perceived this, for he endeavours to exempt the records of live stock given in the second volume of the survey from the 'unthrifty' chronicler's description by claiming that they were the stock of the demesne. It is precisely the survey of the demesne lands that most affected the monasteries. Not being gifted with Mr. Moore's intimate knowledge of the personal habits and character of the author of this oft-quoted passage, I am indisposed to speak slightingly of the man who, besides this description of the survey, has given so accurate a portrait of William the Conqueror. The clear, lucid style in which these two celebrated passages are written suggests that their author was anything but unintelligent.

Mr. Moore's paper is followed by a rambling essay by Mr. Hyde Clarke, which rather uselessly compares the Turkish survey of Hungary with Domesday. This is grandiloquently entitled 'A Study in Comparative History,' but it is, as a German reviewer has remarked, *die werthloseste der in dem Buche enthaltenen Arbeiten*.[2]

Canon Taylor, in the next paper, entitled 'Domesday Survivals,' gives a popular account of the old system of open-field agriculture, many relics of which, he claims, still exist. His principal example is Burton Agnes, near Driffield, which is also the basis of another of his papers. I am afraid that it will not be easy for any one not gifted with the canon's enthusiasm 'to still detect, as harvest time approaches, by the varying colours of the ripening corn, the lines of the selions of the Domesday plough, now levelled by cross ploughing, but still traceable owing to the fact of the corn growing more luxuriantly and ripening more slowly in the deeper and richer soil which has filled the depressions between the ancient selions' (p. 60).

Canon Taylor is also responsible for the next paper, on 'Wapentakes and Hundreds.' In it he combats the view that the wapentake is the correlative of the hundred, and proceeds to build up a theory that the wapentake was formed out of the association of three hundreds for the purposes of furnishing a ship (*scyp-fylleð* or *navipletio*). He tells us that in the wapentake district Domesday records hundreds in Nottinghamshire, Derbyshire, Rutland, and Lincolnshire (pp. 68, 74). In the last-named county the hundreds in Domesday are, he states, exactly three times the number of the wapentakes, there being in the survey 28 wapentakes and 84 hundreds. This looks like proof of his theory, but on careful examination the whole case crumbles away. The Rutland hundreds are, as a reference to Domesday will show, the small hundreds of 12 carucates, and the solitary Derbyshire hundred and the Nottinghamshire hundreds are, apparently, of the same character. As for Lincolnshire, the survey mentions 83½, not 84 hundreds. But these, again, are the small hundreds

[1] *Historia Rameseiensis*, p. 136: *qui* [sc. Dacus] *iocundus admodum factus, episcopo, instauramentum et valentiam villae sciscitanti, referre coepit quantum peculii quot armentorum seu ovium greges in dominio haberentur, quoto vomere gleba curiae frangeretur, quantumque pecuniae singulis annis de statuta totius villae pensione numeraret.*

[2] K. Schalk, *Mittheilungen des Instituts für österreichische Geschichtsforschung* ix. 673.

of 12 carucates, and it is evident Domesday does not mention the whole of them. The invaluable Lincolnshire survey, which is all but contemporary with Domesday, mentions no fewer than 137 hundreds in that county, exclusive of those in Manley Wapentake, the figures relating to which have perished. So far from each Lincolnshire wapentake being made up of three hundreds, the contents range from three to fourteen hundreds. An examination of the Domesday entries will show that Fulbeck and Leadenham contained four hundreds, Long Bennington two hundreds, and Blankney two hundreds. It is obvious that two villages could not form a wapentake and a third. Canon Taylor's East Riding examples seem to be more *ad rem* than his other instances; but, in default of evidence from the other wapentake counties, they are insufficient to secure acceptance for his theory.

Mr. J. H. Round is the author of the next paper on 'Danegeld and the Finance of Domesday.' This is by far the best paper in the volume, being marked with extensive and painstaking research and a refreshing freedom from extravagant deductions and picturesque theories. The paper is full of valuable points relating to financial history, which the space at my disposal forbids my dwelling upon. Mr. Round maintains, I think rightly, that demesne lands were not usually exempt from payment of danegeld, and suggests that the abnormal danegeld of 6*s*. on the hide in 1084 was fixed at that rate because the demesne lands were specially exempted from the levy (p. 97). He also suggests that Ordric's well-known description of Ranulf Flambard's extortions means that this rapacious minister made the holders of estates pay danegeld on the actual number of ploughlands in each manor, instead of on the number of hides or carucates at which it was usually assessed. This explanation has become obvious since Eyton established the fact that the *hidae ad geldum* or *carucatae ad geldum* represented the traditional assessment of a manor, such assessment sometimes being much below the actual contents of the manor, owing to the action of what he called 'beneficial hidation,' in other words to the practice of granting reductions of the hidage upon which geld was levied.[3] It is not improbable that the Conqueror had some idea of sweeping aside these traditional assessments, for the Great Survey records, in a very marked way, the real number of ploughlands in each manor. Flambard's proposition seems to have been that the king should, in cases of beneficial hidation, allow the owner to retain the number of hides at which the manor was assessed and seize the excess into his own hands. Thus in the case cited below in note 3 Flambard would have seized the three hides that were free of geld into the king's hands.[4]

[3] As the present volume shows that there are still many Domesday students who have not accepted Eyton's discovery of this system of beneficial hidation, it may be as well to print a late instance of the practice. In 1204 John granted to the abbey of Trouars *quod decem hidae in Horseleia se adquietent pro septem hidis de omni*[*bus*] *geldis et omnibus rebus, sicut praedictus Rex Henricus avus patris nostri eis concessit et carta sua confirmavit; Rot. Chart.* 124*b*. It is probable that improved husbandry is responsible for many of the discrepancies between the traditional hidage and the actual ploughlands, for we can hardly assume the existence of royal grants in the hundreds of cases recorded.

[4] This seems to me to be the meaning of the first portion of the passage: *Hic*

Mr. Round has gone a long way towards proving that Flambard levied danegeld on the number of existing ploughlands, instead of on the traditional assessment number, by his apposite quotations from the Pipe Roll of 1130. These prove that two men paid large sums of money *ut manerium de Burwardescote geldet amodo pro VI hidis*. We learn from Domesday (i. 60, col. 1) that this manor had been even then reduced from an assessment of forty hides, T. R. E., to one of six hides. In the interval between Domesday and the Pipe Roll it is evident that some one had made the holders pay on the full number of forty hides. Who is so likely to have done this as Flambard? The latter part of Mr. Round's paper is occupied by a discussion of the meaning of 'landgavel.' He defines it (p. 136) as 'the rent arising from tenants of burgages within the king's *dominium*.' Mr. Round makes out a strong case in favour of his contention, but it will be found, I think, that almost every house in a borough paid landgavel. Incidentally Mr. Round refers to the acrimonious discussion between him and Mr. Jeaffreson concerning the 'gavel pennies' of the famous Leicester inquest. His suggestion that the *gouelpennis* mean the money paid as landgavel asks us to believe that the Leicester jurymen of 1254 were ignorant of the word *gavel*. This, I venture to submit, is hardly a likely presumption. The burgesses, it is alleged, agreed, in the early part of the twelfth century, to pay their lord 3*d*. yearly for each house whose gable faced the high street, on condition that all pleas relating to them should be decided by the twenty-four jurors, instead of by duel.[5] It is not at all unlikely that the burgesses had to purchase from their lord a confirmation of their local customs, which, in all probability, included, like the customs of many other boroughs, exemption from trial by battle. As the subject is one of considerable historical interest, I may be excused for drawing attention to the fact that the Scarborough burgesses agreed to pay King John an annual charge levied in the same manner as alleged in the Leicester inquests in return for a grant of privileges.[6] Mr. York Powell informs me that the French expression *avoir pignon sur rue* records a similar system of assessments by the gables of houses.

iuvenem fraudulentis stimulationibus inquietavit regem, incitans ut totius Angliae reviseret descriptionem, Anglicaeque telluris comprobans iteraret partitionem, subditisque recideret tam advenis quam indigenis quidquid inveniretur ultra certam dimensionem. Annuente rege, omnes carrucatas, quas Angli hidas vocant, funiculo mensus est et descripsit, postpositisque mensuris, quas liberales Angli, iussu Eduardi regis, largiter distribuerant, imminuit, et regales fiscos accumulans colonis arva retruncavit. Ruris itaque olim diutius nacti diminutione et insoliti vectigalis gravi exaggeratione supplices regiae fidelitati plebes indecenter oppressis, ablatis rebus attenuavit, et in nimiam egestatem de ingenti copia redegit; ed. Le Prévost, iii. 311.

[5] *Burgenses . . . ita convenerunt cum comite, quod darent ei tres denarios per annum de qualibet domo cuius gablus situs esset versus altam stratam, tali condicione quod eis concederet, quod per xxiiii. iuratos qui erant in Leycestria antiquo tempore statuti ex eo tempore omnia placita ipsis contingentia essent discussa et determinata*; Jeaffreson, *Index to Leicester MSS.*, p. 45. It seems to me not improbable that we have a distorted account of the *lagemen* of the Danish boroughs in the *iurati qui erant . . . antiquo tempore statuti*, for it is hardly a description of an ordinary jury.

[6] *Rot. Chartarum*, 40*a*, A.D. 1200: *et ipsi de unaquaque domo de Escardeburg cuius gabulum est tornatum adversus viam nobis reddent singulis annis quatuor denarios et de illis domibus quarum latera versa sunt versus viam sex denarios per annum.*

In the next paper, entitled 'The Ploughland and the Plough,' Canon Taylor broaches a theory of considerable interest. He postulates, as it seems to me rather unnecessarily, that we ought to be able to distinguish from the entries in the survey between manors tilled on the two-field and on the three-field systems. With this object in view he analyses some of the East Riding manors, and he finds that in two-course manors the number of geld carucates agrees with the number of ploughlands, whereas in three-course manors the carucates are double the number of ploughlands. He therefore concludes that the *carucata ad geldum* meant the land tilled in one year, which, on Fleta's figures, would be one patch of eighty acres in one field in a two-course manor and two patches of sixty acres in two fields in a three-course manor. An objection to this theory is that the proportion is not always, even in Yorkshire, two carucates to one ploughland or one carucate to one ploughland, and it seems hardly possible to explain the numerous exceptions in the way that Canon Taylor explains that of Burton Agnes. Moreover, we have no independent proof that the three-field system had been introduced into the East Riding at this early date. The agricultural condition of this district was very backwards in Arthur Young's time, and in Holderness it must have been very primitive in the eleventh century if we are to credit the tale that nothing but oats grew there.[7] Nor is the fact that the Ordnance Survey records three fields in certain manors proof that these manors were cultivated on the three-course system at the time of the survey. The Croyland charter of A.D. 825 (*Cod. Dipl.* i. 306; *Cart. Sax.* i. 527), cited by Canon Taylor to prove that Fleta's figures are applicable to the survey, is a clumsy forgery made up from the entry in Domesday (i. 346 *b*, col. 2), and the arable land eight furlongs by eight furlongs is not, as Canon Taylor reads it and explains it, a gloss on the three carucates. This will be seen from the survey itself.[8] Nor is Canon Taylor's cardinal example, Burton Agnes, as clear from doubt as he thinks. In 1809 there were, he tells us, 999 acres of arable land, and there were in the time of Domesday twelve carucates and land for six ploughs.[9] If we divide 999 acres by six, we get a quotient of $166\frac{1}{2}$ acres to each ploughland, which is not so very far from Fleta's definition of 160 acres as the contents of the two-field carucate as to definitely prove that Burton Agnes was not a two-field manor. Canon Taylor's theory is not likely to consign Eyton's 'beneficial hidation' theory *al limbo dei bambini*, as he suggests (p. 172), because in the other counties the ploughlands almost invariably equal or exceed the number of geld carucates. It is clear that in some Yorkshire manors the excess of the geld carucates over the ploughlands is a memorial of the Conqueror's

[7] *Chron. Mon. de Melsa*, i. 90: *Holdernesia quae valde sterilis et infructuosa erat eo tempore, nec gignebat nisi avenam.*

[8] This *terra arabilis* seems to be, like that of Langetof on the same page, land that might be ploughed, just as in a grant of 2 *mansae* and 25 *segetes* in 958 (*Cod. Dipl.*, v. 394; *Cart. Sax.*, iii. 227) mention is made of many hills that might also be ploughed (*þonon synt þær manega hylla þæ man erien mæg*).

[9] As he gives no reference, it is impossible to trace the authority for these six ploughlands. The only East Riding Burton that has any such figures is at fo. 304, col. 1, where the figures are 12 car. and 6 bov. *ad geldum* and seven ploughlands. But this is obviously either Cherry Burton or Bishop Burton near Beverley.

harrying of this county. But this will not explain all of them. In the case of Ripon (i. fol. 303 *b*, col. 2) there were, outside the *Leuga Sancti Wilfridi*, forty-three geld carucates and land for thirty ploughs. One is tempted to identify these thirty ploughlands with the *terra triginta mansionum* of Eddi, *Vita S. Wilfridi*, ed. Raine, p. 12, and the *triginta familiarum in loco qui vocatur Inhrypum* of Beda, *Hist. Eccl.* v. 19. The effect of Canon Taylor's paper is considerably lessened by his unquestioning acceptance of Mr. Pell's strange delusion that, because the English called 120 a hundred, therefore they called 60 fifty, 6 five, and so on. In any case it is surely carrying this theory to absurd lengths to assume (p. 176) that in one and the same village one set of holdings was calculated on the proper scale of calling 10 ten, whilst another set was calculated on the system of calling 12 ten. Nor does it seem quite consonant with what we know of early tithe-owners to believe that they would be contented with a proportion of one out of twelve, instead of one out of ten, even if twelve were ever called ten.

This is followed by another of Mr. Round's valuable papers, entitled 'Notes on Domesday Measures of Land.' Like his other paper, this is a work of great research, and is replete with clever suggestions. Mr. Round disposes of the passage in Heming's chartulary, which seems to be the origin of Eyton's notion that bishop Wulfstan of Worcester presided over the Domesday commissioners at Chester, by showing from the *Vita Wlstani* that Heming's *legatio regis apud Ceastram* really refers to a visitation of that bishopric undertaken by Wulfstan at the instance of Lanfranc. Mr. Round (p. 196) lays stress upon the distinction between the yardland or *virgata* and the oxgang or *bovata*, which are still frequently confused by antiquaries. The yardland is the fourth of the hide, whilst the oxgang is the eighth of the ploughland or *carucata*, and, as Mr. Round points out, measurements are never given in terms of the hide and oxgang, or of the ploughland and yardland. That the survey of the northern counties in carucates was not the result of the caprice of the Domesday surveyors, an idea that Mr. Round rightly scouts, is proved by the fact that one may seek in vain for measurements in hides and virgates in the later northern records. I do not know whether it is necessary to assume, as Mr. Round (pp. 199–200) does, that the ploughland was a Danish term that displaced the term hide in the north, for the Jutes divided their land by what is practically a ploughland (*sulung*, from *sulh*, 'plough'). Yet the hide seems to have been known at one time in the north, for a twelfth-century entry in the Durham *Liber Vitae*, p. 56, mentions *twa hyda landes* at Smithatun, and others in Creic and Suthtun, and a charter of A.D. 1002 (*Cod. Dipl.* vi. 144) speaks of hides by the Humber. Moreover, the will of Wulfric, A.D. 1002, speaks of hides in Derbyshire and even in Nottinghamshire (*æt Ealdesworðe*, now Awsworth; *Cod. Dipl.* vi. 149).[10] The derivation of *hide* from *hiwisc*, referred to by Mr. Round at p. 211, is not one that any philologist would acknowledge.

The remaining 158 pages of the volume are occupied by a paper that

[10] If we may trust the authority of Ordric, the charter of William the Conqueror to St. Evroul speaks of *virgatas terrae* at Turchillestona or Thurcaston, Leicestershire; ed. Le Prévost, iii. 24.

was not read at the commemoration, and has therefore no title to figure in this volume. This is Mr. O. C. Pell's paper entitled 'A New View of the Geldable Unit of Assessment of Domesday,' which is, to a large extent, reprinted from the Proceedings of the Cambridge Archæological Society. This must have been a most costly paper to print, with its columns of figures, tables, marginal notes, &c., and its merits by no means warrant the editor's deviation from his title-page to include it. It is certainly one of the most extraordinary papers ever written. It is quite impossible for any man to understand it upon first perusal, and on second perusal he begins to wonder where all Mr. Pell's facts come from. By patiently searching out the origin of each definition, he will find generally that it is a mere assumption, furtively slipped in somewhere as an established fact. Each of these imaginary facts has a number of other equally imaginary facts depending upon it; but Mr. Pell, with great dexterity, makes these spectral facts mutually support one another. He starts his paper with the purely gratuitous assumption that the divisions of the hide or carucate corresponded to those of the pound, so that he has to prove that the hide or carucate contained 240 acres. He does this in characteristic fashion. After quoting Fleta's definition of the carucate in a two-course manor as 160 acres, half of which lay fallow in each year, and of the three-field carucate as 180 acres, one third of which lay fallow annually, he coolly throughout treats the three-field carucate as 180 acres, and the two-field carucate as 240. The fact that this altogether reverses the proportion is nothing to him, nor does his own statement at p. 186, that even Fleta's figures of 160 acres are too large for one ploughland, prevent him from constantly regarding the two-field carucate as containing 240 acres. Having, as he thinks, discovered hides of 256 acres and 288 acres, he has no difficulty in proving, by clever juggling of figures, that there were corresponding pounds of 256 d. and 288 d. as well as the ordinary one of 240 d. in use at the time of the survey. Nay, he even goes farther than this, for he gives a table (p. 248) to show how the values in Domesday are reckoned by all three pounds. Incidentally, he 'proves' some very curious facts, such as that the shilling of 12 d. was in use in England in the eighth century; that the mark, which was undoubtedly of Scandinavian origin, was pre-Saxon and British; that the equally Scandinavian *ora* was 'pre-British,' because it is said in Domesday to be paid *ex veteri consuetudine*. A man who can derive so much proof from this phrase is not to be easily baulked by facts. It is no wonder, therefore, that the mark becomes the equivalent of the pound instead of half a pound; that the *ora* is, at one time, the equivalent of the *solidus*, and, at another, the equivalent of the mark of gold.

But this principle that anything may be anything else when convenient is best carried out in his remarks on land measurements. The hide or carucate may contain almost any number of acres from 72 to 288, and may contain virgates ranging in number from three to twenty. Then hide may, when necessary to support his theories, mean a virgate, just as a carucate, the correlative of the hide, may, under similar circumstances, mean a virgate; that is, according to Mr. Pell's views, *it may mean from the third to the twentieth part of itself.* It is not necessary to further dissect these

extraordinary calculations, more especially as Mr. Round has, in the *Archæological Review*, devoted three papers to a conclusive exposure of the method in which they are made. But the crowning delusion in Mr. Pell's paper is his *Anglicus numerus* theory. Domesday records in Lincoln that the English reckoned 120 as a hundred. This is merely the old Teutonic hundred, the Latin hundred of 100 being denominated by words in the various Teutonic dialects that really mean 'ten-ty.' Mr. Pell (p. 353), with his marvellous faculty for proving things to be just the reverse of what they are, tells us that the Danes did not use this *Anglicus numerus*. Unfortunately for Mr. Pell, it is well known that the Scandinavians were just the people who longest adhered to the old Teutonic hundred. In fact, in the sagas and laws a *hundrað* is always to be understood as 120, unless it is expressly stated to be the short hundred (*hundrað tīrǫtt*). But the most extraordinary assumption in Mr. Pell's paper is that, because a hundred meant 120, therefore fifty meant 60, five meant 6, and, he ought to have added, one meant $1\frac{1}{5}$.[11] By the application of this system when necessary, Mr. Pell is able to explain almost anything. The number of combinations it produces, coupled with Mr. Pell's numerous hides of different contents, is something extraordinary. Take, for instance, the hide of 120 acres. According to Mr. Pell's views, ten such hides might contain $10 \times 120 = 1200$ acres; or the 10 being *Anglico numero*, $12 \times 120 = 1440$ acres; or the 120 acres being reckoned *Anglico numero* will mean 144 acres,[12] so that we get $10 \times 144 = 1440$ and $12 \times 144 = 1728$ acres. Now Mr. Pell gives nothing in the shape of proof that any such system of counting ever existed.[13] Mr. Pell gets other possible variations by another delusion called *wara*. This word, he says, means fallow lying in common and untaxed, but he gives no authority for this explanation. It is one of his numerous baseless assumptions, for *wara* has no such meaning. But this enables him to count the fallow land, or to omit it from his calculations. In fact, there is no limit to the possible combinations of figures that his theories admit, and as his figures bear no relationship to the modern areas, they are obviously worthless. He occasionally throws in such gratuitous absurdities as that $400\frac{1}{2}$ acres in Domesday mean $400 \times 1\frac{1}{2}$; that 9 hides and 1 virgate means 1 hide and 1 virgate $\times 9$, and that the survey, 'for convenience sake' (p. 356), frequently transposes numbers, so that, for instance, 32 virgates of 30 acres each may appear as 30 virgates of 32

[11] Mr. Pell actually stated elsewhere that one *Anglico numero* does mean $1\frac{1}{5}$. See *Archæological Review*, iv. 249, reprinted from *Camb. Arch. Soc. Proc.*, vi. 162. At p. 352 of the volume now under consideration, we are gravely told that eight was called *iuxta aestimationem Anglorum* $6\frac{2}{3}$. With a unit of $1\frac{1}{5}$, one wonders how the Anglo-Saxons managed to represent fractions such as $1\frac{7}{8}$ or $6\frac{2}{3}$.

[12] We have here a good instance of the absurdity of this *Anglicus numerus* a worked by Mr. Pell. It is pretty certain that the typical hide contained 120 acres. When, therefore, we meet with early explanations of it as containing a hundred acres, it is obvious that the long hundred is meant. But Mr. Pell takes instances where the long hundred is expressed in full as 120, explains that this is *Anglico numero*, and accordingly makes it equal 144. In this way he reckons the excess over the short hundred twice over, the 100 being assumed to mean 120, and the 20 to mean 24.

[13] Since the above was written I have examined his 'proofs' in the *Archæol. Review*, iv. 323.

acres. In spite of all these eccentricities, whereby the hide may represent almost any number of acres, and the value of the estates may be reckoned in three different pounds, 240d., 256d., 288d., and in four different shillings, Mr. Pell yet claims that Domesday, being 'a schedule of tax-paying units,' must have been drawn up on 'some one uniform system of assessment,' and its pound must have been as uniform as the pound of the modern income tax return (p. 326), and its numbers have been formed upon some uniform plan of counting (p. 350). This is just the view most people would take of the survey, and by the mere action of taking that view they must utterly discard Mr. Pell's elaborate and wire-drawn calculations. For, in order to accept his theories, we must either lay aside all dictates of common sense, or assume that the compilers of Domesday were actuated by an insane desire to make the survey utterly incomprehensible, contradictory, and valueless. W. H. STEVENSON.

Geschichte des Wahlrechts zum Englischen Parlament im Mittelalter. Von LUDWIG RIESS. (Leipzig: Duncker & Humblot. 1885.)

Der Ursprung des Englischen Unterhauses. Von L. RIESS. (Sybel's *Historische Zeitschrift.* Neue Folge. XXIV. 1888.)

IN these valuable and interesting papers Dr. Riess has collected much useful information, and has also put forward some original views respecting the origin and early history of the English house of commons. Whether all that part of his work which may be called new is also true is, I think, open to question, but his views are certainly worthy of careful consideration, for they are based on extensive knowledge and on the study of contemporary documents, and show much historical acumen.

Dr. Riess discusses in the first-named work (1) the original aim and object of representation, (2) the electoral system in town and country districts, (3 and 4) the active and passive franchise, (5) the causes of modification, and (6) the first attempts at reform. It is in the first of these divisions that most of the contentious matter is contained, while most of the fresh information is to be found in chapters ii.–iv.

1. In discussing the object for which representatives were originally summoned together Dr. Riess first of all dismisses as absurd the notion that any stress is to be laid on the words of Edward I's summons (1295), *ut quod omnes tangit ab omnibus approbetur.* This is merely, he says, the rhetorical language of a chancery-clerk addressing the heads of the church. Neither king nor nation could have had any idea in the thirteenth century of a deliberative assembly selected from the third estate, which should discuss all the political questions affecting their interests. What, then, was the object of their meeting? The author finds the first cause in the grievances arising from the misgovernment of the sheriffs. The difficulty of controlling these powerful officials was one of long standing, and subjects who complained of their oppressions had already been taken into the royal confidence. In 1226, for instance, Henry III summoned four knights from several counties in which such troubles had arisen. Edward I took measures for checking them in 1285 and 1293, and in 1295 (so Dr. Riess assumes) he summoned representatives with the

special object of obtaining information about the local administrative system. To confirm this view, many instances are adduced from the reigns of the three Edwards, in which the misconduct of the sheriffs aroused the royal solicitude. Under Edward III the redress of grievances is more than once declared to be the object, or one of the objects, for which parliament was called together.

On this point it may be remarked, in the first place, that the earlier writs do not, with the exception of the case mentioned by Dr. Riess in 1226, specify local grievances as the object of a parliamentary meeting. They generally specify much wider objects. The 'four discreet men' or the county were summoned in 1213 *ad loquendum nobiscum de negotiis regni nostri.*[1] In 1261 three knights from each county were called, *tractaturi super communibus negotiis regni nostri*, and further *ad tractandum de pace* between the king and the barons.[2] The writs issued in 1282, during the war with Wales, after stating that the time had arrived for putting an end once for all to the Welsh troubles and appealing to the whole nation for aid in the work, commanded the attendance of four knights from each county and two citizens from the boroughs *ad audiendum et faciendum ea quæ sibi ex parte nostra faciemus ostendi.*[3] Next year, after the capture of David, borough members were summoned *quia cum fidelibus nostris volumus habere colloquium quid de David fieri debeat.*[4] In 1294 knights were summoned *ad consulendum et consentiendum*, *i.e.*, as elsewhere explained, to join the magnates in deliberating *super quibusdam negotiis arduis nos et regnum nostrum contingentibus.* The business in question consisted of the affairs of Gascony and Wales.[5] Surely these instances show that the statement of the object of the summons made in the writs of 1295, *ut quod omnes tangit ab omnibus approbetur*, is no rhetorical flourish, but sober truth. It is merely, in fact, a summary of many preceding writs. The primary object, so far as it can be learnt from the writs, for which representatives were summoned in the thirteenth century was to discuss the public affairs of the realm.

Further, although it is doubtless true, as Dr. Riess shows, that the representatives seized the opportunity of an assembly to air their grievances, it does not follow that they were summoned with this object. No doubt such an assembly resulted in the redress of grievances; redress, or the promise of redress, soon became the condition of a supply. But it is extremely improbable that a king such as Edward I or Edward III should have gone out of his way to assemble a number of persons whose complaints, taken singly, could be easily pacified or suppressed, but whose combination might soon become inconvenient, had he not expected to gain some compensating advantage. I regard the ventilation of these local grievances, then, as the natural result, but not as the cause, of the summons to representative members.

Dr. Riess finds a second object of the summons in the nomination of collectors and assessors of taxes for the various districts represented in parliament. He shows that the persons elected were frequently entrusted with the duty of collecting the aids which they had assisted in voting. On one occasion, in 1352, they begged to be exempted from this disagreeable

[1] Stubbs, *Select Charters*, p. 279. [2] *Ib.* p. 396. [3] *Ib.* p. 455. [4] *Ib.* p. 458. [5] *Ib.* p. 471.

duty, but the council rejected the demand as unreasonable. Dr. Riess has done a real service in calling attention to this fact, not, I think, hitherto observed or clearly pointed out. But he appears to go too far in regarding the appointment of tax-collectors and assessors as an object of the parliamentary summons. There is nothing to show that the appointment was made in parliament, and this is in itself improbable. It was not contrary to the notions or customs of the day that the districts under taxation should choose their own assessors and collectors, but these persons need not have gone to Westminster to receive their appointment. On the other hand, having come to parliament to join in granting an aid, nothing was more natural than that the king should bind the grantors over to see that their promises were redeemed.

Dr. Riess next proceeds to consider whether the financial object usually assigned as the chief end of a parliamentary gathering in the middle ages is to be regarded as a primary object at all. He argues at length in order to disprove the orthodox view as expressed by Hallam: 'To grant money was the main object of their meeting.' With this end he endeavours to show in the first place that parliamentary control over taxation was of considerably later date than is usually supposed, and that the king was therefore under no obligation to summon parliament for this purpose; and, secondly, he leaves it by his silence to be inferred that positive proof of parliaments having been summoned for the purpose is lacking. He begins by distinguishing the financial rights of the government in mediæval England from those recognised in contemporary Germany. In Germany the expenses of administration were supposed to be defrayed out of the produce of the royal domains and the 'Regalien:' in England the Conquest had made the sovereign supreme landlord and enabled him to tax his subjects, great and small, at his own pleasure. Some chronological definition is requisite before it is possible to accept this distinction as absolute. However nearly it may approach to the truth immediately after the Conquest, it can hardly be said to hold good of the time when the phrase 'the king should live of his own' expressed the popular theory of taxation; and that time was not far removed from the period of which Dr. Riess is speaking. No doubt, however, the kings of the thirteenth century had extensive rights over taxation. It was against the abuse of these rights that the barons rose in 1215, but the financial limitations originally inserted in Magna Carta were subsequently omitted, and the sovereign fell back into his evil ways. The result was the movement of 1297.

In examining the results of this movement Dr. Riess assumes that the Latin document known afterwards as the act *de tallagio non concedendo* contains the original demands of the baronage. This is no doubt possible, but it is unproven. Speaking of the (French) statute actually passed he remarks, in the first place, the distinction made between the new taxes, which are to be discontinued, and the 'ancient aids and prizes,' which are to be taken as before. He calls attention, further, to the vagueness of the expression *tote la communaute de la terre*, to whom, along with the church and the baronage, the concession is made. This expression he declares meaningless (*nichtssagend*), a mere rhetorical exaggeration. 'Edward's answer,' he says, 'amounted to this: that he recognised

no new right, but would cease to regard the proceedings of his father's reign as revolutionary. He acknowledged the precedents of that reign, and with them the right of assent to taxation claimed by the barons and the bishops. In short, he gave legal sanction to the practical concessions of Henry III. . . . In the case of the barons this right of assent was never afterwards called in question. But from the towns and counties, to which he had made no concessions, Edward himself, even after this date, levied taxes without asking their assent. . . . We deny, then, that by the statute of 1297 the right of assent was conceded to the counties and boroughs, and maintain that nothing is said of this matter in the statute, though it appears in the original proposal.'

This view does not appear to me to be tenable. What were the circumstances of the case? Under the pressure of foreign complications the king had exacted excessive taxes both from clergy and laity. These taxes are defined in the statute as *aides, mises et prises*, or 'aids, tasks, and prises,'[6] *i.e.* feudal aids, scutage, &c.; grants of tenths, fifteenths, and the like; customs and purveyance. These are divided (clause 5) into two classes, one consisting of the aids and tasks (or taxes), 'which they have given to us of their own grant and goodwill;' the other consisting of the prise, 'taken throughout the realm by our ministers.' The one class is voluntary, the other compulsory. It is true that this definition cannot be exactly maintained, but accurate definition is possible of very few things in mediæval constitutional history. The voluntary taxes were not entirely voluntary, and in regard to the others compulsion was not unlimited. Neither scutage nor the three customary feudal aids could very well be refused when demanded, though the amount might be limited (as in 1290). On the other hand the customs were granted by parliament early in Edward's reign, and might therefore be almost regarded in the light of a voluntary grant. Still, interpreted roughly, the distinction may be allowed to pass.

The statute also distinguishes, as Dr. Riess observes, between old and new taxes. Clause 5, after mentioning the *aides, mises et prises* which have been granted or taken heretofore, promises that such aids, &c. (*tieles aides, mises ne prises*), shall not be drawn into a custom. Clause 6 further promises that such manner of aids, &c., shall not be taken in future, but by common assent of the kingdom, 'saving the ancient aids and prises due and customary.' It will be at once observed that the saving clause omits the word *mises, i.e.* apparently such taxes as tenths and fifteenths, the crown having no claim to taxes so described. The due and customary aids and prises must have included the three regular feudal aids and the great customs granted in 1275, but further than this we cannot safely deduce anything from an expression so studiously vague. On the other hand the *aides, mises et prises* which are not to be drawn into a precedent and are henceforward to be taken only by a parliamentary grant evidently include such exactions as the maletolte and the demand of one-third of their temporalities from the clergy, besides the ordinary parliamentary grants In which class scutage is to be included it seems impossible to say. *Taille*, or tallage, the tax levied on the towns in the king's demesne, is carefully omitted from the statute.

[6] *Select Charters*, p. 486

The distinction, then, between new and old, between voluntary and compulsory taxation is recognised with the utmost possible clearness. The two classifications do not exactly coincide, for some old taxes are included in the voluntary list; but henceforward the customs could not be legally increased, nor tenths and fifteenths legally taken, save by consent of the persons to whom the charter was granted, *i.e.* to the members of what became in 1295 the normal parliament, the representatives of town and country as well as the baronage. This is certainly an advance upon the system of taxation established in the previous reign, when, if the baronage had made good their right of assent, the third estate had hardly even claimed it. But it was little more than stamping with the authority of law a custom which had been establishing itself during the reign of the present king, and had been acted upon on several previous occasions. In 1294 the barons and knights granted a tenth, in 1295 an eleventh, in 1296 a twelfth, while in the corresponding years the *cives, burgenses et alii probi homines de dominicis civitatibus et burgis* granted a sixth, a seventh, and an eighth. It was but natural that a statute of 1297 should recognise and confirm this state of things. This view, I need hardly say, is at variance with Dr. Riess's opinion quoted above.

For further support of his view Dr. Riess quotes a document of Edward II's reign, in which the king promises, in consideration of a gift of 40*l.*, to refrain from taking any *tallagium* till the next parliament. But what has this to do with the question? There is nothing said about tallage in the authentic form of the statute of 1297. It did not pass out of royal control till nearly a generation after the date of the document on which Dr. Riess relies. The fact that tallage was still freely taken by the king in 1314 proves nothing with respect to tenths and fifteenths in 1297. Dr. Riess further calls attention to the fact that in 22 Edward III the commons gave a large contribution on condition that 'in future no impost (*Auflage*) or forced loan should be exacted except by assent of the commons in parliament,' and that they renewed this demand in 11 Richard II. 'If,' he continues, 'the law of Edward I really contained what orthodox opinion sees in it, why was a new demand, a new statute required? Why did not the commons at all events refer to that statute?' Setting aside the argument that the power of imposing conditions implies the power of refusing a grant, the answer to Dr. Riess's question is clear. If we turn to the Latin of the document to which he refers we find that the word which is somewhat vaguely translated *Auflage* is *tallagium*. Tallage, as already said, was not forbidden in 1297, and was often taken by Edward I subsequently; and forced loans were new inventions since that date. These demands, then, have no more to do with the statute of 1297 than the document of 1314. It is true that in 1340 a statute passed which forbade tallage without assent, a statute called by Dr. Stubbs 'the real act *de tallagio non concedendo*.' But Dr. Riess need hardly be reminded that statutes were not always binding in the middle ages, and that the legality of a practice, or even the existence of a general belief in its legality, is not established by isolated examples of its continuance.

After this it will hardly be allowed, with Dr. Riess, that 'the hypothesis of a recognised right to assent on the part of the commons has now been

completely disproved '—the right with regard to certain taxes, and those probably the most important, before the end of the thirteenth century. With regard to another tax—tallage—affecting only a portion of those classes which composed the third estate, it was not recognised till nearly fifty years later. The control of customs duties had to wait longer still. But it cannot be said that in the early years of the fourteenth century the king had an *undisputed* right over any species of taxation. His claim to tallage was protested against, and precedents could be quoted involving a parliamentary right to grant even the customs. It is incorrect, then, to say, with Dr. Riess, at least without careful limitation, that ' the king was not compelled to summon the lower house when he wanted money.'

In his article on this subject in Sybel's *Zeitschrift* (N. F. Band 24, pp. 1–33) Dr. Riess repeats at somewhat greater length the arguments of his pamphlet. He does not, however, add much to strengthen his position. As an additional argument against the idea that representatives were summoned for purposes of taxation, he states that the rolls of parliament, during the first generation after 1295, contain only one mention of a grant of aid, and that in the ninth year of Edward II. Dr. Riess cannot, of course, mean to imply that parliament voted taxes only once between 1295 and 1325, for this would be entirely at variance with the facts, but rather that its taxative activity was regarded as too unimportant to be recorded. The absence of such records from the rolls is a curious fact, which needs explanation, but it throws little light on the question why parliament was summoned.

In this article Dr. Riess shows a clearer conception of the difference between tallage and other taxes than he displays in the pamphlet written a few years earlier, but he still assumes that nothing was granted in 1297 to the third estate, because, while the Latin document takes care to include ' knights, burgesses, and other free men ' among those to whom the concession was made, the authentic (French) statute speaks of *ercevesques, evesques . . . . contes et barons et tote la communaute de la terre.* This, says he, can be proved to mean, in the speech of the days, nothing more than ' prelates and barons.' The proof appears to be that in various thirteenth-century writs for the collection of taxes such vague generalisations were used, when there is no proof that the commons had met in parliament. But Dr. Riess seems to forget that long before the third estate began to meet regularly in parliament the communities were consulted separately about the grant of aid; while, further, a formula which might have had little meaning in 1205, when meetings of the commons were unknown, would be very significant in 1295, when they had become the rule.

On the other hand it is not difficult to show that the grant of an aid was frequently, during these times, the one expressed object, as it was the almost constant outcome, of a parliamentary meeting. In one of the earliest cases known—that of 1254—the knights of the shire were summoned *ad providendum, una cum militibus aliorum comitatuum quos ad eundem diem vocari fecimus, quale auxilium in tanta necessitate impendere voluerint.*[7] In 1282 the communities had been asked in the then customary way, *i.e.* separately, to grant an aid. The aid had proved insufficient for the purpose in view, viz. the Welsh war. The representatives

[7] Stubbs, *S. C.* p. 367.

of the third estate were therefore called together, in two assemblies, and asked to make up the deficiency. They met in January 1283 and voted the aid required. Why Dr. Riess should assume, as he does in his article in Sybel's *Zeitschrift*, that these representatives were *nicht gewählte Deputationen* I am at a loss to know. The writ of summons does not order explicitly that they are to be elected, but this is no proof that they were not, and it is improbable that any process different from the ordinary one was adopted on this occasion.

The case is the more remarkable as the third estate met alone, the magnates being with the king in Wales. For what object could such an assembly have been held but for that of taxation? And what was the *plena potestas pro se et tota communitate comitatus* (or *civitatis et burgorum*), which so frequently occurs in the writs of summons, if not, at least primarily, the power of binding themselves and the community which they represented to grant an aid?

On the whole I must confess myself unable to recognise the adequacy of Dr. Riess's arguments to disprove the old opinion that the primary object of summoning assemblies of the third estate in the thirteenth and fourteenth centuries was to obtain pecuniary aid. An examination of English custom alone will hardly settle the question. To give an answer approaching the satisfactory, it would be necessary to ask what were the objects of similar and contemporary assemblies on the continent, and especially in France; but this is not the occasion for such a comparison.

2. The later chapters of Dr. Riess's pamphlet are, I cannot help thinking, of greater value than that reviewed above. In describing the electoral system the author calls attention to its many irregularities, in the time and place of parliamentary assemblies, the interval between the issue of the writs and the date of meeting, the area of electoral districts, the inclusion or omission of towns in the representative body, &c. Though all towns were supposed to be summoned, this was far from being the case, nor did all that were summoned send members. Under Edward I Dr. Riess reckons the average of towns summoned at 166, the average represented at 75. Under Edward II the numbers appear to have fallen to 127 and 60 respectively. The author asks on what principle the selection of towns summoned was made, but he can give no answer to the question. Some towns were formally excused by writ of exemption, but, generally speaking, the sheriff was allowed to act as he pleased. Sometimes unblushing falsehoods found their way into the returns, as when the sheriff of Bedfordshire and Bucks made answer that Bedford was the only borough in his district. The chancery seems to have taken no trouble in the matter. 'What, then,' asks Dr. Riess, 'were the causes which led to a gradual diminution in the number of cities summoned, but by which, nevertheless, a certain circle of towns was never affected?' Why, again, were some counties comparatively neglected in the matter of borough representation, while others were especially favoured? Dr. Riess dismisses as unsatisfactory the explanations given by Stubbs, Gneist, and others. It cannot have been the greater or less prosperity and wealth of certain counties which determined the distribution of borough members; for how, on this hypothesis, are the large numbers representing Somerset and Cornwall to be accounted for? Nor can

distance from London have been a potent cause for the dropping out of certain boroughs; for here, again, the western counties fall against the explanation, while Kent and other home counties contain only one or two represented boroughs. According to Dr. Stubbs, 'the most influential cause was, doubtless, the desire of the country towns to be taxed along with their country neighbours,' *i.e.* at a cheaper rate than the boroughs which sent members to parliament. Against this at first sight plausible hypothesis Dr. Riess succeeds in bringing some cogent arguments. He shows that the writs for the collection of borough taxes made no such distinction in favour of unrepresented towns; he mentions several instances of towns which were actually called on to pay the higher rate, although they had never been summoned to send representatives.

His own explanation is that the irregularity in question arose from differences between the towns in respect of the local authority to which they were subject. He classifies the towns capable of being summoned under four heads—(1) London and (later on) Bristol and York, towns which ranked as counties and received a separate summons, (2) towns which were equivalent to hundreds, (3) towns within ordinary hundreds subject to the sheriff's jurisdiction, (4) towns within large franchises or liberties exempted from the sheriff's direct jurisdiction. It is the towns belonging to the last two classes which, principally owing to the various hands through which the writ of summons would have to pass, the author thinks were especially likely to slip through the sheriff's fingers, or in some other way to escape the disagreeable and expensive duty of representation. Dr. Riess develops this hypothesis with much care, and displays minute learning in treating of the various classes of towns. The examination leads him to the conclusion that all the towns contained in the fourth class ultimately gained exemption, while all those in the third class, except in the counties of Wilts, Devon, Somerset, Dorset, and Cornwall, did so. He does not explain why these five counties were exceptions to the general rule. Apart from this the theory appears, to say the least, as plausible as any other that has been advanced, but the causes which led to disproportionate representation, and to the disappearance from the parliamentary list of many boroughs which once sent representatives, are probably very various. Much depended on the activity or caprice of the authorities concerned, and an accidental omission or an occasional exemption due to special circumstances may very well have set up a precedent of which citizens were glad to avail themselves, and which the memories of officials were too short or too venal to check.

3. The next question to be decided is, Who were the voters, and how did they select their representatives? Speaking of the election of knights of the shire, the author remarks upon the curious fact, that, 'during the whole period under review, there is no positive evidence as to what public services, what social position, or other qualification, was regarded as necessary for the exercise of the vote.' If this were the only point on which we possessed no information the deficiency might be taken as rendering it probable that no limitations existed; but the general obscurity of the subject forbids us to infer so much from merely negative evidence. In the lack of formal or legislative enactments as to the right

of voting we are thrown back on the inquiry, What was the nature of the assembly in which the right was exercised? The assembly was the county court. Time and place were fixed and regular: no summons was required. The court was open to all: freeholders made up the bulk of the suitors, but there was nothing to prevent villeins attending, and that they did attend is shown by their acting as jurors. Members of the boroughs, who may already have assisted in electing their representative, and especially members of the borough in which the court was held, were also present. The number of persons who ordinarily attended is set by Dr. Riess at a higher figure than is generally supposed; he considers that as a rule there would be between 500 and 1,000 on the spot. But such numerical calculations are obviously too vague, and depend too much on the varying circumstances of different counties, to merit much attention. Moreover Professor Maitland has recently shown good ground for believing that the attendance at an ordinary county court was very scanty, and that comparatively few of the freeholders attended.[8] The point, however, is that all sorts of people attended the court, and, as there was no legal limitation of the franchise, all may have taken part in an election. No care was taken to verify the qualifications of voters; there was no formal 'constitution' of the electoral assembly. In these circumstances a contested election was clearly impossible, nor does there seem to have been any attempt to balance or give expression to divergent interests.

The elections were bound to be unanimous. This Dr. Riess deduces from the words of Edward III's ordinance (1376), *q'ils soient esluz par commune assent de tout le Countée*, and from the expressions used in the sheriff's returns, that so and so was elected *de assensu totius comitatus*, and the like. Unwilling as he is to allow any weight to such customary formulæ in other connexions already noticed, he should not press them too closely here. There are, however, other reasons for believing that contested elections were unknown at this time. The candidates were nominated by two or more of the most important men of the county. This is shown by examples, one of the most remarkable being a return from the sheriff of Sussex in 1297, who declared that, in the absence of certain great persons, the knights and freeholders declined to proceed with the election. If a candidate appeared unacceptable, another or others were nominated in his place till the assembly found it possible to agree. Protests were sometimes made against the result of an election, on the ground of a false return, or neglect to obtain unanimous assent; and it appears that such a protest, even after all the business was over, was sufficient to invalidate the election. But such protests could only be made by influential persons, so that the whole initiative, whether in nomination or opposition, rested in the hands of the aristocracy.

In discussing the borough elections Dr. Riess disputes the opinion of Dr. Stubbs, supported by Gneist, that 'the formal election of borough representatives took place in the county court.' It is shown that the phrases of the sheriffs' returns do not bear out this view; that the bailiffs of the towns, and not the civic deputies to the county court, informed the sheriff of the result of a borough election; and that the return was sometimes not made to the sheriff till after the county court was closed. These

[8] *English Historical Review*, vol. iii., p. 417.

objections seem fairly conclusive. The election itself was made, says the author, in one of three ways. Either the bailiffs simply nominated the representatives, or they summoned an assembly of the most reputable citizens and arranged the matter with them, or they called a general meeting and proceeded after the manner of an election in the county court. But the process of civic elections is allowed by Dr. Riess to be very obscure. 'No attempt,' says he, 'has yet been made to explain the constitutional history of the English town in the middle ages.'

4. With respect to the passive franchise, Dr. Riess does not appear to have much to add to what is already known. The limitation to inhabitants of the county was soon given up, as was a little later the limitation to belted knights; the only qualification required was that the representatives should be upright, discreet, and 'strong to labour.' The negative limitations, excluding sheriffs and other officials from the right of being elected, were of more importance. On the other hand, the duties of the representative were clearly laid down. He had to attend parliament by a certain day, and to give security for his attendance; he could not leave his place, still less resign his membership, without special permission of the king.

As to freedom of speech in a medieval house of commons, Dr. Riess will not hear of the existence of such a privilege. He calls attention to the numerous cases when the privilege, if such there were, was violated; and he points out that the speaker made his claim merely for himself, which he need not have done had it been generally allowed. To prove the existence of the privilege it would be necessary to bring forward cases where thoughts of a nature likely to be displeasing to the government were uttered freely and with impunity; but such instances are not forthcoming. Haxey's case, of which so much has been made by historians wishing to fix an early date for parliamentary privilege, is shown to be worth little in this connexion. In the first place Haxey does not appear to have been an ordinary member of parliament; he was, however, perhaps a clerical proctor. In the second place his release was demanded and obtained on the ground of his being a clergyman, and when the sentence against him was annulled after Richard's deposition no fresh ground seems to have been taken. There is really nothing in the case that bears directly on the question of parliamentary privilege.

Nor can more be said for the existence of the privilege of freedom from arrest, of which no examples seem to be forthcoming. Dr. Riess rightly repudiates the derivation of this latter-day privilege from the old law of Ethelbert, which is described as exacting a double wergeld for the slaying or robbing of a member of the witan on his way to or from the gemot. He might have gone further and pointed out that the law in question contains no reference to the witenagemot, and that there is nothing in it that warrants the oft-repeated assertion that it aimed at protecting members of that body.

5 and 6. Dr. Riess's last two chapters give an able review of the causes which led to the establishment of the house of commons as a really important element in the system of government, and on the attempts at reform between 1406 and 1461, but they do not appear to contain anything that need be new to students of the period. The author finds the

chief cause of the change in the French war, together with the black death, the cessation of villenage, and the substitution of pasturage for agriculture. These things led to a breach between the nobility and the third estate, and enabled the kings to balance the power of the former by raising the latter to a higher position of dignity and political influence. The legislation on parliamentary elections which took place in the first half of the fifteenth century proves at once the increasing importance of the representative system and the irregularity of earlier times. The statutes of 1413 and 1445 aimed at securing greater independence for candidates and electors. The disfranchising statute of 1429 was the first clear indication that the vote had come to be regarded as a right rather than a burden, while the writs of Henry VI's time show that the election by a majority had taken the place of the old *communis assensus*, and that the era of contested elections had begun.

Dr. Riess's pamphlet is concluded by some valuable notes on the wages paid to county members in the fourteenth century, the system of sureties for town members, the development of the right of the lower house to a share in legislation, and the date of the treatise known as the 'Modus tenendi Parliamentum.' The author declares this work to have been written in the last twelve years of Richard II's reign. He is probably right in saying that Sir T. D. Hardy assigned too early a date when he placed it in Edward II's reign, but I am not sure whether he has made good his own contention. Dr. Stubbs says in one place, 'It may have been written in Edward III's reign,' and elsewhere he seems to incline to the middle of the fourteenth century. It is a little characteristic of Dr. Riess to have no doubts on the subject. G. W. PROTHERO.

Early History of the Merchant Taylors Company. By the Master for 1873–1874, C. M. CLODE. (London: Printed for private circulation by Harrison & Son. 1888.)

FOR many years the great work of Herbert on the livery companies of London stopped the way and rendered further publications on the subject impossible. According to his lights Herbert did good work, but, like most historians of his time, he was too credulous and took too much for granted without proof. Of late years so much additional information has come to hand, the history of the city is so much better understood—or might be if people would only go to original sources for their information—that books like Herbert's are virtually out of date. We may lay down as proved certain propositions not one of which will be found in Herbert. A company is not a guild. There are no guilds now existing. The distinctions which used to be made between religious and secular guilds are fallacious. 'Guild,' 'company,' and 'ward' are three words of widely different meaning. To these might be added one more—namely, that a company was not a trading body, for though in certain cases it might be employed by the rulers of the city to control or superintend some particular trade or manufacture, this employment was and is no necessary part of its existence. The London companies have existed and continue to exist for two chief purposes. One is to select and keep up the number of persons 'free of the city;' the other to manage certain trust funds, chiefly

charitable, which have been placed in their charge, in consequence of the honesty and fidelity with which they have impressed the minds of testators. The views and opinions to be gathered as to the duties, rights, and position of the livery companies from some recent publications of one political party need not be mentioned here, except to observe in passing that they are founded on old-fashioned and long exploded statements, and on the mistaken readings of ignorant palæographers. Although, then, we must keep guilds and companies quite apart in our minds, we must also remember that companies took their origin and grew out of guilds. But, while the guild had always a religious basis, the company, which might include two or more guilds, was only religious incidentally, and because for the most part its members belonged to a religious guild. But from 1319 it became necessary, if a man wanted to acquire the franchise of the city, that he should enter a city company, should become free of a 'mistery,' or craft. Otherwise he would have to seek the assent of the whole commonalty assembled in hustings. Practically this enactment led to the divorce of trade and company. A candidate for the freedom of the city could obtain his end by joining a company. Perhaps his father or other near relative had been a member. He had no greater difficulty in taking up his freedom than consisted in his paying certain fees. Dr. Brentano was misled by Herbert into thinking admission to a company necessary to the franchise. But all the charter of Edward II in 1319 does is to make it easier to obtain the franchise by joining a company than by any other means. For a time the companies seem to have obtained predominating influence, and something was done in 1475 to modify their power. It is generally said, and Mr. Clode assumes, that an act of Parliament was passed. This is unlikely, but the whole question, which Mr. Clode but vaguely appreciates, is too wide to be entered upon here. One statement which he makes should, however, be promptly contradicted. 'The guild was once,' he says, 'as the ward is now, an unit of London government.' When we come to such a sentence as this we perceive that, so far as the 'early history' which he mentions on his title page is concerned, we need not seek to him for further information; and recognise, sadly, that another has been added to the numerous books on city companies which have only followed the old examples and have learned nothing from modern research. Is it worth while to remind Mr. Clode that the wards are the oldest divisions of the city of which we know anything, and that, with one exception, no city guild had distinct political influence? The one exception, that of the Weavers, whose prosperity was ephemeral, and who were suppressed in the reign of King John, only shows that the mere thought of a guild becoming 'an unit of London government' was sufficient to lead to the dissolution of the too ambitious Weavers. This is not a question on which Mr. Clode need be consulted, although the history of the Weavers might be shown to be intimately connected with that 'early history' of the Tailors which he professes to elucidate.

Mr. Clode's volume begins with an introductory chapter, in which the sentence above quoted as to wards and guilds will be found, and which is followed by a treatise on the 'Government of London.' It does not contain anything new and might well have been omitted. In the second

chapter he brings us to 'the government of a London guild,' exemplifying his subject with the ordinances of the united 'mysteries' of the Tailors and Armourers. In an appendix Mr. Clode gives a petition presented by the men of these crafts to Edward III, asking for a charter in order that they might hold their guilds as they had been immemorially accustomed. A charter of Henry VII—granted, of course, before guilds were abolished —reviews former royal charters, and calls the Tailors and Linen Armourers a guild or fraternity of St. John the Baptist, giving them also a shorter title in which the Armourers are omitted. Mr. Clode evidently fails to see that the turning point in the history of a London company is the date at which it finally laid aside the name of 'guild' and became what it is now, a 'company.' The second chapter, therefore, which ranges backwards and forwards over this sharp boundary, is both puzzling and misleading, even though we concede the accuracy of all the facts adduced. At p. 47 Mr. Clode actually touches the crucial point, but without perceiving it. He speaks of the annual festival of St. John's Day, and adds, in brackets, 'Afterwards superseded by the master's election dinner.' The exact date and meaning of the alteration, the turning point in the company's history, is passed over as a matter of no importance. Going on to chapter v. we come to the most interesting passage, except one, in the volume. This relates to the hall which still exists in what is now Threadneedle Street, the name of which is probably derived from some sign-board of Three Needles, in compliment to the Tailors; but we have searched Mr. Clode's book in vain for the full explanation. There is no index, and it is not easy to find what may well be hidden somewhere. The chapter gives an account of the purchase of the hall, then the residence of Sir Oliver Ingham, one of the heroes of the French wars of Edward III and a knight of the garter. 'Ingham's hall, it is thought, was replaced in the fourteenth century by the present hall.' It will be new to many readers to know that behind the dingy front in Threadneedle Street there is a building of the fourteenth century; but extensive alterations have, no doubt, obliterated much that was old, and Mr. Clode does not tell us what amount of harm was done in the great fire of 1666. The oldest buildings mentioned in the records of the company are the gateway and solar over it in Cornhill (1331); the chapel (1406–7); the lord's chamber, or great parlour (1422); the hall (1406–7). Inventories of the plate and furniture follow, but Mr. Clode does not tell us whether any remains exist of the 'standing cups,' the mazers, the salts, the numerous pieces of arras and other wonderful things he mentions. Still more interesting is chapter viii., in which we have many details as to the disendowment of guilds and chantries, and the confiscation of their lands. The company had to make very large payments to redeem certain lands of which they were trustees, and Mr. Clode reckons the annual loss from this source alone to amount at the present day to about 10,000*l.* a year. In 1586 the company took out a new grant of arms, obtaining, instead of the old one granted in 1480, a shield from which sacred or saintly emblems were carefully expunged. Further particulars of these changes and others are given in an appendix, and the history of the company is brought down to the reign of James I.

W. J. Loftie.

Le Traité de Cateau-Cambrésis. Par Le Baron Alphonse de Ruble. (Paris : Labitte, Em. Paul et Cie. 1889.)

The Baron Alphonse de Ruble has devoted his great erudition to a careful study of the stipulations of the treaty of Cateau-Cambrésis, and of the manner in which they were executed by the contracting powers. He arrives at the result that contemporary authors and statesmen were mistaken in their estimate of this treaty, and that the act with which Henry II has been most reproached was the greatest boon that he could have conferred upon his people. In an appendix are printed the letters of Henry to the Constable Montmorenci, and these show that the king was really the author of the peace, which he pressed with unremitting eagerness. The Constable in his desire for liberty was but a willing and convenient instrument. These facts go some way to modify the current view of Henry II as a king, who, in the words of Jean de Saulx, *eut plus de vertu corporelle que spirituelle.* Vieilleville alone of contemporary soldiers and statesmen approved the royal action, but to his opinion much weight may properly be attached. France abandoned her ruinous ambitions in Italy, and contented herself with the recovery of Calais, the acquisition of the three bishoprics, and the restoration of her north-eastern frontier. It is true that Calais and the three bishoprics were not expressly included in the terms of the treaty, and that France not only surrendered her Italian acquisition, but a large district of western Savoy, which was already regarded as being nationally French.

But the treaty, urges the author, freed Europe from the ambitions of the house of Hapsburg, from the chances of universal monarchy. It gave liberty to the Netherlands, and provincial independence to the Italian states, with the exception of Naples. It secured the autonomy of Lorraine and Alsace, and, in depriving England of her continental connexions, left her free to develop her industrial and commercial energies. The treaty regulated the frontiers of the European states down to the peace of Westphalia, for the treaty of Vervins was merely its recapitulation, and even in the wars of religion the frontier of France was never really disputed. It may, however, be naturally urged that it was not the published terms of the treaty, but the secret understanding between the two kings that brought disgrace upon Henry II, and misery upon France and the Netherlands. The author, however, and probably with reason, does not believe in the existence of such an understanding. It has been accepted by writers contemporary and modern, protestant and catholic, but it rests on the alleged conversation of William of Orange with Henry II. This first makes its appearance in the prince's apology, which is at all events not in its entirety his own work. The apology is rather a polemical manifesto than an historical memoir. *L'auteur s'inquiétait plus de frapper fort que de frapper juste. Toutes les armes étaient bonnes contre l'ennemi. Philippe II, qui, en ce moment même, mettait à prix la tête de Guillaume d'Orange, avait bien mérité cette injustice !* (p. 198). The author points out that the entire silence of Philip II and his ambassador Chantonay in their most confidential correspondence is fatal to the authenticity of the story ; there is only one proposal for common action between the two crowns on the religious question ; and on this occasion Charles IX rejects

the idea of a concerted movement against the Huguenots, and advises Philip II to turn his attention towards Geneva. The author might fairly have added that such an understanding, had it existed, must have formed a prominent feature in the Bayonne interview.

It can hardly be doubted that the treaty of Cateau-Cambrésis, and the consequent discontent of the military class, was the occasion of what may be called the political side of the wars of religion. The cause, however, was not the peace, but the misgovernance which was the gradual growth of the foreign wars. If Henry IV and Sulli could have replaced Henry II and the cardinal of Lorraine, the peace of Cateau-Cambrésis might have equalled that of Vervins in the impetus given to the recuperative powers of France.

Yet it may be questioned whether the treaty of Cateau-Cambrésis has not been credited by the Baron de Ruble with too great a success and too long a duration. The French crown could not withstand the temptation offered by the revolt of the Netherlands. The acceptance of the sovereignty by Anjou, and the occupation of Cambrai, definitively broke the treaty, even if not immediately followed by a declaration of war. The capture of Amiens and of Calais by the Spaniards was surely one of those *grandes menaces de l'extérieur qui exigent la réunion en faisceau de toutes les forces d'un peuple* (p. iii). The recapture was due to such an outburst of national feeling, and as a military exploit was superior to the capture of Calais from the English. The retention of the three bishoprics was due less to the family alliance with Spain than to the deliberate non-intervention of the Saxon-Austrian alliance, and perhaps to the elector Palatine's noble self-sacrifice to the religious interests of the Huguenots. His son, John Casimir, never wearied of urging all good Germans to their recovery. He once obtained a promise for their restoration from the Huguenot leaders, and once for their life-governorship. The position of Metz, Toul, and Verdun in the present Franco-German lines of defence would itself show that the author rightly attributes extraordinary importance to their retention.

The author would admit that the treaty of Cateau-Cambrésis was far from conclusive with respect to the relations of France and England. *La reine Elisabeth avait plutôt subi qu'accepté le traité de Cateau-Cambrésis* (p. 138). Within a week of the signature, Cecil recommended negotiations with the king of Navarre, and within the month the intrigues of Killegrew and Throckmorton with the discontented Bourbons were in full swing. These led ultimately to the occupation of le Havre by the English, another serious breach in the integrity of the French frontiers.

An admirable summary is given of the relations of the English government with the Huguenot leaders, of the recapture of le Havre, and of the negotiations which led to the treaty of Troyes. The weakness of the family alliance with Spain is proved by the fact that it was common hostility to Spain that overcame the apparently insuperable obstacles to an accord between France and England. *L'entretien*—between Montmorenci and Throckmorton—*porta sur la politique espagnole et sur l'Ecosse, que la reine mère craignait de voir tomber entre les mains de Philippe II par le mariage de Marie Stuart avec don Carlos. Les deux négociateurs s'accordèrent facilement et convinrent que l'Angleterre et la*

France devaient s'unir contre le roi catholique (p. 187). It was during these negotiations that the first hint is let fall of a union between Elizabeth and the king or one of the French princes, which would enable France to dispense with the Spanish alliance.

Throughout the previous year Chantonay had been warning Margaret of Parma of the designs of the French government on the Netherlands. It is thus from the treaty of Troyes rather than from that of Cateau-Cambrésis that the author would on second thoughts date the subsidence of the national hostility between France and England. *Depuis la paix du* 11 *April* 1564, *la France et l'Angleterre n'ont cessé de marcher côte à côte. L'intervention de la reine Elisabeth à chaque prise d'armes du parti réformé, ne put entraver le développement commercial. Les intérêts l'emportèrent heureusement sur la politique. Les deux peuples, malgré une certaine antipathie de race qui remonte peut-être à la guerre de cent ans, se sentaient solidaires et eurent la sagesse de rester alliés. Aujourd'hui, l'union est indissoluble et défie les querelles, les rivalités, les différences de mœurs ou de caractère, les fautes des gouvernements* (p. 195).

It is perhaps in the pages devoted to the condition of England that the author lays himself most open to criticism. He gives full credit to Elisabeth for her patriotism and political sagacity, but like most French writers he gives undue prominence to the ridiculous aspect of her private life. Too much reliance is placed upon the gossip of ambassadors, who in the sixteenth century spent what leisure they could spare from the fomentation of insurrection, in blasting the character of the sovereign to whom they were accredited. The quotations given are chiefly drawn from Chantonay, who, however, was not in England, and who is elsewhere regarded by the author as unduly credulous and suspicious (p. 225). It is true that successive Spanish ambassadors in England repeat the same stories, but there is some reason to believe that they were deliberately gulled. The tale of Elisabeth's confinement was too often repeated to be probable, nor after recent discussion should the murder of Amy Robsart be taken for granted, the evidence being anything but conclusive. It would be unjust to say that the queen's *fantaisies passagères ne ternirent même pas dans l'opinion des casuistes puritains le voile immaculé de la chaste Elisabeth* (p. 135). The puritan preachers were over bold in their denunciations, and it was to the ministers of the catholic king that Dudley turned for support in his love adventures. The puritan fanaticism of England is indeed much exaggerated by the author, and he ascribes to the nation at large feelings and actions which were confined to a small section as yet not politically important. There is surely an anachronism involved in the description of London: *une populace immense, mal dégrossie de son ancienne barbarie, chaque soir grisée de gin, régnait en maîtresse par les rues* (p. 140).

The death of Henry II was immediately followed by that of Paul IV. The Baron de Ruble regards the election of Pius IV as being of almost equal importance with the treaty of Cateau-Cambrésis, and he gives a detailed account of the conclave, drawn chiefly from the correspondence of La Bourdaisière, the French ambassador. The connexion between the two events is indeed close. The fear of disturbing the peace prevented the two great powers from putting forth their full strength in the con-

clave. The result was the election of Pius IV (Paul IV is clearly printed by error), *le premier des souverains romains qui ne furent inféodés ni à l'empire germanique, ni à la France, ni à l'Espagne, le véritable promoteur du conseil de Trente* (p. 2). The accession of Pius IV was undoubtedly of supreme importance to the ecclesiastical development of the papacy, but the author probably overrates the effect of this and of the treaty of Câteau-Cambrésis both upon the independence of the papacy and upon the freedom of Italy in general. *L'Italie,* he writes, *sauf le royaume de Naples, obtint l'indépendance que le traité avait seulement fait entrevoir aux Pays-Bas* (p. 2). Not only Naples, however, but Lombardy remained to Spain. The treaty confirmed the settlement made in Tuscany in 1557 which placed Siena as a Spanish fief in the hands of a dynasty which owed its continued existence to Spain. The Spaniards garrisoned the Sienese seaboard, and even threatened the absorption of Venice. Genoa, nominally independent, was still the watergate of Spain, and consequently dragged under Spanish influence the island of Corsica which had been temporarily united to France. The war of the Mantuan succession was purely a non-Italian struggle between France and Spain. The papal acquisition of Ferrara was entirely due to subservience to France. Over and over again had the popes to do the bidding of French or Spanish or Austrian ambassadors. If Italy gained by the treaty it was only indirectly. The Spanish power, exhausted by the war in the Netherlands, pressed perhaps somewhat less heavily. The independence of the house of Savoy was, it is true, largely due to the treaty and its subsequent modifications. But it still held la Bresse and lacked Saluzzo, and it was long before its extension was viewed with favour by the more national Italian states. But it is only the author's conclusions that we have to criticise. We heartily recommend both to students and general readers the story of the conclave, and of the crimes and the fall of the Caraffa *nipoti,* and of the heroic struggle which Sampiero Corso, *le premier Corse français,* and his son d'Ornano conducted against the Genoese and Spaniards until 1569.

Considerable space is devoted to the difficulties under which the stipulations of the treaty were carried out by the contracted powers. The manuscript report of the administration of Bordillon in Piedmont shows the obstacles thrown in the way of the French government by the skill of the duke of Savoy and his bride, Margaret of France. Isolating the five towns left to France by a rigid protective system, he reduced them to starvation and exacted a most favourable exchange.

Many curious details are given with regard to the arrangements between France and Spain. The disputes concerning the exchange of prisoners, the dismantling and cession of fortresses on the eastern frontier of France produced renewed tension between the two powers. Especially loth were the Spaniards to surrender their hold on S. Quentin, Ham, and Théroanne, for they were daily expecting a rupture between France and England on the subject of Calais. The difficulties aggravated by the uncompromising temper of Chantonay were smoothed away by a pretty little piece of sentiment: *Heureusement pour l'alliance, Marguerite de Parme, en outre de ses inclinations conciliantes, avait des raisons personelles de plaire à la cour de France. Depuis longtemps elle était en procès avec Catherine pour*

la succession de la maison de Médicis. Les biens épars en Italie lui importaient peu, mais elle désirait rentrer en possession du logis à Rome de son premier mari, Alexandre de Médicis. Aussitôt après la paix elle chargea Chantonay de demander à la reine mère une simple renonciation aux droits qu'elle pouvait avoir sur ce palais. La lettre écrite par une princesse, dont on ne connaît guère que le génie politique, est touchante. Elle expose qu'elle a longtemps habité cette maison, que son fils y est né, que les meilleurs souvenirs de sa jeunesse s'y rattachent, qu'elle désire s'y retirer et y finir ses jours. A ce prix, dit-elle, elle renoncerait sans regret à tout le reste des biens de l'opulente famille de Médicis. Catherine se hâta de satisfaire la princesse, et acquit une alliée fidèle en retour de la concession. Marguerite l'en récompensa par ses habiles intercessions auprès de Philippe II. Jamais, pendant le temps de son administration dans les Pays-Bas, l'alliance franco-espagnole ne fut sérieusement troublée, même par la mauvaise volonté de Chantonay (pp. 227–8).

The pledge and the victim of the treaty of Cateau-Cambrésis was Elisabeth of Valois. To her marriage and married life the author devotes his last and longest chapter. There can be no two opinions as to the importance of this marriage. It was within measurable distance of placing France under the domination of Spain. It was the first of several steps which led to the domination of Spain by France. It contained the germ of the *pacte de famille.* But it is not from this point of view that the Baron de Ruble treats it. This chapter is, he says, *étranger à la haute politique* (p. iv). He presents to his readers the personal and the pathetic rather than the political aspects of the marriage. He expands and continues the narratives already published in 'Négociations sous François II,' and in the 'Archives curieuses' of Cimber and Danjou. The unpublished letters of ambassadors, doctors, and ladies-in-waiting are laid under contribution. We trace the wasting of the young life from the moment when Elisabeth burst into tears as she gave her last embrace to her good-natured escort, Antony of Navarre. *Oblivisce populum tuum et domum patris tui*, was the brutal comment of the cardinal of Mendoça. Philip was a kind if not immaculate husband. The little queen tried to persuade her mother and herself that she was *la plus heureuse fame du monde.* But not even balls and bull fights, *auto-da-fés* and dolls, nor constant changes of toilette, nor religious picnics, nor a present of harriers from Brittany, nor a box of the best colours from France, nor the best drawing-mistress in the world from Italy could heal the incurable *ennui* of life in Spain. She was, it appears, not so strictly mewed up as was the custom with Spanish queens. She moved freely from residence to residence.[1] But her Spanish ladies quarrelled with her French attendants; one of the latter committed suicide. The Spanish doctors, *comme grosses bêtes qu'ils sont*, disagreed with their French *confrères* and with each other. The sad note in her married life is pathetically struck in her death-bed speech: *Monsieur l'ambassadeur,*

[1] In his list of royal residences (p. 279) the author appears to antedate the existence of St. Ildefonso. Philip II was much attached to the Bosco di Segovia, but it was Philip V who bought La Granja from the Geronymite monastery in the town and named the palace which he built from the church of an adjoining village.

vous me voyez en chemin de desloger bientôt de ce misérable monde pour un autre royaume plus agréable (p. 320).

The scandals which have clung so closely to the memory of Philip II are necessarily discussed. The author is at complete accord with Gachard in exculpating Philip from the death of his wife and his son Don Carlos. He represents the latter as an imbecile converted into a raving madman by retributive trepanning and well-deserved indigestion. Philip II had the decency to throw obstacles in the way of his marriage with his queen's younger sister Margaret. The story of the amour of Elisabeth of Valois and Don Carlos is due to Brantôme's trip in Spain, and its sole foundation was the unceasing kindness of the queen to her unfortunate stepson. This he repaid with gratitude if not always with politeness. On being shown a portrait of Margaret he exclaimed, 'The little one is the prettier,' 'which indeed,' the young queen plaintively remarks, 'is true.'

The details of the alleged murder of Elisabeth are, it is believed, derived from the suspect evidence of Perez. The story was current in Spain and in France from the first. Yet there is no trace of it in the confidential official correspondence, and Catherine di Medici was only convinced of her son-in-law's guilt when he had rejected his deceased wife's sister for an Austrian cousin. The race of Valois needed no poison from without. If Philip was a murderer, his line of defence was clearly marked.

> Or le venin qui fut préparé pour ma mort,
> Me corromp tout le sang et ma personne entame ;
> Mais afin de laisser à ma race le blasme
> Il fait croire que c'est la lespre qui me sort.

E. Armstrong.

The Life of young Sir Henry Vane. By Professor J. K. Hosmer. (London: Sampson Low & Co. 1888.)

Professor Hosmer's life of Vane is the fruit of considerable research. The account of Vane's career in New England, and the extracts given from his correspondence with Winthrop and Williams, contain much that is new to English readers. The author has also gone to the records of the committee of both kingdoms, and to the pamphlets of the Thomason collection, and gathered from them a large amount of fresh material relating to his hero. His book, therefore, supplies much information not to be found in Forster's life of Vane, or in any previous life. On the other hand it is in many ways defective as a biography. It contains a very large amount of irrelevant matter. The development of the English constitution, the naval battles of the Dutch war, the story of Naseby and Marston Moor, are things sufficiently familar to most of those who are likely to read a life of Vane to make detailed accounts of them totally unnecessary. If instead of these Professor Hosmer had printed in full Vane's letters to Cromwell and other persons of importance, his work would have more permanent value. In addition to this the part played by Vane in events is not always sufficiently clearly defined, nor are the details of his career stated with sufficient preciseness. The account given

of Vane's family is far too vague and general (p. 422). Vane himself was a member of Magdalen Hall, not Magdalen College (p. 5). His father died in 1655, not in 1654 (see Mercurius Politicus, May 24–31, 1655).

In the same way Professor Hosmer's treatment of Vane's opinions leaves something to be desired. He regards Vane in the light of a missionary introducing American ideas into English politics. But most of Vane's political ideas were not the special property either of Vane or of America, but part of the common stock of educated Englishmen of the Independent party. Professor Hosmer attributes to Vane especially the conception of a written constitution, in which the power of the sovereign should be limited by the existence of fundamental laws. He finds in the 'Healing Question propounded,' 'the first setting forth ever made of the constitutional idea.' But the idea of fundamental laws had been very clearly set forth in the 'Agreement of the People' in 1649, was practically embodied in the 'Instrument of Government' in 1653, and therefore formed part of the existing constitution under which Vane was living in 1656 when he wrote his pamphlet. Vane put forward no new constitutional theories, nor did he attack the provisions of the existing constitution. On the contrary he admitted that it provided fairly for religious liberty, and allowed that the executive power might advantageously be vested in a protector and council, instead of an assembly. What he objected to was the fact that the constitution was drawn up by the army, and imposed by the army. In order to heal the breach which this had caused between the military and parliamentary republicans, Vane proposed that Cromwell, in his capacity of general, should summon an assembly to be elected by all 'the good people' (*i.e.* all the supporters of the commonwealth), and entrust to them the task of drawing up a new constitution. In this practical suggestion lay the originality and the political dangerousness of the 'Healing Question.'

Again on p. 368 the author represents Cromwell as agreeing with Vane in thinking it an outrage 'that there should be any limitation to toleration, or any state church, or anything but absolute voluntaryism.' This is precisely one of the questions on which Vane and Cromwell differed. Throughout the protectorate Cromwell was a strong supporter of a state church. It was because he believed in the necessity of a state church that Cromwell opposed the abolition of tithes, and came into collision with some who had hitherto been his strongest supporters.

In conclusion it remains to point out that Professor Hosmer is somewhat uncritical in the use of his authorities, and sometimes annoyingly vague in his references (*e.g.* pp. 298, 342, 344). The letter from Vane to Cromwell quoted on p. 298, and stated to be 'bound up with the "Healing Question" in an old volume in the British Museum,' forms pages 6–9 of 'The Proceeds of the Protector (so called) and his Councill against Sir Henry Vane.' It deserved printing in full. The message from Cromwell to Vane referred to in the passage quoted by Professor Hosmer is probably that contained in Cromwell's letter to St. John, 1 Sept., 1648.

C. H. FIRTH.

The Life of Sidney, Earl of Godolphin, K.G., Lord High Treasurer of England, 1702–10. By the Hon. Hugh Elliot. (Longmans: London. 1888.)

The application of the modern method of historical investigation to the recent history of wars is likely to affect some traditional reputations. Historians will come to the same conclusion about some of the wars of the past that newspaper-writers have already come to about those of the future; they will tell us that more depends upon organisation than upon strategy, and that the sound financing of a war is at least as important as brilliant generalship. In other words, the Godolphins of history will come to be estimated more highly, while the traditional glory of the Marlboroughs may perhaps be a little dimmed.

That Godolphin was not Marlborough's jackal is the burden of Mr. Elliot's discourse. But in his attempt to secure adequate appreciation for his hero he has had exceptional difficulties to contend with. He has been afflicted with an unusual scarcity of materials. Unlike most of his contemporaries Godolphin left no diary or autobiography, no papers or memoirs, no literary remains of any kind. He made few political speeches, and these have been scarcely preserved. 'When he dropped into the grave a mighty silence fell upon his name and upon his past, and an obscurity which is almost impenetrable still defies the most painstaking inquiry into some of the most important matters of his life.' Perhaps this scarcity of material explains why previous biographies have been so inadequate. With Godolphin the old-fashioned writer of 'Lives' was in despair, for he was too concientious to invent and too unimaginative to make good use of scanty materials. But Mr. Elliot's patience has gathered new facts, his skill has pieced old fragments together, until he is able to present to us a story that is nearly complete, which tells us more of the man than his immediate successors knew, and at any rate as much as most of his own generation.

Though the book is an essay rather than a biography Mr. Elliot devotes an interesting chapter to the Godolphin family, and for this he has examined new documents. There are many portraits in the gallery, but two in particular are masterly. One is that of the Elizabethan Sir Francis Godolphin—a friend of Raleigh, Cecil, and Carew—who was at once a good soldier, a typical country gentleman, an amateur mineralogist with sound ideas on tin-mining (by which the family wealth was greatly increased), and the proprietor, as his letters to Cecil show, of the rich sonorous English style of Shakespeare's days—one to whom 'zeal in religion, uprightness in justice, providence in government, and plentiful housekeeping' had given 'a very great and reverent reputation in his country.' The other, perhaps scarcely so lifelike, is that of Sidney Godolphin, the uncle of the statesman—a typical royalist, a member of the Long Parliament and afterwards of the faithful remnant who met at Oxford. He wrote charming verses, now buried somewhere in the British Museum, and was the author of a famous phrase. Speaking from his place at Westminster just before he went to join the king at Oxford, he warned the members against the course on which they were embarking. 'By a war,' he said, 'the parliament would expose itself to unknown

dangers; for when the cards are shuffled no man knows what the game will be.' He fell in a skirmish at Chagford in 1643. Mr. Elliot is to be congratulated on having found or made time for these family portraits. The chapter is beside the main purpose of his book, but he has taken as much pains over this as over any other, and the thirty pages could ill be spared.

The story of Godolphin's rise to power is clearly told. His advance was uninterrupted, for he took advantage of every niche and crevice where fresh foothold could be obtained. He began life as a supporter of James, but, like Sunderland, though Mr. Elliot would have us believe from a better motive, he prudently deserted him, and cast in his lot with the prince of Orange. This led in 1684 to an important event in his career—his appointment to the office of first commissioner of the treasury, where his genius for finance first began to find free scope. It was as an exclusionist, an adherent of Sunderland's, that he received this post, displacing Rochester, who was devoted to the duke of York; yet when Charles died Godolphin retained it. Of his precise relation to James our author says little, but he seems to have advised him faithfully, becoming almost indispensable, and acquiring a country residence near Windsor—evidence that he was still climbing higher. He was one of James's council of five, conformed for a time to the Roman catholic worship, and was one of the last to leave the king after William's landing. Yet Godolphin, deeply pledged to the cause of the exile, was placed by William at the head of his own treasury in the teeth of violent opposition from the whigs. Henry IV of France, they said, might as well have chosen a minister from the League, or the Dutch a ruler from among the agents of Alva, as that William III should call to his government a servant of James II. But the treasury missed the great financier, and William, whose policy was never one of proscription, called him to office again. In this part of his career Godolphin appears as the financial specialist rather than the politician. It is as though he were independent of any change of government.

The chapter in which Mr. Elliot treats of the relation between Godolphin and William is one of the best in the book. He investigates the charges of treason that were brought against him, and defends him—we think successfully, though not quite judicially—from Macaulay's fierce attack. Godolphin's correspondence shows that he was on the whole loyal to William, for again and again he gave him the most excellent and candid advice. We may fairly believe that he is clear from the stain of having plotted anything very base and disgraceful, but surely our author's enthusiasm for his hero carries him a little too far. At a time when half the public men in England were in correspondence with the king *de jure*, there is nothing very improbable in the supposition that Godolphin also took measures to keep a door of reconciliation open in case King James should return to enjoy his own again. We may acquit him from the graver charge of having retained office under William in order to betray his secrets, but it does not follow that he resisted the temptation of a harmless flirtation with Saint-Germains.

Of Godolphin's political position under Anne Mr. Elliot has not so much to tell us that is new. He lays some stress on the importance of

his warm friendship with Marlborough and the marriage alliance that united the families. He also traces carefully, though with an ugly terminology, the progress of the change that passed over the government during the reign, establishing a distinction between 'the shedding epoch,' marked by the resignation of Nottingham, when the tories began to be dropped, and an 'accretive epoch,' fixed by Sunderland's accession to office, when the reconstruction of the ministry upon whig lines began. So far, however, our author is going over old ground, though perhaps with greater care than his predecessors; his new contribution to this part of the subject is his account of the differences of opinion between Marlborough and Godolphin, the importance of which previous writers have scarcely appreciated. It has been so usual to regard Godolphin as a sort of henchman to Marlborough—or, as Macaulay puts it, 'under the influence of a mind far more powerful and far more depraved than his own'—that important differences of opinion between them seemed scarcely possible. Our author shows, however, that as early as 1707 they were 'no longer agreed upon a common basis and method of government.' To take a single instance: Marlborough still clung to the notion of a coalition government, and it was only Godolphin who faced the facts and saw clearly that if the war was to be carried on with energy Harley must go and the ministry become entirely whig. It was owing to his 'rare patience and good sense' also that the crisis of 1708 was safely weathered, and Harley and St. John compelled to withdraw.

In dealing with the financial side of his hero's career Mr. Elliot misses an opportunity, for he treats in a pale, inadequate fashion what is really the most interesting problem presented to him. While recognising Godolphin's financial ability in general terms as the quality which made him indispensable, he only once descends into detail, and then to make a most important suggestion, to which a great deal more space might have been given. If the whig war against France is a landmark in the history of wars, it is because it created a new apparatus for organising the national resources. It is novel and interesting not on its military but on its financial side. According to Mr. Elliot the financier of the whig war is not Montague, as is generally supposed, but Godolphin. The argument is one of probability only, and runs thus: The only reason why the authorship of the Tonnage and Recoinage Bills is attributed to Montague is because he had charge of them in parliament. The principal government financier at the time—the real and nominal head of the treasury—was Godolphin. It is therefore probable in a high degree that he took at any rate a principal share in preparing the government finance bills. But supposing this to have been the case, as a peer he would be unable to take charge of them in the house of commons, and this would account for the association of Montague with a policy of which he was not the real author. If Mr. Elliot's first assumption is correct—and we have no other evidence of Montague's connexion with the bills—this hypothesis, in spite of a certain dim resemblance to the Baconian theory of Shakespeare, looks probable enough. But the matter is sufficiently important to have been thoroughly worked out. We do not know if Mr. Elliot has exhausted all possible sources of information; we could wish that he had given us more evidence, and had multiplied just here

his references and foot-notes. Moreover he scarcely seems to realise the importance of his own suggestion. If Godolphin and not Montague was really the financier of the war he becomes at once a principal influence upon its history. A biography of him resolves itself at one point into a history of the war on its financial side, and his views on finance become immensely interesting to us.

That Godolphin's financial ability contributed to maintain him in power when the aspect of the heavens was adverse we should fully admit, but perhaps it is possible to exaggerate his indispensableness. We should be inclined to lay rather more stress than our author does upon the influence of his personal character. The qualities that come out most clearly in the biography before us are the hero's extraordinary soberness of mind and soundness of judgment. These appear sufficiently in many of his letters, printed here for the first time, but in none more clearly than in a remarkable letter of August 1684, already published. When the exclusionists succeeded in removing Rochester from the treasury, Godolphin was entrusted by the king with the task of informing the man whose place he was taking of the change that was to be made. The letter is perfectly cool, courteous, and considerate. Scarcely another statesman in the full tide of success could write to the rival he was displacing to announce the fact without being triumphant or insincere. Godolphin was neither, for he was a man without passion. His enemies called him cynical and worldly, but under some circumstances cynicism and worldliness are the conditions of success. To be passionless when other men were running mad with party passion would give a man an advantage in the race for power. Godolphin was to some extent a partisan, for he was a tory; but he could study politics with a certain detachment of mind, and in this he was in advance of his age. He was born, politically speaking, in the age of Shaftesbury and wild party spirit; he really belonged, not to that age, but to the next.

With this singular sobriety and coolness was united a courtier-like adroitness that must have been of the highest value to him in his dealings with kings. While James II was on the throne he attended mass in the royal chapel. He was always just on the verge of conversion, and won golden opinions from the king, but avoided with infinite skill any step which would have seriously compromised him with the church party. When he was still a young man Charles II, 'the great master of apophthegms,' had said of him that he was 'never in the way and never out of it,' and this was true of him to the end of his life. But though a courtier, and exceptionally skilful in the minor hypocrisies of courtiers, in the main business of life Godolphin was one of the most incorruptible of men. Sydney, afterwards Lord Romney, pronounced him the only honest man in a court filled with rogues, and though this is not in itself a testimonial—for we do not know much good of the speaker—it is probably not far from the truth. Marlborough took advantage of the war to acquire a fortune; Godolphin, when he at last retired, though he had handled millions, had only accumulated enough to bring him in about 1,000*l.* a year. One of the best tributes to the better side of the man is his warm and enduring friendship with John Evelyn, which ended only with Evelyn's death and extended to his children. It is from Evelyn we learn that

this man of marble was capable of strong affection. There are few passages in literature more touching than his account of Mrs. Godolphin's death and her husband's misery.

When Godolphin is thus presented to us as a financier so exceptionally able as to be indispensable, and at the same time a politician and courtier sufficiently clear-headed and adroit to avoid all mistakes and take advantage of every favouring breeze, it is not difficult to understand why he should have had so long a tenure of power. There are, however, other facts to which Mr. Elliot calls attention for the first time, which arouse us to the extraordinary range and power of the man. He has studied with great care Godolphin's correspondence with Hill, the English envoy at Turin, and Methuen, the author of the treaty with Portugal, and he is able to tell us that he had a much larger share in determining the course of the war than has hitherto been suspected. He notes in particular his peculiar views on the vulnerability of France towards the Mediterranean. According to Mr. Elliot he was perhaps the only English statesman who adequately appreciated the importance of the Camisard rebellion. It was his idea to invade France—not, as was proposed, from the north, by way of Dieppe, but from the south, by way of the Cevennes—destroying meanwhile with an English fleet the French magazines at Genoa and Leghorn. In this he was overruled by Nottingham, and the matter was not one upon which he could claim to speak with authority; yet Godolphin was probably right. According to Cavalier, if the allies had only in 1703 taken advantage of the rebellion in the Cevennes the whole of France might have been conquered; and the duke of Berwick, the best of judges, expresses a somewhat similar view. It was Godolphin also who sent an English envoy to the duke of Savoy, and Mr. Elliot makes him principally responsible for the armed intervention in Spain. That policy, though it failed in execution, was in its conception sound and statesmanlike, for it was the same policy which, under a different leader, was so remarkably successful in the next century. 'Spain is the back door into France.' Galway failed to force the entrance, but Wellington succeeded, and Wellington's success justifies Godolphin's plan. Though no Carnot or professional planner of campaigns, the man of cool judgment was never at fault. His scheme was admirable; he is responsible for its failure only in so far as he is responsible for the appointment of the men who so miserably mismanaged its details.

Our author claims for Godolphin the real credit of the Methuen treaty, and devotes an unsatisfactory chapter to the union of England and Scotland, in order to show that 'to Godolphin's wisdom and firmness this great measure must be principally ascribed.' Here we have not time to follow him, but must pass on to sum up our general impressions of Mr. Elliot's work.

We are inclined to suspect that he has overestimated the brightness of his star. He approaches the doubtful passages of Godolphin's career too much in the tone of an apologist. He admits that his connexion with Sunderland and the duchess of Portsmouth is not to his credit, but he does so reluctantly and 'with pain.' Godolphin negotiated James's French treaty. Mr. Elliot goes further than most of us, and calls it a 'terrible crime,' but cannot resist the temptation of suggesting that perhaps he

'employed the influence which he had acquired with the king to effect some change in mitigation of James's furious designs upon English liberties.' It is not that he is unfair. He tells us all he knows, and is singularly free from prejudice. We note only that he is very much impressed with his hero, and though he admits freely all the facts that tell against him he is apt to ignore the weight of them in his final judgment. The man was great and coldly virtuous; he was also good when judged by a certain standard, but his goodness was very much tempered by prudence of the lower kind. All this Mr. Elliot makes clear to us, but scarcely to himself, for he writes of Godolphin throughout in a tone of suppressed enthusiasm, which the facts he gives us do not always justify.

J. R. Tanner.

Letters of Richard Radcliffe and John James, of Queen's College, Oxford, 1755-83. With additions, notes, and appendices. Edited by Margaret Evans. Oxford Historical Society. (Oxford: Clarendon Press. 1888.)

We are glad to have this collection of letters if it were only for the light which they throw upon Oxford at one of the dullest and most ignominious periods of her history—the latter half of the eighteenth century. She had indeed fallen upon evil times: the traditions of her Pocockes, Hickeses, Llwyds, and others appeared to be lost, and it would be difficult to point to the names, with the exception, perhaps, of Sir William Jones, Blackstone the lawyer, and Thomas Warton, of any men then residing within her walls who could be said to cast lustre upon their university. Others might be cited, perhaps, who had a local reputation and were known to admiring circles of friends, such as Routh of Magdalen, who survived to our own days, and the wonderful John Henderson of Pembroke, but there were few even of these. Somewhat earlier Gibbon had characterised the Oxford fellows as 'monks without piety or learning;' idleness and self-indulgence were the rule of the day, reflected in such verses as Warton's 'Panegyric of Oxford Ale,' and such descriptions as that of the beer-drinking parsons at the 'Mitre' in the pages of the German traveller Moritz:—

> Midst mugs and glasses shatter'd o'er the floor,
> Dead drunk, the servile crew supinely snore.

There were, no doubt, many such pillars of the church as the Rev. John Modd, who when morning broke upon his revels remembered with an oath that he had an early chapel service to perform.

Into such an Oxford as this came young James, the son of the worthy schoolmaster of Arthuret in Cumberland. The details of his setting out for Queen's remind us of some recent biographies, although there is nothing analogous to the hereditary great coat of Pattison's memoirs; we read the journeys between Arthuret and Oxford, and the visits of the young man to his friend, the parson Boucher at Paddington; on one occasion barely escaping the clutches of a highwayman. The letters of our undergraduate are here and there, it is true, a little stilted in style, but it was a style, as anyone acquainted with eighteenth century literature will acknowledge, in which nine men out of ten at that time wrote. In

this sort of language a little before, Johnson had been describing the frigid temperament of his friend Coulson, of University, under the name of *Gelidus.* Such things are mere matters of custom, and youth is imitative. James always writes affectionately to his relatives, and although he fills his letters with remarks on books and their authors, has occasionally domestic and social matters to tell us; thus he calls upon Dr. Wall, the Reader in chemistry, and has a pleasant chat with his wife, and is received in an urbane manner by the terrible Cyril Jackson, of whom the tradition has come down that when translating Homer in his lecture, being unwilling to weaken the force of the particles, he always rendered Τρῶες ῥα, *the Trojans, God help them!* We get many pleasant glimpses at the family circle at Arthuret. In his letter dated 8 Oct. 1778 he gives an account of his arrival at Queen's, and describes his rooms on the second floor and looking out upon the church of St. Peter's in the East; Jeremy Bentham's rooms were in nearly the same situation. The letter of his father in reply gives him advice about the purchase of books, promising him at some future time his own copy of Scapula's Greek Lexicon, a work now forgotten, but in use far into the present century. It is not a little curious to look through the lists of books in the letters, and to see how they are mostly ignored at the present time; the bibliography, in the notes by the present provost of Queen's College, is excellent. Young James soon finds out that he has poor tutors: 'The doctor [Nicolson] construes a few chapters which the next lecture we repeat to him. He does not explain a single term, and were I to rely only on the instructions I receive from him I should find myself very deficient' (p. 50). It is plain that Queen's was in a poor condition, and Jeremy Bentham has the same tale to tell, but the rest of Oxford was no whit better. If we examine the roll of worthies which Queen's has produced, in such a book, for instance, as the cleverly written 'Historical Notices of the Colleges of Oxford' by the late Dean Burgon, we shall see that this house can show us a very good list of names. At the conclusion of the preceding century and commencement of the eighteenth, it had been quite a nest of specialists; Anglo-Saxon scholars like Gibson, the first editor of the *Chronicle,* and Thwaites and Hyde, the orientalist, called by his admiring contemporaries *stupor mundi.*

One of the most interesting letters is that descriptive of the great fire at Queen's in 1778, by which one side of the first quadrangle was burnt to the ground. There is also an account in a letter from R. Radcliffe, of whom we shall say more presently; and some anecdotes of the conduct of Dr. Fothergill, the provost, are added in the appendices. Readers of Bedell Cox's 'Recollections of Oxford' will not have forgotten the jokes of the wags on this pompous personage and his wife, who were called Orpheus and Eurydice, because when the doctor stalked forth his spouse always kept a few paces behind him, following *haud passibus æquis.*

Young James is not merely occupied with the ancients; he has an interest in modern literature; thus, among other writers, he mentions Mickle, the translator of the 'Lusiad,' then living near Oxford, and he gives his opinion, unfortunately not a correct one, on the Rowley controversy. The turgid style of Scott, afterwards Lord Stowell, the professor of ancient history, reminds him of Dr. Johnston (*sic !*), then still

living, and occasionally visiting Oxford, as we know from Boswell. Our young undergraduate tells us how he read his prize poem on Columbus in the theatre, and thought incorrect some of the remarks made upon it by Dr. Bandinel, the public orator.

If we find the letters of the younger James a trifle pedantic, the same cannot be said of those of Radcliffe, which are written in free idiomatic English, and give us the idea of a bluff, hearty fellow. He was a college friend of the elder James, and his letters are full of reminiscences of the days they had spent together and of their acquaintances. Many of the names which he cites are familiar from their recurrence in the Queen's registers, down to our own days, Falcons, Monkhouses, Barrows, &c. They are north-country names belonging to that part of England which was specially connected with Queen's. We find them appearing as those of members of that college in the list of subscribers to Relph's poems in the Cumberland dialect, 1747—an interesting work because one of the first of the kind published.

Jonathan Boucher, the friend of young James, who was destined to marry his widow as his third wife, is also an interesting figure. Fifteen years ago his grandson published in 'Notes and Queries' some selections from his diary, which gave a picture of the state of parties in America just before the Revolution. Boucher, a Cumberland man, held a living in Maryland, and had married a lady of that state named Addison, of the same family as the essayist. As the Americans had no bishops—Seabury was yet to come—Boucher had been compelled to return to England to be ordained. Combining the functions of a schoolmaster with those of a divine, he had received among his pupils the stepsons of George Washington, and was accordingly brought into relations with the great American, for whom he clearly had no liking. Boucher took the loyalist side in the controversy, and his contests with his parishioners, especially a certain Mr. Osborn Sprigg, who tried to prevent him from preaching in his own pulpit, are graphically described in the diary. But his party was a losing one—

Victrix causa deis placuit, sed victa Catoni.

Our divine was obliged to leave America, bringing with him his household gods and his Maryland wife. His name is still remembered in America, and readers of the 'Century Magazine' may have noticed his portrait in the number of that periodical for May 1888, in an article on the 'Church of England in the Colonies.'

The writer of these lines was kindly permitted to read his diary in its entirety, or at all events so much as has come down. It is preserved in manuscript by his family, and although in some things Boucher was a rather commonplace person, yet it is impossible to help feeling a liking for a man on whom one has been on terms of such intimacy at the distance of a century. Many parts of it would interest American readers as giving pictures of the old colonial days. He tells us all about his love for his Eleanora—soon, alas! to be supplanted by an English lady of very solid pecuniary endowments, who appears to have given him a great deal of trouble during her short life—and she in turn by his friend's widow. Poor James, our Oxford undergraduate, was destined to a short life. In

1784 he married, and in the following year was presented to the livings of Arthuret and Kirk Andrews on the death of his father. Sir James Graham, in whose gift the livings were, died a few hours after the presentation. In November of the same year John James met with an accident while riding to take some medicine to one of his wife's relatives; he received an internal injury, which brought on hæmorrhage, and ultimately consumption. All attempts to recover his health, including a visit to the continent, failed, and he died in the twenty-seventh year of his age, 23 Oct., 1786, leaving an infant daughter.

The letters are introduced by some interesting biographical notices of their writers by Mrs. A. J. Evans; and have been copiously annotated by the present provost of the college, Dr. Magrath, who has filled his notes with curious and valuable matter, interesting not only to Queen's men and all who have the welfare of that house at heart, with its traditions of five centuries, but to all readers who wish to understand college life in England towards the close of last century. W. R. Morfill.

Preussen und Frankreich von 1795 *bis* 1807. *Diplomatische Correspondenzen herausgegeben von* Paul Bailleu. (Leipzig: S. Hirzel. 1887.)

The diplomatic correspondence here edited by Herr Bailleu is comprised in two substantial volumes which form part of the 'Publicationen aus den K. Preussischen Staatsarchiven,' the series of state papers now being published by the authority of the Prussian government. The first volume includes the years from 1795 to 1800; the second those from 1800 to 1807. We are thus taken from the treaty of Basel to the peace of Tilsit; from the time when Prussia entered on a policy of neutrality, to the time when after one short campaign she lay crushed beneath Napoleon's power. The period is very well suited to be treated by itself, and in a preface prefixed to each volume Herr Bailleu, without entering into any unnecessary detail, has clearly summarised the main features of both Prussian and French foreign policy, and supplied the reader with all necessary threads for making his way through the documents themselves. The prefaces by themselves are indeed well worth perusal by those interested in the European history of the time. In no general history are so forcibly or tragically displayed the causes of Prussia's persistent adherence to her system of neutrality, and of her sudden collapse at the end. Herr Bailleu has further added to the documents notes from manuscript sources, and supplied copious references to the works of Von Sybel, Hüffer, Von Ranke, and others. It is to be observed that in many cases only extracts from the despatches are given. Possibly the despatches are too voluminous to allow of their publication in full; but it is a pity that Herr Bailleu has not granted any explanation of the principle on which selections have been made, and added completeness to his labours by giving a list of at least the more important documents omitted or curtailed.

The larger number of these documents have, of course, been made use of by Von Sybel and Von Ranke. The greater part of vol. i. consists of the despatches of Sandoz-Rollin, the Prussian ambassador at Paris between 1796 and 1799. They are written in French, and contain a

quantity of details, often of a very lively character, regarding incidents at Paris, and the more prominent men of the time, which the grave works of the historians above mentioned have no place for. To these are added instructions sent from Berlin to the ambassador, as well as memoirs drawn up for the king's perusal by Haugwitz, Alvensleben, and others, at various crises in the diplomatic intercourse between the two governments. Through the courtesy of M. de Freycinet the French archives were opened to Herr Bailleu, with the result that in an appendix we find the despatches of Caillard from Berlin, extending from 1795 to 1798, and, what is of greater interest, the correspondence between Siéyès and Talleyrand when Siéyès was ambassador at Berlin 1798–9. Herr Bailleu further prints the letters of Gervinus from Paris, 1795, and those of Peter Roux, 1799.

When Prussia concluded peace at Basel in April 1795, while she abandoned the defence of the empire, she looked forward nevertheless to playing the part of a mediator between France and the empire, on the basis of the *status quo* before the war. M. Sorel has shown how soon that expectation was falsified. Whatever possibility there might have been of success, Prussia herself was not equal to the occasion. Circumstances in the spring of 1795 bore so heavily upon the committee of public safety that even those members most bent on the acquisition of the Rhine boundary hesitated what course to pursue, and a chance was thus offered to Prussian diplomacy. In order, however, to obtain the peace between France and the empire which it desired, it was necessary to put pressure on Austria, which, under the guidance of Thugut, was bent on continuing the war. Yet when urged to take decided action in this direction, Frederick William II drew back. He could not menace Austria without endangering his position in the east. The third partition of Poland had already been agreed on between Russia and Austria (3 Jan.). The king's suspicions were aroused, and, wishing to secure for himself a full share of the spoil, he would not run any risk of incurring the hostility of his two powerful neighbours. Meanwhile the committee of public safety, having overcome its immediate difficulties, again reverted to its policy of territorial aggrandisement, and all possibility of Prussia appearing as a mediator was at an end. Henceforth the king and Haugwitz merely sought to obtain neutrality for north Germany, and thus to secure a practical supremacy for Prussia in the north. In December 1795, when Sandoz-Rollin went as ambassador to Paris, the committee of public safety had given place to the directory, whose policy was but a continuation of that of the committee, carried on with more decision. The two directors, Rewbell and Carnot, along with Delacroix, the minister of foreign affairs, had the conduct of foreign negotiations mainly in their own hands. Sandoz-Rollin's despatches bear ample testimony to Rewbell's force of character and to the influence which he exerted over his colleagues. Throughout the three and a half years that he retained office, though on occasions sharply attacked, he succeeded in maintaining his ascendency. The policy of the directory as directed by Rewbell was not likely to be less ambitious than the policy of the committee of public safety. Its immediate aims were the acquisition of the Rhine boundary and the extension of French influence within the empire by the carrying out of secularisation on a large scale with the special object of weakening the

power of Austria. Rewbell belonged to that school of diplomatists which, regarding Austria with irreconcilable enmity, looked upon Prussia as the natural ally of France, and tended to favour the aggrandisement of Prussia within the empire. There were, however, other influential men, of whom Siéyès was the chief, who, in remarkable anticipation of the policy of Napoleon, were opposed to the idea of giving Prussia a strong position in north Germany. They were as ready to come to terms with Austria as with Prussia, but aimed at separating both from the French frontier by the interposition of small states dependent upon France. Prussia must go as far back at least as the Weser, and find compensation for the loss of territory and influence in the west by exchanges or acquisitions further east. Sandoz-Rollin's demand for a new demarcation line to ensure the neutrality of north Germany was openly met on the part of Delacroix by the objection that the concession would preclude the French from invading Hanover (12 Jan. 1796). In September of the same year Sandoz-Rollin writes :—

'J'ai été condamné à entendre les rêveries politiques du sieur Delacroix dans une conversation : "Echanger les deux Lusaces," me montra-t-il sur la carte, "acquérir en Pologne, obtenir le Mecklembourg contre la Westphalie et Münster ; puis s'arranger à prix d'argent de la Poméranie suédoise ; cet arrangement procurerait une préponderance marquée à la Prusse sur la Baltique, doublerait sa puissance et ses moyens de force, et la mettrait en état de résister à la Russie" ' (xi. 89).

The possibility of a French invasion of Hanover bringing the war with all its attendant revolutionary dangers close to the Prussian frontier, roused Haugwitz to make military preparations for its defence, and the result was a compromise. The directory consented to recognise the neutrality of north Germany, while Haugwitz consented to the eventual treaty of 5 Aug. 1796 by which Prussia agreed to surrender her possessions on the left bank of the Rhine, in return for Münster and other ecclesiastical territories on the right, if the empire when it made its peace accepted the principle of secularisation.

To the idea of secularisation carried out so as to give to Prussia the leadership of north Germany neither Haugwitz, Hardenberg, nor Alvensleben were averse. It is evident at the same time that all of them still wished that the Prussian possessions on the left bank should be restored, and the peace between France and the empire concluded with as little interference as possible with the boundaries of the latter. The king, Sandoz-Rollin was instructed, did not wish to part with his possessions because of the difficulty of arranging indemnifications in a manner acceptable to Prussia. It remained to be seen whether either alternative was possible. Could France be induced to make peace without the Rhine frontier ; or, in case of secularisations being carried out, could she be induced so to carry them out as to give Prussia the prominent position to which she aspired ?

Such questions, however, could receive no practical answer till a peace was negotiated between France and the empire, and such a peace could not even be thought of until a treaty had been signed between France and Austria. When, however, in the spring of 1797 the preliminaries of Leoben were under discussion between the two last-named

powers, the desire for peace within France, the growing insubordination of the councils, very possibly also the desire to strengthen their own hands against Bonaparte, brought the directory almost to the point of abandoning their claims to the frontier of the Rhine. On 25 Feb. Sandoz-Rollin wrote :—

'La majeure partie du directoire est revenue à d'autres idées sur le système de la rive gauche du Rhin ; elle tient aussi peu aujourd'hui à la réunion de ces pays à la France, qu'elle y tenait fortement il y a huit jours. Une conversation longue et animée que j'ai eue avec les sieurs Rewbell, Carnot et Latourneur de la Manche, m'en a donné la conviction. Les uns et les autres m'ont assuré surtout que si V. M. voulait se porter sans délai médiateur pour la paix de l'empire et du continent, ils renonceraient dès ce moment à toute idée d'agrandissement de ce côté. . . .

'L'avantage d'avoir ramené les membres principaux du directoire à abandonner pour le bien de la paix la rive gauche du Rhin, ne m'a pas paru suffisant : je me suis attaché à faire adopter le même système aux membres les plus accrédités des deux conseils, au sieur Portalis des anciens et à Cambacérès du conseil des cinq cents. Tous deux ont été parfaitement d'accord sur ce principe politique ' (i. 118).

In consequence of the more moderate policy prevailing formal propositions were made that Prussia should join with Saxony and Hesse in requiring Austria to make peace. France would only insist on retaining the Netherlands, Liège, Savoy, and Nice. Austria was to be compensated by the secularisation of Salzburg, Passau, Brixen, and Trent. In May Barthélemy, the negotiator of the treaty of Basel, who had always opposed the extension of France to the Rhine, entered the directory in place of Latourneur ; in July Talleyrand became minister of foreign affairs ; while Carnot, whose language in 1796 had been as violent as that of any of his colleagues, swung round to support the moderate views entertained by the majority of the councils since the new elections. Still it was the influence of Rewbell which predominated. Sandoz-Rollin's despatches fully bear out the view that Barthélemy was entirely unfitted for the prominent position into which his admirers had thrust him. From the time of Talleyrand's appointment to office, the ambassador constantly reports to his government what took place at the meetings of the directors, his informant without doubt being the minister of foreign affairs himself. Thus on 31 Aug., Sandoz-Rollin writes :—

'Le directoire est divisé en politique comme en administration. Le ministre des relations intérieures l'a éprouvé en dernier lieu, ayant voulu représenter qu'un des grands moyens de faciliter la paix avec l'Autriche était de reprendre les frontières déterminées par les préliminaires de Léoben, et d'abandonner cette prétendue frontière militaire, qui ne servirait qu'à rendre la paix peu stable. Le sieur Rewbell s'est emporté à cette proposition ; il a déclaré qu'il ne signerait jamais pour sa part la paix avec l'Autriche qu'il ne l'eût éloignée des deux rives du Rhin, et il a traité d'ignorantissimes tous ceux, et le sieur Talleyrand lui-même, qui soutenaient un système opposé. Ce dernier n'a point fléchi. . . . Le sieur Carnot s'est rangé de l'avis du ministre. Ce n'était pas une frontière plus ou moins étendue que la nation demandait, c'était la paix, et le moyen qui devait y conduire plus promptement était celui qu'il fallait préférer. Le

sieur Barthélemy s'est aussi peu prononcé dans cette occasion que dans les autres. Il a gardé un silence profond lui qui aurait pu, par ses connaissances diplomatiques, ramener le directoire à d'autres principes et soutenir la doctrine de son ami. La conduite politique de ce directeur est aussi singulière, que le nullité de son caractère et de son influence. On le voit recevoir et accueillir chez lui tous les représentants qui sont ennemis du directoire, et même tous ceux qui sont affichés dans le public comme royalistes; il les admet faute de caractère pour les renvoyer' (i. 145).

The propositions made by the directory did not meet with favour at Berlin; and Haugwitz replied by the demand that if Prussia was to mediate, England must be included in the negotiation. However much the peace was desired, neither the king nor his minister would run the smallest risk to obtain it, and all serious consideration of an armed mediation was out of the question. As Caillard, explaining the causes of repeated failure to induce Prussia to take any decisive step, wrote to his government:—

'On craint la Russie, car quoique Paul Ier ne soit pas guerrier, quoique ses ressources soient fort resserrées, cependant il a des corps de troupes assez nombreux en Pologne et dans le voisinage immédiat des Prussiens, en sorte que le cabinet de Berlin craindrait, en attaquant l'Autriche et rompant son alliance, d'éprouver sur le champ une diversion importante de la part des Russes. Cette idée doit agir assez fortement sur l'esprit du ministère, qui ne peut pas se dissimuler qu'il a établi une administration terriblement despotique dans la partie de la Pologne qui lui est échue en partage; que le mécontentement des Polonais de ces contrées est à son comble, et que les Russes sauraient bien tourner ses dispositions à son profit.'

Whatever possibility there may have been of the abandonment of the Rhine frontier by France was destroyed by the triumph of the more aggressive republicans on Fructidor 18 (4 Sept.). François de Neufchateau and Merlin de Thionville took the places of Barthélemy and Carnot on the directory. It remained to be proved whether Prussia would be able to maintain her interests as a German power, and obtain that at which Haugwitz aimed when he made peace at Basel, the hegemony of north Germany. Rewbell hated Austria, and Rewbell maintained his position as director-in-chief of foreign policy. *Il faut,* he said one day to Sandoz-Rollin before the conclusion of the peace of Campo Formio, *reléguer l'Empereur dans ses états héréditaires, et le dépouiller de tout le reste; le jour de l'humiliation de la maison d'Autriche est arrivé, on doit s'en réjouir.* To push further the advantages gained by the treaty of Campo Formio; to acquire the Rhine as the boundary of France up to the limit of the Dutch frontier; to decrease, if possible, the acquisitions which Bonaparte had granted the emperor in Germany and Italy; in no way to allow of their increase, whatever further advantages France might claim; lastly, to effect the carrying out of secularisation in the interests of France—such were the main objects with which the directory sent ambassadors to Rastadt to negotiate peace with the empire. The support of Prussia was therefore of immense importance, as, unless Austria could be deprived of allies or intimidated, such a policy must result in a renewal

of the struggle. It may be observed that Talleyrand told Sandoz-Rollin in August that he had advised the directors to force the hand of Thugut by making peace with England, and that the proposition had had a favourable hearing. The party now in the ascendant was, however, as little disposed to make concessions to England as to Austria. By the support of Prussia the directors hoped to accomplish their aims, and propositions for an alliance were urged upon that power (April 1797–May 1798).

It can be no matter of surprise that Haugwitz should shrink from taking part with France against Austria. If the ambition of Austria was dangerous, the ambition of France, especially as it displayed itself after Fructidor 18, was none the less so. Yet the time had come when neutrality was no longer consistent with the aims which Haugwitz had in view when he made peace. The question was not, as in 1795, whether France was to have the Rhine boundary, and whether secularisation was to be carried out, but whether France or the German powers were to have the settlement of the internal affairs of Germany. The cause which Haugwitz was pursuing became involved in contradictions. He sought for the support of France to attain for Prussia indemnification equal to whatever Austria might attain within the empire; at the same time he sought to exclude France from settling the affairs of the empire at Rastadt. On the important question of secularisation he had no definite policy whatever. He could not come to terms with Austria because of the rivalry existing between the two states, and the fear that France might find him out and join with Austria against Prussia. He would not close with France and take part against Austria, for fear of laying Germany at the feet of the common enemy. It may indeed be said that Haugwitz was at once for and against secularisation, hoping to get the larger gain by waiting upon circumstances rather than by seeking to control them. The arguments for the rejection of the French alliance which Haugwitz laid before the king (13 May, 1798), namely, that Prussia would incur the hostility of Austria and Russia, and that she had more interests in common with these courts than with revolutionary France, formed a practical admission that the right place for Prussia was on the side of these courts. The policy of neutrality was merely a policy of delay.

Amongst the memoirs laid before the king on the French proposals there is one specially deserving notice because of the argument urged in it. Alvensleben advised the king to make an alliance with France on the ground that Prussia must sooner or later be drawn into the struggle, and that in order to oppose the French armies with any chance of success Prussia must first revolutionise her own. It is curious to find Alvensleben in 1798 thus correctly foretelling the breakdown of the Prussian military system, and arguing that, in case of a war with France, it would be necessary to adopt reforms as radical as those afterwards carried out by Scharnhorst. Not indeed that Alvensleben proposed their adoption. He represented them as a revolutionary measure more dangerous to the Prussian state than alliance with revolutionary France herself.

Caillard's failure to draw Prussia into closer relations with France led to his recall and the appointment of Siéyès as ambassador at Berlin in his stead. Siéyès' instructions reveal undisguisedly the vast schemes for the

settlement of Europe entertained by the directors, in the carrying out of which Prussia was designed to serve as the tool. Prussia was to enter into an alliance with France, Spain, the Batavian and Dutch republics, the newly formed republics in Italy, the secondary princes of the empire, and the kings of Sweden and Denmark.

Siéyès was not likely to succeed where Caillard had failed. The intricacies of his negotiations with Haugwitz are, however, of much less interest than the correspondence between Siéyès and Talleyrand, printed in Appendix IV. Siéyès was the special supporter of schemes for the destruction of Prussian influence within the empire, and Prussia's persistency in refusing to give France support at Rastadt made the directors the more ready to adopt them. In the autumn, overtures were actually made to the elector of Bavaria and the landgrave of Hesse for putting themselves respectively at the head of a south and north German confederation in alliance with France. In writing to Talleyrand, Siéyès proposed in plain words to shut Prussia off behind the Elbe, and make French influence wholly dominant on the coasts of the German Ocean.

'La politique de France ne peut pas être de laisser disparaître ni même de laisser trop s'affaiblir ce tiers-parti de l'Allemagne, ces états indépendants qui doivent être ses futurs alliés les plus intéressants, ses protégés nécessaires. Avec eux, la république tiendra sous son influence les côtes occidentales de l'Allemagne; la portion du globe la plus importante pour nous, quand on songe que par ce moyen le directoire pourra à son gré fermer au commerce anglais tous les marchés, tous les ports du continent depuis Gibraltar jusqu'au Holstein ou même jusqu'au Cap-Nord. Il est impossible que nous laissions établir sur cette mer une grande puissance militaire susceptible d'échapper à notre protection et capable de s'allier un jour à la Grande Bretagne. Quand nous avons ôté à cette dernière les leviers de la Belgique et de la Hollande, avec lesquels elle a si longtemps troublé la paix d'Europe, commettrons-nous la faute capitale de lui rendre un pied-à-terre sur le continent?'

Ten days later, on July 24, he recurred to the same subject:—

'Je ne saurais trop vous remettre sous les yeux, citoyen ministre, que les embouchures du Weser et de l'Elbe ne doivent pas être confiées à une puissance du premier ou même du second ordre. Il faut que ces ports du continent soient gardés par des protégés, des amis essentiels, invariables de la république française. Je ne crois pas à la paix continentale si je ne vois pas entre l'Angleterre et les grands états d'Allemagne une masse interposée comme une barrière insurmontable qui coupe à jamais la communication électrique directe entre l'orient et l'occident de l'Europe. Certes ce serait un assez beau sort pour la monarchie prussienne que d'occuper sur la Mer Baltique, si l'on veut, depuis Lübeck jusqu'à Memel, sans compter les chances futurs contre la Russie. . . . C'est derrière l'Elbe qu'ils doivent être contenus en tirant une ligne à peu près droite des frontières occidentales du Mecklenbourg sur ce fleuve. Puisqu'on me parait déjà sentir la nécessité d'établir un état intermédiaire entre le Rhin et la Prusse, on finira par concevoir également la nécessité d'un intermédiaire entre la Prusse et l'Angleterre. Alors véritablement l'Europe occidentale sera en paix. Je vois venu

toutes les combinaisons. Il est de notre intérêt de les laisser se former et s'avancer jusqu'à un certain point; mais la directoire exécutif, quand il sera temps, y prendra part et saura les diriger aux fins les plus utiles pour la prospérité française et le repos général de l'Europe' (iii. 481).

In 1799 the breaking out of the continental war, the formation of a new alliance between Russia, England, and Austria, and possibly successful, led Haugwitz to advocate, though feebly, a change of system and the acceptance of the propositions made by England for a joint expedition to drive the French from Holland. Frederic William III was, however, as firmly bent on maintaining neutrality as his father before him, and his favourites supported his views. He would not risk a step which even in the future might lead to war. In volume ii, which contains some important despatches of the French ambassador, Laforest, at the Prussian court, and some hitherto unknown correspondence between Talleyrand and Hauterive, the story of Prussia's weakness and her fall is continued with the same ample detail to the peace of Tilsit, when Napoleon, in carrying out Siéyès' schemes, not only placed her behind the Elbe without granting territorial compensation elsewhere, but deprived her of three Polish provinces, the retention of which had been one of the main objects of her policy. In place of despoiling she was herself despoiled and reduced to the position of a secondary state. Siéyès hated Prussia, and could not, like Caillard, make fair allowance for the difficulties of her position; but he set his finger exactly enough on the weak point of her policy when he wrote the following words to his government:—

'Le cabinet de Berlin vous somme en quelque sorte d'accroître de plus en plus la considération que vous lui avez déjà donnée parmi les états de l'Allemagne, et il ne prétend se servir de cette supériorité de crédit, en partie votre ouvrage, que pour la tourner contre vos intérêts. . . . Elle veut se donner l'air de tout mener, de tout faire en ne voulant prendre part à rien' (i. 491).

One of the most interesting results of Herr Bailleu's publication is his success in showing how Napoleon adopted and put force into the continental policy of Siéyès, in the same way that he adopted and put force into his constitutional scheme. BERTHA M. GARDINER.

Politische und militärische Correspondenz König Friedrichs von Württemberg mit Kaiser Napoleon I, 1805–1813. Herausgegeben von Dr. A. von SCHLOSSBERGER. (Stuttgart: W. Kohlhammer. 1889.)

König Friedrich von Württemberg und seine Zeit. Von ALBERT PFISTER. (Stuttgart: W. Kohlhammer. 1888.)

Mömpelgard's schöne Tage. Von Professor Dr. OTTO SCHANZENBACH. (Stuttgart: W. Kohlhammer. 1887.)

THE publication, with the sanction of the present king of Württemberg, of the extremely interesting correspondence of his grandfather with the Emperor Napoleon is one of many signs showing to what extent modern German history has, in consequence of the great events of our own times, become 'ancient history,' even to the descendants of the confederates of

the Rhine. A kind of *cultus* has, with reservations of one kind or another, to be kept up at home for such *keineswegs fleckenlose, aber viel verkannte und höchst bedeutende Herrschergestalten* (the late Herr von Rümelin was a master of style, and occasionally beyond translation), as the first wearer of that royal crown which *in effigie* still flaunts it over the palace gates at Stuttgart. King Frederick of Württemberg is remembered in this country (with whose government it appears he, on one occasion, in vain offered the emperor Napoleon to use his good offices) as the consort of a kindly British princess. In his own, he was a despot, like more than one of his long series of ancestors, but gifted with an intelligence such as few of them combined with their hereditary self-willedness. He prided himself on having been educated in the school of Frederick the Great, whose monarchy he and several of his brothers served in arms; nor did the pupil discredit the master as an administrator. But it was to his alliance with Napoleon that his kingdom owed not only its rank as such, but also its proportions, more than double the size of the old duchy. The correspondence continued in Dr. von Schlossberger's present publication shows how King Frederick, who was to all intents and purposes his own foreign minister, managed his relations with the master of his own and his country's destinies from about the time of the peace of Pressburg to the eve of the battle of Leipzig.

In the early pages of this volume the newly made king is basking in the sunshine of a treaty *qui, en augmentant considérablement l'étendue de mes États, donne à ma maison le dernier degré d'illustration.* Its further course shows how by the marriage of his daughter to King Jerome he connected himself dynastically with the protector of the confederation of the Rhine; but this side of their relations has been more fully illustrated in a previous volume of correspondence from the Württemberg archives published by the same editor. The chief interest of the present volume turns upon the efforts of King Frederick to respond to the military claims made upon him as a member of the confederation; and he deserves genuine credit for his endeavours to make these claims square with so much of reason as could be presented to his supreme lord. Of course, as a rule, his protests were in vain; thus, at the opening of the campaign of 1809, he had to submit to place his contingent under the command of Vandamme; and when in the spring of 1811 he sought to be excused from helping to garrison Danzig, he was roundly told that 'if the princes of the confederation left the emperor the slightest reason to doubt their goodwill in the common cause, their own ruin would be the consequence.' Worst of all, at the beginning of the fatal Russian campaign, his son the crown prince had to submit to an imperial remonstrance, couched in studiously offensive terms, concerning some trifling manifestations of insubordination among the officers of the Württemberg contingent, and shortly afterwards returned home on the plea of ill health. Yet the king's protests were not always in vain; and it is known (though the fact is not mentioned in this correspondence) that he was successful in saving his troops from bearing a share in the Peninsular campaigns. The volume concludes with the recall of the Württemberg troops by their sovereign within his own territory, and the expression of a pious hope on his part that 'happier circumstances may bring back a condition of things

in which I may be able to prove to your Imperial Majesty that my sentiments for your Majesty's person are unchangeable' (3 Oct. 1813). Enough, therefore, lies between cover and cover, not only to confirm the view that King Frederick knew when to speak and when to be silent, when to protest and when to acquiesce, when to hold his hand and when to act; but also to throw further though hardly unexpected light upon the character and methods of his correspondent. With the exception of a few autograph postscripts, the letters of Napoleon—88 in number—are not in his own hand: of the king's 159 letters, drafts in his own writing, and corrected by himself, are in most cases extant. Of the remaining letters, a correspondence with the Russian court, on which I will immediately touch, is the most interesting.

King Frederick, who had been partly educated at Lausanne, writes excellent French, and his style is a model of diplomatic suavity, without being in the least wanting in clearness or in point; of course the foil is supplied by the brusquerie and occasional brutality of the emperor. Only very occasionally the latter allows himself to be drawn in the direction of the sentimental, as when, writing from Berlin in 1806, he allows that he has *été visiter effectivement le tombeau du grand Frédéric*, and still more when on the eve of his second marriage he owns the soft impeachment that *on dit effectivement beaucoup de bien de l'archiduchesse Marie Louise.* He is more himself in the bulletin style in which he announces his victories and their accompaniments of carnage and desolation, or glosses over his reverses, as well as in his incidental revelations of himself as the slave of circumstance, and as the instrument of great popular forces *effectivement* equally little under his control.

Although in this correspondence King Frederick fairly holds his own where the interests of his dynasty and people are concerned, yet there is, notwithstanding, much that is humiliating in the relations between him and his *bon frère*, even if we grant Dr. von Schlossberger's contention as to the absurdity of judging the king's policy 'from the point of view of the nationality principle of more recent times.' Personally, he can hardly have relished the emperor's suggestion that he should, as the brother of the empress-dowager of Russia, use his influence at that court against Austria, on the plea of the advantages to be obtained for the house of Württemberg. 'A clever person,' the king is told with mediocre politeness, might turn to good account the emperor of Russia's discontent with Austria; and 'I fancy that a mother imploring her son to be mindful of the splendour of her house would create a good effect.' As a German prince, too, King Frederick had to listen to more home truths than can have been agreeable. He may have found no difficulty in applauding to the echo Napoleon's savage sarcasm against the *misérable singerie* at Ratisbon. And doubtless he had his own reasons for not straining at the emperor's instructions to make short work of the German order, though he afterwards found Mergentheim a tougher morsel than he had expected. His jealousies and territorial quarrels with Bavaria and Baden, of which the former in particular recur in every part of this volume, were of the nature of his position; and the protector of the confederation himself enunciated the principle that its members were to look for an increase, not a diminution, of their possessions. Thus the alertness which the

king of Württemberg manifested after every great victory, and on the occasion of every pacification, and which in December 1809 took him to Paris itself, was (though the princes of Hohenlohe and others may have thought otherwise) altogether to his credit; for without aggrandisement there was little chance of self-preservation. His conduct towards Prussia, with whose ruling family his own had been so closely connected, and towards the emperor Francis, against whose government he confessed to his sister that he had no cause for complaint, was perhaps equally inevitable. It does not appear whether he responded to the emperor's request that he should proclaim a public thanksgiving for the entry of the French into Berlin; but his greed for the Austrian enclaves was expressed with ignoble openness, and even a king by the grace of Napoleon must have felt the bitter disgrace of having to obey an order like the following, issued, it will be observed, *before cause shown* (4 March 1809):

'Monsieur mon frère, les nouvelles que je reçois de Vienne me font juger convenable de réunir sans délai les troupes de la Confédération. Il est donc nécessaire que Votre Majesté donne des ordres pour que ses troupes, infanterie, cavalerie, et artillerie, soient réunies du 15 au 20 mars et cantonnées entre Aalen, Neresheim et Heidenheim. Dans peu de jours, le ministre de V. M. recevra une note de mon ministre des relations extérieures, qui lui fera connaître l'état des choses et la convaincra de l'injustice et de la folie de l'Autriche. Sur ce &c.

'NAPOLÉON.'

At home, he showed no hesitation in doing the emperor's bidding as to the regulation of the local press; and so little was he anxious even to affect independence, that we find him applying in the same quarter for permission before opening negotiations with Rome for the establishment in his kingdom of two catholic bishoprics. All this had to be borne because of the 'system' with which the first king of Württemberg had identified himself, and which entitled his patron, even in the dark days of January 1813, to appeal to the king's interests against those whose object was to create *ce qu'ils appellent une Allemagne*. But Frederick's time for plain speaking had at last come, and his reply, with its distasteful allusion to the eight hundred years during which *his* country had been loyal to *his* house, struck home. Dr. von Schlossberger (in one of the few notes vouchsafed by him) cites the duke of Bassano (Maret) to the effect that the emperor was excessively hurt by this insinuation that he was not likewise *ancien gentilhomme*. He characteristically opened his mind on the subject to Count Wintzingerode, the Württemberg ambassador at Paris, and it was on this occasion that he paid to King Frederick those left-handed compliments which the editor of this correspondence has blazoned forth in his preface, and to which, however his sympathies may be affected by them, no reader of King Frederick's letters will be inclined to say nay.

Major Pfister's remarkably clear and well-written biography of the first king of Württemberg opportunely supplements Dr. von Schlossberger's recent editions of Frederick I's correspondence with his daughter Catharine and her Buonaparte husband, and with Napoleon himself. As I hinted above, it is not easy for patriotic German historians at the present

day dispassionately to appreciate the merits of a prince who owed his royal crown to the grace of Napoleon, and the doubling of his territorial power to the dismemberment of the Germanic empire. Happily Major Pfister, as to whose own political soundness there can be no doubt (he is the author of a capital little Life of the Emperor William I), is not afraid of testifying to certain minor beliefs that are in him. He holds that the consolidation of old and new Württemberg into a compact and well-organised monarchy, with an appropriate common constitution and an efficient army of its own, was a very important step forward, and part of a process in a sense indispensable to the political regeneration of this part of Germany. New Württemberg was a medley of odds and ends, alien to the population of the original duchy in political traditions, and, to a large extent, in religious belief; in old Württemberg, on the other hand, the rust had eaten into a venerated constitutional machinery to which the population clung with pathetic fidelity, but which had come to serve few practical purposes except that of making government impossible. The factors of the state were chronically at variance with one another; the standing committee of the diet guarded the *Landschaftskasse* as the very palladium of political authority, and occasionally, unless I mistake, maintained salaried agents at foreign courts to watch the conduct of the ducal ministers-resident; and even under catholic princes the Lutheran clergy continued the traditions of a sterile intolerance, which at the time of the revocation of the edict of Nantes had shut the door upon the Calvinist Huguenot refugees. Meanwhile the nobles were estranged from a political system in which they had no share of influence; and the burghers gloried in the general right of bearing arms under which the country had been left defenceless against a succession of invasions. Out of these elements Frederick I may be said to have *created* the kingdom of Württemberg, which he provided with an efficient military force and governed, if somewhat rigorously and restlessly, at least with single-minded devotion to the public interest and with lofty disregard of the inherited claims of any class or sect. Indeed, by the nobility he was perhaps less liked than by any class of his subjects; and though he was a protestant, it was under him that the catholics first enjoyed religious equality in Württemberg. His vigilance brought his territories safe out of the terrible vicissitudes of the Napoleonic era, whose vortex at one time threatened to sweep the very name of Württemberg off the face of the earth, transferring the dynasty to the Lower Rhine, or even to the Tagus; and his insight enabled him to seize the right moment for preparing his defection. From the Vienna conferences his kingdom came forth undiminished; whereupon he at once set about the completion of his life's task, by laying down the basis of a common constitution (the first promised by any German sovereign to his people) for the whole of his states. Though he did not live to prevail over the stubborn champions of *das gute alte Recht*, he brought round to his side the moderate men in whom every good cause has its surest allies; and this part of his life's work was accomplished with comparative ease by his successor.

For the territorial aggrandisement which enabled him to hold his own against his ancient lieges, he paid, as has been seen, the price of a period of dependence which to the eye of the patriotic historian justly seems

infinitely more humiliating than at the time it seemed to either prince or people. Justly, for in their unconsciousness of the shame lies now its deepest sting. But, in the first place, the humiliation in question was not monopolised by the princes of the confederation of the Rhine; and again, in the case of King Frederick I of Württemberg at least, it was rendered less palpable by his firmness of character and inborn self-reliance. 'He was always,' says Major Pfister, 'in the habit of dealing with Napoleon as power with power. In none of his public declarations did he allow any recognition on his part of a relation of subordination even remotely to appear. He remonstrated where he thought it requisite; he pointed out what he deemed encroachments upon his rights to Napoleon, and even refused some of the demands of the latter . . . he never gave up any of his subjects to the French judicial tribunals, never paid any tributes to the protector, never accorded any political favours to the French before other nations;' and refused to accede to the Emperor's wish that the *Code Napoléon* should be introduced into his dominions.' This position is supported by Major Pfister with sufficient illustrations. Even when in 1809 the king submitted (as already noticed) to Napoleon's demand that the Württemberg contingent should be placed under the command of Vandamme, he issued instructions to his officers to the effect that, while they were to recognise the supreme military command of the French general, they were in no wise to connive at any interference by him in the general management and internal organisation of the Württemberg troops. 'Any officer who by cringing to General Vandamme shall hinder General von Neubronn in the performance of his duties, will be made an example of by the king and punished like a felon (*wie ein Felon*).'

Even Colonel Maurice would probably not care to quarrel with Major Pfister's view as to the political education which lies in universal military service; since for obvious reasons he exempts England from the application of the principle. The question is not one for discussion here; but it may be pointed out that nowhere at the turn of the century was the cosmopolitanism which abhors such obligations more in vogue than in Schiller's Suabian home. Frederick I introduced the conscription cautiously but surely, and succeeded in calling into life an army whose gallant services, concisely recorded in this volume, form a very memorable chapter in military history. Its laurels are not, we think, impaired either by the untoward incident at Kitzen, or by the inevitable transaction at Leipzig. Of the awful price which in its turn his people paid for its experience no more need be said. The Russian campaign of 1812 destroyed one per cent. of the entire Württemberg population; and in the following year the country had for the third time to place in the field what was virtually a new army. It was the public reference by King Frederick to these losses and their cause which for the first time in the long history of the relations between them brought upon him the anger of Napoleon.

The author of this book, the value of which is enhanced by a series of biographical notices of eminent Württembergers mentioned in the course of the narrative, has not cared to say much of the private life and character of King Frederick. Treitschke, who has no such legal dangers to fear as

that into which poor Wraxall put his foot, has labelled the consort of our kindly English Princess Charlotte Augusta with an epithet or two that need no gilding. The good lady herself appears but once in this political biography, but that on no less an occasion than the visit of Napoleon in the first days of October, 1805, when, on the very eve of the most brilliant of all his campaigns, he definitively secured the alliance of the (then) Elector Frederick :—

'Napoleon seemed to feel very much at his ease at Ludwigsburg; he is in those days described as remarkably agreeable and engaging. Before his conference with the Elector, he requested to be taken to the Electress. This was done, and the Emperor's behaviour to her was so extremely amiable, and he had so much to say to her in praise of the English, *and especially of their literature*, that when some hours afterwards she withdrew from the interview, she was full of his praises.'

Less *à propos* than the discussion on the beauties of English literature might have been a reference to the fact that the electorate was then full of French troopers fresh from Boulogne, and grievously in lack of horses. The intention of supplying them with mounts in Charlotte Augusta's native country had quite recently been abandoned ; and in consequence it was Württemberg which soon found itself horseless.

An interesting account of the parents of King Frederick, and of the training given by them to the numerous family of children, one of whom became empress of Russia, is supplied in a lecture delivered by Professor Schanzenbach on the occasion of the anniversary of the birthday of the reigning king of Württemberg, in 1887. During the years 1769–1792 Duke Frederick Eugene of Württemberg, who had previously served under Frederick the Great, resided at Mömpelgard (Montbéliard) as governor of this outlying countship in possession of his house. At the country seat of Étupes he and his amiable wife led a tranquil life, which Professor Schanzenbach compares to that of his brother Charles and the fair Franziska (absurdly called by somebody ' the Maintenon of Württemberg ') at Hohenheim, and which at all events furnishes a pleasing example of simplicity, enlightenment, and refinement. In 1792, three years before Frederick Eugène himself became reigning duke at Stuttgart, he was driven from Mömpelgard by a *coup de main* of the convention, whose representative, Bernard de Saintes, informed the municipal authorities : '*Je vous apporte la liberté . . . j'ai des canons tout près d'ici.*' Thus practically came to an end a very interesting little political anomaly, which had its origin in 1394, when Henrietta, the grand-daughter of Henry of Montfaucon, brought these lands, watered by the Doubs, as her dowry to Count Eberhard the younger of Württemberg. The *coup de main* of 1792 was legalised by the Peace of Paris in 1814, but many Mömpelgarders preserved a pious remembrance of the old connexion and sent their sons to school at Stuttgart. Of the whole history of this connexion, which is not without significance for the progress of the Reformation, and which was gracefully acknowledged by the most illustrious of Mömpelgarders, the great *savant* Cuvier, a clear account will be found in Professor Schanzenbach's lecture, which may possibly attract other readers of this Review besides myself. A. W. Ward.

The Revolutionary Movement of 1848–9 *in Italy, Austria-Hungary, and Germany.* By C. Edmund Maurice. (London: Bell & Sons. 1887.)

Lord Bacon has observed that there are deserts in time as well as on the earth's surface; and it might be said that there are periods as well as localities in which forces of such tremendous energy are in play that, if man were really a reasonable creature, nothing would induce him to come within their range. The impulse which prompts a person to write, or even to read, a history of the revolutionary movement of 1848 must surely be akin to that which prompts a man to descend the rapids of Niagara. That the thing can somehow or other be done is demonstrated from time to time before an astonished world. The latest achiever of the feat is Mr. Maurice. That he has accomplished the voyage and come alive out of it is beyond doubt; and when this has been done, criticism on his mode of progression may well seem superfluous. One chooses one method, one another. Mr. Maurice, or rather his reader, may perhaps be compared to the athlete who lately caused himself to be built up in a stout barrel leaving only his head outside, and without more ado committed himself to the flood. Where he went to, what currents in turn seized him, neither himself nor any other mortal knew; but, dazed and bewildered, he did reach his journey's end alive, and doubtless felt that the adventure was not one to be lightly repeated.

A critic may well think twice before charging an author with faulty arrangement, for the workman best knows the resistance offered by his material; yet if Mr. Maurice's is not a perplexing book it would be hard to name one that is. The first 216 pages, out of 496, are introductory; it is not till the seventh chapter that we reach the professed subject of the volume. In this chapter the March days of 1848 at Vienna, Berlin, Prague, and Milan are described. This is comparatively plain sailing. The next chapter, entitled 'The Struggle of the Races,' deals with the races of the Austrian empire, the Magyars, Serbs, Croats, Roumanians, and Czechs, in their relation to one another and to the German national movement. It ends with the entry of Windischgrätz into Prague on June 18, and the collapse of the Bohemian cause. The climax of difficulty is reached in the ninth chapter, which describes how 'the Revolution breaks into separate parts.' This chapter, returning in the case of Italy to the March epoch, terminates with the fall of Vienna in October. It deals with Tuscany, Naples, the pope, Venice, the campaign in northern Italy, the Frankfort parliament, Posen, Schleswig-Holstein, the parliament at Vienna, Jellacic the Croat, events in Hungary, events in Vienna. The tenth chapter, on 'the last efforts of constitutionalism,' is concerned chiefly with Prussia and with Italy, down to the refusal of the German imperial crown by Frederick William IV and the battle of Novara. The last chapter, called 'The Death-struggle of Freedom,' describes the overthrow of the Hungarian state, the suppression of the Roman republic by the French, and the capture of Venice by the Austrians.

It will be seen how complicated is the matter with which Mr. Maurice has to grapple. The knowledge shown in his work is very great. His authorities, if not always quite the best, are extensive and impartially chosen; and it is evident from the text of his work that he has supple-

mented his studies by travel and local investigations of no ordinary compass and thoroughness. He has, moreover, sought and profited by the assistance of about fifty persons in one way or another helpful to an historian of this period, and belonging to almost all the nationalities of Europe. This has given him a universality of sympathy with the rival races in their struggle of 1848–9, which, as he himself has explained, has made it difficult for him to speak severely of any one of them. When one compares the actual result of Mr. Maurice's labours with what might have been produced by a skilful writer from such materials, it is impossible not to feel a certain melancholy and regret. The want of arrangement, of perspective, of the sense of proportion, drives the reader to distraction. In some of the chapters the narrative flies so from place to place that it is almost impossible, even on making a leisurely attempt to piece the scattered fragments together, to construct a coherent and intelligible account of any one of the various movements with which Mr. Maurice deals. The cause of this disorder has no doubt been to some extent Mr. Maurice's just sense of the mutual interaction of the German, Austrian, and Italian movements. No adequate account could be written of any one of them without reference to the others; but in this interaction lies the very *crux* for the historian or literary artist; and to rush backwards and forwards from one group of events in 1848–9 to another is to abandon the attempt at intelligible presentation. Musicians have sought to represent chaos, but they have not done so by letting the performers in their orchestra run wild.

It must also be said that in deliberately excluding France from a history of the European revolution of 1848–9 Mr. Maurice has diminished the value of his work. His position is, that the supposed initiative of France at this period is a mere delusion, and that the course of events in Germany, Italy, and Austria would have been the same whatever might have happened at Paris. That the revolution of 1848 began at Palermo, not on the Seine, is true enough; but it surely cannot have been a mere accident that the convulsions which, in March 1848, overspread central Europe followed directly upon the fall of Louis-Philippe. To discuss this interesting subject would require the space of an essay; but Mr. Maurice himself supplies us with the disproof of his historical theory. His work ends with the suppression of the Roman republic by the French republic; and how, if France had no essential part in the history of the European family at this epoch, was this strange *finale* possible, or how is it to be made intelligible? C. A. Fyffe.

Correspondentie van en betreffende Lodewijk van Nassau en andere onuitgegeven Documenten. Verzameld door Dr. P. J. Blok. Werken van het Historisch Genootschap, gevestigd te Utrecht. Nieuwe Serie, No. 47. (Utrecht: Kemink & Zoon. 1887.) This collection of documents is a welcome addition to the published correspondence of the house of Nassau. The greater part of the volume is devoted to letters from or relating to Louis of Nassau, while the supplement contains other documents of interest belonging to the period. The bulk of the former section consists of letters from Louis to William of Hesse, which are drawn from the archives of Marburg. If they contribute not much that is absolutely new, yet they form a very interesting com-

mentary on the history of the Netherlands, especially during the year 1566, and throw light upon the character of the fighting member of the house of Nassau. A few documents relate to Louis' campaigns in France, but the most interesting in this respect is a letter from William of Orange to the elector of Saxony, dated July 1569. It describes the march of Wolfgang of Zweibrücken across France, and his death, and reduces to moderate proportions the partial engagement in which Strozzi was beaten and taken prisoner. Another group of letters relates to the preparations for the unfortunate campaign which terminated at Mook, and contains the correspondence between the courts of Cassel and Heidelberg as to the obscure fate of Louis of Nassau and Christopher of the Palatinate. Admirers of La Huguerye's Memoirs will be interested in a long statement of account of sums received and expended in behalf of Louis during the occupation of Mons. The contents of the supplement are somewhat miscellaneous. They comprise among the documents an important letter of John of Nassau to William of Hesse, November 1577, giving evidence of discontent with the pacification of Ghent and the action of the estates general, a letter from William of Orange giving news of the Spanish fury at Antwerp, and a description of the naval victory of 22 April 1573 from the governor of Flushing. An apologia from John Casimir of the Palatinate to William of Hesse, 16 Oct. 1578, with regard to the criticisms on his conduct in the Netherlands is here printed in full, having been only given in abstract in the correspondence published by Bezold.

A Sketch of the Germanic Constitution from early times to the Dissolution of the Empire. By Samuel Epes Turner, Ph.D. (New York: G. P. Putnam's Sons. 1888.) This sketch, so far as it goes, is careful and workmanlike; but the author has not always consulted the most recent literature. Writing rather with the interests of a lawyer than of an historian, he divides German constitutional history into seven periods, and treats in each separately of the laws, classes of society, the king, the princes, the judicial system, &c., the classification and arrangement being as far as possible uniform in each chapter. The early parts of the book are inferior to the later. It is strange, for instance, to read (p. 7) that 'when Clovis began his career of conquest' the Suabians and Alemanni were not only different tribes but occupied entirely distinct territory, standing to one another much in the relation of Württemberg and Baden. On p. 29 the 'apocrisiarius' is identified with the chancellor, from whom Hincmar in the passage cited by Dr. Turner expressly distinguishes him. Often two interpretations of a text are given, where one has such a preponderance of authority in its favour that the other might safely have been omitted in a work which professes to be no more than a sketch. Thus (p. 50 note) the notion that only ten, not forty, princes were chosen for the election of Lothar the Saxon has been decisively rejected by Waitz and Giesebrecht; and (pp. 65 f.) the doubt as to the identity of duke Henry who acted as steward at Otto III's Easter feast at Quedlinburg (which, by the way, has been lately fixed by Kurze not in 985 but in 986) is really too slight to deserve mention. The word 'semper' in the term 'semperfreie,' which Dr. Turner says 'cannot be interpreted' (p. 88),

has been explained with much plausibility by Zallinger as a form of 'sendbar.' The court diet mentioned (p. 103) as held 'by Henry VI' in 1231, was of course held by Henry son of Frederick II, who was elected king in 1220. In a book dealing with constitutional matters, so loose a phrase as that 'Francis II was the last king of Germany' (p. 151) should have been avoided. On p. 155 Joseph II is a slip for Joseph I, and on pp. 27 and 119 we meet with the monstrous word 'capitulae.' Dr. Turner's treatment of the modifications in the German constitution from Rudolf of Habsburg onwards is generally satisfactory. The explanations given of the various names and technical terms connected with the administrative machinery will be welcome to the student who knows how hard it is to find in a moment a succinct and intelligible account of these intricate arrangements; and the summary of the legal compilations and royal constitutions, and their bearing upon the social organisation of the middle ages, although there is much in it which is not beyond dispute, will be found of value, and is as clear as the nature of the subject allowed the author to make it. Still, all through the book needs revision to bring it fairly abreast of modern scholarship.

Kleines Urkundenbuch zur neueren Verfassungsgeschichte. Zusammengestellt von Dr. J. Jastrow. (Berlin: Gaertner. 1889.) Dr. Jastrow's 'Kleines Urkundenbuch' begins where Dr. Turner's 'Sketch' leaves off. Prepared in the first instance for the editor's own class in the university of Berlin, it consists of a series of documents and portions of documents showing the essential stages in the formation of the new German empire. From the acts of the Rhenish confederation and the act of abdication of Francis II, we pass to a series of six documents beginning with the articles of the congress of Vienna creating the German confederation and ending with Bismarck's Frankfurt memoir of 1858. In the third place we have the text of the constitution of the German empire, with some supplementary statutes. The second part of this little volume contains documents illustrating the constitutional history of Prussia from the Constitutio Achillea of 1473 to the local government law of 1883. It is convenient to have in a handy form and at a cheap price a collection, even though it be only a collection of extracts, doing for the constitutional growth of Germany in recent times the same service in epitome as the collections of Schmauss and Oertel did on a larger scale for its earlier history.

Souvenirs sur la Révolution, l'Empire et la Restauration. Par le Général Comte de Rochechouart. (Paris: Plon. 1889.) Without being in any way of first-rate importance, the recollections of the Count de Rochechouart are an agreeable addition to the library of French memoirs. An exile from 1795 he entered the English service in 1800 in one of the regiments of émigrés then serving in Portugal. From 1806 to 1812 he was was in Russia, aide-de-camp to the Duke de Richelieu of whose beneficent rule in New Russia and at Odessa he has much to tell He took part in the concluding operations of the campaign of 1812, and during that of 1813 his position enabled him to see great events, and brought him into contact with important persons. The pages devoted to Moreau (pp. 228–233) and Bernadotte (pp. 245–256) are of special interest.

When the Russian army entered France, Rochechouart actively engaged in the conspiracy for the restoration of the Bourbons (pp. 284–303). On the capture of Paris he was made *commandant de place*, under the Russian general Sacken, quitted the Russian service for that of Louis XVIII, and accompanied that monarch in his flight to Ghent. At the second restoration he was restored to his former post, which he held till 1822. It obliged him to take part in the execution of the sentence on Ney, of which he gives a detailed account (pp. 428–444).

The Duke de Richelieu was throughout the friend and protector of Rochechouart, and many of his letters, some few of which have before been published, are printed in this volume. To make better known the services of his patron to France was one of the chief objects with which Rochechouart wrote. The preface of the memoirs is dated 1857, but it is there stated that they are based on notes made in a journal at the time of the events described.

Les Chevaliers de Malte et la Marine de Philippe II. Par le Vice-Amiral Jurien de la Gravière. 2 tomes. (Paris: Plon. 1887.) *La Guerre de Chypre et la Bataille de Lépante.* By the same. 2 tomes. (Paris: Plon. 1888.) With these four volumes Admiral Jurien de la Gravière brings his history to a close. He set himself the task of chronicling the events of Mediterranean warfare from early times to the days when oceanic voyages began. He dealt with the navies of the Greeks, of the Ptolemies, and of the Romans; and then he approached what is evidently his favourite subject, the navies of the middle ages, and especially the struggle between christian and mohammedan fleets in the fifteenth and sixteenth centuries. On this branch of history his works have been numerous. 'Les marins du XVe et du XVIe siècle' gave a general sketch; 'Doria et Barberousse' treated of the most striking naval rivalry of the middle ages; and 'Les corsaires barbaresques' carried on the narrative. In the 'Chevaliers de Malte,' we have a record of the next stage in the history: the establishment of a commanding naval station at Malta, to the serious inconvenience of the Turkish corsairs; the contemporary revival of the Spanish navy, and its expedition to the Peñon de Velez; and the determined but unsuccessful attempt of the Turks to destroy the new element of danger by the long and sanguinary siege of Malta in 1565, which the admiral describes with his usual literary skill, his well-known precision, and a wealth of plans and maps. The second volume of the 'Chevaliers de Malte' has the charm of a romance; while in the first, the account of the galleys and methods of fighting of the knights of St. John is full of interest and value; though on this subject the special work by the same author, 'Les derniers jours de la marine à rames' is more detailed, and is enriched with admirable shipbuilding illustrations. In the 'Guerre de Chypre' the history is continued, and the lessons of the siege of Malta are shown to have been ineffectual so far as the Turks are concerned. Here we encounter one of the most attractive figures in the maritime wars of the Ottomans,—Ochiali, or Uhig Ali, the famous Calabrian renegade, who alone seemed equal to tackling the heavily armed galleys of Malta. The failure of the coalition between Venice, Genoa, and the Pope was strikingly displayed in the taking of Cyprus by the Turks, when a slight effort

on the part of the jealous allies might easily have destroyed the Ottoman fleet. Warned by this fiasco, Pope Pius V, in organising a fresh expedition, took care to place it under a single chief, and that chief was Don Juan of Austria. The result was the battle of Lepanto in 1571, which finally annihilated the naval prestige of the Turks. They still had ships, and knew how to sail and fight them; but the christian powers no longer feared to meet them; and from that time downwards the dread of the Turkish galley or the caramuzel yearly diminished. Admiral Jurien de la Gravière's account of the battle of Lepanto occupies a whole volume. It is at once minutely detailed and vividly graphic; and the various stages of the action are illustrated by excellent charts. The admiral may be congratulated on the completion of a series of works which form a valuable contribution to the history of naval warfare.

Contributions to the Textual Criticism of the Divina Commedia, by Edward Moore, D.D., principal of St. Edmund Hall, Oxford, and Barlow Lecturer on Dante in the University of London. (Cambridge: At the University Press. 1889.) The principal of St. Edmund Hall here presents us with the first monument of his long labours upon the text of Dante. The volume contains the *Inferno* printed at length, with a complete collation of all the Oxford and Cambridge manuscripts. Next comes a collation, with elaborate criticisms, of selected passages from all three parts of the *Divina Commedia* (pp. 255–507); in which Dr. Moore gives a specimen of the work he has done in the examination of nearly half of the five or six hundred manuscripts known to exist. Then follows an 'Account of the MSS. examined or collated' (pp. 509–691). At the end are five appendices, one of which on 'Dante's references to classical authors as bearing upon textual criticism,' though confessedly only a sketch, is full of suggestion of a line of inquiry which invites further study. In the Historical Review it is impossible to do more than in bare outline to call attention to a book, the solid value and unique importance of which can only be estimated by a detailed literary criticism. But the historical student, too, will find much here in the way of illustration, and many old questions newly discussed. For instance, on pp. 344–51, there is a convincing argument on the line about Bertran de Born—

Che diedi al re Giovanni mai conforti. (*Inf.* xxviii. 135.)

where Dr. Moore (who expresses his indebtedness to a paper on the subject by Mr. York Powell) decides in favour of *giovane*, 'a reading almost devoid of MS. support,' and has no doubt that the line originally ran—

Che diedi al re giovan' i mai conforti.

His reasoning in this case is a good example of the application to a crucial passage of the principles of criticism—generally soundly conservative—laid down in the prolegomena which open the book.

List of Historical Books recently published

I. GENERAL HISTORY

(Including works relating to the allied branches of knowledge and works of miscellaneous contents)

Broglie (duc de). Histoire et diplomatie. Pp. 465. Paris: C. Lévy. 7·50 f.

Fischer (K.) Ist eine Philosophie der Geschichte wissenschaftlich erforderlich, beziehungsweise möglich? Pp. 55. Dillenburg: Seel. 1·20 m.

Gheyn (R. P. van den). L'origine européenne des Aryas. Pp. 47. Paris: Annales de philosophie chrétienne.

Jastrow (J.) Jahresberichte der Geschichtswissenschaft. IX: [1886]. Pp. 164, 363, 464. Berlin: Gaertner. 25 m.

Kematmüller (H.) Die periodische Wiederkehr der Hegemoniefrage zwischen der germanischen und slavischen Race in der Geschichte. Pp. 34. Temesvar: Ramel. 75 pf.

Krauss (F. A. K.) Die Gefangenen und die Verbrecher unter dem Einflusse des Christenthums: geschichtlicher Ueberblick, umfassend die ersten siebzehn Jahrhunderte. Pp. 95. Heidelberg: Weiss. 1·20 m. (From 'Blätter für Gefängnisskunde.')

Lowell (A. L.) Essays on government. Pp. 229. Boston: Houghton, Mifflin, & Co. $1·25.

Montchrétien (A. de). Traicté de l'oeconomie politique dédié en 1615 au roy et à la reyne, mère du roy, avec une introduction et des notes, par T. Funck-Brentano. Pp. cxx, 403. Paris: Plon. 10 f.

Nordenskiöld (A. E.) Facsimile-atlas till kartografiens äldsta historia, innehållande afbildningar af de vigtigaste kartor tryckte före år 1600. Pp. 139, 51 maps. Stockholm. Fol. 175 kr.

Ropes (A. R.) A sketch of the history of Europe, chiefly international, from the beginning of the Roman empire to the present day. Pp. 200. London: Society for promoting Christian Knowledge. 2/6.

Schulin (F.) Lehrbuch der Geschichte des römischen Rechtes. Pp. 628. Stuttgart: Enke. 11 m.

Sirmagieff (H. G.) Droit romain: de la tradition, de ses conditions, et de ses effets; droit des gens: de la situation des états mi-souverains au point de vue du droit international. Pp. 329. Paris: Rousseau.

Weiss (J. B.) Lehrbuch der Weltgeschichte. IX. 1. Pp. 770. Graz: Styria. 10 m.

II. ORIENTAL HISTORY

Amélineau (E.) Fragments coptes pour servir à l'histoire de la conquête de l'Egypte par les Arabes. Pp. 52. Paris: Imp. nationale.

Annam, Les annales impériales de l', traduites en entier pour la première fois du texte chinois, par A. Des Michels. I. Paris: Leroux. 10 f.

Castonnet des Fosses (H.) L'Annam au moyen âge. Pp. 60. Angers: imp. Lachèse & Dolbeau.

Cordier (H.) Les débuts de la compagnie royale de Suède en Extrême-Orient au dix-huitième siècle. Pp. 45. Paris: Leroux.

Derenbourg (H.) Ousâma ibn Mounkidh, un émir syrien au premier siècle des croisades [1095–1188]. I: Vie d'Ousâma. Pp. 202 Paris: Leroux. 6 f.

Doneaud du Plan (A.) Histoire de la compagnie française des Indes. Pp. 68. Paris: Baudoin. 1·50 f.

Inscriptionum Semiticarum, Corpus. IV: Inscriptiones Himyariticas et Sabaeas continens. I, 1. Pp. 106, with atlas of 12 plates in fol. Paris: Klincksieck. 4to. 25 f.

Issaverdens (J.) Histoire de l'Arménie. Pp. 397, 493. Venise: imp. de Saint-Lazare. 16mo. 10 f.

Josephi, Flavii, Opera omnia, post I. Bekkerum recognovit S. A. Naber. II. Pp. xliii, 374. Leipzig: Teubner. 3 m.

Loret (V.) L'Egypte au temps des Pharaons; la vie, la science, et l'art. Pp. 319, 18 photogr. Paris: Baillière. 16mo. 3·50 f.

Rawlinson (G.) History of Phoenicia. Pp. 606, maps, plates, &c. London: Longmans. 24/.

Schürer (E.) Geschichte des jüdischen Volkes im Zeitalter Jesu Christi. Zweite neu bearbeitete Auflage des Lehrbuchs der neutestamentlichen Zeitgeschichte. I, 1. Pp. 256. Leipzig: Hinrichs. 6 m.

Snouck Hurgronje (C.) Mekka. 2 vol. Pp. 228, 397, with atlas of plates. The Hague: Nijhoff.

Strassmaier (J. N.) Babylonische Texte, VI: Inschriften von Nabuchodonosor König von Babylon [604–561 v. Chr.] von den Thontafeln des britischen Museums copirt und autographirt. 2. Pp. 161–272. Leipzig: Pfeiffer. 14 m.

Vogelstein (H.) Der Kampf zwischen Priestern und Leviten seit den Tagen Ezechiels: eine historisch-kritische Untersuchung. Pp. 140. Stettin: Nagel. 3 m.

Winkler (H.) Untersuchungen zur altorientalischen Geschichte. Pp. 157. Leipzig: Pfeiffer. 12 m.

III. GREEK AND ROMAN HISTORY

Argivische Inschriften, bearbeitet von W. Prellwitz. (Sammlung der griechischen Dialekt-Inschriften. III, 3.) Pp. 70. Göttingen: Vandenhoeck & Ruprecht. 2·40 m.

Bury (J. B.) A history of the later Roman empire from Arcadius to Irene [395–800 A.D.]. 2 vol. Pp. 1090. London: Macmillan. 32/.

Cagnat (R.) Cours d'épigraphie latine. 2e édition, entièrement refondue. Pp. 436, plates, &c. Paris: Thorin. 12 f.

Droysen (H.) Heerwesen und Kriegführung der Griechen. (Hermann's Lehrbuch der griechischen Antiquitäten, edited by H. Blümner & W. Dittenberger. II, 2.) Pp. 324, plates. Freiburg: Mohr.

Fröhlich (F.) Das Kriegswesen Cäsars. I: Schaffung und Gestaltung der Kriegsmittel. Pp. 100. Zürich: Schulthess. 2·75 f.

Haigh (A. E.) The Attic theatre: a description of the stage and theatre of the Athenians and of the dramatic performances at Athens. Pp. 341, illustr. Oxford: Clarendon Press. 12/6.

Hesselbarth (H.) Historisch-kritische Untersuchungen zur dritten Dekade des Livius. Pp. 704, map. Halle: Buchhandlung des Waisenhauses. 10 m.

Joubert (L.) Alexandre le Grand, roi de Macédoine. Pp. 256, 48 illustr. Paris: Firmin-Didot. 1·50 f.

Lanza (F. de). Le origini primitive di Salona Dalmatica, Heraclea Illinica: studio storico archeologico. Pp. 32, illustr. Venice: Fontana.

Moscatelli (A.) Gli scrittori romani di istituzioni giuridiche. Pp. 34. Reggio-Emilia: Artigianelli.

Pallu de Lessert (A. C.) Les fastes de la Numidie sous la domination romaine. Pp. 261. Constantine: Braham. (From the 'Recueil des Notices et Mémoires de la Société archéologique de Constantine.' XXV.)

Reiche (F.) Chronologie der letzten sechs Bücher des Ammianus Marcellinus. Pp. 76. Jena: Dabis. 80 pf.

Schaefer (A.) Abriss der Quellenkunde der griechischen und römischen Geschichte. I: Griechische Geschichte bis auf Polybios. 4te Auflage besorgt von H. Nissen. Pp. 118. Leipzig: Teubner. 2 m.

Soltau (W.) Römische Chronologie. Pp. 499, illustr. Freiburg: Mohr.

Welzhofer (H.) Geschichte des griechischen Volkes bis zur Zeit Solons. (Allgemeine Geschichte des Altertums. II.) Pp. 256. Gotha: F. A. Perthes. 4 m.

IV. ECCLESIASTICAL HISTORY

Amélineau (E.) Les moines égyptiens: vie de Schnoudi. Pp. 380, plates. Paris: Leroux. 18mo. 3·50 f.

Arbeonis, episcopi Frisingensis, vita S. Emmerammi authentica, nunc primum edidit B. Sepp. Pp. 47, plates. Ratisbon: Pustet. 2 m.

Bénédictins de la congrégation de France, Bibliographie des. Pp. xliv, 264. Solesmes: imp. Babin. 10 f.

Delarc (O.) Saint Grégoire VII et la réforme de l'église au onzième siècle. I. Pp. xcix, 402. Paris: Retaux-Bray. 7 f.

Dorneth (J. von). Martin Luther: sein Leben und sein Wirken. III. Pp. 247. Hanover: Schmorl & Seefeld. 2 m.

Finke (H.) Forschungen und Quellen zur Geschichte des Konstanzer Konzils. Pp. 347. Paderborn: Schöningh. 10 m.

Fournier (P.) De l'origine des fausses décrétales. Pp. 19. Paris: Annales de Philosophie Chrétienne.

Hilgenfeld (A.) Libellus de Aleatoribus inter Cypriani scripta conservatus, edited with commentary by. Pp. 87. Freiburg: Mohr. 2 m.

Laville (L.) Claude de Turin: essai sur le protestantisme au neuvième siècle. Pp. 84. Toulouse: Chauvin.

Müller (T.) Das Konklave Pius' IV [1559]: historische Abhandlung. Pp. 278. Gotha: Perthes. 4 m.

Reynolds (H. R.) Athanasius, his life and life-work. Pp. 192, illustr. London: Religious Tract Society. 2/6.

Rieu (W. N. du). Essai bibliographique

concernant tout ce qui a paru dans les Pays-Bas au sujet et en faveur des Vaudois. Pp. 39. The Hague: Nijhoff.

Tosti (L.) Storia della badia di Montecassino. I–III. Pp. 453, 340, 313. Rome: tip. della Camera dei Deputati. Each 4·50 l.

Weizsäcker (C.) Das apostolische Zeitalter der christlichen Kirche. Sach- und Stellenregister. Pp. 37. Freiburg: Mohr. 2 m.

V. MEDIEVAL HISTORY

Asse (E.) Louis XI et Charles le Téméraire. Pp. 256, illustr. Paris: Firmin-Didot. 2 f.

Brucker (P. P.) L'Alsace et l'église au temps du pape Saint Léon IX (Bruno d'Egisheim) [1002–1054]. I. Pp. 402, plate. Strassburg: Le Roux. 3·60 m.

Circourt (A. de). Le duc Louis d'Orléans, frère de Charles VI, ses entreprises au dehors du royaume. Pp. 141. Bruxelles: imp. Vromant.

Flach (J.) Etudes critiques sur l'histoire du droit romain au moyen âge, avec textes inédits. Paris: Larose & Forcel. 8 f.

Hubrich (E.) Fränkisches Wahl- und Erbkönigthum zur Merovingerzeit. Pp. 60. Königsberg: Koch. 1 m.

Letellier (M.) Description historique des monnaies françaises, gauloises, royales, et seigneuriales. II, III. Pp. 360, 292, plates. Paris: Letellier. 18mo. Each 8 f.

Mirbt (C.) Die Absetzung Heinrichs IV durch Gregor VII in der Publicistik jener Zeit. Pp. 50. Leipzig: Hinrichs. 1 m.

Périgaud (abbé). Le baptême de la France: tableau historique du mouvement social et religieux dans les Gaules au cinquième siècle. Pp. 381. Lyons: Vitte & Perrussel. 4 f.

Rocca (P.) Sul sistema metrico e numismatico dei Merovingi riformato da Carlo Magno: induzioni e deduzioni. Pp. 59. Crema: Rolleri. 4to.

Viollet (P.) Droit public: histoire des institutions politiques et administratives de la France. I: Période gauloise; période gallo-romaine; période franque. Pp. 472. Paris: Larose & Forcel. 8 f.

Wimmer (F. P.) Kaiserin Adelheid, Gemahlin Ottos I des Grossen. Pp. 139. Ratisbon: Coppenrath. 1·50 m.

VI. MODERN HISTORY

Barthélemy, ambassadeur de France en Suisse [1792–1797]. Papiers publiés par J. Kaulek. IV: [avril 1794–février 1795]. Paris: Alcan. 20 f.

Boislisle (A. de). Lettres de Saint-Simon au cardinal Gualterio. Pp. 44. Nogent-le-Rotrou: imp. Daupeley-Gouverneur.

Bois-Melly (C. du). Relations de la cour de Sardaigne et de la république de Genève [1754–1773]. Pp. 66. Turin: Paravia. (From the 'Miscellanea di Storia Italiana,' 2nd ser., XIII.)

Dussieux (L.) Notices historiques sur les généraux et marins du dix-huitième siècle. Pp. 358. Paris: Lecoffre. 3·50 f.

Irving (J.) The annals of our time; a diurnal of events home and foreign [24 Feb. 1871–20 June 1887]. Pp. 1652. London: Macmillan. 18/.

Lebon (A.) Recueil des instructions données aux ambassadeurs et ministres de France depuis les traités de Westphalie jusqu'à la révolution française. VII: Bavière, Palatinat, Deux-Ponts, avec une introduction et des notes. Pp. 616. Paris: Alcan. 25 f.

Loches (Pion des). Mes campagnes [1792–1815]: notes et correspondance d'un colonel d'artillerie. Ed. by M. Chipon & L. Pingaud. Pp. 520, map. Paris: Firmin-Didot. 6 f.

Markham (C. R.) John Davis, arctic explorer and early India navigator. Pp. 300, maps, &c. London: Philip. 3/6.

Namèche (mgr.) L'empereur Charles-Quint et son règne. I–V. Pp. 1921. Louvain: Fonteyn. 20 f.

Queux de Saint-Hilaire (marquis de). Lettres de Coray au protopsalte de Smyrne, Dimitrios Lotos, sur les événements de la révolution française [1782–1793], trad. du grec pour la première fois. Pp. 285. Paris: Firmin-Didot. 6 f.

Schwedens und seiner Verbündeten, Die Verhandlungen, mit Wallenstein und dem Kaiser [1631–1634], von G. Irmer. II: [1633] (Publicationen aus den königlich preussischen Staatsarchiven, XXXIX.) Pp. lxxxv, 431. Leipzig: Hirzel. 14 m.

VII. FRENCH HISTORY

Ardouin-Dumazet.—La France avant la révolution: le nord de la France en 1789. Pp. 360. Paris: Dreyfus. 4 f.

Barbot (A.) Histoire de la Rochelle, publiée par D. d'Aussy. II. Pp. 386. Paris: Picard. 15 f.

Barthélemy (C.) Le deuxième empire [1848–1870]. Pp. 301. Paris: Gautier. 18mo. 1·25 f.

Bellet (P.) Essai sur l'école de théologie protestante de Montpellier [1598–1617]. Pp. 80. Montauban: imp. Granié.

Blanchet (abbé J. P. G.) Histoire de l'abbaye royale de Notre-Dame-de-la-Couronne en Angoumois. II. Pp. 500, plates. Angoulême: Coquemard. 10 f.

Bouchat (maistre Alain). Les grandes chroniques de Bretaigne, composées en l'an 1514. Nouvelle édition, par H. Le Meignen. IV. Pp. 252. Rennes: Caillière. 20 f.

Bréard (C. & P.) Documents relatifs à la marine normande et à ses armements aux seizième et dix-septième siècles pour le Canada, l'Afrique, les Antilles, le Brésil, et les Indes, recueillis, annotés, et publiés par. Pp. 295. Paris: Picard. 12 f.

Cadier (L.) Le livre des syndics des états de Béarn (texte béarnais). I. (Archives historiques de la Gascogne, XVIII.) Paris: Champion. 7 f.

Cappelletti (L.) Storia critica della rivoluzione francese. III. Pp. 502. Foligno: Sgariglia. 5 l.

Chelles, l'abbaye de (ordre de Saint-Benoît), diocèse de Paris [657–1790]. Résumés chronologiques. I: [657–1629]. Pp. xliv, 271. Paris: Lechevalier.

Chevalier (abbé U.) Cartulaire de l'abbaye Notre-Dame de Bonnevaux au diocèse de Vienne (ordre de Cîteaux). Pp. 202. Grenoble: Allier. 5 f.

Cornillon (J.) Le Bourbonnais sous la révolution française. II. Paris: Lechevalier. 12mo. 5 f.

Delarbre (J.) Tourville et la marine de son temps: notes, lettres, et documents [1642–1701]. Pp. 469, illustr. Paris: Baudoin. 7·50 f.

Estaintot (comte d'). Notes manuscrites d'un conseiller au parlement de Normandie [1769–1789]. Pp. 65. Rouen: imp. Cagniard.

Haignère (abbé D.) Etudes d'histoire et de bibliographie. VII: Les débuts de l'administration municipale à la campagne sous le consulat. Pp. 30. Boulogne: imp. Aigre.

Janmart de Brouillant (L.) L'état de la liberté de la presse en France aux dix-septième et dix-huitième siècles: histoire de Pierre du Marteau, imprimeur à Cologne. Pp. 329, illustr. Paris: Quantin. 4to. 15 f.

Jarry (E.) La vie politique de Louis de France, duc d'Orléans [1372–1407]. Pp. 486. Paris: Picard. 10 f.

Kaulek (J.) & Plantet (E.) Recueil de fac-similé pour servir à l'étude de la paléographie moderne (dix-septième et dix-huitième siècles). I: Rois et reines de France. 24 plates. Paris: Colin. Folio. 20 f.

Kermaingant (P. L. de). Lettres de Henri IV au comte de La Rochepot, ambassadeur en Espagne [1600–1601]. Pp. 121. Paris: imp. Chamerot.

Le Men (A.) & Luzel (F.) Inventaire sommaire des archives départementales antérieures à 1790. Finistère. I: Archives civiles. Séries A et B. Pp. 413. Quimper: imp. Jouen. 4to. 10 f.

Luchaire (A.) Louis VI le Gros; annales de sa vie et de son règne [1081–1137], avec une introduction historique. Pp. cc., 395. Paris: Picard. 15 f.

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Beutel (G.) Ueber den Ursprung des Augsburger Interims. Pp. 124. Leipzig: Fock. 1 m.

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X. ITALIAN HISTORY

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Battaglino (J. M.) & Calligaris (J.) Indices chronologici ad Antiquitates Italicas medii aevi et ad Opera minora L. A. Muratorii. Fasc. i. Pp. 1–60. Turin: Bocca. 7·50 l.

Bologna.—I rotuli dei lettori legisti ed artisti dello studio bolognese [1384–1799], pubblicati da U. Dallari. II. Pp. 510. Bologna: Merlani.

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Colantoni (L.) Storia dei Marsi dai tempi più antichi fino alla guerra marsica, italica, o sociale. Lanciano: Carabba. Pp. 252, 3 plates. 3 l.

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XIII. SLAVONIAN HISTORY

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XIV. SPANISH HISTORY

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XV. SWISS HISTORY

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XVI. HISTORY OF THE UNITED STATES OF AMERICA

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Curtis (G. T.) Constitutional history of the United States from their declaration of independence to the close of their civil war. I. Pp. 774. New York: Harper. $3.

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Revue Historique, xli. 1. *September*—G. Lacour-Gayet: *P. Clodius Pulcher* [with particular reference to his association with Julius Caesar].——Vicomte G. d'Avenel: *Provincial administration under Richelieu,* concluded.——C. V. Langlois describes an incomplete memoir *de torneamentis et justis* [which he attributes with confidence to Pierre du Bois and to the year 1313].——M. Philippson: *Maitland of Lethington and the murder of Riccio* [bringing evidence in support of his complicity].——R. Peyre: *A country commune in the Pyrenees at the beginning of the revolution* [from the records of its deliberations, 1789-1790].——**2.** *November*—C. Nisard: *Venantius Fortunatus and his panegyrics of Merovingian kings.*——B. Zeller: *The Guise movement in* 1588; *Catherine de Médicis and the journée des barricades.*——G. Monod: *Obituary notice of Fustel de Coulanges.*——C. Jullian: *The accession of Septimius Severus and the battle of Lyons.*——C. Henry: *J. Casanova de Seingalt and his memoirs* [a vindication of his general truthfulness].——R. Reuss: *Obituary notice of Julius Weizsäcker* [† 3 Sept. 1889].

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Bibliothèque de l'Ecole des Chartes, l. 4, 5.—A. Castan: *The library of the abbey of Saint-Claude in the Jura*; a sketch of its history [printing an inventory begun in 1492, with other notices, and giving exhaustive notes of the history of particular manuscripts after the dispersion of the library].——H. Moranvillé: *The negotiations between England and France* [1388–1393], with documents.——P. Durrieu describes the *illuminated manuscripts in sir Thomas Phillipps's library at Cheltenham.*——C. V. Langlois: *On certain leaden seals of Louis IX, Philip III, and Philip the Fair* [showing that the only proved examples occur in the Gévaudan, which had belonged to Aragon, when the practice of sealing with leaden bulls prevailed].——L. Delisle: *The 'Chronique des Tard Venus'* [exposing a forged manuscript of recent date in the Morbio collection.]——A. Molinier identifies the *monasterium Pauliacense* of Gregory of Tours (de Glor. Mart. xlviii.) with *Saint-Sernin de Pauliac in the Haute-Garonne* [not, as Longnon, with Saint-Sernin in the Aude].——Note on *two registers of the parliament of Toulouse* [1424–5, 1426–7].

Revue d'Histoire Diplomatique, iii. 3. Marquis de Gabriac: *Account of the visit of the duchess de Guiche to France* in June 1801 [undertaken in the interest of the count d'Artois, and connected with the hopes of the royalists for a restoration by the agency of Bonaparte. An account is given of her interviews with Fouché and Josephine].——A. Baudrillart: *The rights of Philip V of Spain and his descendants to the throne of France*, continued [on the theory of renunciations in general; concluding that the renunciation of Philip V was binding not only on himself but on his descendants].——Schefer: *Memoir by the marquis de Bonac on the affairs of the north of Europe* from 1700 to 1710, continued [concerning the king and kingdom of Denmark, and on the history of Rackoczy and the revolt of Hungary].——Caratheodory Effendi: *The Byzantine empresses.*——**4.**—Comte Boulay de la Meurthe: *Talleyrand's justifications of himself during the Directory* [containing a report by Talleyrand on the relations of the republic with foreign

powers, 26 June 1779].——Baron DE LORETO: *The recognition of the empire of Brazil* by the European powers, 1823–1828 [an account of the negotiations of viscount de Pedra-Branca at Paris and elsewhere to obtain the recognition of Brazilian independence. He had an interesting interview with Metternich].——CHERUEL: *Baron Charles d'Avangour*, ambassador of France in Sweden [1629–1657].——L. OLIVI: *Correspondence of a representative of the duke of Modena at Madrid* [1661–1667: dealing chiefly with the quarrel between France and Spain, with details on the internal condition of the latter, and on the marriage of the infanta to the emperor Leopold I].——Baron D'AVRIL: *Index to the treaties of Paris, San Stefano, and Berlin, and the conference of Constantinople.*——DE VORGES: *Secret instructions of Charles III of Spain* [a sort of political will drawn up by Charles III in the last year of his reign, embodying the maxims which had guided his foreign policy. The jealousy of France exhibited in it is noticeable].

Annales de l'Ecole Libre des Sciences Politiques, iv. 4. *October* 1889—P. CLAUDEL: *The tax on tea in England* [a sketch of its history].——L. LÉVY-BRÜHL: *The political theories of Frederick the Great* [Frederick's system of philosophy was a sceptical and tolerant eclecticism. His theory of kingship subordinated the whole life of the nation to the interest of the state; the king was but its first servant, the reigning dynasty its symbol and incarnation. His erroneous conception of the state as merely 'an immense machine' resulted in the decadence of Prussia under his successors].

Bulletin de la Société de l'Histoire du Protestantisme Français, xxxviii. 7–10. *July–October*—C. RABAUD: *Bonifas-Laroque, pastor at Castres and member of the revolutionary tribunal* [1744–1811], three articles.——A. LODS: *The reformed church at Paris during the revolution* [1789–1802], two articles.——L. FARGES prints *eleven letters of Louise de Coligny, princess of Orange, to Hotman* [1585–1590].——C. READ: *Vauban's memoir in favour of the huguenots* [1689], fourth article; concluded.——A. LODS prints a *proposal for the organisation of the protestant communities* presented to the first consul [1801].——J. BONNET prints a *letter from the ministers of the three leagues of Rhaetia to the duke of Guise* [September 1557].

Revue de Cavalerie, *September*—General THOUMAS: *Chamorin* [a biography of this colonel of the *grande armée*, who fell fighting against the English in Spain in 1811, continued].══*November—The 4th and 5th regiments of cuirassiers* [part of a series of articles on the history of French cavalry regiments: the 4th cuirassiers are derived from the 'Reine-Cavalerie' raised by the count de Maugiron for Anne of Austria in 1643; the 5th cuirassiers date from 1653].

II. GERMANY AND AUSTRIA

Sybel & Lehmann's Historische Zeitschrift (Munich), **lxii. 1.**—A. WOHLWILL: *On the history of the political relations between Prussia and France* [1800–1807, based on Bailleu's collection of documents].——E. MARCKS: *Coligny and the murder of François de Guise* [estimating the extent of his indirect responsibility].——B. NIESE: *On the constitutional history of Lacedaemon* [considered as in its origin the first example of a democracy in Greece, the victory of the people being marked by the establishment of the ephorate].══2.—M. LEHMANN: *The original form of Frederick the Great's 'Histoire de mon Temps'* [arguing in favour of Dove's view that the king in preparing his edition of 1775 made use not only of that of 1746 but also of the earlier text (now lost) of 1742–3].——F. MEINECKE: *Brandenburg and France in* 1688 [against H. Prutz's theory that Frederick III at his accession was favourably inclined towards France].——A. BRÜCKNER: *The duke of Richelieu* [1766–1822, from the documents printed in the Sbornik of the Imperial Russian Historical Society, liv.].——J. LOSERTH: *Recent publications relating to Wyclif* [dealing particularly with the texts of his works issued by the Wyclif Society].——F. M. prints *letters of Frederick III to his mother-in-law, the electress Sophia of Hanover* [Nov. 1697–Aug. 1698] concerning the fall of Danckelman.——M. L. prints a *report of Wöllner* [7 Oct. 1794] throwing light upon foreign policy.══3.—H. VON FRIEDBERG: *The criminal process against Michael von Klement* [executed 18 April 1720].——M. LEHMANN: *Gneisenau's mission to Sweden and England in* 1812 [printing correspondence of Gneisenau and Hardenberg (eleven letters) 2 April 1812–6 January 1813].

Historisches Jahrbuch der Görres-Gesellschaft (Munich), **x. 4.**—R. UNKEL: *The financial position of the see of Cologne under elector Ernst of Bavaria* [1589–1594], continued; with documents.——G. HÜFFER: *St. Bernard's miracles and their critics*; second article.——J. P. KIRSCH prints an '*Informatio quo pacto commodius resistendum*

Lutherane heresi' by the Franciscan Antonius Bomhouwer of Riga [1524].

Quidde's Deutsche Zeitschrift für Geschichtswissenschaft (Freiburg), i. 2. —H. Haupt: *The Italian Waldenses and the inquisition in south-east Germany down to the middle of the fourteenth century.*——H. von Kap-herr: *The 'unio regni ad imperium,'* a contribution to the history of Hohenstaufen policy, second article [maintaining that Frederick II's Sicilian policy arose from a conviction of the impossibility of preserving a consolidated system of government in Germany].——H. Ulmann: *On German strategy during the league of Cambray* [1509–1510].——J. Bernays: *On the internal development of Castile under Charles V* [controverting Haebler's favourable judgment of its economic prosperity at that time], with notes on *the fall in the value of money* and on *the increase of population.*——H. Prutz: *The intrigues between France and Poland in* 1689.——G. von Below: *The 'richerzeche'* at Cologne [criticising E. Kruse's hypothesis that the 'richerzeche' grew out of the burgomastership].——G. Sommerfeldt: *Archbishop Baldwin of Treves' Italian revenue in* 1311 [printing his autograph accounts in correction of F. Prowe's text].——W. Heyd: *On the project for the establishment of a 'fondaco dei Tedeschi' at Milan* [1472].——M. Brosch: *Survey of recent works on English history since the sixteenth century.*——F. Liebermann: *Survey of recent works on medieval English history.*——*Bibliography for German history.*

Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde (Hanover), **xv. 1.**—W. Gundlach: *The claims of the sees of Arles and Vienne to the primacy of Gaul,* second article [dealing with the 'Epistolae Viennenses,' which, it is argued, were forged about the end of the eleventh century, their authorship being apparently due to archbishop Guido of Vienne, afterwards pope Calixtus II].——E. Sackur: *Notes on manuscripts in French collections.* I: The 'Vita Odonis abbatis Cluniacensis auctore Iohanne.' II: On Iotsald's 'Vita Odilonis' and verses on Odilo. III: Two necrologies. IV: A charter of Henry III [1040].——O. Holder-Egger: *Italian prophecies of the thirteenth century* [printing the 'Vaticinium Sibillae Eritheae,' 'Verba Merlini,' and 'Sibilla Samia'].——T. Mommsen: Additional notes to his *East-Gothic studies,* and notes on *the papal letters of the British collection.*——H. Bresslau: Notes on the *papal letters in the same collection.*——M. Manitius: *On the use of Sulpicius Severus in the middle ages.*——L. Traube: *On the poems of Paul the deacon.*——R. Röhricht: *On the history of the church of S. Maria Latina at Jerusalem* [printing a bull of Hadrian IV, 21 April 1158].

Bayerische Akademie der Wissenschaften zu München. Abhandlungen der historischen Classe, **xviii. 3.**—L. von Rockinger: *On the composition of the imperial customary and feudal law-book,* known as the 'Schwabenspiegel,' second article [discussing Ficker's date, 1275 or a little later, and bringing new arguments in favour of a date prior to 1268; and further giving reasons for attributing the compilation to master Jacobus, canon and scholastic of Bamberg].——F. H. Reusch: *The forged quotations* [from fathers and councils] *in St. Thomas Aquinas's 'Opusculum contra errores Graecorum'* [printing from a recently discovered Vatican manuscript the portion of the work with reference to which St. Thomas wrote his treatise, relating to the Roman primacy, and discussing the forged texts. The corresponding part of the 'Thesaurus veritatis fidei' of Bonacursius, formerly regarded as St. Thomas's source, is also printed (in Greek and Latin) from two Paris manuscripts].——M. Lossen: *The beginning of the capitular dispute at Strassburg* [1584], with an appendix of letters and other documents.

Sitzungsberichte der philos.-philol. und hist. Classe, **1889, 3.**—E. Wölfflin: *C. Asinius Polio and the 'De bello Africo'* [accepting with confidence Landgraf's attribution of the work to him, and explaining the fact of the author's name not appearing in any manuscript from the character of the book as a continuation of the 'De bello civili']; with a note on the *action at Ruspina.*

Mittheilungen des Instituts für Oesterreichische Geschichtsforschung (Innsbruck), **x. 4.**—A. Schaube: *On the history of the establishment of permanent embassies* [traced from the diplomatic relations between Milan and Florence from 1446, then through the relations of Milan and Venice with the other Italian powers; from Milan to France, 1463; from Venice to France, 1479, &c.: with remarks on the purpose of such missions, the causes of their despatch and of the development of the practice at the particular period].——W. Lippert: *The military order of Santiago and its work in the Holy Land*; a contribution to the history of crusading enterprises in the thirteenth century, with documents [1257–1273].——H. Schlitter prints *letters from Joachim Murat to Savary* from Madrid [7–25 May 1808].——W. Erben attacks the genuineness of a *grant of Arnolf to Salzburg* [20 Nov.

885] (Mühlbacher *Reg.* 1801).——E. VON OTTENTHAL: *The source of the doubtful bull of John XIII for Meissen* [2 Jan. 968, considered as forged on the model of one for Herzfeld].

Delbrück's Preussische Jahrbücher (Berlin), **lxiv. 4.** *October*—C. WEIZSÄCKER: *The origin of the Christmas feast* [illustrating, chiefly from Usener's 'Religionsgeschichtliche Untersuchungen,' I, the transition from the celebration of the baptism (the Epiphany) to that of the nativity of Christ].——S. LÖWENFELD: *Wilhelm Wattenbach* [an account of his life and work, on the occasion of his seventieth birthday].——A. KÖCHER: *The last duchess of Celle* [Eleonore d'Olbreuze]. —— H. DELBRÜCK: *The strategy of Pericles illustrated from that of Frederick the Great*, second article.═══*November*—H. DELBRÜCK: *The same*, concluded.

Ermisch's Neues Archiv für Sächsische Geschichte und Altertumskunde (Dresden), **x. 3, 4.**—H. ERMISCH: *The Saxon Stadtbücher of the middle ages*, concluded.——L. SCHWABE: *The electorate of Saxony and the negotiations concerning the peace of Augsburg.*——C. E. LEUTHOLD: *On the earliest history of Freiberg.*——C. A. H. BURKHARDT: *Luther in Möhra* [1521].

Zeitschrift der Deutschen Morgenländischen Gesellschaft (Leipzig), **xliii. 3.**—K. G. JACOB: *Notes on the trade between the Caspian and the Baltic seas in the middle ages.* I. *Amber* [with new information from Arabic and other sources].——I. GUIDI: *East Syrian bishops and bishoprics in the fifth, sixth, and seventh centuries.*

CHURCH HISTORY

Brieger's Zeitschrift für Kirchengeschichte (Gotha), **xi. 1.**—J. DRÄSEKE: *Apollinarius of Laodicea's work against Eunomius.*——K. SCHWARZLOSE: *The administration and financial importance of the patrimonies of the Roman church down to the foundation of the estates of the church.*

Zeitschrift für Katholische Theologie (Innsbruck), **xiii. 4.**—S. BEISSEL: *On the history of the gospel-lessons in Germany* from the ninth to the thirteenth century.——E. MICHAEL: *On the Waldensian question* [criticising K. Müller, especially in his contention that down at least to the middle of the fourteenth century all non-German authorities use the terms 'Waldenses' and the like to denote not any particular community or communities, but simply the travelling preachers (known as the 'perfecti')]. H. GRISAR: *The martyrdom of the Theban 'legion'* [discussing the recent literature of the subject].

Hilgenfeld's Zeitschrift für Wissenschaftliche Theologie (Leipzig), **xxxiii. 1.**—A. HILGENFELD: *Gnosticism.*——O. SEECK: *Constantine the Great's murders of his kinsfolk* [replying to F. Görres and judging the emperor more favourably].——A. HILGENFELD: *The constitution of the Christian community in Palestine.*

MILITARY HISTORY

Jahrbücher für die Deutsche Armee und Marine (Berlin), **lxxiii. 1, 2.**—*October–November*—Major KUNZ: *The campaigns of field-marshal Radetzky in Upper Italy*, 1848 *and* 1849 [an historical and tactical study], continued. ═══**2.** *November*—F. SCHWARTZ: *The Silesian mountain 'Landmiliz'* [1743–1745].

Militär-Wochenblatt (Berlin), **1889**, Beiheft **7.**—*Five hundred years of the Russian artillery* [an historical sketch of the Russian artillery since its introduction in 1389].

Streffleur's Oesterreichische Militärische Zeitschrift (Vienna), **xxx. 9.** *September—The campaign in Italy, September* 1796 *to February* 1797 [by the then captain of the general quarter staff, Maximilian Freiherr von Wimpffen; containing an account of several actions, including those of Colognuola, Arcole, Legnago, Bevilacqua, Madonna della Corona, and Rivoli] concluded.═══**10.** *October*—Ritter A. VON TRUENFEST: *The siege and capture of the citadel (St. Victor) of Tortona by the Austrians in* 1799.

III. GREAT BRITAIN AND IRELAND

Archæological Review, iv. 3. *October*—J. R. BOYLE: *The Roman wall*, II., concluded [arguing that the inscriptions found in the neighbourhood of the 'murus' are incompatible with the hypothesis that it was built by Hadrian, while they suit the date of Severus, and examining the evidence of the historians].——D. MACRITCHIE: *British dwarfs* [the Picts].——J. S. STUART GLENNIE: *The 'borrowing theory' of mythology.*——J. H. ROUND: *The hundred of Swanborough*, Sussex [an instance of a rural hundred in which an alderman, paid by sheaves of corn, and a constable were elected at court-leet down to 1860, and three headboroughs down to 1842].═══**4.** *November*—F. W. MAITLAND: *Surnames of English villages* [suggesting that, as it may be assumed in the cases of contiguous villages distinguished by surnames (*e.g.* Bishop's Frome, Castle Frome, Canon's Frome), so in other cases territories originally conterminous with what is now the hundred became divided into the existing townships].——O. C. PELL: *Domesday measures of land*

[a restatement of the writer's view as against J. H. Round's criticism].——G. L. Gomme: *Notes on primitive residences.*——T. W. Shore: *Early boroughs in Hampshire.*——C. L. Thompson: *Walbrook.*——J. J. Foster: List of *Roman remains in Dorset.*——*Inventory of a bricklayer's effects* [1681].═══5. *December*—W. H. Stevenson: *The long hundred and its use in England* [examining the history of the Teutonic numeral system, with a sharp criticism of O. C. Pell's theories].——W. Money: *Lot meads and commonable lands* [with illustrations from Berkshire].——J. H. Round: *Communal house demolition* at Sandwich [arguing that the constitution of the Cinque Ports was borrowed in its leading features from the communal organisation of Picardy.]

Church Quarterly Review, No. 57. *October—Clarendon's 'History of the Rebellion'* [on Macray's edition].——*W. G. Ward and the Oxford movement.*——*Bryce's American commonwealth.*——*Metropolitans and their jurisdiction* [dealing with the evidence from early conciliar history].

Dublin Review. 3rd Series. No. xliv. *October—W. G. Ward and the Oxford movement.*——*Vicars capitular* [explaining the medieval practice of their appointment by the help of modern canon law].——Miss E. B. Edes: *SS. Blaise and Erasmus.*——J. R. Gasquet: *The early history of the mass.*——Miss J. M. Stone: *The youth of Mary Tudor.*

Edinburgh Review, No. 348.—*The conquest of Algeria,* first article [to 1833].——*The duc d'Aumale's 'Histoire des Princes de Condé,' V.*——*Recent discoveries at Rome.*——*Maitland of Lethington and Mary Stuart* [criticism of J. Skelton].

Law Quarterly Review. No. 19. *July*—Lord justice Fry: *Specific performance and 'laesio fidei'* [concluding 'that from a very early date the courts Christian enforced the specific carrying into execution of contracts in which there was an oath or fidei interpositio; that this jurisdiction was narrowed and perhaps almost extinguished by the pressure of the writ of prohibition from the king's court; and that the ecclesiastical chancellors found in the chancery a means of reviving a like jurisdiction, the writ of subpoena taking the place of excommunication].——F. W. Maitland: *On possession for year and day* [considered to have probably originated, in England, out of exercises of jurisdictional power, in the king's ban or the court's ban].═══20. *October*—E. H. Woodruff: *Chancery in Massachusetts* [1628–1877].

Quarterly Review, No. 338. *October—The principality of Monaco* [chiefly from G. Saige's publications].——*W. G. Ward and the Oxford movement.*——*The Battle Abbey roll.*——*Presbyterians and independents* [on S. R. Gardiner's 'History of the Great Civil War,' I, II.].

Scottish Review, No. 28. *October*—Sheriff C. Rampini: *Florence Wilson* [Florentius Volusenus, c. 1504–1547].——*The fourth of August,* translated from the 'Moniteur' of 4 and 5 Aug. 1789 [containing a full report of the session of the national assembly].——D. Bikelas: *The territory of the Hellenic kingdom* [translated from the 'Revue d'Histoire Diplomatique,' i. 2].

IV. HOLLAND AND BELGIUM

Archiev voor Nederlandsche Kerkgeschiedenis (The Hague), iii. 2, 3.—H. C. Rogge: *Jacobus Taurinus and the church of Utrecht in the beginning of the seventeenth century,* with documents.——S. Muller Fz. prints *seventeen documents* [1216–1518] *relating to the patronage and appropriation of churches.*

Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde (The Hague). **3rd ser. v. 4.**—J. Souterdam: *Notes of two Delft councillors,* particularly relating to public affairs [1675–1753].——J. J. de Gelder: *The ordinance of the estates of Holland and West Friesland concerning Latin schools* [1625], *and the Latin school at Alkmaar* [1638–1693].——S. Muller Fz.: *Contributions to the history of the practice of granting benefices and offices by chapters to members of their own body by turns,* with documents [1341–1661].

Bulletin de la Commission de l'Histoire des Eglises Wallonnes (The Hague), **iv. 1.**—J. H. Gerlach: *Jean de Labadie at Middelburg* [1666–1668], from unpublished materials.——P. E. H. Bodel Bienfait: *The Walloon church of Utrecht,* concluded; with documents.

Messager des Sciences Historiques de Belgique (Ghent), **1889, 3.**—P. Claeys: *History of the gilde souveraine et chevalière des escrimeurs, or chef-confrérie de Saint-Michel, at Ghent,* continued.——A. Dubois: *Philippe Wielant and J. de Damhoudere* [adducing proofs that the latter plagiarised Wieland's treatise on legal procedure, not *vice versa*].——P. Bergmans: *Notes on the autobiography of Justus Lipsius.*

V. ITALY

Archivio Storico Italiano (Florence), **5th ser. iii. 3.**—N. F. Faraglia: *Barbato di Sulmona and the men of letters at the court of Robert of Anjou.*——P. Berti: *The communal archives of Fano.*——A. Gherardi & D. Catel

LACCI: *List of the works of Cesare Guasti.*——F. NOVATI: *Luigi Gianfigliazzi, a Florentine jurisconsult of the fourteenth century.*——F. RAMORINO: *Notice of some unpublished epistles and poems of Antonio il Panormita.*

Rivista Storica Italiana (Turin), **vi. 3.**—A. GHERARDI: *The political revolutions of Florence* [on Gabriel Thomas' work].——A. ZARDO: *The 'Ecerinis' of Albertino Mussato*, considered from an historical point of view.——G. MAZZATINTI: *Historical manuscripts at Forlì.*

Archivio Storico Lombardo (Milan), **xvi. 3.**—L. FRATI: *Documents for the history of Visconti rule in Bologna in the fourteenth century* [1350–1354].——Z. VOLTA: *The age, the 'emancipatio,' and the birthplace of Gian Galeazzo Visconti* [dating his birth at the end of 1351 or the beginning of 1352; printing the document by which his father, Galeazzo, handed over to him the greater part of his authority, 1375; and giving evidence in favour of Pavia as his birthplace].——T. VON LIEBENAU: *The duke of Orleans and the Swiss in* 1495, with documents.——*Trials for witchcraft* [specimens from Brescia, 1518].——V. FORCELLA: *Churches and other buildings suppressed or destroyed in Milan* [1764–1808].——L. BELTRAMI: *The tomb of queen Theodolinda* in the basilica of S. Giovanni at Monza.——G. ROMANO: Calendar of *the documents of the notary C. Cristiani* at Pavia [1389–1396, 1412, 1414].——M. CAFFI: *The convent of S. Salvatore at Cremona and its disputes* [1470–1471].

Archivio Storico Siciliano, N.S. xiv. 1, 2.——A. GUARNERI: *Notice of Michele Amari* [† 28 July 1889].——G. M. COLUMBA: *Antiochus of Syracuse* [after 424 B.C.; printing his fragments with additions, and arguing that Thucydides probably derived some facts from him].——I. CARINI prints from a thirteenth century manuscript a *form for the reception of monks according to the Basilian rule* [written in Sicilian].——A. GUARNERI: *On the popular tradition in Sicily* [prevalent in 1848] *that the British government guaranteed the constitution of* 1812 [showing from published manifestos that what lord W. Bentinck guaranteed was, on the contrary, 'che per il reale assenso dato allo stabilimento di una costituzione libera in Sicilia non si comprometta nè la salvezza della corona nè la pubblica tranquillità'].——P. M. ROCCA prints documents on the *fairs at Alcamo* [1592–1647].——F. LIONTI prints a *protestation of a Jew* of the Giudecca at Palermo [1422] with the notes of the legal proceedings consequent upon it.——G. COSENTINO: *Papyrus as a writing material* [a history of its manufacture and use, with special reference to Sicily].——R. STARRABBA: Calendar of the *notarial minutes of Adamo di Citella*, concluded [1299].——G. TRAVALI prints a document [1404–5] enumerating certain *privileges granted by king Martin to Messina.*——F. LIONTI: *The companies of the Bardi, the Peruzzi, and the Acciaiuoli in Sicily* [with eleven documents, 1307–1341, illustrating their trading privileges].

Archivio Veneto, xxxvii. 2.—A. ROSSI: *A dispute between the republic of Venice and Clement VIII* [1592] with documents.——P. G. MOLMENTI: *Venice in French art and literature*, second article; concluded.——F. C. CARRERI: *The government of Spilimbergo*, concluded.——C. CIPOLLA: *Statutes of the country of Verona*, concluded; documents [with a note on the Veronese heretics of the end of the twelfth century].

Rivista di Artiglieria e Genio (Rome), **iv. v.** *October–November*—Captain M. BORGATTI: *The castle of Sant' Angelo at Rome* [a chronicle of the fortress from 1549 to modern times, illustrated from contemporary sketches, plans, etc.], concluded.

VI. RUSSIA

(Communicated by W. R. MORFILL)

The Antiquary (Starina).—*September–October*—G. RIEPINSKI: *Count Gottlob Totleben in* 1715–1763, continued.——*Memoirs of Prince Yuri Dolgorukov*, 1740–1830 [who was present in the ranks of the Russian army during the seven years' war, and at the battle of Chesmé in 1770. He was also in the war with the Turks during the years 1787–1791: he died at the age of ninety-one].——Dr. N. BIELOGOLOVI: *Recollections of count Michael Loris-Melikov during the years* 1876–1888 [an account of his residence at Nice, &c.].——*Letters of James Rostovtsov* [illustrating the conspiracy of the Dekabrists in 1825].══*October*—*Life of Andrew Bolotov written by himself for his descendants*, continued.——*The first days in Moscow after the conflagration of the year* 1812; *recollections of prince A. Shakhovski* [written in 1836; interesting details of Rastopchin and others].——N. MELNIKOV: *The plague at Betlianka in* 1878–1879 [near Tsaritsin on the Volga].——V. VERESTCHAGIN: *Recollections of an artist* [skirmishes on the Chinese frontier].——Prince N. GOLITSIN: *The expedition of prince Vladimir in* 988 [from Kiev to Kherson and back, accomplished, according to the calculations of the writer, in four and a half or five months, between April and Sep-

tember].——*November*—*The year* 1812 *in the recollections of Anna Zolotukhin* [from old family papers; the writer died in 1814].——*Memoirs of general A. Odintsov* [took part in the Polish campaign of 1830 and was at the taking of Warsaw in 1831].——N. Dubrovin: *Sketch of the life of Nicholas Przhevalski during the years* 1841–1866 [recollections of the traveller by one of his schoolfellows].

The Historical Messenger (Istoricheski Viestnik).—*September*—I. Luchitski: *An affair of the secret police in* 1732 [illustrating the absurd laws in existence at the time].—— *October*—N. Dubasov: *Misail, archbishop of Riazan* [a celebrated missionary among the Tatars and Ural Finns in the seventeenth century].——M. Gorodetski: *Contributions to the history of Roman catholicism in Russia.*——*November*—D. Karishev: *A drama on the Volga* [a story of Arakcheyev and the military colonies founded by him].——N. N. Spieshev: *Batoum* [a description of this port, acquired by Russia on the conclusion of the last war with the Turks].——D. Evarnitski: *The insignia of the Zaporozhian Cossacks* [who established themselves on some of the islands of the Dnieper].

Journal of the Minister of Public Instruction (Zhurnal Ministerstva Narodnago Prosviestchenia).—*September*—P. Bezobrazov: *Materials for a history of the Byzantine empire,* continued [with some new documents].——*September-November*—P. Bobrovski: *The Russian Uniate church in the reign of Alexander I,* continued.——I. Filevich: *Review of the work of K. Gorzycki on the union of Red Russia with Poland in the time of Casimir the Great.*——*Review of V. Nadler on the emperor Alexander I and the holy alliance* [containing a vigorous criticism of Metternich and his policy].——V. Alexandrenko: *A second letter from London* [with further details of the Russian ambassador Kantemir].——A. Stchukarev: *On a list of Athenian archons in the third century* B.C.——*October-November*—G. Forsten: *The policy of Sweden during the 'time of troubles'* [early part of the seventeenth century], continued.——D. A. Korsakov: *The office for the registration of titles at Moscow in the seventeenth century* [the review is not altogether favourable, but holds that the book contains some important matter on the subject of precedence among the old nobility in Russia].——*November*—I. Filevich: *The dispute between Poland and Lithuania about the succession in Galicia.*——S. A. Zhelebev: *Contributions to the history of the Diadochi* [successors of Alexander the Great].

VII. SPAIN

Boletin de la Real Academia de la Historia, xv. 1–3. *July-September*—F. Coello: *The Roman roads between Toledo and Merida.*——A. S. Moguel contributes a criticism of the *chronicle of Dom Pedro I of Portugal.*——J. de Dios de la Rada, F. Fita, and M. S. Almonacid: *The antiquities of Cabeza del Griego.*——F. Fita translates and discusses the *Cantiga LXIX of Alfonso el Sabio.*——B. Valero: *Roman milestones in the neighbourhood of Uclés.*——C. F. Duro: *The 'golden plaque' of Pedro of Castille.*

VIII. UNITED STATES OF AMERICA

Johns Hopkins University Studies in Historical and Political Science (Baltimore), **Series vii. 10–12.**—J. G. Bourinot: *Federal government in Canada.*

Magazine of American History (New York), **xxii. 4.** *October*—H. A. Scomp: *Georgia* and the introduction of slavery there [1749–1750].——C. C. Jones, jun.: *List of presidents and governors of Georgia* [1732–1889].——Note on the *financial condition of New York in* 1833.——**5.** *November*—W. W. Taylor: *The Swedish settlement of Wilmington, Delaware* [1638].——H. E. Hayden: *Oliver Pollock and the conquest of Illinois* [1778].——H. T. Drowne reprints the translation of a *declaration addressed in the name of Louis XVI to all the ancient French in North America* [printed in French on board the 'Languedoc' for the count d'Estaing, 28 Oct. 1778, and then translated and published in Massachusetts in December].——**6.** *December*—Mrs. M. J. Lamb: *The early career of lord Brougham.*——Lieut.-col. E. C. Dawes: *The Scioto purchase* [1787].——H. E. Hayden reprints the *official summons to the Virginia legislature to convene in Richmond* under the permission given by president Lincoln [20 April 1865]. C. L. Shaw: *Major Joseph Hawley* of Northampton, Massachusetts [1723–1788].

THE ENGLISH HISTORICAL REVIEW

NO. XVIII.—APRIL 1890

Bishop Lightfoot as an Historian

It is right that something should be said in the Historical Review of the accomplished scholar whose loss is felt over so many fields of learning, and by no means least over that which the Review claims for its own. 'He was a born historian,' writes one of his most intimate friends;[1] and the verdict is one which every student of his writings will endorse. I am not sure that we may not go even a step further, and assert that history was the field in which his gifts would have found their most natural and complete expression.

'Would have found' we are compelled to say, for Bishop Lightfoot wrote nothing that would come exactly under the popular designation of 'history.' He was an historian lost to his craft; one who never entered directly and deliberately upon this part of his vocation, however nearly he may have approached to it. From the point of view of the historical critic, his writings are a series of *disjecta membra*, which were never gathered together into a connected and articulated whole. The history in them comes in by the way; it is not the first object; it is overshadowed by criticism or exegesis.

I do not of course wish to abate one jot from the veneration with which we all regard the exegete and critic when I remark upon the ease with which we could imagine this relation inverted. The exegesis and the criticism might just as well have been in the second place, and the history in the first. We might as well have had to piece together the *disjecta membra* of the commentator as of the historian. Bishop Lightfoot's was not one of those cases in which natural aptitudes mark out inexorably the path to be followed. It was as easy to him to take the one road as the other. Nor was

[1] Dr. Westcott, in his In Memoriam sermon, preached in Westminster Abbey, and since published with two others under the title *From Strength to Strength*, p. 47.

it any decisive bent of taste or interest which took him away from history. There are plentiful indications to the contrary. He laid the plan of historical works, and it was his earnest wish to be able to undertake them. It is no secret that the articles in reply to 'Supernatural Religion' were made up out of materials collected with a view to a History of Early Christian Literature. And Dr. Westcott quotes words which express no transitory or superficial aspiration: '"How I long," he said to me more than once, "to write a history of the Fourth Century!"'

May we not, then, let our thoughts 'dally with a false surmise'—which is not altogether false—and ask ourselves what these two great works would have been like if they had been undertaken.

The choice of these early periods was only natural. Bishop Lightfoot approached history from the side of scholarship. He took his degree in the old days, before the invention of historical triposes. All his after-work was built upon that firmly laid foundation of Greek and Latin which has been so distinctive of the best Cambridge training. His bent for theology, and in particular for exegetical theology, he probably brought with him from school.[2] But it is a short step from the exegesis of the New Testament to the study of the surroundings under which the books of the New Testament were written. At the time when Dr. Lightfoot took up this study, the stimulating theories of Baur had raised the whole question as to the forces at work in the apostolic age, and the order in which they received literary expression. It was no longer possible to isolate the New Testament writings. To understand them properly, it was seen to be necessary to know the second century as well as the first. And the word 'to know' was one which, with Dr. Lightfoot, had no perfunctory meaning. One of the grandest features in the work of Bishop Lightfoot and his colleagues has been its magnificent thoroughness. They have not ranged over space, like some of the Germans—though well capable of such excursions—but they have determined rather to search every chink and cranny within a limited area. When Dr. Hort is able to give to the world the results of his unwearied labour, this characteristic will stand out in its true proportions. But it has already received monumental expression in Bishop Lightfoot's 'St. Clement' and 'St. Ignatius.' This is indeed *Quellenkritik*! When one turns from these great works to Dr. Westcott's masterly articles on Clement of Alexandria and Origen, in the 'Dictionary of Christian Biography,' and when one sees how all together form part (whether consciously conceived as such or not) of one coherent plan, it is

[2] Dr. Prince Lee, after his elevation to the bishopric of Manchester, founded an annual prize at King Edward's School, Birmingham 'for a critical essay on a passage of the Greek Testament'—a fact which is significant as to the tendency of his own teaching. It is equally significant of Dr. Lightfoot's own interests that he founded scholarships for Church History both at Cambridge and Durham.

impossible not to wish that the span of human life could be prolonged so that the massive pillars and piers of this imposing structure might be completed and have the connecting arches thrown over them. But the landmarks of progress in science are by successive generations and not by single lives; so that time is given to the laggards to make up for past arrears and put in the sickle where they have not sown. However this may be, Cambridge is deeply pledged and committed to carry on the work so nobly begun, and a recent contribution to the sifting of the text of Origen shows that she will not be wanting.

We have, then, little more than the foundations—truly Cyclopean —of that History of Early Christian Literature, the genesis of which is so intelligible. Some rough sketches, too, we have for other portions of the plan in the articles on 'Supernatural Religion.' It is characteristic of the first period of church history, that so large a place in it is occupied by criticism. The writing of it must almost of necessity resolve itself into a series of monographs. In his edition of 'St. Ignatius and St. Polycarp,' Bishop Lightfoot has constructed such a series. The articles on 'Supernatural Religion' were somewhat of the same kind, but their form was determined by the circumstances of the case. They were controversial because they were called forth by controversy, and they were in a certain sense popular because they were addressed to a popular audience in the pages of a magazine. They were no doubt less compressed and more mixed up with ephemeral matter than they would have been if they had been brought out as part of a systematic history. On the other hand, it is perhaps true that the fact that they were written directly in the face of hostile criticism compelled Dr. Lightfoot to bring out all his resources, and prove each point as it came up by a fulness of argument which it was equally difficult to meet and to evade. It is a position maintained under fire.

Of course it was impossible for historical work produced under such conditions as that which is embodied in these controversial articles, or in the edition of St. Ignatius, to do justice to the artistic sense of the author as an historian. The first were more like pleadings conducted before a judge and jury; the second was rather a series of *mémoires pour servir à l'histoire* than history properly so called. A really artistic treatment of a period in which every step in the narrative was so beset with criticism must in any case have been difficult. And yet Dr. Lightfoot was capable of triumphing over this difficulty. If we wish for evidence of his skill in developing the thread of a complicated subject, perhaps the best examples would be the dissertations on 'St. Paul and the Three,' or on the 'Christian Ministry' at the end of the commentaries on Galatians and Philippians. Nothing could well be more masterly. The style seemed exactly suited to the peculiarities of the subject-matter.

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An admirable proportion seemed to be observed between narrative on the one hand, and critical investigation on the other. Dr. Lightfoot knew what to throw into his text and what to give in the form of notes.

Incidentally there is a passage in the 'Essays on Supernatural Religion' which gives much insight into the conception Dr. Lightfoot had formed of the way in which this early period ought to be treated.

> I would wish to add one caution. No good will ever come from merely working on the lines of modern theorists. Perhaps the reader will forgive me if I add a few words of explanation, for I do not wish to be misunderstood. I should be most ungrateful if, in speaking of German writers, I used the language of mere depreciation. If there is any recent theologian from whom I have learnt more than from another, it is the German Neander. Nor can I limit my obligations to men of this stamp. All diligent students of early Christian history must have derived the greatest advantage on special points from the conscientious research, and frequently also from the acute analysis, even of writers of the most extreme school. But it is high time that the incubus of fascinating speculations should be shaken off, and that Englishmen should learn to exercise their judicial faculty independently. Any one who will take the pains to read Irenaeus through carefully, endeavouring to enter into his historical position in all its bearings, striving to realise what he and his contemporaries actually thought about the writings of the New Testament, and what grounds they had for thinking it, and, above all, resisting the temptation to read in modern theories between the lines, will be in a more favourable position for judging rightly of the early history of the canon than if he had studied all the monographs which have issued from the German press during the last half-century.

Doubtless there is much justice in what is said here. It is probably true that the Germans, in hunting up the byways of history, have been diverted too much from its main thoroughfares: they have attached too much weight to the abnormal and exceptional. And yet I am not sure that the same passage does not also suggest some limitations in Dr. Lightfoot's own way of looking at the problem. Does it not suggest that for him the problem did not exist in all its magnitude? Like all that Bishop Lightfoot wrote, the wording of the passage is so careful that no exception can be taken to it; and yet I confess that it gives me the impression of an attitude rather too much upon the defensive. Its dominant idea appears to be, not How shall we account for these facts, these beliefs, these institutions? but, How much of the traditional views in regard to their origin—how much of the views of Irenaeus, for instance—can we retain? Much very sound and solid work might indeed be done upon these lines. Still I doubt if it would ever quite get at the secret of the history. The history of such a period as the ante-Nicene consists of an analysis and a synthesis. The

analysis starts from the state of things in any one section of the period, and works from this backwards: the synthesis then comes in and reverses the process; it reproduces the steps by which the required conditions must have been reached. For this a certain divining power is necessary: and this is just what we are obliged to ask if Dr. Lightfoot had. The proof of it does not seem to me certain. I could not be sure that he would have carried his analysis far enough to get at the proper starting-point for the synthesis.[3] I could not be sure that he would not have contented himself with disproving certain tentative hypotheses without substituting another more tenable and more fruitful for them. The ideal historian of this early period must, as it seems to me, be possessed with the idea of growth. He must be always searching after causes. He must continually ask himself how things came to be as they were. Of course, upon many points the evidence is very defective. But that is just the function of genius, to make a little evidence go a long way—to seize by some far-darting effort of mind the ends of the skein which needs to be disentangled, the widely separated facts which need to be combined. With all his massive learning, with all his marvellous lucidity and precision, with all his sobriety of judgment, I doubt if Bishop Lightfoot quite possessed this crowning gift. I have elsewhere been tempted to contrast Bishop Lightfoot with Ferdinand Baur. The difference between them was partly national. And yet Newton was an Englishman. It is possible to imagine a Newton in history who should first reach the central illuminating idea and then work from it outwards with irrefragable sequence. Baur failed to do this from defects on one side; nor could I be confident that Bishop Lightfoot would have succeeded from limitations on the other. Perhaps the time was not ripe for either. But both have done much to make success easier to one who may come after them.

The other period, the fourth century, was perhaps better suited to the idiosyncrasy of Bishop Lightfoot's mind. It was, I think it might be said, within a little of being the ideal period for him to treat of. The fact that he had himself an ardent wish to treat of it might perhaps remove even that slight qualification which arises only from the query as to how far he would have entered sympathetically into the more deeply speculative interests at stake. Certainly he would have entered into them, as his commentary on the Epistle to the Colossians shows that he was capable of doing, and there can be no doubt that he would have exhibited here, too,

[3] This is the most that I should wish to say. I think it possible that Dr. Lightfoot might have acquiesced rather too much in the state of things which he found in Irenaeus, and have somewhat under-estimated the gap which separates the end of the second century from the beginning.

his wonderful power of imparting clearness to things in themselves intricate and difficult. Still it must be recognised that the tendency of Bishop Lightfoot's mind was not naturally metaphysical. Profoundly religious as he was, he did not approach religion from that side. He had more natural affinity for the spirit of St. Chrysostom than for that of St. Cyril. And yet one cannot help thinking that something of the temper of St. Cyril is wanted in the absolutely ideal historian of the fourth century; that remarkable combination of a sort of metaphysical fervour, a delight in the contemplation of mysteries, along with strong, clear, logical thinking, by which the imperious patriarch of Alexandria was distinguished; and in one respect a gift even higher than his, a more awestruck exploration of *τὰ βάθη τοῦ Θεοῦ*. Bishop Lightfoot would have had the last of these gifts if he had had the first. But few Englishmen have this; and Bishop Lightfoot was English to the backbone.

With this one small reserve, which applies perhaps to a question of degree rather than of kind, I cannot conceive a better historian than Bishop Lightfoot would have made of the great age of controversies. He would have found it difficult, no doubt; but it is just the kind of difficulty that Bishop Lightfoot would have mastered. The difficulty does not arise from the absence of material, but rather from its fulness. We can imagine how he would have revelled in the Greek and Latin texts in which the period abounds; how they would have come at his bidding like genii in the service of a great magician. We can imagine, also, what thorough command he would have had of all that has been done in modern times to clear up the intricacies of the history. Much has been done—by none more than by Dr. Lightfoot's own colleague, Dr. Hort, in his brief but priceless dissertation on the Constantinopolitan Creed. It is largely because of that dissertation that I believe that Dr. Lightfoot would have been so successful in dealing with the fourth century. The combination of two such minds would be one of extraordinary strength. I am not quite sure that Dr. Lightfoot alone would have had all his friend's subtle and delicate sense of the oscillating balance of parties at a time when the shifting of the masses to this side or to that was so constant and so perplexing, or quite the same sleuthhound skill in tracking out the relations of documents. But with such a pioneer, how would he not have followed! How would not the complicated movements of the century have become clear and distinct—set before the eye like a map drawn by the hand of some consummate draughtsman!

For with all his learning Dr. Lightfoot had a very considerable aptitude for the graphic side of history. From this point of view, too, the fourth century presents an imposing picture. The lurid scenes of the persecution of Diocletian; then the church, emerging from its hiding-places and passing with rapid strides first to tolera-

tion and then to supremacy; the figure, which with all its shadows is still a commanding one, of the great emperor; the pageant of the first oecumenical council; then the struggle with Arianism; the intrigues at the court of Constantius; Athanasius defying the world; the hurried gatherings of bishops in east and west; then the romantic and brief career of Julian; St. Cyril at Jerusalem; the great Cappadocians and their widespread influence; the catastrophe at Adrianople; the Theodosian settlement in church and state; the noble stand of St. Ambrose at Milan, and the chivalrous courage, the eloquence, and the misfortunes of St. Chrysostom at Constantinople; the century closing with the more defined divergence of east and west, the beginnings of the great schism—all this together forms a canvas which Dr. Lightfoot would have loved to unroll. He had not, perhaps, quite the play and grace of style for such a subject of Dean Stanley; but he, too, possessed sweep of brush and command of colour, and, like Dean Stanley, he would have been stirred by the human interest of the scenes he was portraying. It was an age of great men, and it would certainly not have found in Dr. Lightfoot a cold and unappreciative chronicler. The one considerable monument which he has left of his studies in the history of this century is a beautifully sympathetic sketch of Eusebius of Caesarea. But if that was his way of dealing with one who, interesting as he is, was not exactly a protagonist in the mighty drama, what a glow would have come into his words when he began to speak of St. Athanasius and St. Hilary, of St. Cyril of Jerusalem, of the Gregories and St. Basil, of St. Ambrose and St. Augustine, of St. Chrysostom and St. Jerome! Doubtless it was this which formed the real attraction which the century had for him. It is one of the most splendid theatres of human action which history has to show.

Another special qualification which Dr. Lightfoot possessed for writing the history of the fourth century was his absolute equity of judgment. One of the least satisfactory features in existing histories has been the scant generosity dealt out to the defeated party. It is true that for the larger half of the period covered they were not yet defeated; and we see more of the vices of a dominant faction than of the sufferings of an oppressed minority. In the literature that has come down to us they cannot be said to appear to advantage. I cannot profess to have made so close a study of the period myself as to know how far these appearances are true. The large element of simple conservatism in the opposition to the Athanasian doctrines has been excellently brought out by Mr. Gwatkin, who also does justice to the honesty and straightforwardness of the Anomoean leaders. But there is a good deal left about which one would like to know more. One would like to see the history of the Arian controversy written as Mr. S. R. Gardiner has written the history of the

puritan revolution. It may not be possible so to write it, as the documents are nearly all on one side; but Dr. Lightfoot was above suspicion of any covert leanings towards the opponents of the Nicene faith, and at least we may be sure that he would have done his best to see fair play all round. He might be trusted to discover, and he would not have hesitated to say what there was to be said for the unpopular side.

The third period to which Dr. Lightfoot chiefly turned his attention was one which was marked out for him by his appointment to the diocese of Durham. It is refreshing to see the way (looking southwards as well as northwards) in which the scholars among our bishops have at once fastened upon the history of their sees and have sought in that their inspiration. Bishop Lightfoot caught it most thoroughly. Behind all his own work for the diocese could be seen looming, like a rich background, his consciousness of its past. Repeatedly, as occasion offered, he drew out from his own stores of knowledge and set them before his people. It is rumoured that a volume of these sermons is being collected and will shortly be published.[4] It will not be the least precious of the legacies which the bishop leaves behind him.

Of course the history of the founding of Christianity in the north is child's play as an intellectual exercise compared with the history of the fourth century. There is in it nothing that is very complicated or of which learning like the Bishop's would not have given him the completest mastery. Here, again, it was the human interest which took such hold upon him. There is just one side on which the Hiberno-Saxon Church of the sixth, seventh, and eighth centuries surpasses all that can be produced by the fourth—that is, the side of poetry.

> Delightful to be on Benn-Edar
> Before going o'er the white sea:
> The dashing of the wave against its face,
> The bareness of the shore and its border.
>
> Delightful to be on Benn-Edar,
> After coming o'er the white-bosomed sea,
> To row one's little coracle,
> Ochone! on the swift-waved shore.

[4] I learn through the kindness of the Rev. J. R. Harmer, Fellow of Corpus Christi College, Cambridge, who was domestic chaplain to the Bishop, that he had himself planned a series of Durham historical sermons, the contents of which were to have been as follows: 1. The Celtic Mission of Iona and Lindisfarne. [2. St. Columba.] 3. St. Oswald. 4. St. Aidan. 5. St. Hilda. 6. St. Cuthbert. [7. Ven. Bede.] 8. The Death of Bede. [9. Benedict Biscop.] [10. Antony Bek.] 11. Richard de Bury. 12. Bernard Gilpin. 13. Bishop Cosin. 14. Bishop Butler. Those in brackets were never written; the rest are in the printer's hands.

How rapid the speed of my coracle;
And its stern turned upon Derry;
I grieve at my errand o'er the noble sea,
Travelling to Alba of the ravens.

My foot in my sweet little coracle,
My sad heart still bleeding:
Weak is the man that cannot lead;
Totally blind are all the ignorant.

There is a grey eye
That looks back upon Erin;
It shall not see, during life,
The men of Erin, nor their wives.

My vision o'er the brine I stretch,
From the ample oaken planks;
Large is the tear of my soft grey eye
When I look back upon Erin.

. . . . .

Were the tribute of all Alba mine,
From its centre to its border,
I would prefer the site of one house
In the middle of fair Derry.

The reason I love Derry is,
For its quietness, for its purity,
For its crowds of white angels,
From the one end to the other.

The reason why I love Derry is,
For its quietness, for its purity,
Crowded full of heaven's angels
Is every leaf of the oaks of Derry.

My Derry, my little oak-grove,
My dwelling, and my little cell;
O eternal God, in heaven above,
Woe be to him who violates it!

Beloved are Durrow, and Derry,
Beloved is Raphoe, in purity;
Beloved Drumhome of rich fruits;
Beloved are Swords and Kells.

Beloved to my heart also in the West,
Drumcliff at Culcinne's strand:
To behold the fair Loch Feval,
The form of its shores, is delightful.

Delightful is that, and delightful
The salt main on which the sea-gulls cry,
On my coming from Derry afar;
It is quiet, and it is delightful.
Delightful ![5]

Can St. Gregory Nazianzen or St. Ambrose beat that? I am not sure whether Bishop Lightfoot ever described this wild fresh Celtic life.[6] But England, too, has its island saints, and the North Sea beats roughly against its shores. Here is the Bishop's picture of the death of St. Cuthbert:

We are in a lonely, barren, storm-lashed island off the Northumbrian coast. Cuthbert, the saintly ascetic, has retired thither to his solitary cell—retired, as the event proved, to die. He is there alone with the sea-birds, his cherished companions. For five days the storm prevents all communication with him, then he is visited by a small company of his monks from Lindisfarne. The end is now at hand. Herefrid the abbot is admitted alone. He receives the last instructions of the saint. It is somewhere about midnight—the hour of prayer. The departing saint is strengthened for his long journey with the Communion of the Body and Blood of Christ. Then raising his hands to heaven, his spirit sped forth —here are Herefrid's own words—'into the joys of the heavenly kingdom.' Herefrid announces his departure to the brethren outside. They were singing the psalm which has justly taken a prominent place in our service to-day—the psalm, as it so happened, which was appointed in due order for the service of that night—*Domine repulisti nos*: 'O God, Thou hast cast us out and scattered us abroad, O turn Thee unto us again. O be Thou our help in trouble; for vain is the help of man.' One of the monks mounted the high ground above the cell and held up two lighted torches—one in either hand—the preconcerted signal; and the brothers in far off Lindisfarne knew that their spiritual father was gone. They, too, at this very time were chanting the same psalm, *Domine repulisti nos*. Thus the wail of the Israelites of old was flung across this lonely sea, to and fro, from island to island—the unpremeditated but fit funeral dirge for him whose destiny in death was stranger than his destiny in life. The story is recorded in Bede, who heard it from Herefrid himself.

Bede is of course the great authority for all this period of history; and Bishop Lightfoot had a natural affinity and liking for Bede. Two such genuine Saxon souls—the scholar monk and the scholar bishop—in spite of the eleven and a half centuries which lay between them, could not but have much in common. They had in common, besides their honesty, besides their learning, besides their 'peace and goodwill' to all men, the same simple-

[5] It is hard to hold one's hand in quoting this beautiful poem, which is attributed to St. Columba, though really of later date. See Reeves, *Adamnan*, p. 285 ff.

[6] It is described briefly on page 5 of the first sermon, the proofs of which I have been allowed to see since writing this.

minded, deep, unassuming piety. From Bede Bishop Lightfoot mainly took his portrait gallery of northern saints—scenes which from their tranquil beauty might almost be described in his hands as 'idylls of early Christianity.' As an epitome of this early history, the figures of Oswald, Aidan, Hilda, Cuthbert, Benedict Biscop, Bede himself, the Bishop caused to be depicted in a series of stained-glass windows in his own chapel at Auckland. When he went round the chapel with you, it was like the Interpreter showing his treasures.

The interest which Bishop Lightfoot took in these varied phases of history was no mere academic interest. They not only filled his imagination, but they entered deeply into his life. He was not a high churchman; but there are few high churchmen to whom the church—the church catholic, in its continuity from the days of the apostles to his own—meant so much. What he saw in it was not so much an authority dictating beliefs and saving its members from the troublesome duty of thinking for themselves—not so much a hierarchy armed with the power to bind and to loose—as a vast company of faithful people, men and women, gathered from many nations and tongues, animated by one common enthusiasm, and lifted by that enthusiasm to heights which the natural man would never have attained to. It was the concentrated influence of all these thousands upon thousands of individual lives—their holy aspirations, their struggles, their prayers, their sufferings, their loyalty, their generous self-sacrifice, their enterprise, their daring, their quiet meekness and goodness—on which he loved to dwell. With him it was a true communion of saints, which he felt as no abstraction, but an intense reality, reaching down through the ages even to us—to himself—upon whom the ends of the world were come.

And, standing out from this vast body, he saw with especial distinctness the church of his own nation and of those who shared its language and its orders, the particular branch in which he was called to exercise a position of great responsibility. He thought of this, and it filled him with awe; but it filled him also with inspiration. It would be difficult to name a prelate in our own time who was possessed with a loftier idea of the vocation and duty of the church of England. Most natural was it that the culminating moment of his life should have been the Lambeth Conference. Most natural was it that the assembled bishops, after Lambeth, should meet again, at his invitation, at what he had made one of the greatest centres, both intellectual and moral, of church life for the Anglo-Saxon peoples. Though the efforts of those months, coming upon already enfeebled health, taxed his physical powers to breaking, still it is clear that the Bishop

welcomed the event as his *nunc dimittis*. The call came, and it found him ready.

Bishop Lightfoot was one of those who acted history as well as wrote it. He acted it upon a grand scale, and he acted it like one who knew what history was. The theory and the practice were with him inextricably blended. The long years of patient study and research left him no pedant, but a man whole as few men are, because his knowledge of the past came in to give breadth and balance to his judgment in the present. And, as if by way of recompense, this knowledge of the past was informed and vivified by actual experience. It was not exactly a presentiment of coming greatness, for greatness—or what is accounted such—was thrust upon him; but from the first he had infused into the skeletons of bygone times the life which he had caught from the men and women around him. Therefore it was that the characters of history were to him so lifelike. He approached them *sine ira*, but not *sine studio*: the *studium*, however, was not that of partial preferences, but only the living interest without which the figures of history are but puppets, and their movements a dumb show.

Such a man was an historian, though he wrote no connected and completed narrative. And his name will live in the retrospect of the nineteenth century as that of one who filled a critical gap in the studies of his generation which few could have filled at all, and which none could have filled with a success so great and so well deserved.

W. Sanday.

The Provincial Concilia from Augustus to Diocletian

IT has frequently been made a reproach to the imperial system of provincial government that it provided no regular means of communication between the central power on the one hand and the municipal units on the other—that, in fact, no representative system was ever developed. The reproach is true in substance, but at the same time it leaves out of account the institution of provincial assemblies—an institution of which, indeed, it is easy to exaggerate the importance, but which was, nevertheless, based on representation, and though to all appearances primarily of a religious rather than a political character, did, it is certain, involve political consequences, neither insignificant nor accidental. The very fact that these assemblies can be traced in almost every province of the empire, that their organisation appears to have been based, making allowance for certain differences of detail, on the same general plan, and that they remained in the active discharge of their functions during the whole of the first three centuries, and were destined to live on under somewhat changed conditions in the post-Diocletian period—this certainly seems to establish a *prima facie* reason why the origin, the organisation, and the object of these assemblies should receive some investigation. This is, however, attended by considerable difficulties. The allusions in classical texts are few and brief, and we are in consequence obliged to have recourse almost entirely to epigraphical evidence; and it cannot be pretended that with the materials, considerable as they are, at present at our disposal, a complete and entirely coherent account can be given. In what follows I do not pretend to much original work. The materials, such as they are, have been thoroughly worked by French and German scholars, and though I have searched the collections of inscriptions, both Greek and Latin, with some diligence, and, where the evidence is conflicting, have not hesitated to exercise my own judgment, I desire at the outset to express my obligations to the following authorities: Marquardt, 'De conciliis et sacerdotibus provincialibus;' 'Ephem. Epigraph.' i., pp. 200–214, and also 'Staatsverwaltung' i., pp. 503–516; Monceaux, 'De communi Asiae

Provinciae;' Pallu de Lessert, 'L'Assemblée Provinciale dans l'Afrique Romaine;' Giraud, 'Les Assemblées Provinciales dans l'Empire Romain;' Desjardins, 'Gaule Romaine,' and 'Revue de Philologie,' vol. iii.; Boissier, 'La Religion Romaine;' Bernard, 'Le Culte d'Auguste et la Nationalité Gauloise;' and Mommsen, 'Römische Geschichte' v., pp. 84-89, 242–244, and 317–322.

I have said that these assemblies were primarily of a religious rather than a political character: they were, in fact, intimately associated with the Caesar-worship which forms so marked and, in some respects, so peculiar a feature of the first three centuries. I do not propose to trace back the origin of this worship with any minuteness, but as its political importance as manifested in the provincial assemblies depended entirely upon the nature and strength of the feelings to which it appealed, a brief *résumé* of its main features and the more marked stages in its development seems a necessary preface to my subject. The apotheosis of human beings after death contained nothing in itself contrary to the ideas of Roman religion: indeed, it may be said to follow with strict logic from its principles. In every human person there was inherent a divine element, and this, set free by death, became properly an object of worship to the survivors. Out of this primitive belief arose the worship paid to the dead members of each Roman household.

The Manes of the dead were *Dii Manes*—a title so familiar in funeral inscriptions—which were propitiated by gifts, and invoked by prayers to preserve their living kindred.[1] So Cicero lays it down as a thing not to be questioned that the rights of the *Dei Manes* are to be kept sacred, and the dead held to be divine;[2] while Tertullian asks, not without contempt, 'What do ye in honour of your gods which ye do not equally confer on your own dead?'[3] Nor was a more personal aspect wanting to this conception, and it is interesting to find how the poignancy of grief brings to the same level of emotion the statesman and the freedman. For when Cicero resolves to place his dead daughter in the assembly of the immortal gods,[4] and to build a shrine in her honour,[5] he merely repeats the devotion of the freedman Aphthoros, who raises a tomb 'to his sacred goddess Primilla Medica with whom he has lived for thirty years.'[6] Again, both among Greeks and Italians divine honours were paid to the founders of cities and the patriarchs of tribes. Theseus was a god to the inhabitants of Attica; Latinus became Jupiter Latiaris to the Latin stock; Semo Sancus,

[1] Henzen, 6206; *C. I. L.* viii. 2803, *Serva tuos omnes.* See also Varro, cited in Augustine, *Civit. Dei*, viii. 26: *Omnes mortuos existimari manes deos et probat per ea sacra quae omnibus fere mortuis exhibentur.*

[2] *De Legg.* ii. 9, 22. [3] *Apolog.* 13. [4] *Consolat.* 62, 216.

[5] *Ad Att.* xii. 36. [6] Wilmanns, 241.

by the same spontaneous euhemerism, was worshipped by the Sabines; Romulus was the god Quirinus to the centralised Roman people. But though this may account for the worship of the *divus Julius*, or the *divi Augusti*, it still leaves unexplained that of the living emperors. This latter depended on elements of less native growth, and only became, as we cannot doubt it did become in time, part and parcel of the Roman faith by means of importation from oriental or Hellenic sources. For these we need go no further back than to the time of Alexander the Great, who, following oriental examples, was worshipped as a god during his lifetime,[7] not only by his oriental subjects, but, with hardly any resistance, by the Greeks themselves. His successors followed the example so given, and the Ptolemies in Egypt, Lysimachus in Thrace,[8] and the Seleucidae in Syria were regularly, while they were feared as kings, worshipped as gods. Prone to flattery and helpless against their tyrants, these populations, as Giraud well puts it, 'divinised their kings, only to make them more human.' With this worship of living rulers the Romans were made familiar by their intervention in Greek and Macedonian politics, and the generals and proconsuls, who at home were merely the magistrates and executive of a republic, found themselves in the provinces honoured with sacrifices, and placed in the new and embarrassing position of deities. Already Marcellus seems to have tasted this experience at the hands of the Syracusans,[9] and soon Flamininus received similar honours from the Greeks,[10] Mucius Scaevola and even Q. Cicero from the province of Asia,[11] and in fact, as we learn from Suetonius,[12] it was a usual thing for temples to be erected to the proconsuls. This was at first submitted to in order to avoid giving offence to the provincials, but the precedent was from the point of view of Roman custom a dangerous one: such tendencies are prone to spread, and the Roman mob, always superstitious and excitable, could hardly avoid being influenced by the crowds of resident foreigners from the east, to whom this apotheosis of living persons was a familiar spectacle. The political tendencies which again and again resulted in placing the destinies of the state in the hands of a military dictator made a reality of what had before been a possibility. If the statues of Scipio Africanus were all but placed in the *cella* of Jupiter Capitolinus,[13] libations were actually offered to Marius after his defeat of the Cimbri,[14] while before the statue of Marius Gratidianus, the mere inheritor of a famous name, incense was burnt and wax tapers lighted.[15]

Already, then, we have the way paved for the Caesar-worship

[7] Strab. xiv. 953.
[8] *C. I. G.* 2, 2741.
[9] Cic. *Verr.* ii. 2, 21, 51.
[10] Plut. *Flamin.* 16.
[11] Cic. *loc. cit.* and *ad Quint. frat.* i. 10, 32.
[12] *Aug.* 52.
[13] Liv. xxxviii. 56.
[14] Plut. *Mar.* 27.
[15] Cic. *de Offic.* iii. 20, 80.

with which we have to deal. In part it was by no means contrary to the spirit of Roman religion; in part it was not unprepared for by previous events. It is not difficult to understand the impression created on his contemporaries by Julius Caesar, and we are not surprised to find that he received during life, temples, altars, and a *flamen* to superintend his worship,[16] or even that he was formally addressed as Jupiter Julius.[17] The formal apotheosis by decree of the senate after his death[18] partly, no doubt, reflected the policy of the triumvirs,[19] but was principally a concession to the enthusiastic persuasion of the populace that he was a god,[20] a persuasion increased by, though not wholly founded on, the various portents which followed his death.[21] By this time the precedent was fully established, and we find Sextus Pompeius laying claim to a divine descent from Hercules, while in the east Antonius was figuring as the god Dionysus and committing extravagances which perhaps helped to decide Augustus to maintain the more sober attitude which he adopted.[22] This attitude was indeed the easier in that he was from the first invested with a certain suprahuman glamour as *Divi Filius*—a glamour which was increased when in 27 B.C. the title of Augustus was formally given to him by the senate: *ὡς καὶ πλεῖόν τι ἢ κατὰ ἀνθρώπους ὤν*.[23] With this the emperor, so far as he himself was concerned, seems to have remained content—at any rate within the range of Rome and Italy. Enthusiastic admirers might, no doubt, persist in saying: 'He will always in my eyes be a god,[24] and almost certainly even by the time the 'Georgics' were written, i.e. by 30 B.C., many a domestic and private cult was established in his honour;[25] but even Vergil himself speaks of him as only winning his way to Olympus,[26] and we know from Suetonius that in the city he was most firm in refusing the honours of apotheosis.[27] No doubt in this he was actuated to some extent by a desire to avoid giving offence to the Roman nobles, many of whom after his death avowed their disapproval of his complaisance in this respect outside Rome, and complained that 'nothing was left to the honour of the gods when he allowed himself to be worshipped in temples and with statues by means of flamens and priests.'[28] This complaint, no doubt, was founded on fact, since epigraphical evidence shows that during his lifetime, both in Italy and throughout the provinces, a personal cult was established in his honour, though it was a cult not officially provided for, tolerated and not enjoined, and depending only on private or municipal enthusiasm.

[16] Suet. *Jul.* 76. [17] Dio Cass. xliv. 6. [18] *C. I. L.* i. p. 183.
[19] Dio Cass. xlvii. 18. [20] Suet. *Jul.* 88. [21] Verg. *Georg.* i. 466 *seq.*
[22] Dio Cass. xlviii. 39. [23] Dio Cass. liii. 16. [24] Verg. *Ecl.* i. 7.
[25] Verg. *Georg.* iii. 16, *In medio mihi Caesar erit templumque tenebit*; also Hor. *Epist.* II. i. 15.
[26] *Georg.* iv. 562. [27] *Aug.* 52 [28] Tac. *Ann.* i. 10.

Thus within Italy we find a *flamen Augustalis* at Pisa,[29] a *sacerdos Augusti* at Pompeii,[30] a *flamen Caesaris Augusti* at Praeneste,[31] while mention is made of temples at Beneventum, Terracina, Puteoli, and other places. The provincials showed even greater zeal in the same direction. Temples and priests to Augustus, while still living, are known to have existed, among other places, at Athens,[32] Salonica, and Thasos, while in Egypt he was formally invoked as Zeus Soter. There was nothing new in all this except the wide extent to which it was now practised, and it would have been a piece of mere affectation for the recognised ruler of the Roman empire to have refused honours which had been thought not unfitting for a Flamininus or a Cicero. Nor was it mere unmitigated flattery and servility which heaped these divine honours on Augustus. Vergil only expressed the general feeling when he wrote, *Alter ab integro saeclorum nascitur ordo.* The change from the republican to the imperial government meant for the provinces, and for Italy, indeed, also, the infusion of new life, protection from oppression, renewal of prosperity. With the old *régime* were associated war, rapine, and misery; the new *régime* heralded peace, security, and wealth.[33] It was then not flattery so much as enthusiastic loyalty and gratitude which caused this rapid spread of the Augustan cult. Proofs of this feeling we may gather from inscriptions dedicated in various places to the emperor as *fundatori pacis*,[34] *pacatori orbis*,[35] *fundatori publicae securitatis*,[36] *restitutori orbis*,[37] *conservatori generis humani*,[38] while a Greek inscription speaks of him as *θεὸς ἐμφάνης καὶ κοινὸς τοῦ ἀνθρωπίνου βίου σωτήρ*.[39] There was then in the minds of the provincials an association of the blessings they enjoyed with the imperial government, and, predisposed as they always were even with less reason to apotheosise their rulers, they threw themselves with ardour and enthusiasm into the new cult, and the devotion, of which in more modern days liberty is usually the object, was then lavished freely upon monarchy.[40]

Of this enthusiastic devotion, which was more marked than elsewhere in the oriental provinces, Augustus naturally had ample proofs after the battle of Actium had placed him in unquestioned supremacy over the empire, and he resolved to utilise it for political purposes by establishing out of it something of the nature of a state religion. That the design was entertained by him from the first of extending this over the whole empire, it would certainly be rash to affirm; that he deliberately proposed to himself the intro-

[29] Orell. 643. [30] *C. I. L.* x. 830. [31] Orell. 3874. [32] *C. I. Att.* iii. 63.

[33] Tacitus says (*Ann.* i. 2), *Neque provinciae illum rerum statum abnuebant, suspecto senatus populique imperio, ob certamina potentium et avaritiam magistratuum, invalido legum auxilio, quae vi ambitu postremo pecunia turbabantur.*

[34] Orell. 601. [35] *Ib.* 323, 859. [36] *Ib.* 1071.

[37] *Ib.* 1030. [38] *Ib.* 795. [39] *C. I. Gr.* 2957.

[40] Fustel de Coulanges, *Hist. des instit. polit. de l'ancienne France*, ii. cap. 2.

duction of a system of representation for the Roman world, is of all suppositions the most unlikely and improbable. Such designs rarely emerge like Athene from the head of Zeus; they are framed to suit a particular need, and are then applied further as the occasion rises. So at least it seems to have been in the case before us. The provinces of Asia and Bithynia were conspicuous even among the Asiatic provinces for the jealousies and rivalries existing between the several cities. Of this we have abundant proof in somewhat later times,[41] and it was no doubt equally the case in the Augustan period. To obviate this, and to give some sort of national unity to these provinces, Augustus revived, or rather modified and extended, an institution which had existed in most of the Asiatic regions in times anterior to the Roman occupation, the institution of *κοινά*, or assemblies and reunions common to a number of cities united by some bond of race or religion, or both. Into the history of these ancient *κοινά* my space will not allow me in any way to enter. They had mostly been dissolved when the Romans reconstituted these provinces, but many of them had since been revived on their ancient footing,[42] and the *κοινά* of Ionia,[43] of Phrygia,[44] of Caria,[45] of Lycia,[46] and of many others can be traced during imperial times.

It was, however, a provincial unity which Augustus wished to establish, and therefore it seldom happened, as apparently it did in the case of Lycia, that he was able to make use of the original *κοινόν* as it stood. In most cases a new grouping of states was necessary, corresponding to the geographical limits of the province rather than to any ethnographical distinction among the inhabitants. But to the ideas of the time every such *κοινόν* implied some common religious cult, just as conversely every common cult implied a *κοινόν* for its administration and organisation. Of existing cults there was none which could have united the provinces. In Asia, e.g., Ephesus would have set up a claim for Artemis, Pergamum for Aesculapius, Cyzicus for Persephone. But it was just here that Augustus perceived how he could make use of his own cult. In this the whole province would unite, and unite readily, and this therefore he constituted the primary object for which the *κοινά* were to meet. If, however, the political advantage of these provincial *κοινά* were to be solid, lasting, and real, it was necessary to guard against the extravagances to which servile populations were prone, and to which Antonius had given such inconsiderate encouragement. It was therefore necessary to render the cult as little personal as possible, and this Augustus effected by combining with his own cult that of the goddess Rome as well. With this latter worship the Asiatics

[41] Dio Chrysost. *Orat.* 38, and Tac. *Ann.* iii. 61–63.

[42] Pausan. XVII. 16, 10. [43] Strab. xiv. 1, 3–4. [44] Eckhel, iii. 140–141.

[45] Strab. xiv. 2, 25. [46] *C. I. Gr.* 4279, and Strab. xiv. 3, 9.

were already not unfamiliar. Smyrna had erected a temple to Rome as early as 195 B.C.,[47] Alabanda had done the same not many years later,[48] and the same thing is attested by inscriptions in other places.[49] The worship of Rome and Augustus then was to be a state cult, giving at once a point of unity to the province, and destined, as the institution gradually spread over the other provinces, also to serve as a link of connexion to the whole empire.[50]

But it was not the worship of Augustus as an individual; it was rather the veneration of the imperial authority vested in his person, and of the sovereign city in which that authority was concentrated. It was therefore less an apotheosis of the emperor than a consecration of public authority, an organised homage rendered to the Roman state, and to the ruler who represented it. It is necessary, in dealing with inscriptions relating to this subject, to remember once for all that the phrase 'Rome and Augustus' means Rome and the reigning emperor. The worship, as it was first constituted, was dissociated, on the one hand, from the personality of Augustus himself, and on the other from the cult of *divus Julius*.[51]

The first step, then, in this direction, was taken, when Augustus, in 29 B.C., while he permitted the Roman citizens dwelling in Asia and Bithynia to build temples to Rome and the deified Julius in Ephesus and Nicaea respectively, allowed the provincials generally, who, in these hellenised provinces, were generally described as Greeks,[52] to build temples to himself in conjunction with Rome at Nicomedia for Bithynia and at Pergamum for Asia.[53] That with

[47] Tac. *Ann.* iv. 56.

[48] Liv. xliii. 6.

[49] *E.g.* Assos: Waddington, *Inscript. d'Asie Mineure*, 1727.

[50] Suet. *Aug.* 52, *templa in nulla provincia nisi communi suo Romaeque nomine accepit.* The cult, however, was not confined to the provinces. Thus we have a *flamen Romae et divi Augusti* at Potentia (Momms., *Inscr. Regni Neapol.* 376), at Aquinum (*ib.* 4336), at Ostia (Orell. 2204), at Pola (*C. I. L.* v. 18), and at Terracina (*C. I. L.* x. 6305), while in the provinces we find a purely municipal cult of Rome, and the deified Augustus, at Cyme (*C. I. Gr.* 3524), Nysa (*ib.* 2943), Mylasa (*ib.* 2696), at Apte in Narbonensis (*C. I. L.* xii. 1121, *flamen Romae et divi Augusti suffragiis populi factus*), and at Lucus Augusti in Tarraconensis (*C. I. L.* ii. 2638), though in all these cases Augustus is used in its particular and not its general sense.

[51] No doubt the worship of the Divi was at first cultivated mainly by Roman citizens, as the passage in Dio Cassius (li. 20) proves; but the distinction soon disappeared, and there can be no doubt that the original provincial cult of Rome and Augustus became, if not amalgamated with, at any rate joined to, that of the Divi. This seems to have been the case especially in Spain, where we find a *flamen divorum Augustorum prov. Lusitaniae* (*C. I. L.* ii. 473), a *flamen Romae et divorum Augustorum prov. Hispaniae citer.* (*ib.* 4191), and a *flamen Romae divorum et Augustorum*, where *Augustorum* refers to the living emperors, *divorum* to the dead ones (*ib.* 4205). In Sardinia, too, we have a *flamen divorum Augustorum ex consensu provinciae* (*C. I. L.* x. 7599), and at Narbo a provincial *sacerdos templi divi Augusti* (*C. I. L.* xii. 392).

[52] τοῖς ξένοις Ἕλληνας σφᾶς ἐπικαλέσας. Dio Cass. li. 20; and conf. *Dig.* xlix., i. 25, κοινὸν τῶν ἐν Βειθυνίᾳ Ἑλλήνων, and *C. I. Gr.* 3187.

[53] Dio Cass. li. 20: τοῖς δὲ δὴ ξένοις (Ἕλληνας σφᾶς ἐπικαλέσας) ἑαυτῷ τινα, τοῖς μὲν Ἀσιανοῖς ἐν Περγάμῳ, τοῖς δὲ Βιθυνοῖς ἐν Νικομηδείᾳ τεμενίσαι ἐπέτρεψε. Conf. Tac. *Ann.*

these provincial temples, the provincial *κοινά*, or assemblies, were at the same time constituted, follows from the nature of the institution, but their existence during the lifetime of Augustus is positively attested in the case of Asia, not only by inscriptions [54] and coins,[55] but also by a statement of Josephus.[56] With what degree of rapidity the institution of provincial assemblies, thus set on foot in Asia and Bithynia, was extended to the other provinces, we are not able to say with any certainty. It was no doubt in the first instance an experiment, and probably Augustus established this new state-cult in most of the oriental provinces, though hardly simultaneously. We are, however, only able to speak with certainty of Galatia, which was made a Roman province in 25 B.C.[57] Here a temple was erected at Ancyra, dedicated to Rome and Augustus, and connected with a *κοινὸν Γαλατῶν*. An interesting inscription has reference to this temple and *κοινόν*.[58] After commencing with the words *Γαλατῶν τὸ κοινὸν ἱερασάμενον θεῷ Σεβαστῷ καὶ θεᾷ Ῥώμῃ*, it proceeds to give an account of the various gifts and contests established by several people at the periodical games which seem here to have been quinquennial. The temple itself is called *τὸ Σεβαστῆον*, and mention is made of the *πανήγυρις*, or festive gathering of the province, and an *ἱππόδρομος*, apparently one of its main features. The temple was probably erected towards the close of Augustus' reign: portions of it still exist attached to a mohammedan mosque, and it was here that the famous 'Monumentum Ancyranum' was discovered.[59]

In Greece a confusingly large number of *κοινά* connected with various cults are met with both before and during the imperial period, and the peculiar conditions of a province—which in the past had had so famous, but also so heterogeneous, a history, and where each state held an unbroken continuity with this past to be of more importance than any present advantages—made it perhaps necessary to depart in some way from the usual type of these assemblies, and it is in truth only a conjecture of some probability that the *κοινὸν τῶν Ἀχαιῶν καὶ Βοιωτῶν καὶ Λόκρων καὶ Φωκέων, καὶ Εὐβοέων*, sometimes called merely *τὸ κοινὸν τῶν Ἀχαιῶν*, or *ἡ σύνοδος τῶν Πανελλήνων*, which existed in the earlier imperial period,[60] was constituted by Augustus, and was associated with the

v. 37: *Cum divus Augustus sibi atque urbi Romae templum apud Pergamum sisti non prohibuisset.*

[54] *C. I. Gr.* 3957, a congratulatory decree of the *κοινόν* of Asia on the birthday of Augustus. *Ib.* 3902 *b*, a decree in honour of Maximus Paulus, proconsul of Asia under Augustus.

[55] Eckhel (ii. 466 and vi. 100) describes coins with *Com(mune) As(iae) Rom. et Aug.* dated *Imp. IX, trib. pot. V.*

[56] Joseph. *Ant. Jud.* xvi. 6, 2, *ἐν ἐπισημοτάτῳ τόπῳ γενηθέντι μοι ὑπὸ τοῦ κοινοῦ τῆς Ἀσίας* in a decree of Augustus.

[57] Strab. xii. 567 and Dio Cass. liii. 26.

[58] *C. I. Gr.* 4039.

[59] Momms. *Res Gest. div. Aug.* p. x.

[60] Keil, *Syllog. inscr. Boeotic.* p. 116.

imperial cult.[61] In any case, as Mommsen points out,[62] this association was here hardly the primary one, and, in practice at any rate, it was rather an ideal Panhellenism than the consecration of Roman imperialism which this *κοινόν* served to promote.

But, as Dio Cassius says, the example set in Asia and Bithynia was followed not only in the Hellenic provinces, but also in the other parts of the empire,[63] and in the West we know that the institution was commenced in the time of Augustus himself. As early as 26 B.C., an altar was erected to Augustus at Tarraco, apparently by the province,[64] and if so a *concilium* must have been at the same time formed. That it was so formed seems to follow from the statement of Tacitus under the year 15 A.D.,[65] *Templum ut in colonia Tarraconensi strueretur petentibus Hispanis permissum,* since the province can only have made known its wish to build a temple by means of a deputation sent by the *concilium.*[66] Of another instance of the erection of an altar to Augustus we have somewhat more detailed information. The three Gallic provinces, Aquitania, Lugdunensis, and Belgica, had by the organisation of Augustus been distributed into sixty-four *civitates,* based upon the old national *pagi* or cantons.[67] These provinces Augustus determined to band together into a common *concilium,* using as a bond of union the new state-cult. The occasion chosen for carrying out this design was a threatened attack of the Sugambri in 12 B.C., when the imperial prince Drusus assembled the Gallic chiefs at Lugdunum, and, on 1 Aug.,[68] formally consecrated an altar to Rome and Augustus,[69] *ad confluentem Araris et Rhodani,* the first priest being C. Julius Vercundaridubnus,[70] an Aeduan. Not long after, as in the case of Tarraco, a temple was built by the *concilium,* the earliest mention of it being in Strabo,[71] who says that it was set up in front of Lugdunum to Caesar Augustus at the confluence of the rivers. There is, too, he proceeds, a memorable altar with the names of the sixty tribes inscribed, and round it statues of each several state.[72]

[61] Foucart, *Inscript. de Messénie,* 319. [62] *Röm. Gesch.* v. 243.

[63] li. 20 : *καὶ τοῦτ' ἐκεῖθεν ἀρξάμενον, καὶ ἐπ' ἄλλων αὐτοκρατόρων οὐ μόνον ἐν τοῖς Ἑλληνικοῖς ἔθνεσιν ἀλλὰ καὶ ἐν τοῖς ἄλλοις ὅσα τῶν Ῥωμαίων ἀκούει, ἐγένετο.*

[64] *C. I. L.* ii. 540. Eckhel, i. 58, and Quintilian, vi. 3, 77 : *Augustus nuntiantibus Tarraconensibus palmam in ara eius enatam 'Apparet,' inquit, 'quam saepe accendatis.'*

[65] *Ann.* i. 78.

[66] Conf. Tac. *Ann.* iv. 37 : *Per idem tempus Hispania ulterior missis ad senatum legatis oravit ut exemplo Asiae delubrum Tiberio matrique eius exstrueret.*

[67] Momms. *Röm. Gesch.* v. 81 *seq.* [68] Suet. *Claud.* 2. [69] Dio Cass. liv. 32.

[70] Liv. *Epit.* 137 : *ara Caesari ad confluentem Araris et Rhodani consecrata.*

[71] Strab. iv. 3.

[72] Similar symbolical statues of the *civitates* of Pannonia Superior were apparently placed round the altar of the *concilium* at Savaria. At least two bases of statues have been found inscribed respectively, *Municipium Flavium Augustum Scarbantia* and *Colonia Septimia Siscia Augusta* (*C. I. L.* iii. 4192, 4193).

Not long after this the campaigns of Drusus had resulted in what was practically the annexation of that part of Germany between the Rhine and the Weser. Roman organisation seems to have been partially introduced, and here from the very first the Augustan cult was to serve as a connecting link for the population of the future province. That this was the object and meaning of the *ara Ubiorum* mentioned by Tacitus,[73] it is almost impossible to doubt. We know from him that it had an annual priest, and in the fatal year of 9 A.D. when Varus was killed, the priesthood was held by Segemundus, a son of Segestes. It was significant of the failure of this plan for romanising Germany that when the revolt took place the *sacerdos* at once tore off his fillets and joined the rebels. It seems, indeed, that the erection of an altar to Rome and Augustus was almost tantamount to the modern custom of unfurling the national flag in token that new territory is annexed. Thus when Domitius Ahenobarbus, legate of Illyricum, in accordance with the forward policy then being pursued, penetrated in 4 or 5 B.C. by way of Vindelicia to the Elbe, he formed, says Dio Cassius,[74] friendly relations with the barbarians in those parts and set up an altar to Augustus by the river. Similarly we find that the expedition to Britain under Claudius was followed almost at once by the erection of a temple to the emperor at Camalodunum, the earliest capital of the province, which was regarded *quasi arx aeternae dominationis*;[75] while lastly the *Flaviae arae* (Rottweil) in the Agri Decumates were in all probability established in connexion with the annexation of that territory by Domitian.[76]

The evidence already adduced is sufficient to show that the system of provincial assemblies was introduced by Augustus and was applied by him both in the eastern and western parts of the empire. It is indeed extremely probable that before the close of his reign every province in the empire had at least an altar to Rome and Augustus, and a *κοινόν* or *concilium* in connexion with it, and that the development of the institution under Tiberius or his successors, with the exception of new provinces, consisted merely in adding a temple to the altar, as in Tarraconensis, or in increasing the number of the provincial temples where one existed already.[77] The data however are insufficient to determine the historical development of each *concilium*, and before proceeding to give an account of their organisation and objects, it will be convenient to give a summary of the evidence for their universal extension over the empire.[78]

In Britain the *templum divo Claudio* at Camalodunum[79] was no

[73] Tac. *Ann.* i. 39, 57. [74] Dio Cass. lv. 80: *βωμὸν ἐπ' αὐτοῦ τῷ Αὐγούστῳ ἱδρύσατο.*
[75] Tac. *Ann.* xiv. 31. [76] Momms. *Röm. Gesch.* v. 139. [77] Tac. *Ann.* iv. 15.
[78] For this part of the subject see especially Marquardt, *Ephem. Epigr.* vol. i.
[79] Tac. *Ann.* xiv. 31.

doubt dedicated to Rome and Augustus, though probably here, as in other places, a worship of the deified founder of the temple became associated with the wider cult.[80] The existence also of a *concilium* may be inferred from an inscription.[81] For the *Tres Galliae*, in addition to what has been already said, it will be sufficient to refer in advance to the famous inscription of Thorigny which will receive full notice further on.[82] Of the Spanish provinces, Tarraconensis had its temple and meeting-place at Tarraco. We find several honorary inscriptions put up, *consensu concilii Hisp. citerioris* or *ex decreto concilii p. H. c.*,[83] while the names of more than seventy flamens of the province are known to us. In Baetica the *concilium* met at Corduba. We find honours decreed to a flamen *consensu concilii universae provinciae Baeticae* ;[84] the province sends legates to Tiberius in 25 A.D. to ask permission to build a temple,[85] and *legati provinciae Baeticae* are mentioned by Pliny.[86] In Lusitania the *concilium* met at Emerita, and several *flamines prov. Lusitaniae* are met with,[87] though the *concilium* itself is not mentioned. In Gallia Narbonensis an altar was erected *numini Augusti* by the *plebs Narbonensis* in 11 A.D. Marquardt seems to regard this as connected with the provincial state-cult. It is clear, however, from the dedicatory inscription, which we have complete,[88] that this was purely a municipal altar, unconnected with the *concilium*, and having no relation to the cult of Rome and Augustus. That the institution existed, however, in this province we know from a number of inscriptions. One is erected *sacerdoti templi divi Augusti quod est Narbone in quod sacerdotium consentiente provincia adlectus est*,[89] while numerous flamens of the province are known.[90] In the African provinces the evidence for the provincial *concilia* is very scanty, though still sufficient to prove their existence. In proconsular Africa an inscription of about the end of the second century is found which the *concilium prov. Africae* set up to Annius Arminius Donatus, an illustrious youth, and grandson of a flamen.[91] L. Apuleius is described by Augustine[92] as *sacerdos provinciae*, and flamens of the province are mentioned in several other inscriptions.[93] In Numidia, which became a separate province under Septimius Severus, a *flamen prov. Numidiae* occurs ;[94] in Mauretania Caesariensis we have a *flamen provinciae*,[95] while in 61 A.D. we find the province successfully accusing its procurator, Vibius Secundus.[96] In Sardinia we find a personage who was *adlectus inter sacerdotales*

[80] See *note* 51. [81] Orell. 6488. [82] Bernard, p. 107.
[83] *C. I. L.* ii. 4246, 4255. [84] *C. I. L.* ii. 2221.
[85] Tac. *Ann.* iv. 37. [86] *Epist.* iii. 4, 2.
[87] *C. I. L.* ii. 35, 160, 396, &c. [88] Wilm. 104.
[89] *C. I. L.* xii. 392. [90] *Ib.* 3183 ; Herzog, No. 267, 501, &c.
[91] *Ephem. Epigr.* v. No. 698. [92] *Epist.* 138.
[93] *C. I. L.* viii. 1827, 2343, 4252. [94] *Ib.* 7987.
[95] *C. I. L.* viii. 9409. [96] Tac. *Ann.* xiv. 28.

provinciae ex consensu prov. Sardiniae,[97] while there is a *flamen prov. Alpium maritimarum*,[98] and a *flamen Augusti prov. Cottianae*.[99] Coming to the Danubian provinces we find an *ara Augusti* at Savaria in Pannonia Superior,[100] and a *sacerdos provinciae Pannoniae Super*.[101] In Pannonia Inferior there is a *sacerdos arae Augusti*,[102] and *sacerdotes totius provinciae*.[103] In Moesia Inferior, M. Ulpius Antipater is *sacerdos provinciae*,[104] Troesmis being probably the seat of the *concilium*; while lastly in Dacia, made into a province by Trajan, we have an inscription set up in honour of the emperor Gordian by the *concilium provinciarum Daciarum trium*, since Dacia, like Gallia Comata, was divided under M. Aurelius into three sub-provinces.[105] There is also a *sacerdos arae Augusti nostri coronatus Daciarum trium*.[106]

In Achaia we have already noticed the κοινὸν τῶν Ἀχαιῶν meeting in Argos,[107] apparently presided over by an ἀρχιερεὺς καὶ Ἑλλαδάρχης διὰ βίου τοῦ κοινοῦ τῶν Ἀχαιῶν.[108] Macedonia had its κοινόν meeting in Thessalonica presided over by an ἀρχιερεὺς καὶ ἀγωνοθέτης τοῦ κοινοῦ τῶν Μακεδόνων.[109] To the κοινόν of Thrace was addressed a rescript of Antoninus Pius,[110] while Crete also had its κοινόν and quinquennial games.[111] In the eastern provinces mention has already been made, and the subject will be again referred to, of the κοινόν and temples of Asia. We hear in the 'Digest' of the president of the Bithynian κοινόν—ἄρξας τοῦ κοινοῦ τῶν ἐν Βειθυνίᾳ Ἑλλήνων,[112] while Pliny[113] makes mention of a *decretum concilii* sent by the province to Trajan. Galatia, as we have seen, had its κοινόν and temple. Cilicia had a κοινόν meeting in Tarsus,[114] Cappadocia one in Caesarea ad Argaeum,[115] Syria at Antioch,[116] and after the province of Phoenice was separated from the rest by Septimius Severus we find a *decretum prov. Phoenices*.[117] Lycia, made a province in 43 A.D., seems to have retained its original κοινόν, while in Alexandria there is a temple to Rome and Augustus, though Egypt, differing from the other provinces in its political position, differs also in possessing no provincial assembly.

This brief abstract of the evidence, which in most provinces might be largely increased, is sufficient to show that the institution of κοινά or *concilia* was universal throughout the empire. It remains to consider their organisation and the nature of the business with which they were mainly occupied. In the first place they were representative assemblies, composed of delegates sent

[97] Della Marmora, *Voyage en Sardaigne*, ii. 483.
[98] Orell. 2214. [99] *C. I. L.* v. 7259 [100] *C. I. L.* iii. 4170.
[101] *Ib.* 4108. [102] *Ib.* 6452. [103] *Ib.* 3343.
[104] *Ib.* 6170. [105] *Ib.* 1454. [106] *Ib.* 1433.
[107] *C. I. Gr.* 1625. [108] *Ib.* 1718. [109] *Ib.* 2007.
[110] *Dig.* xlix. 1, 1. [111] *C. I. Gr.* 2583. [112] *Dig.* xxvii. 1, 6, 14.
[113] *Epist.* vii. 5. [114] *C. I. Gr.* 2810. [115] *Ib.* 3428.
[116] *Ib.* 2810. [117] *C. I. L.* iii. 167.

from the various *civitates* of the province.[118] These delegates to the provincial assembly were probably, like the other *legati* sent for various purposes by the cities, chosen by the *decuriones*.[119] In Asia, where the popular assemblies continued to exercise distinct political functions, it was apparently in these that the election took place.[120] Whether each *civitas* sent a single deputy or more than one, or whether there were gradations of privilege in this respect, it is impossible to decide with certainty. Of the twenty-three cities which sent deputies to the Lycian *κοινόν* we learn from Strabo,[121] though at a date previous to its organisation as a province, that the most important had three votes each, and the rest either two or one according to their size. Aristides too, in speaking of the deputation sent from Smyrna to attend the Asian assembly, uses *συνέδρους* in the plural, while the inscription of Thorigny seems to give similar evidence for the *concilium* of the *Tres Galliae*, when it states that his native city made Solemnis *inter ceteros legatum*.[122] From the other provinces we have no data, and it would be rash to assume that these details were similarly regulated in all parts of the empire.

Coming together as they did primarily for the object of a religious cult, it follows that they must have had a fixed date [123] for periodical meetings, and a definite place or places of assembly where the altars and temples to Rome and Augustus were set up.

With regard to the periodicity of the meetings it seems necessary to assume that they were annual. *A priori* we should expect this from the analogy of other cults, almost all of which certainly had their fixed anniversaries, and also from the design which Augustus in instituting these assemblies had in view, the desire to keep continually in the minds of the provincial populations their association with and dependence on the imperial authority—a design which could have been very imperfectly met by a quinquennial or triennial period. As positive arguments for this view may be mentioned the following points. (1) Tacitus states [124] that Segemundus was

[118] In the west these were called *legati* (Inscript. of Thorigny in Bernard); in the east usually *σύνεδροι* (Aristides, xxvi. 345), but sometimes *κοινόβουλοι* (Waddington, 1176).

[119] Lex col. Genetiv. 92, *duoviri quicunque in ea colonia magistratum habebunt, ei de legationibus publicis mittendis ad decuriones referunto.*

[120] Aristid. *loc. cit.*

[121] Strab. xiv. 3, 3.

[122] This is perhaps confirmed by certain inscriptions found in the amphitheatre near the temple of Augustus at Lugdunum, apparently showing that fixed places were assigned to the deputies from the various cities. Among these *BIT(uriges) C(ubi)* occurs six times, *TRI(casses)* twice.

[123] With regard to the date of meeting we have information only in the case of the *Tres Galliae* and Asia. In the former the assembly met on 1 August: *Kal. Aug. eo ipso die quo primum ibi ara Augusto dedicata est*; Suet. *Claud.* 2; in the latter at some date in February.

[124] *Ann.* i. 57.

created priest at the *ara Ubiorum eo anno quo Germaniae descivere.* (2) A decree of the Lycian *κοινόν* votes a statue to Troilus of Balburra, who had been priest *ἐν τῷ ἐξίοντι ἔτει.*[125] (3) We find coins struck in two consecutive years, 97 and 98 A.D., with the legend *Commune Asiae.*[126] (4) The *ἀρχιερεύς* seems from inscriptions to have been eponymous, and this implies annual election.[127] (5) We know the names of over seventy *flamines* of Hispania Tarraconensis before the time of Diocletian, i.e. between 26 B.C. and 284 A.D., and of 90 *ἀρχιερεῖς* of Asia in about the same period. But if the priests were elected every five years, there could only have been seventy-eight altogether, a number actually exceeded in Asia and so nearly reached in Spain that we should practically on this supposition have the complete *fasti* of the province. But (6) what is perhaps the strongest argument of all is the fact that, as we shall see in detail below, one of the most important functions of the assemblies was to formulate accusations, where necessary, against provincial governors, a function which by no possibility could be discharged unless the assembly met at least annually. Quite in accordance with this we find the province of Asia accusing its proconsul C. Silanus in 22 A.D., and in the next year similarly proceeding against a procurator Lucilius Capito.[128] Similarly the *concilium* of Bithynia had accused the proconsul Varenus Rufus, but while the trial was still proceeding at Rome another meeting of the *concilium* was held, which rescinded the decision of the former one and sent a *decretum concilii* to the emperor dropping the accusation.[129] On the other hand the quinquennial meeting of the assemblies is by no means proved by the passage of Suetonius or the inscriptions which have been relied on in favour of that view. Suetonius says[130] that most of the provinces in addition to temples and altars established also *ludos quinquennales*, while we hear of an *ἱερὸς ἀγὼν πενταετηρικὸς τοῦ κοινοῦ τῶν* Κρητῶν,[131] an *ἱερὸν πενταετηρικὸν κοινὸν* Συρίας Κιλικίας Φοινίκης *ἐν* Ἀντιοχείᾳ,[132] while another inscription speaks of *κοινά* Ἀσίας *καὶ τοὺς λοιποὺς ἀγῶνας πενταετηρικούς τε καὶ τριετηρικούς.*[133] These expressions, however, prove at most the existence of quinquennial games in certain provinces, but this is obviously, even if it could be proved of all, not inconsistent with annual assemblies.

With regard to the place of meeting, there seems to be no doubt that in most of the provinces this was always the same, viz. the site of the original altar or temple to Rome and Augustus. This was not always, or necessarily, the capital of the province, though perhaps in a majority of cases it was so (e.g. Tarraco, Carthage,

[125] Waddington, 1221. [126] Cohen, i. 466; ii. 3. [127] *C. I. Gr.* 3487.
[128] Tac. *Ann.* iii. 66; iv. 15. [129] Plin. *Epist.* v. 20; vii. 6.
[130] Suet. *Aug.* 59. [131] *C. I. Gr.* 2583.
[132] *Bullet. de l'instit. Archéol. de Rome*, 1877, p. 109. [133] *C. I. Gr.* 1420.

Narbo, Lugdunum), since in Upper Pannonia it was Savaria, not Carnuntum or Brigetio;[134] in Lower Pannonia it was a site near the modern Stühlweissenberg, not Aquincum or Acumincum;[135] in Dacia it was in the neighbourhood of Sarmizegethusa not Apulum.[136] In the province of Asia the number of important cities and their emulation and rivalry with one another occasioned a development of the provincial assemblies in a somewhat different line from the other provinces. At first the temple of Rome and Augustus was at Pergamum, and in all inscriptions which clearly date from the time of Augustus it is here that the *κοινόν* was held.[137] But provincial temples were subsequently erected in a number of other cities in the province. Tiberius gave permission to Smyrna to build a temple to himself, his mother, and the senate[138] in 26 A.D., while Cyzicus must have gained a similar permission, since we find the city deprived of its freedom for neglecting to complete its temple to Augustus.[139] Other cities followed suit, and in each city which possessed a provincial temple the *κοινόν τῆς Ἀσίας* was from time to time held. Thus we find it in Sardes,[140] Philadelphia,[141] Cyzicus,[142] Pergamum,[143] Smyrna,[144] Ephesus,[145] Laodicea,[146] and some place, possibly Synnada, in the highlands of Phrygia.[147] In what order the *κοινόν* was held in these cities, or whether there was any strict rotation at all, we have no means of deciding, though the fact that it seems to have been held two years running in Pergamum, in 97 and 98 A.D.,[148] puts a certain difficulty in the way of the rotation theory. Other questions, too, concerning Asia admit of only doubtful answers, and I shall not attempt them here; e.g. whether the term *νεωκόρος* was, as Mommsen thinks, applied to cities which had a provincial temple, or whether Monceaux is right in giving a purely municipal meaning to the word,[149] and also whether the term *μητροπόλεις* was co-extensive with the seats of the *κοινόν*; if so, then the *κοινόν* in Lycia must have been held in Tlos, Xanthus, and Patara, which are described as the *μητροπόλεις* of the Lycian people.[150]

[134] *C. I. L.* iii. p. 525. [135] *Ib.* p. 432. [136] *Ephem. Epigraph.* i. p. 207.

[137] Conf. especially *C. I. Gr.* 3902 *b*, ἐν τῷ γυμνικῷ ἀγῶνι τῷ ἐν Περγάμῳ τῶν Ῥωμαίων Σεβαστῶν.

[138] Tac. *Ann.* iv. 15. There is no doubt that this temple was a provincial one, though not dedicated to Rome and Augustus. As we have already seen, other cults were joined to this in the provinces, and the senate under the empire is often the practical expression, as Mommsen points out (*Staatsr.* iii. p. 1259), for the older and now unmeaning phrase of 'republic,' and therefore a temple to the emperor, the empress-mother, and the senate meant very much the same thing, though in more concrete terms, as 'Rome and Augustus.' See coins in Eckhel, ii. 547, with θεὸν σύγκλητον on the reverse, and also Σεβαστὴ σύγκλητος Σμυρναίων with head of Tiberius on other side.

[139] Dio Cass. lvii. 24, and Tac. *Ann.* iv. 36. [140] *C. I. Gr.* 5918.

[141] *Ib.* 3428. [142] *Ib.* 3674. [143] *Ib.* 1720. [144] *Ib.* 3208.

[145] Eckhel, ii. 521. [146] Wood, *Discoveries at Ephesus*, p. 54.

[147] Aristid. xxvi. 345. [148] Cohen, i. 466; ii. 3.

[149] See on the question, Eckhel iv. 288. [150] Wadd. 1245.

At the meeting of the *concilium* its proceedings were presided over by the priest of the altar of Augustus,[151] an official who was apparently designated a year beforehand at the previous meeting.[152] In the west his title was either *sacerdos*: e.g. *sacerdos ad templum Romae et Augusti ad confluentes Araris et Rhodani*, or *sacerdos trium provinciarum Galliarum, sacerdos provinciae Pannoniae super.*, &c.,[153] or *flamen*, e.g. *flamen provinciae Hispaniae citer.*,[154] *flamen provinciae Lusitaniae.*[155] The difference, however, appears to be a mere matter of terminology, and indeed in Tarraconensis we find indiscriminately the titles *sacerdos*[156] and *flamen* of the province. In the Greek provinces the title is invariably ἀρχιερεύς; e.g. ἀρχιερεὺς τῆς Ἀσίας,[157] ἀρχιερεὺς τοῦ κοινοῦ τῶν Γαλατῶν,[158] i.e. with merely the name of the province or κοινόν attached, and though we find the priests of certain purely municipal cults called ἱερεῖς τῆς Ῥώμης καὶ Αὐτοκράτορος[159] we rarely get this specification in the case of the provincial priests.[160] The president was elected by the *concilium* of the province,[161] and in all probability the *legati* received some sort of mandate from their own city as to the person for whom they should vote. This at least was the case in Asia, since Aristides says that the popular assembly at Smyrna wished to confer on him the κοινὴ τῆς Ἀσίας ἱερωσύνη, which can only mean that instructions were to be given to the σύνεδροι of Smyrna to vote for him.[162] Asia, however, may have differed from the other provinces in this as it certainly did in another point, which we also learn from the same source. It appears from Aristides that the κοινόν selected several candidates (Aristides was himself τρίτος ἢ τέταρτος on the list) and submitted them to the proconsul, who made the final choice. No trace of this appears elsewhere. The presidency of the *concilium* appears to have been the goal of provincial ambition, and the election was not always conducted without tumult and violence.[163]

[151] Conf. expressions like πρῶτος Ἀσίας, πρῶτος τῆς ἐπαρχείας; also *C. I. Gr.* 34 7, ἔδοξεν τοῖς ἐπὶ τῆς Ἀσίας Ἕλλησιν ἐν κοινῷ, Κλαυδίου Λούππου ἀρχιερέως Ἀσίας.

[152] ἀρχιερεὺς Ἀσίας ἀποδεδειγμένος, *C. I. Gr.* 2741; *flamen designatus*, *C. I. L.* ii 4196.

[153] And also in Dacia (*C. I. L.* iii. 1433), Moesia Sup. (*ib.* 773), Dalmatia (*ib.* 2810), Sardinia (Henzen, 5969).

[154] *C. I. L.* ii. 2638.

[155] *C. I. L.* ii. 160, &c., and also in Baetica (*ib.* 2221), Narbonensis (Herzog, 501), Alpes Maritimae (Orell. 2214), Numidia, Mauretania, &c.

[156] *C. I. L.* ii. 4248. [157] *C. I. Gr.* 3953 *b*. [158] *Ib.* 4106. [159] *Ib.* 3524.

[160] A possible exception is, ὁ ἀπὸ τῆς πόλεως ἀρχιερεὺς θεᾶς Ῥώμης καὶ θεοῦ Σεβαστοῦ Καίσαρος (*Bullet. corr. hell.* v. 192), where, however, it is not clear that it is the provincial and not a municipal cult. A certain exception is *C. I. Gr.* 3187, ἔδοξεν τοῖς ἐπὶ τῆς Ἀσ΄ας Ἕλλησιν, Τιβ. Κλαυδίου Ἡρώδου ἀρχιερέως θεᾶς Ῥώμης καὶ θεοῦ Καίσαρος.

[161] *C. I. L.* ii. 2344: *Hic provinciae Baeticae consensu flaminis munus est consecutus.* *C. I. L.* xii. 292: *in quod sacerdotium universa provincia consentiente adlectus est.* Boissieu, p. 91: *a tribus provinciis Galliis ornatus sacerdotio.*

[162] Aristid. xxvi. 345.

[163] Julius Paulus, v. 30: *Petiturus magistratum vel provinciae sacerdotium, si*

The president was the highest personage in the province. Thus Q. Trebellius Rufus was ἀρχιερεύς and πρῶτος τῆς ἐκ Ναρβῶνος ἐπαρχείας.[164] M. Ulpius Tryphon was ἀρχιερεὺς τῆς Ἀσίας, ἐν πᾶσι πρῶτος τῆς πόλεώς τε καὶ τῆς ἐπαρχείας.[165] Another is called ὁ ἄριστος τοῦ λαμπροτάτου τῆς Ἀσίας ἔθνους,[166] and he had almost invariably passed through all the chief municipal offices in his own city. *Omnibus honoribus in patria sua functus* is an expression which meets us again and again in inscriptions.[167] So we find a flamen of the Cottian Alps who had been *decurio* and *IIvir* of Eburodunum,[168] a flamen of Baetica who had been *pontifex, flamen perpetuus,* and *IIvir* in the colony of Patricia,[169] a *sacerdos* of Dacia who had been augur and *IIvir* at Sarmizegethusa, augur at Apulum, and *decurio* at Drobetae,[170] and a *sacerdos* of Pannonia Inferior, who had been a *decurio, IIvir,* and flamen at Aquincum.[171] Similarly in Galatia T. Flavius Gaianus, an ἀρχιερεὺς τοῦ κοινοῦ τῶν Γαλατῶν, had been supreme magistrate in his city, had acted as registrar (πολειτογραφήσας), and had three times gone as legate to Antoninus Pius.[172] M. Aurelius Diadochus while ἀρχιερεὺς τῆς Ἀσίας ναῶν τῶν ἐν Περγάμῳ was ἀρχιερεὺς τὸν αὐτὸν χρόνον τῆς πατρίδος (Thyatira) καὶ διὰ βίου βούλαρχος,[173] while an ἀρχιερεὺς ἐν τῷ Λυκίων ἔθνει is described as ἐν τῇ πατρίδι πάσας τὰς ἀρχὰς τελέσας.[174]

The pecuniary burden imposed on the president in connexion with the games was a heavy one,[175] and hence only men of wealth could undertake the office, and this, especially in the east, tended in some degree to limit the choice, and to make the post, if not hereditary, at least re-occur frequently in the same families. Thus we find at Thyatira a Julius Julianus Tatianus who was the son, grandson, and great-grandson of men who had been ἀρχιερεῖς τῆς Ἀσίας,[176] while Philostratus, doubtless with some exaggeration, says of Scopelianus the Sophist, ἐγένετο τῆς Ἀσίας ἀρχιερεὺς αὐτός τε καὶ οἱ πρόγονοι αὐτοῦ παῖς ἐκ πατρὸς πάντες.[177] This was a tendency, however, which only became marked in the course of time. Theoretically there were no restrictions on the election. The president might come from any of the cities, large or small, which sent

turbam suffragiorum causa conduxerit, servos advocaverit, aliamve multitudinem conduxerit . . . in insulam deportatur.

[164] Herzog, 267. [165] *C. I. Gr.* 3953 *b.* [166] *Ib.* 3504.

[167] E.g. Herzog, 501. *C. I. L.* ii. 4204, 4230, &c.

[168] *C. I. L.* v. 7259. [169] *Ephem. Epigr.* ii. 77. [170] *C. I. L.* iii. 1209.

[171] *Ephem. Epigr.* ii. 258. See also *C. I. L.* ii. 4223; iii. 3368.

[172] *C. I. Gr.* 4016. [173] *Ib.* 394. [174] *Ib.* 4289.

[175] *C. I. Gr.* 297, ἀρχιερέα Ἀσίας ναῶν τῶν ἐν Ἐφέσῳ . . . δόντα τὰς ὑπὲρ τῆς ἀρχιερωσύνης μυριάδας . . . εἰς τὴν κατασκευὴν τοῦ νεῶ. Wadd. 1604, ἀρχιερωσύνη πολυτελεστάτη, and 648, ἀρχιερασάμενον ἐνδόξως μετὰ μεγάλων ἀναλωμάτων.

[176] *C. I. Gr.* 3495.

[177] *Vit. Soph.* 1, 21, 2. Conf. also *C. I. L.* ii. 4231, 4232, where two brothers are flamens of the province, and *C. I. Gr.* 2782.

deputies to the *concilium*, though no doubt the large cities, and especially the capital of the province, furnished a larger proportion than the rest. Thus in the *concilium* of the Tres Galliae we find *sacerdotes* elected from the Aeduans,[178] the Carnutes,[179] the Segusiani,[180] the Tricasses,[181] the Arverni,[182] the Nervii,[183] and about ten other *civitates*. In Hispania Tarraconensis we have as many as twenty-one *flamines* from Tarraco, but we find them also from no fewer than forty-two other *civitates* as well; e.g. Caesar Augusta,[184] Calagurris,[185] Carthago nova,[186] Clunia,[187] Juliobriga,[188] Saguntum,[189] Lucus Augusti,[190] &c. In Pannonia we find them from Aquincum,[191] Siscia,[192] Poetovio,[193] Savaria,[194] and Mursa.[195] In Asia, too, we find the ἀρχιερεύς coming not only from the cities with provincial temples of their own, but also from Thyatira,[196] Aezani,[197] Bargylia,[198] Magnesia,[199] Tralles,[200] Cibyra,[201] Eumenia,[202] Apamea,[203] and altogether from thirty different cities, while Strabo [204] says expressly of Tralles, 'This city is inferior to no other in Asia in respect of the wealth of its inhabitants, and there are never wanting men from it who hold the highest position in the province (οἱ πρωτεύοντες κατὰ τὴν ἐπαρχείαν) and whom they call Asiarchs.'

Prominent as the priest-presidents were in the western provinces, they were still more so in the eastern and Greek-speaking parts of the empire. The splendid robes and golden diadem worn by the provincial priests [205] and the magnificence and pomp of the games were precisely the objects at which the provincial ambition in this part of the empire chiefly aimed, and accordingly almost from the first a more high-sounding title than mere ἀρχιερεύς was employed—at first only occasionally, but with greater and greater frequency in the second and third centuries—to describe the provincial president. In Asia he was Ἀσιάρχης, in Bithynia Βιθυνιάρχης, in Galatia Γαλατάρχης, and similar titles are found in Cappadocia,[206] Pamphylia,[207] Lycia,[208] Cilicia,[209] Syria, and Phoenicia.[210] The question as to whether the Ἀσιάρχης and the ἀρχιερεὺς τῆς Ἀσίας were the same person or not, has been much debated. Waddington [211] and Perrot [212] consider that they were different, the ἀρχιερεύς having the presidency of the κοινόν and the religious celebration;

[178] Bernard, pp. 53, 54. [179] *Ib.* 55. [180] *Ib.* 58.
[181] *Ib.* 64. [182] *Ib.* 66. [183] Henz. 5968.
[184] *C. I. L.* ii. 4244. [185] *Ib.* 4245. [186] *Ib.* 3412.
[187] *Ib.* 4198. [188] *Ib.* 4240. [189] *Ib.* 4214.
[190] *Ib.* 4255, &c. [191] *C. I. L.* iii. 3485, 3626.
[192] *Ib.* 3936. [193] *Ib.* 4108. [194] *Ib.* 4183.
[195] *Ib.* 3288. [196] *C. I. Gr.* 394, 3504. [197] *Ib.* 3831 *a*, 13.
[198] *Bull. corr. hell.* v. 192. [199] *C. I. Gr.* 2912. [200] *Ib.* 2933.
[201] *Bull. corr. hell.* ii. 594. [202] Eckhel, iii. 153. [203] *C. I. Gr.* 3960.
[204] Strab. xiv. 1, 42. [205] Tertull. *de Idolatr.* 18 and *C. I. L.* iii. 1433.
[206] *C. I. Gr.* 4196. [207] Wadd. 1224. [208] *C. I. Gr.* 4198.
[209] Wadd. 1480. [210] *C. I. L.* iii. 167. [211] Wadd. ad nº 885.
[212] Perrot *de Galatia provincia*, p. 150.

the Ἀσιάρχης being president and director of the games. Marquardt and Giraud on the other hand maintain, and I think correctly, that the two personages were identical, a view which is practically also held by Mommsen,[213] who admits that in inscriptions they are identical, but asserts, though on grounds not stated, that they were originally distinct. Without going into all the details of the question, the following points seem to place Marquardt's view almost beyond question: (1) Modestinus [214] says *ἔθνους ἱερωσύνη οἷον Ἀσιαρχία, Βιθυνιαρχία, Καππαδοκαρχία παρέχει ἀλειτουργησίαν ἀπὸ ἐπιτροπῶν.* 'The priesthood of a province such as the asiarchate &c. involves exemption from the duty of *tutela*.' (2) In an *Epistula ecclesiae Smyrnaeae*,[215] it is stated in reference to the martyrdom of Polycarp in February 155 A.D., *ταῦτα λέγοντες ἐπεβόων καὶ ἠρώτων τὸν Ἀσιάρχην Φίλιππον ἵνα ἐπαφῇ τῷ Πολυκάρπῳ λέοντα*, and a little further on *συνελήφθη δὲ ὑπὸ Ἡρώδου ἐπὶ ἀρχιερέως Φιλίππου Τραλλιανοῦ.* These two passages show that the same person in the same year is described as *ἀρχιερεύς* and as Ἀσιάρχης, though it deserves notice that where he is alluded to as president of the games he is Ἀσιάρχης, where he is mentioned as an eponymous official, he is *ἀρχιερεύς*. (3) We have two inscriptions in reference to Tib. Julius Reginus, in one of which he is described as *ἀρχιερεὺς β′ ναῶν τῶν ἐν Ἐφέσῳ*, and in the other as *Ἀσιάρχης β′ ναῶν τῶν ἐν Ἐφέσῳ*.[216] (4) While titles like *Ἀσιάρχης ναῶν τῶν ἐν Σμύρνῃ* and *Asiarcha templorum splendidissimae civitatis Ephesiorum*,[217] prove that the asiarch was not confined only to the games, it is equally clear from a passage of Galenus [218] that the *ἀρχιερεῖς* at any rate in Pergamum did preside on these occasions. (5) The wife of the provincial priest shared his title, as we know from inscriptions in Spain and other places, where we have the title *flaminica prov. Lusitaniae*, &c.[219] Similarly we find M. Aurelius Zeno and Marcia Claudia Juliana his wife entitled *Ἀσιάρχαι δίς*, but we also find that the wife of the Ἀσιάρχης, when described apart from her husband, is *ἀρχιερεία*, evidently implying that her husband is *ἀρχιερεύς*.[220] We shall probably be right therefore in regarding the term Ἀσιάρχης, and the similar titles in other provinces, as a mere addition to or amplification of that of *ἀρχιερεύς* of the province, caused by the love of pompous and high-sounding titles which was common in the east.[221] Sometimes in inscriptions it is substituted for *ἀρχιερεύς*,[222]

[213] *Röm. Gesch.* v. 320.
[214] Cited in *Dig.* xxvii. 1, 6, 14.
[215] Edited in Ruinart, *Acta Martyrum*, 37 *seq.*
[216] Wood, *Discoveries at Ephesus*, pp. 60, 68.
[217] *C. I. L.* iii. 296.
[218] Galen. to *Hippocr. de Part.* xviii. 2.
[219] *C. I. L.* ii. 35, 160, 4198, 4233.
[220] *C. I. Gr.* 3677: *Πλωτίου Αὐρ. Γράτου Ἀσιάρχου καὶ Ἰουλίας Αὐρ. Ἀσκληπιοδώρας τῆς γυναικὸς αὐτοῦ ἀρχιερείας.*
[221] Dio Chrysost. ii. 148 R.
[222] *C. I. Gr.* 3421.

sometimes it was added by way of accumulation, as e.g. T. Flavius Gaianus is *ἀρχιερεὺς τοῦ κοινοῦ τῶν Γαλατῶν, Γαλατάρχης*.[223] Although the title of *Ἀσιάρχης* is found in the first half of the first century,[224] yet it is not till the second and third centuries that it becomes the common term in inscriptions, and this may perhaps be taken to mark the growing secularisation of the institution, especially in the east, where the religious observations were quite thrown into the shade by the splendour of the games.[225]

The extension in Asia of the provincial temples and state cult to other cities besides Pergamum, its original seat, involved the necessity of other *ἀρχιερεῖς* in addition to the priest-president of the Asian *κοινόν*. While the latter was *ἀρχιερεὺς τῆς Ἀσίας* or *Ἀσιάρχης* simply, the former occur under such titles as *ἀρχιερεὺς Ἀσίας ναῶν τῶν ἐν Περγάμῳ*,[226] or *ναῶν τῶν ἐν Σμύρνῃ*,[227] or *ναοῦ τοῦ ἐν Ἐφέσῳ κοινοῦ τῆς Ἀσίας*,[228] or *ναῶν τῶν ἐν Λυδίᾳ Σαρδιανῶν*,[229] or *ναοῦ τοῦ ἐν Κυζίκῳ*.[230] That these local *ἀρχιερεῖς* were elected by the *κοινόν* and not by the cities is proved by their common title of *ἀρχιερεὺς τῆς Ἀσίας* and also by the fact that these priests by no means necessarily belonged to the cities in which they officiated. Thus natives of Thyatira and Philadelphia are *ἀρχιερεῖς* of the temples in Pergamum,[231] natives of Aphrodisias and Aezani of those in Smyrna,[232] and a native of Acmonia of those in Ephesus.[233] What the relations were between these local *ἀρχιερεῖς* and the supreme *ἀρχιερεὺς τῆς Ἀσίας* we do not know, and the nomenclature of the institution becomes still more confusing, when these *ἀρχιερεῖς*, no doubt from similar motives, also adopted, and by adopting rendered unmeaning, the title of *Ἀσιάρχης*. Thus we find an *Asiarcha templorum splendidissimae civitatis Ephesiorum*,[234] an *Ἀσιάρχης τῆς μεγίστης καὶ πρώτης μητροπόλεως τῆς Ἀσίας*,[235] and an *Ἀσιάρχης ναῶν τῶν ἐν Ἐφέσῳ*.[236] It is a mere conjecture, not improbable, but supported by no positive

[223] *Ib.* 4016, 4031. [224] Strab. xiv. 699, and Acts of the Apostles, xix. 31.

[225] Monceaux has an ingenious theory as to the nature of the asiarchate which deserves to be mentioned. Recognising the fact that in many cases they are certainly identical, but bearing in mind the evidence already alluded to for quinquennial games in Asia and other provinces, he supposes that the ἀρχιερεύς in each fifth year, when the games were held, was called Ἀσιάρχης. This supposition is supported by some very plausible arguments. But Giraud brings one objection amongst others to it which seems to me to be fatal. We know the names of twenty-six Ἀσιάρχαι between the reigns of Septimius Severus and Gallienus, i.e. in 67 years, whereas, on the supposition of their being quinquennial officials, that number of asiarchs would cover 104 years.

[226] *C. I. Gr.* 3494, 3416. Conf. κοινὸν Ἀσίας ἐν Περγάμῳ, *ib.* 1720.

[227] *Ib.* 2741. Conf. κοινὸν Ἀσίας ἐν Σμύρνῃ, *ib.* 247.

[228] *Ib.* 2965. Conf. κοινὸν Ἀσίας ἐν Ἐφέσῳ, Euseb. *Hist. Eccles.* iv. 17, 11.

[229] *C. I. Gr.* 3461. Conf. κοινὸν Ἀσίας ἐν Σάρδεσι, *ib.* 5918.

[230] *Ib.* 3664. Conf. κοινὸν Ἀσίας ἐν Κυζίκῳ, *ib.* 3674.

[231] *C. I. Gr.* 394, and Wadd. 653.

[232] *C. I. Gr.* 2987 *b.* and 2831 *a.* 13. [233] Wadd. 755. [234] *C. I. L.* iii. 267.

[235] *C. I. Gr.* 2090. [236] Wood, *Discoveries at Ephesus*, p. 68.

grounds, that these local ἀρχιερεῖς and Ἀσιάρχαι presided at certain annual festivals held in connexion with the local temples, while the ἀρχιερεὺς τῆς Ἀσίας presided only at the so-called κοινὰ Ἀσίας, which were held in some sort of rotation in the different cities of the province. But a full discussion of the peculiarities of the κοινόν in Asia would occupy too much time for the present article. For the same reason I will leave undiscussed the precise functions of the ἀγωνοθέτης [237] and the γυμνασιάρχης ; [238] nor need I do more than allude to the παῖδες καὶ θεσμῳδοὶ ναοῦ τῶν Σεβαστῶν ἐν Ἐφέσῳ κοινοῦ τῆς Ἀσίας,[239] as a proof that the provincial temples had attached to them a number of musicians and trained artistes.

The priesthood was no doubt in all the provinces an annual office. This is proved in the west by such expressions as *exacto flamonio*,[240] *consummato honore flamoni provinciae*,[241] *ob honorem sacerdoti qui statuas sibi anno expleto posuit*,[242] while in the east we find the asiarchate held two or three times by the same person.[243] But if the office was not for life, the honour was, and we constantly find ex-provincial priests described as *flaminales* [244] or *sacerdotales* ; [245] while it is not impossible that the title *flamen perpetuus*, apparently ascribed in a few inscriptions to the provincial priest, is a less correct mode of expressing the same thing. In Asia at any rate it seems clear that the asiarchs retained their title, since St. Paul, we learn from Acts xix. 31, knew several asiarchs in Ephesus, who must therefore have answered to the *flaminales viri* of the west.

Important as the provincial assemblies would seem to be if we judged by their universal existence, their elaborate organisation, and the outward splendour of their meetings, it appears to be none the less the case that they had no necessary or essential place in the machinery of the imperial government. Their primary object was to keep up in the provincial populations the sense of their connexion with and dependence on Rome and the Augustus. For this end external pomp and splendour, dignified titles, and a representative organisation were eminently helpful, but it was probably only as a matter of convenience, and the result of a gradual development, that they were put to any directly political uses. It is quite in accordance with this that the legal position of the *concilia* seems to have been left entirely undefined. The duties and obligations of the provincial governors are exhaustively treated in the 'Digest,' [246] but there is not a word to show that the provincial assemblies were bodies which they were bound to respect, and with which they might conceivably have relations or collisions. The senate after the death

[237] *C. I. Gr.* 4016. [238] Wadd. 1723 *c*. [239] Wood, *op. cit.* 1.
[240] *C. I. L.* ii. 2195. [241] *Ib.* 2223. [242] *C. I. L.* viii. 4580.
[243] *C. I. Gr.* 4075, 3190, &c. [244] *C. I. L.* ii. 983, 4248, &c.
[245] *C. I. L.* iii. 4183. Bernard, p. 58. *C. I. L.* viii. 1827, 2543. [246] *Dig.* lib. i.

of Maximinus issued a proclamation which was sent to all the legally constituted authorities in the empire; but no mention is made of these assemblies,[247] and even the matters which were from time to time transacted by their means might apparently have found other organs of execution. Thus Titus sent a letter to the *κοινόν* of the Achaeans on the exposure of children, but Domitian chose rather to write to the proconsuls on the same subject.[248] Antoninus Pius sent a rescript to the *κοινὸν τῆς 'Ασίας* in reference to the treatment of Christians,[249] but Trajan on the same subject had made his wishes known by means of a rescript to his legate Pliny.[250] Similarly, as we shall presently see, the provincial assemblies frequently set in motion proceedings against their governors, but the case of Marius Priscus and others shows us that even a single *civitas* or individual accusers might bring an accusation and even secure a verdict.[251] The fact seems to be, as Giraud points out, that the *concilia*, at any rate during the first three centuries, were really analogous to the various *collegia*, which were licensed indeed and even regulated in many points of their constitution by state law, but were not any of them strictly public bodies. They, too, had their stated feast-days, their officers, their treasury, and in many cases their common cult, and what is not without significance is that the word *κοινόν* is sometimes found to represent the Latin *collegium*. Thus we have a *κοινὸν λαμπαδιστῶν*, and a *κοινὸν τεχνιτῶν* and a *commune mimarum*.[252] A full discussion of this question of the legal position of the *concilia* would take me beyond the limits of this article; but there seems to be at least a probability that the provincial assembly was originally merely a college the object of whose meeting was the imperial cult, though the members of the college were, strictly speaking, not individuals but municipalities.

When the time came round for the annual meeting of the *concilium* or *κοινόν*, no doubt the first thing to be performed was the solemn sacrifice at the altar of Rome and Augustus. At this the provincial priest elected in the previous year would preside, dressed in all the official robes, and attended by the deputies from the various cities of the province. Connected with this would no doubt be the accomplishment of the vows made the previous year for the emperor's health and safety, and the solemn registration (*nuncupatio*) of vows for the coming year—a ceremony accompanied by the acclamation of the provincials flocking round the altar.[253]

[247] Capitol. *Maxim.* 15.

[248] Plin. *Epist. ad Traj.* 65.

[249] Euseb. *Hist. Eccles.* iv. 13. The authenticity of this rescript has, it is well known, been doubted.

[250] Plin. *ad Traj.* 96.

[251] Plin. *Ep.* iii. 4, 4; Tac. *Ann.* i. 74; iii. 38; xii. 59.

[252] Dittenberger, *Syll. Graec. Inscrip.* 482, 424. Wilm. 2624.

[253] See the account given to Trajan by Pliny of the annual *solutio* and *nuncupatio votorum* by the provincial governors. Plin. *ad Traj.* 100, 101.

This ceremony over, a procession would be formed and the *sacerdos* conducted in state to the circus or amphitheatre where the games were to be celebrated.[254] It is no improbable conjecture that the procession in which the praetor at Rome was conducted to the Circus Maximus, and of which Juvenal gives so graphic a description,[255] may have served as a model for these provincial celebrations, though in the wealthy and luxurious cities of the east the model was very likely far exceeded in splendour and magnificence. It has been already noticed that the *legati* at Lugdunum seem to have had fixed places assigned them in the amphitheatre, and we may well believe that crowds of provincials came to witness the contests.[256] These were perhaps not always exclusively athletic or gladiatorial. At Lugdunum we learn from Suetonius[257] that a contest for Greek and Latin rhetoricians was established, and Juvenal[258] alludes to the whimsical rules made there by Caligula, in consequence of which defeated candidates were sometimes ducked in the Rhone. To the provincials naturally it was the scene in the amphitheatre which was the great event of the annual gathering, but the actual assembly of the deputies only met after the public celebrations were over.

Their first business was probably to choose the priest for the next year. So Strabo[259] says of the Lycian *κοινόν*, 'In the assembly, first the lysiarch is chosen, then the other officers of the league.'[260] This important part of the proceedings over, the *concilium* passed to the consideration of the provincial budget. That this, however, was absolutely unconnected with the system of imperial taxation or with the imperial census is almost certain. To suppose otherwise is inconsistent with what we have seen to be the informal position of the *concilia*, while in the case of the *Tres Galliae*, about whose treasury we have most information, the attribution of any such function to the *concilium* is at once rendered unlikely by the fact that for financial purposes Belgica was grouped with the two German provinces, while Lugdunensis and Aquitania alone were under a common procurator.[261] In truth, the only financial matters which came before the *concilium* related to the expense

254 Tertull. *de Spectac.* 11.

255 Juv. *Sat.* x. 36, *seq.*

256 The amphitheatre at Lugdunum, according to Bernard, could contain 20,000 spectators.

257 Suet. *Calig.* 20.

258 Juv. *Sat.* i. 44.

259 Strab. xiv. 3, 3.

260 *C. I. L.* ii. 2220, 2244; xii. 392.

261 Momms. *Röm. Gesch.* v. 85, and Orell. 3331, 3651 &c. It is true that a mutilated inscription is set up by the province to a *sacerdos Romae et Augusti*, who had apparently had something to do with *totius census Galliae*; but this by no means implies that he had taken part in the census for the *concilium*, or *qua sacerdos*, since we also find the *Tres Galliae* erecting a statue to a *procurator a censibus accipiendis* Henzen, 6944), certainly an imperial official. Mommsen, I cannot think on any sufficient grounds, supposes that the provincial assemblies had some part, if not in the i position, yet in the distribution of the taxes (*Röm. Gesch.* v. 85).

of the cult and the games, the honorary decrees and statues, and the *legationes* which were from time to time sent by the *concilium* to Rome or elsewhere. Under the first head would of course come the expense of building and maintaining the provincial altars and temples, and the cost of sacrifices, the salaries of the under-officials, the maintenance of the slaves, and the expense of the annual games. Under the second head would come, besides the cost of erecting statues, the *viaticum* and other expenses of the *legati* despatched by the province; and last, but probably not least, all the expenses involved in carrying through the prosecution of provincial governors. Towards meeting these expenses there was no doubt (1) a regular quota, imposed at each annual meeting, on the cities sending deputies to the *concilium*. In some provinces this may have been a graduated payment depending on the size of the cities, as appears to have been the case in Lycia.[262] In Asia we must infer from Dio Chrysostom that all paid alike, since he tells the people of Apamea that 'they have as much share in the sacrifices of the province and in the expenditure for them as those cities in which the temples are.'[263] Possibly a *tabularium* was drawn up for this purpose based on the official census of each city. At least, we find an honorary inscription to a *sacerdos* of Tarraconensis, *ob curam tabulari censualis fideliter administratam*.[264] (2) The expenses of the games were, to a great extent at least, met by the presidents themselves, whose office came in time to be a burden even more than an honour.[265] (3) The *legati* sent by the *concilium* often paid their own expenses, and so we find them in inscriptions thanked *ob legationem qua gratuita apud maximum principem Hadrianum Romae functus est*,[266] or *ob legationem censualem gratuitam*.[267] Similarly the statues decreed were often paid for by the recipients.[268] (4) Gifts were often received from individual provincials for purposes of the *concilium*. Thus an heir is required to give from the interest of the property to the high priest of the κοινόν of Asia in Ephesus a sum every year for sacrifices.[269]

The treasury, like those of the *collegia*, was called *arca*. The *arca* of the *Tres Galliae* is attested by numerous inscriptions at Lugdunum, but an *arca* is also known in Africa[270] and Pannonia.[271] Just as in a *collegium* the *arca communis* was under the control of an actor or syndicus *per quem tanquam in republica quod communiter*

[262] Strab. xiv. 3, 3.

[263] Dio Chrysost. *Orat.* 35, καὶ μὴν τῶν ἱερῶν τῆς Ἀσίας μετέστιν ὑμῖν τῆς τε δαπάνης τοσοῦτον ὅσον ἐκείναις ταῖς πόλεσιν ἐν αἷς ἐστι τὰ ἱερά.

[264] *C. I. L.* ii. 4248.

[265] Philostr. *Vit. Soph.* 1, 21: πολὺς γὰρ ὁ στέφανος καὶ ὑπὲρ πολλῶν χρημάτων: and *Dig.* l. 5, 8.

[266] *C. I. L.* ii. 4201. [267] *Ib.* 4208. [268] *Ib.* 2221.

[269] Wood, *Inscriptions from Great Theatre*, No. 1. *C. I. Gr.* 2741.

[270] Wilm. 1404, *arcae prov. Africae.* [271] *C. I. L.* iii. 4099.

agi oporteat agatur,[272] so we find treasury officials in the Gallic *concilium*. Disputed claims, or appeals against the quota, came before the *iudex arcae*,[273] whilst there was also a receiver-general, *adlector arcae Galliarum*, who like the *sacerdos* seems to have passed through all the magistracies in his own city, and was no doubt a member of the *concilium*. To one of these officials we find an inscription set up, *ob adlecturam fideliter administratam*.[274] In Asia there was an official, also a member of the *κοινόν*, called the *ἀργυροταμίας*, who was clearly connected with the treasury of that province.[275]

When the budget was settled, it remained for the *concilium* to pass whatever decrees it deemed advisable. One class of these was of a purely complimentary nature, consisting in the voting of statues and other honours to the priests going out of office, to other officials of the *concilium*, to distinguished provincials,[276] or to the emperor himself.[277] Thus to a flamen of Baetica we find *consensu concilii universae prov. Baeticae decreti sunt honores quantos quisque maximos plurimosque flamen est consecutus cum statua*.[278] Similarly, C. Sempronius Speratus, flamen of the same province, received a statue,[279] while the deputies of Hispania Citerior unanimously voted to C. Valerius Bergidus *ob curam tabulari censualis fideliter administratam statuam inter flaminales viros positam*.[280] In Asia, a decree of the *κοινόν* orders Theophron to be honoured with a gilded statue to be placed in his native city, Hypaepa, and a copy of the decree to be sent to his fellow-citizens.[281] Another inscription, from Thyatira, says: 'Inasmuch as Claudius Amphimachus has without blame held office and fulfilled strenuously the liturgies of his native city, and has given himself up in the direst need of Asia, undertaking, of his own accord, an embassy in its behalf, it is resolved that his honours be set up in the most conspicuous spot in his own city, and that a copy of this decree be sent to the citizens of Thyatira, in order that the city may see that Asia knows how to requite those who have served her well.'[282]

Then, again, besides these complimentary decrees to provincial magnates, we find that *legationes* were sent by the *concilium* to the emperors at Rome. In all probability these were originally merely to convey the loyal wishes and congratulations of the province to the emperor, as, e.g., we find the *κοινόν* of Asia doing on the birthday of Augustus,[283] or as the Gallic *concilium* sent Africanus to

[272] *Dig*. iii. 4, 1, 1.
[273] Bernard, pp. 94, 95. Wilm. 2217.
[274] Bernard, pp. 96, 97. Wilm. 2219.
[275] *C. I. Gr*. 2782, 3957.
[276] *C. I. L*. ii. 4192: *C. Annio Flavo Iuliobrigensi . . . prov. Hisp. citerior ob causas utilitatesque publicas fideliter constanterque defensas.*
[277] *C. I. L*. ii. 4230, honours decreed to a person *electo a concilio provinciae ad statuas aurandas divi Hadriani.*
[278] *Ib*. 2221.
[279] *Ib*. 2344.
[280] *Ib*. 4248.
[281] *Rev. archaeol*. 1885, p. 104.
[282] *C. I. Gr*. 3487.
[283] *C. I. Gr*. 3957

Nero, after the death of Agrippina, with the message, *Rogant te, Caesar, Galliae tuae ut felicitatem tuam fortiter feras.*[284] Pliny tells us that Byzantium spent 15,000 sesterces every year in sending a legate to Rome with a complimentary decree,[285] and considering the close connexion of the *concilia* with the Augustan cult, we cannot imagine that they would do less.[286]

But probably almost from the first the *concilium* began at its meetings to discuss matters of more general interest to the province, and to use the *legationes* as a means not only of conveying their congratulations to the emperor, but also of bringing to his notice any point on which they wished his advice or his permission or his interference. Augustus would see at once the advantages to be gained from this direct communication between himself and the provincials, and by this means the political or semi-political action of the *concilia* would be *de facto* established, although no formal constitution was issued putting *de jure* certain matters in the hands of the assembly; and so while considerable freedom was allowed to the provincials in communicating their wishes to the emperor, there was no formal obligation on him, though he found it more convenient especially in matters social and religious to deal with the province directly rather than through the proconsuls or legates. So Titus, evidently as the result of an enquiry from the province, sends a letter to the Achaeans on the treatment of exposed children.[287] The *κοινόν* of Asia sends Scopelianus to Domitian with a request that he would revoke his decision forbidding vines to be planted in the province.[288] Hadrian sends a rescript to the *κοινὸν τῶν Θεττάλων* on the order of procedure to be observed in the provincial courts.[289] Antoninus Pius replies *ad desideria Asianorum* with a decision that the proconsul must enter the province by sea and pass through Ephesus before entering any of the other *μητροπόλεις*.[290] The same emperor also sends a rescript to the *κοινόν* of Asia extending a certain protection to the Christians against persecution,[291] and to the *κοινὸν τῶν Θρᾳκῶν* on the right of appeal to the emperor.[292] Hadrian writes to the *concilium Baeticae* on the punishment to be inflicted on cattle-lifters (*abigei*),[293] while Antoninus Pius fixes for the *κοινόν* of Asia the number of physicians, sophists, and grammarians for whom immunity from public duties may be claimed in the various classes of cities.[294]

Looking at the miscellaneous character of these rescripts, we cannot avoid the conclusion that it was a mere matter of con-

[284] Quintil. viii. 5. [285] Plin. *ad Traj.* 43.

[286] Other instances of *legationes* to the emperors in *C. I. L.* ii. 4201, 4208, 4055, &c.

[287] Plin. *ad Traj.* 65. [288] Philostr. *Vit. Soph.* 1, 21, 12.

[289] *Dig.* v. 1, 37. [290] *Dig.* i. 16, 4, 5.

[291] Euseb. *Hist. Eccles.* iv. 13. [292] *Dig.* xlix. 1, 1.

[293] *Dig.* xlvii. 14, 1. [294] *Dig.* xxvii. 1, 6.

venience as to what subject the emperor should put into the hands of the *concilium*, and what he should transact with the governor, though clearly imperial questions of all sorts were beyond the range of the provincial assemblies. There was, however, one kind of communication between the assemblies and the emperor which, developing probably from unimportant and informal beginnings, became in time a really important political instrument in the hands of the provincial deputies, and a means by which the emperor was helped essentially in securing good government throughout the empire. Even in republican times we find instances of particular states sending legates with formal *laudationes* of the governor. So Mamertina took this course in the case of Verres,[295] who systematically collected *laudationes* from the *civitates* of the province.[296] Similarly Flaccus received testimonials of this kind from various parts of Greece.[297] The example was followed probably from the commencement by the provincial assemblies, who in sending their annual congratulatory message to the emperor would add a complimentary decree in honour of the governor of the province. That this was at first very much a matter of routine, and by no means of necessity a fair gauge of the provincial feeling, is shown by the restriction which Augustus put upon the practice, evidently with a view of making it a real help in administration. He forbade the provincials, Dio Cassius tells us,[298] 'to give any honour to their governors either during their office or within sixty days after its termination, because certain provinces by framing testimonials and laudations had been the cause of considerable harm.' This rule of Augustus, however, gave a certain official value to these testimonials, where the conditions laid down were complied with, and the absence of any such testimonial would imply a certain censure on the part of the province, which might produce an unfavourable result on the governor's future career. But more than this was implied by the imperial sanction to this custom. The next and obvious step was for the provincials to formulate complaints against bad and oppressive governors, and this too we gather that they began to do in the reign of Augustus himself, since according to Suetonius he appointed a commission of consulars for the hearing of the *provincialium appellationes*, one for each province.[299] This, however, can only have been a temporary measure, and throughout the empire we find that the prosecution of provincial governors, whether by the action of the *concilium* or otherwise, took place under the *lex Iulia de repetundis* of 59 B.C., and before the supreme senatorial court.

[295] Cic. *in Verr.* ii. 5, 13.
[296] *Id. ib.* ii. 26, 64.
[297] Cic. *pro Flacc.* 26, 63.
[298] Dio Cass. lvi. 25.
[299] Suet. *Aug.* 33: *et provincialium (appellationes delegabat) consularibus viris quos singulos cuiusque provinciae negotiis praeposuit.*

If the view taken above of the growth of this function of the assemblies is correct, we must guard against the use of language which would suggest that the accusation of provincial governors was the main object which Augustus had in view when he organised them.[300] It was rather a custom which grew up and justified its existence by its convenience, since instances of provincial maladministration like that of Licinius in Gaul[301] must soon have convinced Augustus of the practical necessity of some systematic and easily applicable means of becoming aware of such cases. That the tentative and uncertain beginnings of this political activity of the *concilia* would by frequent use harden into something like a definite privilege, it is easy to understand, and a striking passage of Tacitus proves that in Nero's time, and probably long before, it had put a weapon into the hands of the provincials which made them a real force to be reckoned with by the governors, and that the necessity of showing complaisance to the influential members of the assembly was at once galling to the senatorial order generally and suggested to them all sorts of corrupt ways of securing a favourable testimonial from their province. Claudius Timarchus, an influential Cretan, was accused of having said *in sua potestate situm, an proconsulibus qui Cretam obtinuissent grates agerentur*. Paetus Thrasea in the discussion of the affair in the senate, after proposing that Timarchus should be expelled from the province, continued: 'Let us take some steps worthy of the good faith and dignity of Rome against this newly developed pride of the provincials, whereby, without withdrawing any means of self-protection from the allies, the false impression may be removed that our characters are to be tried before any tribunal except that of our fellow-citizens. In former days, indeed, not only praetors or consuls, but even private citizens were sent out to inspect the provinces and to report on the obedience of each, and the nations trembled at the opinion of a single citizen. But now it is we who court and flatter foreign states, and as a vote of thanks comes to depend on the whim of individual provincials, the more readily are accusations resolved on. By all means let the provincials bring their accusations, and retain the right of displaying their power, but let fictitious testimonials extorted by prayers be checked no less than corruption or cruelty. . . . It is surely a degradation to us to collect votes like candidates at an election, and the sooner the practice is checked, the greater equity and firmness will characterise our provincial rule.' This remonstrance was not without a temporary effect, and a decree was passed, *ne quis ad concilium sociorum referret agendas apud senatum pro praetoribus prove consulibus grates*

[300] The language both of Marquardt and Mommsen is a little uncertain on this point.

[301] Dio Cass. liv. 21.

neu quis ea legatione fungeretur.[302] That the system of testimonials, however, was in existence in Trajan's time is proved by Pliny in the 'Panegyric,'[303] and in that of Alexander Severus by Lampridius.[304] Several inscriptions testify to these provincial testimonials. Thus the province of Dacia dedicates an honorary *titulus* or statue in the following terms: 'Through the favour of the gods and the concord of the emperors (Marcus Aurelius and L. Verus) it has happened that P. Furius Saturninus, legate of the *Augusti* from his first arrival till his departure from the province, has treated one and all with such generosity and so lightened their burdens that the province, bounden and devoted to his auspicious name and conspicuous virtues, has caused this to be set up.'[305] We also have a decree of the *κοινόν* of Asia dating from the reign of Augustus, in accordance with which a proclamation is to be made in the gymnastic contest of the Roman *Augusti* at Pergamum that 'Asia crowns Paulus Fabius Maximus, the proconsul, and that the decree of the province should be set up on a white marble slab in the temple of Rome and Augustus.'[306] Similarly the *concilium trium provinciarum Galliarum* sets up an inscription to L. Aemilius Frontinus, *legatus Augusti pro praetore provinciae Lugdunensis*;[307] while the same *concilium* sets up an equestrian statue by the altar of Caesar to Tib. Antistius, *integerrimo abstinentissimoque procuratori trium prov. Galliarum primo unquam equiti Romano a censibus accipiendis.*[308]

On the subject of accusations brought by the provincial *concilia* against the governors, very considerable light is thrown by the famous inscription of Thorigny, which was found in the fifteenth century at the village of Vieux, near Caen, was then transported to the château of Torigny-sur-Vire, and then to St. Lô, where it remains at the present time.[309] The inscription, together with a statue of solid marble, was set up by the *concilium* of the *Tres Galliae* in honour of T. Sennius Solemnis, a member of the *concilium,* and probably *sacerdos* of the province, in the town of the Viducasses, his native place. As priest of Mercury, Mars, and Diana, he had provided spectacles of all kinds during four continuous days, while he was distinguished by an honourable character and a creditable military career. But more than this, the decree goes on to say he was also the friend and client of Tib. Claudius Paulinus, *legatus Augusti pro praetore provinciae Lugdu-*

[302] Tac. *Ann.* xv. 20–22.

[303] Cap. 70: *Provinciis quoque in posterum et iniuriarum metum et accusandi necessitatem remisisti; nam si profuerint quibus gratias egerint, de nullo queri cogentur.*

[304] Lamprid. *Alex. Sever.* 22, *praesides provinciarum quos vere non factionibus laudari comperit . . . muneribus adiuvit.*

[305] *C. I. L.* iii. 1412.

[306] *C. I. Gr.* 3902 *b.*

[307] Bernard, p. 98.

[308] *Id.* 99.

[309] Bernard, p. 107, and Marquardt, *Ephem. Epig.* i. p. 205.

nensis, under whom he subsequently served with the sixth legion in Britain.[310] He was also the most approved client of Aedinius Julianus, procurator of Augustus in the province of Lugdunensis. The decree concludes: *Tres provinciae Galliae primo unquam monumentum in sua civitate posuerunt: locum ordo civitatis Viducassium libere dedit. Positum XVIII Kal. Jan. Pio et Proculo consulibus,* i.e. in 238 A.D. in the reign of Maximinus. On the two sides of the base on which this decree occupies the main position are the copies of two lettters, one from Claudius Paulinus to Solemnis accompanying a number of presents which are enumerated, the other from Aedinius Julianus, now *praefectus praetorii,* commending Solemnis to Badius Commianus, apparently some imperial official, either *legatus* or procurator, in Lugdunensis. As it is this letter which forms the most important part of the inscription, I will quote it *in extenso* :

Aedinius Julianus to Badius Commianus, health. When I was acting as quinquefuscalis[311] in the province of Lugdunensis, several good men were brought before my notice, and among them Solemnis, a native of the state of the Viducasses, priest of the province, whom I began to love as well for his principles as for his weighty and honourable character. In addition to this, when they attempted to set on foot an accusation in the *concilium* of the Gallic provinces against my predecessor, Claudius Paulinus, at the instigation of certain deputies who thought themselves injured by him, Solemnis opposed their motion by means of a formal appeal (*provocatione interposita*) on the ground that his city, when it elected him, among others, their deputy, had given him no mandate about an accusation, but had, on the other hand, spoken of Paulinus in terms of praise. By this means it came about that all desisted from the accusation.

From this letter several inferences may be drawn. (1) It seems clear that the *civitates* gave some special mandate to their deputies as to the course they should pursue in reference to a testimonial to the governor or an accusation against him. (2) The question was debated in the *concilium* after the departure of the governor affected, and so in this case under Julianus, not under Paulinus himself. (3) It was the interest of the successor to discourage, and if possible to prevent, the accusation of his predecessor. (4) This might be done by means of securing the influence of leading men in the *concilium.* (5) Thus the door must have been opened to intrigue and corruption of all kinds, and it certainly strikes us as extremely undesirable that a *sacerdos* of the province should be in the position of client to the governor on whose administration the *concilium* had to express its judgment, while the fact that this *clientela* is mentioned as a credit to Solemnis in the decree of the *concilium*

[310] *C. I. L.* vii. 1045.

[311] Julianus was procurator, but was acting as vice-legate, and so had the five fasces of the imperial governors. See Dio Cass. liii. 13; lvii. 17, and *C. I. Gr.* 4033.

itself shows that there was nothing out of the way or irregular in the relationship. (6) Although it has been argued that the words *provocatione interposita* imply that the *sacerdos* or president of the *concilium* had a right of veto in such cases, it seems more probable that Solemnis merely used the influence which his position gave him to induce the other deputies to give up the accusation. Indeed, a right of veto, if it existed, would have been so liable to be at the governor's disposal that the privilege of accusation would have become very much of a farce.

This important document, with the light it throws on the proceedings of the *concilium*, is supplemented in respect to the actual carrying out of the prosecutions at Rome by a number of instances recorded by Tacitus and Pliny. Thus in 22 A.D. C. Silanus, proconsul of Asia, was accused *a sociis* (i.e. by the *concilium*) of *repetundae*, and we learn that the provincial deputies sent by the province to accuse him were *facundissimi totius Asiae*. He was tried before the senate, the emperor himself presiding, condemned, and relegated to the island of Cythmus.[312] Next year a procurator of the same province, Lucilius Capito, was also prosecuted, *accusante provincia*, for having usurped judicial power beyond his department and for enforcing his decisions by means of the military.[313] He was also condemned, and it was on account of these two successful prosecutions that the cities of Asia decreed to Tiberius, his mother, and the senate the temple which was subsequently built at Smyrna. Under Claudius, Junius Cilo was accused by the Bithynians of pecuniary corruption. The case was apparently heard not by the senate but by the emperor himself, and Cilo only escaped punishment owing to the excessive vehemence of the provincial deputies and the connivance of Narcissus. Pouring out their complaints with oriental effusiveness, they drowned one another's voices, and Claudius, asking Narcissus what they said, was told that they were expressing their gratitude to Cilo. 'Oh, then,' said the emperor, 'he shall remain in the province for two years more.'[314] In the same year Cadius Rufus, proconsul of Bithynia, was condemned *accusantibus Bithynis*, on a charge of *repetundae* and expelled from the senate.[315] Under Nero we have no fewer than seven cases. Cestius Proculus, *Cretensibus accusantibus*, was acquitted;[316] P. Celer, *accusante Asia*, while he escaped conviction owing to the emperor's favour, was never up to his death acquitted;[317] Cossutianus Capito, one of the *piratae Cilicum*,[318] was accused by the provincials, and with such success and energy, that he attempted no defence, and was condemned;[319] Eprius Marcellus, accused by

[312] Tac. *Ann.* iii. 66–69.
[313] *Id.* iv. 15.
[314] Dio Cass. lx. 33.
[315] Tac. *Ann.* xii. 22; *Hist.* i. 77.
[316] Tac. *Ann.* xiii. 30.
[317] *Id.* xiii. 33.
[318] Juv. *Sat.* viii. 94.
[319] Tac. *Ann.* xiii. 33.

the Lycians, was enabled by profuse bribery to escape.[320] Pedius Blaesus was expelled from the senate, *accusantibus Cyrenensibus*, for tampering with the treasury of Aesculapius and corrupt administration of the military levy.[321] Vibius Secundus, a Roman knight, and doubtless procurator of the province, was condemned on a charge of *repetundae, accusantibus Mauris*, and expelled from Italy;[322] while Tarquitius Priscus was condemned on a similar charge, *Bithynis interrogantibus*.[323] Under the Flavian emperors Antonius Flamma was condemned on the accusation of the Cyrenenses, and Baebius Massa, procurator of Baetica, was condemned on the accusation of that province.[324] Under Trajan we have three cases described by Pliny, who indeed took a conspicuous part in all of them, in which provincial governors were accused by the *concilium* of the province. In 101 A.D. Caecilius Classicus, proconsul of Baetica, was accused by the whole province on the score of violence and corruption in his administration. The *legati provinciae* secured Pliny's advocacy of their case. Classicus himself anticipated conviction by a voluntary death, but his subordinates were made responsible for their share in carrying out his orders, and several of them were condemned and punished, and the unlawful spoils of Classicus were restored to the provincials.[325] In 103 or 104 A.D. Julius Bassus, proconsul of Bithynia, was accused by the province, *legati* being sent by the *concilium* to conduct the case. One of these, Theophanes, is described as *fax accusationis et origo*. Pliny was this time on the side of the accused, and attributed the prosecution to the intrigues of factious provincials like Theophanes. He was obliged, however, to admit that Bassus had, contrary to the *lex Julia*, received presents in Bithynia, and the accused was condemned to refund the money, while his acts were rescinded.[326] He was, however, neither banished from Italy nor removed from the senate. Finally, a year or two later, Varenus Rufus, also proconsul of Bithynia, was accused by a deputation from the *concilium*, Pliny again being engaged in the defence.[327] The case, however, as far as we know, was never tried, and after the inquiry had been sanctioned by the senate in a preliminary discussion, and the trial was about to commence, another legate, Polyaenus, arrived from the *concilium*, carrying a decree to the emperor by which proceedings were to be stayed and the accusation dropped. The matter was then referred to the emperor, whose decision we do not know. The dropping of the accusation was, it is probable, due to influences similar to those of which we have inferred the effects from the inscription of Thorigny.

From this summing up of the known provincial prosecutions it

[320] Tac. *Ann.* xiii. 33. [321] *Id.* xiv. 18. [322] *Id.* xiv. 28.
[323] *Id.* xiv. 46. [324] Plin. *Ep.* iii. 4, 4; vii. 33, 4. [325] Plin. *Ep.* iii. 9.
[326] Plin. *Ep.* iv. 9. [327] Plin. *Ep.* v. 20; vi. 5, 13; vii. 6.

appears that the privilege was not confined to any one part of the empire. Spain, Mauretania, and Gaul in the west, Crete and Cyrene in the centre, and Asia, Bithynia, Lycia, and Cilicia all give examples, though it is noticeable that out of sixteen cases, four came from Bithynia and three from Asia. This fact shows that, however much the Augustan cult may have been overshadowed in these provinces by the splendour and frequency of the games, their *κοινά* exercised at least as much political activity as those in the west. Another point which deserves notice is that only two out of fourteen cases tried resulted in an acquittal.

To enter into any account of the procedure under the *lex Julia* which characterised these senatorial trials does not belong to the present subject,[328] but one or two points revealed in Pliny's account throw some light on the course taken in such cases by the provinces (1) As soon as the accusation was resolved upon, an *inquisitor* was appointed by the *concilium* to collect all the necessary evidence, and when this was forthcoming, he as well as certain *legati* of the province were sent to Rome to conduct the case in its name. That this and not any financial function was the *rôle* played by the *inquisitor Galliarum*, whose existence is attested by several inscriptions,[329] is proved by Pliny,[330] who, in describing the trial of Classicus, mentions Norbanus Licinianus, *legatus et inquisitor, electus a provincia ad inquirendum*, and who by some means had gained possession of certain incriminating letters written by Classicus himself.[331] (2) Arrived at Rome, the *legati* applied to the senate for senatorial advocates to assist them in the case, sometimes, if not always, specifying those whom they desired to have, and in such cases as a rule the senate met their wishes. Thus the *legati* of Baetica, says Pliny,[332] *questuri de proconsulatu Caecilii Classici, me a senatu petierunt.*[333] But (3) the *legati* themselves took part in the case, although their vehemence was sometimes prejudicial to the cause,[334] and the flights of rhetoric, in which especially those from the eastern provinces indulged, were not always appreciated by the senatorial court.[335] (4) It was not always merely an unsympathetic audience which the *legati* had to fear. Their duty was an unpopular one, and any excess of zeal or technical misconduct of the case was liable to be visited with rancorous severity. Thus Norbanus, a legate of Baetica against Classicus, was accused of *praevaricatio*, and in the middle of the trial, contrary to all rule and all equity, was compelled to answer on the spot not only to this charge, but to a number of others which had nothing to do with the case. He

328 See my introduction to 'Pliny's Correspondence with Trajan,' p. 38 *seq.*

329 Wilm. 2218, and Bernard, pp. 92, 93.

330 *Epist.* iii. 9, 29-31.

331 In this view of the inquisitor I follow Giraud, p. 142.

332 *Epist.* iii, 4. 4.

333 Conf. also *Epist.* ii. 11, 2; vii. 33, 4.

334 Dio Cass. lx. 33.

335 Plin. *Epist.* v. 20, 4: *Respondit mihi Fonteius Magnus, unus ex Bithynis, plurimis verbis, paucissimis rebus.*

was condemned and relegated to an island.[336] Similarly in the trial of Julius Bassus, Theophanes, the *fax accusationis et origo*, only escaped a prosecution for misconduct of the case through the refusal of the consuls to put the proposition to the vote.[337] (5) On the other hand the accusers had a certain advantage in being privileged to compel the attendance of witnesses, which the accused, strange as it may seem, was unable to do; and the fact already pointed out that acquittals are so rare is a proof that in spite of senatorial sympathy with the accused, of which Pliny himself makes no secret,[338] the presence of the emperor in the background was sufficient to ensure substantial justice.

Here this account of the provincial *concilia* must end. We can trace their existence by means of inscriptions in a large number of provinces up to the end of the first half of the third century. With regard to many points in their organisation and functions we are, owing to the nature of the evidence, uninformed. That their existence had an important effect in producing that state of contentment and loyalty towards Rome and that participation in Roman civilisation which were such powerful factors in the success and duration of the empire, there is every reason to believe; but that they were, or were designed to be, important aids in provincial administration, or that they were interposed in revolutionary movements,[339] or played a distinctly political *rôle*, there is no evidence whatever to show. Representative no doubt they were, but examples of the representative system of government they were not. Such a system was not only alien from, it was contradictory to, the whole imperial scheme. The history of the *concilia* by no means ends with Diocletian: on the contrary, after his time they gain a much more definite constitution, and possibly a more defined and distinct sphere of activity. But their character essentially changes: the provinces are re-grouped, and, above all, Christianity assumes first an importance which seems, even as early as Maximinus,[340] to have been the occasion of a regular hierarchy in the religious affairs of the province,[341] and lastly an ascendency which, while it owed much of its success to the ecclesiastical organisation directly borrowed from the provincial *κοινά* of the East, must in its turn have essentially modified the aims and *raison d'être* of these assemblies. A full treatment, however, of this important and interesting subject has still to be attempted.

E. G. Hardy.

[336] Plin. *Ep.* iii. 9, 31, 32. [337] *Id.* iv. 9, 21. [338] *Id.* ii. 11.

[339] Mommsen (*Röm. Gesch.* v. 85) seems wrong in considering the meeting of deputies from Gallic *civitates* summoned by the Remi in 70 A.D. to have been the provincial *concilium* (Tac. *Hist.* iv. 67, 68). It was rather a revival of the old national assemblies like that summoned at Bibracte against Caesar (Caes. *Bell. Gall.* vii. 63), or that called by Caesar himself at Paris (*ib.* vi. 13).

[340] Euseb. *Hist. Eccles.* viii. 14, 9. [341] See Julian, *Epist.* 49 and 63.

The Relationship of the Patriarch Photius to the Empress Theodora

I HAD almost written at the head of this essay 'Photius and Theodora,' when I bethought me that such a title might misguide some one into looking here for something new on that baffling and alluring problem concerning the great empress of the sixth century, and on the subordinate problems touching her friend Antonina and Antonina's son Photius. But it is with a much greater Photius than the son of Belisarius and Antonina that I am now concerned, and with a much lesser Theodora than the wife of Justinian. The point which I propose to consider is trifling compared with any of the questions suggested by the 'Secret History;' it is merely the exact degree of relationship in which the scholar and archbishop Photius stood to Theodora, the wife of Theophilus, and to her brother, the Caesar Bardas.

In the records of the reigns of Michael III, the last ruler of the Amorian dynasty, and Basil I, the founder of the Macedonian dynasty, a curious drama, partly ecclesiastical, partly political, in which the pious Ignatius and the learned Photius played principal parts, stands out prominently. Each of the two rivals, Ignatius and Photius, was patriarch twice. In the reign of Michael, Ignatius was deposed to make way for Photius; and in the reign of Basil, Photius was deposed to make way for Ignatius, who was reinstated. Then, on the death of his rival, Photius became patriarch once more.

It is a curious coincidence that both these prelates had the honour of being related to imperial houses. No tie could be closer than that which bound Ignatius to Michael Rangabé—the first *Michael* who ever wore the Roman purple; for the eunuch who succeeded Methodius on the patriarchal chair was no other than a son of the curopalates who succeeded Stauracius on the imperial throne. There is no question about this relationship; it is stated clearly, along with many other details about the family of Michael I, by Nicetas the Paphlagonian, who wrote the life of the holy Ignatius.

On the other hand, the tie which connected Photius with the Amorian house is not by any means so clear; and, in any case, it

was far from being so close. It was not a tie of consanguinity; it was merely a connexion resting on the marriage of a kinsman of Photius with a sister-in-law of the Emperor Theophilus. But who this kinsman of Photius was, it is difficult to determine. For, through an unfortunate accident, the passage in which this affinity is recorded has suffered a corruption, and doubts have been felt among the learned as to its restoration.

Those who have worked at the Greek sources of the ninth and tenth century know what a large debt we owe to the grandson of the great Basil for his indefatigable industry in the compilation of historical materials. In the history of Michael III, written by the order of Constantine Porphyrogennetos and revised by him, there is a chapter [1] dealing with the kinsfolk of Theodora, the wife of Theophilus and the mother of Michael III. Theodora had two brothers, Bardas the Caesar, and Petronas, *Stratêgos* of the Thracesian theme; and she had three sisters, Sophia and Irene and Kalomaria.[2] Sophia married one Constantine Babutzikos, and the 'Fair Mary' became the wife of Arsaber, who won the dignity of patrician and afterwards the office of *magister* (*officiorum*). It was the marriage of Irene that connected Photius with the family of an empress. Later Greek historians of the eleventh century, Scylitzes and Cedrenus who copied Scylitzes, tell us plainly that 'Irene married Sergius who was brother of Photius.'[3] But Hirsch has made it clear that their statement is inconsistent with established facts.[4] This sister of Theodora soon became a widow, and then went to live with her august sister in the imperial palace on the acropolis of Constantinople. If her husband Sergius was a brother of Photius, how came it that Photius wrote letters to his brother Sergius at a time when he already occupied the archiepiscopal chair and Theodora had been driven from the palace to a lowlier dwelling-place?[5] It is clear, then, that the eleventh century writers misapprehended the fact recorded in an older source; and we may now turn back and see what stands in our text of the history of Michael III, which was composed in the tenth century by the orders of the Seventh Constantine.

ἀδελφαὶ δὲ τρεῖς, ἥ τε εὐφήμῳ οὕτω καλουμένη ὀνόματι Καλομαρία καὶ Σοφία καὶ ἡ Εἰρήνη. ἀλλ' ἡ μὲν Σοφία εἰς κοίτην ἐδίδοτο Κωνσταντίνῳ τῷ

[1] *Scriptores post Theophanem*, ed. Bonn., pp. 174, 175.

[2] Cedrenus calls her simply Μαρία (ii. p. 161, ed. Bonn.).

[3] Cedrenus, *ib.* Εἰρήνη δὲ Σεργίῳ πατρικίῳ ἀδελφῷ τυγχάνοντι Φωτίου τοῦ μετὰ ταῦτα πατριάρχου. The Greek text of Scylitzes has never yet been printed, and we are obliged to have recourse to the Latin translation of Gabius; p. 27*b*, line 22: '*filiae tres Sophia, Maria, et Irene . . . . Irene vero Sergio patricio fratri Photi qui postmodum ad patriarchatus sedem ascendit.*'

[4] *Byzantinische Studien*, p. 216, note.

[5] Theodora was constrained to leave the palace in 856, Photius became patriarch in 857.

*κατὰ τὸν Βαβούτζικον, ἡ δὲ Καλομαρία Ἀρσαβὴρ τῷ τηνικαῦτα μὲν πατρικίῳ ἔπειτα δὲ καὶ μαγίστρῳ, * τῷ Εἰρήνης τῆς μητρὸς τοῦ μετὰ ταῦτα τὸν πατριαρχικὸν θρόνον ἀντιλαβομένου Φωτίου ἀδελφῷ· μεθ' οὗ καὶ δύο τεκνώσασα παῖδας Στέφανόν τε τὸν μάγιστρον, τὸν τοῦ πατρικίου Κωνσταντίνου καὶ στρατηγοῦ Σικελίας, τὸν τοῦ Κοντομύτου γαμβρόν (ἐκεῖθεν γὰρ αὐτῷ καὶ ἡ τοῦ Κοντομύτου ἐκληρώθη προσηγορία) τὴν συγγένειαν πρὸς τὸν πατριάρχην ἔσωζε Φώτιον· ἐξάδελφοι γὰρ οἱ δύο μάγιστροι οὗτοι τούτου ἐτύγχανον.*

Schlosser, the historian of the Iconoclasts,[6] and Hergenröther, in his exhaustive work on Photius,[7] attempt to restore the corruption in this passage with the help of Cedrenus. It is clear, at least, that *ἡ δὲ Εἰρήνη* (or *Εἰρήνη δέ*) has fallen out after *μαγίστρῳ*, in the place which I have marked by an asterisk; and it is almost as clear that Scylitzes found in the text which was before him the name of Irene's husband, *Σεργίῳ*. But, as we have seen, this Sergius, whoever he was, was not the brother of Photius, and therefore we have to reject the proposal of Schlosser to omit the words *Εἰρήνης τῆς μητρός* and insert *ἡ δὲ Εἰρήνη Σεργίῳ* before *τῷ*. The fact is that if we make the insertion and do not make the omission we shall be much nearer the truth. Combefis simply inserted *ἡ δὲ Εἰρήνη*, and thus it stands in the Bonn text; let us improve the reading of Combefis by adding *Σεργίῳ*, and we shall probably have what the anonymous author wrote and his imperial master revised.

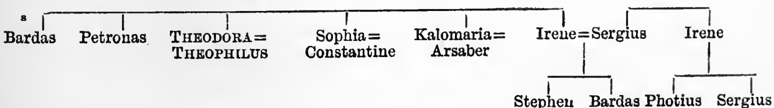
The relationship is simple enough. Irene, the mother of Photius, had a brother named Sergius; and this Sergius married another Irene, the sister of Theodora. Of this marriage were born two sons, Stephen (*magister*) and Bardas (*magister*). Thus Stephen and Bardas were first cousins (*ἐξάδελφοι*) of Photius.[8]

Here we touch another objection to the theory that the husband of Irene was a brother of the patriarch. In that case, Stephen and Bardas would have been nephews of Photius. But *ἐξάδελφος* does not mean a nephew, it means a first cousin, and of this fact Hirsch does not seem to have been aware.

The corruption in the text was perhaps due to the homoioteleuton of *μαγίστρῳ* and *Σεργίῳ*. When a scribe had written *μαγίστρῳ*, his eye fell on the last letter of *Σεργίῳ* instead of the last letter of *μαγίστρῳ*, and he went on to *τῷ*, omitting the intervening words. Or perhaps the circumstance that Photius' mother had the same name as her sister-in-law may have co-operated in causing the textual error. There is certainly no reason for rejecting

[6] *Geschichte der bilderstürmenden Kaiser*, p. 594.

[7] *Photius' Leben und Schriften*, i. 336.

[8]


the word Εἰρήνης before τῆς μητρός. In no other source is the name of Photius' mother recorded, and I see not why we should not on the strength of this passage conclude that she was called Irene. It certainly seems more probable that of an Εἰρήνη and an Εἰρήνης, occurring close together, one should have fallen out, than that Εἰρήνη should have been transposed from its proper place and become Εἰρήνης. But, however the corruption may have been caused, our data point, I think, to the conclusion that Photius had an uncle, as well as a brother, named Sergius; that this uncle married Irene; and that thus the patriarch's aunt by marriage was the sister of the Empress Theodora and the Caesar Bardas.

J. B. Bury.

The Comparative History of England and France during the Middle Ages

THE comparative method, which has done so much service in the natural sciences, finds its application also in philology, which is the natural history of language, and in political history, which is the natural history of society. If historical science does not consist solely in the critical enumeration of past phenomena, but rather in the examination of the laws which regulate the succession of such phenomena, clearly its chief agent must be the comparison of such phenomena as run parallel in different nations; for there is no surer means of knowing the *conditions* and *causes* of a particular fact than to compare it with analogous facts. With identity of effect we can reach conclusions as to similarity of cause, and differences of detail explain in their turn the differences of environment under which the facts have been produced. For example, we can compare the political and social institutions of the Salian and Ripuarian Franks, of the Anglo-Saxons, Ostrogoths, Northmen, and of the other Germanic peoples who have established themselves in the Roman empire; and we are thereby enabled in the first place to reconstitute the civilisation common to the ancestry of the Germanic tribes, in the second place to study exactly the particular conditions under which Germanic civilisation has been evolved in the different Roman countries, and to distinguish and classify the influences which here and there have become mixed up with it. It is by the comparison of the *primitive* societies that are most diverse, most remote from one another in time and space, that we can reach a scientific explanation of the origin of different mythologies and the formation of the first social framework. Studies of this kind are well known in England; they are nearly all the work of Englishmen, for the English are the first who have openly recognised history as a branch of natural philosophy. Nevertheless, in England as elsewhere, the writers who have dealt with *medieval* or *modern* history have scarcely yet attempted to throw light on the annals of one people by those of others.

There are several reasons for this. The most serious, perhaps, is that the comparison of phenomena so complex as those of modern

history is as difficult as the finding of links between the simple phenomena of primitive history is easy. When nations have dwelt apart and have moved in divergent directions during the course of centuries, there comes a time when only differences are to be discovered. It would be useless to compare the present institutions of China with those of France, or of England—even of England under the Georges—with those of France under the Bourbons; they have nothing in common; they each have separate filiations which in no way help to any reciprocal explanation. We may profitably compare the lower types of the vegetable and animal kingdoms, but it is manifestly impossible and absurd to compare the organs of man and those of an oak with a view to discovering their respective genealogies. Only analogous things can be compared, having real purpose, and in the history of modern nations all the analogies are most remote, for they are beings with peculiar and marked personalities, and have long been such.—A second reason is that the use of the comparative method in modern history has become discredited in the eyes of men of true learning, owing to its long-continued abuse by rhetoricians. Superficial comparisons are indeed only too often mere ornaments of style. The parallel which Mr. Freeman continually draws, in his 'Norman Conquest,' between the Anglo-Saxons and Normans on the one hand and the Achaians of Homer on the other belongs to this last category. These scholarly diversions explain nothing, teach nothing; they are comparisons that are not reasons. I willingly admit that similes of this kind, set forth in defiance of all chronology, sometimes appear ingenious, even though the facts or phenomena compared are not united by any natural consanguinity, so long as they are not forced. Such, for example, would be a parallel between Cæsar and Napoleon or a synoptical study of the reigns of Henry VIII of England and Philip the Fair of France. It would be curious to pick out the chance likenesses which exist between the two. Henry VIII and Philip the Fair were both devout princes hostile to Rome; as Henry founded an Anglican so Philip the Fair only just missed founding a Gallican church; in the writings of scribes in Philip's pay there are theories strikingly like those of the reformers of the sixteenth century. As Henry suppressed the monasteries so did Philip suppress the order of the Knights Templars. Both made martyrs of the monks and robbed them under analogous pretexts. And William of Nogaret, the descendant of the puritan Albigenses, seems almost a type of Thomas Cromwell. But this is, after all, a mere mental sport, more amusing than useful. We must guard against confounding fortuitous coincidences with natural resemblances.

The third reason is of an essentially practical kind, but sufficiently serious. In order to compare we must first know, and very few people have mastered both the history of their own country and

that of neighbouring countries. Thus but one Frenchman has had a sufficient grasp of French and English history to compare the two with any skill, viz. M. Guizot; yet he was not a scholar by profession. He has not tried to enter into details; he chose for his motto the saying of Ammianus Marcellinus: *Discurrere per rerum celsitudines, non humilium minutias indagare causarum.* In England no one has laboured in both fields. In their references to the history of France the best English writers keep carefully to the region of rather commonplace generalities. But it is something that so many of them have already set an example of adhesion to the fruitful principle of giving such references at all, as adopted by Mr. Freeman, Dr. Stubbs, and Dr. Cunningham, and recently recommended by Professor Tout.[1]

By studying simultaneously the documents of French and English history during the middle ages I was led to think how advantageous it would be to connect them.[2] Anglo-French history in the middle ages is in just the ideal condition for an easy and legitimate application of the comparative method. In fact here we have two parallel histories in which nearly all the elements are symmetrical, which have in part a common origin and through the course of centuries have come frequently in contact. Their origins are partly common, because on a primitive Celtic base combined Roman and Germanic forces have been imposed under the influence of Christianity. Only the proportion of the factors has varied in the two combinations. There have been many points of contact between insular and continental civilisation; they have over and over again been mixed up and confounded—for instance, at the time of the Norman conquest, during the hundred years' war. Over and over again, too, they have acted on each other from a distance and they have modified each other through indirect influences. They have often had occasion to understand and to imitate each other. In fact, under the Capets and the Plantagenets nearly all the elements of French and English society are commensurate. We have almost the same social hierarchy, the same organs of government. The curia regis of the Plantagenets corresponds to the curia regis of the Capets, the exchequer to the chambre des comptes, the French parlement to the courts of king's bench and common pleas, the grand conseil to the privy council, the sheriffs to the *baillis* and *séneschaux,* the 'justices in eyre' to our *enquesteurs-réformateurs* of the thirteenth and fourteenth centuries, the English parliament to the French *états généraux.* All these political individualities

[1] *English Historical Review*, iv. 368, 1889.

[2] Dr. Gneist compares the history of England with that of Germany often enough but rather arbitrarily, for the histories of England and Germany in the middle ages are by no means akin, while, in the words of Dr. Stubbs, the English and French constitutions were *then* at their nearest points of contact.

ought to be studied in pairs; the points of resemblance and difference in their processes and developments are equally instructive. I gave up a whole year (1889) to sketching out the broad lines of the comparative history of France and England in the middle ages for one of my courses at the Sorbonne, and I have tried to pursue the parallel more deeply in a recent paper on the special point of the history of the French parlement and the English courts of common law.[3] I purpose to study the principal institutions of the continent in order by the light of this method. But it is desirable that it should be more generally used, and I here suggest it to writers of monographs.

It is in the hands of such writers that I think it is capable of producing its best results. It is enough to read through Professor A. V. Dicey's essay on the 'Privy Council,' and that of M. Noël Valois on the 'Conseil du Roi,' to see how much they would each have gained by comparing their authorities. Before making a general philosophy of Anglo-French institutions, such as M. Boutmy has lately undertaken after reading Gneist and Stubbs, it would be well to institute a systematic comparison of the details, and that is for scholars to do, not for philosophers. It is the province of historians to draw conclusions; to scholars it belongs to furnish them with a solid inductive basis by accumulating those infinitesimal connecting links that bring conviction by their number. The first duty of an English or French scholar should be to get information on each detail and on the corresponding detail in the neighbouring country. *Audiatur et altera pars.*

So we should undoubtedly discover some extraordinary synchronisms. Thus the legislation of Edward I and of his contemporaries among the kings of France is very often identical; compare, for example, the ordinance of Philip the Bold's parlement in 1278 with the statute of Gloucester of 1278, the French ordinances of the end of the thirteenth century on mortmain and ecclesiastical jurisdiction (*Ecclesiarum utilitati* of 1279, &c.) with the statute *De Religiosis* of 1279 and the writ *Circumspecte agatis*; compare the constitutional struggles of the reign of the same Edward with this violent outbreak of political activity which is conspicuous in the history of our Philip IV's last days; compare the *Jacquerie*, or the rebellion of the *Maillotins*, with Wat Tyler's insurrection. It would remain to be seen if such synchronisms were mere coincidences or if relations of cause and effect existed between them. For my part, I feel convinced they are not always coincidences and that there was an interchange of influences between France and England in the middle ages even more active than between France and England to-day, when national separation has developed to excess.

[3] *Revue Historique*, xlii. 1, January 1890.

I must ask pardon for offering such simple ideas; they are new enough, seeing that to my knowledge they have never yet been applied. Among other advantages that might follow on putting them into practice would be the creation of a common subject of study among mediævalists of both nationalities and the establishment of a scientific brotherhood that would be a benefit to all.

CHARLES V. LANGLOIS.

Frederick Henry, Prince of Orange

PART II

THE states of Holland, ever refractory, and jealous of interference with their independence of action on the part either of the stadholder or the generality, became by 1627 more than usually restive under the burdens of the war. Absorbed in the prosperity of their commerce they were anxious for an accommodation with Spain, and, under the leadership of their pensionary Pauw, took the bit between their teeth, and determined to pursue their own course regardless of council of state or states-general or any other controlling authority. So obstinate were they, that when the spring came, they not only refused to vote supplies, but disbanded fifty companies of troops that were already in their pay. Under these circumstances no warlike operations of moment were practicable. Fortunately the exhaustion of the Spaniards and their want of a competent general (Spinola died this year, and the count de Berg withdrew from the service of the king of Spain) prevented them from taking advantage of the dissensions of their adversaries.

That the intractable attitude of the Hollanders was not prompted by ill-will to the prince is proved by the readiness with which, in the spring of the following year, they took the lead of the other provinces in passing the *acte de survivance*, by which the little five-year-old son of the stadholder was declared heir to his father's dignities and authority.[35] No stronger testimony could have been given to the hold which the house of Orange had established in the affections of the people. By making the stadholdership hereditary, the position and powers exercised by Frederick Henry differed in little but name from those of a sovereign prince.

In 1631 the damage done to the merchant ships and fishing vessels of Holland by the bold Flemish rovers, who made Dunkirk their head-quarters and were for many years a thorn in the side of the Dutch, made them forget their dislike to the continuance of the war. Their interests were touched, and they joined with the other provinces in voting supplies for an expedition to curb the insolence

[35] *Groot Placaet-Boek*, iii. 108.

of the Dunkirkers.[36] Frederick Henry set out with a fine army of 15,000 foot and 3,000 horse, to march across the enemy's country and lay siege to the Flemish seaport. The preliminary operations were successfully conducted, and the troops had already advanced without opposition into Flanders, when the deputies of the states-general, who always accompanied the Netherland armies, and so frequently hampered their generals in the exercise of their commands, took alarm. They were afraid of being enclosed in a hostile territory, and cut off from their supplies, and, despite the persuasion and expressed wishes of the prince of Orange, refused to give their consent to his running so great a hazard. The stadholder on his side, not caring to take on himself the full responsibility of proceeding further, gave his reluctant consent to the abandonment of the expedition, and withdrew once more, by the way he had come, into Holland.

The year, however, was not to pass without a great blow being struck. Scarcely had the prince returned to his quarters, when he received information that a Spanish armada of 35 frigates, all fine vessels, powerfully built and equipped, and accompanied by twelve large pontoons, and a fleet of smaller boats, loaded with provisions and a store of spades, picks, axes, and other implements, and carrying, besides the crews, a picked force of 6,000 soldiers, had set sail from Antwerp under the command of count John of Nassau, and that the Infanta herself had been present on the quay to see it start. Evidently a serious attack was about to be made upon some one or other of the islands or towns of Zealand. No time was to be lost. Hastily collecting all the vessels from Holland and Zealand that lay to his hand, not more than twelve or thirteen in number, he commanded them to follow closely in the wake of the Spanish fleet, while he himself hurried forward detachments from his army to prevent, if possible, any hostile force from landing. There were no slight difficulties in the way, as the goal of the Spaniards was unknown; and when at last they were seen to be wending their course towards the Isle of Tertolen, a body of English, 2,000 strong, under the command of colonel Morgan, only managed to anticipate them by boldly wading across the channel, with their feet buried in slimy mud, and the water up to their armpits.

Meanwhile the Dutch vessels did not lose sight of their adversaries, though their eager desire to come to close quarters with them was for some days thwarted by contrary winds and tides. At last, in the Slaak, near Princeland, they arrived within shot, and, despite their enormous inferiority, alike in the number and size of their ships, without a moment's hesitation fearlessly assaulted them. The combat lasted right through the night with the astonishing

[36] For a full account of the part played by the sea-rovers of Dunkirk in the war see de Jonge, *Geschiedenis van het Nederlandsche zeewezen*, i. 225–377.

result that, when daylight appeared, it was seen that the entire Spanish fleet was captured or destroyed. Count John of Nassau and a few followers alone made good their escape in a swift sailing sloop. Hundreds were drowned in their efforts to reach the land; while those who were fortunate enough to evade the dangers of the deep, only fled from the merciless fury of the fierce Zealand sailors to find themselves prisoners in the hands of the cavalry, who lined the shore. After the fight was over, no less than 5,000 soldiers and a large number of officers were led before the prince. The victory was overwhelming and complete, and was greeted with general rejoicings throughout the Netherlands.

In the spring of 1632, hearing that a large portion of the Spanish army had marched into Germany to assist the imperialists, Frederick Henry resolved to make an effort to capture the town of Maestricht, and thus strengthen the hold of the united provinces upon the Meuse, and round off their eastern frontier. With this aim, an army of 17,000 foot and 4,000 horse was assembled at Nimmegen. English and French contingents, as so frequently in these campaigns, formed the *élite* of the forces. After capturing Venloo, Roermonde, (before which the brave Ernest Casimir, stadholder of Friesland,[37] met his death), and other small places on his way, the prince of Orange arrived before Maestricht on June 10.

Maestricht was a populous town, full of convents and ecclesiastics, lying on both sides of the river Meuse, and provided with powerful fortifications and a strong garrison. The difficulties of the ground were by no means so great as at Hertogenbosch; the river afforded admirable facilities for obtaining supplies, and the stadholder was able with comparative ease to entrench himself in his position, and to draw lines of circumvallation round the town. The approaches were once more entrusted to the French and English troops, and were at once pressed forward with the utmost spirit and determination.

But the course of events was not to move so smoothly as had been hoped and anticipated. The Spanish commander, Don Gonzales de Cordova, had been recalled from Germany, and advanced with 18,000 foot and 4,000 horse to raise the siege. On July 2 he arrived in the vicinity of the camp, and the utmost vigilance had to be exercised day and night to prevent the extended entrenchments being assailed at some weak point and carried by surprise. But the stadholder, as was his wont, rose to the height of the occasion. He was unremitting in his care and energy; now making the round of the outposts, now visiting the trenches, and showing himself personally indifferent to every kind of risk and fatigue. The presence of the Spanish host caused no slackening in the operations of the besiegers. The approaches constantly advance, though

[37] He was succeeded by his son, Henry Casimir.

every foot of ground is contested, and every point of vantage has to be won at a heavy sacrifice of life. The garrison make sortie after sortie, and meet mines with countermines, rendering all progress slow and difficult. Still the English regiments push on. Colonel Harwood and the earl of Oxford are killed, and colonel Morgan dangerously wounded, but their men are not to be denied, and at last the outworks are carried. But this is only the beginning of the end. An immense dry moat, fifty feet deep, now yawned before the eyes of the assailants. To cross it was impossible. But to the engineering resources of Frederick Henry there was no limit. He ordered two vast shafts to be sunk, 25 feet in diameter and 56 feet deep, and from the bottom of these abysmal pits tunnels to be excavated below the moat, with the sides and roof supported by a continuous framework of timber.

All this occupied much time; and, at the commencement of August, the already dangerous position of the states troops was rendered extremely critical by the arrival of a formidable imperialist army, consisting of 12,000 infantry and 4,000 cavalry under the renowned Pappenheim. The friends of the Netherland cause were now filled with despondency, when they saw the partisans of the house of Austria buoyant with confidence, and efforts were made, through the agency of a neutral intermediary, the duke of Neuburg, to persuade the prince that it was useless for him to persevere any further with his undertaking. But the Spaniards reckoned without their host. A story, told by Constantine Huyghens,[38] who was himself doubtless present on the occasion, of an interview between the prince of Orange, and a trumpeter, who had been brought to his tent on some mission from the marquis de Santa Croce, one of the Spanish commanders, is very characteristic. The stadholder as he sits at his table, pen in hand, inquires, What does the marquis say about the siege?' 'He says,' is the reply, 'that even if you take the town, he does not know how you intend to find your way back into Holland.' '*Mon Dieu*,' muttered the prince between his teeth, as he signed some papers, '*dessus leur ventre*,' and then, raising his head with a smile, 'Did he say that, trumpeter? Well, we must see; we must see; but in any case let us take the town first.'[39]

Meanwhile, close to his entrenchments, lay the two hostile armies, chafing with impatience at their impotence, and watching their opportunity to strike an effective blow for the succour of the garrison. It came at last. One morning, when the prince of Orange was confined to his bed by the gout, Pappenheim hurled his forces against the Netherland lines on one side of the Meuse, while the Spaniards threatened them on the other. On hearing

[38] *Mémoires*, p. 82.

[39] *Il faut veoir, il faut veoir* (*c'estoit son mot*); *ayons tousiours la ville par avance.*

the news, Frederick Henry rose, mounted his horse, and hurried to the front. A fierce and sanguinary struggle ensued, nor was it until, on the side of the states, every available man had been called into action, that the assault was repelled. Just as night was falling, the imperialist general retired, leaving behind him 1,500 men killed and wounded. Force being thus of no avail, an attempt was next made to blockade the Netherlanders by cutting off their supplies of food and munitions. But the stadholder had already taken care to provide himself with a plentiful supply of necessaries of every kind for two months, and paying no further attention to the foes without, or to their efforts to possess themselves of his communications, he turned all his energies to the completion of the two subterranean passages, which were being driven beneath the great moat of the town. That entrusted to the English was first completed, and a mine laid under the bastion. The orders of the prince were that, immediately after the explosion, a rush should be made to secure a firm lodgment at the breach, but that nothing further should be attempted in the first instance. With this design a forlorn hope of fifty men were drawn up in the tunnel led by lieutenant Nettlewell, supported by 500 more, in detachments of 100 men each, the whole body being under the command of colonel Holles. The mine was fired, but unfortunately only brought down the masonry and not the earthen rampart of the bastion. The English troops, nevertheless, as soon as they had set foot in the breach, nothing daunted by the obstacles that stood in their way, and refusing to be restrained by their officers, dashed forward with impetuous gallantry to make themselves masters of the fortifications. But the report had given warning to the enemy. They gathered together in force from all parts, and a perfect hail of shot was poured into the small band of stormers, and heavy were the losses that were sustained. The steepness and narrowness of the ascent, from the bottom of a shaft sixty feet deep, prevented reinforcements from coming rapidly to their assistance, but with desperate valour the fight was maintained against tremendous odds, and, though the ramparts were too strong to be carried by so small a body of men, not all the efforts of the garrison could deprive the assailants of the foothold they had gained on the further side of the moat. Night put an end to the fight, but such was the impression made upon the defenders by this display of reckless daring that, fearing that other mines were ready to be sprung, and that an obstinate resistance might end in the sack of the town, they made overtures to capitulate. These were accepted, and on 23 Aug. the garrison marched out with all the honours of war. The Spanish and imperial armies were still encamped in the vicinity, but finding that no assault could be made upon the stadholder with any hope of success, and that supplies were

beginning to be very scarce, they retired, Pappenheim across the Rhine, and the marquis in the direction of Liège. With the capture of Orsoy by count William of Nassau, the campaign on the part of the states was brought to an entirely triumphant conclusion. At the termination of this siege, we enter upon one of the critical periods alike of the eighty-years' and the thirty-years' war. The duke of Aerschot, one of the first nobles of the Spanish Netherlands, came into the prince's camp, with the consent of the Infanta Isabella, to propose that deputies should be sent to Maestricht on the part of the southern provinces, to negotiate a peace, or a long truce. The stadholder signified his willingness to treat, and the deputies arrived, but the matter being brought before the states-general, it was determined that the proposals could only be considered at the Hague, and the envoys were requested to proceed thither. At this time we have the unimpeachable testimony of the prince himself, that terms might have been agreed upon, very favourable to the united provinces.[40]

With the transference of the negotiations to the capital, the favourable moment passed never to return. The deputies met, indeed, but the Brussels envoys drew back from their first proposals, differences of opinion arose, and for long months the *pourparlers* were spun out, each side trying to outwit the other by the exercise of diplomatic skill and *finesse*. Yet undoubtedly the original terms, as presented at Maestricht, met with the prince's own approval. How, then, explain this sudden change of front? The cause is not, I think, far to seek.

The motives which influenced the southern deputies suddenly to become more exigent in their demands, and which finally induced the stadholder to place himself unreservedly at the head of the war party, and to become a thick-and-thin advocate of closer relations with France,[41] are to be found in the disappearance in quick succession, from the *proscenium* of contemporary history, of two most important political personages. At the time of the surrender of Maestricht, Gustavus Adolphus was at the very zenith of his phenomenal course: before the return of Frederick Henry to the Hague, he was lying, a mangled corpse, upon the blood-stained field of Lützen (6 Nov. 1632). The death of the dreaded conqueror, in the very flush of triumph, caused the hopes of the catholic party to rise, and with them, their demands. And the stadholder, even if he were not prompted by jealousy, as Aitzema[42]

[40] *Mémoires de F. H.* p. 157. *L'on croit que si le traicté se fust fait à Maestricht à la faveur de nostre Armée, que l'on l'eust conclu en peu de temps avec grand avantage de l'Estat.*

[41] Even in the spring of 1633 (4 April) the French ambassador writes to Richelieu: *Charnacé fut voir le prince d'Orange et le trouva peu affectionné à là France. Archives de la maison d'Orange-Nassau,* 2nd ser. iii. 37.

[42] *Saken van Staet en Oorlogh,* xii. 183.

hints, to hold aloof from Sweden during the lifetime of her great king, at least had no longer any grounds for fearing 'that his light and splendour would be eclipsed by the Swedish sun.' But another death, yet more momentous in its relations to the united provinces, was to follow. On 29 Nov. 1633, the Infanta Isabella, after governing the southern Netherlands for thirty-six years, passed away from the scene, and, with her demise, the catholic provinces once more fell under the direct sway of the Spanish king. This excellent princess, of whose good qualities Frederick Henry records his full appreciation in his Memoirs,[43] and who had secured the affection and willing obedience of her subjects, did not inspire in the minds of Hollanders and Zealanders that deeply rooted aversion and distrust, which were almost universally felt towards Philip II and his successors upon the throne of Spain. Her decease, then, was at once the signal for the deputies to quit the Hague, and for Orange to declare himself unequivocally in favour of a resolute prosecution of the war.

The French alliance became, henceforth, not merely expedient, but necessary. There was, however, now, as always, a strong peace party in Holland who, under the leadership of pensionary Pauw, left no stone unturned to thwart the prince in his efforts to negotiate with Richelieu, and all the diplomatic resources of the stadholder and his minister Aerssens had to be called in play before anything definite could be achieved. The states of Holland refused their consent to the signature of any treaty, and the assent of all the other provinces was unavailing so long as one was refractory. It became a struggle for supremacy between the stadholder and the pensionary, on the issue of which depended the position and authority of the former.[44]

Nor was this the only impediment against which Frederick Henry had to contend. The princess of Orange was at this time a strong adherent of the peace party, and though her course was prompted not by reasons of state, but by some petty motive of feminine pique, her power over her husband was such as to cause no slight feelings of apprehension in the mind of the French ambassador.[45] His fears were groundless. For not only was the resolution of the stadholder far too firmly fixed to be swayed by backstairs influences, but his wife suddenly changed sides;[46] some

[43] P. 167.

[44] Richelieu writes to Charnacé, 1 Jan. 1634: *Il sera absolument nécessaire que M. le Prince d'Orange ruyne Pau, s'il ne veut perdre le crédit et l'authorité qu'il doibt avoir dans les Etats.* *Archives*, p. 42.

[45] Charnacé to Richelieu, 11 Oct. 1633: *Sa femme, qui a un infini pouvoir sur luy (F. H.), et qui par petits interêts de femme est passionement pour la trêve . . . Je crains extrêmement sa femme.* *Archives*, p. 39.

[46] Again, 23 Jan. 1634: *La femme d'Orenge est autant passionnée pour le Roy et Mgr. le Cardinal, qu'elle a esté contre, et, comme il y a quelque jalousie entre elle et la veufve du Palatin, peu de choses les mettent en pique.* *Archives*, p. 49.

slight quarrel with the queen of Bohemia sufficing to make her henceforth espouse the cause of the French alliance with the same vehemence with which she had formerly declared herself on the side of reconciliation with Spain.

From this time the policy of Aerssens was triumphant. The pensionary was artfully persuaded to form part of a special embassy to Paris, only to find himself a tool in the hands of his opponents, his return to Holland delayed on various pretexts, and, meanwhile, his influence undermined and his place filled in his absence by Jacob Cats, a most worthy man and a distinguished poet, but, as a statesman, a nonentity. A treaty of subsidies with France was signed in April 1634, and was followed by an offensive and defensive alliance against the king of Spain at the beginning of 1635. By this neither power was to make peace or conclude a truce without the consent of the other, their conquests in the southern Netherlands were to be divided between them, and each undertook to put in the field an army of 25,000 foot and 5,000 horse. It was long before Richelieu could be persuaded to an open rupture with Spain, but the defeat of the Swedes at Nordlingen, and the declaration of Oxenstiern, that he would not continue the war if Holland withdrew,[47] lent weight to the arguments of the Dutch diplomatist, and contributed in no slight degree to influence the cardinal to take the decisive step.

But it is time to retrace our steps, for during all these negotiations the war had still smouldered. In 1633 the prince of Orange had entered the field with considerable forces, but the only result achieved was the capture of Rhijnberg, a town which had frequently changed hands in the course of the war. All his endeavours to bring the Spaniards to risk a battle were unavailing. The next campaign was, if possible, even less interesting and decisive. Both sides were somewhat half-hearted in the struggle, and were quite content if by manœuvring they could prevent their adversaries from gaining any advantage. But with the arrival at Brussels of the Cardinal Infant Ferdinand, with strong reinforcements, as governor of the low countries in the name of his brother Philip IV, and the simultaneous conclusion of the treaty between France and the united provinces, war broke out in 1635 with renewed vigour.

A splendid French army advanced from the south under Marshals Chastillon and de Brésé, and after completely defeating a Spanish force under Prince Thomas of Savoy, near Namur, advanced to join the Netherlanders at Maestricht. Louis XIII had conferred upon Frederick Henry the title of lieutenant-general in his army with full powers, and the marshals, according to his instructions, on arriving at the states' camp put themselves under his orders. The united armies, which reached the imposing total of 32,000 foot

[47] *Mémoires de Richelieu*, viii. 382.

and 9,000 horse, at once advanced into the enemies' territories. Tirlemont was taken, the country ravaged to the gates of Brussels, and an attempt made to besiege Louvain. But want of provisions, disease, and above all dissensions of opinion between the stadholder and the French commanders, brought the campaign to an unfortunate close. A retreat to Nimmegen was resolved upon, and, as is so frequently the case in retrograde movements, was attended with disaster. The Cardinal Infant, who was possessed of genuine military talent, did not let slip his opportunity. Diest, Goch, Gennep, and Limburg fell rapidly into the hands of the Spaniards, and finally, the fort of Schenk, at the junction of the Rhine and the Waal, was surprised and taken by assault. The loss of this stronghold, commanding as it did the course of two such important rivers, was a serious blow to the united provinces, and the prince at once felt that it was impossible to leave it in the hands of the enemy. He therefore laid siege to it in form, and such was the strength of the position and the vigour of the defence, that the leaguer continued throughout the entire winter, nor was the capture effected until 29 April, 1636. On the whole the results of French co-operation in the war were not in the first instance satisfactory. The states' army being wasted by fatigue and disease through remaining under arms during the inclement season, Frederick Henry determined not to undertake any fresh operations during the early summer of 1636, the more so as the remnants of the French auxiliary force had been withdrawn. His inactivity was at once taken advantage of by the Spaniards, who were only too glad to have the chance of avenging themselves upon the French for their invasion of the preceding year. The Cardinal Infant and Picolomini, at the head of a force composed of many nationalities, crossed the frontier and penetrated to within a few leagues of Paris, Picolomini's Croats harrying the country with fire and sword as they advanced. At the French court all was consternation, and loud protests were addressed to the prince of Orange and the states for their lethargy. Such was their insistence that Frederick Henry, gathering together rapidly all available troops, set out as if to invade Brabant. The diversion was effectual. The Spaniards hastily retired from Paris to their own territory, satisfied with the scare that they had given to the king of France in his capital.

In the following year, under strong pressure from the French ambassador, Charnacé, acting under the instructions of Richelieu, the states gave their consent to the levying of a formidable army with the aim of making another effort to capture Dunkirk. The French king promised to send a picked force of 5,000 men to assist in the siege operations, and expressed his willingness in case of its capture to allow this important seaport to remain in the possession of the Netherlanders. The prince of Orange threw himself with

all his wonted forethought and energy into the task of making full preparations for so weighty an enterprise. His cousin, the stadholder of Frisia, was entrusted with an adequate force for the protection of the eastern frontier, while he himself, leaving the Hague on 7 May, gave orders for a general rendezvous of his troops at Rammekens, where he had collected a number of vessels, sufficient for the transport of 14,000 infantry and 32 companies of horse. But misfortune dogged the expedition from its outset. A portion of the fleet was almost wrecked in a violent tempest on their way to Rammekens, and when at last all preparations had been made for a start, contrary winds persistently blew, not for a few days, but week after week, until the spirits of the troops were quite worn out with the weariness and despondency of enforced inaction, and disease began to make inroads in their ranks. But Frederick Henry was not to be thwarted with impunity by adverse breezes, and finding that the wind showed no signs of veering, and that the enemy had gathered in force to prevent his landing in Flanders, he suddenly gave orders on 20 July that the fleet should set sail for Bergen-op-Zoom. Here he arrived the same day, and at once, amidst outcries of delight and enthusiasm from his soldiers, directed his march straight upon Breda.

It was a bold venture at so late a period of the summer, for the fortress of Breda, 'the *chef d'œuvre*,' as Aerssens says in one of his letters, 'of the late prince of Orange, who was the Archimedes of our age in this science,'[48] was believed to be impregnable. Grief at being unable to raise the siege in 1625 had hastened the death of Maurice, and its reduction by famine after an eleven months' blockade had thrown a gloom over the commencement of Frederick Henry's stadholderate. Yet Spinola, in this siege, skilled general as he was, had never dared to make a direct attack on the fortifications; and, since its capture, these had been still further strengthened by the Spaniards, and were held by a powerful garrison of 4,000 men, under a resolute and experienced governor. But in his great sieges, difficulties only seemed to add to the zest with which Frederick Henry set himself to overcome them. To be assured that a fortress was impregnable, but spurred him on to more determined effort; knowing full well that he was a master of his craft, he was always imbued with the firm belief that the resources of his engineering skill and ingenuity must in the end triumph over all obstacles.

The story of the leaguer of Breda is but a repetition of those of Hertogenbosch and Maestricht. In a trice all the positions of vantage round the town are seized and entrenched. In three days the place is encompassed by lines of circumvallation. Then the river Aa is dammed, so that its waters flood the surrounding country.

[48] *Archives*, p. 99.

In vain is it that the cardinal Infant arrives with an imposing army; he waits three weeks, but can find no weak spot in the lines of the stadholder. He dares not venture an assault, and so moves off to try his fortune elsewhere, and is successful so far as the capture of such places as Venloo and Roeremonde can compensate for his failure to relieve Breda. And now, without one moment's pause, the approaches are pushed towards the battlements of the town; the principal attack being once more confided to the English and French regiments. On the 10th day the trenches reach the counterscarp. The ditch bars the way of the troops, but it is filled with fascines, and the outwork is carried by assault, not without a severe struggle. Amongst those who lost their lives on this occasion was Charnacé, the well-known French ambassador, who was shot through the head while gallantly leading on his regiment. His death was deeply regretted alike by the prince of Orange, who had formed, during his residence at the Hague, a close friendship with him, and by Richelieu, whom he had served so well and faithfully.

It is needless here to describe in detail the progress of the further operations, the galleries by which the great moat was successfully crossed, the mines that were sprung, or the desperate fighting, which took place before the besiegers could make good a lodgment within the ramparts. At last the entry of a French army into the Spanish Netherlands having called away the cardinal Infant, the governor, finding the fortifications assailed at three points simultaneously, saw that further resistance was useless. The town capitulated, and on 10 October, after a siege which had lasted but eleven weeks, amidst a huge concourse of people, who had come from Holland to see the spectacle, the garrison marched out with all the honours of war, and retired to Mechelen. The fall of Breda caused the greatest joy throughout the united provinces, for it was the last place of importance within their boundaries which was in the hands of the Spaniards. The Netherlanders now felt themselves really masters of their own domain.

During this and the following year the stadholder was much worried and disturbed by a breaking out afresh, and in a more aggravated form than ever, of the constant disputes between the generality and the states of Holland. The latter refused to admit the authority of the former, either in the matter of the raising of levies and taxes, or what was more serious, and it was a point that had never before been raised, in questions of judicature. Aerssens writes to the prince in the camp before Breda letters, in which he places before him in the strongest light the gravity of the situation, and insists that strong and immediate action should be taken to prevent the worst consequences ensuing.[49] The Hollanders were,

[49] *Archives*, letters 529, 530, 531, 532, 533. *Ce faict est de tel poids, que je déliběroy d'en aller conférer avec v. A., sy je ne la jugeoy trop empressée du grand affaire que*

however, resolute in their resistance alike to threats and persuasion, and not all the efforts of the prince or his skilful minister could do more than patch up the quarrel. There was indeed no means of compelling obedience, such was the peculiar constitution of the united provinces.

Amsterdam on this occasion, as on so many others, took the lead[50] in prompting the states of Holland in their refusal to submit to the superior authority of the states-general, but was equally ready, when occasion offered, to assert its own privileges in defiance of the provincial states, as well as of the states-general. So much so, that when in 1639, the states and the prince humbled themselves to send a deputation to the burgomaster and town council of Amsterdam to explain to them the proposals of his highness, and to beg them to give their consent to certain projects of the admiralty, the burgomaster refused even to call the council together, and left the envoys to provide for themselves, as best they could, in a public hostelry.[51] Between the great commercial city and the stadholder there was indeed from this time forward no love lost.

The following story gives a good illustration of the spirit of the Amsterdamers, and certainly affords a justification for any ill-will which may have been borne to them by Frederick Henry. It appears that information was given by the French ambassador, Estrades, to the council of state that a certain merchant of Amsterdam, Bylandt by name, was supplying the Spaniards at Antwerp with ammunition. When at the prince of Orange's orders his vessels were stopped at the Texel, and himself summoned before the magistrates of the town, he boldly defended himself by saying 'that the citizens of Amsterdam had a right to trade where they pleased; that he knew a hundred others, who trafficked, as he owned he did, with the Spaniards; but that no trammels ought to be put upon commerce, and that, as far as he himself was concerned, he would make a voyage to hell for profit, even at the risk of singeing his sails.'[52]

Finding this pleading very just and reasonable, the magistrates dismissed the case. Well might the prince be filled with rage, and exclaim in his indignation, 'I have no greater enemy; but if I only get Antwerp, I will bring them to their senses.'[53]

The capture of the great port on the Scheldt by Parma had given the death-blow to her splendour and prosperity, and her commercial supremacy had forthwith passed to her rival on the

vous avez sur les bras; mais, quoy qu'il en soit, il n'y faut rien négliger, sy on ne veut veoir jetter par terre l'authorité publique, p. 106.

[50] *Amsterdam de vlagge voerde.* Aitzema, xiv. 176.

[51] Bilderdijk, *Gesch. des Vaterlands*, viii. 138–144.

[52] *Hij om winst te doen in de Hel varen zou, al zou hij er zijn zeilen bij branden.* Aitzema, xvii. 666.

[53] Bilderdijk, viii. 143–145. Lijndrajer, 98. Estrades i. 28.

shores of the Zuyder Zee. To lower the pride of the latter by securing to the united provinces the possession of a city so populous and well-situated, had made the recapture of Antwerp one of the most cherished projects of the princes of Orange. Possibly the haughty spirit of independence exhibited by Amsterdam about this period may have stimulated Frederick Henry to attempt the siege of Antwerp in 1638. At any rate all preparations were made for the undertaking, and no effort was spared, which care and foresight could suggest, to take time by the forelock and ensure success. But this was doomed to be to the stadholder, and that through no fault of his own, a year of misfortune. As a preliminary step count William of Nassau was despatched with 6,000 men to make himself master of certain strong places on the Scheldt, and with instructions, after occupying and garrisoning these, to march at once with his main body to join the prince before Antwerp. The first part of the programme was brilliantly carried out. The positions were seized, but certain reports having reached count William, as to the strength of the enemies' forces in his front, and of a fleet, which had been sent to cut off his communications, he lost his head, and instead of following the orders of his chief determined to retire by the way he had come. The news he had received was false, but the fatal step had been taken. The Spaniards came up with and attacked his troops, just as, disheartened and in disorder, they were preparing to ford a narrow channel. But little resistance was made, and of the entire force only a small number made good their escape. The blow was as crushing as it was unexpected, and upset all the prince's combinations. All idea of besieging Antwerp had for the time to be abandoned. Nor was this the only evil result of this disastrous defeat. The cardinal Infant, finding his hands free in the north, seized the opportunity of despatching a large force under Picolomini to the relief of St. Omer, which had been for some time closely invested by a French army. The famous *condottiere* was entirely successful, and forced the enemy to raise the siege and beat a retreat.

After some weeks of inactivity Frederick Henry, unwilling to let the season pass without striking one more blow, cast his eyes upon the town of Gueldres. His designs were again foiled. Ferdinand, whose activity and vigilance at this time deserve the highest commendation, had already strengthened the garrison and made the approaches to the place very difficult. The prince, finding himself in presence of a hostile force, with portions of his army divided one from the other by narrow roads and marshes, halted the main body and sent pressing orders to the detachment under the stadholder of Frisia to rejoin him with the greatest possible despatch. Count Henry attempted to obey, but, choosing a shorter cut across the marshes than that indicated to him by the commander-in-chief,

his heavy guns stuck fast in the mire, and being attacked at a disadvantage by the enemy he was compelled to beat a hasty retreat, leaving his artillery and a large number of prisoners in the hands of the Spaniards. And so this gloomy campaign of misadventures closed with not a single ray of success to light up two dismal failures.

The anxieties of the stadholder during this autumn were in no slight measure increased by the sudden advent of the queen mother of France into the united provinces. Marie de Medicis had since 1631 been resident at the hostile court of Brussels, where she had actively intrigued against cardinal Richelieu, and had done her utmost to thwart his plans and undermine his influence. Finding all her efforts useless, she had determined to throw herself upon the hospitality of the prince of Orange, in the hope of thereby propitiating the cardinal, and securing permission to return to France. The prince, acting under the advice of Aerssens, resolved to make no enemies. The queen was received with the utmost courtesy, but meanwhile a special envoy was sent to Paris to ascertain the wishes of the king and his minister, and to express the desire of the stadholder to be guided entirely in the matter by their decision. He wisely declined to take any initiative or responsibility. The result of the negotiations was an offer on the part of the king to pay his mother her full jointure, if she would retire to Florence, and abstain for the future from all intermeddling with French politics. This offer was, however, far from meeting the views of Marie de Medicis. So after a sojourn of three months in Holland, during which she was fêted lavishly, and treated by all classes far better than she deserved, she finally set sail, to the inward relief of her hosts, at the end of October, for England, and took up her residence at her daughter's court in London.

Discouraged by the events of the past campaign, and troubled by the wrangling between the various authorities at home, the prince of Orange, who at this time was frequently a martyr to the gout, appears to have lent a not altogether unwilling ear to certain secret overtures for peace, which were made to him indirectly by the court of Spain. Be this as it may, the negotiations were abortive, for in the spring of 1639 he appeared once more in the field, and, though his personal activity was at first much hampered by ill health, he effected several successful diversions in favour of the French, who this year had put no less than three armies in motion. Late in the season the prince conceived the design of surprising the town of Hulst, but, while awaiting a favourable wind for the transport of his troops, an event of great importance demanded his immediate presence at the Hague. As if to make amends for the lack of military successes, this year 1639 was to become celebrated in the annals of the Netherlands for the most

dazzling of all their maritime triumphs, the famous battle of the Downs.

In the month of September a magnificent Spanish Armada, such as had not been seen since 1588, consisting of seventy-seven vessels of the largest size, manned by 24,000 soldiers and sailors, arrived in the Channel. Its object was to drive away the Dutch fleet from the narrow seas, and to land a large force at Dunkirk, as a reinforcement to the army of the cardinal Infant. They were first sighted by a Netherland squadron under the command of Martin Tromp. The Dutch admiral had with him but thirteen ships. It was not his habit, however, to count the number of his foes. Without paying any regard to the enormous disparity of force, or even waiting for the arrival of vice-admiral De Witt, who was blockading Dunkirk with seventeen vessels, he at once attacked his formidable adversaries, and drove them to seek shelter under the lee of the Downs. Here, at the side of ten English men-of-war under admiral Pennington, they anchored, while Tromp, now reinforced by the Dunkirk squadron, took up his station in the offing, firmly resolved to keep them fast blockaded, until the arrival of fresh ships, sailors, and ammunition from the Netherlands, should make him strong enough to be the assailant. He sent in haste to the states-general, the admiralty, and the prince of Orange for instructions, and speedy help. The authorities rose to the height of the occasion. A message was sent to Tromp promising reinforcements, and bidding him to fight the Spaniards, as soon as he deemed it possible to do so with success, without regard to locality or impediments of any kind.[54] The whole of Holland and Zealand became one vast ship-building yard. On all sides the fisher folk and sailors offered themselves for service. The wharves and the docks re-echoed with the din of hammers, and the bustle and clatter of hurrying feet and ceaseless preparation. Such indeed was the vigour with which the work was pushed on, that, in the words of an eye-witness, 'the vessels seemed not to be built but to grow of themselves, and to be at once filled with sailors.'[55]

In three weeks after the news of the first encounter had arrived in Holland, Tromp's squadron had swollen into a great fleet, numbering 105 men-of-war and twelve fire-ships. On 21 October the admiral found himself able to assume the offensive, and leaving De Witt with thirty vessels to watch the English detachment, sailed straight upon the Spaniards, as they lay below the cliffs between

[54] *Hij moest, zoodra mogelijk, de Spaansche vloot vernielen, zonder eenige acht te slaan op de havens, reeden, of baaijen, van de koningrijken waar zij te achterhalen zou zijn. Achte hij zich den sterkste, en meende hij de voordeel te kunnen behalen op de Spaansche of* andere *vijandelijke schepen, dan zou hij tot den aanval overgaan* Secret resolution of the states-general, 21 Sept.—He was in fact given *carte blanche.* De Jonge, *Zeewezen*, i. 350–370.

[55] From a Latin speech of Barlaeus, 13 Nov. 1639.

Dover and Deal. The combat was short, sharp, and decisive. The Spanish admiral d' Oquendo, under cover of a fog, succeeded in escaping with seven vessels to Dunkirk. All the rest were burnt, wrecked, or captured. Fifteen thousand two hundred of the Spaniards perished, 1,800 were carried as prisoners into Holland. On the side of the victors, but one vessel and less than a hundred men were lost. It was an overwhelming defeat, which crushed for ever the naval power of Spain, and assured to the Netherlanders for the rest of the war the complete command of the seas, and an open path for their commerce to both the Indies.

But this great triumph had, like most victories, its reverse side. The circumstances under which it was won could not but be galling to English pride, and added fuel to that jealousy of the mercantile prosperity of Holland, which had already for some years caused the relations between England and the united provinces to be anything but friendly.[56] Henceforth they became rivals upon the sea.

So serious in fact did matters look in the autumn of 1639, that the prince of Orange despatched the experienced and trusty Aerssens upon a special mission to the court of Charles I, with instructions (to use the envoy's own words) *endormir le faict de Duyns*.[57] He found his overtures met with coldness and delay. 'The constellation of this court is far from favourable to us;' 'the king of Spain has too much influence in this court, and all the most powerful people here are on his side;' 'they cannot digest our alliance with France.'[58] Such is the burden of his experiences. But the persuasive skill and conciliatory temper of the subtle diplomatist triumphed over all obstacles. He met delays by patience, arguments by counter-arguments, complaints by dexterous extenuation, and while firmly declining to acknowledge the states in the wrong, or to admit that an apology was due for their daring infringement of the neutrality of the British seas, he succeeded in so 'sweetening the bitterness of the pill,' that the king[59] was brought not merely to overlook 'the scandal of the Downs,'[60] but to consent to a treaty of marriage between his daughter and prince William of Orange.

The project of this alliance had first been set on foot by the queen mother of France during her visit to the Hague, and the

[56] Hallam, *Constit. Hist.* ii. 80. Already in 1607 and 1611 the Venetian envoys in London in their reports point out the growing rivalry, and its probable consequence. *Relazioni Venete. Inghilterra*, p. 73, and pp. 128, 129, 199.

[57] *Archives*, p. 171. Aerssens in his letter to Frederick Henry gives a most life-like picture of the English court in this critical period, which preceded the outbreak of the civil war.

[58] *Archives*, p. 156 f.

[59] *Archives*, p. 192. *Qui a la plus douce et meilleure âme du monde, mais tombée en fort mauvaise main.*

[60] *Archives*, p. 200.

Heer van Heenvliet[61] was sent secretly to London by Frederick Henry in January 1640 to press it forward in conjunction with Joachimi, the resident ambassador, while Aerssens, though ostensibly present on another mission, aided them and the stadholder with his advice and influence. The story of the negotiations forms one of the most amusing episodes in the annals of diplomacy. Prince William was in his fifteenth year, the Princess Mary in her ninth; yet not without months of delay, after endless audiences, and the exchange of volumes of diplomatic notes and protocols, was the youthful prince allowed to win the hand of his still more youthful bride. The court was honeycombed with intrigues. Behind the king stood the queen, behind the queen the notorious Madame de Chevreuse and the scheming Marie de Medicis, these again prompted by the Spanish ambassador, against whose influence unceasingly worked the representative of the elector palatine and the envoy of Louis XIII.

At first we see the Spanish faction have the upper hand; the princess royal is destined for a Spanish alliance; the scion of the house of Orange must content himself with the younger sister, Elizabeth, aged *five*. The proposal does not however commend itself to Frederick Henry. He pleads strongly the necessity of providing his house with an heir, an argument which would seem indeed to militate with equal force against a marriage with either sister. Nevertheless, as the king and queen prove inflexible, at last, in the month of June, the hand of the Princess Elizabeth is accepted. But this is but the beginning of troubles. Months more have to be spent in drawing up the contract of marriage and arranging the preliminaries. The question is raised as to whether the child-wife should be retained for a while in England, or be transported at once to the court of her mother-in-law,[62] to be instructed in the manners and language of the people amongst whom she will have to spend her life, and as to whether the marriage ceremony should be performed according to the rites of the Anglican church. On both these points, by the indefatigable pains and dexterity of Aerssens and his fellow envoys, a compromise is arranged, when lo, the scene changes, and Charles I and his queen voluntarily proffer, what had been so long denied, the hand of their eldest daughter. The causes of this sudden *volte-face* are to be found probably in two directions—the *hauteur* and unconciliatory attitude of the Spanish court, and the popular sympathy[63] of the English people for the protestant alliance.

Matters now ran smoothly, and, despite the opposition of the

[61] Jan van der Kerkhoven. [62] The princess of Orange.

[63] *Pour le succès de nostre commission nous reconnaissons palpablement les vœux du peuple, espérans par là la bénédiction du Dieu.* Dutch envoys to Frederick Henry *Archives*, p. 319.

elector palatine, who, from motives of pique at the last moment, used all his influence with his uncle against the match, the contract was signed, and on 2 May, 1641, prince William landed at Gravesend, where he was received in great state, and conducted to London to make the acquaintance of his betrothed. The story of all that follows is fully told in the vivid and picturesque letters sent by Aerssens to the stadholder. With difficulty can the cavalcade make its way through the densely crowded streets, throngs of people pressing round the carriage with cries of welcome and benediction.[64] At last the palace is reached, and in the presence-chamber stand the king and queen with all their court to receive the bridegroom-elect, who, unabashed by finding himself amidst all this strange assembly of majesties and princes, advances with easy courtliness and delivers little set speeches in English with an unaffected grace, which wins all hearts. But one important personage is not there, the princess herself. She has been ill, and is still confined to her room. Thither, then, after a due exchange of ceremonious embraces, the royal parents conduct his highness. It is a curious scene of no slight historic interest, this in which the brilliant boy, perhaps the most gifted of his gifted race, makes his first acquaintance with the little maiden who was to be the mother of William III. It was a trying ordeal for him, but, summoning up his courage, he advances boldly [65] to the bed, where lay 'his mistress' with her tiny sister by her side, and utters some words of compliment, for which the governess standing by thanks him in the princess's name. Yet how much more trying would it have been, had he known that the king and queen had stolen softly into the room, and had concealed themselves behind the bed 'to see the meeting of these two lovers.'[66] How refreshingly bright is this glimpse of that happy family affection, which reigned in this courtly home-circle, over which the clouds of misfortune were already so darkly louring. Here we see Charles and Henrietta Maria at their best, and we can well imagine the amused interest with which the father and mother would watch the childish courtship, as day by day the boy and girl shyly played at love-making, and strove with comic gravity to rise to the dignity of their new relations. The young prince himself in a letter to his father recounts his experiences and the progress of his wooing. 'Your highness,' he writes, 'bids me to inform you how I am getting on with the princess, and if I am very much in love; I will

[64] *Nous eumes à passer à travers tant de peuple, qu'il estoit quasy impossible de gaigner la cour, sans le bon ordre* (a truly English characteristic) *lequel avoit esté donner de rue en rue. V. A. ne sçauroit croire avec combien de bénédictions et d'acclamations S. A. fut reçue, et oserions bien dire, que de cent ans il ne s'est fait entrée en laquelle grands et petits ont temoigné pareille joye et satisfaction.* Archives, p. 434.

[65] *Il l'envisagea resolûment.* Archives, p. 435.

[66] *Pour voir le rencontre de ces deux amoureux qui s'echauffera avec la familiarité.* Archives, p. 435.

tell you how everything is. At first we were both of us a little serious, but now we are quite at our ease together; I find her much prettier than her portrait: I love her very much and I believe she loves me too.'[67] The wedding took place with much curious and stately ceremonial[68] on 12 May, and then, after a short sojourn at Whitehall in the society of his bride, William returned to Holland, leaving 'madame la princesse' to follow in her mother's charge some months later.

And now that these long marriage negotiations have at length been brought to so happy a termination, it is time for us to retrace our steps. The battle of the Downs had filled the Netherlanders with fresh energy, and Frederick Henry took the field in 1640 at the head of a large army, and advanced into the enemy's territory, His design was to lay siege to Bruges, but his path lay across a country intersected with streams, and to invest the town it was absolutely necessary for him to anticipate the enemy by the rapidity of his movements. He was within an ace of achieving his object. But success depended upon hours, and a slight and unnecessary delay on the part of one of his lieutenants in throwing a bridge over the river Ley was sufficient to give the enemy time to occupy in force the opposite bank and the approaches to the town. The prince, on hearing what had occurred, saw at once that his opportunity had passed, and reluctantly abandoned his enterprise. Baulked in this direction, and finding that the Spaniards were content to remain on the defensive, the stadholder, as autumn was drawing on, anxious to signalise the campaign by some feat of arms, resolved to attempt the capture of Hulst. He was again unfortunate. He found that the enemy had forestalled his intentions and planted themselves across his path. Angry at finding his way thus a second time barred, Frederick Henry determined *vi et armis* to force his passage, but an assault upon some detached forts was driven back with loss, and at the cost of the life of Henry Casimir, the brave and popular young stadholder of Frisia, who was shot in a chance *mêlée*, while riding with only three attendants to give fresh orders to his troops. He was but twenty-nine years of age, and his loss was deplored throughout the entire Netherlands, and by no one more than by his cousin, the prince of Orange.[69] After

[67] *Du commancement nous avons esté un peu cérieux tout deux, mais à présent nous sommes fort libre ensemble; je la trouve bien plus belle que la painture; je l'aime fort, et je crois qu'elle m'aime aussy. Archives*, p. 460.

[68] A full and circumstantial account, with many quaint details, of the wedding itself, of the festivities which followed, and of the odd ceremony of the nuptial *couchée*, will be found in letters 714, 715. *Archives*, pp. 457–464.

[69] *Grande perte certes; car c'estoit un jeune homme plein de cœur et de courage. . . . Le prince tesmoigna beaucoup de regret et de deplaisir en sa perte.* (*Mémoires de F. H.* p. 175.)

this severe check the army retired and was placed in winter quarters. The death of Count Henry was the more to be lamented as it caused a vacancy in the stadholderships of Frisia, Groningen, and Drenthe, and a strenuous effort was made to secure their reversion to Frederick Henry to the exclusion of William Frederick, the younger brother of the late stadholder, a proceeding which gave rise to no slight bitterness of feeling between the families. If the prince of Orange had himself been the prime mover, from merely ambitious motives, in the somewhat unworthy intrigues by which certain of his friends endeavoured to bring about his election, it would be impossible to acquit him of ungenerous behaviour to his young cousin, the representative of the gallant house of Nassau-Dietz—so many of whose members had died with their face to the foe in defence of the fatherland. There can be, however, no doubt that he was pushed on, in spite of his personal reluctance, by the persuasion of those who represented to him that the gathering together of the executive powers in all the provinces in a single hand was for the advantage of the union, and (an argument that was probably still more effective) that there was danger, in case of his demise, to his young and inexperienced son in the presence of a competitor of his own race.[70] The result of these manœuvres to secure the election of Frederick Henry affords a curious proof of the susceptible temper of the provinces, and of their extreme dislike to anything approaching dictation in their internal affairs on the part of the representatives of the union. Probably the prince of Orange would have been appointed stadholder in Frisia, as he afterwards was in Groningen and in Drenthe, but unfortunately his friends in the states-general thought well to get that body to pass a resolution in his favour, and to send a deputation to the states of Frisia to recommend his election to them. No step could have been more ill-advised. Resenting all interference with their freedom of choice,[71] the Frisians at once unanimously selected William Frederick for their stadholder, and sent a deputation on their part to recommend the states of Groningen to do likewise. Their intrusion in this instance also defeated its object, and by the election of Frederick Henry in Groningen and Drenthe, a breach was opened between

[70] The person who bestirred himself the most in this affair was a certain Monsieur le Leu de Willhem, a brother-in-law of Constantine Huyghens, the prince's secretary. His letters (15 in number) published in the archives are of remarkable interest (especially letters 616, 617, 620, and 634) to the student of the constitution of the united provinces. With respect to the attitude of Frederick Henry the following extracts throw much light: *Il est question que S. A. n'use plus tant de flegme*, he writes to C. H. and adds, *excita, quaeso, heroem*, p. 289. And again: *Cela a endormi S. A., qui d'ailleurs ne va que trop lentement et avec trop de retenue ès affaires qui touchent la grandeur de sa maison* (p. 287).

[71] Willhem remarks on this, *Quand les Frisons ont senti l'espéron, ils ont fait les chevaux échappés. Archives*, p. 289.

the two branches of the house of Nassau, which was not healed for many years.[72]

The campaign of 1641 was marked by the capture of Gennep, a strongly fortified post, very difficult of access, the possession of which by the states greatly strengthened their eastern frontier: it was otherwise devoid of interest. Doubtless during this and the preceding year the mind of the prince was much preoccupied with the many thorny negotiations and tangled questions of policy, which must have made heavy claims upon his time and thoughts, and explain the comparative slackness and want of energy clearly discernible in his conduct of military operations. Moreover, both sides were in their hearts sick of fighting, and the death of the cardinal Infant, who had shown himself a wise and politic governor and a general of no mean talents,[73] led to each of the two contending parties adopting in 1642 a purely defensive attitude.

The event of the year was the arrival of the English queen at the Hague, accompanied by the princess royal. For many months the prince of Orange had been pressing Charles I to fulfil the terms of the marriage contract by sending his daughter to reside in her adopted country. At last, after many delays, and the hope, on the one hand, that the presence of his queen at the Hague might secure him assistance from Holland in the coming struggle between himself and his parliament, and on the other that the union, thus finally sealed, between his eldest daughter and a calvinistic prince, whose father was the foremost citizen of a republican government, might conciliate to him public opinion at home, he in the spring of 1642 determined to dispatch the little princess and her mother to the Netherlands, attended by a splendid suite. They landed at Helvoetsluys on March 12, and were conducted in state to the capital, where a magnificent reception awaited them. Henrietta Maria remained for twelve months in Holland, and her presence as a member of the family, at the residence of the stadholder, was welcome alike to Frederick Henry and to the people of the Netherlands. It gave visible proof that the house of Orange, by this great alliance, was now recognised as being of a status worthy to associate on equal terms with royalty. The prince thereby gained additional authority and importance, not merely in the exercise of his functions at home, but still more in the eyes of foreign monarchs. And in the case of one whose popularity was so widespread throughout the united provinces this increase of dignity, so far from arousing feelings of jealousy and alarm in the minds of the great majority of the people, was greeted with enthusiastic demonstrations of good feeling. So deep-rooted was the affection felt for

[72] Count William eventually married Albertine Agnes, daughter of Frederick Henry.

[73] In November 1641, Kommelijn speaks of him, as *een jong, dapper, kloeck, en verstandigh Helt.* (*Lijf van F. H.* ii. 107.)

their victorious and conciliatory stadholder, even by those who frequently opposed his proposals, so completely did they identify themselves with him and tbe fortunes of his house, that, as the receptions accorded to her at Haarlem, Delft, Rotterdam, and above all at Amsterdam, conclusively prove, even the sternest republicans of Holland were delighted to honour the English queen because she was the mother of the future princess of Orange.[74] But despite all this display of good-will, the visit of Henrietta Maria was, from her own point of view, not a success. Civil war had now broken out in England, and the king eagerly looked to the prince of Orange to help him in his difficulties. But Frederick Henry, although his own inclinations, as well as his family connexion, made him a strong partisan of the royal cause, was far too circumspect and prudent not to perceive that it would be useless to attempt to persuade the people of the united provinces, and more particularly the Hollanders, to sanction any assistance being given in men or money to the prejudice of those who seemed to be fighting in defence of their ancient political rights and for liberty of conscience against the arbitrary encroachments of a would-be despotism. The result was a compromise. William Strickland had been sent by the parliamentary leaders, as envoy to the states-general, with the view of counteracting the influence of the queen. His mission was so far successful that an embassy was despatched from the united provinces to England to mediate in their name, if that were still possible, between the contending parties. But the days of mediation were past, and, having thus satisfied their consciences, henceforth strict neutrality was observed by the Netherlanders, though the wavering fortunes of the struggle were watched with keen interest and strong partisan sympathies.

Finding that she could achieve nothing by prolonging her residence in Holland, the queen in January 1643 made an ineffectual attempt to rejoin her husband in his camp at Newcastle, but, after being nine days at sea, her vessel was driven back by a heavy storm and she was compelled to return for a while to the Hague. At last, on March 9, she set sail once more from Scheveningen, and reached, without further misadventure, the royal army at York. The period, at which we have now arrived, witnessed the removal from the stage of several of those who had long played leading parts in the history of the times. At the very close of the year 1641, almost immediately after his return from his long and successful mission to England, Aerssens died. About a year afterwards [75] the great Richelieu passed quietly away, still supreme in the councils of France,

[74] For a circumstantial account of the splendid festivities and pageants during the four days, when the queen was entertained at the sole cost of the town of Amsterdam, see Komelijn, *ib.* ii. 114.

[75] 4 Dec. 1642.

despite the cabals of numerous bitter and powerful enemies, and the secret dislike of the king himself, following into the grave his implacable adversary, Marie de Medicis,[76] and followed by her son Louis XIII,[77] whose feeble mind he had so long swayed through the awe inspired by his commanding personality. He had indicated as his successor the cardinal Mazarin, and this subtle diplomatist and minister at once stepped into his place to wield by the fascination which he exercised upon the affections of the new queen regent, Anne of Austria, a power as absolute and more unquestioned than that of his predecessor.

Mazarin clave to the policy of Richelieu, and, overcoming the natural leanings of the regent to the cause of the family of which she was a member, spared no efforts to strengthen the bonds of the alliance with the united provinces, and to bring about a peace to the advantage of France and the expense of the house of Austria. But about this time a change had been slowly working in the mind of Frederick Henry with respect to the policy of the French alliance, and the death of Richelieu confirmed him in the views which the course of events had for some time indicated. When Aerssens went to London '*endormir le faict de Duyns*,' he found the mind of Charles alienated from Holland[78] through jealousy of the French alliance, but he combats this by insisting on what to him (Aerssens) appears to be the disproportion[79] between the power of France and Spain. Far-sighted statesman as he was, he had not yet perceived that the canker had already eaten deep into the heart and life of the still outwardly imposing structure of the empire of Philip II, while the French monarchy, so long torn and wasted by civil and religious dissensions, was slowly gathering up its energies and resources, and under a strong and centralised government was preparing the way to that domination in Europe from which no other power was destined to suffer so quickly or so severely as the United Netherlands. In the provinces themselves a large party had long been adverse to the French connexion, and its views obtained about this time a not unfavourable consideration from the stadholder. One plausible explanation of the dilatory and indecisive character of the campaigns of 1641, 1642, and 1643 is to be found in his undoubted disinclination to further French acquisitions in the Spanish Netherlands.[80] He even went so far as to suggest to the French ambassador that it would be well for the

[76] 3 July 1642. [77] 18 May 1643. [78] *Archives*, pp. 161, 363.

[79] *La France, dont l'accroissement est merveilleusement envié et craint, mais, comme nous disons, sans cause, veu qu'elle ne sçauroit à beaucoup près balancer la grandeur d'Espagne.* Aerssens to Frederick Henry. *Archives*, p. 343.

[80] *Je m'apperçois de quelque tems, que les progrès du Roi dans les Pays-Bas donnent de grandes outrages aux Estats et aux peuples, et j'ai été plusieurs fois pressé de ne pas engager les campagnes à des enterprises, qui faciliteront les conquestes du Roy en Flandre.* Estrades, *Lettres et Neg.* i. 63.

king to carry his arms elsewhere, to Italy or to Catalonia. To the policy, which had at the first cemented the alliance, and whose spirit was to oppose 'ultramontane despotism by the union of protestantism with intelligent and moderate catholicism,' he remained true, but his soul became more and more possessed with the desire for peace, and if this peace was not concluded sooner, the fault lay not with the prince of Orange, but in the difficult circumstances of the time. It was his duty to see that the states obtained the best terms possible, as a reward for the long and arduous struggle in which they had been engaged for well-nigh three generations. To them it was a choice of evils—either to continue the war against their interests or to see peace concluded to their disadvantage, and the stadholder, as the director of the Netherland foreign policy, was of necessity compelled to bide his time.

In the beginning of 1643, the duke d'Enghien,[81] when but twenty years of age, astonished the world by completely routing the Spanish army in a pitched battle at Rocroy. The remnants of the defeated host took refuge in the Netherlands. The victorious commander laid siege to Thionville. Such a success, in his then frame of mind, was but an additional incentive to the prince of Orange to attempt nothing ambitious or heroic.

In order to satisfy the demands of his allies, he kept his forces in touch with the Spaniards, and skilfully prevented them from interfering with the French siege operations. With the fall of Thionville, he felt that his duty was accomplished, and immediately withdrew his troops to Bergen-op-Zoom. Here the dull campaign was brought to a brilliant close by a cavalry fight, in which the young prince William, in his very first exercise of military command, highly distinguished himself. In the early morning of 5 Sept., a small troop of Netherland horse made their appearance before the Spanish camp, which lay at Burgerhout, a village to the north of Antwerp. The sentinels perceive them in the half-obscurity and inform the Spanish commander, who at once orders his cavalry general, Don John de Borgia, to attack them. The Netherlanders feign a hasty retreat, and Borgia, pursuing them hotly with 1,000 cavalry and 300 infantry, falls into the snare that had been prepared for him. At a certain spot, the main body of the states' cavalry lay in ambush under the command of prince William, and suddenly the Spaniards found themselves assailed on every side. A fierce hand-to-hand conflict ensued, but the issue was never for a moment doubtful, and the whole of Borgia's force was either killed or captured, himself being among the prisoners, with many other officers of distinction. On his return to Bergen, prince William was met by his father, who was highly delighted at

[81] Afterwards known as the Great Condé.

his success, and publicly thanked him and his officers for their courage and conduct.[82]

In this autumn, two special envoys (counts Avaux and de Servient) arrived at the Hague from cardinal Mazarin, to consult the states as to the terms on which they would be willing to treat for peace. This was the first commencement of the protracted negotiations which were to end in the peace of Westphalia. The immediate result of their visit was a renewal of the engagement between France and the united provinces not to make a separate peace or treaty except by mutual consent, and meanwhile to prosecute the war with vigour. With this object, then, the prince in 1644 took the field with a fine army, and set himself in earnest to the task of capturing Sas van Gent.[83] This extremely important fortress lay upon the Ley, as the great canal was called, which connected the town of Ghent with the Scheldt. It was regarded as the bulwark of Ghent and of Flanders, and gave to its possessors the command of one of the principal water-ways of the country. Its defences, both of nature and art, were of the most formidable description, and, indeed, if covered by an army in the field, the approach of a hostile force was impossible. The first attempt of the stadholder to reach it was foiled, and recourse was had to stratagem. Making a feint upon Bruges and being anticipated by the enemy, the prince sent orders to his fleet to assemble at Phillippine, and commanded a detachment of his army to march with much demonstration in the direction of that port, as if it were his intention to return forthwith to Zealand. The enemy's attention was thus diverted, and, meantime, by forced marches, night and day, the main body hurried towards Sas, the Ley was crossed by a company of swimmers, the opposite bank occupied, a bridge thrown across, and before the Spanish army had time to interpose, the fortress was already invested. At the beginning of August the trenches were opened, and despite of all the impediments which lay in his way, from the marshy surroundings of the place, Frederick Henry pushed on his operations with such resistless vigour that, in less than five weeks, the garrison was compelled to surrender. It was a striking and most valuable success, and was due entirely to the skill, resources, and conduct of the prince of Orange, who proved himself to have lost none of the qualities which had marked his great campaigns of 1629, 1634, and 1637. Two instances will suffice to show how, even in the last years of his life, his old intrepidity and hardihood were no less conspicuous than before. Ever in the front, wherever danger or fatigue was to

[82] The words of Frederick Henry in his Memoirs show how gratified the old warrior was at his son's first victory. (*Mémoires de F. H.* p. 319.) *Il se réjouit avec son fils du bon succés que Dieu luy avoit donné à son premier employ et commencement*, &c.

[83] Sluice of Ghent.

be faced, he gave his men an example which spurred them on to almost incredible efforts. On one occasion, he was walking arm-in-arm with an engineer, who was superintending the entrenchment of a post just won from the enemy, under a heavy fire, when a cannon-ball carried away his companion's disengaged arm, as he was in the very act of addressing him. At another time, a boisterous gale, accompanied by torrents of rain, occurring at the time of the spring-tide, had caused a violent inundation, which had flooded the trenches, and apparently made them untenable. But the prince was not to be beaten back by storm and flood, any more than by the bullets of the garrison. Walking through the water, which rose above his knees, he proceeded along the whole of the lines, encouraging the men and devising means to alleviate the evil. Such a leader could not fail to secure the devotion of his soldiers.

The capture of Hulst was now alone wanting to secure the states in the possession of the county of Waas, as that part of Flanders is called which skirts the south bank of the Scheldt. The siege of this place had been more than once planned, and we have already seen how an attempt to surprise it in 1640 was, at the last moment, frustrated at the cost of the valuable life of Henry Casimir, the stadholder of Frisia. At last, in 1645, thanks to a diversion made by the French in the direction of Bruges, the prince was able to transport his army without serious opposition across the Scheldt and effect the investment of the town. It was very late in the season, for October had already come, and Hulst was surrounded by elaborate and scientific fortifications, manned by a powerful garrison. To take it, before the winter set in, seemed hopeless. But Frederick Henry, with his flanks protected on one side by the Scheldt, on the other by Sas, felt his position secure, and employing all the resources of his accumulated experience he pressed on his attack with such indomitable energy and resolution, that on 4 Nov. the governor was driven to capitulate. The news of the fall of Hulst was greeted with immense joy throughout the united provinces, and was looked upon as almost miraculous. The return of the stadholder to the Hague was a triumphal progress; at every town he passed he had a public reception, and votes of thanks were offered to him by the states-general, the provincial states, and the various municipalities, for a success which was felt to be of especial importance on the eve of the negotiations for a general peace. For but a very few days after Frederick Henry's arrival at the capital, the ambassadors plenipotentiary of the United Netherlands left for Munster, where (as the prince records in the very last sentence of his memoirs) they were received with great honour, accorded the title of excellency, and treated on equal terms by the envoys of the emperor, and of the kings of France and Spain. The little group

of revolted provinces had not merely won their independence, but had come to be ranked among the great powers of Europe.

The capture of Hulst was destined to be the last exploit of Frederick Henry's life. He went into the field, indeed, in 1646, but recurring attacks of gout had begun to enfeeble alike his mental and his bodily powers. With the exception of an ineffectual attempt to take Venloo he confined himself to the task of watching the frontiers, and preventing the Spanish forces from interfering with the progress of the French army, which after capturing Courtrai had laid siege to Dunkirk. This stronghold of the Flemish freebooters who had so long preyed upon Dutch commerce, and had fought out many a fierce combat with the Hollanders and Zealanders with desperate tenacity and courage upon the open sea, was destined at last to succumb. Blockaded by a powerful fleet under Tromp, and assailed by the duc d'Enghien on land, it surrendered after a short siege, and passed henceforth into the hands of the French.

The prince of Orange returned home from his last campaign hopelessly broken in health, and a martyr to the most agonising sufferings. The last months of his life were lit up by the wedding festivities which attended the marriage of his daughter Louise with Frederick William of Brandenburg, commonly called the Great Elector. The sick man was brought down in a chair to see the ball which took place upon the evening of the nuptials, and evinced great satisfaction at seeing his daughter united to one whose early years had been passed at the Hague, and whose distinguished military and statesmanlike qualities owed no little to his own teaching and example.[84] On March 14 his sufferings ended, and in the sixty-third year of his age, having truly finished his course, Frederick Henry of Orange-Nassau was gathered to his fathers, to the great sorrow of all Netherlanders of every class, degree, and persuasion. Despite his own expressed wishes it was determined by the states-general to signalise their sense of the splendid services the deceased had rendered to his country by a magnificent public funeral. The body of the stadholder was accordingly embalmed, and after lying in state until May 10 was conveyed in solemn procession and with regal pageantry, attended by thousands of sympathising mourners, to be laid beside those of his father and brother in his native town of Delft.[85]

This narrative is necessarily restricted in its aims, and only attempts to throw light upon the political and military history of Frederick Henry and his times. To another place and time must

[84] Besides the great elector, Duke Bernard of Saxe-Weimar, Torstenson, Charles Gustavus, and Turenne were all formed in the school of Frederick Henry and owned him as their master in the art of war.

[85] For a full description of the funeral ceremony see Post's *Begraeffenisse van Frederik Henrick, Prince van Orange,* 1651, Amsterdam, with 30 double plates.

be left the grateful task of recording the more peaceful glories of that great epoch, when Dutch art, Dutch literature, and Dutch commerce alike attained the zenith of their greatness. It was a time of glowing activity and enterprise, full of all those elements of picturesqueness, colour, and variety which give life and interest to the narrative of the historian, but any adequate exposition of which, in all its many-sided aspects, demands a large canvas.[86] Here our subject-matter is defined, and requires us to concentrate our attention upon the figure which holds the principal place in the foreground of any record of the period, and upon the accessories which immediately surround him, but we shall not overstep the assigned limits of our theme, if, to complete our portraiture of the statesman and warrior, we depict in conclusion some of the more strictly personal traits and characteristics of the man. Frederick Henry has been described by one[87] who may be pardoned if he erred on the side of hero-worship, as being the handsomest prince of his time. He was undoubtedly a man of striking presence, with well-formed masculine features, and a frank, open countenance, the good-humoured mouth and chin shaded rather than concealed by a carefully trimmed moustache and a pointed tuft below the lower lip, and the pervading expression of kindliness and affability brought out into relief by the contrast which it presented to the fearless, straightforward glance of the eye, and the firmly built robust figure. His frame indeed, through constant exposure and exercise, was so hardened and inured to fatigue as to enable him to sustain the greatest labours and privations as well as the humblest of his soldiers, and gave to him a peculiarly martial air and carriage, the more so as even in the midst of the toils of the campaign he always paid the most scrupulous attention to his person and dress, and had the rare art of combining in his attire extreme neatness with apparent negligence. To all those with whom he associated, of whatever rank or degree, he showed himself courteous and friendly; at the same time he never forgot his dignity, and no one ever thought of trespassing upon his good nature, or venturing upon too great familiarity. All writers upon the period unite in ascribing to Frederick Henry a remarkable amiability and loveableness of disposition. His temper always led him to incline to methods of conciliation, and to putting the best construction upon motives and actions. In the midst of the struggles and rivalries between the discordant factions and authorities, which so often thwarted his dearest projects, he was never accused of harshness or unfair dealing, and accomplished the almost impossible feat of winning throughout his life the ungrudging respect and affection of all

[86] The present writer has briefly treated the subject in *Holland and her Literature in the Seventeenth Century*, Macmillan's Magazine: June, 1889.

[87] Constantine Huyghens, *Mémoires*, p. 88.

parties and persons in the Netherlands, even of his political opponents. Such a character as this has of course its weak side. The desire to conciliate often led the stadholder to appear dilatory and slow in forming his decisions, and irresolute in acting upon them. Yet this tardiness and indecision in a ruler placed in the position of Frederick Henry was probably more productive of good than of evil, when it sprang, not from feebleness, but from deliberate policy. The soldier whose daring courage led him repeatedly to expose his life in the forefront of danger, and the general who had acquired the repute of being the strictest of disciplinarians, could well afford to disregard any imputations that his constant efforts to reconcile jarring interests by mediation and compromise were prompted by timidity. His success proves that he acted wisely, and that with him moderation and tolerance were not the marks of weakness, but rather of reserve of strength. Probably few men have ever led a life of more ceaseless and relentless labour than did Frederick Henry, in the field and the cabinet, during the twenty-two years of his stadholderate. And yet he was naturally fond of ease, far from averse to the pleasures of the table, luxurious in his tastes, and delighting in the arts of peace, and more especially in building and gardening. But he deliberately and unselfishly sacrificed himself and his inclinations to his sense of public duty. His love and devotion to his fatherland, and not ambition or the desire of aggrandising himself and his house, were the ruling motives of his career. Always looking forward to the days when peace should come, he died in harness, when within sight of the goal for which he had so long striven, leaving a memory which is cherished by his countrymen, and which deserves the approbation of posterity.

GEORGE EDMUNDSON.

Sir Richard Church

V. 1814–1816.

FROM 1814 to 1822 Church's energies were diverted into a new channel, where he found even more scope for his passion for adventure than in the hazards of Capri or the training of Greek brigands. Had he pursued the ordinary course of service in the English army, there can be no doubt that he would have risen to high command; but his nature was altogether opposed to such monotonous advance. He loved peril and adventure; he delighted in feeling his power over undisciplined mountaineers, and seeing raw recruits of the most unpromising appearance grow under his keen yet sympathetic eye into orderly and steady troops. The command of the Corsican Rangers had accustomed him to dealing with such materials, and the levy of the Greek regiment at Zante had perfected his experience. To give up such exciting and responsible work for the routine of an English parade-ground, now that the Peninsular war was over, was repugnant to his energetic nature; and so we find him taking service where there was plenty to be done and seen, and where he soon had an opportunity of extending his experience of managing men who lived in open contempt of all authority. The particular direction now taken was due in a large measure to a new influence which had come upon him, and which for many years reigned over his enthusiastic and loyal disposition. This influence belonged to Count Nugent, an English officer attached first to the Austrian and then to the Neapolitan service, who seems to have been the Prince Rupert of the southern campaigns against Buonaparte—a man of high mettle, beloved by his comrades, eager for battle, and carrying with him that good fortune which often accompanies brilliant audacity.

Church was already intimately acquainted with Nugent when he joined him at Vienna in 1813. On his way back to the Ionian Islands after his absence on leave in England, the young lieutenant-colonel of Greek light infantry was entrusted by Lord Castlereagh [18] with a political mission to Constantinople, with orders to go by way of Vienna and on his road to visit the chief armies of the allies.

[18] Lord Castlereagh to Lieut.-Col. Church, 1 Aug. 1813.

He had begun with Sweden, where he travelled from Gottenburg to Ystad; and then, crossing to Stralsund, met his old friend Sir Hudson Lowe, and Sir Charles (afterwards Lord) Stewart, Lord Castlereagh's brother, in whose company he witnessed a review of Arenschild's Russo-German legion, and drank a bumper to Wellington for his triumph at Vittoria. Passing through Berlin, he arrived at Vienna in August, where Lord Cathcart received him very graciously, and gave him a commission as flattering as it was agreeable, though it practically superseded his original route to Constantinople. 'He has directed me,' wrote Church to Colonel Bunbury (11 Aug. 1813), 'to proceed to join General Nugent, with whom I am at present here. We leave to-day for Agram, and the corps under his command is destined to open the communication with the Adriatic. After the communication is opened I shall proceed to Zante, and return from thence to the continent, bringing with me such troops as General Campbell may spare, together with my *own* men, and also leaving proper officers for the recruiting of the regiment and the forwarding them to us as speedily as possible; and I reckon upon good service from them even in an undisciplined state.' This was just the sort of vigorous work he enjoyed, and he looked forward with his usual sanguine hopefulness to a brilliant campaign under the man for whom he had already conceived a strong affection. As usual, too, he spent what he could in aiding the public cause. 'I am likely to be the first British officer employed actively in this service, adding also my inconsiderable means to it. I am sanguine enough to trust that my exertions will not fail to gain me credit in the field.' He had not, however, advanced far into Croatia when matters began to assume a less rosy hue. He wrote to Colonel Bunbury from Carlstadt (20 Aug. 1813), 'I confess I am thunderstruck with the appearance and system of the Austrian generals whom I have seen, nor can I augur anything favourable from their proceedings. If those in Bohemia are not better than the gentlemen I have seen hitherto, I candidly confess I have no wish to serve with them. I believe our friend General Nugent feels these things as much as I do, and sees them in the same light. . . . If he extricates himself altogether from their hands, something may be done, but as long as he remains under their orders nothing brilliant can possibly take place. . . . I have never suffered so much *ennui* in my life as since I have mixed with and become a companion of the Austrian officers. *I could say a great deal about everybody, but I dare not.* . . . Having nothing to do, I am more like a spectator, a situation the most abominable of all others. . . . The Austrian army amounts to 260,000 men, neither more nor less. The soldiers and people are enthusiastic, and bitter enemies of the French; but how they will be conducted by their chief, God knows!'

As it happened, none of the things he dreaded came to pass.

The Austrians under Nugent, by a series of rapid marches and brilliant surprises, drove the enemy from before Carlstadt, and occupied Fiume (26 Aug.) with only 1,500 men, and opened communications with the British fleet under Admiral Fremantle in the Adriatic.[19] Church then left for Zante to draw off a contingent of troops for the Italian campaign, but men could not be spared.[20] The second Greek regiment, however, as we have seen,[21] was raised and placed under his command, Paxo was taken, and then came the general peace, and the services of the Ionian regiments were no longer needed. On the conclusion of an armistice with Murat in February Church was sent to Naples[22] to negotiate on the situation of Corfu, which was shortly afterwards surrendered to Great Britain; and after disbanding the Greek regiments he was summoned by Lord Cathcart in November 1814 to make his report on the Ionian Islands to the congress of Vienna. He was still there when the news of Buonaparte's escape from Elba, in the spring of 1815, dropped like a bomb in the midst of the stately ceremonies of that portentous conclave. Among the various hurried dispositions which ensued the influence of Nugent made itself felt in Church's destination. At the count's special request he was appointed to accompany him as British military resident with the Austrian army during the campaign against Murat in Italy, and subsequently against the army of Provence, His reports from head-quarters to Lord Stewart at Vienna[23] have been preserved, and form a connected narrative of a short, little-known campaign, in which (April–May 1815) Murat's army was driven from Mantua all the way to Naples. When he arrived on the scene of action he found Bianchi's and Neyperg's divisions of the imperial army of Italy, under Frimont as commander-in-chief, already in the thick of the fray. Murat and the Neapolitan troops had been defeated on the Tanaro, and forced to abandon the whole line of the Po. Nugent, commanding Bianchi's advance guard, was pursuing Murat with his usual dash towards Rimini. Step by step the Austrians and Tuscans, in a series of small engagements, pressed 'King Joachim' southward, while Nugent and Church, marching, with their customary rapidity, 100 miles in three days, occupied Rome and prepared for the advance upon Naples. The usurper's army was gradually melting away; 400,000 had dwindled to 10,000, and when Nugent with but a tenth of their numbers forced battle on the

[19] Church to Lord Cathcart, Carlstadt, 20 Aug., Fiume, 27 Aug. 1813; to Lord W. Bentinck, Zante, 23 Sept. 1813.

[20] Church to Lord W. Bentinck, Zante, 23 Sept. 1813.

[21] *Supra*, p. 29.

[22] Lieut.-General J. Campbell to Church, Zante, 9 Feb. 1814.

[23] To Lord Stewart, head-quarters, Mantua, 23 April; Serravalle, 30 April; Rome, 3, 5, 9, and 11 May; Arce, 15 May; San Germano, 17 May; Caijanello, 18 May; Aversa, 21 May; Naples, 22 May, 1815.

Neapolitans at Miguano, near San Germano, hardly 700 escaped to announce the destruction of the 'Army of the Interior.' The remnant capitulated at Capua; Murat took to flight; and the imperial army escorted Prince Leopold of Sicily into Naples amidst the plaudits of the fickle inhabitants (22 May 1815). The campaign had been full of interest and excitement, and Church had himself specially contributed to its success by raising 5,000 recruits in Rome, where he enjoyed the curious distinction of being sole military commander for over a fortnight. His conduct received the unqualified approval of the general commanding the forces in Sicily, and the thanks of the king; he was decorated with the order of the Fleur de Lys; and created a *maresciallo di campo* (major-general) by his restored Neapolitan majesty, Ferdinand IV.

Hardly was this business over when Bianchi and Nugent were sent to Provence to put down the remains of Buonapartism there, and to moderate the excesses of the royalists, who were exacting sanguinary reprisals from the vanquished. Church accompanied the army in the same capacity as before, from July to November 1815. Landing at Nice, he found the whole country roused to indignation by the barbarities of the Buonapartists under Marshal Brune, the same who was said to have exhibited the head of the beautiful and unfortunate princesse de Lamballe to Marie Antoinette on the point of a pike at the window of her prison in the Temple. Church confirmed the story of his atrocities,[24] and no one seems to have been very sorry when Brune was lynched by the people of Avignon.

Little of importance marked the occupation of the south of France.[25] The garrison of Antibes was composed of staunch Buonapartists, who refused to surrender. They were the same men who had lately erected a monument on the shore of the bay of Jouan, hard by, to commemorate the spot where Buonaparte had landed on his return from Elba. Bianchi besieged the garrison, and Church razed the monument. Under it was found a box containing a report of the commemorative ceremony, signed by all the officers of the 87th and 106th regiments (who thereby solemnly pledged themselves to the emperor's cause), together with coins, stars, and eagles of the Legion of Honour. The copper tablet on the monument, which was given to Church, and is still in the possession of the family, bore this inscription, rudely cut:

[24] Despatch to Lord Burghersh, head-quarters, Nice, 21 July 1815.

[25] Despatches to Lord Burghersh, Cannes, 24 July; to Lord Castlereagh, Cannes, 25 July; Marseilles, 28 July; Aix, 1 Aug.; Marseilles, 4, 5, 12, 16 Aug.; Aix, 27 Aug.; Avignon, 29 Aug.; Nismes, 30, 31 Aug.; to Lord Exmouth, Avignon, 31 Aug.; to the senior officer of the fleet, Avignon, 1 Sept.; to Lord Castlereagh, Avignon, 2 Sept.; to Colonel Burrows, Avignon, 8 Sept.; to Lord Exmouth, Avignon, 14 Sept.; to Lord Castlereagh, Avignon, 15, 18, 19 Sept., 4, 15 Oct.; to J. Planta, Marseilles, 20 Oct.; to Lord Castlereagh, Marseilles, 24, 29 Oct. 1815.

NAPOLÉON TRAHI S'ÉLOIGNA DU TRÔNE
ET SE RETIRA À L'ÎLE D'ELBE.
RAPPELÉ PAR LES VŒUX DE LA NATION,
C'EST ICI QU'IL DÉBARQUA LE 1ER MARS 1815.
LE 87EME REGIMENT LUI ÉRIGEA CE MONUMENT.[26]

Provence was then overrun by foreign troops. Sir Hudson Lowe commanded the British land force at Marseilles; Lord Exmouth and the Mediterranean squadron co-operated with Bianchi along the coast; the latter's advance guard under Nugent was already within the French border. Church perceived, with that ready sympathy for the unfortunate which was one of his leading characteristics, that the luckless Provençaux, most of whom were loyal to the old order, were driven to the brink of ruin by the successive incursions of Buonapartist and royalist armies, and he immediately despatched vigorous remonstrances to Lord Castlereagh at Paris, urging him to have Bianchi's orders cancelled and the Austrian army stopped at the frontier. What success he had at headquarters is uncertain; but his direct appeal to Bianchi had the desired effect: the order to advance was recalled, and Provence was saved from further exactions.

Before this, in August, he and Nugent accompanied Lord Exmouth on a visit of inspection to the French arsenal at Toulon. They saw twenty-four ships of the line, and twelve or fourteen frigates; 'not one of which is in a state to go to sea,' [27] since only one of them had any rigging. Nor were there many guns; in fact, 'the arsenal seems to me almost destitute of the means of equipping a squadron of three or four sail of the line.' Soon after this visit Nugent left France to take command of the Austrian troops at Naples, and, as Bianchi's army also evacuated Avignon, Church's commission came to an end. A letter from Lord Castlereagh (18 Oct. 1815) conveyed permission to return to England, and the prince regent's 'entire approbation of the manner in which he had performed the duties of the missions with which he had been entrusted.' He had shortly before received the decoration of a companion of the Bath, in common with a few other distinguished officers, who had been similarly employed as residents with the continental armies —among them Sir H. (afterwards viscount) Hardinge and Colonel Leake, well known as the topographer of Greece.

What Church was doing during the next year or two can only be gathered from a few letters. He was still at Marseilles in November 1815, for there he received a very friendly note from Lord Exmouth, strongly advising him to stick to Naples, 'under Nugent's wing,' and thus to keep his name before the Austrian authorities, who were sure to hold the predominant influence in

[26] To Lord Castlereagh, Cannes, 25 July 1815.
[27] To Lord Burghersh, Marseilles, 12 Aug. 1815

Italy for some time at least; and proposing a meeting at Leghorn and a month together at Rome. But a call from his general drew him now to Naples, where he had already received the title of major-general in the Neapolitan army. A letter at this time from his old colonel, Hudson Lowe, mentions the consent of the Horse Guards to Church's Neapolitan appointment: he adds, 'I am going out to St. Helena—wide as the poles asunder! I hope, however, not for any long period.' Church was evidently attracted by Lord Exmouth's impetuous character, and must have sought to share in the vigorous action taken by the admiral in the spring of 1816 for the suppression of slavery in the Barbary states. It was just the work he would have relished, and, in sending home more than 1,100 Sicilian and Neapolitan slaves, Lord Exmouth wrote to him as to a trusted sympathiser—

Boyne, off Lampedosa: 1 May 1816.

My dear Church,—I will not permit the transport with the last of the slaves from Tripoli to proceed to Naples without giving you my farewell from the Mediterranean for old England. I have to call only at Algiers, where I should rejoice to give them a lesson from the sides of the old *Boyne*. If I dare act, as I wish, my only hope is of meeting some orders from home which may allow me to go further than I have done. I am sure there is but one feeling amongst us all, from the flag to the keel. We have obtained from Tunis and Tripoli signed declarations that they will make, or rather keep, no more slaves, but, in case of war, exchange prisoners and treat them with humanity and in the same manner as European nations. I think we have released about twenty-four or twenty-five hundred, and shipped them off at once. . . . You will laugh when I tell you the Bey of Tripoli, who has murdered his father and brother with some half-score cousins, absolutely cried like a child the morning his slaves embarked. We had four who slept in his room for years from fear: for you must know that his conscience troubles him in his dreams. God bless you! I repeat no offers of friendship, having done so in my last, and I wish you to believe me sincere, and that I am, my dear Church, with great truth and regard,

Your faithful friend and servant,

EXMOUTH.

The admiral's desires about Algiers were soon gratified, and in August came the famous bombardment which ought to have put an end for ever to slavery in the deylik. Church must have been greatly disappointed that he was not with Lord Exmouth at the time; for by a despatch from the marquis de Circello, dated 13 Aug. 1816, he was appointed on a special mission for the king of Naples to accompany the English admiral, and to recover the Neapolitan prisoners then in confinement, and obtain certain advantages for the kingdom of the Two Sicilies. It sounds very strange to us now that the Neapolitan government were bound by ancient

treaty to pay to the dey of Algiers 20,000 dollars annually; but it is notorious that all the maritime powers of Europe had been in the habit of paying black-mail to the Barbary States ever since the days of Ochiali and the battle of Lepanto.[28] There were besides 600 or 700 Neapolitan slaves, for whom the ransom of 1,000 dollars a head was demanded. But Lord Exmouth's cannon had blown up existing treaties, and Church could not have been in time to join his friend in the deliverance of the prisoners, nor does it appear that he accepted the mission.

VI. 1817—20.

A new and arduous field of work now opened before him. The recovery of the crown by Ferdinand IV, or I of the Two Sicilies, had not been attended with propitious consequences. The king's treachery in the matter of the constitution, the jealousy of Murat's old officers, and the rivalries of Italians and Austrians, tended to paralyse the government and breed discontent throughout the provinces. Moreover the policy of encouraging secret societies in their war against the French now bore fruit; what had been used as a tool against Buonaparte now became a weapon against all constituted authority. The country was overrun by brigands of the most desperate character. Communications were interrupted; the roads were perilous to the last degree; government specie was intercepted; and, in spite of the deterrent effect of highwaymen's heads stuck up in the valley of Bovino, few travellers ventured to thread that gloomy pass to the Apulias. Canosa's foundation of the Calderari as a counterpoise to the Carbonari had done more harm than good; the new society only irritated the people and intimidated the magistrates, who found themselves surrounded by a new body of spies quite as dangerous as the 'good cousins' who levied black mail on all the respectable inhabitants.[29]

In 1817 affairs had grown to a crisis. The secret societies were supreme in the land. Besides the Carbonari, who were sometimes honest politicians—like Gabriele Rossetti, the poet's father—and sometimes ruffians, there were such sects as the 'European Patriots' and the 'Philadelphi,' in themselves comparatively innocent of crime, though their members often belonged to more guilty associations. Worst of all was the company of the 'Decisi,' or 'Order of Jupiter Tonans,' a species of nihilists, vowed to the destruction of all existing institutions and the assassination of all obstructors. The records of this society, which were afterwards seized by Church, proved that their immediate objects were murder and plunder. No

[28] See the writer's *Barbary Corsairs*, (1890), ch. xix.

[29] The materials for most of the facts related in this section are found in General Church's manuscript memoirs on the state of the Apulias, and in Baron Bertholdi's anonymous *Memoirs of the Carbonari* (Murray, 1821).

one could join unless he could boast of two murders committed with his own hands, and every member was pledged to assassinate any person whom the order might choose to condemn. If it was desired to get a rival or a creditor out of the way, all that was necessary was to apply to the Decisi, and pay a sufficient fee, when the man's life was not worth a week's purchase. The villains did their work neatly and with becoming solemnity, and, as at some sacred rite, accompanied by the blare of trumpets, plunged their daggers into their victim's heart *con vero entusiasmo*. Threatening letters formed part of their method, and lands and property of all sorts were annexed at the point of the dagger. Four dots added to a threatening letter secured instant obedience: for they signified death. As a symbol of their sanguinary character the diplomas of membership were written in blood.

The president of this dreaded society was the abbate Ciro Annichiarico, a priest of Grottaglie, who had begun his ecclesiastical career with the extermination of a neighbouring family, and had revenged himself for his consequent imprisonment by vowing war against all authority, human and divine, for the rest of his unnatural life. Ciro was one of those dazzling scoundrels whose daring and address are apt for the moment to make one forget their crimes. He was a splendid horseman and unerring shot; no danger cowed him, no risk was too great to be run. His fertility in disguise and marvellous adroitness in escape gave him the reputation of an enchanter, so that folk hardly dared to whisper his name for fear his imps should seize them; and true to his character, like Claverhouse, he is said to have met his death at last by the silver bullet. Women adored him, and he had a mistress in every town and village in the wide circuit of his depredations who loved him none the less that he was an assassin of a dye as black as history or romance has ever painted.

He was now a man of forty, and for eighteen years had been the scourge of the Apulias—or the Terra di Bari and Terra di Otranto, to give them their modern names—when General Church was appointed, first to inquire into the state of the provinces, and then to take over the supreme command (1817). At that time there were at least 30,000 members of secret societies in the Apulias, many of whom, however, belonged more from fear than inclination; for it was well known that he who was not for the Decisi was counted as against them, and such did not dare to cross their own thresholds, lest they should meet the poniard. From twenty to twenty-five murders were taking place every week, many of them accompanied by details of a revolting nature. A beautiful girl, a princess, whose youth and beauty and total lack cf protection should have been defence enough, was brutally murdered, and worse, in her own chamber, out of mere greed of gold. A band of

ruffians was disguised as *policinelli*, and attended the village merrymakings, only to plunge their steel into their unsuspecting partners or boon fellows at the dance or evening carouse.

So far all efforts to suppress these terrible associations had been fruitless. The fault did not lie with the central government, which was for the moment exceptionally able. Canosa's successor, Don Luigi de' Medicis, the leading minister, was a man of talent, a scholar, and a gentleman; old Danero, the minister of the navy, 'who slept every night of his life in his red pantaloons with his sword by his side,' ready for emergencies, and who lived to be 103, was the type of an honest if somewhat antique officer; Count Nugent was captain-general, and had immense influence with the king; and Church was inspector-general and commander of the foreign troops. All these were unaffectedly eager to restore order; and Nugent and Church worked together in perfect trust and sympathy. Moreover, but for their jealousies and distrust of the king and government, the officers of the army were efficient and apparently trustworthy, and good materials for recruiting were at hand; while the *gendarmerie* proved themselves brave and steady under a leader who inspired confidence. But the local authorities were either the accomplices or the tools of the secret societies, who held their lives in their hands, and such of them as were really honest dared not stand forth without some better guarantee of protection than was then offered.

Towards the close of 1817 Church left Naples to take command of the terror-stricken provinces. He was furnished with a force of Neapolitan troops, of various nationalities, which was soon supplemented by a corps of his favourite Greeks; and early in 1818 he was granted the *alter ego*, or royal prerogative of life and death, by autograph letter from the king and upon the unanimous recommendation of the council of ministers.[30] At first people only thought that a new do-nothing had come among them; they had seen many generals, and none had yet proved a match for Don Ciro. But Church soon showed them that he was not made of Neapolitan stuff. His physique, though not commanding, gave an impression of great energy. He was described in 1820 as 'below the middle height, extremely well built, spare, sinewy, and active, with a well-proportioned head, sharp piercing eyes, rather aquiline nose, and a closely compressed mouth, denoting great firmness and resolution.'[31] But his perfect dauntlessness was perhaps the chief argument in his favour among a frightened population. They knew he carried his life in his hand every day, but he seemed to care as little for danger as if he had been dipped in Styx. Again

[30] Count Nugent to Church, Naples, 20 Feb. 1818.

[31] Sir J. Rennie, *Autobiography*, p. 55. The author was Church's guest at Lecce in 1820.

and again he stood the brigands' fire with a smile of amusement; he ventured almost unattended into places noted as the ambushes of the outlaws, and fearlessly accepted the hospitality of persons who, he was warned, were the secret accomplices of Ciro and quite capable of mixing poison in his wine. Once he was surprised by a strong party of the Vardarelli, a body of brigands and political assassins, who boasted that they were the real sovereigns of the country, and nothing but his perfect *sang-froid* and contempt of danger carried him safely and even amicably through an interview which seemed fated to a bloody end. The people began to understand that they had a new sort of governor to deal with, and Annichiarico himself bit his thumb with spite, and swore, in his rather ambiguous slang, 'I have pooped lots of generals, French, Italian, and Neapolitan, but this fellow will end by pooping me!' The process took less time than the reverend outlaw imagined. One by one the authorities of the towns and villages threw off their allegiance to the secret societies and joined the cause of order; step by step Church narrowed the circle which he had drawn with his troops round the district affected by Ciro and his followers; one after the other the ruffians were caught and executed, and at last the desperate remnant of the gang and their leader were run to earth. The chase and capture of Ciro Annichiarico would fill a lively chapter. Brought at last before the court martial without which Church suffered no prisoner to be condemned, the felon was asked how many murders he had committed. 'Sixty or seventy,' he answered carelessly, *E chi lo sa? saranno tra sessanta e settanta.* A priest offered him the last consolations, but Ciro laughed: *Lasciate queste chiacchiere; siamo dell' istessa professione; non ci burliamo fra noi.* Then on 8 Feb. 1818 he was led out to execution at Francavilla, in the presence of 40,000 people, and placed, like other malefactors, back to the firing party. Twenty-one shots took effect, and still he breathed; then, 'seeing that he was enchanted,' the soldiers gravely loaded his own gun with a silver ball, and the spell was immediately broken.

The spell was broken indeed throughout the provinces. As soon as the centre and soul of the organisation had paid the forfeit, his subordinates hastily submitted. 'A few months were sufficient,' said Church, 'to totally destroy the assassins and brigands, and to break up the different revolutionary societies, to receive the submission of their chiefs and the surrender of their arms.' How complete was the suppression may be gathered from the fact that, during the two years that Church continued to govern the Apulias after this decisive stroke, not a single instance of murder or brigandage occurred in a population of three-quarters of a million. The grateful people held solemn services of thanksgiving in every church in the provinces; a commemorative column was erected at

Lecce, and the freedom of the city and the sword of honour were presented by the citizens to their deliverer. 'You seem to have come out most triumphantly,' wrote Sir W. A'Court (the English minister at Naples, afterwards Lord Heytesbury) to Church (Naples, 16 Sept. 1818), 'from a most delicate and perilous situation, and I can assure you that your merits in the exercise of the powers intrusted to you are fully appreciated here. I have reason to know that the king as well as the whole of his administration are in the highest degree sensible of the prudence and vigour which you have displayed.'

Impressed with the value of his services, the government of Naples resolved to keep a tight hold on him, and his requests for leave of absence to England were met by De' Medicis with affectionate assurances that, so far as his power went, he would not suffer Church to quit the kingdom, where his services were indispensable. In 1820 a fresh mark of the royal esteem towards him was shown in his appointment as governor of the district of Palermo and commander-in-chief of the army in Sicily, with the rank of lieutenant-general. *Je me flatte,* wrote De' Medicis, 22 March, *que vous verrez dans la nouvelle charge que le Roi vient de vous confier une preuve éclatante de la bienveillance de S.M. et de sa satisfaction pour le service que vous ne cessez de rendre avec un zèle et un empressement tout particuliers.* The appointment, however, did not prove auspicious: his career under the Neapolitan government was destined to end as suddenly and disastrously as its beginning had been rapid and triumphant. The shiftiness of the king and the intrigues of the Carbonari had allowed the germs of revolution to ferment. Church found the troops at Palermo radically disaffected, and either themselves Carbonari or fraternising with the sectaries. The garrison was altogether inadequate and quite untrustworthy; military discipline appeared to be unknown, and the soldiers wore the badges of the Carbonari in the streets. His own antecedents, as a resolute suppressor of secret societies, deprived him of all hold over the mass of the population. Hardly had the new commander arrived when news came of the revolution at Naples and the king's forced promulgation of the 'constitution of Spain.' The effect upon the Sicilians was instantaneous. Soldiers and civilians alike broke into open revolt, cheered the constitution, derided the king, and shouted for 'Robespierre' and the 'independence of Sicily.' A courageous attempt to restore order ended in threats against the general's life. Church was mobbed by armed fanatics, and when at last he entered a carriage and drove away, two aides-de-camp with drawn swords hardly availed to keep off the infuriated crowd, who pressed about the carriage, throwing stones, brandishing daggers, and shouting *Mori! mori!* Church himself was stunned by a stone, and an officer by his side was

stabbed, before they effected their escape to the coast. All attempts to return to the scene of action proved futile and fraught with peril, and at length, with much reluctance, the general gave orders to sail for Naples, there to give an account of his proceedings to whatever authority he might find in power.[32]

He knew he was running into the lion's jaws, but he hardly realised how voraciously they would snap upon him. When he reached Naples he found the ministry overturned by the Carbonari and the king a prisoner. The royal flag was struck down as soon as the vessel was boarded by the officials, and Church was hurried away to the Castello dell' Ovo without being informed of any charge to be brought against him. He had verily fallen among thieves. 'The parliament,' wrote Sir W. A'Court, 'is composed of a set of Carbonari scoundrels, over whom neither the prince nor his ministers have any more influence than you or I.' Indeed Church's return was exactly the Quixotic act of a chivalrous nature which might have been expected of him. 'I admire,' wrote A'Court again, 'the spirit of rectitude which brought you here, however I may lament the imprudence of your committing yourself into the hands of your enemies, and that in a moment of revolution, when reason and justice are hushed and nothing but the most malevolent passions in play. Why did you not go on board the frigate in the bay? . . . What can I do for you? How can I serve you? Remember I have *no power* now, no influence at all. . . I wish you had gone to Gaetà, as the prince proposed, but General Ramsay tells me you would not hear of it. . . It is an infamous business altogether. Campochiaro himself says he is ashamed of it.'

For six months the general who had deserved so well of Italy suffered the misery of a Neapolitan prison. In vain the British minister presented official remonstrances; in vain the English residents, including Lords Ruthven, Clarina, and Colchester, and other well-known names, petitioned (Sept. 1820) for his release. The only mitigation he was offered was to go out on parole, on condition of appearing at any moment before the commission which was to try his unknown crime, and this he indignantly refused. At length he was put upon a sort of trial, which ended in his acquittal (Jan. 1821) of whatever he was charged with, and it is not to be wondered that he shook off the dust of Naples from his feet in disgust, and returned to England.

He lost his property in the revolution at Palermo and Naples, and received no recompense from the constitutional government. But amidst all the intrigues of parties he had upheld the English name by his straightforward honesty and simplicity of character,

[32] General Sir Richard Church's 'Personal Narrative of the Revolution at Palermo,' in *Monthly Magazine*, Feb.-March 1826.

and it was no slight satisfaction to him, on his return to England, to receive from his own government a mark of their approbation. On 3 March 1822 he was made Knight Commander of the Royal Hanoverian Guelphic Order, 'in consideration of distinguished services, and in particular those which you have rendered in Germany and Italy since the year 1813, when appointed to attend the allied armies on the continent.'

STANLEY LANE-POOLE.

(*To be continued.*)

Wilhelm von Giesebrecht

WHEN Giesebrecht died, on 18 Dec. last, there was no difficulty or difference in fixing his place amongst his peers. His rightful rank was ascertained and undisputed. He never became a European classic, like Ranke and Mommsen alone of the German historians. He was neither the head of a school, like Waitz, nor the chief of a party, like Sybel. Disciples of Baur knew more than he about the growth of doctrines, and disciples of Richter about ecclesiastical institutions. Sohm and Gierke were superior to him in politics and law; Ficker and Denifle were more powerful originators. He did not speak with authority of the things that came before Clovis or after Manfred. Nobody turned to him for explanation of the fitful slumber of the civil code, the rise of universities, the philosophy of Abelard, or the significance and proportion of Citeaux. His limitations were distinctly marked, and they were part of his strength. He spent a long life of labour in mastering a single epoch and writing a single book. But among all his countrymen employed on the middle ages no one was more widely known, and read, and trusted; and his 'Kaiserzeit' was the nearest medieval equivalent of the 'Römische Geschichte' and the 'Zeitalter der Reformation.'

He gave himself up, until he was near forty, to the occult studies of the critic, and acquired an almost faultless knowledge of the sources, in print and manuscript, down to the thirteenth century. His training and skill were such that he succeeded in reconstructing a lost chronicle from its derivatives, and the discovery of the forgotten text afterwards proved the fidelity of his work. He depended, perhaps, more on chronicles and biographies than on acts and letters, and was more entirely familiar with the German and Italian publications than with French and English. In those early days, when no great reliance could be placed on editions and collections, it behoved the serious explorer to hew his own material, to decide upon texts and dates, authors and authorities, for himself. As national studies succeeded classical, this work has been taken up by a swarm of zealous students; essays and dissertations have poured down from every quarter; and the reigns of the earlier emperors have been examined, year by year, by the most solid

historians in the land. Giesebrecht accomplished this, the first part of his duty, so well that Boehmer, in his day, considered him the soundest of medieval scholars, and Steindorff, coming after him, declares that he leaves little to glean. The preparation was so thorough, the gestation so prolonged, that his account of Frederic of Hohenstaufen, where he is a pioneer, and few preceding micrographers have broken the clods and sifted the sands, is scarcely inferior to the Gregorian volume, commodiously composed by the light of countless rivals. His tried methods and vast experience made him slow to follow the lead of enterprising juniors. In his youth he had witnessed the crash of falling fables and credulities, and had learnt the ways of the new learning; but he was guarded against historical iconoclasm, and belonged, as a critic, to an epoch of reconstruction. Criticism, in his hands, was an instrument not of scepticism but of certainty. For plain reasons the newest surprises, the farthest innovations, have been connected with religion. Giesebrecht, though no theologian, was a deeply religious Lutheran, an enthusiast in his royalism of so strict a temper that he would never visit Paris, the seat of revolution and corruption. He was not a man to be attracted by audacity in negation and rejection. All the doubt which is cast on statements and documents by the desire to remove an obstacle and promote a purpose was unknown to him. No fact was unwelcome, no proof traversed any favourite view; for he inherited no tradition, cultivated no prejudice, cherished no legend. He felt the pathos, not the passions of the past. His profound research into the literature of history left him inclining to conservatism; and he was tender of destroying, not from deficient acuteness but from unswerving integrity.

The revolutionary year 1848 roused him from the somewhat obscure and silent pursuit of evidence. The dream of empire was dispelled by the predestined emperor; the German people were humbled and dispirited by failure. Giesebrecht resolved to disclose to them what the reality had been. It was the resolve of a good citizen to revive the fading faith, to remind his countrymen of the time when they were the foremost nation, when their monarch wore the highest earthly crown, and seemed to rule the world. He called up the ages between the Othos and Frederic as a loyal Frenchman revels in the century between Vervins and Ryswick. A finer occasion, a happier inspiration, can scarcely be found in literature. Men of his standing, as able as himself, came to the front just then, taking up the Roman republic, the French revolution, the reign of Napoleon, the policy of Prussia. Some had no real contact with the topic of the day; others were in so close a contact as to damage the serenity and security of impartial writing. Giesebrecht's subject, containing neither a protestant church nor a Prussian state, was at a safe distance from practical politics, in-

volved no controversy, and was legitimately popular. Before his book was half finished the empire he believed in was restored, and he doubted for a moment, under the altered conditions, whether it was worth while to continue labours made superfluous by success. He almost seemed to ask himself whether, in fact, he was a scholar making use of an incomparable opportunity, or an astute patriot applying ancient forces to arduous conjunctures of the day.

With unexampled constancy he worked for forty years at the five volumes which carried the imperial history to the end of Frederic Barbarossa. It was the first time that the highest scholarship was united, in German history, with the lighter elements of popularity. In early life, when Ranke asked him what he meant to be, he had answered that he wished to become a dramatist. 'Nonsense,' said his master; 'you will be a historian.' The literary taste and faculty survived the extinction of the poet; and besides the literary faculty there was the warm patriotism, the afterglow of 1848, the notion of history, neither philosophic nor cosmopolitan, but national.

The first part established his reputation, but did not display him at his best. Beyond all scholars of his rank and resource he was averse from the mechanical parade of inanimate erudition. He would have liked to quote nothing, but to present a compact and convincing narrative, without tags of proof, to a contented public. By degrees he modified his plan, to the advantage of serious readers. When no evidence is required he offers none. We miss the familiar and obvious passages with which the followers of Waitz rejoice to load the foot of the page. He only annotates when he has something particular to tell, some difficulty to explain; so that every note adds to the information in his narrative. When, as director of the Perthes collection of European histories, he invited Brewer to complete the work which Pauli had abandoned, he was bountiful as to space; but while he allowed the continuator ten or a dozen volumes he desired to restrict the notes, and did not like to be reminded that his own fill two hundred pages in a volume. In truth, they contain the most penetrating and instructive discussion of authorities to be found anywhere in modern literature, and there are readers who hold them to be a richer prize than the text which they illustrate.

To exact learning, sound criticism, and real literary power Giesebrecht added the rarer virtue of sincerity. Born and bred at Berlin, he went from Königsberg to Munich, and there spent the effective evening of his honoured and prosperous life. Those who complained of Hyperboreans, bringing with them to the south the spirit of a Melanesian apostolate, found it hard to fix reproach on this high-minded and generous North German. From the beginning of Sybel's *Historische Zeitschrift*, which opened with his inaugural

lecture, and from the Ghibelline controversy which, about the same time, brought the Prussian philosophy of history into high relief, it was apparent that he held aloof from the views of many men who were his comrades and friends. All of course would agree that the past must be interpreted and tried by some standard that does not vary, not by the view which each man may have made his own. But then there is the fixed standpoint of manifest destiny. If the past is not judged by the present, it must be judged by the event, which is the verdict of the power that governs the universe. Our view must be based not on theory but experience. History conveys no wisdom to men who refuse to verify and register its conclusions. Failure is always deserved, and that which perishes perishes by its own fault. Nothing in the memory of mankind broke down more disastrously than the scheme of ruling western Europe by the combined empire and papacy. It brought upon the German and Italian people a long succession of sorrows and humiliations; and its end, like that of ancient Rome, of ancient France, is among the solemn portents of the world. The judgment of ages impresses and imposes itself alike on royalist and republican, christian and pagan, whose several sympathies have nothing to do with the manifest facts of science.

Giesebrecht was less definite in asserting his opinions, and practised a larger charity. Not being a divine, a canonist, a politician, but a narrator of events, he left it to experts of every kind to moralise, to generalise, to eliminate permanent truths from the succession of causes and effects. Papacy and empire were the shape in which Germans of the twelfth century understood religion and policy; he resolutely makes the best of pope and emperor. The hierarchy does not make him an enemy by crushing the liberties of Rome; and when the emperor puts out the eyes of his prisoners he goes on with unabated interest to tell the rest of his story. In accordance with this easy amenity, made up, in unequal parts, of generosity, indifference, and calculation, he assigns a qualified credit to writers seldom treated seriously, such as Damberger and Sugenheim; so that he was sometimes accused of favouring the Jesuit and sometimes the Jew; and when Gfrörer assailed him in the tone of Landor or Carlyle he continued to cite him with respect. His extreme discretion and reserve, the absence of fixtures and of edge, made him fortunate in the limits of his work. He laid down his pen between the pacification of Venice and the third crusade, before the Sicilian marriage which wrecked the empire. If he had come down to the struggle for life or death which destroyed the house of Hohenstaufen and broke up the nation, his studious neutrality would have suffered a painful trial.

His eminent qualities, moral and intellectual, obtained an extended acceptance not given to harder men like Waitz and Dümmler,

whom scholars prefer and few but scholars read. Outside of his domain, beyond the two centuries which were essentially his own, he was an excellent teacher and adviser. Every office of literary trust was forced upon him, and the inevitable correspondence explains the prodigious fact that only six months ago he was patiently labouring at a book begun before the middle of the century. He had been one of Ranke's earliest pupils, and remained one of the most faithful and representative observers of the direction which his master gave. He did not entirely escape that habit of the seminary of Berlin to dwell so long on the literary preliminaries that, as in the instance of his friend Koepke, the analysis of writers almost precluded touch with events. But, like his teacher, he wrote not for the school but the nation. Like him he believed that the true knot lay in the mingled fortunes of the Teuton and the Latin, of the race whose portion was the empire and the race that held the priesthood. And it was in the same genuine spirit that he was a gracious and merciful judge of men, forgetful of himself, and deemed it his true function to describe events, committing ideas, institutions, and principles to those whom they professionally concern. His fame will rise or fall with the authority of the school which still reigns supreme. If, taking other examples and other methods into account, historians occupy themselves with all that goes to weave the web of social life, then the work of Giesebrecht, like the work of Ranke, will appear neither sufficient nor efficient, but characteristic of a passing stage in the progress of science. But if politics and history are one, so that the historian has only to record, in absolute purity, the action of organised public forces, then he deserves to be remembered, among the best men of Germany, as one who during his lifetime was unsurpassed in medieval narrative.

ACTON.

Notes and Documents

SOME POLITICAL POEMS OF THE TWELFTH CENTURY.

THE Bodleian MS. Add. A. 44,[1] from which several poems are here for the first time printed, contains what is perhaps the most ancient existing collection of the popular Latin poems, satirical, religious, or political, of the middle ages. It is a small volume—$7\frac{1}{4} \times 5$ inches—but is of considerable thickness, containing over 250 leaves, and comprising in all 112 articles, the great majority being in verse, although many of the poems are written as prose. The handwriting of by far the larger portion is of the first quarter of the thirteenth century, a date which is confirmed by the facts, that no poem *need* be later than 1198,[2] and that so far as the authors of any pieces are known, they either belong to the twelfth century, or were alive and writing in or about the year 1200.

The composition of the volume appears to have been as follows. The first hand (A) not long after 1200 A.D. transcribed on f. 7 verso a portion of the 'Poetria Nova' of Geoffrey Vinsauf, beginning *Neustria sub clipeo*, and ending *longa est lacrima mundi* (lines 366–428 in Leyser, p. 976).[3] In the second hand (B), which is also early thirteenth century English, is written the bulk of the volume, viz. artt. 2, 3*b*–47, 53–71, 73–99, and 102–108. A third hand (C), probably before 1225, wrote on f. 2 a list of the incipits or titles of all that B wrote, and added on blank leaves articles 100 and 101. So the volume seems to have remained until it came into the possession of Thomas Bekynton, bishop of Bath and Wells, 1443–1465, who wrote his name on f. 8 verso, 'Liber Thome de Bekyntona episcopi Bathon. & Wellen.' Near the end of the bishop's life, and certainly after 1455,[4] another scribe (F) wrote a new list of

[1] I have to thank Mr. F. Madan for calling my attention to this manuscript, as well as for much kind assistance, and for permission to make use of his manuscript catalogue.

[2] The latest of which the date can be fixed is No. xcviii., which alludes to the death of Marie de France, mother of Henry II of Champagne, in March 1198.

[3] This article is numbered 1*b*, and is styled *Planctus de morte Regis Ricardi Cuir de Lyon.* It occurs frequently under similar titles: cf. Benedict Abbas, ii. *ad fin.*, in the Rolls Series; and Bromton, in Twysden's *Scriptores Decem* 1279–81, where it is followed by a version of the *Laudes Regis Ricardi*, printed below.

[4] See article 72, f. 124, the rubric of which, written by this scribe, is, *Professio*

contents on ff. 3–6, and added rubrics to the whole collection, which then contained articles 1*b*–2, 3*b*–47, and 53–108, except that the rubric alone of article 72 was then written. Shortly afterwards various insertions were made, articles 48–52 in a hand (D) of the first half of the fifteenth century; 3*a* written (E) perhaps in the second quarter of that century; 1*a* and 110 in two hands (G and H) of about the same date as the rubrics, the former on a blank page, the latter on an additional sheet now numbered ff. 9–12; finally the body of article 72 was written in a current hand (I) probably between 1460 and 1470.

Bekynton gave the book to a friend, who wrote on f. 13 *ex dono reuerendi in Christo patris Thome de Bekyntona Bathon. & Wellen. episcopi. Oretis pro eo.* Other owners were, early in the sixteenth century (?), J. Greenhalgh, and late in the seventeenth John Hill, 'R. Combeflory,' 'Combefloreensis,' i.e. rector of Combe Flory in Somerset,[5] and afterwards Richard Hill and Blanch Hill. The binding is of the latter part of the seventeenth century; unfortunately the edges were too closely cut, and some writing has been destroyed, especially on ff. 62 and 64.

Of the 112 pieces contained in the volume twenty-five are in prose, viz. 1*a*, the 'Epistle of the Old Man of the Mountain;'[6] 2 and 4, extracts from St. Jerome 'Adversus Jovinianum;' 3, an exposition of the following article, 3*b*, *Valerius ad Rufinum de dissuasione mulicbris amoris*, printed in Migne's edition of St. Jerome, xi. col. 254 (see also Map 'De Nugis Curialium,' Dist. 4); 11, *Epistola Berengarii*, Migne, clxxviii. col. 1875; 13, 14, and 15, invectives against unworthy bishops, with a contemporary ascription to 'Eraclius;' 20, a mock sermon, *De diligendo lieo*; 50–52, extracts from the pseudo-Aristotelian *De Secretis secretorum*; 52, another mock sermon, *De cuiusdam claustralis dissolucione*; 64–66, three sermons; 67, treatise by St. Martin of Dumium (Migne, lxxii. col. 21); 68, an extract from Gregory of Tours 'In gestis Francorum,' and a portion of the gospel of Nicodemus (ff. 105–121); 69, *Prophecia Danielis de quattuor imperiis*; 70, *De Antichristo*; 72, *Professio . . . Pape Calixti tercij* (see above, n. 4); 93 and 94, quotations from St. Gregory, the latter from the *Moralia* 'In Job xl. 18,' but quite unlike the printed text; 101, the letter of Hugh Nonant, bishop of Coventry, describing the fall and flight of Longchamp (Hoveden, iii. 141,

seu votum pape Calixti tercij pro recuperatione vrbis Constantinopolitane per magnum Teucrum capte. The article itself is in a later hand.

[5] See ff. ii. 1, 13, 26, 252 verso, and 106.

[6] It is styled *Epistola Veteris de Monte super purgacione infamie contra Regem Anglie Ricardum Cuir de Lyon exorte* in the letter in Diceto, ii. 127, and is identical with the letter given by Hemingburgh, i. 213, 214, but it has a preamble which is wanting there: *Quoniam audivimus illustri Anglorum Regi Ricardo necem Marchionis de Monteferrato a pluribus imputari, &c.* See also the *Itinerarium Regis Ricardi*, where, however, the language is different.

R. S.); 108, *Tractatus Utilis per modum dialogi scilicet deflentis hominis et admonentis racionis,* Inc. *Venit nuper ad manus meas*; a piece which is, I believe, well known.

This leaves us eighty-seven poems; but Nos. 23 and 25 form part of Nos. 71 and 85 respectively, and No. 109 [7] is known to us only through the table of contents: thus the total number of distinct poems is reduced to eighty-four. But on the other hand No. 98 (*Jerusalem, Jerusalem*) on f. 139 is followed on f. 139 verso without any fresh rubric or number by a poem [8] which does not appear to have any connexion with it; if this be accepted as a distinct article, it will again raise the number to eighty-five. There is no need to give a full list of these; for Mr. Madan contributed an alphabetical list of their first words to the 'Bibliothèque de l'Ecole des Chartes,' vol. xlvi., and M. Hauréau wrote an article in the next volume of the same periodical (p. 88), wherein he has given a full notice of all the pieces with which he was acquainted from other sources. These amount to fifty-seven in number, leaving twenty-eight pieces which are peculiar to the Bodleian MS. But of the others six are still unprinted, and one is printed by M. Hauréau for the first time; [9] many also of the printed poems differ from the versions given in our manuscript, which often supplies additional lines,[10] and the readings of which are usually of a superior character, as will be evident from the collations given at the end of this article.

It may, however, be of some interest to summarise the contents of the Bodleian MS., first in relation to other collections, printed or manuscript, secondly in respect of authorship, and thirdly in reference to subject.

I. There are thirteen poems which are printed in the collection of Flacius, but no less than eight of these are longer than in his version. There are also thirteen poems which occur in the *Carmina Burana*; here again two are longer, though on the other hand two are shorter; three out of these likewise occur in Flacius. Four are given in the collection of Du Méril (ed. 1843), one of which is also given in the *Carmina Burana*. Three are given by Mone in the 'Anzeiger für Kunde der teutschen Vorzeit,' vii. Three

[7] Inc. *Ad cor tuum.* Printed in Flacius, p. 77.

[8] This poem begins *Beatus qui non in malorum*, and has the following refrain:—

O felix quem non crutiat,
Nec mordet, nec angustiat
Stimulus auaricie,
Nec fax urit inuidie.

No. 98 is printed by M. Delisle (see below).

[9] Viz. No. 37, Inc. *O mores perditos*; from manuscript Bibliothèque Nationale, 3549, f. 168. But his version differs considerably from that in our manuscript, and contains only four verses in place of five.

[10] *E.g.* No. 16, *Satis nobis notum*, which here contains 112 lines, only fifty-two of which are printed in Flacius, p. 113. See also Nos. 75 and 90 printed below.

are printed in Wright's 'Political Songs;' of these a collation is given below (app. ii.). In the 'Latin Poems attributed to Walter Map' will be found No. 42, the *Apocalypsis Goliae*, No. 48, *Dum tuerent omnia* (on p. 87), and No. 110, *De non ineundo conjugio*; the last two of these are in hands of the fifteenth century. But most remarkable is the connexion between our manuscript and a Florence manuscript described by M. Léopold Delisle.[11] Altogether there are twenty-seven pieces [12] which are common to both these manuscripts, and of these nine seem to be peculiar to them; M. Delisle has printed four, of which either a collation or fuller version is given below (app. i.).

II. With regard to authors, the following identifications can be made. From the 'Poetria Nova' of Geoffrey Vinsauf there are two extracts in articles 1*b* and 105.[13] By Peter of Blois we have four pieces—Nos. 21, 39, 40, and 73—which, however, are printed by Dr. Giles and in Migne as a single poem.[14] No. 96 is by Berter of Orleans.[14] Nos. 6, 102, 103, and 104 are by Hildebert of Lavardin. No. 10 is the beginning of the *Miles Gloriosus* of Matthew of Vendôme (the earlier writer of that name fl. 1200 A.D.). No. 32, *Contra Simoniacos*, attributed to Thomas Beket.[15] No. 48, attributed to Hugo Primat.[16] No. 61 is given in several Paris manuscripts under the name of Godfrey de S. Victor. No. 63 is the *Geta* of Vital de Blois, and has often been printed.[17] No. 95 is by Alain de Lille.[18] No. 99 (ff. 139 verso—217 verso) is the *Liber Architrenii* of John of Hauteville.[19] Nos. 12–15 and 75—which is printed below—are ascribed in a contemporary hand to Eraclius, but who this writer was I have not been able to discover. Finally Nos. 42, 56, and 110 are among the poems ascribed to Walter Map. It will be observed that all these writers lived during the twelfth century, and that for the most part they were contemporary with the date at which the manuscript was written.

[11] *Discours prononcé à l'assemblée générale de la Société de l'Histoire de la France le* 26 *mai* 1885. This manuscript contains 400 pieces of a more or less secular character, besides many liturgical pieces. Its contents date from the end of the twelfth century to about 1240, and relate to England and the north of France. But the writing and illuminations show that the manuscript itself is of later date, probably of the reign of Philip the Fair. It includes a number of pieces of political interest; amongst them being poems on Henry II, Geoffrey of Brittany, Richard I, Philip Augustus, Louis VIII, Louis IX, &c.

[12] Besides the poem *Ad Cor tuum*, which now appears only in the catalogue of our manuscript.

[13] Containing lines 360–428 and 2075–2094 of the poem. See also below, pp. 320 f

[14] A further account will be found in the appendix, iii. iv.

[15] *Carmina Burana*, p. 43. Du Méril, p. 177.

[16] *Latin poems attributed to Walter Map*, p. 87.

[17] See *Histoire Littéraire de la France*, xxii. p. 41.

[18] Migne, ccx. col. 577. But the lines are differently arranged, and there are some slight variations of reading.

[19] Printed in Wright's *Satirical Poets of the Twelfth Century*, vol. i. (Rolls Series).

III. To turn to the character of the poems. As is usual in such collections, a large proportion of them are satirical poems directed against the prelates and church of Rome; to this class belong upwards of thirty pieces, many being apparently unique; two of the most important are printed below. More purely political poems are the 'Lament for the young King Henry;' two pieces on the captivity of Richard I (Nos. 41 and 83); two on Henry I and Henry II of Champagne; two on the capture of Jerusalem; a poem describing the fall of Longchamp; besides two extracts from Vinsauf. With two exceptions, therefore, all of these relate in some degree to the third crusade, and of the exceptions one is an addition by C; the writer designated by B would therefore seem to be some one who felt a special interest in the crusade. To one or the other of these two classes must be referred the three poems printed in Wright's 'Political Songs.' Several pieces, a dozen or more, are purely religious in character, such as No. 22, the hymn beginning *Veritas veritatum*, printed in Flacius, p. 78. Not quite so many are purely secular, including such poems as No. 17, *Quod vinum sit limphandum*, and 18, *Contra vinum limphatum*, and also several pieces on mythological subjects, such as No. 5, which is a paraphrase of Dido's lament in the fourth Æneid, and No. 102, the celebrated poem *De excidio Trojae* in rhyming elegiacs.

The pieces here printed include all of direct political interest which have not been previously printed, together with two of the most striking of the poems against the church, and some verses on Becket. Except for the last three, they are arranged chronologically, but references are given both to the numbers and pages in the manuscript. In the appendix are printed collations of the poems printed by M. Delisle and in Wright's 'Political Songs,' and of the poems of Berter of Orleans and Peter of Blois; these complete the number of political poems contained in the manuscript. On some future occasion I hope to be able to give a further selection of unpublished poems, and also a collation of all the pieces contained in the collection of Flacius, and in the *Carmina Burana*.

C. L. Kingsford.

I. Lament for the Young King Henry.

There is no certain indication of the king to whose death the following poem relates. But most probably the young king Henry, son of Henry II, who died in June 1183, is intended. A number of expressions which occur in the poem appear most suitable when applied to him: cf. lines 26, 41, 45, 66.

Art. xli., f. 66. *Planctus in mortem cuiusdam nobilissimi Regis Henrici.*

Da plaudens organo
plausus cum tympano,
& choro reici;
dulcesq*ue* lirici

clangoris strepit*us*
in uberes
t*r*ansferre [20] p*ro*peres
dolor*um* gemit*us*;

[20] The manuscript has *tnsferre* without any sign for the abbreviation

aquar*um* exitus
singuli 10
deduc*ant* oc*u*li
in nouos cineres.

O tristes nimiu*m*
lapsus sublimiu*m*!
nunq*ua*m in p*ri*ncipe
sine participe
mundane machine
frons labit*ur*,
que circumscribitur
crebra caligine; 20
dum, lapso lumine,
radi*us*,
que*m* fudit cinthi*us*,
te*r*ris subripitur.

66 v°] Etate pululat a primula
in mores p*at*rios mens emula;
licet cor regiu*m*
libret sullimia
precordia,
uenant*ur* om*n*ium 30
iocunditas
& dulciloquiu*m*,
mens cui*us* pietas,
forma d*om*iniu*m*,
dext*ra* refugiu*m*,
fama serenitas.

O seua seu*er*itas! o t*er*mini![21]
q*uo*s t*ra*nsgredi no*n* licet homini.
uir m*en*tis predite
uirtutu*m* predio, 40
uir regio
creat*us* stipite,
i*n* duce rex,
& dux i*n* comite,
post uite modicu*m*
cursu p*re*cipite
fatali semite
ruit i*n* lubricu*m*.

Quid forme flosc*ulus*?
q*ui*d p*ro*bitas? 50
q*ui*d opes, largitas,
fama, u*e*l tit*u*lus,
uel boni cumulus?
dum rerum bibulus
tam subito
hiatu solito
res prius inclitas
absorbet tumulus.[22]

Qua spe producit*ur*
fiducie? 60
qui nat*us* hodie,
ut flos egredit*ur*,[23]
mane conteritur,
ad m*u*ltas oritur
miserias,
post breues nuptias
fallacis gl*ori*e
momento moritur.

Quid, homo, lambis ambitu
labella rerum singula? 70
quem plena fallunt osc*u*la
breui delusum transitu
temporis aprici;
quicquid allegaueris
forme, reru*m*, generis,
prudencie,
laudis, & uictorie,
uel indolis,
nichil est, si recolis
cineres Henrici. 80

II. The Fall of William Longchamp.

The following poem is clearly founded on the letter of Hugh Nonant describing the chancellor's attempt to escape from Dover in 1191, disguised as a pedlar woman. That this is so is evident from the close similarity of language in the poem and letter;

---

[21] There is evidently something wrong in this line. In the manuscript, *-uerita-* is marked for omission, and a later hand has written in the margin *sorios*, or *serios*; as the edges have been cut, something more may be wanting.

[22] The manuscript had originally *cumulus*, which has been corrected to *tumulus* by a later hand.

[23] Job xiv. 1, 2.

moreover in our manuscript a copy of the letter follows immediately on the poem. Under the circumstances no special importance can be attached to the violent and personal invective of the writer of the poem. The letter of Hugh Nonant will be found in Hoveden, iii. 141 147 (R. S.); the most important coincidences of language are pointed out in the footnotes. It will be noticed that both these articles are additions to our manuscript by C, the scribe who wrote the first list of articles; the title is a later addition, but C in his list mentions Longchamp by name.

Art. c., f. 218 verso. *Consulitur Eliensis pontifex, Cancellarius Anglie, ne credat fortune, uel fauori populi.*

Discat cancellarius,
quam uarius
sit rerum exitus;
ammonitus
nec altum sapere,
nec temere
cor suum apponere
fallaci glorie;
diuicie
si affluant,[24] 10
vtatur parcius
quam tocius,
ne diffluant;
ex opum aggere
non pascat stulticiam.
auget materiam
furoris,
quisquis mendacem populum
ad cumulum
fauoris 20
sequitur,
& nititur
oleo,
quod doleo,
inungi peccatoris.

Fallax & uarium
fortune studium;
uides ut folium,
quod uento rapitur,
in altum tollitur 30
& subito deprimitur;
tali sub ẏmagine
ludit in homine,
ceco libramine
actus suos ponderat;
nam qui nuper venerat
ad nos[25] albis pedibus,[26]
citis traxit passibus
hominem tantillum
in solium 40
potentium,
& nubes suscepit illum.[27]

Non stat in directo
pes suus, set recto
breuis subicitur,[28]
iambus efficitur
per inequales gressus;
hos habet excessus
in opere,
nec potest latere 50
mentis inequalitas;
set claudicat,
dum iudicat,
ex cordis adipe prodit iniquitas.

Mentis inequalitas
pedi conformatur,
informis conformitas
qua sic deformatur,
quod pes mentem loquitur,
pedi mens ascribitur; 60
equaliter
diuiditur
inequalitatis
uicium;
homo uanitatis

[24] Ps. lxi. 11. Extortion and avarice were two of the charges brought against Longchamp.

[25] The manuscript has *ad nos venerat* marked for transposition.

[26] Juvenal, i. 111. Newly imported slaves had their feet whitened with chalk.

[27] Acts i. 9. Longchamp's haughty bearing made him many enemies.

[28] This is in allusion to his lameness—he had one leg shorter than the other. According to Diceto (ii. 101) his gait caused his detection.

extend*it* brachiu*m*
i*n christ*i sa*nct*uariu*m*,
& i*nt*ellexit tem*e*re,
*christ*os meos nolite tang*e*re.[29]

Lesit sac*er*dotiu*m* 70
hostis sac*er*dot*um*,[30]
p*r*estrux*it* i*n*sidias,
& i*n*sidias falsas
respex*er*at;
s*et* deo gr*ati*as
les*us est* q*ui* leserat,
fug*it* q*ui* fugau*er*at,[31]
ut i*m*pleat*ur* tot*um*
q*uod* d*au*id cecin*er*at;
semitas iustoru*m* 80
iniqui *con*sid*er*ant,
sed laq*u*eis,
q*uo*s eis
tetend*er*a*n*t
*com*p*re*hensus *est* pes eoru*m*.[32]

Nulla lex equior
n*ec* gr*a*tior,
q*ua*m, quas tu statu*e*ris,
leges tuis hum*e*ris
sustineas, 90
ut p*er* eas
p*e*reas,
si p*e*rire debeas.
219] O dire pontifex!
immo necis artifex,
qui non es ueritus
laqueos, int*e*ritus,
q*uod* mortis aditus,
iustis p*r*etend*e*re,
excut*ere* 100
de pulu*e*re;
q*uod*, causam tuam iudica,[33]
iniq*ua*
agebas,[34] sup*er*uacue
m*er*ito legis tue
puniris s*ent*entia,
arte peris p*ro*p*ri*a.
de cet*er*o
si te non docu*er*o,
per te doctus eris, 110
retinens memorit*er*
illud eu*an*gelicum,
unicum
tocius iuris speculum,
cum leges dederis,
quod t*ibi* non uis fieri alii ne feceris.[35]

Qvid molles habitus,
enerues tunice
cum tumido pontifice?
quem fouit sp*iritus* 120
laudis ẏronice,
& publice
monstrabat om*n*is digit*us*
exposit*us*
a seclis yp*er*bolice
galaxia
nutans p*r*olabitur,
& scenice
subducitur
i*n* mulieris spolia. 130

In hui*us* op*ere* [36]
mira metaphora;

[29] Ps. civ. 15. His opposition to Hugh of Durham and other bishops, but most especially his arrest of Geoffrey, archbishop of York.

[30] Nonant says, *Utinam se solum sacerdotem et non ipsum sacerdotium inquinasset.*—Hoveden, iii. 147.

[31] *Tractus igitur est qui traxerat, captus qui ceperat, ligatus qui ligaverat, incarceratus qui incarceraverat.—Id. ib.* An allusion to the treatment of Geoffrey.

[32] Ps. ix. 16. Cf. Prov. iv. 18.

[33] Ps. lxxiii. 22.

[34] Although the general meaning is clear, these lines appear to be corrupt.

[35] Tobit iv. 16; Matthew vii. 12.

[36] *Proh dolor! vir factus est femina; cancellarius cancellaria; sacerdos meretrix; episcopus scurra. . . . Pedibus praeelegit properare ad littus, tunica foeminea viridi, et enormiter longa, pro tunica sacerdotis jacinctina indutus, capam habens ejusdem coloris deformiter manicatam pro planeta; peplum in capite pro mitra; pannum lineum in manu sinistra, quasi ad vendendum, pro manipulo; virgam venditoris in dextra pro baculo pastorali.*—Hugh Nonant, ap. Hoveden, iii. 146.

ridendus hinc in tempora;
togam pro podere[37]
succinctus per fora,
& mafora[38]
pro mitra comptus, temere
componere
gradum nouit per littora.
uestigia 140
nutans dum pertrahit
ad equora,
plebs detrahit
feda captiuo spolia.

[39] Trascendens gloria
cum clero populum,
rectoris imitans baculum
uirga mensoria,
factus in seculum
ridiculum, 150
arte fit institoria
risoria

nouum mundi spectaculum;
& uilia
nutans, dum abdicat
se masculum,
mox indicat
semiuirum per spolia.

Assumpta specie
sexus, quem oderat,[40] 160
neuter factus ut par erat;
sue uesanie
penas ut proferat,
quas sumpserat
ex maiestatis regie
progenie,[41]
eneruiter accelerat;
& mollia
nutans,[42] prauus pium,
quo leserat, 170
supplicium
dans loco[43] perdit spolia.

III. A Song in Honour of Henry II of Champagne.

The count of Champagne, in whose praise this poem is written, is probably Henry II, the king of Jerusalem who died in 1197. The poem was therefore written before that date, and probably before 1192, in which year he became king. The first, third, and fifth stanzas are printed in the collection of Flacius, p. 39; either a part or the whole of the poem is contained in the Florence MS. f. 419.

Art. xc., f. 131. *Commendacio comitis Campanie pro terra sancta.*

Sede, sion, in puluere,
capud asperge cinere,
induere cilicio.
quo stetit spei firmitas?
caret uexillo caritas,
& fides priuilegio.

Cordis potentes ferrei
sic in uindictam fidei
mentes & manus continent;
quod urbem sanctam pollui, 10
quod loca[44] sancta destruj,
pari defectu sustinent.

Sion in sinu lamie
catulos lactant hodie,
lapides sanctuarii
per plateas deiciunt,[45]
& labores diripiunt
hebreorum egiptij.

[37] Poderis (ποδήρης). *Tunica talaris, vestis sacerdotum antiquae legis, quam in nova vulgo camisiam vocant.*—Du Cange.

[38] *Mafora*, more usually *mafors.* *Operimentum capitis maxime feminarum.*—Du Cange.

[39] This verse comes before the preceding one in the manuscript, but they are marked to be put as above.

[40] *Sese foeminam simulavit, cujus sexum semper odivit.*—Nonant, ap. Hoveden, iii. 146.

[41] Refers to Geoffrey. Nonant says: *Nihil tamen potuit ei prodesse regius sanguis. Ib.* p. 144.

[42] The manuscript had originally *notans*, which is corrected to *nutans.*

[43] Dover was the scene both of the arrest of Geoffrey and of the attempted flight of Longchamp.

[44] The manuscript has *lota.*

[45] Flacius, *disjiciunt.*

Forsan scrutator cordium
gen*er*ali iudiciu*m* 20
particulare p*re*tulit,
spem multi fruct*us* area
multa dedit i*n* palea,
s*et* uix pax illu*m* retulit.

Diuine nutu gr*at*ie
solus comes campanie
spei fauillam suscitat,
fidelis sion fili*us*,
uelut alt*er* eraclius,
fide ferroq*ue* militat. 30

Certat etati tenere
mentis robur i*m*primere;
corp*us* indurant asp*er*a;
reges docet stirps regia,
q*uo*d uictrice *con*stancia
coronanda su*n*t op*er*a.

IV. On the Captivity of Richard I.

The following complaint of the delay of kings and pope to come to the aid of the champion of the cross is fixed by its subject for the year 1193, when the jealousy of princes and the timid diplomacy of Pope Celestine conspired to prolong Richard's imprisonment.

Art. lxxxiii., f. 128. *Exclamacio in vlcionem captiuitatis & impresonacionis Regis Ricardi.*

Insurgant in Germaniam
reges co*m*muni gladio,
armentur in i*n*iuriam
q*ua*m p*re*sumpsit ambicio;
noue pene sentenciam
iuris exquirat ultio,
ne maiestatem regiam
tam p*ro*b*r*oso co*m*mercio
quis deinceps offendat.

Fraus, fastus, & cupiditas 10
innascuntur germanie,
t*ri*plex cui*us* i*m*manitas
in rege*m* seuit anglie;
q*ue*m nec uirtutu*m* u*er*itas
nec honor excellentie
nec uie soluit sanctitas,
ut sic tirannis patrie
tirannidem ostendat.

Ha! quid roma, quid nobiles,
quid, ue! celestis gladius 20
in ausus execrabiles
penam suspendu*n*t longi*us*?
quid languet martis dext*er*a,
cum martis heres capitur?
quid celo parent sid*er*a,
cum sol eclipsim patit*ur*?

Que*m* *christu*m nudat hodie,
sy̆on decorem distrahit [46]
tantam lucro pecunie
fame iacturam *con*trahit; 30
q*uo*d extorta pecunia
co*m*mune parit odium,
p*er*henne transitoria
m*er*ces emit opp*ro*brium.

En solutis legib*us*
discurrit i*n* regib*us*
peccandi seueritas,
hec orret gentilium,
que regum fidelium
audet infidelitas. 40

Instat mundi t*er*minus,
instet ergo domin*us*,
qui penas & p*re*mia
sic discernat singulis,
ut reges a pop*u*lis
discerna*n*t supplicia.

V. The Praise of King Richard.

Article cv. on f. 226 verso, which is styled *Preces imperatori pro liberacione regis Ricardi, et laudes eiusdem regis*, consists of lines 2075-2094 from the *Poetria Nova* of Vinsauf, followed by eight lines which are the *Laudes*. These eight lines are a version

[46] The manuscript has *distrait*.

of some lines which are given in the *Itinerarium Regis Ricardi*, p. 450, at the end of the chronicle of Benedict Abbas, and by Bromton, col. 1281; these copies, however, contain only six lines, and as they all differ from the version in our manuscript, the latter seems worth printing.

Pingit*ur* h*ic* auro, rex auree, laus tua tota
Aurea, mat*er*ie *con*ueniente nota.
Laus tua p*ri*ma fuit siculi,[47] cypros[48] alt*er*a, dromo[49]
T*er*cia, caruana[50] q*ua*rta, sup*re*ma iophe.[51]
Detrusi siculi, cẏpros pessimdata, dromo
Mersus, caruana rapta, ret*e*nta iophen.
Plurima *cum* faceres alias, hiis om*n*ibus auctor
Exstit*er*as, et ad hec om*n*ia solus eras.

VI. Against the Avarice and Hypocrisy of the Prelates.

This is rather such a poem as we might expect to meet with about the middle of the thirteenth century; but since, from the date of the manuscript, it must have been written quite early in that century, if not before, perhaps the most likely archbishop for it to have been addressed to is Hubert Walter, which would fix the date of the poem between 1194 and 1205. During these years several bishops were on bad terms with their monks, and the poem was no doubt in part inspired by such ill-feeling.

Art. xix., f. 59 verso. *Carmen ritmicum contra auariciam & ypocrisim presulum & abbatum.*

Anglo*rum* pater p*re*sulu*m*, no*ste*r archiepiscope,
audi q*ui*d p*re*ter solitu*m* no*st*ra pla*n*gat calliope.
aut d*eus* mu*n*du*m* despicit, aut facit q*uas*i nesciat,
aut mala no*st*ra sustin*et*, ut duri*us* nos puniat.
vides q*ua*nta tira*n*nide n*unc* p*ri*nceps mu*n*di[52] seuiat,
i*us*tus a t*er*ra pe*r*iit, n*on* est q*ui* bonu*m* faciat;[53]
a minimis ad maximos o*mn*es arde*n*t pecunia*m*;
ipsi q*uoque* po*n*tifices, q*ui* sic t*r*actant eccl*es*iam,
cum debere*n*t p*ar*acliti g*r*atis largiri gr*aci*am,
nil intr*a* s*an*cta faciu*n*t nisi p*er* auaricia*m*; 10
h*ec* ut archiepiscopa regnat *super* ep*iscop*os,
i*n* exe*m*plo po*n*tificu*m* hinc s*er*uitio*n*is ant*r*opos;
h*ec* *con*secrat eccl*es*ias, h*ec* sac*r*os t*ra*dit ordines,
h*ec* benedicit pop*ulum*, h*ec* sac*r*as uelat u*ir*gines;
h*ec* sac*ra*tas eccl*es*ias exponit mox ementib*us*,
q*ue*rit q*ui* nu*m*mos h*abe*at, prete*r*itis pauperib*us*;
vna*m* duob*us* diuidit & duas uni *con*gregat;
si t*ri*buas, ret*ri*buit, nil t*ri*bue*n*ti denegat.
n*on* peior istis[54] scarioth, q*ui* ih*esu*m ipse uendidit,
na*m* duct*us* penite*n*cia iude*is* nu*m*mos reddidit; 20
isti no*st*ri sac*ri*fices deredd*ere* n*on* cogita*n*t,
s*et* ut reue*n*da*n*t ue*n*ditu*m* occasio*n*es susc*i*ta*n*t;
scio t*amen* po*n*tifice*m*, q*ui* reddidit argenteos
de ue*n*ditis eccl*es*iis, s*et* alt*er* dedit aureos.

[47] Hoveden, iii. 67. [48] *Id.* iii. 111. [49] *Id.* iii. 112. Diceto, ii. 93.
[50] Hoveden, iii. 182. [51] *Id.* iii. 183.
[52] John xii. 31. [53] Eccl. vii. 21.
[54] The final *s* is added by a later hand.

est quoddam malum aliud, quod malum istud aluit,
huic est nomen ẏpocrisis, quod impares imposuit;
exponitur ypocrisis latine deauracio,
& nullum uiciosius est uicium hoc uicio;
non est uirtus que sufferat hoc tempore tam grauia,
tot cruciatus corporis & tot quasi martiria; 30
torquetur fame frigore, die nocteque uigilat,
& psalmos semper ruminans eos nobis insibilat;
in choro primus incipit & finit semper ultimus,
vt aias pre ceteris huius in his est animus;
cum assistit altaribus & circumastant homines,
multas unius corporis tunc uideas ẏmagines,
oculorum uertiginem, suspiria continua,
elationes manuum, & tot flectamus genua;
suspirat non, ut fingitur, diuinorum absenciam,
set quia non consequitur, quam ardet mundi gloriam; 40
pallere facit faciem nimis exhausto sanguine,
coctione leuistica, uel alio molimine;
plangit quamuis non doleat, tussit sine screamine,
flere compellit oculos, risum ducit pro crimine;
si quando forte riserit cum tanta sit modestia,
quod non credatur corporis set animi leticia;
hic male facit omnia, set raro mala faciens,
cum ea facit, dicitur simplex & mala nesciens;
si rixetur aut uerberet sit eciam uulnificus,
dicunt quia sic corrigat uel quod sit melancolicus. 50
hoc malum apud ueteres cepe bulborum dicitur,
nam cepe cum extunicas plus tunicatum cernitur.
hic dum est, non congnoscitur, set cum esse desierit,
adepto quod ambierat, tunc patet qualis fuerit;
qui totus ante deditus erat in cibos pauperum,
nunc aure surda preterit, nec respicit ad miserum;
qui prius ibat peditans uel pando uectus asino,
nunc equo pingui uehitur & uiam parant domino;
qui prius totis noctibus suum hiabat kẏrios,
nunc pernox ad scurrilia stertit in dies medios. 60
recompensare properat ex rerum habundancia,
quicquid sibi fraudauerat tam longa continencia;
abbas factus de monacho non erit ultra monachus,
assumitur pro monacho negociator abbacus;
multiplicat & nu[m]erat & congregat pecuniam,
iam iam ipsis monachis uendit obedienciam.[55]
claustra salutat deinceps, pro claustris sibi camera,
vbi pausat, & calefit, bibit, mandit & cetera.

VII. Against the Secular Employment of Prelates.

From line 45 it is obvious that the following poem is of northern origin, and not improbably it is English. May it not refer to the constant employment of bishops in secular offices during the reigns of Henry II and Richard I?[56] The spectacle of first

[55] The metre of this line is deficient.

[56] The following passage from Diceto, ii. 77, is of interest in this connexion;

Longchamp and then Hubert Walter acting both for king and pope would add force to the complaint. A contemporary hand has written in the margin of the manuscript *Eraclius*, which is perhaps the name of the author; the same note is appended to several other pieces of a similar character, (see above, p. 312). The first two stanzas of this poem were printed by M. Delisle from the Florence MS. f. 350 verso.

lxxv. f. 126. *Contra pontifices pilatisantes.*

Heu quo p*ro*greditur
p*re*uaricatio?
uirt*us* subtrahitur
a sanctuario.
iam nouo trahit*ur*
Christus p*re*torio,
cu*m* petrus utitur
pilati gladio.

In locis p*re*sulum
pilatant *con*sules, 10
cu*m* facta *con*sulum
usurpant p*re*sules;
adorant uitulum,
p*ro*scr*i*bunt exules,
p*ro*pinant poculum
quo, *chris*te, pocules.[57]

In pontificibus
regnant carnifices,
in carnificib*us*
insunt pontifices; 20
cum sac*er*dotib*us*
depilant u*er*tices
& in abbatib*us*
abbatant simplices.

Cum *christi* tunica
partita scindit*ur*,
ouis dominica
lupis exponit*ur*;
& ap*osto*lica
nauis subuertit*ur*, 30
i*m*mo piratica
puppis efficit*ur*.

Ecce! subtrahitur
pellis ab ostia,
& os *con*stringit*ur*,
cum i*n* eccl*es*ia
sac*er*dos ducitur
ad sac*ri*ficia,
no*n* sub te *igitur*
i*m*mo sub tallia. 40

Mel in fel u*er*titur,
lac in absinthiu*m*; [58]
ut*ra*q*ue* t*ra*hitur
lex in obp*ro*brium.
montes transgredit*ur*
doli diluuium,
cu*m* caro uendit*ur*,
& pellis ouium.

Pastores, dicite,
q*ui* lanas uenditis, 50
u*el* lac relinq*ui*te,
qui uellus uellitis,
fonte*m* att*e*ndite
de quo p*ro*ceditis
u*el* *christo* parcite
quem crucifigitis.

VIII. On St. Thomas the Martyr.

The following lines are perhaps more noticeable as a curious specimen of medieval elegiacs than for anything which they contain.[59] They, however, serve to show the light in which Thomas was regarded.

Episcopi temporis hujus se negotiis saecularibus immiscentes, et comitatus affectantes seu vicecomitatus vel castellanas, Rogerum quondam bonae memoriae Sarisberiensem episcopum revocent ad memoriam.

[57] The manuscript has *pcules*.

[58] Manuscript, *abscinthium*, with the c marked for elision.

[59] There is a poem of similar style in *Carmina Burana*, p. 39.

Art. cvii., f. 235 verso. *Versus de sancto thoma martire.*

Rex, miles, presul, edi*c*t*i*s, ense, cruore,
Impugnat, uiolat, p*r*otegit eccl*es*iam.
Rex ira, miles gladio, p*r*esul prece pugnat,
In p*at*rem, m*at*rem, rex, eques inuehitur ;
P*ro* pop*u*lo presul, p*ro* multis stat, cadit un*us*,
P*ro* genet*r*ice p*at*er, pro g*r*ege pastor obit.
Lux pat*rie*, dux iusticie, legisque pat*ronus*
cesus in eccl*es*ia militis ense cadit.
Nunc stat & eternum felix, & palma m*e*ret*ur*,
Hi*nc etiam* refugis dant modo signa fidem. 10
Mars cereri bacho sociat*us* temp*o*ra pacis
Vendicat, allegat hec sua luce sua.
Infert lux, martis *est ergo* te*m*p*us*, & artis
Inscius ; h*ic* armis e*ss*e nece*ss*e p*ro*bat.
Fur arce*m*, caulas lup*us*, ara*m* lictor, asilum
Hostis, p*r*edo rat*em*, sang*ui*ne cede replet.
In rate rector obit, in asilo tutor, in ara
P*r*esbit*er*, in caulis pastor, in arce uigil.
Sacra p*r*ophanant*ur*, litat ursus, uictima p*r*esul ;
Templu*m* *con*cutit*ur* ; ara cruore madet. 20
Signifer insignis qui uiuens corp*o*re, mente,
Hec moriens manibus u*er*tice signa gerit.
C*au*sa dei, u*ir*tutis amor, zelus pietatis,
Cura gregis thome fecit ine*ss*e thomum.
Q*ui*s morit*ur* ? p*r*esul. Cur ? p*ro* g*r*ege. Q*ua*lit*er* ? ense.
Q*ua*ndo ? natali. q*ui*s locus ? ara dei.
Anglia p*ri*mate, legato roma, pat*r*ono
Ius, duce cler*us*, inops p*at*re iacente fleat.
Corp*us* adit, fama p*e*rfund*i*t, sp*iritus* ornat,
Ima soli, mundi climata, su*m*ma poli. 30
Ann*us* millen*us* centen*us* septuagen*us*
P*rimus* erat, p*ri*mas q*uo* ruit ense thom*as*.
Q*ui*nta dies natalis erat, flos orbis ab orbe
Vellit*ur*, & fruct*us* incipit e*ss*e poli.

APPENDIX.

I. *Poems printed by M. Delisle.*

lxxvi. f. 126. Contra auariciam romane curie. Inc. *Uirtus moritur.* Flor. f. 322.

The only variation is in line 10, *uetitum* for *uicium*, no doubt correctly, since the rhyme is *licitum.*

lxxviii. f. 130. Planctus super morte henrici comitis campanie. Inc. *Omnis in lacrimas.* Flor. f. 415 verso.

15. *Orbem*, F. *mundum.* 37. *feruens*, F. *furens.* 49. *tantus*, F. *tantos.* 52. *qui nunc aret*, F. *non.* The Bodleian MS. has been altered ; apparently *non* was written originally. 56. *Comes mundi titulus*, F. *circulus.* 69. *quod*, F. *quid.*

xcviii. f. 139. Planctus super desolatione Iherusalem. Inc. *Jerusalem, Jerusalem, que occidis & lapidas.* Flor. f. 434.

8. *Legis in improperium*, F. om. '*in*,' supplied by M. Delisle. 14. *lacrimamur*, F. *lacrimantur*. 17. *meroris*, F. *mororis*. 24. *clangimus*, F. *plangimus*. 26. *Occidit*, F. *cecidit*. 27. *Casa*, F. *causa*. 29. *Maria mater gracie*, F. *O mater, Maria gratie*. 37. *Hic*, F. *et*. 39. *Epitaphium*, F. *epithipphium*.

II. *Collation of three Poems in Wright's 'Political Songs.'*

lvi. f. 79. Contra venalitatem & auariciam curie Romane. In Flacius, pp. 159 and 406. *Carmina Burana*, p. 19. 'Latin Poems attributed to Walter Map,' p. 36. Wright's 'Political Songs,' p. 14. Harleian MS. 978, and elsewhere.

9. *vicium in opere*. 10. *Tegunt picem*. 12. *ramus in sapore*. 15. *Trahit enim*. 20. *racio nummorum; copia* written above in a later hand. 27. *petunt quando petis*.
34–5. *Crux placet, rotunditas placet, totum placet.*
Et cum ita placeat, et Romanos placet.
38. *quis obicerat*. 47. *Et si munus*. 48. *Respondet hic, tibia non est mihi tanti*. 53–56. These lines, which are wanting in the Harleian MS., and given as prose in Giraldus Cambrensis, run as follows in the Bodleian MS.:—

Porta querit, cartula querit, bulla querit,
Papa querit, eciam cardinalis querit,
Omnes querunt; et si des, sique uni deerit,
Totum mare salsum, et tota causa perit.

65–76. These twelve lines are wanting in Bodleian MS.

xci. f. 131 verso. Invectio cuiusdam in prelatos. Printed in Wright's 'Political Songs,' p. 27, from Harleian MS. 978, f. 105 verso. Mr. Wright assigns it to the early years of Henry III; it may, however, be somewhat earlier.

Apparently this poem is peculiar to these two manuscripts; the Bodleian copy exhibits the following variations, some of which seem certainly preferable.

8. *Quantum est in rebus inane;* H. omits *in*. 11. *Alcas et lusus*, H. *usus*. 12. *Mille hominum species*, so also H.; Wright *spes*. 15. *negat*, H. *neget*. 18 and 19 transposed. 20. *notandi sunt tibi mores;* H. omits *tibi*, but the metre requires it. 24. *Ac*, H. *et*. 25. *euolans*, H. *euolat*. 31. *Impregnat*, H. *impregnet*. 42. *querens senescit*, H. *se nescit*. 43. *Nec*, H. *non*. 67. *Nec*, H. *non*. 95. *modulos*, H. *modulum*. 101. *culpa*, H. *uerbis*. 112. *pietasque*, H. *pietasue*. 113. *repetit*, H. *percipit*. 114. *dona*, H. *dena*. 115. *summonet*, H. *submonet*. 119. *Se reclinans dormiet fessus uel imbutus*, H. *nam cum cubans dormiet fessus et imbutus*. 132. *examine*, H. *ex agmine*. 135. *explorator*, H. *spoliator*. 138. *et luti*, H. *aut luti*. 153. *regum*, H. *regis*. 154. *uel lingua*, H. *nec*. 155. *fati*, H. *fato*.

xxxiii. f. 64 verso. De eodem, *i.e.* Contra Simoniacos. Printed in 'Political Songs,' p. 44, as 'A Song against the Bishops.' Also in *Carmina Burana*, p. 41. Mr. Wright dates this poem in 1256, but it must be about half a century earlier.

In the *Carmina Burana* there are eight stanzas, in our manuscript and in Cotton Julius D. vii. (used by Mr. Wright) only five; 2, 5, and 8 are the three which are omitted. In stanza 6, line 8, the Bodleian MS. has *speciem* instead of *specie*.

III. *Song of Berter of Orleans.*

xcvi. f. 138 verso. Lamentacio quod sepulcrum christi deseritur, by Berter of Orleans. See Hoveden, ii. 330, and Du Méril, 'Poésies Populaires,' ed. 1843, p. 408.

Stanza i. l. 9. *numquid*, Hoveden and Du Méril *nunquam*. ii. 3. *uires suas*, H. and D. *suas vires*. ii. 12. *pluris*, *H. precibus*, but Dr. Stubbs points out that *pluris* is required; Du Méril conjectures *curis*. iv. 1. *Crucem spretor crucem premit*, H. and D. *crucis spretor*. iv. 2. *ex qua*, H. and D. *sub quo*. iv. 9. *contempti*, H. and D. *contenti*. iv. 12. *Fidem defendenti*, H. and D. *crucem defendenti*. v. 2. *mutus luit peccatori*. H. and D. *mutuavit peccatori*. v. 6. *tuo creditori*, H. and D. *tuo creatori*. In the Bodleian MS. the refrain is not repeated after the last verse.

IV. *The Poems of Peter of Blois.*

Articles 21, 39, 40, and 73 make up what is printed by Giles (iv. 339) and Migne (ccvii.) as a single poem with the title 'Contra clericos voluptati deditos, sive de vita clericorum in plurimis reprobata.' Of this poem, No. 73 contains stanzas 1–8: No. 39, stanzas 9–13 (this section commences 'In noua fert animus,' the first words of Ovid's 'Metamorphoses,' as also do two poems in the Florence MS.; M. Hauréau did not observe the identity of this section); No. 40, stanzas 14–20 (in our manuscript arranged as six, no doubt correctly; the second, fourth, and sixth are added in the margin by a slightly later hand); No. 21, the remainder of the poem. The whole poem, with the one which precedes it in Migne, was sent by Peter of Blois to a friend (see Ep. lvii.)

A collation is here given of Migne with our manuscript and with a thirteenth century manuscript of the epistles of Peter of Blois recently purchased for the Bodleian Library at the Burton-Constable sale and now numbered Lat. Misc. d. 6.

A., Add. A. 44. B., Lat. Misc. d. 6. M., Version in Migne and Giles. The references are to the stanzas and lines in Migne.

1, l. 8: A. *falsoque*, B. and M. *falseque*. 4, l. 4: B. *quod*, A. and M. *quid*. 5, l. 6 omitted in B. 5, l. 9: A. *que tota*, B. *qui toti*, M. *quae toti*. 6, l. 2: A. and B. *signata*, M. *fugit a*. 9, l. 2: A. and B. *mutare*. M. *ructare*. 9, l. 8: A. *auri color*, B. and M. *aurique color*. 10, l. 11: B. *supercumbat cumula*, A. and M. *supercumulat*. 12, l. 4: B. omits *novissima*. 12, l. 7: A. and B. omit *vel cinerum*. 13, l. 7: A. *hilarat*, B. *hylarat*, M. *exhilarat*. 14, l. 6: A. and B. *prodicio*, M. *proditis*. 17, l. 9: A. and B. *partem*, M. *partes*. 20, l. 4: A. and B. *firmat*, M. *confirmat*. 22. In A. this stanza is added by a slightly later hand at the bottom of the page, in B. it is wanting altogether. 22, l. 1: A. *iuuant me delicie*, M. *me juvant deliciae*. 23, l. 5: A. *et augeo*, B. and M. *quod augeo*. 23, l. 7: A. *et intono*, B. and M. *quod*. 23, l. 9: B. *quam*, A. and M. *quas*. 24, l. 5: A. and B. *abscondat*, M. *abscondit*. 24, l. 9: A. omits *et* before *imperas*. 29, l. 4: A. *euanescunt*, B. and M. *euanescent*. 29, l. 8: B. *seruus est*, A. and M. *es*. 30, l. 6: A. *si michi uixero*, B. and M. *si mihi soli vixero*. 31, l. 2: A. and B. *que est ista*, M. *quae est haec*. 31, l. 11: A. *In eternum supplicium*, B. and M. *eternum in supplicium*.

MARRIAGE ALLIANCE OF THE INFANTA PEDRO OF ARAGON AND EDWARD I. OF ENGLAND, 9 OCT. 1273.

A few words are necessary to explain the importance of the subjoined treaty. Down to 1258 the policy of Don Jaime, father of the infanta, had been to form a great southern confederation to resist the steadily increasing pressure of France. Provence and Toulouse were to be united by the marriage of Raymond of Toulouse with a daughter of the count of Provence, and the issue of such a union would have intermarried with the house of Barcelona, and France would have seen herself confronted by a great

kingdom extending from the Alps to the Xucar. These plans were thwarted by the marriage of Sancha of Provence with Richard of Cornwall, as well as by the deaths of the counts of Toulouse and Provence, whose territories went to the French crown; and the situation was so hopeless that, by the treaty of Corbeil in 1258, the king of Aragon renounced most of his disputed rights in the south of France. But the question was not settled yet. In 1272 the territory of the count of Foix, Don Jaime's vassal, was overrun by Philip, and the count himself was imprisoned. The king of Aragon had undoubted rights over the highlands of Foix, but it soon became evident that the count would not be released till they had been surrendered. This conduct of Philip the king felt keenly, and in a letter to the count of Foix, dated 25 Oct. 1272, he says that he cannot believe that the king of France will straiten his bonds in any way for the sake of the castles, which he will not surrender, because, in his own significant words, *nolumus dominationem nostram diminuere set potius aucmentare.*[1] Philip, however, was obstinate, and the highlands had to be surrendered in February 1273. Toulouse, Provence, and Foix were gone for ever. The king, however, was an inveterate matchmaker; by the marriage of Pedro with Costanza, daughter of Manfred, he had secured Sicily to the French crown, and the acquisition of Gascony would be a serious thorn in the side of France. Besides, the apathy of Henry III and the interference of Richard of Cornwall had done much to injure his plans of former years. There were, therefore, obvious reasons for an alliance with England, and hence the treaty of October 1273.

The treaty is also interesting as implying that the great king of Aragon had formed a high opinion of the character and powers of the young English king, whom he had already met in 1269 at Burgos at the court of Alfonso the Wise of Castile. Jurita makes Edward to have received knighthood of Alfonso at that date, but in a treaty made at Burgos, 1 Nov. 1254, Alfonso renounces his claims on Gascony in favour of the English prince, 'quem cingulo accingimus militari.'[2]

Don Jaime's plans were not, however, destined to be realised, even now. Pedro's son, afterwards Alfonso III, died in 1291, in the midst of the wedding festivities, and the crown passed to his brother. In Aragon, at least, the treaty seems to have escaped notice. Jurita seems to be under the impression that the marriage was first negotiated at the meeting of Alfonso and Edward at Canfranc, in October 1288.[3] It is not noticed by M. Tourtoullon, nor is it published in the 'Coleccion de Documentos inéditos de la Corona de Aragon.'

F. Darwin Swift.

[1] *Register* xxi. p. 139. [2] *Bibl. Nat.* Paris, Dupuy 220, p. 47.

[3] *En estas vistas se concertó el matrimonio.—Ann.* iv. 104.

In nomine domini nostri Iesu Christi. Anno domini ducentesimo septuagesimo tertio. VII Id. Octobres. In villa Sordue, presentibus testibus infra scriptis. Dominus Edwardus dei gratia Illustris Rex Anglie, dominus Hybernie et dux Aquitanie, et illustris Infans Petrus magnifici Regis Aragonis primogenitus, volentes inter se dilectionem et veram concordiam firmiter duraturam et eandem per affinitatis vinculum consumare, convenerunt quod predictus Dominus Rex Anglie desponsaret filiam suam et illustris Regine domine Alienore coniugis sue maiorem filio majori predicti domini Infantis et illustris domine Constantie uxoris sue, intelligentes illum et illam majores qui tempore nuptiarum contrahendarum inter eos primi seu maiores supererunt. Unde predictus dominus Rex sub forma predicta filiam suam desponsavit per verba de futuro filio predicti domini Infantis, et predictus dominus Infans sub simili forma desponsavit predictum filium suum filie dicti domini Regis. Promittentes uterque eorum sibi invicem bona fide se daturos operam et facturos ac curaturos ut predicta sponsalia per subsequens matrimonium consumentur. Et ad majorem firmitatem habendam predictus dominus Rex et predictus dominus Infans iuraverunt super sancta quatuor dei Evangelia predicta attendere et complere ut super continetur. Promisit etiam predictus dominus Infans prefato domino Regi quod tempore matrimonii faciet augmentum ad dotem quam filia . . . domini Regis afferet viro suo, secundum quantitatem dotis, scilicet augendo ipsam dotem in tertia parte plusquam sit ipsa dos. Vel dabit curas secundum morem Regni Aragonis qui est, quod assignantur domine certa loca que vivente viro tenet et percipit et habet redditus omnes ipsorum locorum ad voluntates suas inde faciendas. Similiter et post mortem viri quamdiu vidua in terra remanserit superstitibus filiis vel non, habeat et percipiat quod redditur ad voluntatem suam. Si vere eadem domina ad secunda vota convolaret, percipiat ipsos redditus et habeat non computandos in dote donec sibi fuerit de ipsa dote satisfactum. Super augmento autem et arris predictis sit in optione ipsius domini Regis utrum malit arrhas predictas pro filia sua recipere vel augmentum. In cuius rei testimonium predicti dominus Rex et dominus Infans huic carte sigilla sua fecerunt apponi alteruter. Testibus venerabilibus patribus Ausitanense Archiepiscopo et . . . Episcopo Lectorense, Ethivarde de Chabbenays comite Bigorre, Aymerico de Rupe Canardi, Imberto Guidonio, Rogero de Clifford, Johanne de Boun militibus et Antonio Bek clerico predicti domini Regis. Bernardo Roggerii Comite Palariense, Blasio de Alagone, Athone de Focibus, R. dorthau (*sic*), P. de Offegato et Berengario de Monte Pavonis militibus predicti domini Infantis. Datum et actum in predicta villa Sordue anno et die prefixis. Regni predicti domini Regis Anglie anno primo.[4]

THE DATE OF WYCLIF'S ATTACK ON TRANSUBSTANTIATION.

Wyclif's first denial of the doctrine of transubstantiation is universally ascribed to the summer of 1381. The date rests on fair authority, as it is given explicitly in the narrative of the Fasciculi Zizaniorum, yet it has always been felt to present some difficulties.

[4] Royal Archives of Aragon, Parchments of Jaime I, No. 1173.

The works of Wyclif written after he had begun his attack on this doctrine are so many and so voluminous that it is hard to believe they were all produced within three years and a half, during two of which he was a paralytic. This consideration alone would weigh little in disturbing the received chronology, but a more important difficulty is that the account as it stands in the Fasciculi Zizaniorum does not seem to allow time for the events that it records. The narrative stands thus: Wyclif began in the summer of 1381 to 'determine' on the sacrament of the altar,[1] and laid down twelve conclusions, in which his doctrine on the subject was fully stated. Later he laid down other conclusions of which three were afterwards condemned. This publication led to a formal condemnation of his doctrine by the chancellor, William Berton, assisted by twelve doctors, and the condemnation was publicly proclaimed in the school of the Austin friars, where Wyclif was lecturing. Wyclif refused submission and appealed to the king, and the duke of Lancaster coming down to Oxford imposed silence on him. In spite of this on 10 May he published a confession or statement of his doctrine.

Now, as Dr. Shirley remarks,[2] *in aestate* must mean after Easter, which in 1381 fell on 14 April. 'Does this,' he asks, 'allow time for all that passed in the interim?' He is content to raise the doubt without attempting to resolve it, but it is felt so strongly by Mr. Poole, the latest writer on the subject, that he attempts to gain time by making the end of the proceedings later. 'I suspect,' he says, 'that the actual condemnation did not take place until the beginning of 1382.'[3] This suggestion is based on the uncertainty of the dates of the chancellors, an uncertainty which, I think, can be cleared up. Among the petitions in the Rolls Office for the imprisonment of persons contumacious under excommunication, are many from the chancellor of Oxford, and among them I have noted petitions from Berton 21 Feb. 1380-1 and 6 April 1381; from Rygge 20 Nov. 1381, 1 March 1381-2, 10 Sept. 1382. The office of chancellor was then tenable for two years. The elections were held on the Thursday before Whitsunday,[4] which Thursday in 1381 fell on May 30. On that day there can be no reasonable doubt that Berton left office.

It is, then, clearly impossible to make the proceedings last on into 1382, and we are again shut up into the narrow space between Easter and 10 May. But even this has to be got by putting a strain upon language. The natural interpretation of *in aestate* would seem to be in the summer term which began on the Wednes-

[1] *Incepit autem sub anno Domini mccclxxxi, in aestate, determinare materiam sacramenti altaris.* Fasc. Ziz. 104.

[2] Fasc. Ziz. xliii. note.

[3] Wycliffe and Movements for Reform, p. 105, note.

[4] *Munimenta Academica* (Rolls Series), pp. 106, 447.

day after Trinity Sunday,[5] and in this case the commencement of the affair must be referred back to 1380. It is to be noticed that in the manuscript (Bodley, 703) which alone gives the date of Wyclif's confession, the date of the year has been altered by erasure from M°CCC°LXXX°I° by erasing the I° so as to leave 1380.[6] This would throw back the rise of the controversy to 1379. I should not object to the date in itself, but it is impossible to attach serious weight to such an alteration by an unknown hand.

I may support this contention for an earlier date by an inference from the text of the contemporary St. Albans chronicler. He gives us a chapter[7] on the various opinions of men as to the causes of the rebellion of 1381. First among them he cites the laxity of the bishops who, knowing that Wyclif and his followers were spreading false doctrines concerning the sacrament of the altar far and wide among the people, did not chastise their perverse children. It was for this neglect above all that the archbishop was punished, and the lesson was pointed by his martyrdom taking place on the day after Corpus Christi (14 June). There is no reason to doubt that we have here an echo of talk that was common at the time. But the vengeance would be swift, not to say hasty, which smote the archbishop on 14 June for not repressing heresies first promulgated in that summer. Indeed, if we may trust the expressions of the chronicler, there had been time for the new opinions not merely to win a hasty condemnation from an old adversary at Oxford, but to spread themselves abroad through the country.

One must not lay too much stress on such an argument as this; but, with those already advanced, it is enough to overthrow the authority of the Fasciculi, especially when we remember that that volume was not compiled till half a century later, and that even the passages that appear to be written by a contemporary were not penned before 1392. After a dozen years even an eyewitness might easily confuse the date of the condemnation with that of the beginning of the controversy.

F. D. MATTHEW.

THE PILGRIMAGE OF GRACE.

ASKE'S Narrative of the events of October and November 1536, addressed to the king, is in the Record Office, marked Chapter House Books A/2/28, in which it is the seventh paper, beginning on p. 47. On p. 69 is another version which does not differ materially from the first except at the end where some comments on Cromwell are omitted. Such differences will here be noted as

[5] *Munimenta Academica* (Rolls Series), p. 447.
[6] Fasc. Ziz. p. 115 note.
[7] *Chron. Angliae* (Rolls Series), p. 311.

are not mere changes of spelling.[1] Passages from the narrative have been printed in Mr. Froude's 'History of England,' and in Father Gasquet's 'Henry VIII and the English Monasteries.' On p. 132 of his second volume, Father Gasquet says in a note: 'It is significant that whilst the filthy scribbles of Layton and his compeers have been printed and reprinted, and their reports dinned into people's ears for the last two centuries, such a weighty document as Aske's "expostulatory narrative to the king," drawn up at Henry's express request to Aske in person, has never yet seen the light.' The information on the question of the dissolution that can be derived from it is, however, much less considerable than that offered by Aske in his examination, from which Father Gasquet quotes important passages. The narratives are not in Aske's handwriting, but from the frequent corrections from the first to the third person it appears probable that the two are copies of his version. The original has a running marginal analysis not inserted here. (I.)

The eighth document in the same volume contains some suggestions for the pacification of the northern insurrection which throw light on the nature of the demands of the rebels. It is in the same handwriting as the preceding paper, and is mutilated. (II.)

The ballad in favour of the 'Pilgrimage of Grace' is taken from the Treasury of Receipt, Miscellanea, 65/6, No. 7. The first and last verses are quoted in the eleventh volume of the calendar of Henry VIII's State Papers. It covers a sheet of paper written in four parallel columns of five verses each. (III.) MARY BATESON.

I.

The maner of the taking of Robert Aske in Lincolnshir and the vsse[2] *of the same Robert vnto his passaige from Yorke.*

Furst, the same Robert Aske sayth, that he, being accompaned with his two bretheryn John and Cristofer Aske, in the hous of his brother in law Will*iam* Ellerk(e)r in Yorkyswold, had appoynted to mete on hunting with S*ir* Ralf Ellerker, the yonger, knight, at the fox. And the same day and tyme, the same S*ir* Ralf, to his knowlaige, had receyued the King, o*ur* most drad soue*r*yng lord is comission, toching the subsydie; by occasion wherof, the same S*ir* Ralf attended vpon the same busenes at Hull or Beue*r*ley; the knowlaige wherof came to the same Robert, by occasion wherof he, intending to applie his great busenesses at the law the same t*er*me, intended to be at London, two dais befor the begynnyng of the t*er*me; and so dep*ar*ted frome the same place of Ellerker, and came to the water syd of Hunb*er*, to haue passaig ouer the same in to Lincolnshir, then being his next way to London. And aboute*s* v myles from the said town of Ellerker, at wich tyme, when the said Robert was entred in to the ferybote of Barton, it was reconted to him by the ferymen ther, how the comyns wer assembled at Castre in Lincolnshir, and had

[1] These variants are distinguished by parentheses.

[2] Jamieson's dictionary gives 'To use, *v.a.*, to frequent .... to resort to. Possibly from the phrase *via uti*, to travel on a certain road.'

takin the king*es* comissioner*s* ther, and also the bischop ordin*ary* or comissary, and how the voice wais, that ther churches, and in ornament*es*[3] of the same, should be takyn from them, with othere such lyke maters. And the same Rob*ert* then cold not conveniently retorne, nor the tyd of the watr*e* wold not conveniently so serue him for that purpos. And the same Robert, after he was landyd at Barton, refussed the highway to Lincoln, because of suspect or taking, and intended to loge him that night with his brotheryn in law (*sic*), Thomas Portington, at Sauclyf, viii myles frome Barton, and two myles from Burton Statur[4] fery. And, goyng thether ward*es*, at Feryby, two myles frome Barton, came to him, to his knowlaig, on Mr. Hudiswell, hauyng a blake cote and a grey berd, and accompaned (by) about*es* the nombr*e* of xvi or xiiii p*er*son(es) on horse, and stoped the said Robert, and demandyd his na(me). To whom the said Robert it reconted, and then the said Hundiswell reconted how they wer assembled, and how (no) man shuld have passaig thro(wh) that contrey, but tha(t) they should be sworn to them. To whom the said Aske aunswered, tha(t) he was ons sworn to the King*es* highnes and issue, and that he wold not be sworn agayn to any other intent, onles he was inforced to the same, and demandyd the maner of ther oth. To whom the said Hudswell it declared, wich was to this intent:—

Ye shalbe trew to God and the king and the comyn welth.

To whom the said Aske aunswered and said, in this oth is ther no treson, but standing with his[5] first oth. To whom he said, 'ye shall take this oth or els not pas vndangered.' An*d* so the said Aske, as inforced, was contented to be sworn, and so repared vnto Sauclyf, his said brother in law hous, he then being taken w*i*th the comyns and w*i*th them remay*n*inge, and the same Aske, p*er*ceyuying the comyns ther assembled on eu*ery* syde, intending allon to haue takin a bote at Wintringh*am*, iii myles distans from Sauclyf; and in goyng thether ward*es*, diu*er*sse of the comyns met with him, and so intreat him, that he was glad to repare agayn to Sauclyf, and loged ther the same night. And mor then an hour befor day, the comyns ther about*es* came to the bed of the said Aske, he then being accompaned with thre of his neves, wherof two was student*es* at the law, and ther toke them all, and at thespeciall dissier of the said Aske, the comyns was content to licens them to haue recours into Yorkshir, becaus two of them was hier apparent*es*. And so t(o)ke the said Aske with them from Sauclyf vnto a town south thens and iii myles distans, called (blank), wher then wer assembled nigh on hors and fote xx.cc men, with out capitan or great gentilman, and the most of them with out hernes. And wich way as the said Aske went, the rest folowed. And when he p*er*ceiued the same, demandyd ther intent, and to what place they purposed to go. And they said, to Kirton of Lindisay, v miles distans, and how the lord Borow had warned the soke of Kirton to rise aganst them, and that they wold raise the same soke. And then they deuydyd the soke men to take the direct way to Kirton, and the said Aske went with horsmen[6] nigh Humb*er* syd, and rased the same soke, and came

[3] See below (p. 335), and p. 209 of A/2/29, the 'in' is scratched out before 'ornamentes.' Does 'in' here mean *inside* ornaments?

[4] Burton Stather in Lincolnshire.

[5] Corr. from *my*.

[6] Corr. from *them*.

agane to (the) oth*er* company to Kirton, aboute*s* on or ii of the cloke, at after non. At wich tyme the said Aske demandyd of them, what was ther purpos to do. And they said, to met the host of Castre (which) wold (be) at a place called Hamyldon How. Of whom the said Aske demandyd, how they knew if ther wer any such host ther or no. To whom they aunswered, they though(t) it was so and so the comyn fame was, but they know not it of troth. And then the said Aske demandyd who wold go and vew that company, and then non wold go. And at the last, the said Aske said to them, if ye will kep yo*ur* ground to he came agayn, he wold ryd to the other company, and know ther intent, wich was xii myles distans at lest; and so dyd, and when he came on Mr. (?) Moyne, was by the comons inforced to be ther capitan. To whom the said Aske declared the man*er* of the other company, and required to know ther intent and purpos, albeit the comons wold not suffer him to speke nor her but oppynly, that they might here the same. And then he reconted how the appoyntment was, that night they wold loge at Rasingwoo(de), *dim'* (*sic*) a myle of that ground, and that the morow after, they wold loge at a place called Downholme mede, v myles now beyond Lyncoln, wher they willed the other company to mete them. And at that tyme they passed not xii.c men, and fewe hernessed. And so the said Aske recompted the purpos to his companey, and that night repared bake to Sauclyf agayn, and eyrly in the mornyng passed ou*er* Trent at Burton Statur, in to M*ar*shland in Yorkshir, wher the comyns was in a great rumo*ur*, and redy to ryse; and asson as they p*er*ceyued the said Aske, hauyng knowlaige that he was takyn in Lincolnshir and a leder ther they wer purposed to haue rang the belles in thos p*artes*. So when the said Aske said, 'stey yo*ur* self*es* to you her Houden belles ring, so that ye be not the furst that doth aryse,' and so w(ent) ou*er* the wat*er* of Ouse to Houden, wh(er) the peple ther (wer) of lyke mynd, and floughter.[7] To whom the said Aske sai(d), ring not yo*ur* belles, except ye her the belles of M*ar*sland. And so, that aft*er* non, passing by two or iii townes towarde*s* his[8] brother hous, being v myles distant, wich then was not at home. By occasion wherof the said Aske retorned again to Houden, and that night loged ther. And on the morow, because it was said that the King*es* grace pleso*ur* toching the peticcions of Lincolnshir should be then known by Mr. Henaige, the said Aske repayred agayn to Lincoln, wher the same night it was showed vnto him, that if he taried he should be slayn, eyther with the gentlemen or by the comyns, because he had dep*ar*ted from them. By occasion wherof, the same Aske left that night his own loging, at the signe of the Angill in Lincoln, and loged with a prest, being a brother of his said host; and eyrly in the mornyng repayred homeward*es*.[9] Albeit he cold not passe the wat*er* of Trent two dais aft*er*, and during that tyme, ther was a letter forged in the name of the said Aske to the town of Beu*er*ley, wich lett*er* the said Aske vtterly denyeth to be his ded or consent; and then the contrey ther aboute*s* ros, and then aboute*s* the hour of mydnight, the said Aske came ou*er* the water of

[7] Floughter, to frighten. *North* (Halliwell's dictionary). Jamieson gives 'Flought, *s*. a flutter.'

[8] Corr. from *my*.

[9] See Froude's *History of England*, ii. 535.

Trent. At wich tyme vpon Yorkyswold the bekyns wer set on fier, and the comyns ther rased; and on the morow a letter came from Sir Brian Hastyng*es* to the gentilmen of M*ar*shland to assemble a certayn nombr*e* of men, and to come to him. Wich gentilmen repared to ther p*ar*ich church, and ther called the comyns befor them for the same intent. And what occacion the said comyns had, the said Aske knowyth not, but sudenly the belles ther wer roung, aunsward, and so in eu*ery* p*ar*ich church ther about*es*, and in Houdenshir also; and the said Aske then being in a pourman hous, secretly, to thentent not to haue been known. Albeit the comyns had gotyn then knowlaige of him, and sent for him, and so on the night, passed the wat*er* to the comyns in H(ou)-denshir. Then being about*es* the hous of S*ir* Thomas Methu*n*, knight, and in danger to haue burnt the same, and for the intent to saue the same (hous) the said Aske repared vnto them, and saued the said hous and so pacified the said comyns, that they repared that nyght home to ther houses. And on the morow thos of Houdenshir assembled them selfes at a place called Ringstanhirst, and ther mostered. And the comyns of M*ar*shland sent for the said Aske, wher they wer assembled on Houke mor, and had atteigned the artacles of Lincolnshir, the wich wer to this bref affect or lyke.

Furst, to haue redres of the abbays suppressed; the second, the statut of vsses, the punysm*ent* of diu*er*sse bischops and specially the bischop of Lincoln, the releas of the qu*in*den or tax to be paid, and other now not in the remembr*ance* of the said Aske, wich wir sent, vnder the hand*es* of diu*er*sse worshipfull men of Lincolnshir, in to Yorkshir. And then the said Aske dep*ar*ted from them, ou*er* the water of Ousse vnto the comyns of Houdenshir, wher on the morow they toke the crose of the church with them; and the said comyns then had inforced c*er*tayn gentilmen and hier apparent*es* to come into them, and so p*ro*ceded forward*es* that night to Wighton, viii myles distance from Houden, and ther loged that night, And on the morow, the host of Houdernes and Yorkiswold, being on horsse and fote nighe or aboue the nombr*e* of ix thousand men, mustered aboue Wighton. And that companey repared to haue takyn the town of Hull, and the worshipfull men ther, wich wold not then be giffyn vp, nor the gentilmen [10] yeld them self*es*. And the said Aske toke thother company and p*ro*ceded to the cetie of Yorke ward*es*, sending a letter to the mayre ther, to suffer him [11] to haue fre passaig throw the said cetie of Yorke or els at ther danger, p*ro*missing them that in so doyng they should not fynd them self*es* greved, but that they should trewly be payd for all such thing*es* as they toke ther; and for so much as the same cetie was nether fortified with artelary, nor gonpoudr*e*, the same cetie was contented to receiue them, and befor thentre, ther pric*es* of vetall and hors met was puplisshed to the comyns; and the said As(ke) maid p*ro*clamacion, that no man should spoll nor shed blod for no occacion, nor displeso*ur*, but trewly pay for such (v)etal as should be takin by them. And the same Aske wold not suffer no fott man to entre into the walles of the said cetie. And the said Aske remayned in the said cetie two dais, and maid orders for spolles, and conveyd the offend*er*s to the sege of Hull, and toke this

[10] Froude says Ellerker the elder and Sir John Constable, p. 543.

[11] *Them* in second version.

order, that no man should spoll no man, onles he had the hand of two of the Councell at the same, and that furst the p*ar*tie should haue reasonable warningne, to come in at the lest xxiiii hours. Also toke order for religius houses suppressed, because the comyns wold ned*es* put them in, wich order was sette on the mynstre dore at York, to thentent al the houses suppressed should resort ther and know how they should vsse them selff*es*. Wich order was this :—

Furst, that the prior and covent should entre into ther monestarys suppressed, and by bill indented vew how much good*es* wer ther remaynyng wich befor wer thers, and to kep the on p*ar*te and deliv*er* the other p*ar*te to the King*es* fermer, and to have necessary *victum* and *vestitum*, of the deliv*er*y of the said ferm*er*, during the tyme of *our* peticcion [to the king*es* highnes, and to do devyn s*er*uice of God ther, as the king*es* bedmen or women. And in caise the ferm*er* refused this to doo, then the said covent to take of the same good*es*, by the deliu*er*y of ii endeferent neghburs by bill indent, ther necessarys for ther liffing during the said tyme.] [12] And the said Aske sayth, that at that tyme, and [to his knowlaige] befor the comyns of Richmondshir was vp, and had takyn the Lord Latym*er*, the Lord Lumley and therle of Westm*or*land, and, aft*er* diu*er*sse orders takin at Yorke [with the gentilmen ther,] the said Aske p*ro*ceded forward*es* to the comyns and gentilme*n*, wich wer assembled befor Pomfret Castell. And at his furst comyng thether, because he knew that the s*er*uyng men within the said castell fauored him, and be cause the said castell was the King*es* castell, and a castell of honor and honorable men therin, the said Aske directed his letter to the Lord*es* within the said castell, for the delyu*er*y of the same, or otherwise he [13] woll gif assalt immediatly the same night. And in the same letter, the [14] said Aske rehersed how the comyns wer gnawn in there conscience with spreding of heric*es*, suppression of houses of religion, and other maters toching the comyn welthes, to ther inpov*er*issm*ent*. Wherin they prayd the said lord*es* so to be measne [15] to the King*es* highnes, by way of peticion, so that ther greves the rather, might be declared to the King*es* said highnes. And for so much as the hand of the said Rob*er*t Aske wais not at the said l*ett*re, the said lord*es* and worshipfull men prayd vpon pleg*es* to speke w*i*th the said Aske, and so dyd, wher the said Aske so declared to the said lord*es*, as well sp*irit*uall as temp*or*all, the greves of the comyns. And how furst, that the lord*es* sp*irit*uall had not down ther dewtie, in that they had not been playn with the king*es* highnes, for the spedie remyde and quinching of the said herac*es*, and the p*re*cher*es* therof, and for the suffering of the same, and for the in ornament*es* of the churches, and abbeys suppressed, and the violating of relek*es* by the suppressor*es*, with the vnreu*er*ent demenor of the dewers therof, withe abusse of the vesitor*es*, and ther impposicions takin extra ordin*ar*y, and other ther necligensses in not dewing ther dewtie, as well to ther sufferan as to the comyns. And to the lord*es* temp*or*all, the said Aske declared, they had misused them self*es*, in that thay, semblable, had not so p*ro*uident*ly* ordered and declared to his said highnes the pou*er*tie of his realme, and that p*ar*te specialy,[16] and wherin

[12] The words in brackets are omitted in second version. [13] *I* corr. to *he*.
[14] *I* corr. to *the*. [15] ? bemoan. [16] Inserted.

ther greves might insew, wherby al dangers might haue been avoided; for insomuch as in the north p*artes*, much of the relef of the comyns wais by sucur of abbeys, and that befor this last estatut therof maid, the king*es* highnes had no money out of that[17] sheyr, in a man*er* yerly, for his grac*es* revenews, ther yerly went to the finding of Berwyke. And that now the p*r*ofit*es* of abbeys suppressed, tent*es* and furst frut*es*, went out of thos p*artes*. By occasion wherof, within short space or (*sic*) yeres, ther should be no money nor tresor in thos p*artes*, nether the ten*a*nt to haue to pay his rent*es* to the lord, nor the lord to haue money to do the King s*er*uice with all, for so much as in thos p*artes* was nether the p*r*esence of his grace, execucion of his lawes, nor yet but little recours of m*er*chaundisse, so that of necessite the said contrey should eyther patyssh[18] with the Skot*es*, or for of vary pou*er*tie, enforced to make comocions or rebellions; and that the lord*es* knew the same to be trew and had not down ther dewtie, for that they had not declared the said pou*er*tie of the said contrey to the king*es* highnes, and the dangers that otherwise to his grace wold insew, alleging the holl blame to them the nobilite therin, with other lyke reasons. And aft*er* diu*er*sse reasons, maid of both p*artes*, the Lord Darcy required licens to kep the castell to Set*er*day aft*er* this, being on the Thursday. And the said Aske, knowing that therle of Shrewusbury had maid assemble against and intended to rescew the said castell, and p*er*ceyuing the fauor of the s*er*uing men w*i*thin, wold not condiscend ther vnto, nor no longer gif rispect but to viii of cloke in the mornyng, with out assalt. And so, aganst the said hour, p*r*epared for the same assalt, at wich hour the said Lord Darcy required longer tyme, wich the said Aske wold not gif him, and so the said castell was yelded, and the lord*es* sp*irit*uall and temp*or*all and knight*es* and escuer*es* ther being swhorn. And after that tyme, the contrey daly assembled of all p*artes*, and the said Aske tried out ther[19] men. And then Aske came in, the lord Nevill, Latym*er* and Lumley and x.M men w*i*th them and aboue, with the ban*er*, and armys of seint Cuthbert; and the bend[20] of Blakamor and Pekering lyth with the knight*es* and gentilmen ther about*es* v thousand men, and Yorkiswold and Houdernesse and about*es* two or thre thousand with them, and then the west (and north) riding of Yorkishir so th*a*t in all they wer at a place called Stuxing Sysse (?) nigh Doncastre, about*es* xxxiiii or xxxv thousand men, well tried on horsbake [and the said Aske wold not suffer] the Herrold Lancast*er*[21] at Pomfret to declare the p*er*swacion to the peple, for two causis. On wais, evyn then newes wer comyn, that the comyns of Lincolnshir was down, and that by lyke p*er*swacion by the same Herrald, and if he should haue declared to the peple the same, they wold haue killed him. An other was, ther was nothing contened in the same, nether of p*ar*don, nor of no demand what was the[22] causis of ther assemble. And so p*r*oceded the same assemble, returning from Pomfret, vnto the Harrold came to the host[23] (be)for Doncastre, then being in two wardis; th*a*t was in the van[24]

[17] *The* changed to *that*.
[18] Halliwell: Patyse, *v.*, 'to make a treaty.'
[19] Corr. from *his*.
[20] A band of men, *Linc.* (Halliwell).
[21] Thomas Miller (*State Papers*, 1830, ii. 487).
[22] 'Our' in the second version.
[23] Second version: 'and so proceeded the said army vnto the comyng of the herrold and the host.'
[24] 'Way' in the second version.

(w)ard, being with saint Cuthbert baner and accompaned w*i*th the lord Nevill, Lumley, lord Latym*er*, S*i*r Thom*a*s Hilton, Sir Thom*a*s P*er*cy and all the bend of bischop reke, Cleueland, and p*ar*te of Richmondshir; and in the seconde ward, the lord Darcy, the said Aske, S*i*r Rob*er*t Constable, and all the knight*es* and escuer*s* of thest riding Holdernes; and of the ayuste,[25] north and west riding of Yorkshir or the sonz of them or the most p*ar*te ther of; and the rearward, then comyng forward withe Lord Scrop, Sir *Christ*ofer Danby, Sir Will*iam* Maloore, the Nortons, M*ar*kynfeldes, and al other the knight*es* and escuere*s* and comyne*s* of Richmondshir, Wensladall, Fendall, Netherdall, Kirkbeshir, Massamshir, and the lib*er*te*s* of Ripon, to the nomb*er* of xii thousand men or mor on horsebake, well hernyssed, ou*er* and besyd*es* the nomber afor said. And being at or nigh Pomfret, and the said Herrald, then being with the host, declared how the Deke of Northfolke wold that the causes of ther assemble should be declared by iiii of the discretyst men of the north p*ar*tes, and that they should come to him to Doncastr*e*, and that he wold lie in pleg*es* for ther retorn, to thentent effucion of blood myght be avoided. Albeit, because such p*er*sons might not be well spared, they declared how that they wold send iiii, vi, viii, or xii to met with lyke nombr*e* betwix the host*es*, and ther to declare ther greves and peticcion. Wherwith all the said Doke was not contented, but by the Harrold sent word, if they wer not content so to do, he wold gif batall in place convenient, wich had lyke to haue been receyued by the lord*es*, albeit the said Aske declared to the lord*es* and knight*es* then, that it was no dishonor, but ther al holl dewties, to declare ther greves to ther souer*y*ng lord, to thentent the *villain*[26] consellor*es* about*es* his grace might be know, and haue lyke punysm*ent*, and how they wer in arror of the peple, and how they dangered the p*er*son of ther prince. And ferther declared what decay should insew, if batell wer then. Wherupon they holly agreyd to send S*i*r Ralf Ellerker, knight, Sir Thom*a*s Hilton, knyght, Rob*er*t Bowes, and Rob*er*t Chalon*er* to the said Doke and erles, and so it was done; and the said Aske receyued the pleg*es* for them within night, wich wer Mr. Herington, Mr. Vellers, Mr. Litilton and on other knight now not known to the said Aske; and conveyd them that night to Hampall. And at the hour of non, the appoyntem*ent* was to deliu*er* both the said p*ar*tes, then being Friday. And so the same was down accordingly, and the said S*i*r Ralf Ellerker and the other of that p*ar*te reconted how they had declared fyue point*es* and artacles at larg to the said Doke and erles, and how the said Doke and erles wer dissierus to haue thentent therof declared or disceded [27] in to artacles, by the baronag and certayn worshipfull men of the north of ther own mouth. Wherupon ther was a certan nombr*e* of both p*artes* appoynted to ent*er*, comyn toged*er* at Doncastre brig, wherof, of the north was appoynted the Lord Latym*er*, the Lord Lumley, the Lord Darcy, S*i*r Rob*er*t Constable, the said S*i*r Thom*a*s Hilton, S*i*r Ralf Ellerker, S*i*r John Bulm*er*, Rob*er*t Bowes, Robert Chalon*er*, and other certayn knight*es*, the nombr*e* certaigne now not in the memory of the said Robert Aske, nor ther names [28] certange wich met at the place appoynted. And the said Aske was not with them,

[25] 'Ayenst' in second, but query?

[26] Second version 'vill.'

[27] 'Descide,' to cleave in two.—Halliwell (see below).

[28] 'But about*es* xxx' scratched out.

but ordered the holl host standing in p*er*fit array to within night, and to the retorn of the said lord*es* ; and what they spake or concludyd, the said Aske knowith not, other then the said .v artacles to him reported. And this ferder order was takin, that the host at Pomfret should dep*ar*te, and the other host repayr thether, and that the Doke of Northfolk should w*i*th hast p*ro*cede to the king*es* highnes, with o*ur* gen*er*all artacles, accompaned w*i*th S*i*r Ralf Ellerker and Robert Bowes ; and that on the morow the holl host should sperpill [29] from Pomfret, and in lyke man*er*e the erle of Shorisbury from Doncastre, wich p*ro*misse trewly was on both p*ar*t*es* p*er*formyd and so sen and veiwed (*sic*) by the Harrold. And the said Aske sayth that he being then at Pomfret, word came to him from the p*ar*t*es* of Crawyn, from the worshipfull men ther, and of the p*ar*t*es* adyoyning, how therle of Darby was assemble with a great numbre of men, to thentent to put out the monk*es* of Salley abbay befor suppressed, being the charitable relef of thos p*ar*t*es*, and standing in a montagne contrey and emong*es* thre forest*es*. And how the comyns of Cravyn, Dent, Setbauigh,[30] Kentdall, Fornes, Bouland and p*ar*te of the Dyche of Lancascher intended to with stand his comyng, and prayd in ayd of mo nombr*e* of men of the said Aske, if ned*e* wer, and how they wold met him. And the said Aske, with all hast possible, sent forth post*es* to the said knyght*es* and comyns ther assembled, declaring to them the order takyn at Doncastre, and how they should not medill in no conduccion with the said erle, al though he invayded them, but to with draw them to the montanheads [31] and strat*es*, except he rased fier, and then to send word to the said Aske with post ; and the said Aske caused the Lord Darcy to direct his l*ett*re to therle of Shorisbury, for to stay the said erle of Darby, and so it was don. Albeit the comyns, befor the lett*er* to them deliu*er*yd from the said Aske, had atteigned Whallay abbey, wher as the said erle, by his lett*er*, had the same night appoynted to loge. And mor ou*er*, the same tyme the said Aske directed on other letter to the said comyns, that in no condiccion, they should assalt or besege therle of Comb*er*lond, vnto the King*es* grace aunswer were known ; and in lyke man*er* the said erle so to vsse him self toward*es* them, and that by lyke lettre to the said erle, comparing in the same the said order takin at Doncastre.

And on the morow, wich was Sonday, the saide Aske repayred to Yorke, and remayned ther al that night, and declared the order and stayd the contrey ther. And on the morow repayred to the castell of Wresill, to therle of Northumb*er*land, to thentent to haue agreyd him and his brother S*i*r Thom*as* Percy. And in goyng toward*es* the said castell, it was declared by the comyns to the said Aske, how S*i*r M*ar*maduke Constable was comyn to his own hous, and how they wold eyther haue him swhorn or els spoll him. Wherupon the said Aske directed his l*ett*re to the said S*i*r M*ar*maduke to come to him to Wresill, to thentent, not only to saue his good*es*, but also to haue shewed him how the comyns might in his fauor haue been p*er*swaded. Vpon wich lett*er* the said S*i*r M*ar*maduke dep*ar*ted that night into Lincolnshir. And on the morow the said Aske went to the abbay of Watton, xiiii myles distant, for to stay the comyns ther, wich wold haue chosyn an new prior ther, for so

[29] 'Disperse.'—Halliwell. [30] 'Sedbere' in second version.
[31] 'Montaignes,' second version.

much as the said p*ri*or was fled to the Lord Cromwell, and being one of his p*ro*mocion, and had left behind bretheryn and sustren of the same hous nigh iii.xx or iiii.xx and not xl.s. to sucur them. And ther the said Aske stayd the same cause, and pacefied the said comyns, and deputed the subprior for the tyme to order the same hous, wich prior is yet absent. And from thens the said Aske, on the morow, went to the town of Hull, and Sir Rob*ert* Constable wich by him was deputed ruler ther, to fortifie the town of Hull aganst the danger of Doke of Suffolke, wich had his garison direct aganst the same, and so kep them still, cont*rary* the appoyntm*ent*. By occasion wherof, and to auoyd his danger, the contray ther was alwais in arredines, and therby put the contrey to great cherge in fynding two cc shougers in Hull. And the said garison was also the cause of the sege at Skarburgh, and the taking of Edward Walter and his shep, and had lyke to have been cause of new comocions and invasions daly. Albeit the said Aske saith, that he know not of the comons that went to Skarburgh to they wer ther, and had beseged the same castell. And from thens the said Aske repayred to the castell of Wresill, and remayned ther to the lett*er* came from Mr. Bowes to the Lord Darcy, of the cause of the tarieng so long ap*ar*te, by comparing cause of new comocions, supposed to be maid by the said Aske, wich was vntrew; and wherunto the said (Aske) by his lett*er* made aunswer, and so repared home to the said castell. And then directed his l*ett*res to the lord*es*, knight*es* and escuer*es* to come to Yorke, to consult vpon the lett*er* of the said Mr. Bowes, and to be ther redy aganst his comyng with the King*es* grace is aunswer, wich day was appoynted the xxi[t] day of Nouembr*e*; and vpon the comyng of the said Bowes, the said Aske repared vnto him, then being withe lord Darcy, and ther debating p*ar*cell of the mat*er*, repayred then to the councell at York, wher it was then long debated, whether they should met with the Doke of Northfolke at Doncastre or not, by reason of a l*ett*re sent by said Lord Cromwell to S*ir* Ralf Eu*er*s, the yonger, knight, wherin was theis threth or such lyke:—Except the comyons of thos p*ar*t*es* son wold be pacified, ther should be such vengence taken vpon them that the holl world should spek therof, and take insample by them. And also it was reasoned for an other cause, wich was, the comyns in Lancashir and other plac*es* [much][32] fauoured o*ur* cause, wich aft*er* [much] deceding into o*ur* artacles wold not so gen*er*ally joyn in ther quarell. Albeit ther it was concludyd at the last, to met w*ith* the said Doke at Doncastre, with ccc p*er*sons. And so of eu*ery* p*ar*te and contrey came c*er*tayn, and so it was appoynted ther, and they to be of the most [33] wisest and discretest p*er*sons. And also, at the same tyme ther was takyn order for spolles, casting down of inclosers [34] of comyns, and l*ett*rez to be sent to the clergy to studie f*or* the artacles p*ro*fitable for the fayth of the church, and lib*er*t*es* of the same. And ferther that all lernyd councell and wismen should bring in ther lernyng and mynd*e* for remyde for evill lawes, (for the) comyn welth, for the comodite of ther contrey. (Albeit) at the same councell at Yorke, the said Lord Cromwell by occasion of the same l*ett*res, and also for

[32] 'Much' not in second version.

[33] Second version has, 'came part appointed of the most.'

[34] 'Intak*es*' in second version.

thextreme punysm*ent* of the great jury of Yorkshir, for Wykclyf cause and for thextrem [35] assessment of ther fynes, was and yit is, in such errо*ur* and hatred w*i*th the peple in thos p*ar*tes,[36] that in man*er* they wold eat him, and extemys ther greves only to aryse by him and his councell, as the said comyns therin declared ther mynd (toching him) to the Harrold Lancastre, nigh Hampall in Yorkshir, who cane recount ther word*es* to yо*ur* highnes.[37] And the said Aske sayth, that at the same tyme, it was ther concludyd that the lord*es*, knight*es* and escuere*s* and the comyns ther appoynted, should met at Pomfret two dais (before) the meting at Doncaster, to thentent to disced to the p*ar*ticulere*s* (of the artacles) wher eu*er*y man as he was disposed brought in his bill and mynd toching the same. And vpon the same, the artacles now concludyd vpon at Doncastre wer drawn and furst red, arguyd and agreyd emong*es* the lord*es*, knight*es*, escuere*s*.

[The gentilmen then assembled, the names of whom now cannot p*er*fitly be in the remembrance of the said Aske, but ther was ther at Pomfret, the Lord Neuill, the Lord Scrop, the Lord Latym*er*, the Lord Conzere*s*, the Lord Lumley, and the Lord Darcy ; S*ir* Rob*er*t Constable, S*ir* James Strangwace, S*ir* *Christ*ofer Danby, S*ir* Thom*as* Hilton, Sir Will*iam* Constable, S*ir* John Constable, S*ir* Peter Vauaso*ur*, S*ir* Ralf Ellerker, S*ir* *Christ*ofer Hilyerd, S*ir* Rob*er*t Nevill, S*ir* Oswold Willisthorp, S*ir* Edward Gower, S*ir* George Darcy, S*ir* Will*iam* Fayrfax, S*ir* Nicolas Fayrfax, S*ir* Will*iam* Maliore, S*ir* Ralf Bulm*er*, Sir Will*iam* Bulm*er*, S*ir* Stevyn Ham*er*ton, S*ir* John Daundy, S*ir* George Lauson, S*ir* Richard Tempest, S*ir* Thomas Johnson, S*ir* Henry Gasconye, and other now out of the remembrance of the said Aske. And of escuere*s*, all or the most p*ar*te of the said shir, as John of Morton, Richard Morton, Roger Lassels, Mr. Place, Mr. Fulthing, Rob*er*t Bowes, Richerd Bowes, Dalew*er*e, Barton of Whynby, Richerd Lassels, Mr. Redman, Ham*er*ton, Mr. Ralf Bulm*er*, Richard Methuen, Salt*mar*sh, Palm*er*s, Acland, Rudston, Plimton, Myddilton, Malleu*er*e of Weddesome and Allerton; and to the knowlaige of the said Aske, al or most p*ar*te of the escuere*s* of the said shir, and gentilmen also, and the sonz and heirz of the knight*es* and escuere*s* that ther wer absent. And the said Aske sayth, that aft*er* the said artacles red and agreyd vpon, emong*es* the lord*es*, knight*es* and gentilmen, on eu*er*y artacle] agreyd vpon, was [38] sett on the hed *fiat*. And aft*er* the said artacles wer red, and declared to the comyns, who holly condiscended to eu*er*y artacle. And in lyk man*er*, the said Aske receyued the oppinion of the clergie. And on the morow aft*er*, sent x knight*es* and escuere*s* to the said Doke of Northfolke fr*om* eu*er*y p*ar*te of the contrey, and with eu*er*y on of them iii p*er*sons to the said Doke of Northfolke, to Doncastre, to receiue the King*es* sou*er*yng lord is aunswer, aft*er* that the King*es* saue conduct was deliu*er*yd [39] to them by the Harrold, to thentent to deliu*er* the said p*ar*ticulers, and to reason ap*ar*tly the same, and so [the said knight*es* and

[35] 'The' in second version. [36] 'In such hatred in all p*ar*tes,' in second version.

[37] 'The King*es* grace' in the second version.

[38] The passage in brackets is not in the second version, which runs: 'And as they agreyd and euery artacle set on the hed *fiat*.'

[39] The second version has for 'was deliv*er*yd' 'comyn to them and to deliuer.'

escueres dyd, and] repared again to Pomfret, and then the Lord Scrop, Latymer and Lord Darcy and the said Aske, accompaned with ccc knightes, escueres, gentilmen and comynes, appoynted of euery quarter, repared to Doncastre, to the said Doke [and erles], and on the morow, [at the Grey Frears in Doncastre,] the said Aske and lordes chosse forth xx knightes & escueres and as many comines, to go to the Whyt Freares [at Doncastre,] to the sayd Doke and erles. And at ther comyng, the said Aske, by the consent of the said lordes and knightes, and in the name of them all making ther thre low abbeysances, and then kneling on ther kneys, all dyd humbly requier of the said lordes to haue the Kinges most mercifull, liberall and fre pardone, for any ther offences comitted and down ayenst his highnes or lawes, with his gracys high and benigne fauor to them to be showed, any ther attemptes comitted or down ayenst his most royall maiestie notwithstanding and (*sic*) the circumstance therof. Most lowly down the said Aske and lordes disceded to the erguement of the particuleres of ther peticcions, and after order therin takin by the comandement of the said Doke and erles, the sayd Aske then went to the rest of the comynes, then being in the Gray Frears at Doncastre, and declared to them the said order and agrement. And, after, at the dissier of the said Doke, the said Aske the same night repared to Pomfret, to the holl residew of the lordes, knightes, escueres and comunes ther, wich lordes was, the Lord Neuill, the Lord Lumley, and the Lord Conzeres, wich wer then wer (*sic*) left for the stayng of the comyns. And the said Aske, ayrly in the mornyng, caused the belman to com aboutes the town of Pomfret, to warn the said comines to come to the market crosse, to know the said order, and to receiue the knowlaige of the Kinges most liberull and fre pardon, and that they should haue the same under the great seall. And the said comynes wer then (vary) joyus therof, and gaf a great shout in reycyfing of the same, and then the said Aske, with all hast, accompaned withe Lord Neuill, went to Doncastre to the said Doke and erles, declaring theffect of the promisses, and incontenent (after) came a lettre (by post) from the Lord Lumley, how the said comyns wold not be contented, except the (*sic*) saw the kinges mest mercifull pardon [vnder seall, and that the abbot, new put in of houses suppresse, should not auoyd ther possession to the parilment tyme, and that also] [40] the parilment should be at Yorke, or els they wold bren bekyns and raise the holl contrey, wich letter was displesent to all the lordes and worshipfull men of both partes; wich rumur proceded of [diuersse priuat comynes],[41] yit not certaynly known to the said Aske. Wherupon, after diuersse arguementes and debatinges emonges the said lordes, the said Aske required licens to go to the said comyns to Pomfret, they then beyng in all aboutes the nombre of thre thouusand men or mor, and the same night the said Aske so perswaded the said comyns, that they wer all contented to abyd the said order at Doncastre, fauorable, with out any denyall. And therupon, the said Aske then sent for the kinges fre pardon, wich came the same night by the Harrald Lancastre, and on the morow al the lordes and knightes at Pomfret assembled them selfes and company on Seint Thomas Hill, with

[40] The second version has 'nor to suffer the kinges frendes to occupie (?) to the parilment tyme wer and at.'

[41] Second version has 'of few priuat persons.'

out Pomfret, and (most) lowly (and humble) receyued the king*es* mest mercifull p*ar*don, and so dep*ar*ted to ther houses (and contreys) and aft*er*, the said lord*es* and knight*es*, by the comandeme*n*t of the said Aske, repayred agayn to him to Doncastre, wher, aft*er* declaracion to him of the order of the p*ro*misses, the said doke and erles demanded aunswer of theis artacles folowing :—

Furst, how the King*es* grace should be aunswered of his rent*es* [and fermes in Yorkyshir ;] wher vnto it was aunswered, they wer redy for his grace.

The second, [when deliu*er*y should be maid] of the ship, orden*a*unce and artilere [and men th*er*in] taken at Skarburgh (and of Edward Wat*er*s takin in the same) ; vnto the wich it was aunswered, they al wer redy to be deliu*er*yd [to his grace, onles the money wich was deuyded aft*er* to eu*er*y souger at the taking, iii.s. ;] and such other [demand*es* aunswered reasonable vnto ;] and aft*er* the aunswer to ther demand*es* maid, the said Aske, [making his obbesanse and] kneling on his knes, most humble required the said doke of Northfolke and all the erles and lord*es* of his p*ar*te, to dissur the lord*es* of the north p*artes* to (relinquish and to) refus to nomynat the said Aske [frome thens forth] by the nam of Capitan at any tyme aft*er* ; and that p*ro*missed and down, the said Aske, in the p*re*sens of all the said lord*es*, pulled of his bage and crosses [withe v wond*es*,] and in semblable man*er* dyd all the lord*es* ther, and al other ther p*re*sent, saying all thies word*es* :—We will all wer no bage [nor signe] but the bage of o*ur* sou*er*yng lord. And aft*er* that down, the said Doke toke ord*er* for the putting in of the king*es* fermers. And aft*er* that the said lord*es* dep*ar*ted, and the said Aske then repayred to his brother hous Aughton [42] the wich befor he came not at from the begynnyng of the p*ro*misses ; and ther remayned still, all but on day, when he went to S*ir* Robert Constable to met S*ir* Ralf Ellerker, for the putting in of the King*es* ferm*er*s into the abbeys of Haltonprice and Feryby, and also to make an end betwix the said Sir Robert and on Hodlow, and so repared vnto his said brother hous, wher he remayned vnto the comyng of the kyng*es* grac*es* l*ett*re.

And the said Aske saith, to trie to the deth nether (*sic*) he was of councell with the said Lord Darcy, nor to his knowlaige he neuer spake with him bef*or* he came to (Pomf)ret Castell, and mor ou*er* the said Aske sayth, that of lyke payne it shall not be p*ro*uyd that euer he [befor his furst taking,] patisshe(d) (with) any man*er* of p*er*son, for any such assemble or rebellion.[43] But the said Aske sayth, th*at* in all p*artes* of the realme [44] mens hert*es* much groges with the suppression of abbeys and the ferst frut*es*, by reason the same wold be the distruccion of the holl religeon in Ingland.[45] And [46] ther especiall great groge is ayenst the Lord Cromwell, being reputed the distrewer of the comynwelth, as well emong*es* most

[42] Inserted. [43] Second version, 'such cause or assemble.'

[44] Second version adds, 'or the most therof.' [45] Second version 'relegion' only.

[46] Second version has 'and agaynst the visators, especially aganst Doctor Legh and Layton, wich Laton is the nigh kynsman of the said Aske ; and most especially agenst the Lord Cromwell, as the great distroer of the co*m*en welth of this realme. And also the most p*ar*te of the said realme inpoungnyth aganst the new sort of preching and lernyng, reputing al the occasion of this great comocions to rysse by the occasion of them and ther abbett*or*s.'

p*ar*te of the lordes, as all other the worshipfull and comyns; and surly if he contenue in fauor and p*re*sence w*it*h yo*ur* grace it wil dang*er* the occacion of new comocions, wich wil be vary dang*er*us to yo*ur* grac*es* p*er*son, for as fare as the said Aske cane p*er*ceiue, ther is non erthly man so evill beleuyd as the said Lord Cromwell is with the comyns, albeit the said Aske sayth that the said Lord Cromwell neu*er* gaf him occasion thus to report of him, but he only doth declare the hert*es* of yo*ur* grac*es* peple, only for the p*re*s*er*uacion of yo*ur* grac*es* p*er*son and sed. And also the said Aske sayth, that the most p*ar*te of all this realme greatly impoungnyth aganst certayn bischops of the new lernyng, reputing them and ther sekt as herytyk*es*, and the great causers of this layt comoccion; and also aganst the Lord Chaunseler, for so gen*er*all graunting of inyouncionz, and for playing of *ambe dexter* in granting and disoluing of inyonccions.

And morou*er* the said Aske saith, that when he had taken the castell of Pomfret, and sworn the lord*es* ther, then he wold haue yelded vp his whit rod and name of capitan to the nobilite ther, wich refused, but willed him to contenue as capitan, because otherwise emong*es* the nobilite ther wer p*ar*te to be disdean, if any of them wold haue takin th*is* office vpon them. And thus, most drad soueryng lord, I haue declared to yo*ur* grace the planes of the p*ro*misses, so fer as I cane now [call] to my re-me*m*brance, alwais willing [th*at*] if I haue omitted any mater to declare the troth therof from tym to tyme, besuching yo*ur* [grace of yo*ur*] most (m*er*cifull) p*ar*don in the p*ro*misse (p. 64).

II.

*A bref (shew)ing, wherby his grace may o(bt)eigne the hert*es *of his subiect*es *in the north* p*ar*tes, *and that befor the comyng down of the Doke of Northfolke.*

Ite*m*, (fir)st to direct with Aske a p*ro*clamacion, contenyng how the King*es* highnes is contented that his subiect*es* in thos p*ar*t*es* shall haue fre eleccion of the knight*es* of the sheyr and burgusses, and also lyke lib*er*tie to the sp*irit*ualtie, that with out his grace displesor they shalt and may spek and show ther lernyng and fre mynd in the convaycacion.

Item, that his grace is contented to al p*er*sons ther to confirme his gracius and lib*er*all p*ar*don, obs*er*uyng the tenor therof, and that he doth reput them as his trew subiect*es*.

The third, that by the Doke of Northfolke to them shalbe declared when and wher the p*ar*ilme*n*t shalbe.

The fourth, that his highnes is content because the shyr of Yorke is great and hath no burgusses, but only at Skarburgh, that his plesor is, ther shalbe burgusses in Beu*er*ley, Rypon, Richmond, Pomfret, Wakfeld, Skipton and Kentdall, so th*at* they declare how and what circut will ber the cherg*es* of the burgusses at the comyng of the Doke of Northfolke.

Item, a l*ett*re to the Lord Darcy, that he shall stay the contrey and west riding about*es* him, affirmyng his grac*es* p*ar*don befor graunted, and wher it extend*es* not to offic*es* and feez, that his grac*es* plesor is it shall so do.

Ite*m*, a lyke l*ett*re to S*ir* Robert Constable.

Ite*m*, a l*ett*re to S*ir* Ralf Bulm*er* to stay Swadall to the Dok*es* comyng.

Ite*m*, a l*ett*re to S*ir* John Bulm*er* to stay Cleueland & Bulm*er*.

Item, a lyke lettre to therle of Westmorland and Sir Thomas Hilton.[47]
Item, a like lettre to Mr. Richerd Duke of Kendall.
Item, a (like) lettre to Sir John Townley, Sir Stevyn Hamerton. . . .

III.

Ballad on the Pilgrimage of Grace.

I

Crist crvcifyd!
For thy woundes wide
Vs commens guyde!
Which pilgrames be, 4
Thrughe godes grace,
For to purchache
Olde welth and peax
Of the spiritualtie. 8

II

Gret godes fame
Doith Church proclame
Now to be lame
And fast in boundes, 12
Robbyd, spoled and shorne
From catell and corne,
And clene furth borne
Of housez and landes. 16

III

Whiche thynges is clere
Agaynst godes lere,[48]
As doith appere
In detronomio, 20
Godes law boke.
Open and loke,
As moysez spoke,
Decimo nono.[49] 24

IV

Ther may be founde:
The lyuing grounde
May not lay dowyn
Sesare nor kyng, 28
Which olde fathers
And the right heires,
For ther welfares,
At theyr endyng 32

V

Gaif to releif,
Whome for amice[50] greve
Boith day and even,
And can no wirke; 36
Yet this thay may,
Boith night and day
Rusorte and pray
Vnto godes kyrke. 40

VI

Thus interlie
Peax and petie,
Luf and mercie,
For to purchache 44
For mannys mysdeyd,
And wrongfull crede
Most fer myslede,
Throght lack of grace. 48

VII

Suche foly is fallen
And wise out blawen
That grace is gone
And all goodnes. 52
Then no marvell
Thoght it thus befell,
Commons to mell
To make redresse. 56

VIII

Right well myndyng
The foresayng
And prophesiyng
Of Esayas: 60
That prynces shuld
Remeve fixt molde,
Which fathers colde
To sounde compas. 64

[47] Corr. from Tempest.

[48] Precept (Halliwell).

[49] 'Thou shalt not remove thy neighbour's landmark.'—Deut. xix. 14. Tyndale has 'Thou shalt not remoue thy neghbours marke which they of olde tyme haue sett in thyne enheritaunce that thou enhirettest.'

[50] The first of the sacerdotal vestments (Halliwell).

IX

Bot on thing, Kyng*es*,
Esayas sayng*es*
Like rayn down bryng*es*
God*es* woful yre, 68
Harrying the subiect
Ther dewtis to forgett
And pryncez let
Of suche disyre. 72

X

Alacke! Alacke!
For the church sake
Pore comons wake,
And no m*ar*vell! 76
For clere it is
The decay of this
How the pore shall mys
No tong can tell. 80

XI

For ther they hade
Boith ale and breyde
At tyme of nede,
And succ*er* grete 84
In alle distresse

And hevynes,
And wel intrete 88

XII

In troubil and care,
Where that we were
In man*er* all bere
Of o*ur* substance, 92
We founde good bate
At churche me*n* gate,
W*ith*oute checkmate
Or varyaunce. 96

XIII

God that right all
Redresse now shall,
And that is thrall
Agayn make fre, 100
By this viage
And pylgramage
Of yong and sage
In this countre, 104

XIV

Whome god graunt *gr*ace!
And for this space
Of this ther trase 107
Sende theyn good spede,
W*ith* welth, helth and spede, 109
Of synnys releys
And joy endleys,
When they be deyd. 112

XV

Church men for eu*er*
So you remember,
Boith fyrst and latter,
In yo*ur* meme*n*to 116
These pilgramez poore,
That take such cure
To stabilisshe sure,
Wiche dyd vndoo 120

XVI

Crim, crame, and riche [51]
W*ith* thre ell [52] and the liche
As sum me*n* teache.
God theym amend! 124
And that Aske may,
W*ith*out delay,
Here make a stay
And well to end! 128

TWO ACCOUNTS OF THE BATTLE OF MARSTON MOOR.

THE two papers which follow throw some additional light on the battle of Marston Moor. The first is an account of the battle drawn up by Sir Hugh Cholmley for the information of Clarendon when he was writing his 'History of the Rebellion.' Cholmley's relation is not endorsed, but it was probably written in 1648. Clarendon

[51] Gairdner's note: 'Cromwell, Cranmer, and Rich.' *Calendar of State Papers, Henry VIII*, vol. xi.

[52] Gairdner: 'Legh, Leighton, and Latimer' (?).

did not apply to Cholmley for information till the spring of 1648. 'Since you went from Rouen,' writes Hyde to Hopton on 30 April, 1648, 'I received a civil letter from Sir Hugh Chomely, so that upon that correspondence I shall draw what I can from him.' (Clarendon MS. No. 2770). He drew from him in the end three papers: (1) 'Observations concerning the Hothams,' which is Clarendon MS. No. 1809, and is printed in the Clarendon State Papers, ii. 181; (2) 'Memorials relating to Scarborough,' Clarendon MS. No. 1669; (3) 'Memorials touching the Battle of York,' Clarendon MS. No. 1764, printed here. All these are undated, but were probably written between April 1648 and Cholmley's return to England in 1649. Clarendon apparently refers to this narrative in his account of the battle of Marston Moor, though he does not seem to have had it actually before him at the time when he wrote. In book viii. § 75, he observes: 'Those who most exactly describe that unfortunate battle, and more unfortunate abandoning that whole country (when there might have been means found to have drawn a good army together) by Prince Rupert's hasty departure with all his troops, and the marquis of Newcastle's as hasty departure to the seaside, and taking ship and transporting himself out of the kingdom, and all the ill consequences there upon, give so ill an account of any conduct, courage, or discretion in the managery of that affair, that, as I can take no pleasure in the draught of it, so posterity would receive little pleasure or benefit in the most particular relation of it.' Cholmley's paper has been used by Mr. Gardiner ('History of the Great Civil War,' i. 442), but has never been printed; and accounts of the battle from the royalist side are so few that it well deserves publication. In the subjoined text the spelling has been modernised.

There is a brief description of the battle in Sir Philip Monckton's account of his services to the king's cause, which has been overlooked by writers on Marston Moor. It confirms the statement in Cholmley's narrative as to the impossibility of rallying the royalist horse. The original of Monckton's narrative is amongst the Lansdowne MS. 988, f. 320; it is printed in the 'Annual Register' for 1805, p. 883.

The second document is an extract from a rare pamphlet published in 1654, but written for the most part in 1647. It is attributed by Wood to Lord Saye. It is an answer to David Buchanan's 'Truth its Manifest; or a short and true relation of divers main passages of things in some whereof the Scots are particularly concerned,' 1645. Saye's answer is sometimes entitled 'The Scot's design discovered,' sometimes 'Vindiciae Veritatis.' On the controversy as to the relative shares of Cromwell and David Leslie in gaining the victory of Marston Moor the statements it contains are worthy of attention.

C. H. Firth.

Memorials touching the Battle of York.

Upon Sunday the of June Prince Rupert had passed the river of Owse at a place called Burroebridge 16 miles from Yorke, before the great army that besieged the city had intelligence of his being so near, which caused them that night to raise their siege, and the next morning to draw nearer into a body a pretty distance from the city on the south side; the besieged when they saw the enemy had quit their trenches, did not understand the cause till about noon that day Captain Leg brought news of the Prince's approach, who marched through the forest of Gautrees on the north side of the city, knowing that to lie most open; That evening the Prince sent General Goring to the Marquess to desire he might the next morning by four a clock have all his forces drawn out of the city to join with his, for which the Marquess presently gave order, and accordingly all the foot were at 2 a clock that night drawn in a body expecting to march out of the city, when there came an order from General King, that they should not march till they had their pay whereupon they all quitt their colours and disperse, this I had from a gentleman of quality of that country who was a colonel and had a command there and present at the time. But in justification of King, some say that there was not half the foot, for many of them being plundering in the enemy's trenches where they found good booty, they could not be drawn together so soon; true it is many were wanting yet doubtless there was a considerable number; again King denies he sent any such message, but that it being pay day the soldiers would not out of the city without it and raised this of themselves; certainly a report was divulged that King sent such an order, from whencesoever it came, and that dispersed the soldiers, which accident may seem prejudicial to the Prince's affairs, who probable (if those forces at York had joined with his at the time prefixed) might have acted something upon the enemy in their retreat or before they had put themselves into order or gained that place of vantage they had at the battle.

The Parliament army had left a bridge of boats on the river Ouse at the west of the city unbroken up, on which the Prince passeth his army on Tuesday morning by four a clock, and finding the enemy upon a quick march pursues them, but they being to pass over a moor where there were ditches and sloughs of water, it gives them advantage to march with less disorder, and though there was continual skirmishes between the horse which were in rear and van of the two armies, yet the Prince was not earnest to engage in expectance of the York forces.

But the Parliament army finding themselves still pursued coming to a place of advantage, make a stand and recall those forces which marched in their van of [which] some were advanced nine miles and it is thought many would never have returned had they been respited till the next morning. The place where they made a stand was a rising ground (with some hedges and ditches and corn fields on each side) from which they might clearly view the Prince's army below in the plain, and yet themselves not so perfectly to be discerned. As soon as the Parliament army made a stand the Prince's did the like drawing themselves into order for battle, but acted nothing still in expectance of the York forces, about 9

a clock the Marquess accompanied by all the gentlemen of quality which were in York (who cast themselves into a troop commanded by Sir Thomas Mettam) came to the Prince who said, 'my Lord, I wish you had come sooner with your forces, but I hope we shall yet have a glorious day'; the Marquess informed how that his foot had been a plundering in the enemy's trenches and that it was impossible to have got them together at the time prefixed, but that he had left General King about the work, who would bring them up with all the expedition that might be. The Prince seeing the Marquesses foot were not come up, would with his own foot have been falling upon the enemy, but that the Marquess dissuaded telling him he had 4,000 good foot as were in the world; about 4 a clock in the afternoon General King brings up the Marquess's foot, of which yet many were wanting, for here was not above 3,000. The Prince demanded of King how he liked the marshalling of his army, who replied he did not approve of it being drawn too near the enemy, and in a place of disadvantage, then said the Prince 'they may be drawn to a further distance.' 'No sir' said King 'it is too late;' It is so, King dissuaded the Prince from fighting, saying 'Sir your forwardness lost us the day in Germany, where yourself was taken prisoner,' upon the dissuasions of the Marquess and King and that it was so near night, the Prince was resolved not to join battle that day, and therefore gave order to have provisions for his army brought from York, and did not imagine the enemy durst make any attempt; so that when the alarum was given, he was set upon the earth at meat a pretty distance from his troops, and many of the horsemen were dismounted and laid on the ground with their horses in their hands.

The reason why they fell thus suddenly upon the Prince, as many conjecture, is that a Scottish officer amongst the Prince his horse, whilst the armies faced one another, fled to the Parliament army and gave them intelligence; and it was further observed that Hurry a Scotchman having the marshalling of the horse in the Princes right wing, his own troop were the first that turned their backs; yet I have heard the prince in his own private opinion did not think Hurry culpable of infidelity.

Upon the alarum the Prince mounted to horse and galloping up to the right wing, met his own regiment turning their backs to the enemy which was a thing so strange and unusual he said "'swounds, do you run, follow me," so they facing about, he led them to a charge, but fruitlessly, the enemy having before broken the force of that wing, and without any great difficulty, for these troops which formerly had been thought unconquerable, now upon a panic fear, or I know not by what fate, took scare (?) and fled, most of them without striking a stroke, or having the enemy come near them, made as fast as they could to York. Those that gave this defeat were most of them Crumwell's horse to whom before the battle were joined David Lesley, and half the Scottish horse; and who kept close together in firm bodies, still falling upon that quarter of the Prince's forces which seemed to make most resistance, which were the foot who fought most gallantly and maintained the field three hours after the horse had left them, where most of the Marquess's foot was slain being as good men as were in the world.

But as the Prince's right wing went to wracke, so his left was very prosperous, for general Goring who commanded that did with the northern

horse charge the enemy's right wing so fiercely and home, as that he made the three generals viz. Manchester, the Ld. Fairfax and Lesley quit the field and fly near twenty miles several ways believing the day was lost in so much that Goring was possessed of many of their ordnance, and if his men had but kept close together as did Crumwell's, and not dispersed themselves in pursuit, in all probability it had come to a drawn battle at worst; and no great victory to be boasted of on either side; but Goring's men were much scattered and dispersed in pursuit before they could know of the defeat of the Princes right wing, yet at the dawning of the day there was rallied together two thousand horse who had great inclination to have acted something upon the prevailing party of the enemy's other wing, but that they were prevented by an order to retire to York. The next morning the Prince had thoughts of a new supply of fresh foot out of York, to have attempted something upon the enemy, but that he was dissuaded by general King, and though the enemy was much broken and dispersed and not possessed of the Princes cannon and baggage till the next morning, yet at the present their state and condition was not so generally known, and therefore King's counsel not to be condemned.

The Prince and his broken forces retired to York, and though the greatest part of the other army was scattered likewise, yet Crumwell and those victorious party of the enemy's left wing kept the field that night, which did not only make them the next day master of the Prince's cannon and baggage, but gave the victory wholly to that side, and with such reputation as it brought many of that party, which, giving the battle for lost, were fled into Lincolnshire and other places 40 or 50 miles from the place of battle. Now to draw all these particulars into a compendium, and give some probable conjectures for the miscarriage and loss of this business, many do impute much to the Prince that he would engage to fight that day, considering not only many of the Marquesses foot were wanting, but even of his own horse to the number of 1,500 or 2,000 which were gone rambling into York; and that if he had deferred the fight a few days, Colonel Clavering had been up with a thousand or 1,200 fresh men, he came into the country with such dread and reputation, he might not only have increased his own army, but surely the enemy would have diminished; in answer to which in the Princes behalf it is said, he did neither know the Marquesses men would fall short, nor that so many of his own were absent, that all had orders to be in readiness on Tuesday morning by four oclock; that he was obliged not to let the enemy march too far out of his reach, having a command from the King to fight the Scottish army wheresoe'er he met them; and though for that reason he followed them so close, it is evident he had not that day engaged, if the enemy had not forced [it] upon him. So those objections being answered some more probable reasons are to be looked for, which as far as I can discern into the business may be these.

1. The Prince's army or ever he was aware, was drawn too near the enemy, and into some place of disadvantage, which may be imputed rather to his commanders that had the leading of his van and marshalling his forces than to himself.

2. It is considered those which had relation to the Marquess his army did not in their affections so harmoniously comply to this great work

as was requisite, in respect the Prince had a supreme commission above the Marquess, so that his forces came very untowardly out of York though they performed their part well in the battle, and though the Marquess being of a great spirit and having had an absolute power in those parts, could not but resent the being subordinate to another, and did it so far as I have heard before the battle he resolved, though the Prince should have the day, to quit his employment and the kingdom upon this point, yet certainly for his own particular he did as much as he could to advance the Kings affairs at the present, and even in the day of battle demeaned himself most gallantly, being one of the last of so many generalls that quit the field that day.

3. The enemy keeping close and firm together in a body after they had routed the Prince's right wing; and though in that for the active part, it is most to be imputed to Crumwell and his horse, yet it is thought the ordering and advice to do so, came from David Lesley an experienced old soldier, and as this was an advantage to the enemy, so the breaking and scattering of Goring's men in pursuit in the other wing, was as great a prejudice and loss to that party.

4. Lastly there was something above reason to be attributed only to the hand of God, that so many courageous men, so often victorious, as was in the Prince's right wing should turn their backs without scarce striking a stroke and taking so great a scare as they could never be brought to make a stand; whereas if they had stood to fight doubtless the victory had gone on their side.

The Prince after two days rest having rallied together about 4,000 horse and some few foot, marcheth towards Westmorland, he and the Marquess having once agreed that the Marquess should go to Newcastle, whither the Prince would return as soon as he could recruit his foot; which if it had accordingly been pursued had been of great advantage to the King's affairs, for had the Marquess remained in those parts surely a great number of the broken foot would have been rallied together. and it would have given encouragement to the King's friends and party there, whereas upon his departure almost everyone (especially such as had particular relation or affection to his person) quitt the Kings service and went to their own homes; but as is said General King considering the King's affairs absolutely destroyed by loss of this battle persuaded the Marquess (against all the power of his other friends) to quit the kingdome so that the Marquess leaving Sir Thomas Glemman in York to gain as good terms for the city as he could, himself with King and other particular friends, goes to take shipping at Scarborough, whither he was at first a little shy to come, being informed the governor Sir Hugh Cholmley would not permit him passage, but keep him prisoner, but the Marquess soon found the contrary, by the governor's usage, who knew his duty was to obey his general, and not to question his errors, and the governor was so far from interrupting his passage, as that when he found the Marquess resolved, he gave him all the expedition, fearing his stay there might draw the forces at York sooner against Scarborough; The second day after the Marquess his coming to Scarborough, he took shipping for Hambrough, being accompanied with his two sons, the Lord Faulconbridge, Lord Widdrington, Sir William Widdrington and some

other of his special friends; General King, the Lord Carnwath, and persons that had relation to them went in another ship; there was divers other gentlemen of that country who desired to pass at the same time, but the governor would not permit them, it being as he conceived prejudicial to the King's affairs.

The Scots Designe discovered.

London 1654, p. 78, line 30.

In speaking soon after, of their taking *New-castle*, he confesseth *their running away at Marston-moor*, when he hopes to make amends for it, by relating what valour they shewed there: In his storie of this Battle (which for his end, that is, the magnifying of his Countrey-men, it had been better for him to have skipped over) that he might extol *David Lesley* (a man whose worth needs not his lyes, and impudent shameless detractings from the worth of other men, and their known services that day, to help set forth the same, neither can a man, who knows true worth, endure it) he tels such *an infamous lye* of Cromwell (for that is the man his Presbyterian spleen, in every place where he comes near him, riseth up and bursts forth against) as that I think *David Lesley* himself hath so much Honor in him, that he will give him the lye in it, and rather spit in his face, than thank him for it. The thing is so notoriously false, and known to be so to all that were present and not run away before the turn of the day, that it is probable, he heard this tale of some of his Countreymen, whose heels had carried them so far from this place, that they could see neither man nor action upon the same, nor tell how the scales came to be turned: his words are, *that those of the partie he spake of a little before, to indear themselves to the people* (poor fellow, they needed no lyes like his to do that) *attributed to themselves the Honor of the day, and did not stick to call one of theirs*, The[1] Saviour of the three Kingdoms, *when God knoweth* (for he will take the name of God in vain to countenance a lye) *he, that they there did extol so much, did not at all appear in the heat of the business, but having at first a little skar, kept off till the worst was passed*: then he adds, *this had not been spoken at all, if some idle men, to gull the world, had not given the honor of the day to those, who had but little or no share in it.* Can there be a more palpable gross lye than this, his own Countrey-men (those who staid in the Field) being Judges, whether we respect *Cromwell*, the man he means, or the Regiments of Horse commanded by him, which are those, he will have, to have little or no share in the honor of that day? it is well known to all that were present, and by their report to all other, who are not willing to believe lyes, rather than receive what is true, that both the General of the *Scots* Armie, and also the Lord *Fairfax*, gave the day for lost, and so lost, that the one stayed not till he came to *Hull*, the other, as is said, went further from the place where the Battle was fought, before he made a stay, and as it is reported by those that were present, at least 10,000 ran away, most of the *Scotch* Armie, if not all, but those I formerly mentioned, were run out of the Field, and the day theirs in the Enemies opinion that were on that side the Field, as also in the opinion of ours, both Generals and Soldiers, who thereupon left the Field: when

[1] P. 79.

things were brought into this condition, it pleased God to use, as instruments under him, *Cromwell*, who Commanded them, and the Regiments of Horse that were in my Lord of *Manchesters* Armie, to give the turn, win the day, and take the Victorie out of the enemies hands. This was the Lords doing, to whom belong the issues of War, and it was indeed a mervailous mercy; and these were the instruments he was pleased chiefly to use therein, which he, that out of envie will not acknowledge, but rather, as this man doth, belye and disgrace, is not onely false and injurious towards man, but opposeth God by disliking that choise which he thinks fit to make of Instruments, by whom he will please to work and give deliverance. Now, as for that which concerneth *Cromwell* himself, *that he did not appear at all in the heat of the business, but for a little skar kept himself off, till the worst was past*; what man is there, *English* or *Scot*, that hath either worth or honestie in him, who was present, that will not abhor such an envious, malicious falshood as this, fit to be fathered by none but the father of lyes himself? for it is known, that *Cromwell* charged in the Head of those Regiments of Horse in my Lord *Manchesters* Army, which Horse he Commanded, and with those Regiments brake all the Regiments of the Enemies Army, first the Horse, and after that the Foot, and that he continued with them, untill the victory was fully obtained (yea, and the Psalm of praise for it sung to God, to whom alone the Glory was due) commanding all the while they charged, and taking special care to see it observed, that the Regiments of Horse, when they had broken a Regiment of the Enemies, should not divide, and, in pursuit of the Enemie, break their order, but keep themselves still together in bodies, to charge the other Regiments of the Enemy, which stood firm, and were in bodies both of Horse and Foot; by this wise direction and order which himself was present to see observed, his Regiments at last brake the Enemies Regiments, all, first the Horse, then the Foot; and herein indeed was the good service which *David Lesley* did that day, with his little light *Scotch* Nags (for such they were then, and not such as afterwards they made them out of Sr. *John Fennicks* breed, and our best Northern Horse, for which they at their pleasure would exchange[2] their *Scotch* little Coursers when they came into those parts) I say, in this he did very good service, that when a Regiment of the Enemies was broken, he then fell in, and followed the chase, doing execution upon them, and keeping them from rallying again and getting into Bodies, whereby *Cromwell* with his Regiments had the better means and opportunity, keeping firm together in Bodies, to fall upon the other Regiments which remained, untill they were, one after another, all broken and routed both Horse and Foot: the Enemies Horse, being many of them, if not the greatest part, Gentlemen, stood very firm a long time coming to a close fight with the Sword, and standing like an Iron Wall, so that they were not easily broken; if the *Scots* light, but weak Nags had undertaken that work, they had never been able to stand a charge, or indure the shock of the Enemies Horse, both Horse and men being very good, and fighting desperately enough. I appeal to the consciences of those that were present, if this be not the true Relation of that Battle for substance.

[2] P. 80; 81 in original.

Reviews of Books

The Histories of Polybius. Translated from the text of F. Hultsch by E. S. Shuckburgh, M.A. (London: Macmillan & Co. 1889.)

'Amongst the historians of antiquity whose works have been judged worthy of the admiration or regard of later times, there is none perhaps so little known as the author who is now offered to the public.' Those are the words of Mr. Hampton, the last translator of Polybius, the fifth edition of whose book was published at Oxford in 1823. They might, we fear, with almost equal truth have been repeated by Mr. Shuckburgh in 1889. Still there are undoubtedly signs that this unmerited neglect of one of the most valuable of classical historians is gradually becoming at any rate less complete. In addition to Mr. Shuckburgh's translation, the 'Selections' of Mr. Strachan-Davidson and the 'Achaean League' of Mr. Capes have within the last year or two done much to make Polybius more familiar to English students. While the former has followed the method of the Byzantine compilers and brought together selections from the whole history, the latter has confined himself to those which bear on the subject of the Achaean League. Excellently adapted, however, as both these books are to serve as an introduction to the historian, it is doubtful whether Mr. Shuckburgh's contribution is not of even greater value, at any rate from an historical point of view, than either. Translations of classical authors are perhaps destined to play a more important part in the future than they have, owing no doubt to their too often unscholarly character, in the past. In the case of historians, and especially of those who, either from the length of their works or their difficulty or any other reason, are not much read in their original form, a good translation has a peculiar value both for advanced students of history and also for younger scholars. For the former, it need hardly be said, everything which makes the original authorities more easily accessible is an important boon, and a trustworthy translation of Polybius or Strabo or Dionysius or Dio Cassius would often afford a considerable saving of time. But to the latter also history certainly has greater educational value in proportion as it is learnt from the original authorities rather than from condensed manuals and text-books. A mastery of the latter gives at best increased information, a study of the former encourages a critical habit of mind and throws light on historical methods. Perhaps no historian, from this educational point of view, is of greater value than Polybius. His proximity in time to the events recorded, his critical treatment of his authorities, his employment of documentary and epigraphical evidence, his broad and comprehensive view of history, his keen discernment of the tendencies of his time, and, not least, the intrinsic interest of the period, entitle him to a position

as an historian certainly superior to that of Livy and Xenophon, and probably quite on a level with that occupied by Tacitus or Thucydides. Hitherto there has been no means of making Polybius, with all these recommendations, available for history-teaching at schools. As a school classic, indeed, he will never obtain a place by the side of Thucydides or Herodotus or even Xenophon. His faulty style, his unclassical Greek, and his wearisome loquacity always have been and always will be fatal obstacles to this, and probably neither Mr. Strachan-Davidson nor Mr. Capes will produce much change in this respect. But as a means of teaching history Polybius must be ranked very high, and it is just here that Mr. Shuckburgh's translation is so valuable, since it for the first time makes this means really available. There seems to be no reason why, for the period covered by Polybius—and it hardly yields in importance to any other—the higher forms in schools should learn their subject directly from Polybius, a modern text-book being either not used at all or employed merely to fill up gaps; while, when Livy is read in class, the translation of Polybius might with advantage always be at hand for purposes of comparison and correction.

As to the quality of Mr. Shuckburgh's translation, it is possible to speak highly. It does not indeed read like a translation, and at first sight one would perhaps suspect that it approached in many places almost to a paraphrase. A closer examination, however, shows that any such description of it would be unfair. Mr. Shuckburgh has been exceptionally happy in uniting good and idiomatic English to what is really, with some exceptions, a fairly exact rendering of the original Greek. I have tested the translation in all parts, and not only in the ordinary narrative portions. As a more searching test I have been through the greater number of passages quoted from Polybius by Mommsen in his 'Staatsrecht,' as bearing on constitutional points, and I have almost invariably found the translation a trustworthy guide. It need hardly be said that here and there may be found renderings to which exception may be taken, sometimes, though not often, actual blunders are made, and perhaps the Greek sentences are sometimes unnecessarily broken up; but as these errors are neither so frequent nor so important as to detract from the historical value of the work, we may perhaps leave them to those microscopic critics who think they have sufficiently disposed of a conscientous piece of work like Mr. Shuckburgh's by pointing out a few slips and misprints. In dealing with the fragments, which, it is to be noticed, follow entirely the arrangement of Hultsch, the translator has given considerable help to his readers by filling in the gaps with sketches of the intermediate events and references to those authors who supply the missing links. The translation is preceded by a careful introduction, dealing with the life and times of Polybius and with the constitution and history of the Achaean League, and there is a full and serviceable index at the end.

E. G. HARDY.

Die Geschichte der Deutschen Universitäten. Von GEORG KAUFMANN. *I. Vorgeschichte.* (Stuttgart: Cotta, 1888.)

IN the present volume the writer has hardly reached his proper subject. The whole 427 pages are merely *Vorgeschichte*—a survey of the medieval universities in general, by way of introduction to the special treatment of

the German universities. This fact is by itself sufficient to show that Dr. Kaufmann writes, so to speak, on a higher historical level than most of the previous historians of particular universities or groups of universities. He has grasped the fact that it is impossible to understand a single university without a thorough study of universities in general, particularly of their *origines*. I am far from saying that it is incumbent on every historian of a particular university to write an octavo volume on the history of other universities than the one on which he professes to write. But it is necessary that he should show that he appreciates the nature of the institution with which he has to deal, the position which his own subject occupies in the group or family of universities to which it belongs, and the relation of that group to the European university system at large. Up to the present there has been hardly a university history which can be said fully to satisfy that condition. No doubt such a task has become indefinitely easier since the publication of the first volume of Father Denifle's great work on the medieval universities. Provoked by Professor Kaufmann's somewhat under-appreciative review of his monumental work, Father Denifle has accused Dr. Kaufmann of having deliberately plagiarised his book; and I am bound to say that the latter has not made adequate acknowledgment of his obviously large obligations to his predecessor. What is the exact extent of those obligations it is impossible now to judge. Dr. Kaufmann had no doubt begun his study of the subject before Father Denifle's work appeared; and many of the blunders, misrepresentations, and superstitions of Du Boullai and other writers of his class were destined to fall a prey to the first historian who should subject the early history of universities to serious and critical examination. I fully sympathise with Dr. Kaufmann in his evident annoyance at being anticipated. Had he published before Father Denifle, no doubt his work would have had an importance which it cannot now claim; on the other hand I doubt whether he would have effected the reconstruction of our ideas of earlier university history with the completeness with which the task has been executed by the great Dominican. I am far from holding Denifle to be infallible. He needs criticism. There are not too many people in Europe who are competent to criticise him, and the criticism which Dr. Kaufmann has given us is of real value, and merits attention even when I myself should hold Denifle to be in the main right.[1]

I rejoice to find that Dr. Kaufmann has in one of his previous reviews of Denifle independently coincided with some criticisms which I had ventured to make in this Review. He has since accepted my interpretation of *arrestare capitale* (*i.e.* as meaning 'to sequestrate the property') in the celebrated Privilege of Philip Augustus in 1200 as against Father Denifle's peculiar view which understands *capitale* (in spite of the continued use of the neuter) as a *regent master*.

But I am bound to say that on most of the more serious matters on

[1] The controversy has been carried on in Denifle and Ehrle's *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, ii. p. 398 ff.; the *Deutsche Zeitschrift für Geschichtswissenschaft*, i. p. 118 ff.; the *Historisches Jahrbuch*, x. pp. 72-98, 344–375; the *Zeitschrift der Savigny-Stiftung*, vii. p. 124 ff.; and the *Göttingische Gelehrte Anzeigen*, 1886, p. 97 ff.

which he attempts to upset Father Denifle's conclusions—as, for instance, when he tries to show that the jurisdiction of the Paris chancellor was an innovation of the beginning of the thirteenth century, and that the ecclesiastical restrictions on education in the twelfth century were the exception and not the rule; where he attempts to uphold the old view of the emergence of the university of Paris from S. Geneviève as well as from the cathedral; and, above all, in his theory as to the nature of a *studium generale*—he fails to make good his case. On each of these matters he calls attention to facts which may possibly require us to accept Father Denifle's views with some little modification or reserve. But the facts are not sufficient to support Dr. Kaufmann's constructive theories. Kaufmann, in short, is no match for Denifle in learning. His mind is not saturated with the literature of his subject—his subject, I mean, in this introductory volume. He occasionally gives one the impression of struggling to maintain conclusions, at which he had somewhat hastily arrived before the appearance of Denifle's work, wherever he can find plausible ground for doing so. At the same time I hasten to add that Dr. Kaufmann is not the mere sciolist and plagiarist that Denifle's severe criticism might suggest. It is a little unreasonable of Denifle to insist that no one shall write on medieval universities, even as a preliminary to a detailed treatment of one branch of that vast subject, without having made a series of *Vorstudien* and *wissenschaftliche Reisen* on the vast scale that he himself made them before beginning his five-volume history of the medieval universities in general. Moreover, Denifle has rather the air of a man who wishes to acquire a monopoly of all books and sources of information which he has himself made public. Any one who has worked at this subject will know the extraordinary difficulty which there is in finding the names of books upon it, and when he has found the names, of finding the books themselves. Many of the older books which contain statutes and documents about universities, do not bear upon the title-page the name of the university to which they relate. Nor was it easy till the appearance of Denifle's work even to get a complete and trustworthy list of the universities themselves. The preliminary bibliographical task—so far as concerns the period before 1400—has been done once for all (of course not necessarily with absolute completeness) by Denifle. Everybody who handles the subject must necessarily be his debtor. Kaufmann is not to be blamed for having freely used books to which Denifle referred him. He has given evidence of real and independent study of the materials before him, though for his purpose he was not called upon to make as thorough and exhaustive a study of them as Denifle. A more generous recognition of his inevitable obligations would have taken the sting out of many of Denifle's most scathing strictures. I may add that much of the unedifying controversy which has taken place between the father and the professor relates not so much to the actual facts of the history as to the justness of Denifle's criticism upon his predecessors. It is possible that Denifle does sometimes exaggerate the shortcomings of his predecessors (notably of Savigny). I may add that Kaufmann sometimes appears to me to yield to the same very natural tendency to make the most of his points of difference with Denifle.

It must not be forgotten, however, that Denifle's one published volume

does not cover the whole ground occupied by the work before us. For the present, it is by far the best complete account of the medieval universities in general—complete, that is, within the limits dictated by its position as an introduction to a book on the German universities. Moreover, in every literary qualification of the historian, Kaufmann's book stands on a higher level than Denifle's. Denifle would probably scorn a reputation for 'readability.' Kaufmann has so far produced an extremely well-written and interesting book. He is an historian and a philosophical historian. The point of view of the German professor is more likely to commend itself to the majority of Englishmen than that of the learned Dominican; though I am bound to add that the latter is, as far as I can judge, much less influenced by clerical and ultramontane bias than some of Kaufmann's strictures would lead one to suppose.

Our author begins with a chapter on scholasticism in general. I am not competent to speak on this subject as a specialist, but it is clear that Dr. Kaufmann knows what he is about. He certainly does much more than repeat the usual hackneyed common-place about 'spiders'-webs,' 'premisses supplied by authority,' 'servile deference to Aristotle,' &c. This is especially apparent in his discriminating treatment of the different periods of scholasticism. He appreciates the difference between the vigorous and original thought of the age of Abelard and the more technical and more ecclesiastical, but still massive work of Thomas Aquinas, and again between the masculine scholasticism of Thomas Aquinas and the degenerate scholasticism of the fifteenth century. Another good point is the stress which is laid upon the fact that scholasticism is not so much a system as a method—a method at once of thought and of education, which began in the schools of arts and philosophy, but eventually extended its influence, and with far more disastrous results, to the schools of law, of medicine, and even of grammar. Altogether, this chapter will probably be found one of the most interesting and valuable in the book. I will only venture to make one criticism upon it. The contrast which is presented by the intellectual conditions of the north and the south, between the culture of Paris and Oxford on the one hand and of Bologna on the other, is not so strongly insisted upon as the contrast between the different periods. I am not referring merely to the prominence of theology in the north and of law in the south, but to the classical traditions which are as evident at all periods in the intellectual life of medieval Italy as they are in her architecture—those traditions which made Ozanam compare the dark age in Italy to one of those 'luminous nights' in which the last traces of sunset glimmer on to the beginning of dawn.

There follows a lively chapter on the school life of the pre-university era. Here Kaufmann endeavours to demolish the customary view of the dependence of the schools in northern Europe upon the church. His position is that freedom of education was the rule, the monopoly of school teaching claimed by the chancellors of certain cathedrals an occasional exception or a later innovation. Space will not allow me to examine the question in detail. I must content myself with saying that the bulls of Alexander III dealing with the rights of the *Cancellarius* or *Scholasticus* do not read to me like an attempt to break down a previous *Lehrfreiheit*;

on the contrary they seem to be intended to place restrictions upon the abuse of an acknowledged prerogative. No doubt there may have been particular places in which masters taught without express ecclesiastical authorisation, but it is a mistake to assume that schools established and maintained by a municipality were free from ecclesiastical control. See, for instance, the borough records of Aberdeen (Spalding Club, ed. Stuart, i. pp. 5, 36).

A small point on which Kaufmann deserves something of the credit of a discoverer is his treatment of the history of corporal punishment. He has rightly shown that corporal punishment was, as a rule, confined to the grammar school and was not usual in the schools of the university faculties of arts. The exceptions which he mentions are cases in the fifteenth century where boy-undergraduates were flogged by the university authorities not for mere scholastic offences but for serious crimes. Kaufmann seems, however, to be unaware of the rapid growth of schoolboy discipline in the northern universities of the fifteenth and sixteenth centuries, perhaps through a want of familiarity with the later Oxford and Cambridge college statutes. The beginning of the middle age found the undergraduate as much a gentleman at large as the German student of to-day; its close left him a schoolboy with less freedom than an English public-school 'man' of to-day.

Kaufmann then proceeds to deal in order with (1) 'Die Stadtuniversitäten Italiens,' (2) 'Die Kanzleruniversitäten in Frankreich und England,' (3) 'Die Staatsuniversitäten und die spanischen Universitäten.' This principle of classification is to my mind superior to Denifle's somewhat Linnæan division into universities *ohne Stiftbriefe*, universities founded by the pope, universities founded by the emperor, universities founded by both pope and emperor, &c. It is well calculated to direct attention to certain very important characteristics of the various groups, *e.g.* the fact that the Spanish universities were (largely) creatures of the kings, or, again, that Oxford and Cambridge resemble Montpellier and Orleans in the closeness of their dependence on a bishop and an episcopal chancellor. But there are other universities which do not fall happily into any of these groups. Perhaps after all the simpler geographical or national classification is here the 'natural' one. Kaufmann's account of the early development and organisation of the principal universities is satisfactory enough as far as it goes, though it shows a certain want of definite grasp of constitutional facts. Among the few points in which he seems to me to make demonstrable mistakes, I will notice only one by way of corroboration of what I have felt bound to say as to his insufficiently acknowledged debt to Denifle. Denifle has not yet completed his account of the organisation of Paris; and where Denifle's guidance is wanting, Kaufmann accepts without question the statement of Bulaeus and his followers that the university was divided into seven bodies—four nations and three faculties—each of which had one vote in the deliberations of the university, whose action was determined by a majority of the seven corporate votes (p. 268). It is true that in the later medieval period there are traces of a claim on the part of the nations to equality with the faculties in such matters as the nomination to benefices, or the appointment of university delegates; but I have been unable to find a single instance of the vote of a nation counting as equal to that of a faculty.

i.e. of the three faculties being outvoted by the four nations. The true account of the matter seems to be as follows :

(i) In the earliest period only a unanimous vote of the whole four faculties could bind the university. In the pleadings of the Dominican Friars *v.* the university of Oxford in 1313, it is even asserted that in all cases a two-thirds majority in each faculty was required.[1] This was undoubtedly required in case of 'suspension of lectures' by the bull *Quasi lignum vitae.*[2]

(ii) The first instance of a decision by a majority only of the faculties occurs in 1303; and then it would be truer to say that the majority issued a manifesto of their own than that they claimed to impose their decision upon the corporation as such. But the precedent thus created led to a gradual recognition of the principle that the rector should 'conclude' for a majority of faculties. In 1339 a statute was carried against the dissent of the jurists from a particular clause of it. The dissent is recorded, though it is not clear how far it was considered binding on the dissentient faculty on this point (Jourdain, *Index Chartarum pertimentium ad Hist. Univ. Par.*, No. 567). But a resolution of the university in 1377 makes it clear that the principle of majority-voting was now beyond the reach of controversy (Bulaeus, iv. p. 566).

(iii) By a similar process of what Professor Bryce has called constitutional 'development by usage,' the principle of voting by nations established itself in the faculty of arts. Here the principle that a dissentient nation should submit to the majority is fully established before 1325 (Bulaeus, iv. p. 208).

(iv) When the principle of majority-voting was established both with regard to the nations and to the faculties, it is clear that three nations (determining the vote of the faculty of arts) could, with the assistance of one of the superior faculties, prevent a decision opposed to their wishes, though it would require two of the superior faculties to carry their own decision. That this was the state of things which prevailed up to the close of the medieval period is perfectly clear by a study of the documents in Bulaeus, tom. v. *passim.* See for instance the proceedings of the last year of the fifteenth century (*ibid.* pp. 831, 832).

For a more adequate discussion of this interesting question this is not the place. I must be content with pointing out the untenableness on this as on most other matters of Du Boullai's dogmas. I am the more anxious to do so as on this point I was still in bondage to Bulaeus when I wrote upon the *Origines of the University of Paris* in this Review (vol. i. 639 ff.). I must add that I first found his statements called in question by the anonymous author of the MS. *Universitas Parisiensis ejusque Facultatum origo vera* (*Cod. Lat.* 9949, in the Bibliothèque Nationale)—a source by the way to which may be traced the first suggestions of nearly all Denifle's views about the Paris constitution, including the very few that are (as it appears to me) erroneous.

I have hardly left myself space to discuss the great bone of contention between Kaufmann and Denifle, *i.e.* the question as to what constitutes a *studium generale.* Denifle's view is briefly as follows. The earliest universities grew up by spontaneous development without express

[1] Digby Rotulus I (MS.), in the Bodleian Library.

[2] Bulaeus, iii. 282.

authorisation of any authority whatever. In 1229 Toulouse was founded by Innocent III, and its graduates were shortly afterwards given by papal authority the right to teach throughout the world without additional examination. The same privilege was given to the university of the Court of Rome, founded by Innocent IV in 1244. Naples was erected by Frederick II, though without any express grant of the *ius ubicumque docendi.* Paris and Bologna acquired this right by papal bull at a later date—Paris in 1280 (Bulaeus, iii. p. 449), Bologna in 1292 (Sarti, *De illustribus Archigymnasii Bonon. Professoribus*, ii. pt. ii. p. 59). Gradually a *studium generale* came to have the definite and technical meaning of a *studium* which possessed this privilege either by papal or imperial grant or *de consuetudine, i.e.* by prescription established before the end of the thirteenth century (A. D. 1290). Denifle denies the name of *studium generale* to any *studium* which does not satisfy these conditions. Kaufmann holds on the other hand that the essential idea of a *studium generale* was a *studium* with a certain number of masters and authorised by the state, and that not only in the thirteenth century but also in the fourteenth. Not only kings but city republics claimed to erect *studia generalia* without licence of either emperor or pope. Denifle's view he holds to be based upon the *dicta* of certain jurists of the fourteenth century which never obtained general recognition. Most of the instances which he adduces in support of this contention do not seriously affect Denifle's theory. If Kaufmann is right in making Cambridge a *studium generale* before the bull of Innocent IV, we have only one more *studium generale ex consuetudine* ; since whatever claims Cambridge possessed to be a *studium generale* at all before this date, it possessed before the middle of the thirteenth century. As to the universities erected by the Spanish kings, Denifle admits them to have been *studia generalia respectu regni*, and Kaufmann does not attempt to show that they were acknowledged to possess the *ius docendi* beyond those limits. As to Siena (the case on which he most relies) he has certainly shown that Siena is treated by the imperial bull of 1357 as already a *studium generale.* The town attempted to found a *studium generale* in 1275, and claimed to do so without an imperial or papal bull. Denifle does not date the *studium generale* at Siena from this period because the attempt does not appear to have succeeded. Yet he admits that up to the fourteenth century a *studium generale* might come into existence *ex consuetudine* ; but at this time a *studium generale* meant merely 'a school of higher education open to all.' There is no evidence that even the municipality of Siena thought that they had the right to found a *studium generale* in the later and more technical sense of the word—still less that such a claim would have been generally recognised. The only evidence that really makes for Kaufmann's view is the case of Parma, which certainly did purport to erect a *studium generale* which granted the *licentia docendi hic et ubique terrarum.* It is not proved that Parma was ever really recognised as such, or that these licenses were anything more than the blunder or the flourish of the academic scribe.

The whole controversy leaves in my mind no doubt that Denifle's theory represents the dominant idea of the middle ages ; but Kaufmann has done good service by calling attention to the limitations within which it is admissible. The theory was generally recognised in Italy ; it does not follow

that it was equally established in Spain and in England. Even Kaufmann seems hardly to realise that the question whether a particular body was a *studium generale* is one which might have received different answers from different persons at the same period. He has, however, rightly called attention to the fact (p. 366 ff.) of the extremely small respect which was paid to the *ius ubique docendi*—even when it was legally most indisputable. Paris would not recognise Oxford degrees *sine ullo previo examine*. Oxford repaid the compliment by expressly excluding Parisian degrees from recognition at Oxford, the papal bull notwithstanding (*Mun. Acad.* p 446). He has, however, not noticed a still more important fact—that, if the medieval formulæ (see *Mun. Acad.* p. 338) which are still used in the university may be trusted, Oxford never professed to give the *licentia docendi hic et ubique terrarum*. Oxford, therefore, was not a *studium generale* according to the definition given by Denifle. Yet no Englishman would have admitted, even an Italian canonist would hardly have contended, that Oxford was not a *studium generale*. The fact was that the definite theory of a *studium generale* was never quite established in all parts of Europe. It may, of course, be replied that though the formula was not used, Oxford degrees would have been universally recognised, *i.e.* have received as much recognition as those of papally privileged *studia*. But this was certainly not the case at Paris. Still, whatever limitations Kaufmann's criticism may lead us to put upon an acceptance of Denifle's theory, they none of them go very far towards establishing his own constructive theory—that it was believed that the supreme civil authority in any country could establish of its own authority a *studium generale*. That a local prince or a tiny Italian city could confer a *licentia docendi hic et ubique terrarum* is a theory on the face of it so preposterous that we should want much stronger evidence to induce us to believe in its acceptance than the fact, even if proved, that certain cities did actually purport to authorise such licences. At best, Kaufmann's view could only be established by eliminating from the definition of *studium generale* the *ius ubique docendi*; and when that is done, the difference between Denifle and Kaufmann disappears, since Denifle admits that a local sovereign could erect a *studium generale respectu regni*. The fact is that the dimensions of the whole question have been exaggerated by the importation into the controversy of theological or political polemics. Kaufmann considers himself bound to run a tilt against Denifle's view as 'ultramontane,' to which Denifle replies by treating Kaufmann, not altogether unnaturally, as a kind of apologist for the Kultur-Kampf in the pay of the Prussian minister of education. Next to academical patriotism, the importation of present-day educational theories into the discussion of historical questions has done more than any other cause to hinder a due appreciation of the origin of universities. For this importation in the present case it is fair to add that Kaufmann is more responsible than Denifle.

When a book has provoked so acrimonious a controversy as the present volume, it is almost impossible to avoid the invidious task of instituting perpetual comparisons between the disputants, and the value of their respective contributions to the subject. Where personalities have been so freely bandied about, it is hard to meddle in the controversy without seeming to be likewise taking sides in a personal quarrel.

But I hope I have succeeded in showing my appreciation of the very different, if very unequal, merits of both writers without assenting to all that each of them has said in disparagement of the other. I conclude by saying that the present volume gives promise of being by far the best treatise on any particular department of this enormous subject, the scientific study of which, with a possible qualification in favour of Savigny, may almost be said to have begun with Denifle's work. It is to be hoped that the good example set by this *Vorgeschichte* will not be lost upon future historians of particular universities. H. RASHDALL.

La prise de Jeanne d'Arc devant Compiègne, et l'histoire des sièges de la même ville sous Charles VI et Charles VII, d'après des documents inédits. Par ALEXANDRE SOREL. (Paris: Picard. Orléans: Herluison. 1889.)

La prise de Jeanne d'Arc, writes M. Sorel, *est un des plus douloureux épisodes de la guerre de Cent Ans, et les circonstances dans lesquelles elle s'est produite restent encore enveloppées d'une ombre quelque peu mystérieuse.* To throw some light upon this obscure and melancholy episode is the task which he has undertaken, with the aid of the archives of Compiègne. Some hitherto unpublished documents from these archives will be found in the appendix. The author is, in the phrase which he quotes from Gambetta, *un fervent dévot de Jeanne la Lorraine*; and besides the promptings of devotion to the heroine, he is also actuated by the desire to do justice to the efforts and sufferings of the Compiégnois in their struggle against the English domination. To readers in general, the interest of the five months' siege centres round Joan of Arc; but whether the history is looked at from the Compiégnois point of view, or only as bearing upon the fortunes of the Maid, in either case the student will derive great help from M. Sorel's plans of the town, the surrounding district, and the siege operations. By their aid it becomes possible to attain a clear idea of the *douloureux épisode*.

Compiègne, which had been long and reluctantly in the English, or Burgundian, obedience, surrendered, nothing loth, to Charles VII and the conquering Pucelle, on 18 Aug., 1429. In full armour, the native king of France rode in, preceded by the heroine on a white horse, her standard displayed, while young girls strewed flowers before her, and the crowd raised cries of *Noel! Noel!* Not a twelvemonth later, in front of this very town, she was abandoned, not indeed to die at once, but to enter upon her long death-agony, no man stirring beyond the walls to save her.

It was in the decadence of her favour and fortune that Joan of Arc, still a dashing and popular partisan leader, but no longer the irresistible thunderbolt from heaven, came again, on 13 May, 1430, to Compiègne, being called thither by the peril of the neighbouring town of Choisy-sur-Aisne, to which the duke of Burgundy was laying siege. Her counter-movement to attack the English at Pont l'Évêque failed, and Choisy capitulated. The successful Burgundian army, with which a corps of English joined, then marched upon and laid siege to Compiègne. This untoward intelligence reached Joan at Crépy, according to M. Sorel's dating of

events, on 22 May. She at once sent for the captain Barthélemy Barette, and bade him *appareiller* the four hundred men under his command. *Et combien que ses gens lui deissent que elle avoit pou gens pour passer parmi l'ost des Bourgoignons et Englois, elle dist: Par mon Martin! nous suymes assez; je iray voir mes bons amys de Compiengne.*' A hazardous midnight march through the forest brought her and her troop safe into Compiègne in the early morning, without their having encountered a single enemy on the way. About five o'clock on the afternoon of the same day she sallied forth on the fatal sortie. The exact day of the month is matter of dispute, and M. Sorel himself has not always been of one opinion. He now decides for 23 May—the date, it may be observed, which is given by our own annalist, William Worcester. Another point of contention, and one which is not very likely ever to be settled, is whether she or the captain of Compiègne, Guillaume de Flavy, should be held primarily responsible for this unlucky enterprise. We have at any rate Joan's distinct assertion that the sortie was not commanded by her 'voices.' Whoever planned it, whatever the plan was, in any case the result was disastrous. The sallying party brought a whole hornets' nest of Burgundians and English about their ears, and were thrown into disorder. To the valour displayed by the Maid in protecting the retreat—*demourant derrière comme chief et comme la plus vaillant du trouppeau*—indubitable testimony is borne by the Burgundian and therefore hostile chronicler Chastellain. She had well-nigh gained the point of the boulevard du Pont (*boulevard* must, of course, here be understood in the military, not in the popular sense) when she found her retreat cut off and herself hemmed in by the English. It was at this moment, when she was surrounded and vainly signalling with her banner for help from the town, that the captain of Compiègne, so far from coming to her aid, gave orders to lower the portcullis and raise the drawbridge. Joan, conspicuous to every foeman by her dapple-grey courser and her mantle of scarlet and gold, was dragged from her saddle; and in spite of the efforts of her escort to remount her, she and her immediate followers were made prisoners. The rest is well known.

M. Sorel's plans, which accord with Joan's own statements, show plainly the place in which she was taken—*dans l'angle formé par le flanc du boulevard et par le talus de la chaussée*, as Quicherat says. Inspection makes it clear that Guillaume de Flavy's closing of the *barrière* of the boulevard was not the immediate cause of her capture. On the other hand, a study of the fortifications equally disposes of the excuse that his modern advocates have made for his not firing his cannon upon the English. M. Sorel goes deeply into the question of the captain's culpability towards Joan of Arc, and, though acquitting him of gross and premeditated treason, believes that he was not sorry to rid himself of the heroine. The best that can be said for Guillaume de Flavy—a good soldier, but in no wise an amiable character—is that he defended Compiègne for five months, till it was relieved by the count of Vendôme. He did not escape suspicion in his lifetime, for it appears that when, four-and-twenty years later, he was in trouble for murder, the hostile advocate threw out by the way this remarkable accusation: *Ne scet s'il fist aucune saillies contre ceulx qui tenoient le siège; et n'est a croire que en refusast xxx^{m} escus, veu qu'il*

ferme la porte à Jehanne la Pucelle par quoy fut prise, et dit-on que pour fermer les dictes portes il ot plusieurs lingoz d'or. M. Sorel adds that the advocate for the defence let this pass without any protest.

There is much else of interest in this work, which may be recommended both to worshippers at the shrine of Joan of Arc, and to students of medieval military history. The English reader may perhaps be tempted to smile at the way in which David Hume, *le célèbre historien anglais*, is cited (once by M. Sorel, and another time by an author from whom he quotes), as if he was a contemporary writer, with an especial insight into the mind of the regent duke of Bedford; but this is a small matter, and does not affect the general value of the work. A point for research may be noted. *M. Kervyn de Lettenhove avait bien voulu aussi nous signaler l'existence d'une Chronique latine de Charles VII, par Jean Chartier, qui se trouvait dans la bibliothèque, ayant appartenu à sir Thom. Philipps à Cheltenham. Un passage de cette chronique relate la prise de la Pucelle: 'ob barrieram ab hostibus retroclausam.' Il semble résulter clairement de ces mots 'ab hostibus' qu'il s'agissait des ennemis qu'elle avait dans Compiègne même. Malgré nos démarches nous n'avons pu jusqu'ici arriver à prendre connaissance de ce curieux document.*

EDITH THOMPSON.

L'Ordre International. Par CHARLES PÉRIN, correspondant de l'Institut de France. (Paris: Lecoffre. 1888.)

THIS is the work of a learned catholic, who has already written on the *Lois de la Société Chrétienne*, besides much else, commencing the application of his principles to international law. It may be described as a fervent appeal, on historical and philosophical grounds, in favour of reconstituting the relations of states on the basis of ecclesiastical authority, and is to be followed by a more special work on international law, 'if,' says M. Périn, 'my advanced age and the decline of my strength should not prevent' (pp. 95, 420, 470). Though divided into a first book on *la Société Internationale*, and a second on *la Loi des Nations*, each comprising a number of chapters, we have been unable to trace much progressive development in the argument. The author's theme is simple, and his thoughts eddy round it as if incapable of leaving the rock of safety to which he points us, and never tired of directing attention to it and denouncing the dangers to be encountered elsewhere. It would therefore be useless to look in his pages for anything adapted to convince those who are not already so far predisposed as to accept the truth of the pictures placed before them. What interests us is the author's point of view, and the extent to which he would carry his conclusions.

M. Périn starts from the view that the anarchy of modern times has invaded the international order no less than those of economics and internal politics. 'For many years past, do we not hear on all sides the cry of the peoples despairing of order and peace: "There is no longer a law of nations?"' (*Avant-propos.*) This reminds us of Grotius, driven to write by the contemplation of the licence and the horrors surrounding him, and we reflect that, at least if general opinion may be trusted, there

has been a great improvement since then. But we must take M. Périn as we find him, and try to discover how he compares the present state of things with that of three centuries ago. He does not question that the latter was very bad, but this was because 'the protestant reformation, by the principle of free examination, introduced anarchy into international relations' (p. 53). He finds his ideal in a remoter past, which he describes as follows : 'Innocent III—Christendom at its apogee. This organisation, the natural consequence of catholic principles on the rights of God in the world, and on the authority of the church with which His power is deposited, was realised in the thirteenth century as far as the resistance of human weakness and corruptions permits. That age, which offers us the most brilliant period of civilisation fully inspired by the spirit of the gospel, opens with the pontificate of Innocent III and closes at the moment when Boniface VIII ascends the chair of St. Peter' (p. 51).

M. Périn recognises the distinction between the spiritual and the temporal (p. 111), but it consists in the mode of action, not in the subject matter. 'Wherever occasion arises for deciding a question of justice according to the law of God, or for pronouncing on the moral value of the actions of men, no matter whether they are individual or collective actions, you will meet the church. She will not act directly on the political constitution of societies, but indirectly, by the law of divine authority which she carries and by the exercise of her spiritual jurisdiction. In regulating our moral life, she will fix the bases of the political organisation of the world, which baptism submits to her authority' (p. 109). 'Please observe that this is not only a question of the moral action which the church may exercise by her preaching and by the power of persuasion which divine grace communicates to her. It is a question of the exercise of the authority which the church holds from God in the spiritual order; of a positive, practical appeal to the conscience of the peoples and princes who believe in Jesus Christ and in the church, under the threat of the sanctions of the spiritual order. . . . Of what use among nations would be decrees invoking the justice of God and citing the prescriptions of His law, if the pontiff who pronounced them could not threaten recalcitrants with the severities of ecclesiastical legislation ?' (p. 113). Accordingly, in the paragraph on the apogee of Christendom already quoted, 'the interdict laid on kingdoms, the deposition of monarchs and excommunication,' are mentioned as the sanctions which the popes of the great age used 'with a paternal and holy firmness,' in their task of 'imposing on sovereigns justice towards their peoples, and on peoples fidelity towards their sovereigns ?' (p. 52).

Of course our author proceeds : 'But could this power which decides with sovereignty on questions of justice between states accomplish its mission, if it were not itself freed from all constraint, from everything which might be of a nature to disturb the serenity of its judgments ? Called on to pronounce between sovereign powers, will it be free if it be not sovereign itself by the same title as those over whom it has to exercise its jurisdiction ?' (p. 114). It is worth while to pause here, in order to notice the involuntary testimony which this familiar argument renders, while decrying it, to the power of an international law independent of the

church. If the pope had only to do with men who felt that it was a great evil to incur his spiritual censures, the law of guarantees enacted by the king and parliament of Italy would be as good a protection to him as any other. The danger against which more protection is sought is precisely that the prevalence of the modern point of view should render spiritual censures incapable of preserving the law of guarantees from violation or repeal. And the protection suggested is that of an international position, which it is hoped would be impregnable notwithstanding the prevalence of the modern point of view, either, it must be, from the counterpoise of jealousies between states, or, though M. Périn would be the last to confess it, because a more august sanction than any national one would be found in a department of law appealing to the common conscience of civilised men. Vain and pretentious wisdom, driven back to the world for its *pou stô*, when it would fain govern the world from the heights of 'the church' which it places over against it!

The common conscience of civilised men. We have touched in these words on our author's pet aversion, his *bête noire*. Apparently the only function of conscience which M. Périn would admit would be that of pricking those who disobeyed the church and the pontiff in which she is embodied. For conscience as the quarter in which, when you have enlightened it to the best of your power, you are to find your rule of action, he has nothing but disapproval. This and its consequences, individual consciences summing themselves up in a national conscience and national consciences summing themselves up in a conscience of mankind, occur throughout the book as the abomination of desolation—*l'idée moderne, le droit nouveau.* It is 'frankly putting man in the place of God' (p. 270). M. Périn appears to confound it with what is indeed often connected with it, the habit of referring duty to *droit* or *recht* in the sense of right and not in that of law, together with the theories of morality and jurisprudence which start from the assumed right to the free development of a man's nature, and measure his obligations by the respect due to that right in others. We have no great sympathy with attempts to deduce masses of relations which are complex because they are organic from principles of mathematical simplicity. Bentham's criticism on some one who made all virtue to consist in the virtue of truth—'Then to kill your father is only a particular way of saying that he is not your father'—is one to be borne in mind. Nor are we at all enamoured of the attempt, in particular, to put the idea of right or of liberty before that of duty; and on that point we find ourselves in agreement with M. Périn. But it is surely without reason that he identifies the sovereignty of conscience with founding law on individual right, or thinks that he answers the former by pointing out that God created man to live in society. (See especially p. 69.)

Some may be ready to say that a book which advocates a return to the times of Innocent and Boniface is not one that, in these days, needs more than the most perfunctory notice. It would not, however, be wise to treat lightly the serious utterances of a man of real learning, a corresponding member of the Institute of France, who speaks in the name of a large body of persons, diffused over the world, though not forming the majority in any country except perhaps Ecuador. Nor is it by any means beyond the bounds of possibility that a practical attempt may be

made to realise one catholic international doctrine, by recovering a temporal sovereignty for the pope. But there is a still more weighty answer to any who may think that little needs to be said about such views as those which we have been describing. Extreme principles are not realised in any department of affairs, international or other. But they colour men's action in what is possible to them, and those who have followed us thus far will be justified in asking, 'If this is what catholic doctrinaires would put in practice if they could, there must be something short of it, tending in the same direction, which they may have a better chance of putting in practice. What is that?' The answer is, in a word, intervention on principles analogous to those of the holy alliance. M. Périn cites with evident approval (p. 96) the cases for intervention enumerated by M. Pradier-Fodéré, another convinced catholic, and an eminent writer on international law. Among them are: '3°. In case of civil war, when the intervention is solicited either by an insurgent party, or by the government which is threatened, or by a part of the nation; . . . 8°. To ameliorate the institutions of a country, or to bring civilisation to a people.' It would seem easy enough for a foreign state disposed to intervene, to stir up 'a part of the nation' to make a movement and demand its assistance; but even this is unnecessary; the foreign state may intervene, of itself, 'to ameliorate the institutions of the country.' Our author gives the theory, and a very surprising one it is. 'All nations being equal, no one of them having by virtue of an organised sovereignty the right to impose respect for the law on all by the decrees of a regular jurisdiction, even when that law is recognised by all—' Very good: these are the well known premisses so often employed against the far-reaching right of intervention claimed. But how does the sentence proceed? What conclusion does M. Périn draw from these premisses? 'The consequence is that good order, peace, legitimate liberty, cannot be maintained in the international world except by the exercise of the right of jurisdiction implicitly comprehended, as we have said above, in the right of war. War, in such cases, is made by virtue of the right of intervention, or, to speak better, in performance of the duty of intervention. To proscribe the right of intervention in the name of the sovereign independence of each state, would be to introduce into the society of peoples the right to anarchy. The right of intervention once suppressed, nothing remains but individualism, with the inviolable right of the stronger over the weaker. In that case we might say with truth that force overrides law' (p. 96: see also p. 246—the paragraph headed, 'Evil set free by the principle of non-intervention').

We do not entertain a serious fear that the ultramontanes will acquire the direction of any first-class power, at least until the whirligig of time has gone a great deal farther round than it shows any signs of at present, though such an event, as we have intimated, may lie well within the limits of possibility. Still less do we fear that, if such an event happened, the policy which the ultramontanes would dictate to the power they had captured could cause anything more than a temporary disturbance, in the face of the solid progress which *l'idée moderne* is making all round. But forewarned is forearmed, and we cannot part from M. Périn without a word of thanks for his outspoken sincerity, kindly thanks, for an honest man in any camp is to be prized.

J. Westlake.

The Parliamentary Representation of Cornwall to 1832. By WILLIAM PRIDEAUX COURTNEY. 1889. (Seventy-five copies only printed, for private circulation.)

OLD abuses derive great advantage from the very fact of their abolition. They are so incredible to the next generation, that people wonder at the wrath they excited, and sentimentalists sigh over some supposed good which they fancy may have been connected with them. The historian has to account for them. It is useful, therefore, at times, to have the old state of things brought so vividly before us as Mr. Courtney has done in this interesting book.

'For nearly two centuries and a half, the county of Cornwall returned to the House of Commons forty-four members, and that number would have remained undiminished until 1832, had not the House a few years previously been moved by a sudden impulse of virtue into withdrawing from the depraved borough of Grampound its privilege of returning two members. This total of forty-four members was within one of the number possessed by the entire kingdom of Scotland, and it exceeded by two the members assigned to the densely populated northern counties of Durham, Northumberland, and Yorkshire.'

What, then, was the reason for this? The reason was, the growing power of the house of commons under the Tudors, which made it advisable for the government to make sure of a number of seats. And what easier plan was there than to confer the right of returning members on the obscure and dependent villages of Cornwall? The same was of course done elsewhere, but Cornwall was the most flagrant case. In that age, the crown could create boroughs by its prerogative—the last so created was Newark under Charles II. The duchy of Cornwall was at that time in the hands of the crown; and the duchy, besides levying a large revenue on Cornish tin, and holding special law courts, owned the houses within many of the villages and hamlets. Hence the advisers of Edward VI added seven boroughs, Mary one, Elizabeth six. Later on, however, many of these fell into the hands of local boroughmongers, with very varied results.

Summer visitors to the north coast of Cornwall, as they go from Boscastle to Tintagel and view King Arthur's country, will see, just before they come to Tintagel, two or three cottages which bear the name of Bossiney, and unless told of it, would never believe that what you can hardly call a hamlet once returned two members to parliament. In 1784, owing to the bill which excluded revenue officers from voting, there was only one elector, as was also the case of Helston at another election. Government had greatly increased the number of revenue officers in order to get votes; it was estimated that out of 300,000 electors in England at least 50,000 belonged to this class. Thirty years later, Bossiney had nine freemen, but eight of them belonged to one family. A triumph by six votes over an election petition about Bossiney was Sir Robert Walpole's last success in the house, just a month before he was forced to resign.

Again, Michell was a mean village enlivened only by the road that leads through it from St. Colomb to Truro, and at its extinction in 1832 it had only five electors. But Sir Arthur Wellesley once sat for it.

The most famous of English boroughs for bribery and corruption was Grampound. In 1807 it was arranged that the patrons should give 5,000*l.* for distribution among the voters, and each of the members 12*l.* 10*s.* to the wives of the freemen, or to the freemen themselves who had no wives. There was a great trial (about some later proceedings) at Bodmin in 1808, and Cobbett went down from London to hear it, and presented the readers of his *Weekly Political Register* with some vivid and caustic sketches of the way they managed things in Cornwall. In 1812, one of the members gave his supporters, before the election, 100*l.* apiece on their notes of hand, with the understanding—an understanding faithfully carried out—that after the election the promissory notes should be returned to the signers. In 1818, Sir Manasseh Lopes distributed 2,000*l.* among forty voters to gain the majority. But Sir Manasseh was convicted of bribery in both Cornwall and Devon, and condemned to pay a heavy fine to the crown, and to be imprisoned at Exeter for twenty-four months.

There were other ways of avoiding direct payment beforehand, *e.g.* by buying at a high price the small ponies of the north coast for carriage use, and reselling them for a trifle to the owners after the election. There was also a peculiar language employed. Thus at Penryn 'breakfast' meant 24*l.*, and naturally there is a wealth of anecdotes connected with these very businesslike transactions. John Hookham Frere sat for West Looe, but was never there till he accidentally spent a night at the place on one of his journeys to Falmouth, to embark for Portugal. He did not discover where he was until the bellringers, who had learnt that their member was at dinner in the inn, set the bells ringing, and called on him for money to drink his health. There was little disguise about the bribery. When some friends were explaining to Louis Blanc, in the usual conventional manner, the working of the British constitution, old Quintin Dick, who had been member for West Looe, was so bored that he broke in with, 'At the last election I spoke to my constituents as follows: "Gentlemen, my opponent is a very poor man with a large family. I am a rich man, and I thank God that all I care for in this world I cover with this hat." I put the hat on my head, and they returned me. That, sir, is the practical working of the British constitution.'

All such seats had of course to be heavily paid for, and there is much interesting correspondence among statesmen on the subject. Thus Lord North writes about Tregony (a mile or two from Grampound) in 1774, to the secretary for the treasury: 'A note should be written to Lord Falmouth in my name, and put into safe hands [the letters in the post office were constantly opened, even in Pitt's time], informing him that Mr. Pownall can clear himself of the imputation of tampering at Tregony. His lordship must be told in as polite terms as possible, that I hope he will permit me to recommend to three of his six seats in Cornwall. The terms he expects are 2,500*l.* a seat, to which I am ready to agree.' Later in the day North writes: 'Let Pownall come in at Lostwithiel, and Conway at Tregony. My noble friend [Lord Falmouth] is rather shabby in desiring guineas instead of pounds. If he persists, I would not have the bargain go off upon so slight a difference.' In 1806 a tailor and a publican called Middlecoat undertook to seat Sir Jonathan Miles for the borough in consideration of the payment of 4,000 guineas. Miles and his colleague

had a great majority of good votes at the poll, but through the bias of the returning officer some of their supporters were rejected, and many votes were accepted for their opponents which ought to have been rejected. A petition was presented and counsel engaged. Sir Jonathan advanced a large sum to Middlecoat for the expense of the petition, and the money was sent from London to Tregony to bring up the witnesses, but to the surprise of the committee they did not appear, and the sitting members were declared duly elected. The reason for this conduct subsequently appeared. Middlecoat and his accomplices had got 2,500*l.* for their ingenuity from the patron's nominees, besides 4,200*l.* from the petitioning victims, who had also to pay the expenses of the petition. But we must refer to Mr. Courtney's book for these election 'humours,' which may vie with the humours of Eatanswill.

It was a reign of bribery tempered by evictions. To prove the degraded state of Tregony in 1813 Mr. Holmes showed that, out of 127 voters in his favour, 98 had been on the day after the election driven out of their houses into the street; and that they were the next day called upon to pay their rents, many of the tenants whose rents amounted to but 8*l.* being mulcted in costs to the extent of 98*l.* One of the richest humours connected with this mixture of force and fraud was to call it the representation of the people. It was really a representation of the boroughmongers, and they recouped their expenses by forcing successive ministries to pay them by places and patronage, and shares in loans on favourable terms, besides the sums paid them in hard cash. The fathers of the American constitution saw that the English parliamentary system could only be managed by bribery, and they provided the best remedy they could by making the ministry independent of the lower house, and giving much power to the senate, as Mr. Bryce has shown us in his 'American Commonwealth.' The management of the house of commons by bribery began with Danby under Charles II, was improved by Walpole, carried to its perfection by George III, and not seriously checked until Burke's bills cut down the amount of patronage, and the American war showed the mischief it caused. But the bribery of the electors was later, and is said to have begun at the election of 1700.

These humours did not escape Fielding. In a talk between Mr. Mayor and Messrs. Guzzle and Retail, he makes the mayor say, 'I like an opposition, because otherwise a man may be obliged to vote against his party; therefore when we invite a gentleman to stand, we invite him to spend his money for the honour of his party; and when both parties have spent as much as they are able, every honest man will vote according to his conscience.' And again in *Pasquin*, the sole difference between the court candidates, Lord Place and Colonel Promise, and the nominees of the *country party*, Sir Harry Foxchace and Squire Tankard, is that the former bribe openly, the latter indirectly. The mayor, whose sympathies are with the country party, is induced by his wife to vote for and return the other side, although they are in a minority; and the play concludes with the marriage of his daughter to Colonel Promise. Fielding may have had in view (we are using Austin Dobson's Life of Fielding) some of the Cornish elections, for he wrote in the Walpole age.

It might seem strange that some call these the *good old times*, were it

not that novelists and sentimentalists have put history into the background, and pictured to us a past which was never a present. The system has, however, been defended more seriously, either on the ground that it represented the natural influence of property, or that, owing to the division of parties, the elections, however conducted, did practically carry out the wishes of the country—a statement not true of the eighteenth century, when the house, as Hallam shows, took up an antipopular position. It will be observed that only the wishes of the peers and gentry were carried out. 'Don't abuse our property,' says the peer in 'Coningsby,' when some one is speaking ill of the boroughs. Again, it is said that the system brought forward men into public life who else might not have come forward at all, or at least not so soon. And again, that illustrious names occur on the lists even of the Cornish members, such as Drake and Raleigh and Gibbon. But it opened the door to a vast army of obscure and corrupt men, and grievously injured the country, the electors, and the boroughs themselves. The argument wholly disregards the mass of the middle class, the manufacturers, and the artisans. More generally still, it is said to have enabled the nobility and gentry to govern harmoniously and vigorously. There is, in fact, an organic solidarity in the parts of a constitution, and the purchase of seats harmonised with government by bribery and patronage, and the purchase system in the army and in the church, and kept power in the hands of the upper class.

Again, it may be said, if the predominance of evil was so great, why was the reform so long delayed? But the whig chiefs were long as unwilling to give up their rotten boroughs as the tories, and their theorist Burke was against any such reform. It was, in fact, only carried at last by a wave of popular feeling. In Edward I's plan of complete representation every important place was to have members, and the bill of 1832 did but carry out the original idea. When the reform came, the Cornish county members voted for it, but naturally few of those who sat for the boroughs saw the need of it. At that time a little over a thousand electors returned the forty-two members nominally, but practically seven peers returned twenty of the number, and eleven commoners twenty-one more. Nor was this the end, for later reform bills have left little indeed of the Cornish borough representation, almost as little as in Cromwell's first parliament, when it was completely effaced.

It only remains to thank Mr. Courtney for a book which required much local knowledge as well as a thorough acquaintance with our general political progress. The history of the representation in parliament of the majority of English counties is yet untold, and this may well be the exemplar for other works of the same class. C. W. Boase.

Maitland of Lethington and the Scotland of Mary Stuart: a History. By John Skelton. Two volumes. (Edinburgh and London: Blackwood & Sons. 1887–8.)

The Casket Letters and Mary Queen of Scots. By T. F. Henderson. (Edinburgh: A. & C. Black. 1889.)

Mr. Skelton has produced a history of much brilliancy; his style is both lucid and animated, his descriptions are vivid, and his characters are

always distinctly and forcibly drawn. The introductory chapters of his work, the general description of the condition of Scotland at the time of the Reformation, are at least interesting, if it cannot be said that they add much to our knowledge. He has also succeeded in making the character and career of Lethington interesting. He enlists our sympathy, if not our judgment, in his attempt to represent Lethington as the honest, unwearied leader of a third party, of a party which wished for moderate reform, and which was in the end defeated by the unscrupulousness and bigotry of the lay and ecclesiastical reformers.

It is probably not incorrect to say that Mr. Skelton's main historical object in this work is to show the existence of such a moderate party in Scotland, and to trace the causes of its failure. Such an attempt is certainly not unjustifiable; in almost every country in Europe we can trace the existence of such a party, in France, in Germany, even in Italy before 1540, and above all in England, where Elizabeth carried out successfully the policy of compromise. It is therefore quite reasonable to suppose that traces of such a party may be found in Scotland. But while such a theory is plausible, we must require, before we assent to it, that sufficient evidence should be produced to show that it corresponds with the facts; and of evidence Mr. Skelton certainly gives us very little. In a professedly historical work, we expect that the author will make no dogmatic assertions without sufficient evidence, and perhaps we may even more strongly insist that he shall make no insinuations which he does not attempt to justify. Mr. Skelton is unfortunately careless in both these respects.

While Maitland is brought forward as the leading spirit of the moderate party, the author is evidently of opinion that both Mary of Guise and Mary Stuart were inclined to the same policy. It is certainly quite possible that Mary of Guise was personally inclined to moderation. Her policy towards the Reformation at and immediately after the time when she secured the regency may of course have been dictated mainly by political motives, for she was obliged to conciliate the strong political party which was inclined to reform. But it is also quite possible that such a line of action was most agreeable to Mary's own disposition. And so far Mr. Skelton's theory has something to support it. But he has not observed that about the year 1558 her policy underwent an important change, and she began to assume a position of direct hostility towards the reformers. Whether this was due to the inspiration of her brothers or to her own inclination it is perhaps impossible to say, but the fact can hardly be denied. And when Mr. Skelton and other writers dwell upon the position assumed by the Congregation as needlessly violent and seditious, they forget that the experience of all other European countries led them to expect from the Romanists an attempt to suppress them. And no reasonable man can say that they, being a large part of the nation, were not entitled to take the necessary steps to defend themselves. Mary of Guise may have sincerely wished to pursue a policy of toleration, or she may have had veiled plans for the destruction of the protestants under a pretence of friendliness; the evidence which we now possess hardly admits of a decided conclusion.

When we now come to examine Mr. Skelton's estimate of the character and policy of Mary Stuart, we find ourselves compelled to make criticisms of the same kind. In passing I cannot refrain from comment-

ing upon the extraordinary remarks which, apparently out of mere love of paradox, Mr. Skelton has made, in his ninth chapter, on Elizabeth. Without meaning to palliate for one moment the crimes of which that great woman was guilty, without intending to deny that she was unscrupulous, perfidious, and cruel, to attribute Elizabeth's success, as our writer almost does, to the very excess of her folly is nothing short of absurd. He has evidently also entirely failed to appreciate the real distinction between the policy of Cecil and the policy of Elizabeth; he has not seen that it was Elizabeth's determination, even against the strongest persuasion on the part of Cecil, to pursue a moderate religious policy at home and abroad, which alone saved England from ruin. It was Elizabeth who prevented the union of the catholic powers against England, it was Elizabeth who delayed the Armada for thirty years, it was Elizabeth's judgment and tact which united England before the crisis came.

But to return to Mary, Mr. Skelton makes an attempt, not an unreasonable one, to show that the common notion of her statesmanlike capacity has not much justification, that the evidence upon which many writers have attributed to her the greatest political qualities is insufficient. But at the same time he admits her immense personal force of character, her restless energy, the vigour and promptitude of all her actions, the courage and high spirit which she always showed. Whether there was behind this a genuine political insight and capacity is hard to say; the answer to the question depends upon many complicated considerations, and it is by no means certain that we can arrive at a positive conclusion. The true nature of Mary's policy is very difficult to determine. On the surface it was evidently one of moderation, of conciliation. But the fiercest controversy rages, and probably will continue to rage, as to the question whether this policy was sincere, or only the cloak for a deep-laid plot for the overthrow of the Reformation in Scotland—whether it proceeded from a real desire for toleration and peace, or from a prudent determination to bide her time and wait for an opportunity of crushing the protestants.

The question is one of great importance, for it is upon our answer to it that must depend our estimate of the policy of the various parties in Scotland. If Mary was sincere in her professions, Knox was undoubtedly much to blame. His attitude towards her, no doubt, rested upon his belief that her tolerance was only feigned.

Direct evidence on which to base an answer is much wanting. The statements as to Mary's joining with France in the general catholic league of 1566 are necessarily almost discredited by the fact that we know now that France was no party to any such league, that such a policy was at that time very far from being in the mind of Catherine de' Medici. But there still remains evidence that Mary was very closely connected with the policy of the catholic powers. The anxiety with which she pressed the proposals for the match with Don Carlos, which would necessarily have brought her into immediate relation with the religious policy of Philip II; the references to her in the correspondences of the catholic powers, especially the statements in the letter of Alva from Bayonne, which Mr. Burton summarises—all these things would indicate that Mary had by no means separated herself from a general policy of antagonism to the Reformation.

It is perhaps the most serious defect in Mr. Skelton's treatment of Mary's political position that he has apparently thought it possible to isolate it altogether from the contemporary movements of Europe. But the policy of Cecil and Elizabeth was based upon the belief that the Roman catholic powers, if they could agree, would endeavour to dethrone Elizabeth, and seat Mary upon her throne. A Roman catholic was not to be blamed if he refused to recognise Elizabeth as the lawful queen. It is this which gave such importance to the question of the assumption of the English arms by Francis II and Mary. That Cecil was right in apprehending a foreign attack can hardly be doubted; and that the attack would naturally have come through Scotland, and in the name of Mary's claim to the throne, is almost certain. It was prevented not by any doubt as to its propriety, but by the fact that France was as deadly an enemy of Philip as the protestants. If France and Spain could have combined, the danger to England would have been very great.

There are, indeed, another set of circumstances to which appeal has been constantly made in estimating the character and policy of Mary Stuart. I mean the questions connected with the murder of Darnly and her share in it. Now it appears that unless the authenticity of the casket letters can be established, there are no sufficient grounds for believing in her guilt. Mary's conduct may have been foolish, but it is quite impossible, apart from these letters, to show that it was necessarily guilty. And it must be admitted that the criticisms of Mr. Hosack especially have done much to discredit these documents. Mr. Henderson has produced a very carefully and sensibly written monograph on the letters. He examines the evidence for and against them with care and candour, and he has one important piece of evidence to produce not hitherto used. This is the copy of the declaration of Morton, made to the English commissioners at Westminster in December 1568, as to the circumstances under which he got possession of the casket and first opened it. Morton declares that on 19 June 1567, five days after Mary's surrender at Carbery Hill, he received information that three servants of Bothwell were coming into Edinburgh. After some search the men were found, and one of them, George Dalgleish, on being put to the torture disclosed the place where this casket was hidden. It was immediately seized, and on the morning of 21 June was broken open by Morton, as they had no key, in the presence of a large number of noblemen whose names he mentions. This included the earls of Athol and Mar, and many others with Maitland. The letters and other documents were *sichtit*, and immediately after returned into his custody; the same letters with the box were produced by him to Murray, and at Westminster. The important points to notice are, on the one hand, that the letters were *sichtit* within seven days of the capture of Mary, and, on the other, the names of those who are stated to have been present. Several of these cannot be reckoned as enemies of Mary. Athol was one of the leaders of the catholic party, and Maitland, as we know, died in the service of Mary.

If, therefore, the statements of this document are true and rightly understood, its evidence would be very strong, if not overwhelming. It is almost impossible that the documents should have been forged so soon, and if they were really examined carefully, we have evidence that the

letters and other papers were then in their final condition. But Mr. Henderson seems to lay too much stress upon the word *sichtit*. It is by no means quite clear that the word must have a meaning which it may sometimes have, that of close inspection; and nothing less than this meaning will give much importance to the evidence; for of the documents produced from the casket only a few are certainly incriminating, many of them can bear an innocent construction. Nor can we with certainty depend upon the truth of the declaration. It was not made in public, but privately made to the English commissioners, and none of the noblemen mentioned in it were with the Scotch commissioners in England except Maitland, whose political position is so doubtful as to make it impossible to be certain of his action; and except as supported by the evidence of these noblemen, Morton's own evidence is utterly untrustworthy. He was, so far as we can see, a man entirely without scruple; and he was almost certainly closely connected with the murder of Darnley, being, even on his own showing, an accomplice before the fact. The declaration, however, remains, no doubt, an important piece of evidence, and Mr. Henderson has carefully drawn out its bearing.

In regard also to the question of the original language of the letters, Mr. Henderson has succeeded in showing that letter 2, as we have it, was probably a translation from a French original which is not the same as the published French version, obviously a very defective translation from the Latin or Scotch. But he has not, we think, succeeded in overcoming the most serious arguments against the genuineness of letter 2. Mr. Hosack's statements on this point remain practically untouched, that the correspondence between part of the letter and the declaration of Crawfurd is so close as irresistibly to suggest that the one is founded on the other, and that the relative position of letters 1 and 2 is unintelligible if both are genuine. There are also many other arguments against the letters which are left as they were. On the whole, I cannot but think that the case especially against letter 2 remains so strong as to make it impossible to accept it as genuine. And this precludes us from accepting any of the letters as incriminating and genuine.

If, then, the letters are forged, Mary's innocence is almost established; for, as I have before said, nothing else that we know bears out sufficiently the charges against her.

Our estimate of Mary is therefore not personal but political. Her policy may have been natural and from her point of view excusable. But in estimating her position in the history of Scotland, we must allow that the reforming party was also justified in using the strongest means to prevent her from succeeding in re-establishing Romanism.

We must now turn to the history of Maitland himself. In Mr. Skelton's pages he appears as the consistent supporter of moderate religious and political courses, and as the devoted and faithful servant of Mary queen of Scots. Does this picture correspond with the reality?

Mr. Skelton has devoted one whole chapter to the development of Maitland's religious policy. It is a pity that he should have obscured the true bearing of this chapter by theological remarks, which have little to do with it, and which do not betray any profound acquaintance with

the subject. If he wishes to enter into the field of theology, he would certainly do well to make himself acquainted with at least the distinct meanings of the theological terms he uses. When he speaks of the 'bitter Calvinism' of the first Scotch confession, he evidently attaches no definite meaning to the word 'Calvinism,' for on the distinctively Calvinistic doctrines of election and reprobation that confession is carefully reticent. I suppose that Mr. Skelton meant by this to refer to its strongly anti-Roman language. But such a use of the term Calvinism would make it applicable to almost every reformer in Europe. Mr. Skelton evidently knows little of the reformation standards of Europe, or he would be aware that on matters of doctrine the first Scotch confession is one of the least dogmatic and least extreme of all these documents, and is indeed in very close relation to the English Articles.

I venture to doubt whether Maitland's religious opinions, so far as they were formed, differed very materially from those of Knox. And i must be extremely doubtful, as far as Mr. Skelton's evidence is concerned, whether he had any thought of assimilating the constitution of the Scotch church to that of England. But it must be admitted that Mr. Skelton succeeds in showing that Maitland acted as a moderating force on the practical religious policy of Scotland. He evidently had some conception of a policy of toleration, while the Scotch reformers could not well have been more intolerant, at least in intention. And on the question of the relations of church and state Maitland no doubt differed from Knox. Maitland appears to have had an independence of judgment on religious questions which was not common in those days; most statesmen of the time followed, however insincerely, one or other of the religious parties. Maitland seems to have been disposed to judge for himself; that, at least is the conclusion we should draw from the accounts of the discussions between him and Knox. That Maitland's policy in some respects was better than Knox's is no doubt obvious enough to us nowadays. Certainly the intolerance, the savage intolerance, of the reformers in Scotland, and indeed, with some exceptions, throughout Europe, is the greatest stain upon their history, and very probably greatly aggravated the troubles of the times.

When we turn to Maitland's political career, our judgment must be very hesitating. Mr. Skelton has succeeded in showing that the one leading idea of all his political action was the maintenance of the English alliance, and no doubt this was a wise and farsighted policy. It was a true instinct which led him to see that in the direction of alliance and union with England lay the best hopes of the future of Scotland. We must give him all credit for his exertions in this cause and his fidelity to it, even when, as seems to be the case, during the period of Rizzio's influence, it separated him from Mary.

His personal character is unfortunately not clear, We cannot blame him for leaving Mary of Guise; her policy had become unnational. We cannot blame him for adhering to the party of Mary in the first case, for he may have honestly thought that he could direct her policy into moderate courses. But his connexion with the murder of Darnley and his attitude towards Mary until the Westminster conference and the death of Moray are difficult to explain. But it may perhaps be admitted that

Mr. Skelton has done a good deal to vindicate Maitland's character. It appears indeed to myself that this is the best part of his work.

I would end as I began by saying that Mr. Skelton's work has many admirable qualities; it is interesting and vivid, and as a defence of Maitland it is at least ingenious and well sustained. But as an historical essay on the movement of the Scotch Reformation it fails, because Mr. Skelton writes like a lawyer to prove a case, and not like an historian who merely wishes to state the truth. The subject, undoubtedly, still has to be worked out. I am far from thinking that we have yet arrived at any certain conclusions. There can be little doubt that for unscrupulousness, for bad faith, for the most grasping self-seeking, it would be almost impossible to match the politicians who surrounded Mary, and the heads of the Congregation are not the best of the group. It must still be very doubtful if we can exclude Moray from this condemnation. And we must therefore be prepared to judge the career of Mary queen of Scots with care and forbearance. And again it cannot be doubted that Knox and the Scotch reformers are almost unequalled in the violence of their intolerance, in the harshness of their bearing. But we shall certainly fail to arrive at the truth unless we are also able to do justice to the largeness of view, the honesty of purpose, the independence of character of John Knox. It was at least no small thing that in such an age a man should be found who would maintain the best tradition of the medieval church, the absolute independence of the spiritual power. A. J. Carlyle.

History of the Great Civil War 1642–49. By Samuel R. Gardiner. Vol. II. 1644–47. (London: Longmans & Co. 1889.)

The second volume of Mr. Gardiner's 'History of the Great Civil War' will be cordially welcomed by all who take an interest in the story of a stirring time. Every historian of the war has of necessity given us some account of the military procedure of the combatants, but the descriptions of engagements, and the explanations and illustrations of other technical military matters, which are to be found in literature dealing with the civil war, seldom fulfil the requirements of serious military history. It is true that no historian of the time has professed to write a complete military history of the war, and Mr. Gardiner does not profess, any more than any of his predecessors have professed, to have attempted such a task. Mr. Gardiner, indeed, appears to doubt his own fitness to undertake the labours of the military historian, on the ground that he is entirely ignorant of the military art. The manner, however, in which military matters are treated in his work proves that he is too modest of his own acquirements and powers. For his descriptions of actions are invariably correct from a technical point of view, his references to contemporary military customs and usages generally very pertinent, and his estimates of the capacity and conduct of those officers who served during the war as commanders and leaders usually well-founded and just. Few of the historians of the war who have preceded him have produced, in these important subdivisions of military history, equally satisfactory work, and some, it must sorrowfully be admitted, have wasted great literary powers

in the compilation of much military nonsense, and have succeeded in producing what are very burlesques of serious military history.

We cannot hope in the limited space available for this review to consider at any great length the manner in which the purely military features of the war have been illustrated by Mr. Gardiner, the more especially as it seems to be of advantage to take into consideration the first as well as the second volume of his work, on account of the circumstance that the active military operations of the so-called first civil war are contained in both those volumes. In selecting for review only one or two of the many points of military interest which are to be found in his history, we can hope to discuss even those only in a very cursory manner, and must refer our readers to the work itself for further information and greater profit than we can give or offer in a few pages of very inadequate criticism.

A student of the civil war has hitherto had some difficulty in getting definite ideas regarding the strategy of the leaders who directed, from Oxford and Westminster respectively, the military operations of the time. In consulting many of the existing histories of the war it is found that not much is done by the authors to put this matter clearly before their readers. The war is usually described rather as a chaos of disconnected and confused partisan conflicts—a sort of cat-and-dog struggle for existence, which, to use the words of Carlyle, was 'tearing England into hostile halves'—than as a systematic series of military operations conducted with definite military objectives. Much of the fighting between local neighbours who had ranged themselves on different sides was no doubt of the kind of warfare usually associated with the terms partisan and guerilla ; but Mr. Gardiner appears to see more clearly than some of the historians who have preceded him that the whole war, directed and conducted as it was by able and distinguished professional soldiers who were employed in the service of king or parliament, could not possibly have been carried on in such a fashion. We have from him occasionally, therefore, very interesting analyses of the military strategy of the opposing parties, as well as clear and reasonable accounts of strategical operations undertaken and conducted by individual commanders, which are especially important as providing, as we hope to explain a little farther on, a means of determining their absolute and relative capacity as military chiefs.

During the campaigns of the first three years of the war the strategy of the royalists, as Mr. Gardiner points out in an interesting summary at the end of his first volume, was essentially offensive, its objective being always the possession of London. During the same period the counter-strategy of the leaders of the parliament was on the other hand purely defensive, and although occasionally offensive movements were undertaken to further that policy, it was for the most part limited to resisting the efforts of the enemy to gain a footing in the capital. The offensive in war is generally recommended by strategists as being the method of conducting military operations which is the most likely to be crowned with success. But to ensure this result it is necessary that those operations should be conducted with vigour and supported by sufficient means and resources. During the first campaigns of the war vigour of a sort was not lacking in the royal camp, but the means and resources to give that vigour effect were never sufficient. Mr. Gardiner admits that

some of the 'brilliant' strategy of the royalists, always in these earlier campaigns of the war superior to that adopted by their opponents, was suggested by Rupert, and we think that in this matter a greater amount of credit is due to the young prince than Mr. Gardiner appears inclined to allow. For it can be shown that Rupert was always urging the king to make the most of his occasional advantages in the field and strike boldly for the possession of London. That the advice so frequently given was only partially adopted, and carried out usually in a half-hearted way, was due, no doubt, in part to the insufficient means and resources at the command of the king, but also, in a great measure, to the influence of a party at court, the members of which were not anxious that the king should 'enjoy his own again' merely as the result of a decided supremacy in the field. The king himself appears to have possessed a considerable amount of military talent, and to have personally been convinced that Rupert's advice was, from a military point of view, unexceptionable. But other influences too often prevailed with the vacillating monarch, and caused him to hesitate at times when the only hopes of success depended on the adoption of a vigorous offensive. Had he acted on Rupert's oft-repeated urgings, who can tell what the ultimate issue of the struggle might have been? At any rate, that it could not have been worse for him personally than it actually was ultimately may perhaps have been a thought present to the 'martyr of his people' when he mounted the ever-memorable scaffold in Whitehall.

The strategy of individual commanders during the war appears, as we have said, to be the best, if not the only, means of differentiating their capacity as soldiers. The necessity of adopting a strategical rather than a tactical standard is a principle which we think is perhaps not quite clearly appreciated by Mr. Gardiner. Using the terms strategy and tactics in a purely military and technical sense, we believe that the principle is not only suitable in all periods of warfare, but is especially applicable to the times of the civil war. For not only has strategy always required the exercise of mental and intellectual faculties of a higher power than those absolutely necessary in the practical applications of tactical science, but the difference in degree between eminent strategical capacity and great tactical ability was more pronounced in the seventeenth century than it has been since that time, and considerably more marked, for example, than it is at the present day. Strategical operations were conducted during the civil war under circumstances of greater physical difficulty than would now, in England at least, be found to exist; on the other hand, the amount of tactical science and skill now expected to be among the acquirements of an ordinarily qualified officer is without question very much more considerable than that which was required of any leader during an action of the civil war. Since those days, the progressive development of firearms alone has so affected tactics, considered as the science of the combat, that it is difficult to appreciate how simple during the civil war were the practical applications of that science. Some little tactical ability possibly might be displayed by an officer in the selection of ground on which a line of battle should be formed, or, perhaps, even in the manœuvres which preceded the actual occupation of that ground; but once the line had been formed—and it was usually a rigid formation,

seldom subject to much change or even variation in minor details—all tactics in the modern military sense were practically at an end, for the tactics of combat consisted of little else than frontal attacks given and received by bodies of men directly opposed to one another. The action once commenced soon resolved itself into a struggle which consisted of little more than a series of independent personal combats. As old writers describing these affairs say, the combatants, once they had made up their minds to begin, 'came on the hack' at once, and there, still hacking, they all remained till personal courage and individual endurance, or the sheer weight of numbers, told sufficiently to induce one or other side to consider that discretion was not the least part of valour, and that those who elected to run on a particular occasion might not unreasonably hope to live and hack once more on some other day. Under such conditions a battle between any but the smallest military bodies was never, to any great extent, under the direction of a nominal commander-in-chief, nor, indeed, as to its different parts, to much useful effect under the control of the principal subordinate officers. Very soon, whatever might be the issue of the day, the battle orders arranged by both sides fell into inextricable confusion, and the guidance of the fight entirely passed out of nominally controlling hands. To say, therefore, that such a one professing arms in the seventeenth century was an 'able tactician' is indeed to say very little; to estimate that some other was one of the greatest leaders of his day, in consequence of impressions derived from the record of his occasional or even frequent tactical successes, is certainly to form an estimate of his general military capacity which may require a large qualification.

The manner in which Mr. Gardiner views the characteristics and decides the relative position of the commanders and leaders of high distinction during the war may be best exemplified, perhaps, by considering his estimates of Montrose, Cromwell, and Rupert. There is an interesting comparison between Montrose and Cromwell at p. 331 of the second volume. On the whole, Cromwell is held by Mr. Gardiner to have been inferior to Montrose in strategical as well as in tactical ability. Such a comparison, however, between a general whose laurels were won in independent commands and a subordinate officer who was seldom in any but at the most a secondary position, might perhaps be deprecated on the ground that it could scarcely be fair to either. Cromwell certainly never had the opportunities of exhibiting strategical capacity that Montrose so constantly enjoyed, nor, strictly speaking, are the tactical science and performances of a general comparable with those of a subordinate officer, being usually of a different kind. But while deprecating such a comparison we may admit that, on the whole, Mr. Gardiner's estimate of each is, so far as individual capacity is concerned, probably a very just one. To Montrose, at any rate, he does full and generous justice. The man was great in more than one sense of the word, and undoubtedly one of the greatest soldiers of the time, as may be seen from the interesting record of his doings in Mr. Gardiner's account of his campaigns in Scotland.

We do not feel quite justified in following Mr. Gardiner so far as to consider Cromwell to have been, at any rate during the first civil war, 'the

best cavalry officer in England' (vol. ii. 64). So many circumstances have to be considered, so many allowances made, before so absolute an estimate can be accepted, that we hesitate to admit it without a certain qualification. We have just seen that in the executive branches of the art of war Mr. Gardiner is inclined to put Montrose before Cromwell. If this be so, it would appear that there must have served during the war—in Scotland, not in England, it is true—at least one officer superior to Cromwell, even as a leader of cavalry. We rather fancy that in the various estimates of Cromwell's soldierly capacity which have been current at different times, there have been taken into account not only the services performed by him during the first civil war, but those of a very distinguished and successful after military career. Till the fortunate day of Marston Moor—'his first and grand appearance,' as the historian 'Carrion' Heath has it—Cromwell's repute as a soldier, though well established locally, was scarcely widely acknowledged. The great notice accorded to him after that battle may have been due in part to the idea—industriously fostered for political purposes, but in all probability without serious foundation—that he had personally encountered, and vanquished, in that battle, the redoubtable Rupert himself, and in part to the fact that he was then rising to an influential position as one of the leaders of the great Independent 'faction.' Irrespective of political and sentimental motives for making the most of his performance at this battle, the charges executed by him and Leslie—to whom some have given at least an equal share of the credit—were fine tactical performances, and undoubtedly established his position as an excellent subordinate cavalry officer. That he had up to that time displayed great strategical ability is not so clear. Indeed, the opportunities for doing so had not been afforded him, for he had been previously occupied mainly in the exercise of administrative functions. Generally successful as a tactical leader, he, like every one else, was not invariably so, nor always at his best. Take, for example, his tactical insufficiency at the close of the second battle of Newbury, when, although in close quarters with an exhausted if not thoroughly beaten enemy, he allowed a whole army to steal past him during the night without taking any measures to prevent the retreat. Witness also what appears to have been a strategical, as well as a tactical, shortcoming on his part, when acting, with Leslie and the younger Fairfax as coadjutors, in command of a very large force of cavalry detached with the view of preventing the raising of the siege of York, he failed to retard, so far as is known, by even one hour of delayed marching the advance of the royalists, and ultimately, with the rest of the roundhead commanders, suffered himself to be outmanœuvred, under the very walls of York, by a youthful but extraordinarily able general who, by the way, in spite of the masterly character of this operation, is referred to by a well-known historian in his account of the great action which followed as an 'incompetent boy.' But if we are inclined to demur to Cromwell being considered 'the best cavalry officer' of the first civil war, we are willing to admit that taking, as others do perhaps unconsciously, his after career into consideration, he became a great soldier at all points. As a tactical leader he had, during the first civil war, great and fortunate opportunities, and took as a general rule full advantage of them. As a strategical

director his powers were seldom exercised. and never exercised on any but a minor scale. Nothing that he performed, or was called upon to perform, during the first civil war seems to prove that he was, as Mr. Gardiner says (ii. 453), one of those who are possessed of the rare quality of military genius. An 'ideal cavalry officer,' as Mr. Gardiner calls him elsewhere in his work (i. 166), he undoubtedly was on the field of battle, and of the true English sort, clear-headed, cool, prompt, and hard-hitting. But that there was in England, during the first civil war, no equal to him as a leader of cavalry is a proposition, we think, open to discussion.

To Rupert Mr. Gardiner does somewhat less than full justice. We have come to this conclusion with regret, and with a certain amount of diffidence and distrust—regret that Mr. Gardiner has not fully recognised the great military capacity of the youthful soldier, and diffidence and distrust of our own view of the matter, as, for once, we happen to disagree with Mr. Gardiner in an important matter. Mr. Gardiner's estimate of Rupert's powers is very plainly and tersely recorded in the first few pages of his work (i. 3), in the following words: 'If Rupert had been as fit to conduct a war as he was to lead a charge of cavalry, it would have gone hard with the king's enemies. As it was, he knew how to inspire his followers with his own dashing energy and untiring courage, but he could neither plan a campaign nor even conduct a battle.' The fitness, in one sense, to lead cavalry in action, admitted by Mr. Gardiner, and never doubted by contemporaries who, as his opponents, so frequently felt the weight and never withstood the shock of Rupert's irresistible charges, has, in another sense, been questioned by some, even contemporaries, who have ingeniously endeavoured to persuade us that it was owing to the rashness with which, in certain instances those charges were followed up that the frequent failure to win and the final defeat of the royalist forces are to be ascribed. But the unfavourable opinion of Rupert's strategical powers expressed in the last dozen words of the epigrammatic estimate which we have quoted must surely, since it was recorded, have been to some extent modified in Mr. Gardiner's mind. For the after pages of his history contain a record of brilliant martial feats and ably conducted strategical operations executed by Rupert, often under circumstances of great difficulty. They also testify that much of the cavalier strategy, which Mr. Gardiner himself admits was generally superior to that of the roundheads, was due to the suggestions of the prince, to whom, moreover, not only the king, but commanders in every part of the theatre of war, appear to have constantly turned for advice and help when they chanced to be in circumstances of exceptional difficulty and danger.

We would fain follow closely the account given by Mr. Gardiner of Montrose's campaigns in Scotland. In this section of his work, Mr. Gardiner more nearly touches the level of detailed military history than in the more episodical accounts of the English operations. We notice one little point in which we think Mr. Gardiner is mistaken, if we understand him aright. The tactical plan of mixing musketeers with cavalry, used by Montrose (vol. ii. pp. 94, 95), is apparently considered to have been a variation due to the inventive genius of Montrose. But at Edgehill the same plan was adopted by Essex, and, so far as we

can recollect, it is shown, in De Gomme's plans, to have been followed by the royalists at Marston Moor, at the demonstration after the second battle of Newbury when the king returned for the guns left in Donnington Castle, and at Naseby. The intermingling, or 'lining,' of horse with musketeers was, no doubt, introduced into English practice by the officers who had served abroad under Gustavus Adolphus, to whom the invention of this tactical manœuvre is usually ascribed, although there is good reason to suppose, as shown in the 'Études sur l'artillerie' written by Napoleon III, that it originated in the Spanish service in the middle of the sixteenth century.

Of the English actions, only a certain number have been described in full by Mr. Gardiner. We can only express a regret that for the purposes of his work he did not consider it necessary to describe more of them. Roundway Down, for example, which is so interesting from a military point of view, owing to the first appearance in English practice of what appears to have been a horse artillery; Wilmot having with the cavalry force with which he defeated Waller some guns. The exact ground on which the action took place, moreover, would appear to have been other than that usually assumed by topographers. Fowey, again, a prototype of the modern Sedan of the Franco-German war, perhaps deserved more detailed mention. It was certainly a more important action than Stratton, which is described at length by Mr. Gardiner. The sieges of the war are, in most cases, very lightly touched, although they exercised so great an influence on the military procedure of the combatants. Perhaps for the purposes of Mr. Gardiner's narrative they were military operations too technical in character to be described at length. It would not, in many cases, have been difficult to give detailed accounts of them, as contemporary journals and plans of the works of attack and defence relating to some of them are in existence, and give a good deal of interesting information as to the manner of conducting such operations during the civil war.

Of the great actions in England described by Mr. Gardiner at length, we find more points to which exception might be taken in the case of Marston Moor than in others. In the first place, if we interpret Mr. Gardiner rightly, there appears to be some little confusion in the description of Rupert's movements after he had succeeded in raising the siege of York. After making himself master of Manchester's bridge of boats, he did not cross over that bridge 'into a place of safety,' but rather, if the quibble be allowed, into a place of danger; for he crossed the bridge to follow up the retiring allies, and met his fate on Marston Moor. In the next place, although in Mr. Gardiner's text the exact ground occupied by the roundhead line of battle is rightly stated (vol. i. p. 440), the plan of the action given shows that line nearly half a mile too far to the north, and therefore partly on the wrong side of the Tockwith-Marston road. Further, Mr. Gardiner says definitely (p. 440) that Rupert, after arranging his line of battle, 'took post on the right,' and apparently ascribes this action on his part to a desire to meet Cromwell in person. Those who are familiar with the accounts, contemporary as well as modern, which have been given of this battle will recollect that there has been a considerable conflict of opinion regarding the exact station and procedure of Rupert at

this action. As regards station, our theory is that he was, when the action commenced, neither on the right nor on the left, and never intended, as being a commander-in-chief, to occupy any station which would prevent him tactically directing, so far as it was possible to do so in the seventeenth century, the whole line of battle. We do not hear of Leven, who was in chief command of the allied roundheads, or even of Manchester and the elder Fairfax, taking command of either the cavalry or the infantry of their respective forces. The most likely and proper place for Rupert at Marston Moor would be somewhere in the rear and centre of his own line of battle, probably near the edge of Wilstrop Wood. As a corroboration of the probable fact that he was in some such position, we have the statement of a royalist account that he was, when the action commenced, seated on the ground eating his supper at some distance from his men, whence, hastily mounting and advancing to the front, he endeavoured to rally his own regiment (which, De Gomme's plan shows us, was in the right wing of horse), as it gave way before the impetuous charge of Leslie and Cromwell. It is suggestive, also, that after the battle his 'sumpter'—which probably carried the supper the eating of which was so rudely disturbed—was found in Wilstrop Wood. Only one eyewitness of the battle distinctly states that Rupert and Cromwell met in the action, and the authority is not of the best, as it is Cromwell's own scoutmaster, so far as we recollect, who states this supposed fact. This man, of course, would naturally have a tendency to exaggerate on Cromwell's account, and, moreover, was most probably not himself in the actual fight, as, being a staff officer, he would probably be attached to Manchester's person during the engagement. The undoubted fact that Rupert led, on other occasions of great actions, a wing of horse, is nothing to the point, as on those occasions—Edgehill, Newbury I, and Naseby, for example—the king in person being present would, by the military etiquette of the time, be in chief command of his own army, The question is an interesting one, but we may not further discuss it. It is just possible that Rupert and Cromwell may have come into almost personal collision, for a brief time, when the former made the effort to rally the men of his own regiment which is described in the royalist account. Could the temporary check—recorded by some to have been received by Cromwell, and out of which he was extricated by Leslie—have occurred at this time?

The incident recorded by Mr. Gardiner (p. 441), on the authority of a contemporary print, of the interchange of messages between Cromwell and Rupert, we have always regarded with some suspicion. And the saying of Leslie (p. 449), 'Europe hath no better soldiers,' applied by Mr. Gardiner to Cromwell's troopers, we rather fancy was intended to apply to the infantry of Manchester's contingent.

We should have been glad if Mr. Gardiner had more closely examined the question of the numbers engaged at the battle. From calculations made from all the details which can be gathered from contemporary sources, in print as well as in manuscript, including De Gomme's plan of the battle orders of the combatants, we make out that there was a great disparity between the forces under Rupert and those of the allied parliamentarians. The totals seem to have been about 17,000 or 18,000 cavaliers and 26,000 or 27,000 roundheads.

To admit that nothing more of shortcomings than we have noticed is to be found in this work is to confess that it is from a military point of view practically above any but a laudatory criticism. A reviewer of such a work must of necessity find that his appointed task is one of great difficulty. Even to consider adequately the author's manner of treating his subject, much toil and research are required of him who would pass an opinion on his work, and none but those who have made the attempt can rightly appreciate the labours of a writer whose work, like that of Mr. Gardiner, has exhaustively treated so wide and comprehensive a subject.

W. G. Ross.

Recueil des Instructions données aux Ambassadeurs et Ministres de France depuis les Traités de Westphalie jusqu'à la Révolution Française. Pologne. Avec une introduction et des notes. Par Louis Farges. 2 vols. (Paris: Alcan. 1888.)

In the long struggle of France with the house of Habsburg, which lasted from the accession of Charles V to the treaty of Versailles in 1756, it was the constant aim of French policy to form such alliances in the east of Europe as would enable her at any time to checkmate the Austrian rulers by a hostile coalition of their neighbours. The three states with which France was thus brought into relations were Turkey, Poland, and Sweden. When Turkey began to decline after the reign of Solyman the Magnificent, by far the most important of these states was Poland, which had been raised by the house of Jagellon to a prominence which contrasts strangely with its later impotence, and which it only forfeited when Russia succeeded to its position as the leading Slav power in Europe. At the end of the middle ages Poland comprised a large extent of territories, and its geographical position combined with the warlike aptitudes of its inhabitants to give it a commanding influence in eastern politics. If it supported Austria, the latter could employ all its forces on the Rhine without danger of attack from Sweden or any other northern power. But if, on the other hand, the Poles were the allies of France, it was easy for them to descend from the Carpathians upon the valley of the Danube and to threaten Vienna. Hence it was the constant desire of France either to have a friendly ruler on the Polish throne, or to restrain a hostile king by forming a strong French party among the Polish nobles, who were enabled by the peculiar constitution of the country to control the monarchy.

Systematic relations between France and Poland date from the extinction of the male line of Jagellon and the establishment of a strictly elective monarchy in 1572. The first prince to secure the Polish suffrages was Henry of Anjou, whose brief reign in the north was speedily closed by his accession to the throne of France. But the fact of his election was never forgotten in France, and the recollection served to perpetuate the idea of securing the alliance of Poland by once more seating a French prince upon the throne. While Poland was under the vigorous rule of Stephen Bathory, France was absorbed in the religious wars, and could pay little attention to eastern politics. His successor, Sigismund

III (Vasa), inaugurated the counter-reformation in Poland, and his religion was the cause of his exclusion from the Swedish throne and of the long subsequent struggle between Sweden and Poland. This struggle, which absorbed the energies of both states, was fatal to the French policy of uniting them against Austria. At last, in 1629, the diplomacy of Richelieu and Charnace succeeded in negotiating a truce for ten years, and thus enabled Gustavus Adolphus to throw himself into Germany without leaving his own territories exposed to the risk of invasion. In 1635, French mediation secured the prolongation of the truce for twenty-six years by the treaty of Stumsdorf.

But this success did not satisfy Richelieu, who wished to gain over the Polish king by a French marriage, and to engage him in open hostilities with Austria on the pretext of an old claim of Poland to Silesia. The mission of d'Avaugour, however, was unsuccessful, and in 1637 Ladislaus IV cemented the traditional connexion of his family with Austria by marrying the daughter of Ferdinand II. But her death in 1644 gave French diplomacy a new opening, and Mazarin, after pretending to favour the scheme of marrying Ladislaus to Christina of Sweden, succeeded in inducing him to accept the hand of Mary of Mantua. The object of Richelieu seemed to have been secured by his successor, but the immediate results were disappointing. Mary of Mantua refused to serve as the tool of France, while she was flattered by the patronage of the Austrian Habsburgs. And her influence in Poland became paramount after the death of Ladislaus IV in 1648, when she married his brother and successor, John Casimir. In 1656 the war between Sweden and Poland, which France had made such efforts to terminate, broke out afresh. But the rapid successes of Charles X forced Poland, in spite of the queen, to accept the mediation of France, and the treaty of Oliva (1660) at last closed the long dynastic struggle between the two branches of the house of Vasa.

In spite of this success, France was as far as ever from securing the alliance of Poland against the Habsburgs. The marriage connexion had not produced much result, and so the scheme was revived of once more placing a French prince on the throne. This continued to be the dominant aim of French policy with regard to Poland during the rest of Louis XIV's reign. The first candidate put forward for the succession to John Casimir was d'Enghien, the son of the great Condé, and in 1663 he was married to the niece of Mary of Mantua, who had been alienated from Austria and at last showed a willingness to assist France. But the Poles were averse to settling the succession before the throne was vacant, and before long Condé himself took the place of his son as more likely to obtain support. The outbreak of the war of devolution, however, induced Louis XIV to offer his support to the duke of Neuburg, whose provinces of Jülich and Berg were important as protecting the Netherlands from Austrian intervention. But the death of Mary of Mantua in 1667 weakened the French party, and the sudden conclusion of the peace of Aix-la-Chapelle made the support of Neuburg no longer necessary. The candidature of Condé was revived, and was urged with the more vehemence as Austria was prepared to support the duke of Lorraine, the hereditary opponent of France. The abdication of John Casimir led to

the election of 1669, when the parties of Neuburg and Lorraine combined to exclude Condé and to give the crown to a native noble, Michael Wisniowiecki. A sister of the emperor Leopold was given in marriage to the new king, and Habsburg influence was once more preponderant at Warsaw.

In 1673 the throne was again left vacant by the death of Wisniowiecki, and the bishop of Marseilles, Forbin-Janson, was sent to uphold French interests in Poland. His instructions were to procure, if possible, the election of a French prince, or of some ally of France, such as the duke of Neuburg; but at all costs he was to prevent the accession of the duke of Lorraine. The envoy soon discovered that this could only be done by abandoning all idea of a foreign candidate; and the whole weight of French influence was given to the support of John Sobieski, whose wife, Marie d'Arquien, was a Frenchwoman. Louis XIV hastened to send the marquis de Béthune, Sobieski's brother-in-law, to greet the new king, whose support was the more necessary as Sweden, Turkey, and the Hungarian rebels were his only allies against the hostile coalition provoked by his attack upon Holland. A treaty was actually signed in 1675, but Marie d'Arquien was alienated by the refusal to make her father a peer of France, and the quarrel between Poland and Turkey proved fatal to the policy of France. Sobieski is famous in history as the ally of Austria and the saviour of Vienna from the Turkish siege. In his later years he became once more friendly to France, but Louis was convinced that the only chance of securing the support of Poland in the approaching struggle about the Spanish succession was to place a Frenchman on the throne. In 1696 Sobieski died, and the prince of Conti was put forward as the candidate of the French party. For the third time, however, the attempt proved a failure. Conti was actually proclaimed king by a powerful faction, but his rival, Augustus of Saxony, was closer at hand, and was able to secure the kingdom before the French fleet had time to land Conti at Dantzig. The policy of Louis XIV had been unsuccessful, and it was fortunate for him that the northern powers were speedily absorbed in the great war in which Charles XII played so great a part, and Augustus had enough to do to recover the crown, which the Swedish king had placed on the head of Stanislaus Lesczinski.

This sketch will suffice to illustrate the importance attached by France to the attitude of Poland in the seventeenth century. That importance became even greater after the annihilation of Sweden as a great power by the treaty of Nystädt. It was almost essential for France to find some other state to play the part in northern politics which Sweden had played since the time of Gustavus Adolphus. Poland alone could fill the place, and Poland could act with still greater efficiency now that it was united with Saxony. But the foreign policy of Louis XV was sadly lacking in consistency and foresight when compared with that of Richelieu or of Louis XIV. The real aim of France should have been to make the Saxon line hereditary, to reform the Polish constitution, and thus to form a really powerful state which might hold the balance between Austria, Russia, and Prussia. But unfortunately Louis XV was married to Maria Lesczinska, and the project of having a French prince or ally at Warsaw survived long after it had been proved to be impossible. When the Polish

throne was vacant in 1733, France advocated the cause of Stanislaus Lesczinski, who was elected by a large majority, but was soon forced to quit the kingdom owing to the intervention of Russia and the feeble support which he received from France. Another Saxon prince ascended the throne, but the circumstances of his accession made him a necessary opponent of France.

The disasters of the Austrian succession war and the rise of Prussia and Russia to the position of great European powers so far altered the whole system of international relations that France was induced to depart from the traditional policy of two centuries and a half, and to ally itself with Austria. Now was the proper moment for a change in the relations with Poland and for a frank recognition of the common interests which allied France with the Saxon rulers. But the court of Versailles was too hampered by the bonds of routine to suit itself to the changed conditions. Louis XV set himself to intrigue for the recognition of the prince of Conti as successor to Augustus III. Unwilling to avow his aims, he resorted to the famous 'secret diplomacy,' which has been unravelled by M. Boutaric, the duc de Broglie, and M. K. Waliszewski. At least two French agents were at work in Warsaw—one the accredited envoy with instructions from the ministers, the other the private instrument of the king and Conti. The result of this wretched policy was humiliation and failure. The French party in Poland was alienated and distrustful, and the death of Augustus III in 1763 was followed by the election of Stanislaus Poniatowski, the nominee of Russia. Paulmy, the French ambassador, was insulted at the diet and compelled to quit Warsaw. From this time to the revolution avowed diplomatic intercourse between France and Poland ceased. Obscure agents were dispatched from time to time to negotiate with parties in the northern kingdom, but France could no longer recover its old influence, and was compelled to be a passive spectator of the successive partitions which destroyed the state, to which France had once given a king, and which had been for two centuries the pivot of French diplomacy in northern and eastern Europe.

Enough has been said to illustrate the importance and the interest of these two volumes, which worthily hold their place in the valuable series of which they form a part. M. Farges has done his work as editor in a way that leaves nothing to be desired. If the introduction is less brilliant than those of M. Sorel and M. Geffroy, yet it is quite as thorough, and the notes are even fuller and more complete. Perhaps the most interesting of the instructions are those of P. de Bonsy (1664) and of the marquis des Issarts (1746), both of which throw much light upon the internal condition of Poland, and the series of documents relating to the secret diplomacy of Louis XV. But the whole book deserves the careful attention of the student of diplomatic history. R. Lodge.

The Critical Period of American History, 1783–1789. By John Fiske. (London: Macmillan. 1888.)

Students of American history owe much to the admirable way in which Mr. Fiske has explained the real import to America, and indeed to the whole civilised world, of the five years' struggle among the victorious

colonists themselves. As a rule the general impression even among well-informed people in England has been that after the peace of 1783, which closed the war of independence, the troubles of the American people were ended. So thought Tom Paine: 'the times that tried men's souls are over,' he said on hearing of the treaty of 1783. Mr. Fiske, on the contrary, asserts that 'the most trying time of all was just beginning,' and 'that the period of five years following the peace of 1783 was the most critical moment in all the history of the American people.' Mr. Fiske, we think, has proved his assertion. Few of us probably have realised the position in which the colonies found themselves at the close of the war with England. 'The men of 1783 dwelt in a long straggling series of republics, fringing the Atlantic coast, bordered on the north and south and west by two European powers, whose hostility they had some reason to dread.' Though the war had forcibly illustrated the lack of organisation, and the consequent need of cohesion and concerted action, the feeling among the colonists was so strongly in favour of local self-government, that there was considerable danger that thirteen little republics would be set up 'ripe for endless squabbling like the republics of ancient Greece and medieval Italy, and ready to become the prey of England and Spain, even as Greece became the prey of Macedonia.'

In England and in Europe generally it was the firm belief that the American confederacy was going to pieces, and that the states would 'come straggling back, one after another, to their old allegiance.' It required some four or five years of profound and delicate statesmanship to avert this danger, to build up the constitution of 1788, and to form a great pacific federal union. The absolute necessity for such a union, and the difficulties in the way of its formation, are vividly shown in a chapter termed 'Drifting towards Anarchy.' Political passions ran so high that between 1783 and 1785 a large loyalist emigration took place, by which the United States were deprived of many excellent citizens, and new British settlements in Canada were founded. But the Americans were not content with driving out the loyalists, they speedily began to quarrel with one another. Commercial antagonism between different states, followed by disputes about territory, brought the colonists within measurable distance of civil war. Anarchy reigned throughout large districts, and congress was powerless to interfere. Abroad American credit was *nil*, and American diplomatists were 'bullied by England, insulted by France and Spain, and looked askance at by Holland. The humiliating position in which our ministers were placed by the beggarly poverty of congress, was something beyond credence.' When in the autumn of 1786 and the spring of 1787 numerous insurrections were raging in Vermont, New Hampshire, Massachusetts and elsewhere, congress showed that it neither possessed the means nor the power for coping with the insurgents. National humiliation could go no farther. 'Things,' says Mr. Fiske, 'had come to such a pass that people of all shades of opinion were beginning to agree upon one thing—that something must be done, and done quickly.'

The character of the constitution and the methods adopted in drawing it up were essentially English. A modified version of the English constitution, the foundations of the federal constitution were laid in com-

promise; and, as is well known, the men of that day, in arranging the relations between the executive and legislative, deliberately tried to copy from the British constitution. Misled by Montesquieu and Blackstone, they carefully separated the executive from the legislative. How this famous mistake was made, is in a very clear and interesting manner explained to us in chapter vi. The American statesmen failed to see that under Pitt the ministerial system was rapidly transforming the character of the English government, and that the monarchical feature was rapidly passing away. 'In trying to modify the English system so as to adapt it to our own uses, it was the archaic monarchical feature, and not the modern ministerial feature, upon which we seized.'

The men who drew up the constitution, and by their influence caused it to be accepted by the individual states, are brought vividly before us by Mr. Fiske. Alexander Hamilton, the author of 'The Federalist,' James Madison, and Samuel Adams are portrayed with considerable skill, while the powerful character and strong individuality of George Washington is very ably described. Indeed these character sketches of the men of the time are by no means the least interesting portion of the book before us. Appreciating as he does the motives by which some of the anti-federalists were actuated, it seems a pity that Mr. Fiske should apparently go out of his way to throw mud at George III. Are not these constant and one-sided attacks, upon at any rate a well-meaning monarch, about on a par with the French abuse of Pitt and his gold? 'An angry king hunting about for some one who would consent to be his prime minister' (p. 44). 'The shortsighted shrewdness of a mere political wirepuller' (p. 3). 'Hard and narrow nature' (p. 72). Are not such sentences, written at random in a book on America, misleading and indeed unhistorical? English ears are not yet accustomed to the expression, 'get into a snarl;' we prefer 'coalition' to 'coalescence,' and it is a pity that a work of such sterling historical value should admit of the phrase 'in holy horror of parliamentary reform.' These are, however, small matters in a volume which throws much light not only upon the building up of the American constitution, but also upon the causes of the war of secession. Arthur Hassall.

Histoire de la Constitution Civile du Clergé: L'Eglise sous la Terreur et le Directoire, 1790–1801. Par Ludovic Sciout. (Firmin-Didot, 1887.)

This volume is an abridgment of M. Sciout's larger work bearing the same title, published in four volumes between 1872 and 1881. It forms a useful compendium of the laws dealing with the church and the clergy during the revolution, but it would be far better described as a history of the persecution of the clergy than as a history of the civil constitution. M. Sciout is one of those writers who regard the civil constitution as merely the work of a few haters of the priesthood, composed of Voltairians, Jansenists, and protestants, bent on the destruction of the catholic faith, while the great majority of the nation adhered, in things ecclesiastical, to the old order of ideas. Yet, if the work of the Constituent

Assembly was, as M. Sciout asserts, in contradiction to the principles of the catholic church, then France in 1789 was not catholic. M. Léon de Poncin has justly remarked : *La France de '89 se croyait catholique, au fond elle l'était peu.* There is, in M. Sciout's book, no recognition of the fact that the civil constitution was designed to reconstitute the church on the same base as the state. However great the mistake may have been, and whatever disasters were the result, it is not just to judge the framers of the civil constitution as though they lived in 1887. The nation itself was responsible for the attempt, no mere party of freethinkers in the Assembly. The laity and even in some cases curés had in the cahiers demanded that the States-General should interfere in ecclesiastical affairs, should reform abuses, make redistribution of parishes, introduce the principle of election, shear the pope of the authority that he exercised within France—in fact, do those very acts which M. Sciout represents as purposely designed for the destruction of the catholic faith. M. Sciout even denies to the constitutionalists any honest desire for the establishment of religious liberty, but he makes no attempt to explain how it was that the demand for religious liberty existed in France at all.

BERTHA M. GARDINER.

The Ancient History of the Maori: his Mythology and Traditions. By JOHN WHITE. 4 vols. (London: Sampson Low. Wellington: G. Didsbury. 1889.)

READERS of this Review, accustomed to regard history as chiefly based on monuments and chronicles, may be surprised at the title of a four-volume book claiming to be the ancient history of New Zealand tribes who have no monuments to speak of, and who have only just acquired from the English colonists safer means of recording events than the recollections of old men. The book is, in fact, a collection of Maori traditions. Mr. John White, who has spent years in intimate intercourse with the Maoris, and knows every turn of the native mind, has induced native priests—Nepia-po-huhu, Wairua, and some forty more—to tell their hereditary tales and sing their hereditary chants. So seriously do these sages take their native lore that they fear their divulging the secrets of their religion may bring down on them the vengeance of their ancient gods, who still exist, though silenced by the superior power of the white men's Deity. It is from a very different point of view that European students may interest themselves in these stories. We have here placed before us a series of various versions of barbaric traditions, preserved under the strongest safeguards of native control and recorded with exact care. A better opportunity has never been afforded of judging what savage tradition can really stand for as a source of history.

It appears at once that any notion of separating myth and memory lies outside the Maori habit of thought. Any New Zealand chief may have an ancestress a few generations back who 'was a goddess, and a cloud came for her.' In vol. i. p. 153 is a list of generations, beginning with the first man who was born in Te-po (darkness), and whose name was Rena-u-matua (expanded progenitor). From him we go on to such

personages as Pupuke (thought began to be) and Mahara (thought was); afterwards the great gods Tane, and Tu, and Tangaroa came into the pedigree, which at the end of many generations ends in Hare Rakina, which is explained as the native form of the name Charles Darknell, given to a converted Maori who was alive in 1872. Of all the Maori legends the greatest stress has been laid on those of the migrations of ancestors across the sea from Hawaiki. These have even importance in connexion with native claims to property in land inherited from ancestors who came over in the famous canoes 'Arawa' and 'Tainui.' Mr. Shortland formerly studied the genealogies connected with these migration stories, and it would be very desirable if Mr. White would sift them thoroughly as a whole, to find whether they agree sufficiently to supply anything like legal evidence. The versions brought to light in a native dispute here recorded (vol. iv. p. 1) as to which canoe brought over to New Zealand that important vegetable, the kumara, or sweet potato, do not seem promising; each tribe tells a story to its own credit, and one narrator declares that another invented his story sitting in front of his house. The most interesting comparison of versions of one legend is perhaps that to be made between the two tales of Hotu-nui (vol. iv. chaps. ix. and x.) As this chief is related to have come over the sea in the canoe 'Tainui' he is a personage dating far back in Maori tradition, which, if ever carefully safeguarded, ought to have been so here. Hotu-nui, one tradition relates, prepared his field for planting, but having no kumaras, plundered the store of his father-in-law, and was detected by the footmarks showing his crooked toe. So to avoid being jeered at he left the country, telling his wife to name her expected child Maru-tuahu (hilled up), in memory of the unplanted mounds. This son went in quest of his father, and had an adventure with the two daughters of Rua-hiore, both of whom claimed him for a husband, and he married them both. The whole story has a most native ring, but when we read the other version we find some awkward differences. Hotu-nui, we are now told, was accused by mistake of stealing the sweet potatoes, his footprints being large like the real thief's. It was the two daughters of Te-whatu who fell in love with the young man, and it was only the younger of them who got him for a husband, for the elder was not good-looking. The general impression left by these stories when compared is that the tellers alter as suits them the names and details of actual events, so that their value as chronicle is small, but that, on the other hand, they preserve with remarkable fidelity episodes which keep up the memory of ancient custom. The story of the two sisters claiming the young chief without even asking leave of their parents is a much more instructive record of old New Zealand life than any list of names and generations.

I trust that Mr. White, should he see this notice of his book, will not think from this criticism that it is undervalued. On the contrary, the full and untouched versions of the stories, which bring to light their own historical defects, make them altogether more valuable than they would have been if artificially reduced to consistency. The real archæological evidence contained in them, of which the tellers of the traditions had of course no idea, comes into far stronger light when it is understood how faithfully the native material is recorded. If, for instance, we are ever

finally to settle the meaning of the myth of Maui, and judge whether it came from Asia, it will be by comparing the numerous versions given of his fishing up New Zealand and meeting his death in his encounter with his ancestress Hine-nui-te-po (Great Daughter of Night). Again, on the imperfectly patriarchal marriage system of the Maori curious light is thrown by the genealogy of Maui himself (vol. ii. p. 62), which is traced through six steps of ancestry on the female side—mother, mother's mother, and so on. That is to say, Maui is ancient enough in New Zealand belief to have a matriarchal pedigree, such as is still known in distant islands, but which no longer represents the Maori view of ancestral descent. The passages bearing on native character, art, and life which might be cited from these volumes must be left mostly untouched here, available space having to be devoted rather to the historical than the anthropological view. EDWARD B. TYLOR.

Chetham Society Publications. (Manchester. 1888.)

THE Chetham Society shows no signs of decay, and its new series is fully up to the average of the old. Volume 13, Mr. R. C. Christie's 'Bibliography of the Works written and edited by Dr. John Worthington,' is an excellent example of what such a list should be. Dr. Worthington's own writings were not of great importance. But he made a translation of the 'De Imitatione Christi,' of which thirteen editions are recorded by his bibliographer, and edited the 'Select Discourses' of John Smith, of Cambridge, and the 'Works' of Joseph Mede, both of which were very popular in their day. These were the only works of Dr. Worthington that appeared during his lifetime. His posthumous books were 'A Scripture Catechism,' 1673, of which seven editions appeared; 'The Great Duty of Self-Resignation,' a collection of sermons preached at St. Benet Fink, published in 1675; 'The Doctrines of the Resurrection,' 1690; 'Charitas Evangelica,' 1691; 'Forms of Prayer for a Family,' 1693; 'Miscellanies,' 1704; and 'Select Discourses,' 1725. Worthington also wrote a few verses which appeared in various collections of University Poems. Mr. Christie has followed the plan of giving, in addition to the usual bibliographical details, extracts of matters of literary or biographical interest from the books described. He has not included Worthington's 'Diary and Correspondence,' already published by the Chetham Society, and to which the bibliography forms a supplement. Volume 14 consists of the third and concluding part of the 'Coucher Book of Furness Abbey,' and contains an introductory chapter by the editor, the Rev. J. C. Atkinson, who, after pointing out how untrustworthy, as regards its genealogy, the 'Coucher Book' is, treats of the information it gives relating to the manufacture of iron and salt. Its data, he thinks, are rather disappointing. Certainly, details are given as to the iron manufacture; but there is nothing to 'enable us to arrive at any conclusion as to the extent to which the iron-stone was worked by the convent, or as to the fuel used, or the source or sources from which the said fuel was obtained.'

Dr. Atkinson gives an annotated list of the abbots of Furness, differing in several respects from the inaccurate catalogues in the county histories,

and even this list the editor advises should be received with caution, for much of it is uncorroborated by collateral testimony, and is marked with apparent inconsistencies. The Chetham Society were enabled, it may be well to mention, to issue the 'Coucher Book' by the generosity of the duke of Devonshire, who defrayed the cost of transcribing, editing, and printing the three parts. Volume 15 is devoted to the first part of the 'History of the Church and Manor of Wigan,' by the Hon. and Rev. G. T. O. Bridgeman. The manor of Wigan is, so far as is known, the only manor of England over which the rectors of the parish, as such, enjoyed a view of frank pledge, acquittance for themselves and their tenants from attendance on the sheriff's tourns, cognisance of all pleas as well concerning lands, tenements, and rents as concerning transgressions, covenants, and complaints, together with issues, forfeitures, amercements, fines and redemptions in cases of this sort arising within their town, manor, or lordship, and all pleas of assizes concerning tenants within their manor, who should happen to be arraigned before the king's justices appointed to hold assizes within the county, so that the said justices, when called upon by the parson or his bailiff, should give them up to him to be tried in his own court. The parsons, moreover, were empowered to inquire into all felonies perpetrated within their town or liberty, and to keep the felons in their own prison until the next gaol delivery. These and other privileges were granted in 1350 to John de Winwick, parson of Wigan, and the succeeding rectors exercised their powers, which gradually decreased in importance, until the late rector made over the market tolls to the mayor and corporation, when the last remnant of secular power passed from the ecclesiastical authority of Wigan. Canon Bridgeman gives us lives of the parson-lords of Wigan, some of whom were men of distinction in their day. Amongst the early rectors the most important is John Maunsell, perhaps the greatest pluralist that ever lived. He was a man of this world, chancellor of the exchequer, and lord keeper of the great seal. His secular duties no doubt interfered largely with the efficient performances of his clerical duties at Wigan and the three hundred other places of which he held the benefices, but to him the inhabitants of Wigan were indebted for their earliest charter constituting the town a free borough. John de Winwick obtained confirmation of the charters granted to his predecessors and also the privileges already mentioned. The rectors for over a hundred years were not men of national importance. They were mostly of the family of Langton, and were resident clergy, which is not likely to have been the case with clerical statesmen and high officials such as Maunsell and Winwick. James de Langton, rector in 1432, was a man of dissolute life, and openly disobeyed the priestly obligation of celibacy. In 1519 Dr. Thomas Lynacre was admitted to the church of Wigan, which thus becomes associated with the name of one of the greatest scholars of his day, to whom is largely due the increased interest taken in the study of Greek at the English universities. He was a distinguished physician long before he entered holy orders, nor did he discontinue the practice of the medical profession when he was a beneficed clergyman. He was rector of Wigan for only five years, and was apparently an absentee, his position as physician to the king and queen preventing him ever living at a place so remote as Wigan then was. The next

incumbent of note was Archdeacon John Standish, a time-server of the Reformation period. Thomas Stanley, bishop of Man, was instituted rector of Wigan in 1558. He is best known by his 'Rhyming Chronicle' of the Stanley family, a kind of versified history. Edward Fleetwood, admitted 1571, was an active clergyman, a preacher, and, unlike some already named, a resident. He died in 1604. His successor was Gerard Massie, who was nominated bishop of Chester, but died whilst arrangements were in progress for his election and installation. Volume 16 is wholly occupied by the account of John Bridgeman, bishop of Chester and rector of Wigan, of whom Canon Bridgeman is a descendant. It is a valuable contribution to our knowledge of the condition of the clergy and people of the counties palatine of Lancaster and Chester during the reigns of the early Stuart kings. WILLIAM E. A. AXON.

Précis d'histoire juive depuis les origines jusqu'à l'époque Persane (ve siècle avant J. C.) par MAURICE VERNES. (Paris: Hachette. 1889.) The author of this popular history of Israel is not known as a Hebrew scholar. It would therefore be useless to take him to task for philological inaccuracies. Neither shall we attempt to criticise his strange views on the dates of the Biblical documents; we give the *résumé* of his views in the following four paragraphs. He says: Nous posons les thèses suivantes, qui sont le fruit de recherches de six années:

'1. L'époque de composition des livres bibliques sera fixée dans les conditions les plus sûres si l'on part de la date relativement moderne pour laquelle l'existence des œuvres est incontestable, et si, à partir de cette date, on remonte le cours des siècles, en recherchant des circonstances propres à la confection de chaque écrit en particulier.

'2. Nous admettons pour les grandes œuvres bibliques l'unité de composition comme l'unité de date, tout en entendant ces expressions dans un sens très large, ces écrits étant visiblement le fruit d'une collaboration, ils sont sans doute l'œuvre des grandes écoles théologiques qui florissaient à Jérusalem de 400 à 200 avant notre ère, et ayant éte élaborés au cours de deux ou trois générations.

'3. Nous admettons l'unité de pensée des livres bibliques. Dans la variété incontestable des formes—la liberté dans l'expression du dogme commun a toujours été très grande chez les juifs—éclate l'unité profonde à l'idée maîtresse: les divers écrivains s'accordent dans un monothéisme hautement moral et spiritualiste et affirment que la divinité a fait choix entre toutes les nations du peuple israélite pour le combler de ses dons s'il se conforme à ses lois.

'4. Enfin, là où l'on s'évertue à chercher des débris de souvenirs altérés et confondus, nous voyons une création libre, de la plus grande allure, à laquelle plusieurs littératures anciennes et modernes offrent des analogues, aucune un équivalent en force imaginative et en perfection littéraire.'

And on these late documents M. Vernes writes a history of Israel. But if this part is done without critical discernment, it is worse in the chapter concerning Biblical literature. Early prophets M. Vernes puts towards 250 B.C., Ezekiel and some of the minor prophets still later, but as a collection they appeared about 200 B.C. No mention, however, is

made that Jesus son of Sirach read the prophets, according to his grandson who translated into Greek his book written in late Hebrew, at the beginning of the second century B.C., and knew them with the collective title of prophets. We have extravagances enough concerning the Bible by specialists, which when used by a writer who is neither original nor a specialist become much more exaggerated. A. N.

Herr Konrad Kretschmer's monograph on *Die physische Erdkunde im christlichen Mittelalter*, which appears in Professor Penck's series of 'Geographische Abhandlungen' (Band IV., Heft I. Vienna: Eduard Hölzel) is a welcome contribution to an obscure subject. The author examines the views held by successive writers during the Middle Ages with respect to the various problems connected with the shape and size of the globe, the conformation of its surface, and its climatic conditions. The citations from and references to authorities are abundant, and give evidence of much research, though occasionally they require supplementing. For instance, in the excellent account of Virgil of Salzburg and his doctrine of antipodes (pp. 56 ff.), Herr Kretschmer omits to mention Martianus Capella, whose language on the subject (' De Nupt. Philol.' vi.), is clearly the direct source from which Bishop Virgil drew. The introduction which deals with the medieval conception of geography in general, and its dependence upon biblical and classical authorities, is of wider interest than the rest of the treatise, and will be read with advantage by students of medieval literature at large. The bibliographical survey which concludes the introduction is exceedingly good. That there are gaps in it is inevitable: we may note, e.g., the omission of William of Conches' 'Dialogus de Substantiis physicis,' published at Basle in 1567; of Roger Bacon's 'Opus minus' and 'Opus tertium,' and of the curious Anglo-Saxon treatise on astronomy which was printed in Thomas Wright's 'Popular Treatises on Science' in 1841.

Mrs. Birkbeck Hill has produced a readable and generally trustworthy translation of M. Louis Leger's *History of Austro-Hungary from the Earliest Times to the Year* 1889 (London: Rivington. 1889), to which Professor Freeman has written a preface reasserting his well-known views on the nature and prospects of the Austrian empire. His Slavonic prepossessions, no less than those of the author of the book, may impair its value to many readers, especially to such as prefer to read past history without an infusion of modern politics; but M. Leger does his best to be impartial, and though the division of his chapters after an ethnical system deprives the history of what unity it might otherwise have possessed, it may not the less be taken as the best modern guidebook to the complicated history, or rather series of histories, of the house of Habsburg, and of its heterogeneous provinces, that we have in English, though in constitutional matters it leaves much to be desired. The translation has had the advantage of Mr. Morfill's correction in respect of Slavonic names; but we doubt if much is gained by calling Wenzel or Wenceslaus without explanation *Vacslav*, or Olmütz *Olomouc*.

On the Increase of the Royal Power in France under Philip Augustus (1179–1223). Dissertation presented to the philosophical faculty of

the University of Leipzig, for the degree of doctor. By WILLISTON WALKER, of Bryn Mawr College, Pennsylvania. (Leipzig, 1888.) There is so little written in English upon French constitutional history, and that little is so far from being up to date, that Dr. Williston Walker has done well to print in that tongue his Doctor's Dissertation on the power of the crown under Philip Augustus. It is a careful piece of work, based on a wide survey of the printed original authorities, in the light of the latest work of the best modern writers. Its 144 pages treat in succession of the theory of the royal power and position of the royal family, the central administration, the royal counsellors, the assemblies, and the *curia regis*, the local administration, and the relation of the king to the feudal and corporate elements of the kingdom. Read side by side with the corresponding chapters in Stubbs on Henry II.'s system, it will give the ordinary student a good idea of the resemblances and differences of two countries whose institutions ought to be studied much more in relation to each other than they often are. We may note, as specially clear, Dr. Walker's accounts of the decay of the five great offices of state, and the practical disappearance of the seneschalship and chancellorship, and of the all-important institution of royal *baillis* in 1190. Dr. Walker has given a careful, though brief, bibliographical note on his authorities. We wish he had also given an index.

The book is well put together, though it sometimes reads a little harshly. On p. 17, 'the divorce was not consummated' is a somewhat unhappy expression. On p. 18, Dr. Walker drops into a misleading modernism by describing the king's eldest son as the 'crown prince.' On p. 57, he talks of a 'prime minister,' though here, luckily, with some reserve. It would have been almost desirable to call Philip's first wife 'Isabella,' as well as 'Elizabeth.' 'Pontivine' is a curious way of writing 'Poitevin,' on p. 78. We note that Dr. Walker adopts M. Bémont's view that King John was never tried for the murder of Arthur at all, but condemned on the complaints of his vassals in Poitou, the year before Arthur's mysterious death.

Mr. W. E. Montgomery's *History of Land Tenure in Ireland* (Cambridge: University Press. 1889), though nowhere going very deeply into the subject, covers a large field. He divides the work into three periods which he calls, rather rhetorically, 'Ireland the enemy,' 'Ireland the slave,' and 'The Ireland of to-day.' The first and second chapters deal with the agrarian community of the Irish Celts and the Brehon laws. The importance of the study of early Irish law is due to the fact that in Ireland, prior to the English invasion, there existed a body of primitive Aryan custom, developed indeed by a system of juridical interpretation, but unaltered by direct legislation, uninfluenced by the force or genius of Rome, and indeed, except to some extent through the Church, little affected by outside influence of any kind. The Brehon law tracts have not yet been all published, and those which have appeared are not translated in a way to carry the conviction that the translators themselves have always rightly understood the text. Considering his materials, however, Mr. Montgomery has given us as intelligible an account of the early Irish agrarian system as perhaps could be expected. He passes over, however, many interesting though obscure

points, such as the family organisation known as the *Geilfine* system, which, whatever it was, appears to have regulated the distribution of lands of inheritance belonging to the family. Then follows a rapid sketch of the long, painful period from Henry II. to the famine of 1845–6, with its many expropriations and plantations, its Acts of Settlement and Re-settlement, until the Ireland of to-day is ushered in by the Report of the Devon Commission. The recent land legislation commencing with the Act of 1870 is explained and discussed in a clear and impartial way.

The early records of Scotland being lost, the English archives have been of great value to Scottish historians. Mr. Joseph Bain's exhaustive *Calendar of Documents relating to Scotland*, preserved in her Majesty's Public Record Office, London, 1108–1509, (Edinburgh : published under the direction of the Lord Clerk Register. 1881–1888)—the completed labour of ten years—garners materials not previously fully accessible, but does not throw much additional light of importance upon the general history of the northern portion of our island. The first document which Mr. Bain gives is the alleged charter of homage by Malcolm Canmore and his eldest son to Edward the Confessor, one of the well-known forgeries of John Hardyng the chronicler. In 1237 occurs the important quitclaim (not printed for the first time) between Henry III and Alexander II, whereby the king of Scotland surrendered to the king of England his hereditary rights to Northumberland, Cumberland, and Westmoreland and some other claims, Henry granting to him 200 librates of land, to be held by the kings of Scotland for the yearly rent of a 'soar' (one-year-old) hawk at Carlisle; and the Scottish king made his homage and fealty, this transaction keeping alive, as Dr. Hill Burton remarks, the English policy of requiring the king of Scots' attendance at court for some formality or another.

In 1296 we have the 'Ragman Roll,' wherein are recorded the original instruments of submission and fealty by the clergy, nobles, and community of Scotland, numbering nearly two thousand, to Edward I. The roll contains the resignation by King John de Balliol of his kingdom into the hands of the king of England. Though previously printed, this is the first time that the roll is given in full with the homages. The homage seals now remaining are, in an appendix to vol. ii., for the first time systematically described, and eighty-six of them autotyped. One of the last in date of the documents is the treaty (not printed for the first time) for the marriage of James IV and the princess Margaret; her husband to endow her for life with lands, &c., yielding 2,000*l.* sterling per annum, the princess to have 1,000*l.* Scots, or 500 marks sterling, yearly at her own disposal, and the king of England to pay as her dower 30,000 gold English nobles, called *angell nobillis*. A number of documents from 1222 relating to the vexed question of the marches are scattered throughout the volumes. It appears from one of them that, according to ancient march law and custom, no one of either kingdom, although holding lands in both, was liable to be impleaded anywhere but at the march for any deed by his men dwelling in England done in Scotland, or by his men dwelling in Scotland done in England. The references to guns and gunpowder are interesting. The first is in

a compotus of 1382–4, showing that guns were bought for Roxburgh Castle, and that 100 lbs. *pulveris de gunnes* were bought at York for Berwick at 2*s.* 6*d.* per lb. In 1384 three brass cannon were cast and 120 stones polished for them at Carlisle, and 12 lbs. *poweder de saltpetre* and 8 lbs. *powder de sulphur vive* purchased at York for Carlisle Castle. In 1437 the price of gunpowder had fallen to 10*d.* per lb. Each of the volumes has an introduction and a copious index. The last volume has, in an appendix, extracts relating to Scotland from originals in the British Museum.

The True Story of the Catholic Hierarchy deposed by Queen Elizabeth, with fuller Memoirs of its Last Two Survivors, by the Rev. T. E. Bridgett and the late Rev. T. F. Knox (London: Burns and Oates. 1889), has for its object the correction of misrepresentations or inaccuracies in the accounts generally given of the bishops dispossessed in the first year of Elizabeth. Its motive is a desire to make out that they were treated with much greater harshness than is generally admitted. It is natural for English writers to have caught with gladness at some relieving features in the dark tale of persecution, and to have interpreted, rather more favourably than the facts warranted, the lenity shown by Elizabeth to the prelates who refused to conform to her religious changes. They were imprisoned for a time, but most of them were released: some were allowed to live in their own houses; others were committed to the charge of the bishops who had succeeded to their sees. Mr. Bridgett contends that their imprisonment in many cases extended to three or four years, that the hospitality of the Anglican bishops was only another form of imprisonment, and that freedom to live by themselves restricted the few who were happy enough to enjoy the privilege to an area of three miles. These facts were worth stating, and it is a pity that Mr. Bridgett has not made his corrections in a dignified way. He has chosen, however, to be venomous and censorious. He scourges every one from Strype to Miss Strickland; no compilation which has drawn its facts from Collier or Fuller is so slight as to escape his wrath. It is surely a petulant display of intellectual arrogance to fix upon some small point which has been overlooked by so conscientious a writer as Strype, who had to dig his way through piles of unarranged documents, and air with conscious superiority the cheap erudition provided ready to hand by a Calendar of State Papers. It is also unworthy to scourge exaggerations on one side while indulging them on the other. Thus Mr. Bridgett quotes as a testimony to the constancy of the dispossessed bishops a statement in a letter which fell into the hands of the government—'There is not one of the old bishops that will be present at the schismatical service or damnable communion now used'—and goes on to say of Bishop Pilkington's comments on this letter that he was 'transported into one of his paroxysms of ribald fury.' Similarly he sets himself to prove that Tunstall suffered many deprivations, and disposes of the council's order that 'he should receive convenient diet' with the remark, 'Whether he shared it at the table of Dr. and Mrs. Parker we do not know. We should like to think that he was spared that indignity.' The tone of Mr. Bridgett contrasts greatly with that of Father Knox, who is responsible for the last chapter, a life of Bishop Goldwell, which contains

much interesting information respecting his career in Italy. The book is somewhat loosely put together; it consists of a general introduction, accounts of what befell the separate bishops after 1559, and then ends with substantive lives of two of them, Watson and Goldwell. It is only fair to say that Mr. Bridgett's Life of Watson, which was written for another purpose, is much superior to the rest of his work.

Gustav Freytag's 'Der Kronprinz und die deutsche Kaiserkrone' (Leipzig: S. Hirzel. 1889) is described by its author as 'a slight contribution to the history of the genesis of the German imperial dignity.' And, in point of fact, notwithstanding the stir which about the beginning of November last its publication excited among the *cartel*-journals both great and small, the significance of this hybrid between diary and pamphlet is from the historical point of view very slight indeed. As a contribution to the autobiography of Herr Freytag it has of course a certain corroborative value. The 'Erinnerungen aus meinem Leben (Leipzig: S. Hirzel. 1887), originally printed as the introduction to the collected works of the author, vividly illustrated that growth of national feeling in Germany to which he contributed by his labours as a *Klein-deutsch* journalist, and probably still more by his admirable pictures, both historical and imaginative, of his country's past. And they proved beyond the possibility of cavil how heroically Herr Freytag's convictions have borne the test of both adversity and prosperity, and how the ideals of his youth and the inspirations of his simple Silesian childhood have not grown dim or faint to him, even in the company of princes and of special correspondents. But in so far as the emperor Frederick's motives and principles of action are concerned, Herr Freytag's personal opinions must respectfully be described as being neither here nor there. What he has to say—or what he has been allowed to say—about the late emperor amounts to very little, though there is obvious truth in certain touches of the profoundly melancholy portrait which he presents to his readers. That personal pride and resentment contributed to the Crown Prince's desire for the establishment of the empire might have been assumed even without the aid of these rather meagre reminiscences; nor would it be easy to formulate an historical claim worthy of Charles the Great or Otto more vaguely than by such words as, 'I take it (*ich meine*), he was the first originator and the impelling force of the new political formation.' Thus, after all, the chief historical interest of this publication comes to lie in the fresh insight it offers into the working of the traditions of the Prussian monarchy as to the relations between the reigning sovereign and his government on the one hand, and the heir to the throne on the other. Not for the first time, though in the present instance under totally new conditions, have these relations been wholly unreasonable and almost tragic.

Mr. C. P. Lucas's *Historical Geography of the British Colonies*, of which the first volume appeared in 1888 (Oxford: Clarendon Press), shows a marked improvement upon the 'Introduction' which he published in 1887, and which we noticed with appreciation at the time (vol. ii. 813). The maps, which were a weak feature of the Introduction, are in

the present volume excellent in every respect. As yet Mr. Lucas deals only with the British dependencies in Europe, Asia, and the Indian Ocean, the mainland of India being necessarily excluded. He describes the different stages of discovery, settlement, and government by successive European powers, gives a sufficient topographical account of each region, with statistical details and one or more maps, and explains the system of government by which each dependency is ruled. As an officer in the Colonial Office Mr. Lucas may be presumed to have access to the best sources of information, and his volume (which is complete in itself, and has an adequate index) will be of equal value to students of colonial history and to those interested in the present state of the British Empire.

Prince Georges Bibesco has collected some miscellaneous papers, partly on public, partly on personal matters, under the title *Recueil : Politique, Religion, Duel* (Paris : Plon, 1888). They will be found of interest to those who wish to study political questions in Roumania during the last thirty years. The useful statistical tables to illustrate the progress of commerce in that country are worth notice.

List of Historical Books recently published

I. GENERAL HISTORY

(Including works relating to the allied branches of knowledge and works of miscellaneous contents)

Altamira y Crevea (R.) Historia de la propiedad comunal. Pp. 366. Madrid: Murillo. 4to. 4·50 pes.

Busacca (A.) Storia del diritto dai primi tempi fino all' epoca nostra. Pp. 248. Messina: Gaetana Capra. 4 l.

Chénon (E.) Etude historique sur le defensor civitatis. Pp. 98. Paris: Larose & Forcel. 2·50 f.

Ferrara (F.) Esame storico-critico di economisti e dottrine economiche del secolo XVIII e prima metà del XIX. I, 2. Pp. 717. Turin: Unione tipografico-editrice. 12 l.

Jorissen (T.) Historische bladen. Pp. 427. Haarlem. 4·25 fl.

Metchnikoff (L.) La civilisation et les grands fleuves historiques. Pp. 369. Paris: Hachette. 18mo. 3·50 f.

Prou (M.) Manuel de paléographie latine et française du sixième au dix-septième siècle, suivi d'un dictionnaire des abréviations. Pp. 393, 23 plates. Paris: Picard. 12 f.

Rouard de Card (E.) Etudes de droit international. (Bibliothèque internationale et diplomatique. XXVIII.) Paris: Pedone-Lauriel. 5 f.

Sayous (E.) Etudes sur la religion romaine et le moyen âge oriental. Pp. 304. Paris: Leroux. 18mo. 3·50 f.

II. ORIENTAL HISTORY

Ablaing van Giessenburg (R. C. d'). De l'évolution des idées religieuses dans la Palestine. I. Pp. 182. Amsterdam. 2·50 fl.

Anderson (J.) English intercourse with Siam in the seventeenth century. Map. London: Paul, Trench, Trübner, & Co. 15/.

Cara (C. A. de). Gli Hyksôs o re pastori di Egitto: ricerche di archeologia egizio-biblica. Pp. 385. Rome: tip. dei Lincei. 15 l.

Dutt (R. C.) A history of civilisation in ancient India, based on Sanscrit literature. I, II. Calcutta: Thacker. 8/.

Duval (R.) Le patriarche Mar Jabalaha II et les princes mongols de l'Adherbaidjan. Pp. 44. Paris: Imp. nationale.

Guérin (V.) Jérusalem: son histoire, sa description, ses établissements religieux. Pp. 503. Paris: Plon. 7·50 f.

Helveg (F.) Israelens åndsliv i hjemfærdstiden. I. Pp. 256. Copenhagen. 3·25 kr.

Ibn Khordadhbeh (Abu'l-Kâsim Obaidallah). Kitâb al-Masâlik wa'l-Mamâlik (Liber viarum et regnorum), et excerpta e Kitâb al-Kharâdj auctore Kodâma ibn Dja'far, quae cum versione Gallica edidit, indicibus et glossario instruxit M. J. de Goeje. Pp. 216, 308. Leyden: Brill. 9·50 fl.

Louw (P. J. F.) De derde javaansche successie-oorlog [1746–1755]. Pp. 145. The Hague: Nijhoff. 2·50 fl.

Moritz (B.) Zur antiken Topographie der Palmyrene. Pp. 40; 2 plates. (From the 'Abhandlungen der k. preussischen Akademie der Wissenschaften.') Berlin: Reimer. 4to. 4 m.

Müller (D. H.) Epigraphische Denkmäler aus Arabien. (From the 'Denkschriften der k. Akademie der Wissenschaften.') Pp. 96, 12 plates. Vienna: Tempsky. 4to. 9·60 m.

Müller (W.) Die Umsegelung Afrikas durch phönizische Schiffer ums Jahr 600 vor Christi Geburt. Pp. 121. Rathenow: Babenzien. 3 m.

Possot (maître Denis). Le voyage de la Terre Sainte, achevé par messire Charles Philippe seigneur de Champarmoy et de Grandchamp [1532]: publié et annoté par C. Schefer. (Recueil de voyages et de documents pour servir à l'histoire de la géographie. XI.) Maps, &c. Paris: Leroux. 30 f.

Pressel (W.) Die Zerstreuung des Volkes Israel. IV, V. Pp. 83, 68. Berlin: Reuther. Each 2·80 m.

Records of the Past; being English translations of the ancient monuments of Egypt and western Asia. New series. Edited by A. H. Sayce. II. Pp. 208. London: Bagster. 4/6.

Smith (W. Robertson). The religion of the Semites: the fundamental institutions. Edinburgh: Black. 15/.

Wellhausen (J.) Skizzen und Vorarbeiten. IV: 1. Medina vor dem Islam. 2. Muhammad's Gemeindeordnungen von Medina. 3. Seine Schreiben, und die Gesandtschaften an ihn. Berlin: Reimer. 9 m.

III. GREEK AND ROMAN HISTORY

ALEXANDER the Great, History of, being the Syriac version of the pseudo-Callisthenes. Edited, with translation and notes, by A. W. Budge. Pp. 530. Cambridge: University Press. 25/.

ANDRAE (P.) Via Appia, dens Historie og Mindesmaerker. III. Pp. 210. Copenhagen. 3·50 kr.

ANTONINI Placentini itinerarium, im unentstellten Text mit deutscher Uebersetzung herausgegeben von J. Gildemeister. Pp. xxiv, 68. Berlin: Reuther. 3 m.

BERGER (H.) Geschichte der wissenschaftlichen Erdkunde der Griechen. II: Die Vorbereitungen für die Geographie der Erdkugel. Pp. 150. Leipzig: Veit. 4 m.

DESCHAMPS (L.) Etude sur la constitution politique d'Athènes. Pp. 47. Rouen: imp. Cagniat.

FONTANE (M.) Histoire universelle. VI: Athènes [de 480 à 336 avant Jésus-Christ]. Pp. 520, maps. Paris: Lemerre. 7·50 f.

GAROFALO (F. P.) I fasti dei tribuni della plebe della repubblica romana: introduzione alla storia del tribunato della plebe. Pp. 122. Catania: Galati.

—— I fasti degli edili plebei della romana repubblica. Pp. 23. Catania: Galati.

GROH (K.) Geschichte des oströmischen Kaisers Justin II, nebst den Quellen. Pp. 120. Leipzig: Teubner. 3·20 m.

GURLITT (W.) Ueber Pausanias: Untersuchungen. Graz: Leuschner & Lubensky. 10 m.

INSCRIPTIONUM Latinarum, Corpus, consilio et auctoritate Academiae litterarum regiae Borussicae editum. III: Inscriptionum Illyrici Latinarum supplementum, ediderunt T. Mommsen, O. Hirschfeld, A. Domaszewski. I. Berlin: Reimer. Fol. 17 m.

MOMMSEN (T.) Römische Geschichte. III: Von Sullas Tode bis zur Schlacht von Thapsus. 8th ed. Pp. 711. Berlin: Weidmann. 8 m.

MÜNZEN, Beschreibung der antiken, zu Berlin. II: Paeonien, Macedonien, die macedonischen Könige bis Perdiccas III. Pp. 207, 78 plates. Berlin: Spemann. 20 m.

PLEW (J.) Quellenuntersuchungen zur Geschichte des Kaisers Hadrian, nebst einem Anhang über das Monumentum Ancyranum und die kaiserlichen Autobiographien. Strassburg: Trübner. 5 m.

POLIONIS (C. Asini) de bello Africo commentarius. Ed. E. Wölfflin & A. Miodoński. Plate. Leipzig: Teubner. 6·80 m.

TACITI de vita et moribus Iulii Agricolae liber, ad fidem codicum edidit A. E. Schoene. (Berliner Studien für Classische Philologie, XI. 1.) Pp. 47. Berlin: Calvary. 2 m.

IV. ECCLESIASTICAL HISTORY

AMÉLINEAU (E.) Histoire de saint Pakhôme et de ses communautés: documents coptes et arabes inédits, publiés et traduits par. (Annales du Musée Guimet. XVII: Monuments pour servir à l'Egypte chrétienne au quatrième siècle.) Pp. cxii, 716. Paris: Leroux. 4to. 60 f.

AMIEL (E.) Un libre penseur du seizième siècle: Erasme. Paris: Lemerre. 12mo. 3·50 f.

BERNARD (St.), abbot of Clairvaux, life and works of, ed. by J. Mabillon; transl. by S. J. Eales. I, II. Dublin: Hodges. 24/.

CARTUSIENSIS, Annales ordinis [1084–1429], auctore D. Carolo Le Couteulx Cartusiano nunc primum a monachis eiusdem ordinis in lucem editi. V: [1309–1357]. Pp. 594. Neuville-sous-Montreuil (Pas-de-Calais): imp. Duquat. 4to. 12 f.

CHRODEGANGI (S.) Metensis episcopi [742–766], Regula canonicorum; aus dem Leidener Cod. Voss. Lat. 94 mit Umschrift der tironischen Noten herausgegeben von W. Schmitz. Pp. 26, 17 plates. Hanover: Hahn. 4to. 8 m.

DÖLLINGER (I. von). Beiträge zur Sektengeschichte des Mittelalters. I: Geschichte der gnostisch-manichäischen Sekten. II: Dokumente vornehmlich zur Geschichte der Valdesier und Katharer. Pp. 259, 736. Munich: Beck. 25 m.

DOUAIS (abbé C.) Un nouveau manuscrit de Bernard Gui et des Chroniques des papes d'Avignon. Pp. 40. Paris: Picard. 4to. 2 f.

GAYET (abbé Louis). Le grand schisme d'Occident, d'après les documents contemporains déposés aux archives secrètes du Vatican. Origines. I. Pp. xxxiii, 633. St. Etienne: imp. Boy. 7·50 f.

GRANPRÉ MOLIÈRE (T. B.) Geschiedenis der christelijke kerk van haar onstaan tot aan den vrede van Munster. Pp. 227. Zwolle: Tjeenk Willink. 2·25 fl.

GÜLDENPENNING (A.) Die Kirchengeschichte des Theodoret von Kyrrhos. Pp. 101. Halle: Niemeyer. 2 m.

HAUCK (A.) Kirchengeschichte Deutschlands. II, 1: Die fränkische Kirche als Reichskirche. Pp. 431. Leipzig: Hinrichs. 8 m.

HERZOG (J. J.) Abriss der gesamten Kirchengeschichte. 2te Auflage, besorgt von G. Koffmane. I, 1: Die alte Kirche auf dem Bodem der griechisch-römischen Kultur. Erlangen: Besold. 7 m.

Ignatius (S.) & Polycarp (S.) (The apostolic fathers. II.) Revised texts with introductions, notes, &c., by bishop J. B. Lightfoot. 2nd edition. 3 vol. London: Macmillan. 48/.

Knust (H.) Geschichte der Legenden der heiligen Katharina von Alexandrien und der heiligen Maria Aegyptiaca, nebst unedierten Texten. Pp. 346. Halle: Niemeyer. 8 m.

L'Huillier (abbé J. L.) Saint Libaire et les martyrs lorrains du quatrième siècle. Pp. 405, 447. Nancy: Vagner. 10 f.

Londino-Batavae, Archivum ecclesiae. II: Epistulae et tractatus cum reformationis tum ecclesiae Londino-Batavae historiam illustrantes [1544–1622]. Edidit J. H. Hessels. Pp. xxviii, 1041, plate. Cambridge: University Press. 4to.

Marx (J.) Die Vita Gregorii IX quellenkritisch untersucht. Pp. 59. Berlin: Speyer & Peters. 1·75 m.

Müller (G. A.) Christus bei Josephus Flavius: eine kritische Untersuchung als Beitrag zur Lösung der berühmten Frage und zur Erforschung der Urgeschichte des Christentums. Innsbruck: Wagner. 1·60 m.

Pascalein (E.) Origine du pape Innocent V (Pierre de Tarentaise). Pp. 24. Annecy: imp. Abry.

Pastor (L.) Geschichte der Päpste seit dem Ausgang des Mittelalters. II: Geschichte der Päpste im Zeitalter der Renaissance bis zum Tode Sixtus IV. Pp. 689. Freiburg: Herder. 10 m.

Pressensé (E. de). Le siècle apostolique. Seconde période: l'âge de transition. Pp. 607. Paris: Fischbacher. 7·50 f.

Reuter (H.) Das Subdiakonat, dessen historische Entwicklung und liturgisch kanonistische Bedeutung. Pp. 304. Augsburg: Huttler. 4 m.

Sorof (M.) Die Entstehung der Apostelgeschichte: eine kritische Studie. Pp. 104. Berlin: Nicolai. 1·60 m.

Stokes (Whitley). Lives of Saints from the Book of Lismore, edited by. Oxford: Clarendon Press. 4to. 31/6.

Tertulliani (Quinti Septimi Florentis) Opera ex recensione A. Reifferscheid et O. Wissowa. (Corpus scriptorum ecclesiasticorum Latinorum, editum consilio academiae litterarum caesareae Vindobonensis. XX.) I. Vienna: Tempsky. 15·60 m.

Thomas of Canterbury (S.) An account of his life and fame, from the contemporary biographers and other chroniclers, selected and arranged by the Rev. W. H. Hutton. Pp. 280. London: Nutt. 18mo. 1/6.

V. MEDIEVAL HISTORY

Beaudouin (E.) Etude sur les origines du régime féodal. La recommandation et la justice seigneuriale. Pp. 103. Grenoble: imp. Allier. 4 f.

Brucker (P.) L'Alsace et l'église au temps du pape Saint Léon IX (Bruno d'Egisheim) [1002–1054]. II. Pp. 447, portrait. Strassburg: Le Roux. 3·60 m.

Conrat (M.) Geschichte der Quellen und Literatur des römischen Rechts im früheren Mittelalter. I, 2. Pp. 107–331. Leipzig: Hinrichs. 10·50 m.

Desazars (baron). La conspiration de Gondovald, récits des temps mérovingiens dans la Gaule méridionale. Pp. 143. Toulouse: imp. Chauvin. 4to.

Fustel de Coulanges. Histoire des institutions politiques de l'ancienne France. L'alleu et le domaine rural pendant l'époque mérovingienne. Paris: Hachette. 7·50 f.

Hagenmeyer (H.) Anonymi Gesta Francorum et aliorum Hierosolymitanorum, mit Erläuterungen herausgegeben von. I. Heidelberg: Winter. 8 m.

Jacobi a Voragine. Legenda aurea vulgo historia Lombardica dicta. Ad optimorum librorum fidem recensuit T. Graesse. Ed. III. Breslau: Koebner. 24 m.

Kehr (P.) Die Urkunden Otto III. Innsbruck: Wagner. 7·60 m.

Kötzschke (K. R.) Ruprecht von der Pfalz und das Konzil zu Pisa. Pp. 114. Jena. 2 m.

Levy (A.) Beiträge zum Kriegsrecht im Mittelalter insbesondere in den Kämpfen an welchen Deutschland beteiligt war (achtes bis Anfang des zehnten Jahrhundert). (Gierke's 'Untersuchungen zur deutschen Staats- und Rechtsgeschichte.' XXIX.) Pp. 88. Breslau: Koebner. 2·80 m.

Pflugk-Harttung (J. von). Untersuchungen zur Geschichte Kaiser Konrads II. Stuttgart: Kohlhammer. 2 m.

Romain (G.) Le moyen âge fut-il une époque de ténèbres et de servitude? Pp. 365. Paris: Bloud & Barral. 4 f.

VI. MODERN HISTORY

Alger, Correspondance des deys d', avec la cour de France [1579–1833]; publiée avec une introduction, des éclaircissements, et des notes, par E. Plantet. 2 vol. Pp. lxxv, 560, 619. Paris: Alcan. 30 f.

Arneth (A. d') & Flammermont (J.) Correspondance secrète du comte de Mercy-Argenteau avec l'empereur Joseph II et le prince de Kaunitz. I. Pp. 499. Paris: Hachette. 12 f.

Aubigné (Agrippa d'). Histoire universelle, publiée pour la Société de l'histoire de France, par A. de Ruble. III: [1568–1572]. Pp. 404. Paris: Laurens. 9 f.

Baudrillart (A.) Philippe V et la cour de France [1700–1715]. Paris: Didot. 10 f

Beke (A.) & Barabás (S.) I. Rákóczy György és a Porta. Pp. 905. Budapest.

Fay (general). Souvenirs de la guerre de Crimée [1854-1856]. Pp. 363, plates. Nancy: Berger-Levrault. 6 f.

Fyffe (C. A.) A history of modern Europe. III: [1848-1878]. Pp. 570. London: Cassell. 12/.

Gower (lord R.) Rupert of the Rhine: a biographical sketch of the life of prince Rupert. Portraits. London: Paul, Trench, Trübner, & Co. 6/.

Lane-Poole (S.) The Barbary corsairs. Pp. 316, illustr. London: Unwin. 5/.

Lieven (princess), Correspondence of, and earl Grey. Translated by G. le Strange. Portraits. 2 vol. London: Bentley. 30/.

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Bofarull (M. de). El registro del Merino de Zaragoza el caballero Don Gil Tarín [1291–1312] transcritto y anotado por. Pp. liii, 62. Madrid: Murillo. Fol. 5·50 pes.

Cappa (R.) Estudios críticos acerca de la dominación española en América. III. Pp. 448. Madrid: impr. de Aguado. 3·50 pes.

Calvete de Estrella (J. C.) Rebelión de Pizarro en el Perú y vida de D. Pedro Gasca. II. Pp. 570. (Colección de Escritores Castellanos. LXXVI.) Madrid: Murillo. 5·50 pes.

Danvila y Collado (M.) La expulsión de los moriscos españoles. Pp. 351. Madrid: Fé. 4to. 6 pes.

Glasson (E.) Les institutions primitives au Brésil. Pp. 28. Paris: Picard.

Gómez Vidaurre (F.) Historia geográfica, natural, y civil del reino de Chile. 2 voi. Pp. 351, 352. Santiago de Chile. 30 pes.

Guillén Robles (D. F.) Catálogo de los manuscritos árabes existentes en la Biblioteca Nacional de Madrid. Pp. 334. Madrid: Tello. 4to.

Lafuente (M.) Historia general de España, desde los tiempos primitivos hasta la muerte de Fernando VII. XVIII. Pp. 457. Barcelona: Montaner y Simón. 4to. 6 pes.

Medina (J. J.) Colección de documentos inéditos para la historia de Chile, desde el viaje de Magallanes hasta la batalla de Maipo [1518–1818]. V. Pp. 494. Santiago de Chile: Ercilla. Fol. 21·50 pes.

Quiroga (Antonio de), Vida de. Cartas, relaciones, y otros varios documentos del último tercio del siglo décimosesto referentes al Peru y Chile. (Colección de documentos inéditos para la Historia de España. XCIV.) Pp. 610. Madrid: Murillo. 4to. 13 pes.

XV. SWISS HISTORY

Jaccard (E.) L'église française de Zurich: une page d'histoire du grand refuge. Pp. 425. Zurich: Höhr. 3·50 f.

Van Muyden (B.) Essais historiques: la Suisse sous le pacte de 1815 [1813–1830]. Paris: Fischbacher. 8 f.

XVI. HISTORY OF THE UNITED STATES OF AMERICA AND OF CANADA

Abbott (W.) Battlefields of 1861: a narrative of the military operations of the war for the Union up to the end of the peninsular campaign. Pp. 356, illustr. New York. 15/.

Adams (H.) History of the United States of America during the first administration of Thomas Jefferson. 2 vol. Pp. 446, 436. New York: Scribner. 12mo. $4.

Bancroft (H. H.) History of the Pacific States of North America. XXI: Utah [1540–1886] .Pp. 808. San Francisco: The History Company.

Cooley (judge T. M.), Hitchcock (hon. H.), Biddle (hon. G. W.), Kent (C. A.), & Chamberlain (hon. D. H.) Constitutional history of the United States as seen in the development of American law: a course of lectures. Pp. 296. New York: Putnam.

Dyer (O.) Great senators of the United States forty years ago. Pp. 316. New York: Bonner. 16mo. $1.

Jameson (J. F.) Essays in the constitutional history of the United States in the formative period [1775–1789], edited by. Pp. 322. Boston: Houghton, Mifflin, & Co.

Johnston (A.) The United States, its history and constitution. Pp. 286. New York: Scribner. 12mo. $1.

Kingsford (W.) The history of Canada. III. [1726–1756]. Pp. 580, maps. London: Trübner.

Munro (J. E. C.) The constitution of Canada. Pp. 390. Cambridge: University Press. 10/.

Contents of Periodical Publications

I. FRANCE

Revue Historique, xlii. 1. *January*—G. Cavaignac: *The social condition of Prussia down to the accession of Frederick William III* [1797]; the rural population and serfdom [chiefly from the 'Publicationen aus den k. preussischen Staatsarchiven'].——F. Funck-Brentano: *The Bastille according to its archives.* I: The materials [giving a favourable picture from documentary evidence of the normal administration of the prison, with particulars of the conditions of life there, of the procedure connected with *lettres de cachet*, &c.].——C. V. Langlois: *The beginnings of the parliament of Paris* [examining its growth out of the *curia regis*, with a comparative study of the analogous development of the English courts].══2. *May*—A. Waddington: *The relations of France with the German protestants in the reigns of Charles IX and Henry III,* studied in connexion with the lives of Hubert Languet and Gaspard de Schomberg.——F. Funck-Brentano: *The Bastille,* concluded [describing the medical attendance, &c., the changes in the administration during the eighteenth century and gradual disuse of the prison, and the final surrender to the mob]; with two documents explaining *a scheme for the demolition of the prison* [on the ground of its expense and small practical utility], drawn up by the governor du Pujet [1788].——L. Farges: *The temporal power at the beginning of the pontificate of Gregory XVI* [from Stendhal's unpublished correspondence.

Revue des Questions Historiques, xlvii. 1.—P. Allard: *The beginnings of the persecution of Diocletian.*——G. Kurth: *The history of Chlodovech according to Fredegar* [maintaining that the chronicler had no written sources to go upon for this history excepting the work of Gregory of Tours, and that his additions are derived entirely from popular tradition. Much of the argument is a criticism of the divergent view held by Ranke, 'Weltgeschichte,' iv.].——A. Baudrillart: *The political activity of Madame de Maintenon during the latter years of Louis XIV* [1700-1715].——V. Pierre: *Marie-Antoinette at the Conciergerie* [holding that she was really attended by the abbé Charles Magnin].——E. Ledos: *Fustel de Coulanges.*

Revue d'Histoire Diplomatique, iv. 1.—A. Vandal: *The instructions given by Napoleon to Caulaincourt after the peace of Tilsit* [now first published in full. Napoleon admitted three modes of solving the Eastern question. The first and most desirable was the preservation of the integrity of Turkey; the second, the annexation of Moldavia and Wallachia by Russia, and the compensation of France by the annexation of Silesia; the third a joint agreement with the emperor Alexander for the equitable protection of the Turkish empire].——*Letters of Talleyrand to Madame de Staël in* 1793, from the archives of the Château de Broglie [valuable for the light thrown on the views of the liberal party amongst the *émigrés*].——R. Billard des Portes: *The preliminaries of the interview at Erfurt* [a sketch of the diplomatic relations of France and Russia from December 1807 to September 1808], with many documents.

Annales de l'Ecole Libre des Sciences Politiques, v. 1.—M. Chotard: *The financial work of M. de Villèle.*——A. Lebon: *The institutions of Prussia* [reviewing the parliamentary, local, and administrative institutions of Prussia, and concluding that it has not adopted any definite political system, but contented itself with expedients and half-measures.]——C. de Lomenie: *The preliminaries of the 'séance royale' of June* 23, 1789 [proving that the changes made in the king's declaration, as originally drawn up by Necker, were due, not to the influence of a court cabal on the king, as Necker himself states, but to the opposition the scheme met with in the council itself].——*Classified bibliography of the diplomatic history of Europe from* 1648 *to* 1715 [drawn up by members of the École Libre under the direction of A. Sorel].

Bulletin de la Société de l'Histoire du Protestantisme Français, xxxviii. 11, 12. *Nov.-Dec.*—N. Weiss: *The sessions of* 2 *and* 3 *August* 1789 *of the national assembly.*——C. Couderc prints *reports on the huguenot emigration to Germany and the condition of*

the refugees in 1782; two articles.——E. Arnaud: *Guillaume Rabot de Salène*, a humanist of the sixteenth century.——F. Teissier prints *a memorial of the protestants of Albigeois* [1563]. ══**xxxix. 1.** *January.*—H. Hauser prints *documents relating to the establishment of the college at La Rochelle* [1571–1582].——C. Couderc prints *a report on the huguenot emigration to Bern and the condition of the refugees in* 1780.══**2.** *February*—C. Pascal: *The huguenot emigration from La Rochelle* [1681], with documents.——Baron F. de Schickler prints *documents relating to the reception of huguenot refugees into the churches of the Savoy and of Hungerford in London*, with lists [1684–1733].

Revue Critique d'Histoire et de Littérature. *Dec.* 9.—G. Maspero: *The inscriptions of Siût and Der Rîfeh* [from F. L. Griffith's edition].

Revue de Cavalerie. *December—Descorches de Sainte-Croix*, 1782-1810 [an account of the surprising career of this officer, whose military service began in 1805, and who was slain in 1810, when brigadier-general, just when he was about to be nominated to a division. ══*January—History of the* 6*th cuirassiers* ['le Roi-Cavalerie'] *and of the* 7*th cuirassiers* ['Royal-Étranger'].══*February—History of the* 8*th cuirassiers* ['les Cuirassiers du Roi'], *the* 9*th cuirassiers* ['Artois-Cavalerie'], *and the* 10*th cuirassiers* ['Royal-Cravates'].——*Concerning a raid of French dragoons into the Low Countries in* 1712 [an expedition of Jacob Pasteur, the celebrated *partisan*, towards Bergen-op-Zoom, with 500 dragoons, to pillage the town of Tholen, in reprisal for a like raid made by Grovenstein into Champagne].

II. GERMANY AND AUSTRIA

Sybel & Lehmann's Historische Zeitschrift (Munich), **lxiii. 1.**—A. Kluckhohn: *Reply to J. Janssen* [on the question of the commercial policy of the German towns, 1521–1524].——P. Hinneberg: *The philosophical principles of historical science.*——W. Michael: *Oliver Cromwell and the expulsion of the long parliament* [examining the materials, laying special stress upon the evidence of Whitelock, and producing a speech of Cromwell's, which the writer believes to be genuine, from the 'Annual Register' of 1767. (compare, however, the 'Hist. Jahrb.' xi. 39 and the 'Acad.' 22 March 1890). A narrative of the events follows].——P. Zimmermann prints *four letters of the duchess Elizabeth Charlotte of Orleans to the dukes Anton Ulrich and August Wilhelm of Brunswick* [1714–1718].——*Extract from a memoir of Hassenpflug* addressed to Frederick William III [October 1837].

Historisches Jahrbuch der Görres-Gesellschaft (Munich), **xi. 1.**—F. Jostes: *The writings of Gerhard Zerbolt van Zutphen* [1367-1398] '*de libris Teutonicalibus*' [probably spurious], with a document *on the lawfulness of the reading of the Bible by the laity in the vernacular.*——A. Zimmermann: *On the character of Cromwell.*——S. Bäumer: *Survey of liturgical literature in the* 19*th century.*——F. X. Funk: *The papal list in Epiphanius* '*adv. Haer.*' *xxvii.* 6 [disputing Lightfoot's tracing of it to Hegesippus].——G. Orterer: *The* '*Monumenta Germaniae Paedagogica.*'

Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde (Hanover), **xv. 2.**—W. Gundlach: *The claims of the sees of Arles and Vienne to the primacy of Gaul*, third article: *The development of the Gallican primacy*; with appendices *on the importance of the* '*Epistolae Arelatenses,*' and *on the subscriptions in the acts of Gallican synods.*——F. Kurze: *The manuscripts and the sources of the chronicle of Regino and his continuator* [describing minutely the manuscripts and examining their relation, enumerating the sources, existing and lost, from which Regino and his continuator derived their materials, and accepting the identification of the latter with Adalbert archbishop of Magdeburg].——L. von Heinemann: *The oldest* '*Translatio S. Dionysii*' [known hitherto only from Arenpeckh's 'Chron. Baioar.'], printing the text from a manuscript at Wolfenbüttel.——P. Kehr: *The purple diploma of Conrad III for Corvei* (Stumpf, 'Reg.' 3543) [arguing that it is not a production of the imperial chancery].——E. Sackur: *On Peter de Ebulo* [examining his illuminated manuscript at Bern].——L. Wieland prints *verses on Frederick I* and *a hymn to S. George* from a Stuttgart manuscript.——J. Werner prints a number of *Latin poems of the twelfth century* from a Zürich manuscript.——E. Friedländer prints *an unpublished document of Conrad IV* [1244].——L. M. Hartmann: *On the chronology of the letters of Gregory the Great* [upholding Paul Ewald's method against J. Weise's].

Bayerische Akademie der Wissenschaften zu München. Abhandlungen der historischen Classe, **xix. 1**—K. T. Heigel: *The revolution in Bavarian policy* [from the French to the imperial connexion] in the years 1679–1683; with twenty-nine documents [8 April–4 Oct. 1681].——F. Stieve prints *thirty-six*

letters of the house of Wittelsbach, continued [10 April 1596; 3 Jan., 20 Dec. 1598; 9 Aug., 25 Nov. 1599; 3 Feb., 16 July–31 Dec. 1600], with full introduction, appendices, and index.

Sitzungsberichte der philos-philol. und hist. Classe, **1889, ii. 1.**—R. Schöll: *The phratriae of Cleisthenes* [making use of the recently recovered Decelean inscription of the Demotionidae].——F. von Reber: *Luciano da Laurana*, the founder of mature renaissance architecture.——J. Fink: *On a Roman inscription in the church at Hausen near Dillingen.*

Archiv für Oesterreichische Geschichte (Vienna), **lxxiv. 2.**—W. Milkowicz: *The religious houses in Carniola*, a contribution to the history of the Austrian monasteries; with excursuses on the medieval monastic archives and on the legends of the foundation of monasteries.

Mittheilungen des Instituts für Oesterreichische Geschichtsforschung (Innsbruck), **xi. 1.**—G. Wolfram: *The diploma of Lewis the German* [25 Nov. 875] *for the convent of St. Glossinda at Metz* [decided to be a forgery of the twelfth century, composed probably with the object of obtaining the bull of Innocent II of 1139].——E. Winkelmann: *The legation of Otto, cardinal deacon of St. Nicolas, to Germany* [1229–1231; fixing its beginning in the early months of 1229 (not the summer of 1228) and the date of the cardinal's journey to Denmark in the summer (not autumn) of 1230; maintaining that the notice of a synod held by him at Mentz has arisen through a confusion of names, the synod actually held by him having been at Würzburg early in 1231; and showing that he quitted Germany later than 15 April 1231], with an itinerary and a document [Metz, 24 Jan. 1230].——H. von Voltelini: *The attempts of Maximilian I to gain the imperial crown* [1518], first article [down to the mission to Rome of bishop Erasmus of Plock].——E. von Ottenthal describes *a memoir written by an unknown writer* [1684–1688], apparently connected with the papal curia, suggesting schemes for raising money for the emperor Leopold I [with an account of the financial difficulties of the reign].——J. Donnabaum describes *the draught-books of the fourteenth century in the Vatican archives* [with particulars of the method according to which papal documents were prepared and transcribed, and other details of the secretarial system], with a facsimile.——P. Scheffer-Boichorst: *The collection of cardinal Deusdedit and the countess Matilda's donation* [maintaining that the absence of any mention of the latter in the collection is not fatal to the existence of the countess's alleged grant to Gregory VII].——A. Schulte: *On the life of Jakob of Mentz* [the supposed author of part of the chronicle attributed to Matthias of Neuenburg], and on *the books of confraternities of St. Gallen and Reichenau.*——P. Scheffer-Boichorst: *J. Friedrich's hypothesis concerning the date and composition of the donation of Constantine.*——A. Luschin von Ebengreuth: *On the history of the Italian universities* [a review of recent works on the subject].

Delbrück's Preussische Jahrbücher (Berlin), **lxv. 1.** *January*—H. Delbrück: *The rule of Frederick William IV.*——B. Gebhardt: *On the history of the templars* [from Prutz's work].==**2.** *February*—W. Kawerau: *Thomas Murner and his 'Narrenbeschwörung.'*——F. H. Reusch: *The redemptorists and the jesuits.*——O. Harnack: *Note on the prince-primate Dalberg*, from letters of the Freiherr von Plessen.==**3.** *March*—A. Harnack: *Legends as materials for history* [a lecture].——W. Lang: *Minghetti's memoirs.*

CHURCH HISTORY

Brieger's Zeitschrift für Kirchengeschichte (Gotha), **xi. 2.**—E. Lempp: *St. Anthony of Padua.* I: The legends and materials for his biography.——O. Winckelmann: *On the importance of the treaties of Kadan and Vienna* [1534–1535] *for the German protestants* [with the text of the latter].——A. Kleinschmidt: *Hamman von Holzhausen* of Frankfurt [1467–1536].——W. Altmann: *The attitude of the German nation at the council of Basle with respect to the proposal of levying a tenth in order to provide the means for a union with the Greek church*, with documents.——P. Tschackert: *On the correspondence of Martin Luther* [particularly with Hochmeister and Albert of Prussia]; printing or calendaring forty-four letters.——R. Fester: *The religious ordinances of margrave Philipp of Baden* [1522–1533], with the text of eleven such documents.

Dove & Friedberg's Zeitschrift für Kirchenrecht (Freiburg), **xxii. 3. 4.**—K. Panzer: *The decree of Nicolas II touching elections and his encyclical, 'Vigilantia universalis'* [dating the latter not in 1059 but in 1060, and maintaining the position that the royal rights admitted in the first document were intentionally passed over in silence in the second].

Denifle & Erhle's Archiv für Literatur- und Kirchen-Geschichte des Mittelalters (Freiburg), **v. 3.**—H. Denifle: *The birthplace of master Eckehart* [proved from an Erfurt manuscript to be Hochheim, further evidence showing this Hochheim to be the village of the name north of Gotha], with the text of

an early sermon preached by Eckehart at Paris.——THE SAME: *Materials for the literary history of the Carmelites in the thirteenth and fourteenth centuries*; printing three treatises by Johannes Trisse [† 1363]: (1) a list of *masters of theology* of the Carmelite order *at Paris* [1295–1360], with biographical notices; (2) a list of *priors general* of the order [1271–1361], also with notices; (3) a list of *general chapters* of the order [1259–1361].——F. EHRLE prints the substance of *the acts of the council of Perpignan* [1408], omitting the account of the negotiations with Gregory XII [the whole was previously unpublished, with the exception of the *informatio seriosa* relating the siege of the palace at Avignon and the text of the treaty of Château-Renard, and these were either incompletely or incorrectly printed or else offer a divergent recension. The present edition is taken from an official copy drawn up in Benedict XIII's chancery. Father Ehrle adds a criticism of Froissart, proving *inter alia* that it was not the marshal Boucicaut who besieged the antipope, but his brother Geoffroy le Meingre; and gives further illustrative documents].

Zeitschrift für Katholische Theologie (Innsbruck), **xiv. 1.**—P. VON HOENSBROECH: *The pseudo-Cyprianic treatise 'de aleatoribus' and its testimony to the primacy of the Roman bishop.*——A. ARNDT: *The oldest Polish bishoprics* [from the tenth to the twelfth century].——J. HELLER prints the *constitutions of the diocesan synod of Passau of* 1435.——E. MICHAEL: *Papal elections and the temporal power* [in Carolingian times; a review of recent literature].

MILITARY HISTORY

Jahrbücher für die Deutsche Armee und Marine (Berlin), **lxxiii. 3.** *December*—Major KUNZ: *The campaigns of field-marshal Radetzky in upper Italy,* 1848 *and* 1849 [chiefly a tactical study; continued in the two following parts].══**lxxiv. 1.** *January—In Frederick's days* [a sketch from the seventeenth volume of the political correspondence of Frederick the Great].══**2.** *February—Admiral Lord Nelson as a naval commander* [based chiefly on the works of Campbell and Jurien de la Gravière].

Organ der Militär-wissenschaftlichen Vereine (Vienna), **xxxix. 6.**—A., Chevalier MINARELLI-FITZGERALD: *The first campaigns of the French revolution* [a study in detail of the forces, their strength, commanders, actions, &c.]

III. GREAT BRITAIN AND IRELAND

Archæological Review, iv. 6. *January*—D. MAC RITCHIE: *Earth-houses and their inhabitants.*——G. L. GOMME: *The conditions for the survival of archaic custom.*——M. BURROWS: *The antiquity of the Cinque Ports charters* [against J. H. Round's criticism].

Church Quarterly Review, No. 58. *January—English monasticism in the sixteenth century* [giving evidence tending to modify F. A. Gasquet's favourable judgment of the state of the monasteries at the time of the suppression].——*Dr. Farrar's 'Lives of the Fathers'* [critical].

Dublin Review. 3rd Series. No. xlv. *Anglicanism and early British Christianity* [on the connexion of the latter with Rome].——J. MORRIS, S.J.: *Mr. Gladstone and blessed John Fisher* [on the question of the royal supremacy].

Edinburgh Review, No. 349. *January—The life of lord John Russell.*——*The conquest of Algeria,* second article.——*Count Vitzthum von Eckstädt's 'London, Gastein, and Sadowa.'*——*Democracy in Switzerland* [a constitutional study, based on sir F. O. Adams's work].——*Eléonore d'Olbreuze, duchess of Zell*].

Quarterly Review, No. 339. *January—Sir John Hawkwood and Italian condottieri.*——*Alexander I of Russia and the Poles* [based partly on the memoirs of prince Adam Czartoriski].——*The church in Wales* [dealing with the history of the church and its present condition, and with the rise and decline of nonconformity in the principality].——*Haddon Hall* [in connexion with the history of the house of Rutland].——*Extradition.*——*Early christian biography* [with a survey of the characteristics, arrangement, &c., of the leading church histories from the Magdeburg Centuriators and Baronius downwards].

Scottish Review, No. 29. *January*—J. C. HADDEN: *Ecclesiastical music in presbyterian Scotland* [down to the last century].——*The prehistoric Levant* [on recent discoveries and theories relating to the early history of Egypt, Assyria, &c.].——*The vikings* [on P. B. du Chaillu and V. Rydberg's works].——*The capture of Versailles,* translated from the 'Moniteur' of 9–12 Oct. 1789.

IV. ITALY

Archivio Storico Italiano (Florence), **5th ser. iv. 1.**—G. FILIPPI prints extracts from the *additions to the statute of the Art of Calimala* at Florence [1301–1302] made between 1303 and 1309.——J. BICCHIERAI: *Antonio di Noceto*

[who held important posts in the service of Nicolas V, Calixtus III, and Pius II].——F. GABOTTO prints *documents on Filelfo's third residence as professor at the university of Bologna* [1471].

Rivista Storica Italiana (Turin), vi. 4.—G. ROBERTI: *Charles Emmanuel III and Corsica in the time of the war of the Austrian succession.*——G. OCCIONI-BONAFFONS: *The republic of Venice at the eve of the French revolution.*

Archivio Storico per le Province Napoletane, xiv. 3, 4.—N. BARONE: *Historical notes extracted from the registers of the court in the Angevin chancery*, continued [9 Nov. 1494–27 Jan. 1495].——F. GABOTTO: *Girolamo Tuttavilla, a warrior and man of letters of the fifteenth century* [with documents from the archives at Milan].——M. SCHIPA: *Charles Martel* [the claimant to the crown of Hungary]; third article: *The beginning of his government at Naples* [1289–1290], with the text of the 'capitula et statuta super regimine regni' of 26 Sept. 1290.——A. G. SAMBON: *The coins of the Neapolitan duchy* from the seventh to the twelfth century; with a plate.——L. RICCIO: *The eruption of Vesuvius in* 1631: letters, &c., with a bibliography.——B. CROCE: *The theatres of Naples* from the fifteenth to the eighteenth century.——B. CAPASSO: *The Vicaria vecchia* [or ancient law-court] *at Naples*, continued.——G. FILIPPI prints the instruments of *a treaty between Roger II and Savona* [May 1128].——*Description of charters* [1234–1253] formerly belonging to the family of Fusco; continued (Nos. clxxi–cxcv.)

Archivio Storico della R. Società Romana di Storia Patria, xii.—O. TOMMASINI: *Documents illustrating the diary of Stefano Infessura.*——G. TOMASSETTI: *On the Roman Campagna*, continued from vol. xi.——E. STEVENSON prints seventeen *documents from the cathedral archives at Velletri* [c. 946–1167-9].——A. BELLUCCI: *The album of the 'capitani del popolo' of the commune of Rieti* in the last quarter of the fourteenth century.——E. MONACHI: *On the Italian 'Liber ystoriarum Romanorum'* [describing the Hamburg MS. of the work and its relation to other manuscripts, from which it is distinguished by its illuminations], with facsimiles.——G. B. DE ROSSI prints *a charter to the church of Arezzo* [1051], with notes.——G. LUMBROSO: *The 'academics' and their inscriptions in the Roman cemeteries* [some dated between 1475 and 1490. The writer considers the pagan expressions here to mean nothing more than a fanciful exaggeration of superfine language, and attempts the identification of the persons disguised under classical names].——G. LEVA prints *eighteen documents* [1216–1228], *illustrating the register of cardinal Ugolino of Ostia, legate in Tuscany and Lombardy*, with a narrative introduction.——G. CUGNONI prints *the autobiography of G. Antonio Santori, cardinal of S. Severina*; first part [1532–1582].——F. CERASOLI prints a *list of the offices of the Capitol* [1629], and a *note of the jewels received by Francis I for the duchess of Orleans* [1535], with an inventory and valuation.

V. RUSSIA

(Communicated by W. R. MORFILL)

The Antiquary (Starina).—*December*—J. OREUS: *The year* 1812 *as described by Count Rostopchin* [many interesting details of the occupation of Moscow by the French; only portions of this manuscript had previously been utilised].——T. DAGAEV: *At Telish in the year* 1877 [in the Turco-Russian war].——Prince P. PUTIATIN: *Alexander Sestavin*, 1780-1858 [a soldier of the war of 1812. By informing Kutuzov that Napoleon had retreated from Moscow in the direction of Kaluga, he enabled the former to meet the invaders at Maloyaroslavets, where they were defeated and forced to take the road to Smolensk].——*The emperor Nicholas on the eve of the Crimean war* [describing the attempts of Nesselrode and Orlov to divert him from his purpose].——*The five hundredth anniversary of the introduction of firearms into Russia* [first used in the time of the grand-duke Dmitri Donskoi].——*January*—N. SCHILDER: *The relations of Russia to Europe in the reign of Alexander I*, continued.——Prince N. GOLITSIN: *The battle of Indesalmi, in Finland*, 15 *Oct.* 1808 [and the quarrels between the two commanders, Tuchkov and Dolgorukov, the latter of whom was killed].——P. STEPANOV: *Moscow during French occupation in* 1812: *recollections of an eyewitness* [from the papers of G. Kozlovski].——ANNA ZOLOTUKHIN: *Recollections of the year* 1812, continued.——*January–February*—*Memoirs of Vladimir Dehn*, [1823–1888], part I.——V. TOLSTOI: *Count Nichŏlas Muraviev-Amurski in the years* 1848–1861.——*A sketch of general count Ignatiev.*——*February*—N. SCHILDER: *Russia and the Russian court in* 1839, continued.——*Count Alexander Adlerberg* [containing anecdotes of the emperor Alexander II].——D. MAMIN: *The convicts* [sketches of Siberian life].

The Historical Messenger (Istoricheski Viestnik).—*December*—*Selections from the memoirs of S. Bronevski* [recollections of Georgia and Siberia]. —— N. DOBROTVORSKI: *Nicholas Khmelnitski*, 1789–1846 [sometime governor of Smolensk, author of some plays which enjoyed considerable reputation in their time].——N. POTTO: *Polish exiles at Orenburg* [story of a supposed conspiracy among the exiles who had been sent there after the insurrection of 1831]. —— *The five hundredth anniversary of the introduction of firearms into Russia.*=== *January-February*—V. ZOTOV: *Petersburg in the forties.*——K. BOROZDIN: *Recollections of N. Muraviev* [dealing with his career in the Caucasus].——A. KUSTCH: *The Radistchev museum at Saratov* [founded in honour of Alexander Radistchev, whose liberal opinions caused him to be exiled to Siberia in the time of Catherine II]. ===*February*—M. PHILIPPOV: *Russia and the German powers* [1840–1860]. ——N. KUTEINIKOV: *The fate of the western provinces* [dealing especially with the conversion of the inhabitants to catholicism, the Uniates, and the return of many of the Uniates to the Orthodox communion].

Journal of the Minister of Public Instruction (Zhurnal Ministerstva Narodnago Prosviestchenia).—*December*—V. ALEXANDRENKO: *The part taken by the English privy council in the diplomatic relations between England and Russia* 1556–1649 [full of curious information based upon researches in England]. ——P. BOBROVSKI: *The Russian Greco-Uniate church in the reign of Alexander I*, concluded.——V. VASILIEVSKI: *Survey of works on Byzantine history*, continued: [enumerating the chief authorities with criticisms]. === *December, January, February*—FILEVICH: *Struggle between Poland and Lithuania for the succession in Galicia.* === *January* — T. USPENSKI: *The patriarch John VII and an early mention of Russia* [explanation of an obscure passage in Simeon Magister's 'History of Leo,' vii. 13].—— *February*—I. TIKHOMIROV: *The first chronicle of Pskov after the fall of Pskov* [showing how Pskov fared after it had been incorporated with the principality of Moscow]. —— A. MARKEVICH: *A book of pedigrees, razriadnaia kniga, in the national library at Paris* [giving the pedigrees of Russian nobles and the offices which they or their ancestors had held. This MS. had been insufficiently described by Stroyev and Martinov].——V. LATISHEV: *Contributions to the history of the city of Olbia.*

VI. SPAIN

Boletin de la Real Academia de la Historia, xv. 4. *October*—J. PALOMINO describes the *episcopal palace of Uclès*, and J. M. ESCUDERO DE LA PEÑA gives a sketch of the history of its *archives*, relating chiefly to the order of Santiago. ——F. FITA prints documents [1482–1494] relating to the *Inquisition and the Jews at Jerez de la Frontera*, and a list from S. Tomás de Ávila of 102 heretics burnt and 82 sambenitos [1490–1629].—— WENTWORTH WEBSTER gives the *procès verbal* respecting *sacrilege committed on the holy sacrament* by a Portuguese woman *at St. Jean de Luz.*——L. JIMENEZ DE LA LLAVE prints a *letter of Catherine of Aragon* [Greenwich, 18 July 1507].===**5.** *November*—F. DANVILA: *The transactions of the Cortes of Madrid* [1621].——F. CODERA: Notices of the *family of Tochihies.*——F. FITA prints *bulls of Sixtus IV and Innocent VIII relating to the inquisition and the Spanish Jews* [showing the transition from the old to the new system].===**6.** *December*—M. DANVILA: *The Cortes of Madrid* [1623–1629].——J. RIVERA: *Arabic inscriptions and designs from a chapel at Xara*, converted from a mosque.——F. CODERA: *The Banu Hud*, kings of Zaragoza, Lérida, Catalayna, and Tudela.——F. FITA: *Bulls of Innocent VIII and Alexander VI relating to the inquisition.*——*Map of Roman roads between Toledo and Merida.*——Plate of a *statue of a woman found in the Roman ruins of Iruña.*

VII. UNITED STATES OF AMERICA AND CANADA

Magazine of American History.—*January*—Hon. G. W. HAZLETON: *Federal and anti-federal* [dealing with constitutional questions raised by the Kentucky resolutions of 1798].——Hon. J. W. GERARD: *The impress of nationalities on the city of New York* [sketching the history of the component elements in its population].——G. M. PAVEY: *American republics*, their differences [noting briefly the characteristic peculiarities of the republics of South America].===*February*—C. K. ADAMS: *Recent historical work in the colleges and universities of Europe and America* [address at the meeting of the American Historical Association, 28 Dec. 1889]. —— J. SCHOULER: *The spirit of historical research.*——J. L. HEATON: *Vermont*, and its admission to the union.——G. M. PAVEY: *Modern state institutions.*

Toronto University Studies in Political Science, i. 1.—J. M. MCEVOY: *The Ontario township.*

THE ENGLISH HISTORICAL REVIEW

NO. XIX.—JULY 1890

The Seven Liberal Arts

THE term *liberales artes* is good Latin. Cicero employs it, and this is enough, though it is not very common in classical authors. If we look to the etymology alone, the epithet *liberalis* denoted that which was proper for a free man in contradistinction to that which was suitable for a slave; but it had acquired most of those secondary meanings which are retained in our word 'liberal' now when there are no slaves. A liberal education is a gentleman's education, and the *liberales artes* were the gentlemanly arts. In course of time a change occurred. When we come down to the period known as the Middle Ages, we find that the term 'liberal arts' had acquired a technical meaning, and that certain arts which were undoubtedly 'gentlemanly' were no longer 'liberal.' The term *liberales artes* was therefore in the medieval sense a technicality. The liberal arts were grammar, rhetoric, logic, arithmetic, geometry, astronomy, music; and certain arts were omitted which could not be stamped as illiberal. Poetry is the most notable omission. The poetic art stood at the head of the gentlemanly arts, but was not a liberal art in the Middle Ages. So far we have only a curious verbal question, but this verbal question is almost one with an obscure historical question. Most who have received a 'liberal education' know that the seven liberal arts were the peculiar property of the faculty of arts in the European universities; and students of history know that our universities of Oxford and Cambridge were constructed in this and in some other respects after the pattern of the university of Paris. Other continental universities which came into existence when the university of Paris was already famous imitated her in like manner; and the theory that a liberal education included a knowledge of grammar, rhetoric, logic, arithmetic, geometry, astronomy, and

music, thus ratified by the highest authorities, has in various ways, which it would be out of place to analyse here, greatly influenced all modern civilisation. There is, therefore, a *prima facie* presumption that the original author of the list of seven arts not only succeeded in giving a peculiar twist to the meaning of the word 'liberal,' but ultimately coloured all modern thought; yet, strange to say, we know not who he was. One thing is certain. The arbitrary medieval limitation was fully established in the beginning of the seventh century; that is to say, long before the rise of the universities.

Isidore of Seville wrote on the seven arts, and added a dissertation on medicine, in which he has observed that many persons were much puzzled to understand why medicine was not a liberal discipline. Obviously, it was an extraordinary phenomenon that medicine should not be a liberal art when the profession of medicine was legally a liberal profession. If a pre-medieval author had been asked to draw up a list of the liberal arts, it is probable that he would have named poetry first and then medicine, for passages abound in classical authors which prove how highly the art was honoured. Cicero, in his 'De Legibus,' has given a catalogue of human beings who had rightly received divine honours because they had, while they lived on earth, surpassed their fellow-creatures in excellence. Aesculapius is one of these. Ausonius, in some lines which are published with his epigrams, describes his father's profession as follows: 'My father took to medicine—the only one of the disciplines which has produced a deity.'[1] The deity was Aesculapius; and here I must beg the reader to take note of the fact that Ausonius apparently was acquainted with some list of disciplines which included medicine. It is not likely that he would have affirmed so positively this peculiar distinction of the science of medicine, if the remaining disciplines were, in his opinion, a list which might be indefinitely extended. St. Augustin has, though in a different spirit, asserted the dignity of Aesculapius, and consequently the dignity of the science of which Aesculapius was the patron. The saint comments in scornful words on the absurd notion that a god could be imported into a country as if he were a piece of merchandise. The Romans had paid this doubtful honour to Aesculapius. Other evidence could easily be given, if it were necessary, to prove that in the classical or pre-medieval period medicine was a liberal 'art' or 'science' or 'discipline;' and it must be observed that the point in Isidore's discussion is precisely the fact that properly medicine was a liberal art, and the question was why it was not technically a liberal art. Isidore, pretending to account for this, makes the problem more obscure than it was without his explanation. There are, according to him,

[1] . . . Genitor studuit medicinae,
Disciplinarum quae dedit una Deum.

two philosophies,[2] of which one deals with the immaterial, the other with the material. Medicine, of which the end is to produce a bodily good, belongs to the second philosophy, and therefore must not claim for itself the right to stand by the side of grammar and the other arts which were invented for the good of the mind. He should, however, have told us who robbed a whole department of philosophy of the attribute of liberalism, instead of simply saying that other studies besides medicine had been ill used. If he had consulted ancient Rome or Athens, he would have found that all philosophy, whether first or second, was liberal. But while we find that some time previous to the seventh century the liberal arts had completely established their right to the motto 'We are seven,' there is in the writings of Seneca conclusive evidence that this arbitrary limitation was not known in his time. He has expressly declared that medicine was a liberal art,[3] and has in his 'Epistolae Morales' denied that painting and statuary were liberal arts, indicating by his phraseology that this was a matter of opinion. His words are, 'I will not be induced to admit that painters or sculptors practise a liberal art, or the other ministers of luxury. I keep out in like manner wrestlers and all whose skill is combined with mud and oil. If these are to be admitted, I should admit anointers, cooks, and others who employ their talents for our gratification.'[4] It had never occurred to Seneca that the liberal arts were seven, and he in a question of this kind is unimpeachable authority for the opinions of the first century after Christ. The period is thus defined to some extent in which the famous list was formulated. It was certainly after Seneca's time. I have, however, referred to his statement about the liberal arts for another reason. Scholars and historians who have investigated the origin of the medieval list have studied ancient authors with a determination to find it, and have succeeded in finding it in them. This discussion, which proves that Seneca did not know the list, has been labelled 'De Septem Liberalibus Artibus,' and Ritschl,[5] who mentions this, has, I think, in one or two places made the mistake against which it should have warned him.

The first question which presents itself is, Why were the liberal arts so few, and why were arts which were properly liberal excluded from the list? The second is, Why were the liberal arts

[2] The first philosophy might be subdivided into rational and moral philosophy, and the classification of the three philosophies thus formed was more famous and popular than the classification which Isidore here cites. In the *Bourgeois Gentilhomme* the philosopher first terrifies Monsieur Jourdain with a description of logic as representing the first philosophy, then submits moral philosophy, and lastly physical. The point is now lost on the audience in the Théâtre-Français, but was perhaps intelligible in the seventeenth century.

[3] V. Ritschelii *Opuscula Philologica*, iii. 366.

[4] *Epistolae Morales*, lib. xiii. ep. 3; ed. Teubner.

[5] *Opuscula Philologica*, iii. 355.

so many, and why did the founders of the European universities patronise such a complicated scheme of education? Theory and fact do not always go hand in hand together, and the academic theory does not correspond to historical facts. The theory, however, was that the first three arts were an introduction to the latter four, and that a master of arts was not simply one who could pass an examination in the four which composed the *quadrivium*, but was one who was qualified to teach them. We know well that at the present day anyone who were to take for granted that an M.A. could give instruction in arithmetic, geometry, astronomy, and music, because the M.A. has obtained a certificate of proficiency in these arts, would be extremely rash; and though the sum-total of knowledge implied was in the eleventh and twelfth centuries small as compared with the modern total, it was even then enormous. Further, the theory was that the studies comprised in this ambitious scheme were after all of little value in themselves, but were useful as a preparation for other studies. This doctrine is formally enunciated in the statutes of the university of Vienna.[6] The faculty of arts is there described as a provident parent who qualifies her children for certain loftier studies (*studia altiora*), and the students are warned that they should not emancipate themselves from her supervision prematurely. The *altissimum* of these *studia altiora*, which the 'artist' was to keep in mind, was theology, and not only were many of the arts superfluous for the theologian, but one, at least in the opinion of nineteen out of twenty, was antagonistic to religion. This was astronomy.

In the first two centuries of the Christian era, when learning still flourished and Roman scholars diligently explored the treasures of Greek literature, mathematical science had been greatly neglected in Rome. Even well-educated authors, such as Suetonius, habitually employed the name *mathematicus* in the vulgar sense of a fortune-teller, and the *mathematici* were regarded with dislike and suspicion as conspirators who used their skill for political ends. Assuredly such writers as Suetonius must have known that this was not the proper meaning of the word *mathematicus*, but no one thought it necessary to offer an apology to the science which was thus insulted, and this fact is a proof that it was commonly neglected.[7] The

[6] Cited in Ducange's glossary under the word *Ars*.

[7] Some knowledge of arithmetic was necessary for business purposes, and the teachers were popularly called *numerorum arenarii*. Tertullian, in the last chapter of his *De Pallio*, has given a description of the liberal arts in the following terms: *Habeo et alias artes in publico utiles. De meo vestiuntur et primus informator literarum et primus edomator vocis et primus numerorum arenarius et grammaticus et rhetor et sophista et medicus et poeta et qui musicam pulsat et qui stellarem coniectat et qui volaticam spectat. Omnis liberalitas studiorum quatuor meis angulis tegitur.* It is probable that the teacher of arithmetic inscribed the sums in sand, which was sprinkled on tablets. When the sum was done the sand was smoothed over for a fresh problem.

decline of learning which was a concomitant of the decay of the Roman empire was not simply a negative process. As the knowledge of Greek disappeared and the literature of Greece was forgotten, a host of superstitious fancies, which had remained in discreet obscurity so long as the pure light of Athens illumined the land, took possession of men's minds, and the ignorant prejudice which condemned mathematics as an unlawful science was greatly intensified. Christian divines adopted these sentiments, and added the doctrine that the *mathematicus* was as wicked as he was mischievous. One of the sins which most troubled the mind of St. Augustin was that in his youth he had sought the unholy revelations of the *mathematicus*. It is therefore strange that the ecclesiastics whose voice was supreme when the universities were founded should have formally sanctioned astronomy, the most dangerous and obnoxious department of mathematical science; and the only explanation which appears on the surface, that it was necessary to calculate the time of Easter, does not adequately account for their disregard of the common notion that astronomy and astrology were almost identical. During many centuries previously, any one who had dared to study astronomy put a weapon into the hands of his enemies, if he had enemies. The illustrious Boethius had been guilty of this indiscretion, and when he fell into disgrace one of the charges brought against him was that he had dabbled in magic. Even popes were not safe. Gerbert was, or was thought to be, an astronomer, and a hostile faction reviled him after death as a magician.

Nor was the hostility of the ecclesiastics confined to the supposed impiety of the astronomer. Abundant protests against secular learning generally, as useless or even pernicious, had been made by men whom every ecclesiastic was bound to revere. Gregory the Great was the most vehement and most influential of these foes to profane learning, but he did not stand alone; and even those divines who advocated its claims in defiance of this sentiment, such as Alcuin, seem to have felt some doubt and some prickings of conscience. Why, then, did the founders of the universities pretend to admire the seven arts? The description of the faculty of arts given in the Vienna statutes reflects the orthodox doctrine. The pretence was that the whole list was excellent. The truth, if we disregard the formal theory, seems to have been that the ecclesiastics could not escape from the list and did not dare to mutilate it, and were therefore obliged to adopt this course of insisting that the arts were an essential introduction, in order that they might be put in a subordinate position. In the statutes, as is natural, a complimentary tone is adopted with regard to the seven arts. 'You are extremely valuable: let not the theologian, or the lawyer, or the physician think that he can dispense with

your assistance,' is the way the theory is stated. The feeling which underlay this compliment was rather, 'most of these studies are utterly superfluous, but we cannot eliminate them. Let us insist that they are altogether subordinate to higher studies.' Thus it is that the pedigree of the seven arts is an important part of the history of modern literature. The doctrine that they were seven was immutably established, and no one ventured to controvert it or break up the list. The family was, in fact, in the condition of the family in Wordsworth's poem. Some members of it were in the churchyard laid; others were at sea or elsewhere; but its device was 'We are seven.' The most curious fact is that, while the ecclesiastics were compelled to do some violence to their own feelings because they did not dare to repudiate this device, scholars raised the objection that profane learning was injured by the respect which was paid to it.

John of Salisbury has described the fruit which the academic theory bore, and the account which Hallam has given of his character and accomplishments shows that no more competent judge can be found. The passage which he quotes from John of Salisbury's 'Metalogicus' as an example of his style [8] contains first a declaration that grammar had been at one time thoroughly taught, and then follows the following complaint: *Sed postmodum ex quo opinio veritati praeiudicium fecit et homines videri quam esse philosophi maluerunt, professoresque artium se totam philosophiam brevius quam triennio aut quadriennio transfusuros auditoribus pollicebantur, impetu multitudinis imperitae victi cesserunt. Exinde autem minus temporis et diligentiae in grammaticae studio impensum est. Ex quo contigit,* &c.[9] This is pointed at the Parisian art schools. They had become very famous, and from all parts of Europe came students who, when they returned to their homes, were far greater personages than their fellows who had not enjoyed this advantage. A visit to Paris was an essential part of a liberal education, and the doctrine that home-keeping youths have homely wits was fully established. Hence, although it may be true, as Denifle maintains, that the saying, *Universitas fundata est in artibus*, is a perversion of history if it is taken literally, it is, in the sense that academic studies were based on the arts, perfectly good history; that is, so long as the theory rather than the practice is regarded. The natural result followed. When the mathematical sciences were added to grammar, rhetoric, and logic, and 'the whole of philosophy,' as John of Salisbury, employing a medieval technicality, calls them, was treated as a mere introduction to the serious work of life, the professors became inevitably a set of impostors who taught nothing

[8] Hallam's *Literature of Europe*, i. 74, ed. 1847.

[9] Compare Mr. R. L. Poole's *Illustrations of the History of Medieval Thought*, appendix vii.

because they pretended to teach everything. The scheme of the faculty of arts was inordinately wide, and a further proof of this is that, in after-ages, some of the studies which it contained were detached from it when a serious need of genuine knowledge was experienced. Grammar in some cases became a faculty or department. So, too, music, which was really required for the purposes of religion, was taken out of the faculty of arts in our universities of Oxford and Cambridge and established as a separate department. The academic theory, false and impossible as it was, undoubtedly effected good in one respect. The seven arts, firmly established in their place, were a constant protest against the doctrine—which, in spite of them, prevailed to a great extent—that ignorance is piety and that 'carnal' knowledge is sin. On the other hand, it was in many ways mischievous. John of Salisbury's words, *tota philosophia,* bring one of the bad results before us. No place was reserved for philosophy in the proper sense of the term.[10]

Rome never coined any phrase which precisely represented the *ἐγκύκλια παιδεύματα* or *ἐγκύκλιος παιδεία* of Greece, and Latin authors borrowed these terms. The nearest equivalent in English is the ordinary routine of a liberal education. It was an open question what was comprehended in the *ἐγκύκλιος παιδεία* beyond grammar and rhetoric. These two were essential. Many passages might be cited in which this appears, but it will suffice here to quote two lines from one of Martial's epigrams. A barber who had made up his mind to retire from business is ridiculed by Martial and assured that he cannot hope to find any other occupation. Among other things, it is explained to him that he cannot be a professor.[11] 'You cannot now be a professor of rhetoric or of grammar, or a schoolmaster, and you cannot set up as a philosopher.' These sum up the possibilities of the case, and it will be observed that there is no reference to logic, which afterwards united with grammar and rhetoric to make up the *trivium.* Logic at that time was not an essential element of a liberal education. It was, indeed, much in fashion as an intellectual diversion, and it had apparently been brought into fashion chiefly by the works of Chrysippus, whose name frequently occurs in connexion with it. But Plutarch, who is a high authority, attacks the taste which prevailed, and has observed in his 'De Audiendo' that young men who exercise their minds in

[10] It is not quite clear when the seven arts were first called *tota philosophia.* Haym, in the article on *Philosophie* in Ersch and Gruber's *Encyklopädie,* comments on this misuse of the term, quoting the titles of two books of later date. John of Salisbury is apparently adverting to this perversion of language. His direct accusation is that the course of study could not be compressed into so short a time; he implies that in any case it was not the whole of philosophy.

[11] Non rhetor, non grammaticus, ludive magister,
Non Cynicus, non tu Stoicus esse potes.

logical problems would be better employed if they were to spend their time in trying to get rid of bad habits, and, above all, of conceit and vanity. There was not established in classical Rome even a *trivium*, still less a *quadrivium*. The popular misuse of the word *mathematicus* is a proof that mathematics were neglected; and it cannot be necessary to argue the point that educated Romans were guiltless of the vain pretence that they had all studied geometry, astronomy, and music. At the same time, it must be borne in mind that the word 'grammar' was used loosely, and was made to include some things which do not properly belong to it. A Greek epigram, of which Philippus is the reputed author, contains a satirical description of the *grammatici* as they appeared to irreverent wits. Their peculiarity was a passion for useless knowledge, as he paints them; and while such words as *μίν* and *σφίν* delighted them at one moment, at another they busied themselves in obscure antiquarian researches, such as the question whether the Cyclops had any dogs.

οἷς τὸ μίν ἢ σφίν
εὔαδε καὶ ζητεῖν εἰ κύνας εἶχε Κύκλωψ.

In this manner the scheme of a liberal education was slightly enlarged. The grammarian added a few matters which came under no definite category, and logic obtained a footing as an instrument of philosophy. Clear as the facts are to any one who reads the classical authors with unprejudiced eyes, the desire to explain the medieval theory has led one scholar after another to detect the famous list in pre-medieval ages. I have already given one instance. Seneca manifestly held that the term 'liberal arts' was indefinite, and that each might decide for himself what arts were liberal—yet his discussion has been entitled 'On the Seven Liberal Arts.' I will now proceed to the next point, which is, it must be admitted, less easily established, viz. that the list, apart from all question of the name 'liberal arts,' was purely medieval. Here it becomes necessary to dissect two theories which are absolutely inconceivable, though both are backed by high authority. One of these is that the list of seven arts was the *ἐγκύκλιος παιδεία* or recognised scheme of education in classical Rome; the other is that it was intended as an exhaustive category of human knowledge. The two cannot stand together, for it cannot be supposed that the Romans were so foolish as to hold that everybody should begin by learning everything; and both are absolutely baseless.

The latter of these two theories is now the commonly accepted account of the origin of the seven arts. Cassiodorus wrote on them, and the author of the life of Cassiodorus in Smith's Dictionary says of his treatise: 'It contains a compendium of the seven liberal arts which were at one time supposed to embrace the whole circuit of human knowledge.' The epithet 'human' which here qualifies

the word 'knowledge' must, I presume, be intended to mark the fact that the arts did not include theological knowledge; but this being conceded, the statement is still a mere formula, for there never has been a time when all human knowledge could be classified under these heads. It must, I should think, be superfluous to argue this; but if any reader should feel sceptical, let him glance at the description given by Vitruvius in his first chapter of the kinds of knowledge which might be useful to an architect, and the doubt will vanish. When was it forgotten that history and medicine and agriculture come under the heading of human knowledge? This formula has apparently been accepted as satisfactory because the only rival in the field has been an equally untenable theory, but it may be in some measure an illustration of the mode in which words corrupt history. Just as the word 'philosophy' was in the middle ages used in an arbitrary and conventional sense, so the arts were called 'the whole knowable,' though then and always many other things were knowable and known.[12] The accomplishments of a perfect scholar were described in a line which has been often quoted:

Qui tria, qui septem, qui totum scibile scivit.

This proves nothing. We have now in our language the term 'working men,' but it does not follow that those who are not working men do no work, and it does not follow that the arts were seriously supposed to contain the whole knowable because they were called *totum scibile*. They are the *apices* of human knowledge, and it is utterly impossible that they can have been originally meant for an exhaustive classification. As regards the counter-theory, Vitruvius's introductory chapter would be a sufficient refutation even if there were nothing else. He employs the term *encyclius disciplina* as a translation of the Greek equivalent, and his argument shows clearly

[12] The pretence that the seven arts were the *totum scibile* is another form of the fiction that they were *tota philosophia*. Although this misuse of language is commonly supposed to indicate stupidity and ignorance, it may be doubted whether this is the true explanation. There was a dispute about the relative dignity of the faculties in the universities. Theology, law, and medicine were, as was supposed, superior departments; but though the faculty of arts was obliged to swallow the doctrine that it was an inferior faculty, the professors of the arts naturally disliked this theory. Against the pretended superiority of law and medicine they could rebel openly; and this they did, as appears in a satirical couplet which Anthony a Wood quotes as 'those trite verses'—

Dat Galenus opes, dat Justinianus honores,
Sed genus et species cogitur ire pedes.

An insinuation of this kind, pointed at theology, would have been too audacious. The artist could not say that it was highly esteemed, simply because it was the road to riches or public office; nor could logic, which was put in the foreground as the champion of the arts, pretend to think herself the equal of theology. When, however the course was glorified with the designation *tota philosophia*, the art-professor became the equal of the theological doctor, for high as Theologia might hold her head, Philosophia was her equal.

that he meant by it the studies which might conceivably be useful to an architect, not some list which was a necessary qualification for a well-educated citizen. Thus while Seneca, writing in the interests of moral philosophy, entered a protest against painting and statuary, Vitruvius, with an eye to the perfection of his own profession, insisted that the young should cultivate these arts. Neither in the one nor in the other author is there a vestige of the theory that there must be a definite list of seven.

The first great scholar of modern times who propounded this theory was Gerard John Vossius, who was born in the sixteenth and wrote in the seventeenth century. In the section headed 'Polymathia' of the chapter 'De Natura Artium' he has affirmed that the medieval list was certainly recognised in ancient Athens and Rome; but it is a singular fact that the author whom he cites in support of this should be Tzetzes, a Greek author of the twelfth century. Tzetzes wrote in verse, and Vossius quotes some Greek lines, and adds a Latin version of them, in which the seven arts are enumerated. It will be sufficient here to quote the last lines of Vossius's translation:

> Circulares disciplinae secundo hæ omnes sunt,
> Ut scripsit Porphyrius in vitis philosophorum
> Et alii innumeri virorum doctissimorum.

As regards the Greek of this, it suffices to say that *circulares disciplinae* represents *ἐγκύκλια μαθήματα*, and that a description of the four arts of the *quadrivium* had preceded these lines. I am dealing here with the statement of Vossius, not the opinions of Tzetzes. Vossius comments on this passage, and refers to several authors, without much discrimination of date, in support of it, winding up with the words, *ut satis liqueat Latinorum de orbe disciplinarum eandem ac Graecorum fuisse sententiam* ('so that evidently the Latins and the Greeks held the same opinion about the cycle of studies'). Among these authors whom Vossius cites, the most weighty authority is Quintilian, and if Vossius were accurate it would be necessary to set Quintilian against Vitruvius; but it seems to me that the cycle can be discovered in Quintilian only because where there's a will there generally is a way. Rhetoric is an essential part of the art of oratory, and is incorporated in the body of his treatise; a dissertation on grammar forms the necessary introduction; then he observes that something must be said about *ἐγκύκλιος παιδεία*, i.e. the general education which is the complement to the special training. This general education comes under two heads, geometry and music. Thus we get four arts instead of seven. It is true that a diligent examination of the arguments reveals the missing elements, inasmuch as geometry includes arithmetic; and there is in one place a curt reference to logic, in another

a few words about astronomy. But if the list is rectified by the addition of these three, it must be still further extended by the intrusion of gymnastic, which in the opinion of Quintilian was properly a part of the *ἐγκύκλιος παιδεία*. The fact is that Quintilian confirms the impression which we derive from Plutarch, Vitruvius, and other authors. The nature of the *encyclius disciplina* was an open question, and it varied as circumstances varied. It remains to investigate one other statement which may be misunderstood. This is a passage in which St. Augustin describes the studies of his youth. His words may be interpreted in two ways. The want of the definite article in the Latin language, which is perhaps sometimes an advantage in poetical description, is a fatal defect where exact accuracy is required, and Augustin's words are ambiguous. Having said in his 'Retractationes'[13] that he had at Milan composed a treatise on grammar and another on music, he adds that he had begun to write on five other topics. His words *de quinque aliis disciplinis* may, however, be translated '*the* five other disciplines,' and are usually understood in this sense. Ritschl takes them in this sense. His comment is, *Vides astronomiae loco prodire philosophiam.*[14] He takes for granted with many other scholars that the list was already in existence and known to St. Augustin, and that the saint dared to tamper with it. Obviously the construction permits this interpretation, and this passage plausibly supports the view that the *orbis* was, as Vossius affirmed, the child or *protégé* of innumerable learned men. The five *disciplinae* on which Augustin began to write were dialectic, rhetoric, geometry, arithmetic, philosophy. The whole list appears with the peculiarity that philosophy takes the place of astronomy.

The first impression which a hasty examination of St. Augustin's writings might produce is that he had purposely substituted philosophy for astronomy, as is supposed by Ritschl and others. His mind was imbued with the popular superstition, and he thought that astronomy and astrology were not easily kept apart from each other, and that astrology was an abominably wicked science. The innocent science which we now call astronomy was *astrologia* in the writings of Varro, and his authority is satisfactory proof that this was the proper name. The fanciful art which excited far greater interest than the true science assumed the upper place, and Augustin thought that astronomy (as we now understand the term) was an introduction to the impious but higher art. He therefore dreaded it, and frequently betrays his conviction that it could not

[13] Cap. vi. The legend that Augustin was in some sense the author of the list of seven arts was produced by this chapter, though his statement is that he had lost almost everything which he had written on them, and did not know whether his work was extant.

[14] *Opuscula Philologica*, iii. 354.

be safely studied. Still, on this hypothesis it would be strange that he should have found nothing more appropriate than philosophy, if it were necessary to put something in astronomy's vacant seat. Philosophy was for him what philosophy had been for Cicero and the other great authors of classical Rome, as his works abundantly prove. He has in various places referred to it, insisting on the etymological meaning of the word, and the kind of distinction which Plutarch draws between philosophy and exact knowledge was familiar to him. Philosophy was altogether out of place in conjunction with the six arts, if intended to complete the list. This objection appears on the surface. A more fatal and decisive objection may be discovered if the saint's opinions are closely scrutinised. The belief that numbers possess mysterious virtues, and that one number is proper in one case, another in another, was held in different degrees by all the sages of antiquity. St. Augustin went beyond any author of whom anything is known in this superstition. The numerical question—that is, the question whether a particular set of studies should be seven or some other number—would appear to a modern scholar or divine a trivial point as compared with the question whether the studies were good in themselves. St. Augustin thought differently. Nothing in his eyes could override the numerical question. It can, however, be demonstrated beyond the possibility of reply that seven was not in his opinion the proper number for such pursuits as the medieval liberal arts; and it is probable that if, when he wrote the words *quinque aliis disciplinis*, he had recollected that he had just previously mentioned two, and that two and five make seven, he would have discerned a sin in his earlier days which had escaped his observation. Seven was in his opinion a number consecrated to religion. *Septenarium numerum Sancto Spiritui quodammodo dedicatum commemorat Scriptura et novit Ecclesia.*[15] In the 'De Civitate Dei,' similarly, seven is said to be the number which represents the perfection of the universal church.[16] On the other hand, we get his theory of the number six in the following passage: *Denarius numerus potest significare scientiam universitatis. Quae si ad interiora et intelligibilia referatur, quae senario numero significantur, fit quasi decies sexies: si ad terrena et corruptibilia, quae octonario numero significari possunt, fiunt,* &c.[17]

These passages describe the opinions of St. Augustin, to which he consistently adheres, and his tone sufficiently indicates how important he thought this question. It is certain that if he had been asked to draw up the list of profane studies subsequently known as the liberal arts, he would have insisted that they should be six. They are the *interiora et intelligibilia* of the knowledge of the

[15] *De Genesi ad Litteram*, lib. v. c. vii. p. 307; second Benedictine edition.

[16] *De Civitate Dei*, lib. xvii. c. iv. vol. ii. p. 178; ed. Teubner.

[17] *Liber de Diversis Quaestionibus*, c. lv. p. 59; second Benedictine edition.

universe, whose appropriate number is six; they are separated by a chasm from the perfection of the church, whose peculiar number is seven. It is, however, a remarkable fact and, in connexion with this question, an important fact that St. Augustin's peculiar opinions did not prevail. His voice was not regarded, and seven was introduced in cases where he would not have tolerated it. Cassiodorus, a devoted admirer of the saint, made the liberal arts seven, in defiance of the saint, little more than a century afterwards, and Justinian with his coadjutor declared formally that seven was an admissible number for secular purposes. Mr. Roby, in his introduction to the 'Digest,' has justly observed that the following passage is remarkable: *In septem partes eos digessimus, non perperam neque sine ratione, sed in numerorum naturam et artem respicientes, et consentaneam eis divisionem partium conficientes.* After this time devout authors disregarded the sanctity of the number seven. The legend of the Seven Sleepers became famous, and Gregory of Tours wrote on two sets of seven wonders of the world. The only explanation of this which can be suggested is that Augustin's opinions prevailed in a diluted form. Seven was highly esteemed because he had rated it so highly, but it was not thought so extraordinarily sacred as he deemed it. There is in Cassiodorus's preface to his seven arts a significant passage. He in many places refers to St. Augustin as a high authority, and has implied by his general style and tone that he was supported by this authority in the composition of this treatise, whereby he has managed to falsify history and persuade many generations of men that St. Augustin was the patron, if not the inventor, of the list of seven arts. A recent author writes as follows: *Toutes ces connaissances* (i.e. the *connaissances* of St. Augustin's age), *on le sait, se ramènent à la division des sept arts libéraux, qu'Augustin lui-même devait accréditer de son nom, et le moyen âge reproduire: grammaire, rhétorique etc.*[18]

Many authors have said this or something like this, though cautious and accurate historians have betrayed some scepticism. If the preface of Cassiodorus is examined, it will be found that in the argument about the number of arts he carefully avoids anything like an assertion that he was backed by Augustin, and selects for his purpose some passages in Holy Writ which indicate the general excellence of this number, but do not imply that it was peculiarly sacred. It would be a plausible conjecture that Justinian's reverence for seven was a sentiment derived from classical Rome, but like many plausible conjectures it is inconsistent with facts. The Pythagorean philosophy was the legendary fountain from which flowed the stream of doctrine about the mysterious virtues of numbers. The chief point in this obscure theory was that odd numbers were superior to even numbers, and a popular

[18] Nourrisson, *La Philosophie de Saint Augustin*, vol. i. introduction, p. 27.

explanation of this curious fact was that odd numbers were infinite in their nature. Servius, in his note on Virgil's words, *numero Deus impare gaudet,* informs us that this was not in Varro's opinion the true Pythagorean tradition, and we may reasonably suppose that a superstition which was so obstinately preserved must have had some simpler and more obvious cause. Its true origin, I will venture to suggest, may be that savage races base their arithmetic on the use of the five fingers, and that odd numbers were raised in reputation by an association of ideas. Plutarch in his 'De Defectu Oraculorum' has remarked that nature loves to operate with fives (ἡ φύσις ἔοικε τῷ πέντε ποιεῖν ἅπαντα χαίρειν), and it must be allowed that when nature furnished human beings with five fingers, and suggested to them that these fingers might be useful in calculation, she displayed her preference for that number. Five was naturally dethroned as arithmetic progressed; but the sentiment which had come into existence remained, and odd numbers were consequently more valuable than even. Three then asserted its pre-eminence as the first of them; and nine, the product of three multiplied into itself, became conspicuous. Cassiodorus was convinced that the arts should be seven. Plutarch was equally sure that knowledge should be arranged in triplets which produce nine. A venerable controversy about the true number of the Muses had descended from remote antiquity, which he introduces in his 'Quaestiones Conviviales.' He contends that they must be nine because they are the patrons of literature, and knowledge must be arranged in threes. St. Augustin takes a line of his own. Three was, it need hardly be said, highly respected by him; but nine was not in his opinion a very important number. Six was his favourite. It represented for him all perfection, except the supreme perfection of religion. The fact that the work of creation was completed in six days was for him a conclusive proof that this was the true theory, and that work must be represented by six, the perfect repose of holiness by seven. It is possible that this opinion may have had some more remote origin. His treatise on music, which he wrote when he had become a Christian, but had not assumed the character of a saint, was subdivided into six books; and of them the sixth was in his opinion the most valuable. This question is, however, irrelevant. The fact that he would have undoubtedly made the arts six rather than seven is the essential fact, and this is indisputable. We must conclude therefore that when he, having said that he wrote on grammar and music, added the words *de quinque aliis disciplinis*, the definite article must not be understood. It means, 'I began to write on five other subjects,' not 'I began to write on the five other arts.'

Biographers will rarely admit that there are any spots on their own particular suns, and hagiologists above all are guilty of this

weakness. Some historians have faintly attempted to prove that St. Augustin must have mastered the Greek tongue at some time of his life; but unprejudiced inquirers accept the verdict of Gibbon, that, 'according to the judgment of the most impartial critics, the superficial learning of Augustin was confined to the Latin language.'[19] Nevertheless, he attempted to compose treatises on grammar, music, arithmetic, geometry, logic, rhetoric. Whence did he obtain the requisite knowledge? His biographers cannot tell us.[20] It is almost certain that he was always ignorant of Greek, and quite certain that he knew next to nothing of it when he was young. Grammar and rhetoric he studied in Latin authors. If astronomy had attracted him he might have gleaned some knowledge of its principles from the poem of Aratus, which had been translated into Latin and was popular. Logic, arithmetic, geometry, and music were at the time locked up in a language of which he did not possess the key, if we accept a common opinion, which is apparently justified by the declaration of Boethius that he wrote on these topics because he was a Greek scholar, and Greek scholars alone could master them. The profound reverence which Augustin felt for the genius of Varro, and the hyperbolical admiration of Varro's great learning which he expresses, suggest the suspicion that Varro's writings were the source of his knowledge, such as it was, of mathematical science and logic, but he has nowhere said which of Varro's writings contained logic and mathematics. It is practically certain that these sciences were not expounded in the 'De Philosophia.' This treatise, of which we should know nothing if it were not mentioned in the 'De Civitate Dei,' is there the text book of a dissertation on philosophy, and the tenor of the argument is a proof that the 'De Philosophia' did not contain logic, geometry, &c. Without this evidence one might feel sure that Varro did not so misuse the term. Still the presumption is strong that somewhere in Varro's works, logic, geometry, &c., were taught; and the silence of Boethius might be explained in one of two ways: either Varro's scientific writings had disappeared, or they were not, in the opinion of Boethius, satisfactory. Thus a solution offers itself of the problem before us. Cassiodorus knew that Augustin revered the learning of Varro; knew, perhaps, that Augustin had diligently studied the scientific works of Varro; may have found astronomy in these scientific works, and may have thence come to the conclusion that it was permissible to introduce this dubious science into his own treatise. He abruptly ends his essay on astronomy with the remark that it becomes astrology, and consequently becomes wicked, if pursued too far. (I use the words, it

[19] Gibbon's *Roman Empire*, iv. 183; ed. 1854.

[20] Nourrisson, *Philosophie de Saint Augustin*, vol. ii. ch. i.: 'De l'Erudition de S. Augustin.'

must be understood, in the modern sense.) St. Augustin is quoted as an authority for this cautious treatment, but we are left to guess at the nature of his justification for the introduction of this science. The suspicion that this justification was the authority of Varro is, however, strengthened by a reference which he gives to Varro's 'De Astrologia.' When, moreover, we return to Augustin's works, we find a remarkable confirmation of this hypothesis in a letter which was addressed to him by Licentius, a friend and quondam pupil.[21] Licentius writes in verse, and the subject of his epistle is a complaint that Varro's recondite path (*arcanum Varronis iter*), in which he had formerly walked with Augustin at his side, is now neglected by him as too arduous for a solitary traveller. Some lines then follow which indicate that the *arcanum iter* was mathematical science, including astronomical science. Thus on tolerably fair evidence we establish a fact in the history of the seven arts. They started from Greece, as their names declare, and they travelled to the universities in Varro's secret path.

Where, then, was Varro's secret path? Again Cassiodorus furnishes a valuable hint. In his essay on dialectic he quotes Varro's treatise on the nine disciplines, and although he does not expressly say that astronomy was one of the nine disciplines, a presumption arises that it was one of them, which becomes almost a certainty when other facts are collated. Inasmuch, however, as Varro's treatise has been long lost to sight, and even its existence almost forgotten, I will submit a conjecture about its probable character and fate. Its importance has, I think, been underrated.

Marcus Terentius Varro, known proverbially as *doctissimus Romanorum*, was the friend of Cicero, and was greatly esteemed and respected by Cicero, but was out of sight and out of mind when Cicero composed his 'Academics.' The treatise is a dialogue between the author and some friends about the systems of Greek philosophy, but Varro is not one of the disputants. It came to Cicero's knowledge that his illustrious friend resented this apparent slight, thinking, probably with good reason, that he knew the contents of Greek literature more thoroughly than any other of Cicero's friends. Cicero, accordingly, hastily re-wrote his argument, taking care in the new edition to make a handsome apology for his previous negligence. We do not possess the whole of the later edition, but the introductory conversation, in which Varro's wounded self-esteem is soothed, is extant, and it tells us something about Varro's literary life. The conversation is purely imaginary—this is expressly stated in the dedicatory letter, which has been preserved; but it may be taken that the facts are historical so far as they relate to Varro's

[21] *Carmen Licentii ad Augustinum praeceptorem.* (Augustini Epistolarum Classis i. ep. xxvi.; second Benedictine edition.)

occupations and labours. We learn in this way that he had long been buried in seclusion, and that his pen had been unusually idle; and the explanation given of this is that he proposed to produce in Latin some large and important part of the writings of Greek authors. Cicero did not know, and did not pretend to know, the precise nature and scope of the project which Varro entertained. The panegyric, however, of Varro which accompanies this statement is microscopically complete, and is elaborated in a style which delicately rebukes Varro's vanity; and thus we learn with some certainty what he had up to that time published. It is as follows: *Tu aetatem patriae, tu descriptiones temporum, tu sacrorum iura, tu sacerdotum; tu domesticam, tu bellicam disciplinam; tu sedem regionum locorum; tu omnium divinarum humanarumque rerum nomina genera officia causas aperuisti; plurimumque poetis nostris, omninoque Latinis et literis luminis attulisti et verbis: atque ipse varium et elegans omni fere numero poema fecisti, philosophiamque multis locis inchoasti, ad impellendum satis, ad edocendum parum.*

The concluding words of this passage convey a hint that a conclave of philosophers might be allowed to meet without the learned Varro, but if the tone of the previous parts is noted it will be obvious that Cicero would have said something of the 'De Astrologia,' supposing that it were then extant. The satire would have been too apparent if Cicero had complimented Varro on his skill as a poet, and ignored him as an astronomer. Further, it is certain that astronomical science, rightly understood, was a Greek science, and Varro must have cited Greek authors in writing on it; but Cicero does not specify as one of Varro's merits the transmission of Greek science from Greece to Italy. Varro lived many years after the date of this imaginary dialogue, and was notoriously industrious. We must seek in later authors some indications of the result of the prolonged period of incubation which Cicero has described. These we find first in the seventh book of Vitruvius, who, in a catalogue of writers on architecture, mentions the treatise of Varro which belonged to the nine disciplines. One fact is established by incontrovertible testimony: it is that architecture was one of the nine disciplines. Another is almost equally certain: it is that the treatise on the nine disciplines cannot have been a slight and superficial manual. We may fairly infer from the language of Vitruvius that the essay on architecture was a serious and well-studied composition; and it is probable that the other disciplines were treated in a similar spirit. Varro's reputation as an exceedingly learned though dry and tedious author, is repugnant to the notion that the 'De Novem Disciplinis' was an elementary school-book; and the more probable hypothesis is that it was a learned encyclopaedia of the chief sciences of Greece.[22] Thus

[22] The word *disciplinae* may be a translation either of παιδεύματα or μαθήματα.

it is exactly the *desideratum*, and though K. O. Müller, in the preface to his edition of Varro's 'De Linguâ Latinâ,' argues that this was the work which occupied Varro's time when, as Cicero tells us, he ceased to write, Müller must be mistaken. It is plainly said that some kind of translation of Greek literature occupied Varro's attention, and the 'De Linguâ Latinâ' does not satisfy the requirement. It may undoubtedly seem strange that the 'De Novem Disciplinis,' if it was, as appears, the *magnum opus* of Varro's life, should have failed during some centuries to attract attention, and that no author who can be called a classic, with the exception of Vitruvius, should have named it. This conspiracy of silence, however, does not prove an insuperable difficulty when all the circumstances are taken into account. Greece, when the Roman empire was founded, was beginning to take captive her conquerors, and steadily progressed in her triumphant progress. Cicero taught his fellow-countrymen to explore her literary treasures, and the incomparable works of art which Roman soldiers brought home convinced the proud nation that it had at length encountered a race which was in some respects its master. Everything which was Greek became the fashion, and the doctrine was established that Greek books alone should be studied. Quintilian, in the introduction to his 'Institutio Oratoria,' has expressed his approbation of the practice, but has added that most carry it to a point where it becomes a superstition. *Non tamen hoc adeo superstitiose fieri velim, ut diu tantum Graece aut loquatur aut discat, sicut plerisque moris est.* Proofs abound that the educated classes were well acquainted with Greek. Shakespeare has put into the mouth of the dying Caesar the words *Et tu Brute*, but this is not the true tradition. The story of Suetonius is that Caesar turned to Brutus and cried, *καὶ σὺ τέκνον*. Plutarch does not give this incident, and Suetonius gives it as doubtful, and it is probable that it is not historical; but the invention of it is evidence that the Greek language was much in fashion when Suetonius wrote. Shakespeare probably divined the truth. If Caesar had uttered any such cry it would have been the famous *Et tu Brute*, for the exclusive supremacy of Greek was not completely established when he fell. Nevertheless Varro had accurately forecast the future. He foresaw, Cicero tells us, that the days were at hand when students would go to Greek books for a knowledge of Greek science and philosophy, and he doubted whether all his labour would not be wasted. For a time his melancholy anticipations were justified. If Vitruvius

Varro probably meant it for *μαθήματα*, influenced by the fact that the series *discere*, *discipulus*, *disciplina* corresponds to *μανθάνειν*, *μαθητής*, *μάθημα*. The translation, however, is not exact. Though the limitation of meaning which is preserved in the word 'mathematic' may not have been so absolutely established then as it is now, it had already appeared, and Varro's collection represented the *ἐλευθέριοι ἐπιστῆμαι* rather than the *μαθήματα*.

had not mentioned the 'De Novem Disciplinis,' it might be plausibly maintained that the work was spurious. In course of time the new Carthage became a second Athens, with the peculiarity that its citizens knew the language of Athens only by reputation, and then the great work of Varro came to the surface as an encyclopaedia of Greek science. It remains to show how it produced the famous seven arts.

If the condition of literature in Varro's time is compared with its condition in the beginning of the sixth century after Christ, it will be found that in one respect only a decided advance had taken place in the intervening period. Caesar was one of the earliest Latin writers on grammar, and he was altogether antiquated a few centuries afterwards, though none of the authorities on any of the other arts which Cassiodorus expounded had become in like manner obsolete. Cicero's voice was then and long afterwards supreme in questions of rhetoric, and the rest of the arts still accepted the authority of early Greek authors. The change in the *status* of grammar was a necessary result of the presence of two languages, Greek and Latin, which could be compared together; and though we do not know precisely what Caesar may have said, we may confidently assume that the idea of comparative philology which pervades the work of Priscian must have been relatively, if not absolutely, wanting in Caesar's. In Priscian's treatise, grammar reached a point where it long remained stationary, and the change had been gradually effected by a succession of grammarians. It was in this advanced stage a more arduous study which exacted a greater expenditure of time than it had in classical Rome. Logic, though the *data* of the science had not been augmented, had become a more serious business. It had found its way into Roman literature rather as an intellectual toy than as a valuable pursuit, but its reputation had been greatly enhanced by the theological colouring which had gradually changed the aspect of philosophy. The belief that a skilful use of logical tactics secured an almost certain victory to a controversialist, joined to the belief that a logical error might engender a deadly sin, made logic the greatest of the disciplines. Here, too, a heavier burden was laid on the student's shoulders. Yet we find that Cassiodorus in a comparatively ignorant age combined grammar and logic with rhetoric, arithmetic, geometry, astronomy, and music, to form an educational handbook, though he set at defiance, when he did this, St. Augustin whom he revered, and though we can discern, if we read between the lines, that he knew next to nothing of these sciences and secretly did not admire all of them.

In order to show how surprising his conduct was, I must once more revert to the opinion of Augustin, who, as so many authors have said, 'accredited' the seven liberal arts. Augustin

was, relatively to some eminent divines, an advocate of secular learning, but for one sentence in which he recommends profane studies a dozen may be found in which he condemns them. Authors who, like the author of the 'Philosophie de S. Augustin,' say that the saint 'accredited' the liberal arts, take note of the fact that when a young man such studies had attracted him, but ignore the counter-fact that in his own opinion all his early life was tainted by sin, and that he adverts to his intellectual labours of this kind in tones of remorse. A friend once wrote to St. Augustin to ask for the loan of his treatise on music. Augustin wrote back to say that he could only send him the sixth book of it, and seized the opportunity to offer some general observations on the value of such pursuits as were afterwards called the liberal arts, but were then called the liberal disciplines. He 'accredited' them in the following emphatic terms. *Absit omnino ut istorum vanitates et insaniae mendaces, ventosae nugae ac superbus error recte liberales litterae nominentur, hominum, scilicet, infelicium qui Dei gratiam per Iesum Christum Dominum nostrum, qua sola liberamur de corpore mortis huius, non cognoverint, nec in eis ipsis quae vera senserunt.*[23] There are other passages conceived in this spirit, and here it must be observed that Cassiodorus in his introduction curiously betrays a guilty conscience as regards his use of the epithet 'liberal.' He insinuates that in his sense the word may be derived from *liber*, a book, which he probably knew full well was a false derivation. Augustin's net, it will be observed, is spread so wide as to include the venerable Varro, who was one of the miserable men who knew not the grace of God. Thus we obtain a second proof that Cassiodorus was determined to rebel against Augustin.

What fatality compelled him to write on sciences which he neither esteemed nor understood, in opposition to the authority of the saint whom he affected to respect? Hallam in his 'Literature of Europe' has, as was inevitable, said a few words about the seven liberal arts, and naming Martianus Capella, Cassiodorus, and Isidore of Seville, has remarked, quoting a *dictum* of Heeren, that their works are an illustration of the law that when literature declines the encyclopaedic method comes in. I must confess that I do not believe in the existence of any such law as is postulated by Hallam. A tendency to compose encyclopaedias is intelligible if a general desire for information of all kinds prevails; but it is not easy to understand how a general desire for information can be the concomitant of a declining literature. There is in the history of the world one notorious instance of literary decay. The literature of Athens had attained a degree of excellence which is unique, and it afterwards declined, but this decline was not accompanied by an efflorescence of encyclopaedic writing. Granted,

[23] Epistolarum Classis ii. ep. ci., vol. ii. p. 406; second Benedictine edition.

however, that the supposed law exists, we should still be obliged to inquire why and how Cassiodorus of all men was destined to supply an illustration of it, and since we are compelled to fall back on the hypothesis that his manual on the seven arts was meant for use in schools, if we reject the theory that it was a manifestation of the law that the encyclopaedic method marks the decline of literature, there is plainly a mystery. He does not pretend in any way to improve upon known writers in his treatment of the arts. His grammar is, as he openly avows, a mere decoction of Donatus; his rhetoric and all the other chapters are slight and superficial, with a few references to well-known works. If we take what he has said, the treatise as a whole was a mere educational handbook. The compositions of Cassiodorus, however, come under two heads. Besides the formal works which occupied his leisure when he had retired from the world, there are the letters which he wrote for his patrons when he was a practical statesman. One of these contains an obscure sentence which supplies a clue. A digression on the principles of education is introduced in a letter of which the immediate object is to fix the rates of payment of professors.[24] Two maxims are laid down: first, grammar is in the writer's opinion the truly important study as the foundation of knowledge generally, but especially of legal oratory; secondly, it is improper to distract the attention of students by a multiplicity of topics. If they try to learn everything they will learn nothing. It will be remembered that I have above quoted John of Salisbury's declaration that the professors of the arts had undermined the wholesome study of grammar by their ambitious scheme. It was this scheme which Cassiodorus here attacked—the very scheme which he afterwards recommended with fatal success. Cassiodorus wrote on the seven arts because an author whom he hated had written on them previously. He first tried to banish this author's work, and then, having failed to accomplish this, endeavoured to supersede him.

The maxim that a multiplicity of studies is bad is enunciated in the following terms. *Cesset nunc illa satyris doctoribus querulis usurpata sententia, quia duabus curis ingenium non debet occupari.* The editor of Cassiodorus in Migne's 'Patrologia' has a note on this, and cites parallel passages to show that the word *duabus* must be understood as *more than one at a time*; and if the context is examined it will be clear that this is the true meaning. He does not, however, offer any opinion about the words *querulis satyris doctoribus*, or inform us who the querulous satyr-professors were whose list of studies was inordinately complicated. We can put our finger on one—the once famous but now despised Martianus Capella—and I

[24] *Senatui urbis Romae Athalaricus Rex*, Cassiodori *Variarum* lib. ix. ep. xxi.; ed. Migne.

think it will not be easy to find any other author to whom the description applies. He wrote on the seven arts; he is one of Hallam's encyclopaedists, 'the earliest but worst of the three.' This may be literally true. Martianus Capella was an encyclopaedist—the earliest and in a certain sense the worst of the three; but Hallam's words convey a false impression, and Martianus Capella, the true author of the list of seven arts, is unfairly used when set below Cassiodorus, or even if put on a level with him. Cassiodorus was a mechanical compiler who wrapped the seven arts in a coating of lead, though he made them respectable by a pious introduction. Martianus Capella was an author of genius in whose breast there burned an ardent love of knowledge, and his genius even more than the respectability of Cassiodorus compelled the mediæval ecclesiastics to do homage to the seven arts. His style is detestable, and the badness of his Latinity stirs up the bile of scholars to such a degree that even his editors pick up stones to fling at him. It is apparently forgotten that mere badness does not make an author immortal, and that there must have been some salt in his work which preserved it from decay's effacing fingers. He was heavily handicapped by his own atrocious style and obscure phraseology, yet he won the race for fame, and his book lived when the writings of more illustrious authors were perishing on all sides. But in order to prove that he obliged Cassiodorus to patronise the seven arts, it is necessary to prove that he lived long before the time of Cassiodorus; and in order to prove this it is necessary to prove that almost all recent scholars are wrong as regards his date. The commonly received opinion is that Martianus Capella lived and wrote in the latter part of the fifth century—i.e. just before Cassiodorus—though some few scholars have formerly maintained that he was much later, others that he was much earlier.

The great G. J. Vossius is mainly responsible for the popular error about the date of Martianus Capella. Vossius is properly respected as a very learned and very accurate investigator of ancient literature; and he having, as appears in his works, paid much attention to this question, came to the conclusion that Martianus was almost if not quite a contemporary of Cassiodorus. One of the multifarious compositions of Vossius is entitled 'De Geometriae Scriptoribus,' and in this Martianus Capella is named with a comment which is in substance as follows, though I omit a few unnecessary details: 'They say that he lived in the end of the sixth century; but we know that Melior Felix the rhetorician examined some corrupt manuscripts in the time of Justinian, wherefore if he was not earlier than Cassiodorus, he cannot have been much later.' If the reputation of Vossius as a great scholar were not firmly established, this paradoxical statement would condemn him irretrievably. Cassiodorus was a man when Justinian became emperor,

and was living when Justinian was dead. The passage, reduced to its simplest terms, becomes: 'We can determine a time when there were in existence a number of corrupt manuscripts which perplexed a would-be editor: we must suppose that the original manuscript had just appeared for the first time.' Vossius does in fact distort the evidence on which he relies by this reference to Justinian. The fact is, that if Justinian had been born he was still an infant at the time; but this is not important. It would be incredible that in less than a century these corrupt manuscripts could have come into existence. This *dictum* of the illustrious Vossius has practically decided the date of Martianus Capella. Later scholars have seen that the story which they were required to accept was almost incredible, but have comfortably persuaded themselves that there may be some solution of the difficulty which does not appear.

The truth is that something appears elsewhere in the works of Vossius which they have not observed, and this must be explained in order that the Vossian incubus may be shaken off. Eyssenhardt, the latest editor of Martianus Capella, has given in his preface a list of writers who hold that the book was written about the year 470, and there are two references to Vossius—one to his 'De Poetis Latinis,' another to his 'De Historicis Latinis;' but Eyssenhardt has made a mistake. The second of these two was inserted by Vossius because he had discovered that a wrong date had been given in the first account of Martianus Capella's life, though he did not think it necessary to call attention to the point. Among the persons who had said that Martianus Capella lived in the end of the sixth century was Vossius, whose earlier statement, written when he had not discovered the important fact that Melior Felix complained of the corrupt manuscripts, was that Martianus was a contemporary of Mauricius. Vossius saw plainly enough that this could not stand, but did not like to do penance openly, and minimised his recantation. It was no longer possible to affirm that Martianus Capella was decidedly later than Cassiodorus; the reputation of Vossius made it impossible to admit that he was much earlier. This is the genesis of the amalgamated statement in the 'De Geometriae Scriptoribus.'[25] In the 'De Poetis,[26] a premature and positive contradiction was extant, and Vossius was in the position of the *θέσιν διαφυλάττων*, who cherishes his own theory even when obdurate facts forbid him. I will therefore proceed to criticise Eyssenhardt's argument,[27] regardless of the almost universally accepted opinion that Martianus Capella's book first saw the light somewhere about the year 470. Kopp, whose edition preceded Eyssenhardt's, and is what is called 'the library edition,' endorsed

[25] *De Natura Artium*, cap. xvi.; ed. 1697.
[26] *De Poetis Latinis*, cap. v.
[27] *Martianus Capella*; ed. F. Eyssenhardt.

the opinion of Vossius. Eyssenhardt dissents, but does not, I think, make good his own case.

Martianus Capella's book about the wedding of Mercury and Philology ('De Nuptiis Philologiae et Mercurii') has been known as the *Satyricon*, but this name was a medieval invention, and he has nowhere used this word. The name was invented because *Satura* personified is the chief speaker, who narrates the incidents of the wedding. Hence the expression of Cassiodorus, *querulis satyris doctoribus:* Satura is the oracle; Martianus, who took her words down, is a *saturus doctor*. Strictly speaking, he is not 'querulous;' but a certain peevishness of style was the traditional attribute of *satura*, and the epithet might naturally occur to one who desired to disparage the book. Satura appears on the scene as follows. An old man in the early morning, before the doors of the house are opened, recites an ode in honour of Hymen. His son, who overhears him, asks for an explanation. The old man replies that he will, if the son wishes it, repeat a story which Satura had invented, but hints that Satura's story may be found tedious. *Fabellam tibi quam Satura comminiscens hiemali pervigilio marcentes mecum lucernas edocuit, ni prolixitas perculerit, explicabo.* Satura's winter-night's tale then follows. It is the history of the wedding at which the seven arts attend as bridesmaids. Three remarks must be made on the passage here quoted: (1) Martianus Capella's book was composed in the winter nights; (2) he is anxious to avoid 'prolixity;' (3) we have an instance of the petty affectation in which he delighted; he inverts the natural order of things and says that Satura told her story to his lamp with him. When the wedding functions are at an end, and the seven arts have come forward one after another and delivered their orations, in which they describe their own merits and uses, the thread is picked up in a final ode which forms the epilogue. This ode I must quote and translate, as the editors of the 'De Nuptiis' do not cast much light on its meaning; but it is convenient to break it up into sections and discuss these separately. I take Eyssenhardt's text, carrying back only in one place the inverted comma which marks the beginning of Satura's words:

> Habes senilem Martiane fabulam
> Miscilla lusit quam lucernis flamine
> Satura, Pelasgos dum docere nititur
> Artes creagris vix amicas Atticis,
> Sic in novena decidit volumina.

'You now have, O Martianus, the old man's tale, which a heterogeneous Satura sportively invented, inspiring me when my lamp was lighted, making an attempt to teach the Pelasgi certain arts which were not dear to Attic flesh-hooks. It is subdivided into nine books.' It must be understood that, although the arts were only

seven, the introductory chapter in which the wedding is described is arbitrarily cut into two parts so as to give the number nine.

The questions, Who were the Pelasgi ? and Who were the Attic flesh-hooks who did not love the seven arts ? being postponed for the moment, we have next an explanation of the peculiar style of the treatise, and it appears that the Pelasgi did not like a formal and dry method :

> Haec quippe loquax docta indoctis adgerans
> Fandis tacenda farcinat, immiscuit
> Musas deosque, disciplinas cyclicas
> Garrire agresti cruda finxit plasmate.

'Here, you see, she [Satura] in loquacious mood, piling learned matter on unlearned, crams things sacred into things profane, has added a mixture of muses and gods, and has made the cyclic disciplines babble ill-digested matter in rustic style' or 'in a rustic story.' This means that Martianus Capella's exposition of the seven arts was a popular version of the cyclic disciplines, and when it is remembered that Varro was proverbially dry, the suspicion arises that Martianus was re-writing in a popular and abbreviated form Varro's nine disciplines, cutting the introductory chapter into two in order that a compliment might be paid to Varro by a preservation of his number.

> Haec ipsa nauci rupta conscientia
> Turgens que felle ac bile multa chlamyde
> Prodire doctis adprobanda cultibus
> Possemque comis ut que e Martis curia,
> Felicis ' inquit ' sed Capellae flamine.

'I might have produced these things exploding with a consciousness of nonsense, and swelling with gall and bile ; I might have come forward draped in ample robe, an object of reverence to cultivated readers, decorous, and as if I were a member of the Roman senate, but,' &c. Some verb to govern *haec ipsa* is apparently wanted, but the truth probably is that Martianus, with his usual inattention to such trifles, made *prodire* both transitive and intransitive. The general meaning of the passage is in any case clear. Martianus Capella's *satura* was not the genuine old Roman *satura*, coarse, venomous, and personal, nor was it precisely the *satura* of Varro.[28] Whatever Varro had written was necessarily *doctis adprobanda cultibus* ; in the present instance Satura *garrit agresti plasmate*, though when she paid a visit to Varro she did not so forget her dignity. It is well known that he, if he did not invent, brought into fashion by his *saturae* the mixture of prose and verse which there is in Martianus Capella. Varro's *satura* was *ut e Martis*

[28] Satura's spiteful disposition is displayed in the *De Morte Claudii* of Seneca, a composition which resembles in form the *De Nuptiis* of Martianus Capella.

curia (as if it belonged to the Roman senate); Martianus Capella's was *miscilla*, combining the jocosity of the traditional *satura* with the learning of Varro's. Eyssenhardt marks the speech as beginning with the words *multa chlamyde*; it seems to me that no satisfactory sense can be extracted in this way. In the lines which follow, the reader is informed why Satura, departing from precedent, had assumed an entirely new style. The reason for this innovation was that she had found it possible to inspire Martianus Capella, but the construction is broken by a clumsily inserted autobiographical digression. The question 'Why should I have behaved in this manner?' is understood, and the answer is given after the digression.

> 'Felicis,' inquit, 'sed Capellae flamine,
> Indocta rabidum quem videre sæcula
> Iurgis caninos blateratus pendere,
> Proconsulari vero dantem culmini,
> Ipsoque dudum bombitante flosculo
> Decerptum falce iam canescenti rotâ,
> Beata alumnum urbs Elissae quem videt
> Iugariorum murcidam viciniam
> Parvo obsidentem vixque respersum lucro,
> Nictante cura somnolentum lucibus—
> Ab hoc creatum Pegaseum gurgitem
> Decente quando possem haurire poculo?'
> Testem ergo nostrum quae veternum prodidit
> Secute nugis, nate, ignosce lectitans.

In order to translate this, I will substitute *desudantem* for *vero dantem* in the fourth line, an emendation which is justified by a passage which occurs in another place. It is then as follows: 'But why, when by inspiring Felix Capella—who has under the eyes of an ignorant generation paid back in anger with abuse the yelping of dogs, toiling on the proconsular ridge; who reared in Elissa's prosperous city has when the crop has long crackled (in the wind), when it has been cut down with the sickle, and when the millstone is now becoming white (i.e. when the said crop is being ground into flour)—the owner of a small piece of land with stupid ploughmen for neighbours, and making very little money—striving to keep his eyes open, drowsy, by candlelight—when I might quaff a Pegasean draught created by him in a seemly cup?' Do you, therefore, O my son, following my witness (i.e. Satura), pardon my trivialities as you read the things which my drowsy moments have produced.' *Veternus* is the usual form, but Martianus Capella must not be judged as a classic, and the meaning of the two last lines is better if *veternum* is made the subject of the verb *prodidit*. It will be observed that in the preceding lines we get an explanation of the *hiemali pervigilio* mentioned in the *exor-*

dium. The author was a poor farmer (*vix respersus lucro*) who could find time for his literary labours in winter but not in summer.

The text may be corrupt in places, but when every allowance has been made for possible corruptions, the passage as a whole is in the style of an ambitious rustic, and not of a practised author. Nevertheless, with this before them Eyssenhardt and Kopp would have us think that Martianus Capella was a busy advocate in the courts of law. I will quote the passage which, as I think, has misled them, and made them blind to the meaning of the epilogue. In Book VI. ('De Geometriâ') Satura jocosely rebukes Martianus Capella in a speech which contains the following words: *Sed quia nunc Arcadicum ac Midinum sapis praesertimque ex illo quo desudatio curaque districtior tibi forensis rabulationis partibus inligata aciem industriae melioris obtudit, amisisse, &c.* ('But because you now smack of Arcadia and (?), and especially since the time when toil and an interest more involved in forensic disputes has blunted your perception of a better industry, &c.') Eyssenhardt ratifies Kopp's interpretation of this, and contends that we have here a proof that Martianus Capella was a busy lawyer, but does not explain how it could have come to pass that a successful lawyer could be oppressed by poverty. The truth is that the word *forum* means rightly the market-place; and though the authors from whom we have derived the adjective 'forensic' knew the *forum* as a place where speeches were made, and have consequently coloured the adjective in a corresponding manner, farmers, who knew the *forum* as a place where they could buy and sell, probably meant by the term *forensis rabulatio* simply disputes in the market. Business in the courts of law could not have impoverished Martianus Capella, nor have imparted to him an Arcadian savour, though it might have made him neglect the pursuit of philosophy which was Satura's grievance. Further, the word *Midinum* is left unintelligible in this interpretation. One reading, however, is *medimnum*, and this gives a satisfactory sense if he was taxed with an excessive attention to agricultural cares. 'You smack of Arcady and bushels' is appropriate to the situation. Lastly, the word *desudatio* suggests bodily rather than mental labour. This passage should not be allowed to distort the plain meaning of the epilogue. Martianus Capella's Satura chattered *agresti plasmate*, which may mean 'in a rustic fiction,' but may and probably does mean 'in rustic style.' Why? Because the author was an *agrestis*. Again, an ignorant generation saw him repay the yelpings of dogs with abuse. This would be a strangely violent metaphor if it were applied to legal controversies, but is a natural complaint in the mouth of a poor literary farmer, if it is understood literally. The various critics and commentators of Martianus Capella have been biassed by the presumption that so erudite an author must have belonged to 'the upper classes.' They

have in consequence refused to admit his explanation of his own defective style, and have chosen to think that it must be a sample of declining literature. Eyssenhardt falls back on the canon that a bad style is a late style, and this description is a necessary preamble to the analysis of his argument. The canon that bad authors are late authors would, even if there were no alternative hypothesis, be utterly inadequate to explain the phenomenon. Martianus Capella's peculiarities are idiosyncratic and not the characteristics of any known age. He differs from Cassiodorus almost as much as he differs from Cicero. His defects are those of a self-taught peasant. He is exceedingly ambitious and constantly aims at fine writing, and he has not the art of marshalling his thoughts, as may be clearly observed in the ode which I have quoted.

There is one additional remark to be made here. 'An ignorant generation' (*indocta saecula*) have, he says, beheld him. This could not be said of Carthage generally. The city was in her second youth the haunt of philosophers and wits, though, as many writers have observed, there was a general ignorance of Greek; and Martianus, her *alumnus*, could not have meant to stigmatise the whole population. He must have referred to his own environment in these words, and we must connect them with the words *parvo obsidentem iugariorum murcidam viciniam*, which are, literally translated, 'occupying to a small extent the sluggish neighbourhood of carters or ploughmen.' The two last lines in which, adhering to the dramatic artifice, he puts into his father's mouth an address to himself, mark the meaning of the whole. 'Remember, O my critic, that I am a poor wretch who was obliged to work for my bread while happier scholars might study at ease, and do not be hard on me,' is his meaning. Hard-hearted critics have turned a deaf ear to his prayer.[29]

Eyssenhardt triumphantly demolishes the date 470 which, in spite of him, is still commonly accepted. He points out that Martianus Capella describes Carthage as *nunc felicitate reverenda* ('now illustrious by her prosperity'), and that this description cannot apply to the period which followed the invasion of the Vandals. There is another argument based on the use of the epithet *proconsularis* which fortifies the former argument, though it would not, perhaps, be absolutely conclusive if it stood alone. But the two passages, *beatae urbis Elissae alumnus*, and the description of Carthage in another place as *iam pridem inclyta armis, nunc felicitate reverenda*, destroy the Vossian theory unanswerably. Having laid it down that Martianus Capella cannot have been later than the first thirty-nine years of the century, Eyssenhardt contends that

[29] There is an article on Martianus Capella in Ersch and Gruber's Encyklopädie, by F. Jacobs. He has collected in a note the opinions of various commentators. They unite in a chorus of merciless condemnation.

all certainty is at an end, and in order to prove his point drags in the maxim that bad authors are late authors. His argument is most curious.[30] The treatise on geometry in the 'De Nuptiis' is in part a work on geography, and in the geographical part the Golden Horn is described as a promontory made famous by the town Byzantium. He asserts that Martianus Capella must have here stupidly copied some early author who had written a description of the Golden Horn before the foundation of Constantinople, and have clung to the name Byzantium, knowing at the time that Byzantium had been effaced by Constantinople. In a sensible author the mention of Byzantium alone would, he admits, be a proof of the date (*in sano homine aetatis satis certum indicium*), but the unfortunate Martianus is not a *sanus homo* and does write bad Latin, and it is safer to hold that he was guilty of a piece of stupidity than that any one could write such bad Latin before the foundation of Constantinople. Now Constantinople, we know, as Eyssenhardt remarks in this very paragraph, was consecrated about the year 330—that is to say, after thirty years of the fourth century had elapsed; yet these are his words: *praestare videtur homini huic vel hunc incredibilem stuporem exprobrare quam talem sermonis barbariem saeculo post Christum natum alteri obtrudere.* The words might be translated 'to thrust on another in the first century after Christ,' but this would be unmitigated nonsense, and the translation which I have given seems to me the necessary meaning. The proposition which is implied is that all authors of the Christian era who wrote before the year 330 belong to the two first centuries. Eyssenhardt did not seriously think this, nor is it at all likely that his perversion of facts was intended. The truth seems to be that he, like Vossius, was in the position of the controversialist who cannot forget his own utterances. A passage follows in which his *animus* appears. The venerable Barth left a collection of writings called *Adversaria*, of which a part was published and a part, now lost, remained unpublished. It stands on record in Fabricius that in the unpublished *Adversaria* there was a life of Martianus Capella, based on a manuscript in Barth's possession, which proved that Martianus lived in the third century. Barth is, in Eyssenhardt's imagination, a living foe of the most odious character, and it is, he thinks, almost certain that Barth forged the said manuscript, if it ever existed. Apparently he will not admit that Martianus lived before the year 330, lest it should be thought that Barth had at least in this instance abstained from the practice of forgery in which, according to Eyssenhardt, he loved to indulge. Clearly, if Martianus must have been at least as early as the beginning of the fourth century, he may have belonged to the third. It is most futile to contend, as Eyssenhardt contends, that he cannot have been later than the

[30] *Praefatio in Martianum Capellum*, p. viii.

beginning of the fifth, and then at the same time to maintain that he must be later than the beginning of the fourth century, because his Latinity is unsatisfactory. No sudden or violent corruption of the language occurred in the fourth century. Nor is there anything in the criticism that Martianus was not a *sanus homo*. He was as sane as Gibbon, though not so luminous and, fortunately, not so voluminous. His very defects and peculiarities tell against the theory that he would not change Byzantium into Constantinople. He was vain of his universal knowledge, and would have been most unwilling to appear ignorant of such an important event as the creation of Constantinople. He loved fine long words, and would have eagerly seized the occasion to bring in *Constantinopolis*, if Constantinopolis existed. Solinus, it is said, must have lived before the seat of empire was transferred to Constantinople,[31] because he could not have passed this event over if it had occurred. This argument applies to Martianus Capella. Byzantium is named in a formal description of the various parts of the habitable globe, and Martianus was incapable of the stupid perversity with which Eyssenhardt taxes him. The truth is that Eyssenhardt was loth to do a good turn to the odious Barth.

There is an objection to Eyssenhardt's date which has not occurred to him. He thinks that in the whole of the 'De Nuptiis' there cannot be detected any allusion to the doctrines of Christianity. The more common opinion is that one passage in the book contains a contemptuous notice of the doctrine of the Trinity.[32] It is certain that Christianity is either ignored entirely or scornfully dismissed as an absurd and obscure creed. It is, however, equally certain that at the time when Eyssenhardt thinks the book was written though there may have been many Carthaginians who hated the Christian religion, there can have been none who thought it obscure and ridiculous. A series of attacks on the creed of the pagans had culminated in the last year of the previous century by a triumphant suppression of the pagan ceremonies, and the most signal victory which the Christians gained over their adversaries was celebrated in Carthage at the close of the fourth century. The impression conveyed by the style of the 'De Nuptiis' is that paganism was flourishing. It is true that we know of certain later authors who have affected to know nothing of Christianity and have retained the heathen gods and goddesses as artistic machinery when they had been suppressed as objects of worship. The tone of Martianus Capella would, however, lead us to suppose that he did not belong to this class. Paganism seems to have been for him a living reality, not a phantom evoked by the imagination, and if when he wrote

[31] *Vide* Solinus, in Smith's Dictionary.

[32] There are, strictly speaking, two passages; but the second of these is, I think, simply a commentary on the first.

it had been humbled in the dust, his dramatic faculty must have been singularly great. On the other hand, if we are to suppose that he sneers at Christianity, his conduct is what might be expected in an earlier author who had not been converted. Minucius Felix has recorded, or invented, a controversy between a pagan and a Christian, in which the pagan observes that the Christians hide themselves from observation in a way which suggests that they are half ashamed of their own doctrines and practices. This sentiment of contempt may, perhaps, be detected in Martianus Capella. It is, indeed, exceedingly doubtful whether the supposed allusion to the Trinity has been rightly understood. Selden was not an author who would be likely to miss a reference of this kind, and he, taking part in the time-honoured controversy which the number 666 has provoked, has quoted Martianus Capella's words,[33] but has not apparently understood that they could be intended as a sneer at the doctrine of the Trinity. There is another passage, to be given presently, which seems to imply that Christianity was known to the author, and obviously there is a presumption amounting almost to a certainty that he must have known something of it.

Satura in her story made Mercury seek Philology as a bride in defiance of mythological propriety. Why did she thus tamper with the history of the gods? One answer which suggests itself is, that the author who composed the fiction was not a *sanus homo*. 'Martianus Capella was a fantastic and inconsiderate writer' is a knife which cuts all knots. If the work is perused in the spirit which its author recommends in the words, *quae veternum prodidit nugis ignosce lectitans*, this knife will not be employed, and it will be recognised that the 'De Nuptiis' is an allegory carefully planned and elaborately worked out. Philology marries Mercury because Mercury represents the arts and sciences of Greece, and Varro, when he composed the nine disciplines, married philological learning to these arts and sciences. The seven arts which appear on the scene were extracted from Varro's treatise; the narrative which introduces them is the author's encomium. Eyssenhardt in his 'Praefatio' insists that Martianus knew the works of Varro only through other writers, and forbids us to suppose that he had studied the originals. *Hoc ante omnia cavendum est, ne quis credat Martianum ubi Varronem laudat eum ipsum ante oculos habuisse.* A sounder principle would be, *ante omnia cavendum est* that Martianus should be permitted to speak for himself. His meaning is plain enough if this principle is adopted. In one place we are told that Instruction (παιδεία) never crossed any rich man's threshold except in the instance of Varro and a few Romans of consular rank (*si Marcum Terentium paucosque Romuleos excipias consulares*). The addition of the 'few Romans of consular rank' is probably in-

[33] Selden, *De Revelatione*, vol. iii. pt. ii. ed. 1726.

tended to mark the fact that the writer had not absolutely forgotten the existence of Cicero, but Varro alone is named. In the essay on logic, Dialectic personified informs the celestial assembly that she is a maiden of Greek extraction, and that if Varro had not come to her aid it would not have been possible for her to assume the ways of speaking of the Latin races. Other illustrations might be given of Martianus Capella's respect for Varro, but the most conclusive argument against Eyssenhardt's opinion is that he cannot, or does not, explain a paragraph in book ix., which becomes intelligible if the hypothesis that Martianus Capella was re-writing Varro's disciplines is adopted. Book ix. is on music, and when music is introduced Apollo comes forward and observes that medicine and architecture are among the things prepared. *Delius Medicinam suggerit Architectonicamque in praeparatis adsistere.*[34] We know that among Varro's disciplines architecture was included, and though we do not know absolutely that medicine was one of them there is practically little doubt about it. Here we find that the author of the 'De Nuptiis' thinks it necessary to apologise for the omission of them as being among the subjects prepared (*in praeparatis*), and yet we are forbidden to think that he had studied Varro. This is strange perversity, and it will be found that the counter-hypothesis not only explains the fact of the wedding but clears up a certain mystery in Philology's behaviour, which on any other theory demands imperatively the solution, 'Martianus was a fantastic and inconsequential writer.' Philology had been long known to Mercury by reputation, and he desired to obtain her for his wife; but she was of terrestial origin, and the assembled deities doubted whether their dignity would not suffer if she were admitted in Olympus. After some discussion it was decided that she was worthy of the proposed honour.

One remark may be made about the speeches of the gods and goddesses on this occasion. It illustrates the attention which the author paid to the question of dramatic propriety, and his determination to avoid a dull and dry manner. Pallas, asked to deliver her opinion, replies in character, and prudishly protests that any discussion of matrimony is distasteful to her. Dramatic fitness is constantly studied. When, however, the apotheosis of Philology is decided, she in a most remarkable manner is made to violate dramatic propriety. Without any apparent reason, she makes a little speech in which she declares that she has invariably repudiated one or two religious dogmas, and, strange to say, boasts among other things that she never feared the Eumenides. What connexion, we are tempted to ask, can there be between philology and religious dogmas? How could philological studies excite the wrath of the Eumenides? Why should an awe-struck young lady,

[34] *Martianus Capella*, ed. Teubner, p. 332.

entering a court of Greek gods and goddesses for the first time, gratuitously insult these venerable and formidable powers? There are two possible answers to these questions. One is that the author was a simpleton; the other is that Philology was not philology pure and unmixed, but was an entity which represented the learning of Varro. The treatise of Varro about which, apart from the 'De Linguâ Latinâ' and the 'De Re Rustica,' we have most information is the history of Roman mythology which Augustin attacked. It was an elaborately learned work, in which the history of Italian superstitions was fully set forth. The Romans had in the course of ages blended the characteristics of their indigenous gods with the characteristics of the Greek deities, and identified powers who were originally distinct. The result of this process was, that in most cases the compound product was a greater personage than either of the two ancestors. Mercury, Martianus Capella's hero, is a notable example. Plato, in his 'Cratylus,' has painted with a few sarcastic touches the despicable traits of the true Hermes; the Mercury of old times was not much more dignified, but Mercury became an exalted deity, and Tacitus fancied that he discovered his attributes in the supreme god of the Germans. Varro in his mythology would be compelled to discuss all the chief characters of Greek mythology, with the one exception of the Eumenides. These alone had no analogues in Italy. It is said, indeed, that the *Dirae* or *Furiae* answered to the Eumenides, and it is true that, if a Latin name were required, none more appropriate could be found, but there is no real analogy. The *Dirae* or *Furiae* never occupied in Latin literature the important place which the Eumenides had in the literature and superstitions of Athens. Varro, therefore, we may conjecture (for it must be allowed that it is only a conjecture), had observed that the Eumenides did not belong to his province, or may have passed them over in silence; and Martianus Capella, anxious to get this point in, thought proper to attribute this eccentricity to his heroine.

The passage in which she makes this disclaimer of any respect for the Eumenides is as follows: *gratiam multa litatione persolvit quod nec Vedium cum uxore conspexerit sicut suadebat Etruria, nec Eumenides et Chaldaea miracula formidarit, nec igne usserit nec lympha subluerit nec animae simulacrum Syri cuiusdam dogmate verberarit, nec Phasi senis ritu Charontis manibus involutam immortalitatem mortis auspicio consecrarit.*[35] Parts of this are obscure or intelligible; but Etruria, it will be observed, had advised Philology to look on Vedius and his wife, and Philology had paid no heed to Etruria's counsels. It is a curious coincidence, if it be a mere coincidence, that Varro, in the fifth book of his 'De

[35] *Ibid.* p. 41, ed. Teubner.

Linguâ Latinâ,' should have put Vedius down as a Sabine god.[36] It is more likely that Martianus Capella had found some Etruscan tradition, of which Varro seemed to be ignorant, and desired to proclaim his knowledge, than that the reference to Etruria in connexion with Vedius should be altogether without point. We come then to the 'certain Syrian' whose dogma had never lashed the image of Philology's soul; and though it cannot be certain it is possible that the 'certain Syrian' is meant for Christ. Martianus Capella had noted that Varro seemed to know nothing of Christianity, and being probably not well up in his dates may have fancied that he scored here, as in the case of Vedius, over the great authority. So, too, the Chaldaean miracles may be a reference to the history of either the Old or New Testament, and the words *lympha subluerit* may indicate a knowledge of the rite of baptism; but the rest of the paragraph I do not pretend to understand, and it may be, as Eyssenhardt thinks, corrupt. Philology, admitted to the celestial party, proceeds to converse with Juno, and the author contrives with some skill to insert, partly in Philology's address and partly in Juno's answer, a mass of Varronian lore about the minor gods of Italy. The traces of Varro are unmistakable. Philology remarks that Juno on ordinary occasions becomes, as every one knew, Iterduca and Domiduca when marriages are celebrated. We get this in St. Augustin. He ridicules Varro's absurd notion that Juno, the wife and sister of Jove, could descend to earth in order to act as a guide when a couple of ordinary mortals are married. There is a long dissertation on the *genii*. This, too, is undoubtedly Varronian. Varro, we know not why, made Genius one of the *Di Selecti*, according to Augustine. The *genii* of Italy were the analogues of the daemons of Greece, but played a more conspicuous part in popular superstition, and greatly troubled the minds of men during many centuries by their supposed presence. Martianus introduces a long dissertation on their nature and functions, which is dramatically out of place, as Philology's confession of faith is. The wedding is celebrated in Olympus; the assembly is composed of the chief deities of Greece; Juno, the speaker, was not known to fame as an antiquarian or theologian. Granted that the narrative is a figurative laudation of Varro, the mystery is explained; assume that it is, as Eyssenhardt suggests, some Etruscan legend of which the author had heard or which Varro had recorded, the pedantic oration of Juno is as unaccountable as the vagaries of Philology.

Moreover, the honour paid to Varro was not undeserved. His linguistic speculations were, indeed, when the 'De Nuptiis' was composed, out of date, but he was nevertheless the true parent of philological science. There is a remarkable defect in

[36] M. T. Varronis *De Linguâ Latinâ*, p. 30, ed. K. O. Müller, 1833.

his theory of language, which led him astray in details, though his study of Greek had convinced him that languages must be compared together in order that they may be rightly understood. He was possessed by a dislike for the fundamental proposition of evolution. He would not allow that, if words resemble each other, the similarity may be explained by the theory of a common origin, though he asserted that there were analogies of construction.[37] The word *ager*, for instance, resembled, as he admitted, the word ἀγρός, but a scholar, he maintained, should derive it from the Latin *agere*. Philology, not long after Varro's time, became a convert to the doctrines of evolution, and made great progress; but the poor Martianus, in his *murcida vicinia iugariorum*, where the dogs barked at him, perhaps did not comprehend this, and thought, as Augustin thought a century afterwards, that Varro was the master of all knowledge, historical, scientific, and linguistic. It was fit that a *vates sacer* should proclaim the glory of so great a man, and he undertook the task. He forgot that a *vates* may be sometimes so oracular and enigmatical that his utterances may be unintelligible, and did not foresee that the work on the nine disciplines which he admired might be forgotten, and that if this happened the key which unlocked the secret of his allegory would be lost. Satura, however, wishing to tempt the Pelasgi to study the arts which Attic flesh-hooks despised, succeeded in her purpose, and the voice of the *saturus querulus doctor* made the seven arts immortal. The manuscripts of Varro's nine disciplines, or at least some part of them, were, it seems, extant so late as the beginning of the ninth century. Vossius quotes from Vertranius Maurus the following statement:[38] *De Arithmetica libellus eiusdem est hodie superstes divinitus a M. Varrone scriptus, uti sunt omnia ab illo profecta. Eum nos Romae cum Publio Fabro Augerioque Ferrario, viris doctis amicisque nostris, ex bibliothecâ Rudolphi Cardinalis adservatum apud Laurentem Strossium Cardinalem vidimus.* The comment of Vossius on this is: 'Since he wrote this before the year 806, it is strange that the manuscript should not have been published. It is still more surprising that Cassiodorus, whose words I will presently quote, should have said nothing about it. This work seems to have been a part of the larger 'De Novem Disciplinis,' named by Vitruvius. I make this observation because V. Maurus has omitted it in his catalogue of Varro's writings given in the life, and has also omitted the treatise on architecture.' Why should Eyssenhardt affirm that Martianus Capella did not study Varro if, as he maintains, Martianus was undoubtedly earlier than the year 439? I cannot discover a trace of a reason. One thing, however, must be added with regard to the testimony of Vertranius Maurus. Fabricius took from Vossius

[37] *De Linguâ Latinâ*, book ix.

[38] Vossius, *De Naturâ Artium.*

this statement, but did not reproduce it in full, and did not give his authority. Ritschl, in his account of Varro's works to which I have above referred, quotes Fabricius, but expresses a doubt about his accuracy. Of the life of Varro by V. Maurus he says in a note, *nec nota res nec credibilis.* The thing may not be known, but why it should be incredible I do not understand. The language of Vossius conveys the impression that he knew this life, and he, though not to be trusted where his *praeiudicia* fetter him, is notoriously accurate where nothing leads him astray. Fabricius alone would not be high authority, but the words of Vossius cannot be lightly disregarded. It will be observed that this statement tends to confirm the opinion that the nine disciplines made up an encyclopaedia on which the author had bestowed much time and labour. The existence of such an encyclopaedia was afterwards forgotten, or almost forgotten, because each article in it was a complete treatise in itself, and not because as a whole it was an elementary schoolbook, which contained no valuable matter. It was broken up, and the portions which were obsolete were discarded, the valuable parts retained. In this instance Cardinal Rudolphus happened to possess the 'De Arithmeticâ,' but not the other parts.

Vossius is surprised that Cassiodorus should not have mentioned this 'De Arithmeticâ,' but if we take what Cassiodorus has said and bear in mind his *animus*, an explanation of this silence occurs. The *animus* which I attribute to Cassiodorus is 'Study the arts if you please, or neglect them if you please, but do not read Martianus Capella.' Knowing that Varro was in some measure out of date and was a tedious author, he desired to point out that there was a more recent writer on arithmetic whose work might be studied, if some one later than Varro was wanted. He therefore named Apuleius as the translator of Nicomachus on arithmetic. Here I must digress for a moment to say that there is, I think, a blunder in Fabricius. He, in his chapter on Martianus Capella, has quoted Cassiodorus as saying that Martianus was Madaurensis (a native of Madaura). If Cassiodorus has anywhere said this he was wrong, for Martianus, who was more likely to know the truth, has said that he (Martianus) was a native of Elissa's prosperous city. The truth, however, is, I think, that Fabricius did not take the trouble to verify his references, and confounded Martianus with Apuleius. The latter of these two is called Madaurensis by Cassiodorus; the former, I believe, is not named by him: Cassiodorus has so worded the introduction to his seven liberal arts as to mislead the reader in two ways. He has, as already observed, contrived to make him think that St. Augustin would have sanctioned or did sanction the list of seven arts, and he has without a direct falsehood implied that he knew nothing of Martianus Capella. His introduction ends as follows: *Nec illud quoque tacebimus quibus auctoribus tam Graecis*

quam Latinis quae dicimus exposita claruerunt. Claruerunt saves the situation. The glory or the shame of Martianus Capella was that he had made the arts popular, and it was literally true that they were made illustrious by other writers, though Cassiodorus sails rather near the wind in his evasion of a direct falsehood. Nevertheless, though he conveys a false impression to the modern reader, and though his words have, in fact, greatly fortified the wrong opinion about the date of Martianus Capella, we should probably wrong him if we were to suppose that he intended to mislead any one. This cannot have been his intention if the 'De Nuptiis' was popular at the time. It is more likely that he was guided by the principle which he enunciates with regard to astrology, that what is wicked should not be named or discussed in any way. The confident ostentation with which Martianus obtruded the false creeds of Greece and Rome seemed, undoubtedly, to him an abominable piece of wickedness, and he would not pollute his pages by a direct reference to such a detestable writer. If, when almost every one who possessed an enemy was accused of magical practices, it was possible to pretend that astrology was unknown, plainly it might be permitted to pretend that Martianus was unknown. This accounts for the silence of Cassiodorus.

The silence of Boethius, who in like manner ignores Martianus Capella, is explicable in a different manner. The style of Martianus must have excited the disgust of Boethius, and the matter of the 'De Nuptiis' must have seemed to him utterly contemptible. He probably never perused it. There is a work called 'De Disciplinâ Scholarium,' of which Boethius is the reputed author, in which the 'De Nuptiis' is mentioned, but Boethius did not write the 'De Disciplinâ.' It is a later work. It has been suggested that the form of the 'De Consolatione Philosophiae' may be an imitation of the form of the 'De Nuptiis,' but this is a gratuitous hypothesis. It is probable that both Martianus Capella and Boethius imitated the 'Saturae' of Varro, which contained a mixture of prose and verse. There had been earlier imitations. Internal evidence proves that Cassiodorus had in his hands the works of Boethius, and it is therefore certain that he did not propose, when he wrote on the seven arts, to add any matter which could be valuable in the eyes of scholars. He knew well that Boethius was his superior in learning and intellect. It is, I think, equally certain that his true sentiments are revealed in the letter which he wrote for Athalaric to the senate of Rome. Grammar was the only study which he really esteemed. He produced an introductory handbook on the seven arts, notwithstanding. If it is a law that encyclopaedias appear when literature declines, we may suppose that a sentiment of literary vanity impelled him to under-

take the task, for it is undoubtedly true that he had an ample store of vanity in his composition. In his last great work, the 'De Animâ,' he complacently explains that a circle of admiring friends had besought him to investigate the mysterious nature of the soul, and that a sense of duty forbad him to disregard their prayers. If an instinct told Cassiodorus that encyclopaedias were necessary, we can understand that in his opinion a Cassiodorian encyclopaedia was required. Otherwise we must assume that he hoped to suppress Martianus Capella. The writings of Boethius had probably convinced him that grammar without the other studies would not satisfy the needs of the age. Boethius and Varro were, he saw, too long and difficult. A moderate compendium was imperatively required, and he alone could produce one. When he exclaimed, *cesset nunc illa querulis doctoribus satyris usurpata sententia*, he was a Benedick who did not know that destiny would oblige him to marry. It is significant of the truth that he used the term *liberales artes*, though he did not altogether discard the classical *disciplinae*. Augustin and Boethius, neither of whom seems to have been influenced by Martianus Capella, adhere to the classical *liberalia studia* and *liberales disciplinae*.

Martianus Capella was, in his 'De Nuptiis,' writing for readers who did not understand Greek and could not consult Greek authors. He takes care to make this clear, and brings the point in by a series of artifices. Geometry's oration opens with some verses addressed to Pallas, of which the last line is

Inspirans nobis Graias Latiariter artes;

and the point repeatedly appears elsewhere. It is therefore at first sight inexplicable that the arts which he expounds should have been not dear to Attic flesh-hooks, and that the Pelasgi should be invited to study them. In order to detect the Attic flesh-hooks, we must fall back on the hypothesis that he had Varro in his mind, and that they were some persons who had conspired to treat the nine disciplines with contempt. The *desideratum* is thus to be found in the host of foreign professors, mostly of African extraction, who invaded Rome and monopolised education. They professed the language and the literature of Greece, and they were 'Attic' in the metaphorical sense of the word, i.e. affected to be extremely refined and cultivated. This use of the word was already established. Martial calls a scholar's ears 'Attic ears.' Martianus Capella, when he termed them *creagrae* (flesh-hooks), insinuated that they were characterised rather by selfish greediness than by a love of learning, though, as usual, he shunned plain speaking. As vanity and self-interest combined to make these professors hostile to Varro's Latin treatise; as Quintilian and other authors directly say that Latin books were rejected in all cases where Greek books

were possible, this might pass even without corroborative evidence, but it happens that we possess a piece of evidence. Suetonius has recorded in his 'De Grammaticis' that the learned Palaemon called Varro a pig; and though Suetonius justly condemns Palaemon's impertinence, it is probable that Palaemon was swimming with the stream when he said this. He probably had his own art (grammar) specially in view; but if Varro was despised as a grammarian, the professors who were competent to form an opinion about this would be ready to think, or pretend to think, that Varro's other dissertations were worthless. Thus the Attic flesh-hooks destroyed Varro's fame as a scientific writer, though they could not touch him as an authority on ancient history. Further, the spirit of the age was adverse to science. Aratus had been translated into Latin because he was a poet, not because the Romans felt much interest in astronomy; and the dry light of science failed to attract the literary world, which took delight in the broader and obscurer problems of philosophy. Martianus Capella, anticipating Bacon's sage remark, 'When a man's wits be wandering, let him study the mathematics,' desired to remedy an injustice and provide a wholesome tonic for the wandering wits of the age. And here let it be noted that his book is a signal proof of the virtues of the medicine which he prescribed. It is a matrimonial romance; it was produced in the age and country which gave birth to the 'Golden Ass' of Apuleius; yet, in the whole history of literature, there cannot be found a work of more crystalline purity. The Pelasgi, whom he endeavoured to tempt, were his own fellow-countrymen, and others, whose only language was Latin. The Roman poets, finding this word extremely convenient in versification, had identified the Pelasgi with the Hellenes; but internal evidence conclusively proves that, in the present instance, Pelasgi is used for non-Greek. It appears that this sense is more in accordance with historical tradition than the poetic usage. Herodotus, the father of history, declared that the speech of the Pelasgi was barbarous, by which he meant that it was not Greek. There was a tradition, to which Servius alludes in his note on Virgil's 'veteres sacrasse Pelasgos,' that they had planted colonies in various parts of Italy; and as Varro's theory was that the languages of the Latin races were quite distinct from the language of Greece, it is probable, though it is not known, that he clung to the Herodotean opinion. Martianus Capella was, perhaps, indirectly proclaiming his knowledge of a Varronian *dictum*. Plainly, it was difficult to find a more suitable term. He was not addressing the inhabitants of Italy in the first instance, and such names as Latini or Itali were too narrow for his purpose. Greece had conveniently subdivided the kingdom of language into two provinces. There was the Greek language, and there were barbarous languages; and Plautus, who described one of his plays

as a barbarous version of a Greek play, had meekly accepted this classification. Martianus Capella could not imitate Plautus, for the connotation of contempt which the epithet 'barbarous' contained had become stronger, and hostility would have been provoked if he had dared to adopt the practice of the Greeks. The name Pelasgi was polite, and then, as now, the history of the Pelasgi was hidden in mystery.

If Cassiodorus had held his peace, it is almost certain that Martianus Capella would have been forgotten, and that the list of seven arts would never have come into existence. The ecclesiastics of a later age never liked Martianus, thinking his introduction and mode of treatment profane, and thinking his scheme of study needlessly long and elaborate. But Cassiodorus so emphatically asserted the connexion between religion and the seven arts that his testimony could not be rejected, and the work of Martianus was whitewashed in popular esteem because it closely resembled the respectable manual of Cassiodorus. The earliest and most famous panegyric of the 'De Nuptiis' is the passage which ends the 'Historia Francorum' of Gregory of Tours. Gregory, addressing an imaginary successor in office, defines an accomplished scholar as one who had mastered the writings of Martianus, and begs his successor, if he be a scholar, not to criticise harshly the well-meant labours of one who was deficient in such learning. If it were certain that Gregory was the author of this apology, it would be idle to deny that Martianus Capella's book must have been celebrated when the works of Cassiodorus were unknown; and as it has been commonly accepted as genuine, it is strange that the counter-opinion should have prevailed. The fact is, however, that the passage may be an interpolation, and the work of a later hand. Theologians generally moulded history as they pleased in the Middle Ages, and the theological faction was in appearance supreme; but many traces can be discovered of an opposite party which kicked against the theological arrogance, and Martianus Capella was a weapon of offence. The apology which Gregory makes for his own defective style was probably the invention of a malicious scribe who thought that Gregory overrated his own merits and the importance of his order. The humility of spirit in which this apologetic prayer is conceived is overdone. Each art is enumerated, and all are glorified, though ignorance of geometry, astronomy, and music could not be a blot in the character of an historian, and it would have been enough if Gregory had confessed that he was ignorant of the rules of grammatical construction or of rhetorical artifices. The general tone of the history forbids us to suppose that the writer of it would place such an author as Martianus Capella on this eminence, and in the life of St. Martin, Gregory's true sentiments are plainly and confidently proclaimed: *Quid timeo rusticitatem meam, cum Dominus*

Redemptor et Deus noster ad distruendam mundanae sapientiae vanitatem non oratores sed piscatores, nec philosophos sed rusticos praelegit?[39] Here, too, is an apology, but of a different kind, and we recognise the famous bishop's true voice in the words, 'Why should my rusticity be an obstacle when our Lord the Redeemer selected fishermen, not orators and rustics, not philosophers, to destroy the vain wisdom of the world?' Presumptions of this kind would of course be without weight if external evidence were conclusive against them; but one manuscript which is apparently perfect does not contain the doubtful passage,[40] and it is more likely that an enemy put it in than that a friend left it out.

An incident in the life of a certain Wolfkangus (Wolfgang?) illustrates the history of the secret battle which the two factions waged over Martianus, and it may be here introduced; but as there is no nice question about the exact meaning of the words, it is unnecessary to give the Latin text.[41] 'A certain professor gave a course of lectures on the wedding of Mercury and Philology in Martianus, and showed how these names were suitable numerically, but did not give a very satisfactory explanation. The students afterwards begged Wolfgang, the man of God, whose insight into such matters was greater, to give a better explanation, and he, erudite and kind as he was, removed the difficulty and put the whole question in a clear light. The professor subsequently heard of this, and being exceedingly angry would not allow Wolfgang to attend his lectures afterwards. This was a device of the enemy, who hoped to extinguish the saint, but the attempt failed altogether; and just as a fire fanned by the wind burns more brightly, so adversity had no evil effect on the divine ardour in the saint's breast. We have it on his authority, which cannot be disputed, that from that time forward he would not listen to carnal expounders (*carnales demonstratores*) of Scripture, and the consequence was that he was as the sun of summer is compared with the winter sun.' In this story there is some biographical embroidery. Wolfgang, as it stands, was one of the class, and when the lecture was over his fellow-students forced on him the functions of a professor. This is not at all likely. He would probably have been well snubbed for his pains if he had let it appear that he thought he could improve on the professor's exposition. The substratum of fact is that there was a party antagonistic to the theologians, which the *carnales demonstratores* led, and that this party valued Martianus Capella highly, because, in dealing with him, theological arrogance could be disregarded. The 'carnal' faction esteemed him highly, partly because there was in his intro-

[39] *De Virtutibus S. Martini*, Monumenta Germaniae Historica, vol. i. pt. ii. p. 58.

[40] *Recueil des Historiens des Gaules et de la France*, ii. 389, note.

[41] Vide *Monumenta Germ. Hist. Scriptorum*, iv. 528, Pertz.

duction an agreeable flavour of impiety, partly because it contained an argument about the mysterious properties of numbers, which pleased the taste of the age better than the dry study of the arts. The dissertation about the respective merits of seven and nine which Martianus Capella introduced was perhaps intended by him to be a justification of his substitution of seven arts for nine disciplines; but it proved a successful bait. A labyrinth was provided in which the professor could wander when he and his pupils were tired of more useful but less attractive labour.

Martianus Capella's purpose was to make mathematical science attractive by a jocose and lively manner. This was his art. Events showed in a remarkable manner the truth of the saying *τύχη τέχνην ἔστερξε*, and though he attached no peculiar importance to the number seven, his accidental choice of this number was all-important. The Christians whom he despised became the rulers of Europe and felt no love for him or his book, but the *numerus septenarius* was a talisman which the boldest of them could not ignore. As the memory of Varro's nine disciplines passed away, all traces of the true origin of the list were lost, and when it was known only that the liberal arts had been seven during an indefinite period of time, it could not be denied that they ought to be seven. In the centuries which elapsed between Martianus Capella's time and the foundation of the universities, the most important fact in their history, besides the composition of Cassiodorus, was the respect which Charlemagne felt or professed for them. His admiring biographer assures us that the great emperor could never overcome the difficulties which the art of writing presents, and it cannot be easily supposed that his knowledge of the seven arts was very profound; but the tradition was that he loved them and studied them. Nor is it Eginhard alone who says this. Some encomiastic verses, which the editors of the *Recueil* think were the work of a contemporary, pay a similar tribute to his learning:

> Quatuor ast alias artes quae jure sequuntur
> Discernit simili rerum ratione magistrâ

follow a description of his proficiency in grammar, rhetoric, and logic.[42] It is even said that astronomy was his favourite science. The patronage of the first great warrior-missionary of the church silenced any doubts which might be felt, and hallowed the list for future generations. The schools which he established fell to pieces when he had gone, and the Paris art-school was not a lineal descendant of the imperial schools. A period of dense intellectual darkness followed the brief and partial revival of learning which his

[42] *Versus de Carolo Magno et quibusdam aliis* in *Recueil des Historiens des Gaules et de la France*, tom. v.

efforts had effected, but the tradition remained and his schools are a link in the history of the seven arts.

If it is conceded that the two first links were Varro and Martianus Capella, it is clear that the seven arts were never supposed to include the whole circuit of human knowledge. Martianus Capella's list was a reduction of Varro's, and Varro's was not supposed to include all knowledge. It was not even supposed to contain all the sciences. Varro recognised a science of agriculture which did not find a place in his nine disciplines. His purpose in this encyclopaedia was to add to Latin literature the kind of knowledge in which Athens was manifestly superior to Rome; and as it was not necessary for Italy to consult Greece in agricultural questions, this science was omitted. Latin authors knew something of grammar and rhetoric, but something might be culled on these topics in Greek literature, and in Varro's other seven disciplines the authority of Greece was supreme. It may seem strange that this should be true of medicine, which necessarily was, as an art, indigenous in Italy, but it is the fact. We have the proof in Celsus that the science of medicine was derived from Greece. All his authorities are Greek, and wherever precision of language is necessary his terms are Greek. Moreover, the tradition that the Romans imported Aesculapius establishes the fact. Architecture, also, as a science, was of Greek origin. The language of Vitruvius confirms this. The invention of the arch greatly changed and enlarged the science, but the notion that there were certain rules and principles which might be systematically arranged came from Greece. The Roman character was deficient in those intellectual qualities which made Greece the parent of the sciences as well as of the fine arts, and Varro ransacked Greek literature in quest of scientific principles. He took indiscriminately whatever seemed most valuable. Martianus Capella introduced a limitation. He left out medicine and architecture, giving as his reason the necessity of keeping to those arts which might interest a group of celestial beings. They did not suffer from illness, and could not require a physician; they had no corporeal frames, and did not want material habitations. This was his poetical way of putting it. This, reduced to the language of prose, means that he would not enter into the domain of physical science.

It will be observed that one only of the arts known as the fine arts appears in the list of liberal arts. This is music. The other typical fine arts are poetry, painting, statuary, and architecture, none of which are in the medieval sense liberal arts, though in the true etymological sense all are liberal arts. I have already elsewhere given a history of the term 'fine art,' contrasting it with the history of the term 'liberal art,'[43] and will

[43] *The Nature of the Fine Arts*, 1885.

not repeat it here; but the story of the seven liberal arts is not complete unless it is understood why music alone of the fine arts appears in the medieval list. I will therefore briefly recapitulate the substance of a part of the argument about the nature of the fine arts. Obviously, Martianus Capella's objection to medicine and architecture would not apply to poetry, which is the chief of the fine arts. Celestial beings might not want doctors or houses, but could not disdain poems. Poetry is absent because there is no science of poetry, and Varro consequently omitted it from the nine disciplines. This, in my opinion, is also the reason why painting and statuary were not set down in Varro's list. If there is, as many now think, a science of taste called 'aesthetic,' there is a science of painting and sculpture, and ancient Greece was wrong in the matter, for Greek philosophers did not hold, as some modern philosophers hold, that there is a science of 'aesthetic' which extracts perceptions of 'the beautiful' from all other perceptions. Perceptions of 'the beautiful' were, in the opinion of Greek philosophers, like perceptions of 'the good.' The modern opinion seems to be that they can be distinguished, and that when distinguished they are perceptions *κατ' ἐξοχήν*, which rightly arrogate to themselves the term 'aesthetic.' Whether Greece was right or wrong, in any case, the fact is that Varro did not find a science of taste or a science of the beautiful in Greek literature, and this accounts for the absence of painting and statuary from the list of medieval liberal arts. He found, however, harmonic and architectural science, and this brings before us Martianus Capella's adoption of the one and repudiation of the other. It has been often observed that there is a mysterious resemblance between music and architecture, and architecture has been called in figurative language 'crystallised music.' The bond of union between these two arts is, in plain words, that they are both based on scientific principles. If any reader of this should doubt whether musical composition is based on scientific principles, a brief inspection of the article 'Music' in any good encyclopaedia will remove the doubt. But although both music and architecture are based on science, the principles of the former are purely mathematical, while those of the latter are mechanical. The essential distinction is that the composer of music may forget the law of gravitation, the composer of buildings must remember it. True, the law of gravitation is a recent discovery, but the word 'law' in this sense is simply a universal fact in the nature of things, and these facts are implicitly recognised where they force themselves on the attention, before the master-spirit arises who reduces them to a formula. Architecture could not be discussed without the introduction of principles based on the universal influence of gravitation, and Martianus Capella determined to avoid every question of this kind, judiciously thinking that his task was great enough without them.

He took arithmetic and its most valuable application, music; he took geometry and its most important application, astronomy; but he would not have architecture. Astronomy now cannot escape from the law of gravitation, but it could when he wrote. Astronomers could postulate supernatural agency, and thus avoid mechanical laws. Celestial beings could therefore take an interest in astronomy.

H. Parker.

The Decrees of the Roman Plebs

IN the first volume of the ENGLISH HISTORICAL REVIEW, I published a paper on the 'Legislative Power of the Roman Plebs.' The theory there put forth has not, so far as I know, enjoyed the benefit of criticism, so that it is difficult to say what may, or may not, be argued on the other side. In the meantime it affords me a position from which to criticise the theories of other writers on the same subject. Of the two works which I propose to discuss, one, that of Borgeaud,[1] bears date November 1886; the other, by W. Soltau,[2] was published as early as 1884, though it has only come into my hands since my former paper was in print. Both have for their main subject the growth of plebeian privilege, but both branch off into the discussion of various kindred topics.

Before disputing over the points at issue it will be well to note some matters upon which I find myself in hearty agreement with these writers. They hold that all the three laws (the Valeria Horatia of 449 B.C., the Publilia of 339, and the Hortensia of 287), which are said to have ordained that *plebiscita* should bind the whole state, do actually refer to the decrees of the plebs; they refuse to regard the two last-named as mere repetitions or re-enactments of the first, and believe that the power, which the law of Hortensius vested in *plebiscita* absolutely and unconditionally, had been conceded by the earlier laws under certain restrictions and limitations. Above all they hold that the two corporations, the populus and the plebs, were from the first, and remained to the end of the republic, distinct and independent, and that the *concilium plebis tributum* is not to be confounded with the *comitia populi tributa*. This last thesis lies at the base of the whole controversy. A considerable part of Soltau's work is occupied with the renewed presentation of the arguments in its favour, and with answers to the objections brought against it. To my own mind the exposition of this theory by Mommsen in his 'Römische Forschungen,' founded as it is on the express statements of the Roman lawyers, seems so irresistible that I find it difficult to understand why anything more need be said on the matter. Still

[1] *Die Gültigkeit der Plebiscite.* W. Soltau. Berlin, 1884.

[2] *Histoire du Plébiscite. Le Plébiscite dans l'Antiquité.* B. Borgeaud. Geneva and Paris, 1887.

the contradictory view is supported by the names of Lange and Ihne in Germany, of Madvig in Denmark, and of Pelham in England, and while this is so it must be admitted that the theory may require defence. Whether it requires it or not, it is certain that it has found a learned and vigorous defender in Soltau. For the present it will be enough to say that the question of the validity of *plebiscita* is one which it would be useless to argue with critics who confound the assemblies and decrees of the plebs with those of the populus Romanus. Without agreement on the previous question, the disputants have no common ground of argument, and cannot fairly grapple with one another. It is otherwise when the question is raised against Soltau and Borgeaud. Agreeing with them, as I do, on the main issue, I hope to be able profitably to enter on a criticism of the details of their theories.

I will first briefly restate my own view. I hold that the Hortensian law was the first which formally delegated sovereignty to the plebs; that previous to this all legislation was formally the work of the populus in its *comitia* on the *rogatio* of a patrician magistrate; but that nevertheless the plebs and its magistrates possessed a practical power of initiative, and were able to set the omnipotent machine to work. I believe that the outlines of the procedure may be gathered from the documentary evidence preserved in Dionysius's account [3] of the *lex Icilia de Aventino publicando*, and that they are somewhat as follows: The vote of the plebs in a matter which concerns the whole state is a mere petition, fortified by which the tribune approaches the consuls and requests them to propose a *rogatio* to the sovereign populus. If they demur, he attempts to stimulate them by insisting on a discussion of the matter in the senate; it is at this stage that the real struggle takes place; each party has its own means of putting pressure on the other; the result is very frequently a compromise. When the senate has either backed the petition of the plebs, or has induced the plebeian leaders to accept some suggestion of its own as a substitute, the consul is practically, though not legally, bound to lend his initiative, and he puts the *rogatio* to the *comitia centuriata*; this assembly, consisting practically of the same persons who have already petitioned for the law, is only too glad to be able to enact it. If this be accepted as the normal course of proceedings before the *lex Hortensia*, it is easy to see that the process might be forwarded in one or other of its stages by positive enactments—such, for instance, as that the consul *must* bring these petitions before the senate, or that he *must* not refuse his initiative *rogatio* to the populus; any regulations of the kind, smoothing the way for the decrees of the plebs to pass into laws, might be roughly described as giving legislative power to the plebs. This is my explanation of the *lex Valeria Horatia* and of the *lex Publilia* (Philonis).

[3] Dionys. x. 32.

The two great instances of tribunician *rogationes* in matters relating to the whole nation before the law of Valerius and Horatius are the *lex Icilia de Aventino publicando* and the *lex Terentilia de legibus conscribendis.* Soltau's account of these coincides very nearly with my theory. 'The *plebiscitum Terentilium,*' he says (p. 104), 'like many *rogationes agrariae* and all similar *plebiscita* which previous to the decemvirate infringed on the general law of the state, was without *legal validity* and had only the force of a resolution.' Of the *lex de Aventino publicando* he says (p. 103) that 'Livy is mistaken in calling it a *lex Icilia.*' This is a matter of terminology; I should admit that so long as it was only the resolution carried by Icilius and the plebs it was not a *lex*, and that when it became a *lex* it ought, strictly speaking, to have borne the name of the consul who put the question to the *comitia centuriata.* It seems, however, to have retained throughout the name of its first originator, just as we talk of 'Lord Campbell's Act' or of 'Peel's Bank Act,' though the names of these statesmen do not occur in the laws enacted. The only serious difficulty is that in neither case does Livy or Dionysius mention the actual passing of the resolutions in the plebeian assembly. I am relieved to find that the consideration does not seem very important to Soltau. He does not raise the question in respect of the law about the Aventine, and of the Terentilian proposal he remarks (p. 103), 'Whether this was carried or no is not related; in any case it remained without legal force.' My view is that the carrying of these proposals in the plebeian assembly may be argued first from the fact that the laws bore the name of the tribunes, and secondly from the probability that the tribune would not neglect to provide his petition with so powerful a moral support before taking it to the consuls and the senate. I should quite agree with Soltau that what the tribune received from the resolution of the plebs was *only* a moral support, and that it was without legal validity.

But though Soltau has anticipated me in the view that the *plebiscita,* like the decrees of the senate, were originally resolutions, useful only to stir up the activity of the powers in which resided the real capacity to legislate, it does not seem to have occurred to him that the survival in theory of the same principle may serve to explain, without breach of continuity, the situation for the century and a half following the decemvirate. He makes a fresh start with the consuls who follow the decemvirs (Valerius and Horatius), and believes that from their time onward the vote of the plebs possessed not only a practical but a formal portion of the legislative power. The decree of the plebs in matters concerning the whole state 'has henceforward,' he maintains (p. 146), 'the force of law in case it has been authorised by the previous decree of the senate.' Mommsen's view is precisely the same, except that he dates the origin of

this procedure back to the year 471 B.C. instead of to 449 B.C. The sole positive argument in support of this theory is the passage of Appian,[4] which, according to Mommsen, contains the 'answer to the riddle' in the statement that Sulla and his party *εἰσηγοῦντό τε μηδὲν ἔτι ἀπροβούλευτον ἐς τὸν δῆμον ἐσφέρεσθαι, νενομισμένον μὲν οὕτω καὶ πάλαι, παραλελυμένον δ' ἐκ πολλοῦ*. I have given in the former article my reasons for thinking this passage not conclusive. I gather from Soltau (p. 145) that the same reasons had been previously urged by Lange and Clason. Soltau's reply (pp. 145, 146), that what Sulla revived in legal form must necessarily have been a positive law and not a mere constitutional custom, does not seem to me very cogent. The assertion of the German critic 'that the *custom*' (of a tribune not proposing measures to the plebs without the previous consent of the senate) 'had by no means ceased to be observed in Sulla's time' would have sounded strangely in the ears of Sulla himself, who had just been obliged to cut the throat of Sulpicius Rufus because he could not by any gentler means induce the tribune to refrain from infringing this custom.

Setting aside the passage of Appian, we have really no fixed starting-point except the fragment of documentary evidence so happily preserved to us in the case of the *lex de Aventino publicando*. Except in this one case the descriptions of Livy and Dionysius give us little material for an answer. I believe that neither of them had formed a very clear idea of what was necessary to constitute a law in these early times.

The silence of Dionysius must, in fairness, be counted as a point against my hypothesis. If he had conceived the process as I imagine it to have been, we should expect to find each stage in it far more clearly laid down by him. At the same time if, on the supposition that Dionysius sometimes follows (without citing) a more ancient authority, I might be allowed to select sentences at discretion from him, I could furnish myself with a tolerably strong list of passages.

He distinctly states in ix. 41 that the *φυλετικαὶ ἐκκλησίαι* (i.e. the plebeian assembly of Volero) require no *προβούλευμα* of the senate, but afterwards he repeatedly mentions such a *προβούλευμα* in the case of the tribunician laws. If so, it would follow that the proposals of the tribunes did not become law as soon as they were carried in the plebeian assembly, but that they had still to run the gauntlet of a senatorial decree and a subsequent acceptance by the populus. So of the *lex Terentilia*; in B.C. 457 we find[5] *οὔτε τῶν ὑπάτων ὑπομενόντων προβουλεῦσαί τε καὶ εἰς τὸν δῆμον ἐξενεγκεῖν τὸν νόμον*; three years afterwards the consuls[6] *περὶ τῶν νόμων οὓς ἐσπούδαζον οἱ δήμαρχοι . . . διάγνωσιν ἀπέδωκαν τῇ βουλῇ*, and a little later,[7] *γραφέντος τοῦ προβουλεύματος καὶ μετὰ*

[4] *Bell. Civ.* i. 59. [5] Dionys. x. 26. [6] *Ib.* x. 50. [7] *Ib.* x. 52.

ταῦτ' ἐπικυρώσαντος τοῦ δήμου κ. τ. λ. In the same way with the Canuleian law, the tribunes [8] threaten to obstruct all business of the senate ἐὰν μὴ τὸν ἀπ' αὐτῶν εἰσφερόμενον προβουλεύσῃ νόμον. When the time has come [9] ἐν ᾧ τὸ προβούλευμα ἔδει γενέσθαι, Valerius suggests [10] that the war should be first despatched, and that the *consuls* τὸ περὶ τοῦ νόμου προβούλευμα εἰς τὸν δῆμον ἐξενεγκεῖν. In this case then, as in the last-named, it is the consuls who are to put the *rogatio* to the people. True, that immediately afterwards, when the compromise of the military tribunate has been arrived at, the tribunes seem to come in again: [11] γράφεται δὴ τὸ προβούλευμα ὑπὸ τῶν ὑπάτων, καὶ λαβόντες αὐτὸ μετὰ πολλῆς χαρᾶς οἱ δήμαρχοι προῆλθον εἰς τὴν ἀγοράν. ἔπειτα καλέσαντες τὸ πλῆθος εἰς τὴν ἐκκλησίαν πολλοὺς διέθεντο τῆς βουλῆς ἐπαίνους, καὶ παραγγέλλειν τὴν ἀρχὴν ἐκέλευον τοῖς ἐθέλουσι τῶν δημοτικῶν ἅμα τοῖς πατρικίοις. Now it would be easy to interpret this last as relating merely to a *concio*, in which the tribune explained to the people the result of the compromise, and the other passages might be cited as supporting my hypothesis. Certainly there is nothing in them to contradict the supposition that what follows the προβούλευμα is in every case a decree of the sovereign populus on the *rogatio* of the consul, and that the resolution of the plebs must be taken to have preceded the deliberation in the senate. I cannot, however, profess to base my theory on these passages, for I believe, as I said before, that Dionysius never had formed in his own mind any consistent view of the procedure.

I think that the same is true of Livy. Livy is an adept in the art of passing gracefully over what he does not understand. If his narratives can be said to favour any hypothesis at all, they would lead us, as Mommsen [12] frankly acknowledges, to infer that the vote of the plebs was absolutely law and that the senate had none but indirect means of preventing the vote. I quite agree, however, with Mommsen and Soltau (p. 125 *seq.*) that this supposition is untenable in view of the long struggles recorded over the tribunician bills and the frequent compromises to which the tribunes were obliged to submit. It is also inconsistent with the doctrine (which we seem to gather from Dionysius) that the senatorial decree was at one stage or another an essential element in the procedure. The extreme improbability of Livy's presentation comes out most strongly in the story of the struggle over the Licinian rogations. Licinius and Sextius are represented as re-elected for ten years in succession as champions of the popular cause, and nevertheless the plebs likewise elect in nine of these ten years other tribunes to thwart that cause by their veto. Much the same thing occurs in B.C. 395.[13] As a matter of probability Soltau (p. 134) is most likely

[8] Dionys. xi. 54. [9] *Ib.* xi. 57. [10] *Ib.* xi. 59.
[11] *Ib.* xi. 61. [12] *R. F.* pp. 212, 213. [13] Livy, v. 25, 13.

right when he says, 'In the case of demands which the mass of the plebs wished to see satisfied, the veto of other tribunes could postpone the carrying of the bill during the first year at most.' I think, however, that he ought to have made it more clear that, in spite of probability, Livy asserts that the precise contrary occurred.

I am not inclined, then, to base my theory on the details of the story given by Livy any more than on those set forth by Dionysius. But even here I cannot admit that I have anything more than Livy's silence against me. When Soltau (p. 133) says, 'We often find struggles lasting for years between the popular and the senatorial party over the bills which were introduced, and—what is to be especially noted—these occur before the concilium of the plebs comes to a vote upon them,' I do not admit that the vote recorded by Livy (in iv. 1, 6, for instance, or in v. 30, 7) was necessarily the first which the plebs had passed on the matter in hand. On the contrary, my theory takes account of the possibility that after each refusal of the senate and consuls to entertain a bill it was again and again passed as a resolution by the plebs—a resolution, however, which I should consider as a preliminary to legislation rather than as a legislative act.

If my theory gets little or no support from Livy, the rival hypothesis of Soltau is in far more glaring contradiction with Livy's statements. Soltau, unlike Mommsen, attempts to make the detail of Livy fit in with his own theory, but these efforts seem to me far from successful. He quite fails (p. 130) to face the difficulty that in one case [14] a bill most distasteful to the senate—the proposal, namely, to shift the habitation of part of the Roman people to Veii—did actually come to a vote and was rejected by a majority of only one tribal vote. The same is implied in the words *antiquata deinde lege* [15] when the proposal was renewed in a more extreme shape after the burning of Rome by the Gauls. In other cases the vote of the plebs is averted only by the intercession of other tribunes.

I find it somewhat difficult to gather how far Soltau accepts Livy's statement that the plebs really voted on these laws. He follows (p. 131) Mommsen, however, in maintaining that 'it can easily be understood that it was more agreeable to the senate to see the proposal set aside by intercession rather than by the refusal of its own assent.' This argument, which every one would admit if it related to an assent which was to follow the voting, is surely unsound if applied to an assent which had to be given or refused beforehand.[16] According to the theory before us, the tribune cannot

[14] *Ib.* v. 30. [15] *Ib.* v. 55, 3.

[16] Especially if, as seems to be implied in Soltau's view of the change introduced by Philo (see below, pp. 470–71), the senate might, previous to 339 B.C., indefinitely put off giving its answer.

call the tribes together to vote on a matter which concerns the whole state until he has got the previous consent of the senate. Can we believe that the senate would grant this consent, and then trust to indirect means to take back with the left hand what they had given with the right? The tribunes who interposed their veto, the senators who went round canvassing their tribesmen would be in an utterly false position if the proposer of the law could urge that the senate, as a body, had already given its assent. Livy certainly never represents the patricians as relying on such hopeless tactics. On the contrary, the tribunes who intercede[17] have a *senatus auctoritas* to back them. If, then, we give so much weight to Livy's presentation as to admit that the senate commonly employed indirect means to check the proposals of tribunes, one of two things seems to follow. Either (which appears to be Livy's own view) the senate had no direct power of invalidating the decrees of the plebs, or else such power as it possessed must have been available *after* the voting of the plebeian assembly. The probabilities of the matter may, perhaps, be illustrated by considering what happens in England when a ministry with a majority in the house of commons introduces bills which are not approved by the house of lords. The opposition in this case exhausts every means of objection and obstruction in the commons rather than throw upon the lords the responsibility of rejecting a measure passed by the lower house; but I know of no instance in which a bill introduced first of all into the upper house has been accepted by it in the hope that the commons may be induced to throw it out. In such a case the lords deal with the measure simply on their view of its merits. If they accept it, it is because they are not prepared to fight the question, and after such acceptance the opposition never gives any trouble in the house of commons. If, on the contrary, the lords seriously disapprove of a bill, they cannot be induced to contemplate the possibility of submitting to it, unless after it has received the moral support of a great majority in the other house.

It is, perhaps, a consciousness of these practical difficulties which leads Soltau later on (pp. 137–42) to violate the consistency of his own theory by a second presentation of it which really contradicts the first.

> We gather [he says, p. 138] from isolated cases a tradition of the manner in which the senate uttered its verdict on tribunician bills. This sometimes occurs not through a senatus consultum, simply rejecting the measure, but in forms which make it at least highly probable that the senate could exercise with effect its power of veto only when it could justify itself by objecting grave constitutional scruples, sacred considerations, or the good of the state.

Now this is a position very different from that at which Soltau

[17] Livy, iv. 48, 15, and v. 29, 10.

starts. It is one thing to say that a tribunician bill was absolutely without effect, though carried in the concilium plebis, unless the senate had previously voted its consent to it, and quite another thing to say that such a tribunician bill became invalid if between the promulgation and the voting the senate had intervened with a positive decree declaring that the religion, the constitution, or the interests of the state would be violated by the proposal. The modern critic is bound to take his stand on the one interpretation or on the other. Soltau seems never to have appreciated the importance of the distinction, and in his summing up (p. 142) he puts the two side by side, as if they were substantially the same thing.

> The tribunician bills, which trench on the ground of national concerns, may not, if they are to bind the whole people, be submitted to the vote of the concilia plebis unless after a previous decree of the senate; on the other hand they are invalid if the senate has declared that their introduction is *dissolvendae ripublicae* or *contra auspicia.*

Now we may readily grant to Soltau that if he shifts his ground from the first of these theories to the second he will escape some of the practical difficulties which meet him in Livy's story. The senators who go about[18] *suos quisque tribules prensantes* may now be pictured as saying—'We would never consent to such a bill, and we earnestly beg you to reject it; true we have scrupled to take the matter out of your hands by the extreme measure of declaring it *contra auspicia,* but we hope that this moderation on our part may be met by similar moderation on yours.'

In the same way with employment of indirect means of opposition. Soltau has indeed complicated the matter by the unfortunate suggestion (p. 142) that the other tribunes were compelled by law to veto the action of their colleague, supposing the senate to declare it *contra rempublicam.* The veto of a colleague is not required to invalidate an act which is in itself illegal; it cannot make it more illegal than it was before. It is only actions which are in themselves legal, though perhaps improper, which require to be thwarted by the veto. Is it likely, then, that the law would authorise one magistrate to proceed with his business, and yet order other magistrates to interfere with him? Besides, it may be asked, by what means could a compulsion to exercise his veto be brought to bear on a tribune? This, however, is only an *obiter dictum* on Soltau's part, and it would be unfair to pin him too closely to it. In the meantime we need not object very strongly to his main statement (p. 141):

> If a simple senatus consultum was not sufficient to set aside the bill, then we can understand why *intercessio,* a military levy, or the appointment of a dictator was preferred rather than direct discussion and formal rejection.

[18] Livy, v. 30, 4.

But Soltau escapes from one horn of a dilemma only to find himself impaled on the other. If it was not, after all, a positive approval of the senate beforehand that was necessary, but only the absence of a quashing declaration reciting grave evils to religion or to the state, then the identity of the supposed constitution before the Hortensian law and of the ordinance actually set up by Sulla quite disappears. There can be no doubt as to Appian's precise statement: *μηδὲν ἔτι ἀπροβούλευτον ἐς τὸν δῆμον ἐσφέρεσθαι*, nor as to the *de senatus sententia* recited in the *lex Antonia de Termessibus*. There is no question here of a senatus consultum, simple or otherwise, being required to set aside the bill. The senate has only to hold its tongue and the tribune is powerless. He can act only if the senate has deliberately expressed its approval. Now the sole positive argument which Mommsen and Soltau can produce for their theory is this passage of Appian, and in order to give any support to the theory the passage must be interpreted most strictly and literally. If the words of Appian are interpreted to mean that what Sulla ordained was not strictly the revival of an ancient law, but only a means freshly invented to enforce an ancient practice of respecting the wishes of the senate, then, I imagine, no critic would hesitate to refer them to the practice which we know to have existed in the second century B.C., and not to one which has to be presumed to have existed in the fourth and fifth centuries. Thus in his desire to avoid the practical difficulties of Mommsen's hypothesis Soltau would appear to have sacrificed the main, if not the sole, support of that hypothesis.

It will not be necessary for me to enter into the subsidiary arguments adduced by Soltau in support of his theory from 'the altered position of the plebeian magistrates towards the senate from the epoch of the decemvirate.' All that need be said is that the custody of senatus consulta by the plebeian aediles and the station of the tribunes on their bench at the door of the senate-house would fit in well enough with Soltau's hypothesis, if that hypothesis were otherwise proved. They may, however, with equal ease be explained in other ways, and they really furnish no argument, much less proof, on behalf of the theory.

The law of Publilius Philo (B.C. 339), which, like the law of Valerius and Horatius in B.C. 449, is said to have given the effect of laws to the decrees of the plebs, is explained by Soltau on the hypothesis that Philo required the senate to pronounce on *plebiscita* within a definite time after their promulgation. He closely connects the change with the right of the tribunes to convoke the senate and their right to veto any senatus consultum, both of which he conceives (on somewhat questionable grounds) to have been conferred on the plebeian magistrates at the same time. If we assume the truths of Soltau's theory with regard to the law of

Valerius and Horatius, this hypothesis as to the step forward effected by Publilius Philo would perhaps be as good as any other, though there is no particular evidence for it. He himself remarks (p. 148) that he cannot expect any one to agree with it who has not fully accepted the previous theory. This portion of his work has then only a secondary interest, and may be left without further discussion.

It will be more instructive to follow Soltau into a question which he raises regarding the second of Philo's laws, that, namely, which relates to the *patrum auctoritas*. Soltau follows Mommsen (whose arguments in the 'Römische Forschungen' appear to me quite conclusive) in believing that this *patrum auctoritas* was a confirmatory decree, passed by the patrician members of the senate, and that it was necessary to give validity to laws and elections commanded by the populus Romanus. But if we accept this main thesis there still remains the question, What was it in the laws and elections which was thus subjected to the review of the *patres*? Both Mommsen and Soltau speak of a *nomophylaké*, and seem to hold that the patrician senators were entitled to withhold their certificate, wherever they judged that the law passed was unconstitutional, or that the person elected was, for reasons of state or religion, incapable of holding office. In the archetypal case in Livy [19] the *patres* certainly do seem to claim the right to enter into the merits of the case. *Quod bonum faustum felixque sit, Quirites, regem create; ita patribus visum est. Patres deinde, si dignum, qui secundus ab Romulo numeretur, crearitis, auctores fient.* Nevertheless Livy is not a good authority for the original force of a procedure which had been of no effect in practical politics for 300 years when he wrote his history; and this view seems to me not to fit in with the one fact which we know for certain about the *patrum auctoritas*, namely, that it was reduced to a nullity by being placed before instead of after the voting of the assembly. Both Mommsen and Soltau are inclined somewhat to minimise this consideration. Both speak of the law of Philo as 'preventing the abuse' of this power in the future. But Livy's words, *hodie quoque in legibus magistratibusque rogandis usurpatur idem ius, vi ademptâ*, surely imply much more than this. We are justified in concluding from them that the mere shifting of the order of proceedings reduced the certificate of the *patres* to an empty form, which was allowed, doubtless from religious scruples, to survive in order to sanctify the acts of the comitia.

Now can this fact be reconciled with this theory of a *nomophylaké*? The answer will vary somewhat, according as we take the instance of elections or of laws. The question presented to the people in the two cases differs according to the Aristotelian distinction of εἴ ἐστιν; and τί ἐστιν; In elections every one agrees that there is to be a

[19] Livy, i. 17.

magistrate, but the question who that magistrate is to be remains to be settled. An approval, then, of the choice of the people, which had to be given before the choice was made, would be reduced *ipso facto* to a mere nullity. But does the same hold with regard to laws? Certainly not. Here the *τί ἔσται;* is known from the moment of promulgation, and the vital question is the *εἰ ἔσται;* Whatever power, whether of legitimate objection or of unwarrantable obstruction, the *patres* may have possessed, when their confirmation was demanded after the voting, would remain to them wholly unimpaired when their scrutiny was held before the vote. Indeed, if they were at liberty to reject the proposal on the ground that its substance was opposed to the religious or constitutional law, this rejection would be easier and less invidious if applied in its inchoate stage, rather than after it had been strengthened by the agreement of the people with the magistrate. The law of Publilius, then, would have been wholly without effect.

I think that the difficulty can only be surmounted by supposing that what was submitted to the judgment of the *patres* was not the substance of the laws nor the personal qualifications of the persons elected, but simply the formalities of procedure. According to this view the *auctoritas patrum* was merely a certificate that the law had been duly passed or the election duly conducted. Doubtless it was liable to abuse, the *patres* being tempted to find defects in the method of carrying any law which they disliked, or of conducting any election which brought the wrong man to the head of the poll. It is obvious that the use and the abuse of the power would be alike swept away if the certificate had to be granted at a stage when no objections could possibly be raised against the form of the proceedings, because they had not yet taken place.

This view is curiously confirmed by the analogy which Mommsen points out [20] of the intervening power exercised in the later republic under the same name of *auctoritas* by the augurs. When Marcius Philippus as consul and augur advised the senate that it must set aside the laws of Livius Drusus,[21] neither augur nor senate ventured to call in question the wisdom or justice of what the people had ordained; they only pointed out that forasmuch as the people had been called upon to vote the laws *en bloc*, instead of separately, the laws had not really been carried at all. It is a defect in the procedure, not the faults in the substance of the proposals, which makes, it possible to set them aside. Cicero, in the speech 'Pro Domo' (16 41), makes the most of such instances, as a precedent for the nullification of the decree of Clodius against himself; but he immediately afterwards waives his objection in words which bring out very precisely the distinction between the substance and the procedure on which I am here insisting.

[20] *R. F.* i. p. 243. [21] Cic. *De Leg.* ii. 12, 31.

> Atque ego hoc totum non sine causa relinquo. Video enim quosdam clarissimos viros, principes civitatis, aliquot locis iudicasse, te cum plebe iure agere potuisse: qui etiam de me ipso, quum tua rogatione funere elatam rempublicam esse dicerent, tamen id funus, etsi miserum atque acerbum fuisset, iure indictum esse dicebant. Quod de me civi ac de republica bene merito tulisses, funestum funus te indixisse reipublicae: quod salvis auspiciis tulisses, iure egisse dicebant.

If I understand Mommsen and Soltau aright they would hold that the *patres* could quash any law which they held to be a *miserum atque acerbum funus reipublicae.* According to my view the *patres* had only to decide whether it was a *funus iure et salvis auspiciis indictum* or not.

The discussion of the *patrum auctoritas* forms a convenient transition to the criticism of Borgeaud's work, for Borgeaud holds with Willems that the *patrum auctoritas* and the decree of the senate are the same thing. In the main thesis he agrees with Soltau and Mommsen that previous to the law of Hortensius it was the concurring vote of the senate which gave to the *plebiscitum* the force of law. The variations in his presentation of it do not seem to me to be improvements. His view about the *patrum auctoritas* naturally leads him to follow Willems in explaining the first law of Publilius Philo, *ut plebiscita omnes Quirites tenerent,*[22] by a reference to the second, *ut legum, quae comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent.* He thinks, in fact, that the first law did for the decrees of the plebs precisely that which the second law did for the decrees of the populus in its *comitia centuriata.* This necessitates the supposition that between B.C. 449 and B.C. 339 the senate had exercised its power of confirmation or rejection after the plebs had voted. On this last point I, of course, agree with him *totidem verbis,* only that I would go further and assume a vote of the populus to follow; else why should Dionysius call the vote of the senate in such cases a *probouleuma*? In the matter of the change supposed to have been effected by Philo I think that we may without hesitation reject the statement of Willems which Borgeaud (p. 134) adopts, that the *lex Publilia Philonis* ordained that the *patrum auctoritas* should precede the voting of the *plebiscita,* from which it follows that from this time forward the tribunes could not submit to the plebs any proposal which they wished to render obligatory to all, except *ex auctoritate patrum.* Truly the first plebeian dictator and his order must have been thankful for small mercies, and must have been very anxious to take the most hopeful view of things, if they called such a measure as this a law *ut plebiscita omnes Quirites tenerent.*

Borgeaud himself seems half to see that the change which he assumes would decrease, instead of increasing, the power of the

[22] Livy, viii. 12.

plebeian assembly; but he thinks that, if not the plebs, at least its officers the tribunes may have viewed the alteration with favour.

It is their task [he writes, p. 137] which it facilitates; it is to them that it spares for the future unending struggles in the senate to procure the ratification of the resolutions which they have obtained from the tribes, and which their honour is engaged to get transformed into laws.

The tribunes, it appears, are to be 'spared unending struggles in the senate' by being deprived of their sharpest weapon in the contest. As they could not always have their way even when their proposals were backed by the popular verdict, the matter is to be mended by allowing these proposals to be nipped in the bud and never submitted to the popular vote at all, unless they happen to please the senate. And this is represented as a democratic reform, and one forward step in the assertion of the legitimate powers of the plebs and its tribunes. I venture to think that the impossibility of reconciling this theory with the obvious requirements of practical politics is a warning against the assumption with which it starts, the doctrine, namely, of Willems, that we are to look to the *patrum auctoritas* for an explanation of the influence which seems to have checked in early times the power of the Roman plebs.

In conclusion I would note, as a point in favour of my own hypothesis, that it enables me, in the case of all the writers whom I have attempted to criticise, to find sentences with which, so far as they go, I can heartily agree. They all seem to me to put the situation fairly up to a certain point, and just to stop short on the edge of a solution to which their remarks seem to be naturally leading up. I will conclude this article with a sentence of Willems which is fully accepted by Soltau (p. 135) and which expresses in language more forcible than any which I could have chosen the preliminary argument.

Si les mêmes plébiscites se renouvellent plusieurs années de suite, c'est que le plébiscite d'intérêt général n'est pas exécutoire par lui-même. La tradition démontre que les plébiscites, dont nous venons de parler, obtinrent seulement force de loi après que le sénat, obligé par les circonstances ou volontairement à la suite d'un compromis, eut renoncé à son opposition.

Add, 'and, as a consequence of the senate's assent, the consuls are led to propose the decree to the populus,' and I could not wish for a better exposition of my theory.

J. L. Strachan-Davidson.

St. Patrick's Earlier Life.

CONJECTURE has been busied so long with the life of St. Patrick that it is hardly possible to suggest a novel hypothesis in regard to it; yet by weighing the evidence with due regard to its age and intrinsic value it seems to me possible to give greater precision to the chronology of his career, to show that the son of Calphurnius may well be the 'pre-Palladian Patrick' of Ferguson, and to add to the evidence brought forward by Loofs to prove that Patrick and Palladius are one.

The voluminous biographies of Patrick may be found in Colgan's 'Trias' or in the Bollandist collection. The earlier and shorter documents are gathered by Stokes in his edition of the tripartite life for the 'Rolls Series.' From this book the citations of the present article are made wherever possible; and for brevity's sake the page alone is given. The 'Confession,' Epistle 'ad Christianos Corotici Tyranni subditos,' and the 'Dicta' are here regarded as Patrick's. I see no reason to differ from Stokes in dating the later documents. Tirechan's collections were made after 658. The closing sentences, beginning, *Tertio decimoanno* (p. 332), are plainly a later addition of the Armagh scribe. Muirchu seems to have written about the close of the seventh century. The eighth century gives us Fiacc's Hymn; the ninth, the 'Book of Armagh,' Nennius, and the 'Vita Quarta,' as well as the collateral evidence of Heiric's life of German. The tenth century adds the 'Vita Secunda,' 'Tertia,' and 'Quinta' (Probus); the eleventh, the Tripartite, the 'Scholiast to Fiacc,' Marianus Scotus, and the chronological tract in the 'Lebar Brecc.' Joscelin closes the list in the twelfth.

What was Patrick's age when he escaped from Miliuc? He says he was captured when sixteen (p. 357), and was six years a slave (p. 362). He must then have been twenty-two. If we suppose him to neglect the fractions of years, he may have been twenty-three. Tirechan says he was captured at seventeen and escaped at twenty-two (p. 302). In the miscellaneous notes at the close of his 'Collections,' which seem rather to belong to the scribe than to him, it is said, *Septimo anno baptizatus est: decimo anno captus*, which seems to mean the 'tenth' after the 'seventh,' i.e. the seventeenth. He continues,

Septem annos servavit (p. 332). If it be supposed that parts are counted here as full years, this account would make him twenty-three. The Brussels Muirchu places his escape *aetatis suae anno xxiii* (p. 495). If annalists are right in dating Miliuc's reign from 388, the escape cannot have been before 394.

The 'Confession' makes the scene of his captivity *ducenta milia passus* from the port where he took ship (p. 360). This is probably an error. The Scholiast says it was sixty or a hundred miles, and makes the port Boynemouth (p. 417). Miliuc lived in North Ireland, and the port must have been there also. He sailed thence three days, with heathen sailors, and reached a land so devastated that for four weeks they met no man, and attributed their escape from starvation to a miracle (p. 362). What land was this? Muirchu says *ad Britannias navigavit* (p. 495). This might mean Armorica, but geography makes it nearly certain that the west coast of Great Britain is meant. When might this coast have presented an appearance so desolate? We look naturally for a date near the close of the fourth century. The Scots had been devastating that region in 396 and 397. Though they were expelled in the latter year by Stilicho, they may well have left such a desert behind them that it would remain unoccupied for a year or more. If Patrick landed here about 397, and was twenty-three years old, he must have been born about 374.[1]

That Patrick came to Ireland in 432 rests on almost unanimous tradition. Accepting this for the present without examination, an interval of about thirty-five years remains. Of this his biographers tell an impossible story, and his own account is neither full nor clear. He says, *Et iterum post paucos annos in Britannis eram cum parentibus meis* (p. 364). This implies that since his captivity he had been in Britain, had left it for a few years, and had returned to it again. While here, in a vision, he heard voices from Fochlad wood (Connaught) saying, *Rogamus te, sancte puer, ut venias et adhuc ambules inter nos* (p. 364). He regarded himself therefore as still a youth. He continues, *Post plurimos annos praestitit illis Dominus secundum clamorem illorum* (p. 364). He then relates several visions, which he dates *alia nocte, iterum, iterum*; it is not necessary to suppose that these visions took place together or in connexion with one another, or while he was still a *sanctus puer*. He seems rather to be recalling to his disciples all the visions connected with his mission. Then he continues, *Et quando temptatus sum ab aliquantis senioribus meis qui venerunt ob peccata mea contra laboriosum episcopatum meum. . . . Nam post annos triginta invenerunt me, et*

[1] The recorded dates of Patrick's birth are: *Annals of Connaught*, 336; *Cambria*, 338; *Ulster*, 341; William of Malmesbury and Probus, 361; Joscelin, 370; Florence, 372; Tripartite, 373. The tradition that Patrick reached the 120 years of Moses influenced all these statements.

adversus verbum quod confessus fueram ante quod essem diaconus. Propter anxietatem mesto animo insinuari amicissimo meo quae in pueritia mea una die gesseram, imo in una hora, quia necdum prevalebam. Nescio, Deus scit, si habebam tunc annos quindecem, et Deum unum non credebam . . . et cotidie contra Hiberionem non sponte pergebam, donec prope deficiebam (p. 365). At this time, then, he was forty-five or more, and a bishop, whose 'friend,' as appears from the context, after urging his promotion, had joined others in opposing his 'laborious episcopate.' This opposition arose in his absence, for he says, *Ego non interfui, nec in Brittanniis eram, nec a me orietur dissentio* (p. 366). It does not seem that Patrick overcame this opposition, or that he tried to do so, but he says, *Non debeo abscondere donum Dei quod largitus est nobis in terra captivitatis meae* (p. 366), and asks, *Unde mihi Deum diligere ut patriam et parentes amitterem, et munera multa quae mihi offerebantur? Et offendi illos necnon contra votum aliquantis de senioribus meis . . . et resistit illis omnibus ut ego veneram ad Hybernas gentes euangelium praedicare.* If taken by itself this would certainly seem to allude to a mission to Ireland before rather than after the opposition and his forty-fifth year. It can hardly refer to the mission of 432 if Patrick was then, as we suppose, about fifty-eight. To a man of that age his *parentes* do not appeal with gifts and tears, nor does a bishop of that age speak of resisting his seniors, of offending his relatives, and losing a *patria* from which all his biographers agree he had been absent for some thirty years. After this point in his 'Confession' he speaks only of mission work in Ireland, but gives no clue to its date. We learn only that at the time he wrote he felt *alligatus spiritu* (p. 370) not to leave Ireland. This must refer to a time after 432.

It is clear from his own words that he did not pass the thirty-five years between 397 and 432 wholly, or indeed chiefly, in Britain. That he spent any part of them with Ninian at Candida Casa is a conjecture, not intrinsically improbable, based on dedications of churches to Ninian in Ireland. If not here or in Britain he must have been on the continent or in Ireland.

The 'Confession,' which at least admits the supposition that he was in Ireland, implies that he had visited the continent also. He says he longed to go *usque Gallias visitare fratres* (p. 370). His Epistle shows that he was acquainted with Gallic customs (p. 378), and one who had never been on the continent would hardly speak of his people as *civibus sanctorum Romanorum* (p. 375). The 'Dicta' in the 'Book of Armagh,' which I believe to be Patrick's, speak of a journey *per Gallias atque Italiam etiam in insolis quae sunt in mari Terreno* (p. 301). The words that follow, *Aeclessia Scotorum, immo Romanorum, ut Christiani, ita ut Romani sitis,* &c., show that he felt some bond uniting him to the continental church. We find the same feeling in the writings of Cummian and Columban. Patrick's

words then allow us to suppose two visits to Ireland, and one or more to the continent. They assert that he was in Britain at the age of twenty-three, again after a 'few years' when a *puer*, again when at least forty-five. With these facts to guide us we turn to the early biographers.

Tradition is unanimous in taking Patrick to the continent immediately after his escape *ad Britanias* (p. 495). Of his stay there Tirechan says, *Vii annis ambulavit et navigavit in fluctibus, in campistribus locis, et in convallibus montanis, per Gallias atque Italiam totam, atque in insolis quae sunt in mari Terreno, ut ipse dixit in commemoratione laborum'* (p. 302). This alludes to the 'Dicta,' or to some work of Patrick's now lost. Bishop Ultan told Tirechan another story. *Erat hautem in una ex insolis, quae dicitur Aralanensis* (Arles), *annis xxx*; but this, too, was attributed to some statement of Patrick's, for Tirechan adds, *Omnia hautem quae evenerunt (ei) invenietis in plana illius historia scripta* (p. 302). Tirechan thought Patrick remained in Gaul till he came finally to Ireland *cum Gallis*, and naturally, for those thirty-seven years would quite fill the interval.

Muirchu follows the 'Confession' till Patrick is at home *paucos annos* after his escape (p. 495). A few lines later he adds, *Et erat annorum triginta* (p. 496), thus agreeing exactly with Tirechan's version of Patrick's own statement that he voyaged 'seven years.' We are thus brought to the year 404 or later. The interval between this and his final landing in Ireland—that is, about twenty-eight years—Muirchu makes him pass with German at Auxerre, whom Patrick met on a journey that he had undertaken to Rome, *discere sapientiam*. He stayed with him, says Muirchu, *quasi ut alii dicunt*, xl*ta*., *alii*, xxx*ta*. *annis* (pp. 270, 271). He calls German *episcopus*, but this he was not till 418. Patrick would not have gone to Auxerre to study before that time, and cannot, therefore, have stayed thirty years with German, though most later writers copy the statement. The Tripartite limits his studies to thirty years, but makes him pass part of them with Martin at Tours, and seven on an island (pp. 26, 27). The numbers 'thirty' and 'seven' are those of Tirechan; the disposition of them alone differs. The only credible tradition of his study with German is that of Heiric in his 'Life of German' and of Patrick's 'Vita Tertia.' These limit his stay to four years.

If we accept the joint statement of Tirechan and Muirchu that Patrick passed seven years on the continent after his captivity, it would be to this journey that the words of the 'Dicta' refer. It was then, if ever, that he visited Tours, which later tradition persistently asserts. Though Martin seems to have died in 397, Patrick would not know it if he left Britain in that or the next year, and would be attracted to the great Gallic churchman even if he were not, as the same writers say, his maternal relative. He would

have been well received by Martin's monks, and would have found no better place for his purpose, though no doubt he would visit also the monasteries of the Mediterranean islands, and may have been at Arles, but hardly at Lérins, which was not yet a centre of monastic learning. Nothing indicates that he went to Rome at this time.

What led him to return is not known. The vision of the call from Fochlad came to him in Britain after his return. His own words, as has been said, indicate that the *sanctus puer* went when he was called, and that if the men of Fochlad were not 'answered' for *plurimos annos* it was due rather to the hardness of their hearts than to the coolness of his zeal. The reasons that Ferguson gave for his belief that a Patrick had been in Ireland before Palladius can be urged, *mutatis mutandis*, for an earlier mission of Patrick himself. Stokes has shown the intrinsic probability of this view (pp. cxxxviii–cxli), and finds it supported by the tradition preserved in the 'Vita' of Probus. I find a trace of the same story in the 'Vita Tertia.' This states that Patrick went from Martin to an island called Tamarense. No such island is known, and the Bollandists were disposed to take it for Temoria or Tara, which by an easy error might come to be used for the island of which it was the chief assembling-place. Probus tells us this early mission was a failure, and the biographers had therefore little to tell of it, even when they had postponed its date to 431, and adapted the story to their 'Palladius.' But better evidence than legends could give is found in Patrick's own words: *Apud vos conversatus sum a juventute mea* (p. 371); and again, *Misi epistolam cum sancto presbytero, quem ego ex infantia docui* (p. 376). Could a man write thus who had been absent from Ireland from his twenty-third to his fifty-eighth year? The silence of his biographers cannot weigh against his own words and all that is known of his character, the more as that silence is capable of a reasonable explanation, as will presently appear.[2]

Stokes would prolong this earlier mission for thirty years (p. cxli), but if Patrick was in Britain, as he says, about thirty years after he was fifteen this mission cannot have lasted much over fifteen years, or after 419. Probus says that when he found his preaching fruitless he set out for Rome, in order that *accepta deinde auctoritate praedicandi* he might undertake the work again under higher auspices (cxxxix). The 'Vita Tertia' too says that after he had spent nine years in 'Tamarense' he 'wished to visit Rome.' Both authors say that he went there directly, but this may be doubted. The opposition that he found in Britain to his 'laborious

[2] During this early mission may have occurred the second captivity. He says, *Post annos multos adhuc capturam dedi . . . nocte illa sexagensima liberavit me Dominus* (363). The meaning of *adhuc* here and in the voice from Fochlad is not clear. It hardly can mean 'till now.'

episcopate' showed him he could not hope there for the higher sanction he desired, and makes it improbable that he remained there for any great time. It has been suggested that this opposition was to his Gallic training or orders, but surely his own explanation is to be received that it was due to some youthful fault which was thought inconsistent with his present calling. As to the ordination, he certainly implies that it was British, since he tells us that one of his present British opponents had urged it (p. 366) while he 'was not in Britain'—i.e. during his first absence in Gaul, A.D. 397–404.

The opposition at home may have made Patrick feel, as Probus suggests, that he must look for help to the head of the western churches; his conduct shows that he felt also the need of a better preparation for his work. Now, if ever, must be placed his visit to Ninian; but, whether from Candida Casa or Britain, the scenes of his earlier studies and his Gallic *fratres* soon drew him back to them again.

Muirchu thus describes this second journey to the continent, which is to him the first: *Egressus ad sedem apostolicam uisitandam et honorandam . . . ut diceret atque intellegeret et impleret et ut predicaret et donaret divinam gratiam in nationibus externis convertens ad fidem Christi. Transnavigato igitur mari . . . episcopum Alsidore . . . Germanum inuenit. Apud quem non parvo tempore demoratus,* &c. (p. 496). Heiric and the 'Vita Tertia' say he studied with German four years. He cannot, then, have finished his stay there before 424. All lives agree, however, that he was with German in 431, and I shall try to show that he was there in 428 also. If we suppose Patrick to end his 'four years' in 428, he may have spent any preceding time in Ireland or at Candida Casa, or his stay with German may have been interrupted by travel. He might even have returned to Britain in 428 meaning to go to Ireland.

It was probably in that year that the British embassy set out for Gaul to seek aid against the Pelagians at home. The result of this was, as Constantine (i. 19) and Bede (i. 17) say, that a Gallic synod was called, *atque omnium iudicio electi sunt . . . Germanus et Lupus.* Prosper, who was himself at Rome in 431, supplements this version by saying (anno 429) *ad actionem Palladii diaconi papa Celestinus Germanum . . . vice sua mittit.* Again (anno 432) *ab hoc eodem morbo Britannias liberavit* (*Celestinus*) *et ordinato Scotis episcopo dum Romanam insulam studet servare catholicam, fecit etiam barbaram Christianam.* The accounts are easily reconciled. The pope either suggested or sanctioned the nomination of the synod.

Now whether Patrick was in Britain or in Gaul when this mission was sent he can hardly have failed to have a part in it. The Britons would have desired German above any other Gallic bishop, for he was the most eloquent and most learned of them all. If they wished to

secure his help they would not fail to seek the aid of one who had been for years his pupil and was known throughout the Gallic church. If in Britain he would have been the natural envoy, if at Auxerre they could not dispense with his co-operation, if elsewhere in Gaul they would have sought his assistance. But if Patrick had the feelings for Rome with which Probus says he left Ireland he would desire that German should go as the representative of what Muirchu calls *caput omnium ecclesiarum totius mundi.* Patrick therefore would have been glad to suggest his nomination to Celestine, and the pope, had he consulted any one, could have found no other adviser so well acquainted both with Gallic prelates and British needs. Nor is this a matter of conjecture merely. The pope sent German *ad actionem Palladii diaconi.* Surely this is the *Palladius . . . qui Patricius alio nomine appellabatur* of the 'Book of Armagh' (p. 332). The name Palladius, as O'Brien has ingeniously shown,[3] is but the Latin for Succat, Patrick's youthful name. One difficulty indeed remains; Patrick was a bishop, and Prosper calls Palladius a deacon. But Prosper may not have known, or may have ignored, his British ordination. In later times Celtic bishops sometimes concealed their orders when on the continent, and even at home, out of humility.

It does not follow from this that Patrick went to Rome at this time. His *actio* could as well have been by letter. But it would have been natural that he should do so. There seems to be a trace of such a journey in the scholia to Fiacc's Hymn. The tale as it stands there is impossible. 'German said: "Go to Celestine, that he may confer orders upon thee, for he is proper to confer them." So Patrick went to him; but he did not give him that honour, for he had previously sent Palladius.' Then, continues the scholiast, Patrick went to the Mediterranean islands, and thence to German, who sent him again to Celestine, who having heard of Palladius's death sent him to Ireland (pp. 419, 421). But if 'Palladius' was sent in 431 and Patrick landed in Ireland in 432 it is impossible that he could make these journeys in the interval. The legend should not, however, be wholly rejected, for a failure is less likely to be invented than a success. Eliminating that *ignis fatuus* 'Palladius,' its foundation seems to be that Patrick went to Rome in 428 on German's business and his own, that he got the pope's assent to German's mission, while the sanction for his own was for a time deferred, perhaps in order that he might aid German in Britain. The scholiast thinks that he accompanied him there (p. 417), and Joscelin thought he preached against the Pelagians in Britain. If so he returned with German to Gaul, probably in the autumn of 430.[4] He was at Auxerre

[3] *Irish Eccl. Rec.* 1887, p. 725.

[4] The *Liturgical Tract*, written in the eighth century, says that German and Lupus taught Patrick and *ipsum episcopum pro eorum praedicatione archiepiscopum in Scottis et Britanniis posuerunt*' (503).

in the spring of 431. Here, as it seems, he secured at last Celestine's approval of his design, probably, as Nennius says, *monente et suadente [sc. Celestinum] sancto Germano episcopo.*

Prosper says (A.D. 431), *Ad Scotos in Christum credentes ordinatus a papa Celestino Palladius primus episcopus mittitur.* That *this* Palladius was also Patrick is stated by the reviser of the Parker manuscript of the Saxon Chronicle: '*anno* 430. Here Palladius, *vel Patricius,* the bishop, was sent to the Scots that he might confirm their belief by Celestine the pope.' Neither Prosper nor the chronicle says that Celestine ordained Palladius bishop. The chronicle implies, and Prosper admits, the supposition that he commissioned him for the work. The 'ordination,' whatever it was, need not be placed in Rome. It may have been performed by a deputy in Gaul. Augustine and Birinus, who certainly came from Rome, were neither of them ordained there or by the pope. Early Irish tradition is agreed that Patrick did not go to Rome in 431. The first to assert it is the 'Vita Tertia,' in the tenth century. Tirechan brings Patrick direct from Gaul to Ireland (p. 303), but he gives a very meagre account of his early years. Muirchu's story claims a fuller examination, for on it alone rests the assumption that Palladius is not Patrick.

After relating the call from Fochlad, which there seems reason to place much earlier, Muirchu continues, *Opportuno ergo tempore imperante . . . coeptum ingreditur iter ad opus in quod olim praeparatus fuit, utique aeranguelii et missit Germanus seniorem cum illo . . . ut testem comitem haberet quia nec adhuc a . . . Germano in pontificali gradu ordinatus est* (p. 272). The *opus* here seems to be his 'ordination,' the *iter* was to some prelate authorised to confer it. That it was not to Ireland appears from its sequel, for Muirchu continues, *Audita . . . morte sancti Paladii in Britannis, quia discipuli Paladii, id est Augustinus et Benedictus et caeteri, redeuntes retulerant in Ebmoria de morte, eius Patricius et qui cum eo erant declinaverunt iter ad quendam mirabilem hominem summum aepiscopum Armatorege nomine in propinquo loco habtantem ibique . . . episcopalem gradum ab Armatorege sancto episcopo accepit.*

If this tale were true there would be no authority earlier than the Armagh scribe (p. 332) for connecting Patrick with Celestine. It is necessary, therefore, before proceeding further to determine the credit due to it and to its author. On the latter point Muirchu is a competent witness for himself. He says, *Pauca haec de multis sancti Patricii gestis, parua peritia, incertis auctoribus, memoria labili, attrito sensu . . . explicare aggrediar* (p. 269). The story itself justifies his testimony. It is not absolutely impossible, but it is very improbable that so many events and such long journeys could occupy so short a time. 'Palladius,' if we may judge by the custom of later travellers, would hardly have left Rome before Easter. In that case

he cannot have got beyond Ireland in that winter. Muirchu thought he passed the winter there, for he speaks of the *brumali rigore* of the climate. Then, discouraged by failure, *reversus* [*est*] *ad eum qui missit illum.* That is, he started to do so, for Muirchu hastens to correct his own statement. *Revertente vero eo hinc et primo mari transito, coeptoque terrarum itinere, in Britonum finibus vita functus est* (p. 272). This might surely have occupied him till midsummer, yet his disciples have time to carry the news to 'Ebmoria' soon enough for Patrick to change his plans, 'turn aside' for ordination, and reach Ireland that autumn. 'Ebmoria' is wholly unknown, but there is some reason to think that Patrick's 'ordination' took place near Arles. No Bishop Amathorex is known at this time. Amator is probably meant, but he was German's predecessor and died thirteen years before. Finally, it is incredible that 'Palladius's' death should be reported in Gaul in 431 by a party of persons going to Rome, and should be unknown in Rome when Prosper wrote his chronicle (A.D. 455). But Prosper thought Palladius converted Ireland, for he says that Celestine by sending him made the barbarous island Christian. Bede, who at Yarrow had every opportunity to know the Scotch tradition, tells of no other missionary.

Muirchu's story, then, is certainly false. It is easy to see how it arose. He knew only of Patrick till he saw Prosper's chronicle. His *parva peritia* would not venture to criticise the contemporary statements of the great Roman annalist, yet he knew that Patrick found no other missionary in Ireland the year after Prosper said Palladius went there. He assumed, therefore, that the mission was a failure, and, as he could find no account elsewhere of one who existed only in his own mind, he thought he must have soon died. It was but a step after this to connect Patrick's mission with the news of his death, since both must needs fall in the same year. Muirchu shows himself elsewhere a writer of no critical ability. The *attritus sensus* of Patrick's earlier unsuccessful preaching became in his hands the failure of 'Palladius,' which his imagination scrupled not to adapt to his purpose.

The next writer to mention Palladius is the Armagh scribe. He combines the true with the false. Palladius to him is Patrick, but not *the* Patrick. He says, *Paladius episcopus primo mittitur, qui Patricius alio nomine appellabatur, qui martyrium passus est apud Scottos . . . Deinde Patricius secundus . . . a Celestino papa mittitur* (p. 332). He, then, makes Palladius die in Ireland, Muirchu in Britain. Nennius says, *Pervenit ad Britanniam et ibi defunctus in terra Pictorum*; the Irish Nennius adds at Fordun, which is in Scotland (p. 499 and p. 419, note). The Scholiast first gives some details of Palladius's journey, and in doing so betrays his identity. He says that Palladius landed in Hui Garrchon, which is where Patrick landed; that when driven thence, as Patrick was, 'he fared

forth around Ireland,' as Patrick did. Here first the shadow parts company with Patrick, for 'Palladius' was driven by a storm 'to the southern extremity of the Modad,' i.e. Scotland (p. 419). The 'Lebar Brecc' of the thirteenth century says 'he died in Britain' (p. 447); in another and earlier portion, 'He went to Scotland. He was buried in Linconium' (p. 504). The Tripartite echoes Nennius. Marianus Scotus does not say what became of him (pp. 30, 510). These writers could tell no consistent story of where he worked, what he did, or where he died. Evidently, then, they had no local tradition to guide them. They felt the same difficulty that Muirchu had felt, and allowed themselves the same liberty in solving it, though they knew that Palladius was another name for Patrick (p. 332), which might have set them right had they heeded it. We are hindered, therefore, neither by the Irish nor the continental writers from identifying Patrick and Palladius.

While, then, it seems certain that Celestine 'sent' Patrick-Palladius, there is no reason to think that he was sent from Rome. It is curious to watch the growth of this tradition. Tirechan knows nothing of it; Muirchu suggests that he started to go there but was diverted; the 'Book of Armagh' has the non-committal, 'Patrick is sent by Celestine,' which Nennius expands into *legatus Patricius . . . a Celestino . . . suadente sancto Germano . . . ad Scottos . . . mittitur.* But he adds expressly that Patrick did not go to Rome. *Misit Germanus seniorem cum illo ad . . . episcopum Amatheam regem in propinquo habitantem,* whence he went to Ireland (p. 499). This is practically Muirchu's story, except that Patrick hears of Palladius's death before leaving German. The 'Vita Tertia' is the first Irish document to place Patrick's consecration in Rome.[5] The Scholiast is content to follow this, but the Tripartite takes the last step, attributing Patrick's 'consecration' to Celestine himself. Joscelin thinks the pope made him a priest. Probus attributes his consecration to Senior, which seems rather a title than a name. The others make the consecrator Amator or Amathorex, and (except the Scholiast and 'Vita Tertia') the place Gaul, thus following Muirchu, though all agree that in some way he was, as Nennius says, *a Celestino legatus.* The consecrator was probably the archbishop of Arles, as in Augustine's case. Probus says *et vallata est civitas ejus septem muris.* Supposing *vii* to be mistaken for *vi*, this might allude to Hexafrourai, a Massalian colony not far from Arles. Such was Ferguson's suggestion (p. cxxxix). Muirchu and others call Amator *summus episcopus,* and the 'Lebar Brecc' 'a certain archbishop' (p. 445). Of all Gallic bishops *summus episcopus* would apply best to the archbishop of Arles. That he should be called Amator need not surprise those who remember

[5] Heiric's *Life of German* is an earlier continental authority.

that the cautious Bede calls Vergilius of Arles Etherius, and that Eddi mistakes Dalfinus for his brother Annemund.

What did Amator do? Prosper says Palladius (Patrick) was *ordinatus*, the chronicle that he was *onsended*. Muirchu says Palladius was *ordinatus*, but Patrick *episcopalem gradum accepit*. This could not be if he was already a bishop, as he says. If, as Stokes supposes (p. cxxxviii), his orders were Gallic, Amator could only dedicate him solemnly to his task; but if they were British, as Patrick seems to imply, they would need, like Chad's in a like case, to be consummated *Catholica ratione*, since he would be held *episcopatum non rite suscepisse* (Bede, iv. 2). Such was probably the nature of Patrick's ordination.

Tradition and probability are best reconciled by supposing that when German returned from Britain he advised Celestine to use Patrick's zeal to extend the sphere of Roman influence, that the pope gave a ready assent, and referred him to the archbishop of Arles. This took place, says Prosper, in 431. Patrick would naturally go to Ireland through Britain, and, as he did not reach it till 432, it is probable, as Nennius says, that he preached in Britain *non multis diebus*. In the early part of 432 he landed at Inber Dea (p. 275), among the Hui Garrchon, returning to his former converts, 'the Scots believing in Christ.' B. W. WELLS.

Odo of Champagne, Count of Blois and 'Tyrant of Burgundy'

FOREMOST among the group of feudatories who stood half protectingly, half menacingly around the throne founded by Hugh Capet in 987, and whose struggles for the mastery over one another and over the crown itself chiefly make up the history of this new kingdom of the French during the first century of its existence, was the house of Blois, represented throughout the greater part of the reign of Hugh's successor by Count Odo II of Blois, Chartres, and Tours, in his later years also count of Champagne and, as an old writer puts it, 'tyrant of Burgundy'—in other words, claimant of the crown of Arles. The story of Odo's life is a story of wasted talents, perverted energies, misused opportunities, and unfulfilled possibilities: yet it is a story not without interest; for the possibilities were such that their fulfilment might have changed the whole after-history of both France and England, if not of all western Europe.

The founder of the house of Blois had been a Scandinavian 'pirate' who, when his comrades were finally driven out of the duchy of France, consented to become the vassal of its duke for three of its fairest districts, the counties of Blois, Chartres, and Tours. These three counties made up together a territory greater in extent than any other underfief of the duchy, and nearly as great as that which the duke retained in his own hands, and which on his elevation to the crown became the 'royal domain.' The importance which they gave to their holder was shown by the marriage of Theobald the Trickster, second count of Blois, with a daughter of the great house of Vermandois and Champagne, closely akin to the dukes of the French. Theobald's son and successor, Odo, won a bride of yet loftier rank, Bertha, eldest daughter of Conrad the Pacific, king of Arles. Odo died about a year before Hugh Capet, in 995; in less than ten years his two elder sons followed him, and in 1004 the youngest became Count Odo II of Blois, Chartres, and Tours.

The really important task of Odo's life—a task whose importance he seems never to have realised, and indeed could not possibly have realised in all its fulness without a prophetic knowledge of the

after-history which has made it evident to us—was his struggle with his neighbour Fulk of Anjou for the mastery in central Gaul. In that task he failed, and the consequence of his failure was the establishment on the black rock of Angers of a power which grew and spread till it gave an Angevin duke to Normandy and an Angevin king to England. Some of the causes of his failure lay, without doubt, in the character of his rival; but other causes lay in the character and circumstances of Odo himself. He had lost his father when scarcely more than a child; within a year his mother, Bertha of Arles, had married her kinsman the new king Robert of France. Odo had thus grown to manhood amid the anarchy and misery that sprang from the interdict with which this marriage between second cousins was punished by the Church. He caught but too readily the lawless spirit of the time, and began his career—possibly in 996, more porbably in 999—by a struggle with his royal stepfather for the castle of Melun, a struggle which ended in the young rebel's ignominious flight, but not till Robert had been obliged to call in against him the aid of Duke Richard of Normandy.[1] A few years later Odo was again in open rebellion, this time in concert with Count Otto William of Burgundy.[2] Again Richard of Normandy came to the king's assistance,[3] although by this time his sister Matilda was probably Odo's wife. Her dowry consisted of half the county of Dreux; she died, however, soon after her marriage, and, as she left no child, her brother claimed the restoration of the dower. This Odo refused, and a war followed, in which, according to a Norman historian, the count of Blois—as Odo had now become—proved so nearly a match for the Norman duke that the latter was fain to call in the aid of certain heathen 'sea kings,' of whom one was no less a personage than Olaf Haraldson, future saint and martyr, and whose presence in the land so terrified King Robert that he took the matter out of their hands by citing both disputants to a great council at Coutras, where he settled their dispute by his own royal authority, supported by all the princes of his realm. The settlement was a compromise; Odo kept the castle of Dreux, but Richard kept the surrounding land, and a far more important fortress which he had built on its western border, Tillières.[4]

Odo speedily married a second wife, Hermengard of Auvergne.[5] His chief employment during the next few years was the defence of

[1] Richer, l. iv. cc. 74–78; Hugh of Fleury, *Rer. Gall. Scriptt.* x. 220, 221; *Vita Burchardi Com., ib.* pp. 354, 355; W. of Jumièges, l. v. c. 14.

[2] 'Chron. Virdun.' *Rer. Gall. Scriptt.* x. 208.

[3] W. Jumièges, l. v. c. 15; R. Glaber, l. ii. c. 8.

[4] W. Jumièges, l. v. cc. 11, 12. See Freeman, *Norm. Conq.* i. 508–510.

[5] See Arbois de Jubainville, *Hist. des Comtes de Champagne*, i. 208–209. The suggestion in p. 208 as to a connexion between Odo's second marriage and the favourable terms granted to him by Robert is based upon a view of Queen Constance's parentage which is now known to be erroneous.

the counties of Tours, Chartres, and Blois, which had devolved upon him by his brother's death, against the aggression of his western neighbour, Count Fulk of Anjou. Master by inheritance of two strongholds in the heart of Touraine, Amboise and Loches, Fulk was carefully planning and already beginning to execute a scheme for the gradual annexation of the whole county of Tours. Ten years of intermittent warfare, conducted with consummate strategical skill on the Angevin side, but in somewhat desultory fashion by the Count of Blois, came to a crisis in July 1016, when Odo, on his way to attack Fulk's castle of Montrichard, found himself unexpectedly confronted by the allied forces of Anjou and Maine, and was by them totally routed in a pitched battle at Pontlevoy.[6] His ambition, however, was seeking another field than the 'garden of France.' Odo, as well as Fulk, was setting his face eastward. Already in 1015 he had ceded an outlying fragment of his dominions, the little county of Beauvais, to its diocesan bishop, Roger, in exchange for Roger's patrimonial county of Sancerre.[7] Beauvais lay at the north-western extremity of the royal domain, isolated from Odo's other possessions; Sancerre, on the other hand, flanked on the east his own county of Blois; and Chartres, Blois, and Sancerre, all linked together in a single hand, formed a strong chain of territories that ringed in the royal domain from the Norman to the Burgundian border, while the great fief that lay on its eastern side, Champagne, was now parted from Odo's dominions only by the little counties of Auxerre and Nevers. It was on Champagne that Odo's eyes were fixed. After the death, in 943, of Herbert II, count of Vermandois and Champagne, his vast territorial possessions had been parcelled out by a family arrangement among his sons. Amiens and Vermandois formed the share of the two elder; the scattered but extensive and valuable lands in Champagne were divided between the two younger brothers, Robert and Herbert, and on Robert's death without a surviving son Herbert came into possession of them all. His only son, Stephen, died childless in 1019 or 1020. The male line of Herbert II was thus extinct so far as Champagne was concerned; for his two elder sons seem to have renounced all claim upon the eastern half of his dominions. Of his descendants by the spindle side the nearest and most conspicuous was Odo of Blois, the grandson of his eldest daughter, Luitgard, by her marriage with Theobald the Trickster.

Odo's consanguinity might give him a title to the investiture of Champagne; but it was a title which the king was not necessarily bound to recognise. So to do would be to wedge in the royal domain between the territories—amounting to more than double its extent—of one man, and that man not the most trust-

[6] *Gesta Cons. Andeg.*, ed. Marchegay (*Chron. des Comtes d'Anjou*), pp. 107–108.

[7] Alberic of Trois-Fontaines, *Rer. Gall. Scriptt.* x. 288.

worthy among the vassals of the crown. Robert might well shrink from such a risk; and it seems by no means unlikely that he entertained some idea of keeping the lapsed fief in his own hands, a course in which he would be strengthened by his own descent from Beatrice, daughter of the first Count Herbert of Vermandois. No considerations either of loyalty or of prudence, however, could check Odo's impatient ambition; regardless of the royal rights, without waiting for investiture, he seized to himself the cities of Troyes and Meaux and all the broad lands of Champagne.[8] It seems that Robert, powerless to dislodge him, was obliged to put a good face on the matter by granting him the investiture of the county. But Odo was one of those men who seem to receive the favours of fortune only to throw them blindly, if not wilfully, away. To north and east Champagne bordered upon the great duchy—now divided into two parts—of Lotharingia or Lorraine, which on the final break-up of the Carolingian empire had been formed out of the northern half of the old 'middle kingdom,' and after many changes of ownership and overlordship had settled down in the days of Otto the Great as a fief of the East Frankish realm, but was still regarded with somewhat wistful eyes by the rulers of West Frankland. Before the new count of Champagne had been many years in possession he quarrelled with Theodoric, the duke of Upper Lorraine. Odo seems, indeed, to have done nothing worse than what Fulk of Anjou had been doing with impunity for years past in Touraine—building castles on his neighbour's land. But an encroachment on Lorraine was something far more serious than a mere aggression against a fellow-vassal; it was a violation of the territory of the empire. The strife of Odo and Fulk put in jeopardy nothing but the peace of Touraine and Anjou; the strife of Odo and Theodoric narrowly missed putting in jeopardy the peace of all France and Germany by reopening the vexed question of their respective relations with Lotharingia. Happily, the well-grounded confidence of King Robert the Pious in the saintly emperor Henry II suggested to him a means of turning the difficulty into a bond of union between them, and using it to gain the help of a stronger hand than his own in managing the troublesome count of Champagne. Robert handed over the whole matters in dispute, not only between Odo and Theodoric but also between Odo and himself, to the decision of the emperor. The case was tried before Henry at Verdun in September 1023, and decided against Odo. The encroaching castles were pulled down;[9] and then, strong in the emperor's support, Robert withdrew the extorted investiture of Champagne. Odo found himself suddenly alone, on the verge of ruin. He made a passionate appeal to Robert's clemency and justice, professing

[8] R. Glaber, l. iii. c. 2. [9] 'Chron. Camerac.' *Rer. Gall. Scriptt.* x. 202.

unbounded loyalty, vehemently declaring that he had done nothing to deserve such treatment and would rather die than live deprived of his honours.[10] The appeal gained its end, partly, no doubt, because it was helped by other causes. The moral support which might have kept Robert firm was taken away at the critical moment by Henry's death in July 1024. No ties of friendship or fellow-feeling bound Robert to his successor; the French king's sympathies turned at once from the overlord of Lotharingia to its invader, and suddenly reversing his policy, he made, or let his imperious second wife make for him, a close alliance with Odo.[11]

Just at this moment, when Odo was thus at the height of his prosperity, basking in the full sunshine of court favour and master of all the wealth and all the forces of Champagne as well as of Chartres and Blois, there came to him the first whispers of a temptation which was one day to lead him to his ruin. The chief nobles of Lombardy, hoping to find in the death of Henry II an opportunity to fling off the yoke of a German sovereign, sent an embassy into Gaul in search of a prince who should be willing to accept their crown and able to fight for it against Henry's successor, Conrad the Salic. Robert of France wisely declined to entertain their proposals either for himself or for his son, but he left the envoys free to treat of the matter with his feudatories, and allowed them to make overtures first to Duke William of Aquitaine and then, it seems, to Count Odo of Champagne.[12] Their negotiations with Odo came to nothing, and were perhaps only intended to hasten the decision of William; but they seem to have conjured up before Odo's eager eyes a vision which haunted him for the rest of his life. Thenceforth he looked upon the Angevin enemy who threatened him in Touraine as a mere hindrance to loftier schemes of ambition. To sweep the obstacle out of his way, as he hoped, once for all, he set forth in 1026 at the head of all the troops that he could muster in his own territories and borrow from the royal domain, to dislodge the Angevins from a great camp which they had formed some ten years before on the Montboyau, nearly opposite Tours. As, however, his notion of strategy, like his notion of policy, never went beyond dashing with all his forces straight at the one point which chanced to have caught his eyes at the moment, he was rash enough to call out all the fighting men of Touraine to join him in the siege, thus leaving the whole country south of the Loire a clear field for Fulk's attack. The consequence was that in striving to win the Montboyau he lost a far more important stronghold, the key of his

[10] Letter of Odo to Robert, *ib.* p. 501.

[11] *Chron. Rain. Andeg.* a. 1026; *Chron. Vindoc.* a. 1025.

[12] R. Glaber, l. iii. c. 9, *Rer. Gall. Scriptt.* x. 39; letters of Fulbert of Chartres and Fulk of Anjou, *ib.* 474, 500–501.

western border, Saumur.[13] Next year he sought vengeance in an attack upon Amboise, in which he was joined by young Henry of France, King Robert's eldest son. The attack failed;[14] and thenceforth Odo left Touraine to its fate. His heart had never been in his work there. The old chroniclers are right in the spirit, though wrong in the letter, when they call him 'Odo of Champagne' long before he had entered upon his cousin Stephen's inheritance. All his life long the blood and the spirit of his grandmother Luitgard of Champagne and his mother Bertha of Arles were prompting him to turn his back upon the home and the work bequeathed to him by his father, and urging him ever further and further eastward till they goaded him at last to his doom.

In July 1031 King Robert died. His widow, Constance, hated her eldest son, the new King Henry, 'with a step-mother's hatred,' as says a chronicler of the time; and to oust him from his throne she sought to purchase the aid of Count Odo. She knew his price and she had it ready to her hand. On the border of Champagne and the royal domain stood the city of Sens, of which half belonged to the archbishop, and the other half was a secular fief which had been forfeited to the crown by the misdoings of its count Rainard, aided and abetted by Odo himself, in the days when the surrounding Champagne was still held by Odo's cousin Stephen.[15] As whatever was in the power of King Robert was virtually in the power of his wife, she was able at his death to make over this half of Sens to Odo; and for this paltry bribe he readily turned against his lawful sovereign and late ally and joined hands with the queen-mother to place her younger son upon the throne.[16] Her death put an end to this project in July 1032. Archbishop Leutheric of Sens had died about a month earlier. Odo at once made common cause with the local clergy against a new archbishop—Gelduin (brother of the late Count Rainard)—who was appointed by the young king. When Gelduin came to take possession of his see 'he could not get in anyhow;' and King Henry himself, when at harvest-tide he laid siege to the place, met with a like fate. Next year he came again with three thousand men and spent another week in ravaging the neighbourhood, but with no better success. In the third year Odo yielded; not only was Gelduin admitted, but the lay half of Sens was restored to the king.[17] By that time indeed Odo's thoughts were concentrated upon a prize compared with which Sens was a trifle scarce worth fighting for. King Rudolf of

[13] *Gesta Cons.* pp. 108–109; *Gesta Ambaz. Domin.*, *ib.*, p. 165; *Hist. S. Flor. Salm.*, ed. Marchegay (*Chron. des Eglises d'Anjou*), pp. 275–280; *Chron. Rain. Andeg.* a. 1026, *ib.* p. 10.

[14] *Chron. Vindoc.* a. 1027.

[15] 'Chron. S. Petr. Senon.' *Rer. Gall. Scriptt.* x. 223, 224.

[16] Hugh of Fleury, *ib.* xi. 158.

[17] R. Glaber, l. iii. c. 9, *ib.* x. 40; 'Chron. S. Petr. Senon.' *ib.* 225, and xi. 196.

Arles was dead, and Odo had plunged headlong into a struggle with the emperor for his crown.

Rudolf's heritage was the last independent fragment of the 'middle kingdom,' which had once formed an enormous marchland between the East and West Frankish realms. That kingdom, set up by the treaty of Verdun in 843 to serve as a sort of neutral zone beween its two neighbours, was a purely artificial creation, arbitrarily formed out of a long straggling chain of countries, reaching from the mouth of the Weser to that of the Tiber, without a natural boundary anywhere save at its northern extremity, where it ended of necessity on the shore of the North Sea, and peopled by races differing widely from each other in blood, speech, and traditions. In little more than ten years it fell to pieces. Its northern half took the name of Lotharingia from its second sovereign, who was also its last independent ruler. Its southern half—the land between the Saône, the Alps, the Alemannian and Lotharingian duchies, and the Mediterranean Sea—flung off the Carolingian rule altogether towards the close of the ninth century, set up kings of its own, and formed two sovereign states, Provence and transjurane Burgundy, which in 933 were united and became a single independent monarchy, free of all connexion with its western neighbour the French king, owing homage to the eastern in his imperial character only, and having its chief seat in the old Roman city from whose name it was commonly known as the kingdom of Arles. The third king of this united Burgundy, Rudolf III, came to his throne in 993. He was a man of gentle, somewhat weak disposition, ill fitted to be ruler of a country whose inhabitants comprised people of the most diverse blood and temper, from the half-Teutonic folk of his paternal Transjurana to the Aquitanian Celts of the banks of the Saône, and the semi-Italian natives of the Alpine valleys and the land which still proudly remembered that it had been the original Roman 'Provincia.' Rudolf found himself set at naught by his rebellious nobles; his marriage brought him no children; and caring no longer to keep for himself such a troublesome crown, he made two attempts to cede it to his sister Gisela's son, the emperor Henry II.[18] No sooner, however, was the cession formally completed in 1020 than the Burgundian nobles protested against it as illegal without their consent. In default of a direct heir they claimed the right to choose a king for themselves, and so strongly did their patriotism revolt at the prospect of having a stranger to rule over them that they entreated the hitherto despised Rudolf to resume his sceptre.[19] The emperor waived his claim and the transaction was held void; but in 1032 Rudolf died, and from his death-bed he, in fulfilment of a

[18] Thietmar of Merseburg, *Rer. Gall. Scriptt.* x. 132; Albert of Metz, *ib.* 139; Sigebert, a. 1020, *ib.* 218.

[19] Albert of Metz, *l.c.*

fresh engagement made five years before,[20] sent his crown and the spear of St. Maurice, the sacred insignia of Burgundian royalty, to Henry's successor, Conrad the Salic.[21]

Conrad was far more of a stranger to the Burgundian house than Henry had been, for he could claim kindred with it only through his wife, a daughter of Rudolf's youngest sister, Gerberga. Politically, however, the dying king's choice was the wisest that could have been made for his country; but it bitterly disappointed another of his kinsmen who was not of a temper to sit down quietly under such a disappointment. Odo of Champagne was the only surviving son of Rudolf's eldest sister, and therefore considered himself Rudolf's sole lawful heir. Characteristically, however, he seems never to have taken any steps to procure either from Rudolf or from the emperor any recognition of his claims as heir-apparent, but trusted to his own sword for its vindication whenever the crisis should come. The crisis chanced to come at a lucky moment for him. When Rudolf died, in September 1032, Conrad was busy warring against the Poles. Odo seized the opportunity to invade transjurane Burgundy and make himself master of its chief strongholds.[22] Conrad hurried back to keep Christmas at Strasburg, and thence marched through Solothurn into Burgundy. Stranger though he might be, he was at any rate less of a stranger than the count of Champagne, a feudatory of an alien sovereign; great and small ratified their dead king's choice, elected Conrad as his successor, and crowned him in the abbey church of Payern on Candlemas day 1033.[23] Owing to the intense cold of the winter, however, he found it impossible to dislodge the invader; so when summer came he made a counter-raid into Champagne. Three weeks of ravaging with fire and sword brought Odo to his knees and wrung from him a renunciation of his claims upon Burgundy;[24] but the renunciation was merely formal; he did not withdraw his troops from the country; and his submission to Henry of France next year, which, followed as it was by a visit to his long-neglected patrimonial dominions,[25] looked for the moment like a tacit abandonment of his schemes of aggrandisement in the east, was in reality intended only to free his hands for their more vigorous prosecution.

In that summer—1034—Conrad advanced to expel Odo's troops from Burgundy; he was joined by Rudolf's widow, and by Count Hugh of Provence at the head of the loyal Burgundian nobles who had taken refuge beyond the Alps. The united host took Morat,

[20] Wipo, *ib.* xi. 3.

[21] 'Chron. Virdun.' *ib.* 143; Otto of Freising, *ib.* 260; Herm. Contr. *ib.* 18; 'Chron. Saxon.' *ib.* x. 231.

[22] Herm. Contr. and Otto Freising, *l.c.*; Hepidan. 'Annales,' *ib.* xi. 8.

[23] Wipo, *l.c.*

[24] Wipo and Otto of Freising, *ll.cc.*

[25] He was witnessing charters in Touraine in July 1034, and again in July 1035 (*Gall. Christ.* viii. 412–413).

and the party of Champagne at once gave way. All the land as far as the Rhône was subdued, and the hasty crowning at Payern two years before was supplemented with a more formal ceremony at Geneva on August 1.[26] Odo, however, nothing daunted, was insolent enough to ask Conrad to grant him the investiture of the Burgundian realm,[27] and on the emperor's refusal he again dashed into the country. This time he penetrated into cisjurane Burgundy, besieged and took Vienne, and went so far as to fix a day for his coronation there.[28] It seems, indeed, to have been at nothing less than the crown of the old Lotharingian middle kingdom that he was aiming now, for the next of his erratic movements was an attack upon Toul.[29] Soon a yet more tempting lure was held out to him from across the Alps. The attempt made by the Lombard princes, at the opening of Conrad's reign, to set up a king of their own choice had proved unsuccessful; but it was not without a struggle that the emperor had put on the Lombard crown on his way to take the Roman one in 1027, and fresh troubles at Milan brought him to that city again at the opening of the year 1037. His presence seemed only to aggravate the disturbance; he suspected that Archbishop Herbert was at the bottom of the mischief, and sent him into honourable captivity at Placentia. Thence Herbert speedily contrived to make his escape home. Finding that the emperor was planning to deprive him of his see, he at once counterplotted with some of the many malcontents in northern Italy to deprive Conrad of his throne; and while the emperor was besieging Milan to regain possession of the archbishop, the Milanese prelate and citizens, in concert with the bishops of Vercelli, Cremona, and Placentia, were secretly calling Odo to come and take not merely the Italian kingdom, but the Roman empire itself.[30]

The astute Italians had guessed his own thoughts: 'I will not be king, but king's master,' he had said when, with Burgundy in his power, he delayed to assume its crown.[31] A day had been fixed for a solemn reception and homage of the Italian envoys, when the plot was discovered and foiled by the activity of Conrad's friends. But when once Odo had become a candidate for the imperial crown it mattered little whether he struck at it through Milan or through Aachen. Disappointed in his Italian scheme, he rushed upon his doom in another quarter: 'with the proud heart that goeth before destruction' he set out to march upon Aachen, vowing that before Christ-

[26] Wipo and Hepidan. *ll.cc.*

[27] Alberic of Trois-Fontaines, a. 1035.

[28] *Chron. Virdun.* a. 1035.

[29] Sigebert, a. 1035.

[30] Arnulf of Milan, Muratori, iv. 17–18; R. Glaber, l. iii. c. 9, *Rer. Gall. Scriptt.* x. 41. The Annalista Saxon, *ib.* xi. 420, thus describes the negotiations: *Missis nuntiis cum sæpedicto* Ottone Burgundiæ tyranno *pacificantur, quomodo ipse in Romanum Imperium, suo suorumque complicium juvamine, Augusto fugato aut negato, introducatur.*

[31] Wipo, *Rer. Gall. Scriptt.* xi. 4.

mas he would be seated on its throne.[32] In the middle of November he besieged and took Bar. The duke of Lorraine was even then advancing to meet him. Duke Frederick, the son of his old enemy Theodoric, had died leaving only daughters, and with the emperor's consent the upper duchy was now reunited with the lower under Gozilo the Great. Gozilo and his son Godfrey thus came against Odo with all the forces of both duchies; Count Gerard of Alsace joined them; so did the bishop of Liège, who, on hearing that France and Burgundy were conspiring to ruin not only Lorraine but the Holy Roman empire itself, chose to head his troops in person in behalf of so sacred a cause. The two armies met close to Bar on November 15.[33] The Lotharingian left wing fell back before the onset of the men of Champagne; Odo then flung himself with all his forces on the right, which consisted of the men of Liège. The bishop encouraged his followers by word and example, Gozilo rallied his own troops, and those of the count of Champagne were soon in headlong flight. It was a rout like that of Pontlevoy, but with a more tragic issue. Odo fell unnoticed amid the general confusion; next day the bishop of Châlons and the abbot of St. Vito of Verdun searched the battle-field for his dead body, but, if we may believe an historian of the time, their search was vain till his own wife joined them and, by a mark known only to herself, identified a mangled, naked, and headless corpse, which was borne back to his old home in Touraine for burial in the chapter-house of Marmoutier, while his standard, having fallen into the victors' hands, was sent down into Italy as a token whereby the emperor might know that his rival was indeed slain.[34]

Odo's fall was a death-blow to the anti-imperial party in Burgundy, if any such party existed. Next year the emperor's son Henry, who as a child of their late king's niece, and therefore in some sense one of their own race, was likely to be more acceptable to the Burgundians than Conrad himself, was formally established as king of Arles. A year later still Henry succeeded to his father's thrones; and thenceforth the Burgundian and German monarchies were never separated again till the former became altogether a thing of the past. Once indeed, in 1193, the investiture of the Burgundian realm was granted to an utter stranger, who chanced, singularly enough, to be the lineal representative of Odo's old antagonist Fulk of Anjou—Richard Cœur-de-Lion. But the Angevin king, though he did homage for his new kingdom to the emperor Henry VI, and though his rank as one of the chief princes of the empire was formally recognised at

[32] 'Chron. Saxon.' *Rer. Gall. Scriptt.* xi. 215. [33] 'Chron. Lobiense,' *ib.* 415.

[34] 'Hist. Leod.' *Rer. Gall. Scriptt.* xi. 171–172; Wipo, *ib.* 5; 'Chron. Hildesheim.' *ib.* 214; 'Chron. Virdun.' *ib.* 143–144; Otto of Freising, *ib.* 261; R. Glaber, l. iii. c. 9, *ib.* x. 41.

the election of Henry's successor in 1197, was never crowned at Arles; in fact, he never set foot in the country. From the day when Odo fell at Bar the middle kingdom only reawakened to the consciousness of a distinct corporate existence for a moment now and then, when some emperor-elect on his way from Aachen to Monza and Rome thought it worth while to turn aside and receive a fourth crown at the hands of the archbishop of Arles.

So ended Odo's visions of empire. Had he possessed tact, prudence, and perseverance, such as alone could have justified him in entertaining them, he might possibly have built up on the eastern side of Gaul a dominion which in after years might have played a part not unlike that actually played in the west by the dominion founded by his Angevin rival. If, on the other hand, he could have been content to 'dwell among his own people'—to guard his plain interests and do his plain duty as count of Blois and Chartres and Tours—the growth of the Angevin power might have been checked at its outset and never have come to maturity at all. As it was, the fairest portion of his patrimony, Touraine, was all but lost to him and altogether lost to his successor. Odo of Champagne, the torment and the terror of baron and bishop, king and emperor—he the 'tyrant of Burgundy,' the would-be restorer of the middle kingdom and founder of a new imperial dynasty—he who to the alarmed imaginations of Lorraine and Germany seemed the very incarnation of successful western aggressiveness, and whose fame spread to more distant lands in so magnified a shape that they set him down at once as 'king of the French'[35]—left to his sons a diminished inheritance and to history an empty name.

KATE NORGATE.

[35] Tighernach, a. 1038 (O'Conor, *Rer. Hib. Scriptt.* i. 287); 'Ann. Ulster,' a. 1038, (*ib.* iv. 324).

Sir Richard Church

VII. 1827.

TO students of history Sir Richard Church's name is chiefly known in connexion with the operations of the Greek army during the closing years of the war of independence. His interest in the Greeks was, as has been shown, no new sentiment. He had sympathised with their humiliation as early as 1801, when a boy-soldier in Abercromby's army, and his later command of Greek levies in the Ionian islands and the Peloponnesus had induced him not only to form a high opinion of their military capabilities, but also to cherish a sincere attachment to their character as displayed in many of his comrades in arms. On their side, the Greeks, who came in contact with him in the light infantry regiments which he had raised, were irresistibly drawn towards his frank and sympathetic nature, and would have done any service to merit his approbation and win his esteem. It was natural, in these mutual relations, that the war of independence which broke out in 1821 should excite the deepest sympathy in one whose military and patriotic teaching had directly contributed to the insurrection. The only matter of surprise is that Church did not at once throw his lot in with his old officers and place his sword at the service of the Hellenic nation. The reasons are doubtless to be found in the weariness and disgust which attended his late experience in Palermo and Naples; in the reluctance of a British officer to risk his rank in his own service by volunteering in a cause which could not be countenanced by the Horse Guards; and in the natural desire, after so many years of exile and hard fighting, to settle awhile at home, among friends and in civilised society, and to take such pleasure and advancement as might be in store for him. Even so genuine an enthusiast as Sir Richard Church might well reflect before he sacrificed rank, fortune, ease, and prospects, in a cause which from the outset seemed absolutely desperate.

But as the war went on, and Greece grew weaker and weaker, he found his thoughts incessantly engrossed in her fate; and at length he could no longer resist the impulse to throw himself into the fight. In 1825 he was in frequent communication with Mr. Canning on the subject of the future of Greece, and soon after-

wards the Greek deputies in London were soliciting his aid; but misunderstanding his character they coupled their invitation with inducements of high pay, and of course received an indignant refusal.[33] If he went at all, he said, it should be without the suspicion of self-interest or the hope of reward. In this frame of mind he wrote to his friend Blaquière, the well-known Philhellene:

15 Feb. 1826.

The cause is a sacred one, and Heaven will not abandon it in its hour of need. What do the Greeks wish me to do? Do they wish me to go? Do they wish that I shou'd not go? They must be explicit. I have no bargain to make with them, and this they clearly understand. I am ready to sacrifice everything to the cause, and this they know full well. . . . It is the feeling of my heart, and one that years has cherished. But I will not go as an Adventurer, no, never. What I have done for the Greeks, they themselves well know; if I have not done more, it is their fault and not mine. But this state of uncertainty must have an end—it kills me by inches. . . . Do the Greeks wish me to go, or not? It is for them to determine. If they think my services can be of use to their cause, let them say so, let them invite me. I ask no more, and I will with as little delay as possible add one more individual to the number of warriors fighting for Greece and freedom.

At length the official invitation was issued. Like the 'man of Macedonia,' the administrative commission of Greece sent forth the appeal: 'Come over and help us.' The formal request, written in Greek (with translations in French and English), is dated Napoli di Romania, 30 August, 1826 (O.S.):—

Excellency,—Your well-known military experience, joined to your noble sentiments and love of liberty, were calculated to draw towards you the attention of the Greek government, and the more so as it is sufficiently convinced of the warmth of your wishes for the success of the sacred struggle of Greece. The government has long desired and wished to see your excellency connected with the struggle of Greece for her holy rights; this would be considered a most fortunate event for our country, which would rightly expect from your talents great and pre-eminent advantages. The government, therefore, founding its hopes on your sincere love of Greece, and on your desire of real glory, invites your excellency expressly by these presents, and requests you to hasten to Greece, that you may take a principal part in her contest, and one conformable to your rank and character, and that you may employ your distinguished talents for the benefit of the Greek nation. The government confidently trusts that you will readily accept this invitation. It awaits with impatience your arrival, which it hopes will not be delayed, since the present critical position of Greece renders it most desirable.

Among the signatories to this document were the president, Andreas Zaemes, P. Mavromichales, A. Deliyannes, A. Monarchides, J. Vlachos, and other well-known names.

[33] Finlay's imputation of 'mercenary' service (vi. 416, 417) is, like many other of his statements and inferences, the reverse of the truth.

More impetuous was the personal letter which soon followed [34] from Church's former officer, and most typical of Klephts, Kolokotrones. Though parted for eight years, he tells the general—

My soul has never been absent from you. . . . We, your old companions in arms . . . are fighting for our country—Greece, so dear to you!—that we may obtain our rights, as men and as a people, and our liberty. . . . How has your soul been able to remain from us? . . . I know your love for [Greece] increases in the same proportion as the respect and esteem of your old companions increases with regard to yourself. They all salute you most cordially, and hope even now soon to obtain your co-operation. Come! Come! and take up arms for Greece, or assist her with your talents, your virtues, and your abilities, that you may claim her eternal gratitude!

It is easy to imagine Church's reply to such an appeal. Yet he accepted in full cognisance of all the difficulties in his path. Personal sacrifices were nothing to him; even his recent marriage (in July) to a sister of Sir Robert Wilmot Horton (who was under-secretary for the colonies in Canning's ministry and afterwards governor of Ceylon) did not weigh in the balance against what he felt to be the call of duty. He knew the perilous uncertainty of the enterprise, and it is characteristic of his generous nature that, whilst freely devoting his all to the cause, he resolutely refused to have to answer to any friend for leading him into possible disaster. His letters to the officers who volunteered to accompany him are full of considerate balancing of risks. 'Count the cost' was his invariable advice. Nor was he blind to the jealousies and dissensions which paralysed the action of the Greeks, or to the lack of funds and provisions, which was enough to damp the ardour of better troops than the undisciplined levies of Karaïskakes and Gordon.

In spite of all this he went, and November found him at Naples, successfully negotiating with his old ally Luigi De' Medicis for the opening of the ports of Apulia to Greek provision ships. He was at Leghorn in January 1827, and arrived in Argolis, on the eastern coast of the Peloponnesus, in March, a few days before Lord Cochrane's yacht made its appearance. The state of Greece was then well-nigh desperate. Ibrahim Pasha, son of the viceroy of Egypt, held the western side of the Peloponnesus with an army of nearly 50,000 men of all arms. His troops were strongly posted from Navarino to Patras, and he was receiving, so far, ample supplies from Alexandria. His personal ferocity, the raids of the Egyptians into central Peloponnesus, and the looting of helpless villages, had crushed the spirit of the inhabitants in many districts, insomuch that the Greeks on the west coast were beginning to submit to his yoke. Towards the eastern coast the people were still in arms—

[34] Napoli di Romania, $\frac{12}{24}$ September 1826.

perhaps to the number of 10,000; the Maniats, the men of Sparta, of Monemvasia, and Corinth, were still able to harass the enemy; but it was hardly possible that they could repel him if he attempted to advance on Nauplia or Hydra. In continental Greece matters were even worse. Mesolonghi had fallen; the Turks held the northern shore of the gulf of Corinth with numerous garrisons, and kept their communications open for supplies and reinforcements with Larissa, Monastir, Arta, Prevesa, and Joannina; whilst Reshid Pasha Kiutahi dominated Attica with 40,000 men. Athens itself had fallen, but the Acropolis, garrisoned by over a thousand volunteers, and a small force of regulars under Colonel Fabvier, still withstood the pasha's siege. Between these two fires—Reshid in Attica and Ibrahim in the Peloponnesus—stood what remained of the Greek army. About 4,000 men under Karaïskakes were posted at Keratsina, near Port Phoron opposite Salamis, and Colonel Gordon had established a brigade on the heights of the Phalerum. Whatever good these small forces might have effected if properly employed was for the time frustrated by the dissensions of the Greek leaders. Two distinct assemblies, each styling itself the national assembly, were sitting, the one at Aegina, the other at Hermione (Kastri): the former advocated moderate measures, under the guidance of President Notaras; the latter was overruled by the turbulent spirit of Kolokotrones. Each rendered the other futile, and hampered the efforts of the provisional government, which was then led by the temperate counsels of President Zaemes.

Such was the depressing condition of the Greeks when Sir Richard Church landed near Kastri on 13 March, 1827. He was received with enthusiasm as an old friend by Kolokotrones, and with esteem by a staunch Philhellene, Captain Hamilton, of H.M.S. 'Cambrian,' who described him as 'certainly a fine fellow, but a complete Irishman, with their great virtues and little faults.[35] Karaïskakes sent him a warm letter of welcome, and begged the assembly to make him commander-in-chief. The government at Aegina, to whom he immediately reported himself, was equally sanguine as to the good influence he would bring to bear upon the distracted nation. Church took neither part in the dispute between the assemblies, but established himself at Poros to consider the situation. Here he received invitations from both sides to mediate between them; and so successful were his arguments that all differences were rapidly smoothed away, and a combined assembly, uniting all parties, was appointed to meet at Troezene (Damala).[36]

[35] Hamilton to Stratford Canning, Poros, 19 April, 1827.

[36] A letter from Kolokotrones to Church, 24 March (5 April), distinctly ascribes this happy result to Sir Richard's mediation, and the same conviction is stated by Capt. Fallon, A.D.C. (letter to Sir R. Wilmot Horton, 14 Nov. 1828), who adds: 'No other person could have effected the herculean task of accommodating and reconciling

This new body proceeded to the election of chief officers in April, and appointed Count John Capodistrias[37] president of Greece, Lord Cochrane high admiral, and Sir R. Church archistrategos or commander-in-chief of the land forces.[38] He took the oaths on sword and book, 15 April.

The new generalissimo's first anxiety was of course to relieve the Acropolis of Athens, but without men, money, ammunition, or food, how was this to be done? Church's opinion was strongly in favour of a diversion in continental Greece, which, by raising the Albanians, Epirots, Akarnanians, and others, should draw off the attention of the besiegers from the Acropolis; but he was fully aware of the hazards of this plan. There was a pressing want of money and transports, the northern Greeks might not rise at his summons, the Turkish garrisons on the gulf of Corinth were numerous, and meanwhile the Acropolis might fall. Another plan he recommended was an expedition to Negropont, to cut off the Turkish supplies and communications. The council of war did not support either project.[39] Lord Cochrane had from the outset strenuously insisted on an immediate advance on Athens, in order at all costs to bring out the garrison; but this proposal was equally combated by the Greek generals, and could not prudently be attempted unless a strong contingent were sent to reinforce the army in Attica. Such a force could only be drawn from the Peloponnesus, which would consequently be exposed to imminent danger from Ibrahim's army; and every position that could be maintained between the forces of Ibrahim and Reshid naturally lessened the serious risk of a junction being effected between the Turks and the Egyptians.

Nevertheless, it was resolved that Karaïskakes' army at Ports Phoron and Phalerum must be reinforced, whatever might subsequently be decided with regard to an immediate advance upon Athens. In three days Church had made his preparations for transporting 4,500 men from the eastern coasts of the Peloponnesus to Attica; and on 18 April he proceeded on Cochrane's schooner to the port of the Phalerum to reconnoitre the positions of the two armies. Sailing along the coast, the Turks' principal batteries on the Philopappus (near the Museum) could be seen shelling the

hitherto inimical parties.' Kolokotrones concluded his letter with the deprecatory sentence: *οἱ Ἕλληνες ἦναι ἀκόμη ἔθνος νήπιον, και νηπιώδη τὰ Ἑλληνικά, ὅθεν μὴ δυσαρεστῆσθε οὕτως εὐκόλως δ' αὐτά.*

[37] Finlay regards this appointment as made in opposition to the two Cannings (vi. 421 and note): the fact is that Sir Stratford Canning was consulted and approved it (*Life of Sir Stratford Canning*, i. 443).

[38] The appointment was not solicited (or 'obtained,' in Finlay's suggestive word), but freely offered.

[39] 'Church's plan for taking possession of all the posts and passes in rear of Athens, for the purpose of cutting off the Turkish supplies, was strongly combated' Capt. Fallon's *Diary*).

Acropolis ; they held most of the plain beneath, were strongly posted in the great olive wood, and had a series of redoubts opposite the Greek camp at Phoron, which they cut off from the force on the Phalerum by retaining a garrison at the monastery of St. Spiridion on the neck of land between the Peiraeus and the port of Munychia. The armies were thus curiously intersected, and Turkish forces separated the three Greek divisions in a menacing manner.[40] The chief hope lay in the free communication which existed between the two camps on the coast and the fleet under Lord Cochrane in the Peiraeus.

On the 19th Church went ashore at Port Phoron ('Harbour of Thieves' once, and perhaps not yet quite purified), under a somewhat embarrassing salute of *ball* cartridges, and was received by Karaïskakes in great state, in spite of the misery of his camp, where there was no bread, hardly any meat, no stores, and only fifty-three boxes of cartridges.

The next few days were spent in bringing over the reinforcements to the Phalerum, 25 April; in moving Karaïskakes, after much remonstrance, from Phoron to a better position on the Peiraeus 26 April; in reconnoitring the enemy's outposts, and taking a few of the nearest *tambours* or breastworks.

The small skirmishes of the week may be passed over; but a word must be said of the slaughter of the majority (170) of the garrison of St. Spiridion, after their surrender on terms of safe conduct on 28 April. Church felt the dishonour so keenly that he resigned his command, and for a day nothing could appease his indignation ; but as the evidence came before him in detail, he convinced himself that the massacre of the Turks was the result of an accidental quarrel, and was not premeditated ; and that Karaïskakes and Zavellas, who commanded the Greek escort, believed they had taken every precaution against an outbreak of illwill, and when the disturbance began used their utmost endeavours (according to their own statements) at some personal risk to quell it and save the garrison. Church himself could in no way be held responsible, since he was waiting at his head-quarters at the old arsenal of the Peiraeus for Karaïskakes to return and report the result of his mission to the monastery, and had no suspicion that the Greek general would march the garrison out then and there ; and when the march began, there was of course no time to do anything but look on in helpless horror from the opposite shore.

Meanwhile circumstances were driving the general more and more irresistibly towards the premature advance which he so much deprecated. Lord Cochrane had urgently pressed this course from the first, and a despatch from the garrison at the Acropolis left little room for any alternative. In this despatch (April $\frac{11}{23}$),

[40] Capt. Fallon's *Diary*, 18 April 1827.

after reproaching the Greek commanders with want of good faith in not sooner coming to their rescue, the leaders of the garrison concluded:

> This is our last letter; we will wait five days longer, and we can hold out no more. . . . Our nature is like that of all men; we can suffer no more than others. We are neither angels nor workers of miracles to raise the dead or do impossible things. If any evil should happen, we are not to blame, nor has God to condemn us in anything.

The document was signed by seven 'patriots' and confirmed by Colonel Fabvier. It was afterwards proved that these statements were false:[41] that there were food and powder enough to last for months; but this could not of course be known at the time to either Church or Cochrane, though the Greek generals evidently had their suspicions. The admiral naturally redoubled his endeavours in favour of an immediate march to save the beleaguered garrison. His letters from the arrival of this despatch to the ill-fated battle of 6 May display his well-known impetuosity; his utter (and not unwarranted) distrust of the Greek leaders, whom he could neither understand nor manage; and his determination to force an action at any cost. On 23 April he wrote to Church:

> 'People on the Phalere *will not* advance into the centre of the plain, being, as they are, *unbelievers* in the advance of the army on Athens.' On the 24th: 'Forty-eight hours, and the question of relieving Athens is at a close. I have told Kariaskaky [*sic*] what I think of the state of affairs, and I have made up my mind to act accordingly—taking upon me all the responsibility of not looking longer on at insignificant tambour disputes, whilst it seems resolved by the Greeks themselves not to march to the relief of Athens.'

For the next few days his lordship found a safety-valve for his zeal in forcing the Greeks to remove their camp, as has been stated, from Phoron to the Peiraeus, and then in razing the monastery of St. Spiridion; but as soon as these matters were arranged he returned to the attack (28 April):

> 'Pray let me know if the army *will* or *will not* advance, and if that advance will take place before to-morrow evening.' 29th: 'A direct march on Athens and return by another road is the only means of averting total destruction to the garrison and to Greece.'

At 8 on the following evening, 30 April, the admiral despatched the following ultimatum to the commander-in-chief: '*I leave this to-morrow:*—1*st, if the army will not march, on a false attack being made elsewhere by the squadron;* 2*ndly, if* 2,000 *men, in lieu*

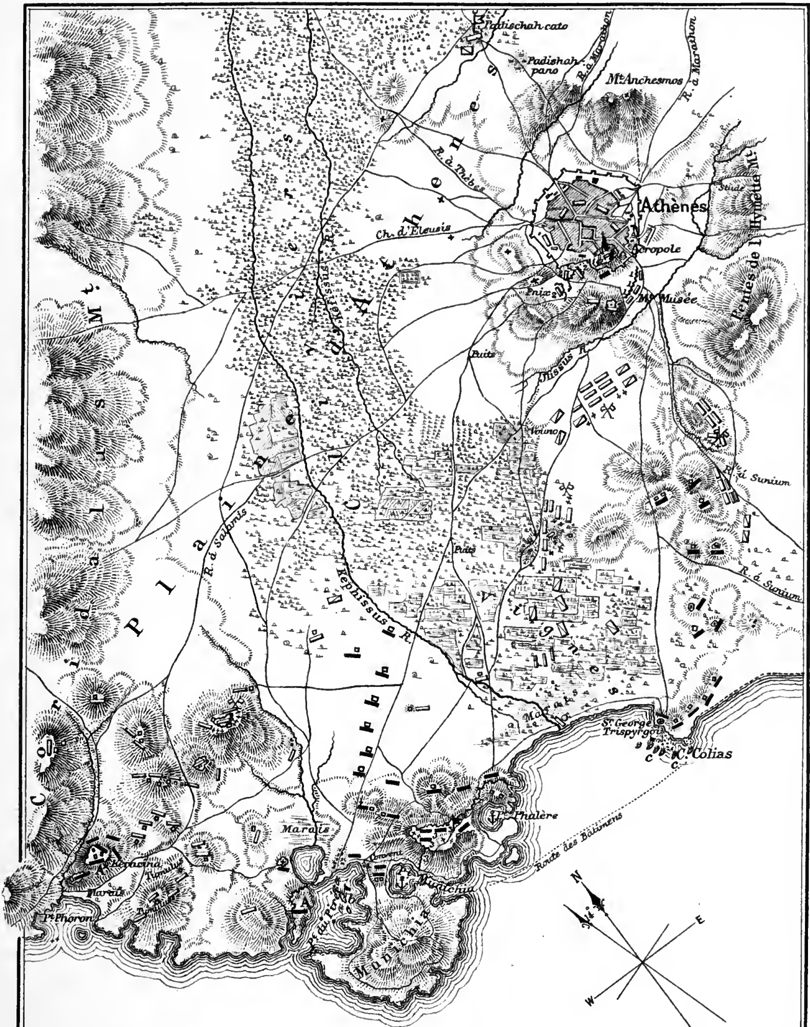
[41] This is fully confirmed by Finlay (vi. 409, 432), who ascribes the disasters at Athens largely to Fabvier's unscrupulous resolution to get out of the Acropolis after Church's appointment to the command-in-chief.

thereof, do not embark and proceed direct to Athens; 3rdly, if no other reasonable plan is to be adopted and to be put in execution before the morning of 2 *May. And this I shall do as certainly as I live to put my determination in execution.'*

The last extract is here printed in italics, because so extraordinary an interference of an admiral in military strategy ought to be signalised, and also because the passionate gallantry which dictated it was the main cause of the disaster that befell the Greeks a week later. Church was no coward, nor no Fabius neither, but he saw the hopelessness of the hasty admiral's tactics, and, supported by all the Greek commanders, he tried to wait for his opportunity, instead of forcing fortune. But Cochrane was resolute; let them act, he said, or off he would instantly sail [42] and leave the whole force of nearly 10,000 men to starve or be massacred; and thus it happened that at two councils of war, held in the early days of May, the fatal forward movement was planned and agreed to. It was against Church's judgment; but even the Greek generals had given in, and as they were to arrange the details the archistrategos considered himself bound to stand aside.

At this juncture Karaïskakes was killed in a skirmish (4 May), and this threw a new responsibility upon the chief. So long as this officer lived, Church had been considerately deferent to his views and susceptibilities, and had done his utmost to conciliate a man naturally jealous and difficult to manage. He had left him this rank as commander-in-chief in Attica; and so great was his desire for unity and conciliation, that the Greek soldier, in consideration of his undoubted services and military talents, had far more than his due weight in the councils of war. It was to this that Lord Cochrane referred when he wrote to Church (30 April), 'Nothing will be done by the army, so long as Kariaskaki commands it *in reality.*' There can be little doubt that part, at least, of the ill success of the war in Attica was due to the generalissimo's exaggerated deference to Karaïskakes. Divided commands seldom succeed; and with Karaïskakes arguing one way, and Cochrane another, it must have appeared obvious to every spectator that the Greeks needed *one* head, and that head ashore. Church had an opportunity of assuming the complete and direct command after the massacre of the garrison of St. Spiridion, which afforded an ample pretext for depriving Karaïskakes of any post requiring caution and forethought; but his kindly nature restrained him. Now that the Greek general was dead, he at length took the actual command; but it was too late to rouse a new spirit in the army,

[42] *Diary* of C. Fallon, A.D.C., 6 May. Tricoupi, iv. 66, signalises the arrogance with which Cochrane forced his rash scheme upon the council, and his habitual rejoinder to every argument, 'that he would take off ships and money and leave Greece to perish.'



Plan de la
PLAINE ET DES PORTS D'ATHÈNES
et Esquisse de Opérations des Armées
GRECQUE ET TURQUE
dans le Mois de Avril, Mai et Juin de l'Annee 1827
PAR LE CAPITAINE JOCHMUS.

Explications.

Quartier général de Sir Richard Church Généralissime des Grecs.

Quartier général de Rechid Méhémed Pacha Roumélie Valissi, commandant en chief des Turcs.

Division grecque au camp du Port Phoron.

Armée grecque le 6 Mai, 1827.

Corps grecque dans l'Acropole d'Athènes.

Division turque, bloquant le camp du port de Phoron.

Infanterie turque, le 6 Mai, 1827.

Cavalerie turque, id id.

Artillerie turque, id id.

1. *Ligne de circonvallation turque.*
2. *Tranchées turques contre l'Acropole.*
3. *Lignes grecques au Phalère.*

□ *Tambours dans les plaines et sur les hauteurs.*

A,A. *Premier et second Camp du général Karaiscaky.*

b. *Position des bâtimens sous Lord Cochrane, Grand-Amiral de Grèce à l'attaque du convent du Pirée.*

c. *Bâtimens sous Lord Cochrane, le 6 Mai.*

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as he might have done had he taken his rightful place from the beginning. It needed every prompting of enthusiastic patriotism to induce a few thousand ill-fed and worse-armed Greeks to march against ten times their number of Turks; yet this was what had to be done, in cold blood, and without a spark of enthusiasm, three days later.

On the day after the death of Karaïskakes, preparations were pressed forward for the attack on the rear of the besiegers, advancing from the south, in accordance with Lord Cochrane's plan. The choice of the ground and the disposition of the troops were entirely in the hands of the Greek commanders, who said that they were the best judges of the country and position, and who declined to go into action on any other terms. Every detail had previously been drawn up by Karaïskakes and his colleagues at two councils of war. At sunset on 5 May, the embarkation began, but it was not till 3 in the morning that the landing on the coast beyond Cape Kolias, famous for the wrecking of the Persian fleet after Salamis, could be commenced, and daylight overtook them before the expedition of 3,000 infantry (with no cavalry, and only two or three small mountain guns) was ashore. As the sun rose, Captain Fallon went forward and reconnoitred the position. He found the first line of the Greeks pushed forward in the plain, to within about a mile of Athens; the reserves, about three-quarters of a mile to the rear; and between them, a line of badly connected *tambours*.[43] Already he could perceive the Turkish cavalry massing in the distance.

It was clear that as a surprise—a rush by night to the relief of the Acropolis—the expedition was already a failure. Even if there had been the least chance of success so near daybreak, that chance had been thrown away and the brief moments wasted in throwing up ineffectual earthworks, instead of pressing forward at all hazards. What remained to be done did not rest with General Church; it had been pre-arranged by the council of war under the direction of Karaïskakes. The Greeks were to take to the rocky ground to the south and south-west of the Acropolis, and hold the position till night, when they and the 7,000 troops left on the Phalerum, and the 1,300 men in the Acropolis (who had been duly informed of the movement), would make a simultaneous desperate onslaught upon the Turks from all sides. In accordance with these orders, the Greeks strengthened their works (if slight mounds, thrown up with a totally inadequate supply of engineering tools, deserve the name) to some extent, but do not appear to have taken up higher ground; they remained in the same positions till past noon. All this time the Turkish cavalry was gathering in force, and their infantry was also on the march. Church quickly saw that it was hopeless to try to hold his ground unaided, and he sent

[43] *Diary*, 6 May. See the accompanying Plan, drawn at the time by an eyewitness.

repeated orders[44] to General Zavellas, who was in command of the 7,000 men left at the Phalerum, to advance to the attack from the other side. This was evidently what the Turkish general expected: he would not have spared Church's exposed and inadequate force of 3,000 men so long unless he had regarded their movement as a feint to mask a general action. But Zavellas was deaf to the requests of the commander-in-chief, and blind to the necessities of the situation. No movement was made from the Phalerum, and the Turks advanced with increased confidence upon the Greek positions on the Museum hill within two hours after noon. The patriots, with few exceptions, made no manner of stand: General Vasso was the first to take to his heels, and Costa Botzaris seems to have been little bolder;[45] some companies ran without firing, others fired wildly and then ran, others got rid of their ammunition safely before the enemy had come within double musket range; all save a few Suliots were speedily in full flight, and two out of every three were overtaken and slain. Such was the 'battle of Athens' of 6 May, 1827.

Church had viewed the scene, and given such orders as were possible, from a small redoubt at the church of St. George of the Tris Pyrgi near the shore. Cochrane stayed there with him until all was over, and the flight of the Greeks summoned him to his ships to assist and protect the embarkation. At last the generalissimo was forced to leave too; those of his troops who had escaped the scimetar were on the beach or among the rocks, where the Turks could not easily reach them, and the lives of the general staff were in imminent peril from the presence of bodies of Turkish cavalry in close proximity to their slender shelter. There was nothing for it but to retire. The fugitives were skilfully taken on board the ships under the fire of the Turks without the loss of a single man; the dejected expedition sailed back to the Phalerum; and here ended the first period of Sir R. Church's campaign in Greece.

So far it had been remarkable chiefly for a great disaster. Yet on Church's behalf it may fairly be urged that what success there was, was his doing, and what failure there was cannot be set down to his discredit. He had succeeded in uniting the rival parties in Greece; he had strengthened the army in Attica; and after the defeat of 6 May he had brought off the remainder of his troops without loss under the enemy's fire.[46]

The battle of Athens was not of his choosing, nor were the dis-

[44] No mention is made of these orders in Finlay's history, but Tricoupi, iv. 66, comments on Zavellas's gross insubordination.

[45] Fallon's *Diary*.

[46] This account of Church's conduct of the war in Attica is derived from his own narrative and letters, and from his A.D.C., Fallon's *Diary*. It differs seriously from Finlay's version, which can hardly be acquitted of the charge of unfairness.

positions of the troops his: the battle was forced on by Cochrane, and the dispositions were arranged by Karaïskakes, in the council of war. The only criticism that can fairly be put upon General Church is that under the conditions he should not have accepted the command. He should have been chief in action as well as in name, or never chief at all. The divided power, the independence of Karaïskakes (which formed a precedent for Zavellas's subsequent disobedience of orders), the interference of the high admiral—these were causes enough to paralyse the energies of any man; and Church, for his own name's sake, ought never to have exposed himself to the trial. But the general was one of those men who do not think of themselves, but of a great cause. To him, the liberation of Greece was a holy war, and he felt that to withdraw from it, even temporarily and under extreme provocation, might be doing an injury hard to be endured in that time of disaster and despair. So he had held on, despite the opposition and foolhardy policy of others, the blame of which would surely fall upon himself, and so he would continue to hold on for the sake of Greece.

It was after the disastrous battle of Athens that Church's remarkable qualities as a leader of undisciplined troops came into full play.[47] So far he had felt himself compelled for the general good to take almost a secondary part, while Cochrane and Karaïskakes practically guided the councils of war. But now the jealous Greek commander was dead, and the admiral had sailed away to concentrate his ships, in view of a possible approach of the Turkish fleet, leaving Church to do the best he could to 'prevail on the dastardly gang to hold the Phalerum,' or if not, to 'get away from the scene of their disgrace.' This was the usual tone of impatient Philhellenes, who tried to work miracles with a handful of disorganised volunteers, and then reviled them because the miracles were not worked. Such was not Church's way. He had every cause to be disheartened by his first few weeks' experience, but he was not the man to lose courage at the first reverse, or to despair of the cause to which he was pledged because the instruments he had to use were imperfect. The bad workman proverbially complains of his tools: Church preferred to make the best of them; and if it cannot be averred that he ever produced a perfect edge, at least no one but him succeeded in keeping them from rusting altogether.

After the retreat on 6 May, a scene of panic and despair pre-

[47] The authorities for this period of General Church's career are too numerous to be as a rule individually cited. They consist in a voluminous correspondence with the principal leaders in Greece at the time, besides the Philhellene Committees outside Greece; in Church's own memoirs and narratives; and in various letters and reports from most of the chief actors in the revolutionary movement. A special debt of gratitude must be acknowledged to Canon Church's notes and analysis of correspondence, and to his article 'The Greek Frontier, how it was won in 1829,' in the *New Quarterly Magazine*, July 1879.

vailed throughout the camp, and taxed to the utmost the general's powers of persuasion and control. Many of the Peloponnesians deserted; the rest could not be induced at first to touch a spade or a musket; and the fleet had sailed away, leaving hardly more than 3,000 disheartened half-starved Greeks exposed to the inclemency of the elements (for they had no tents on the heights of the Phalerum), and to the assaults of at least 30,000 Turks, who could probably drive them bodily into the sea at any moment. Amid the murmurs of the chiefs and the open rebellion of the men, the general alone retained his coolness and cheerful confidence. He possessed no military authority over troops who were mere volunteers, neither enrolled nor regularly paid by the government, and scarcely even fed; he had to trust only to his personal ascendency and the respect and enthusiasm which his well-known courage, his devotion to Greece, and his invincible patience and kindliness inspired in his followers. So great, however, was this influence, that he contrived to keep his dejected little army in position on the Phalerum (or Munychia) for three weeks, without pay or adequate provisions, and in presence of an overwhelming force of the enemy; and at last he only drew off his men because they were running short of water, and were doing no real good in their cramped situation.

When he had resolved to make a move, he took a farewell survey of the scene.

> Early on the morning of 27 May [to quote his own narrative], the general-in-chief walked round the entrenchments of the Phalerum, and when on the summit of this renowned hill, once an impregnable fortress, the glorious surrounding scenery impressed his mind with the most powerful sensations: Athens on one side, closely blockaded by a barbarous multitude incessantly occupied in discharging ponderous volleys of heavy artillery against the Acropolis, shells bursting over the Parthenon; in front of the Phalerum the long line of the Turkish camp stretching from the sea near Cape Kolias to the Peiraeus, forming almost a semicircle, in order the better to envelop the few Greek troops posted in their front; the immense number of standards and of tents of all colours, the plain covered with horses, mules, camels, and sheep; on the other side, the island of Salamis, always ready to receive the Greeks when driven out of Attica; further off the mighty Geraneion and Mount Oenion, the bulwarks of Peloponnesus; and Aegina directly in front, whence came Aristides to aid his immortal rival in their efforts for the salvation of their country on the awful night preceding the battle of Salamis.

The Greeks who accompanied their general were evidently impressed with the scene and its associations, and it was with a sore sense of the contrast between the past and the present that they retraced their steps, and prepared to leave the historic soil of Attica.

On the same night all was in readiness, and at daybreak on the 28th the embarkation was in rapid progress. By the time the Turks, who had early become aware of the movement, were on the heights of the Phalerum, three-fourths of the Greeks were on board the Ipsariot flotilla, which Church had managed to procure from Aegina; and so skilfully had all the arrangements been planned, and so well directed was the covering fire of the Greeks among the rocks, that the whole army was safely embarked without the loss of a single man, in spite of the efforts of a strong and exasperated force of the enemy under Reshid Pasha in person. The troops were landed at Salamis, and Church established his headquarters at Aegina.

One of his aides-de-camp, who had been with him throughout the campaign, wrote not long afterwards[48] that

> considering the measures he has adopted, the incredible difficulties he has had to overcome, particularly in the total want of pay and provisions for his troops, he has effected more than any other person could have done under similar circumstances, through the extraordinary firmness of character he possesses, and the popular feeling, particularly of the army, in his favour; which has enabled him to perform the almost incredible task of keeping an armed force together without pay or subsistence.

VIII. 1827–9.

During the next few months matters remained very much *in statu quo*. The Turks were to a great extent paralysed by the action of the allies. England, France, and Russia signed the Treaty of London for the pacification of Greece, 6 July, and sent their fleets to the Levant to put pressure upon the Turks and Egyptians. Further, they declared an armistice to exist between the belligerents, which the Greeks accepted and the Turks refused. Nevertheless, when Captain Hastings, acting for the Greeks, destroyed a Turkish flotilla at Salona, it was not regarded as a breach of the armistice which the Greeks had accepted; but when Ibrahim Pasha, who had rejected it, sent a squadron to the gulf of Corinth to punish Hastings, it was turned back by the allies: such were the principles of this singular neutrality. Meanwhile, on shore both sides were inactive. Ibrahim took a few forts, but struck no decisive blow; and the Greeks, without money, and short of ammunition and food, either tendered a temporary submission, or gathered in disorderly bands under their favourite chiefs, and indulged in local depredations for their private behoof. There was no unity, no organisation, and little public spirit. The executive government was weak and divided; the treasury was empty. The better sort of patriots awaited anxiously the long-delayed arrival of the new president, Count John Capodistrias.

[48] C. Fallon, A.D.C., to Rt. Hon. R. Wilmot Horton, Rome, 14 Nov. 1828.

Under such circumstances Church, with all his energy and influence, could effect little to good purpose. He had not, however, been idle. Before leaving Attica he had taken three measures, each of which showed remarkable foresight and was fraught with important issues. The first was the establishment of a Greek camp at the Great Derven on Mount Geraneion, which effectually prevented the entrance of Reshid Pasha's army into the Peloponnesus and his junction with Ibrahim after the surrender of the Acropolis on 5 June. The second was the despatch of most of his Peloponnesian volunteers back to their homes, where they were instructed to encourage their neighbours, and prepare for a general rising. The third was the result of a long-considered plan. From the beginning, as has been seen, Church had anxiously debated where he could best create a diversion to draw off the Turks from Attica. Two ideas occurred to him: one was a descent upon eastern Greece and Negropont, with the view to attacking Reshid in the rear, and cutting off his supplies both by sea and land; the other was a landing in Akarnania, where the western provinces could be raised, the Albanians' disaffection to the Turks fomented into an alliance with the Greeks, and the Ottoman garrisons starved into surrender. Neither of these plans was approved at first by the Greek government, and it may be doubted whether in the spring of 1827 transports or money could have been provided for any considerable expedition, or whether political events had yet created a favourable opportunity for such movements as Church contemplated. Still, he never lost sight of his design, and when he began to take steps for abandoning the position on the Phalerum one of his first proceedings was to prepare for a descent upon western Greece by sending a few men to stir up the people of Akarnania.

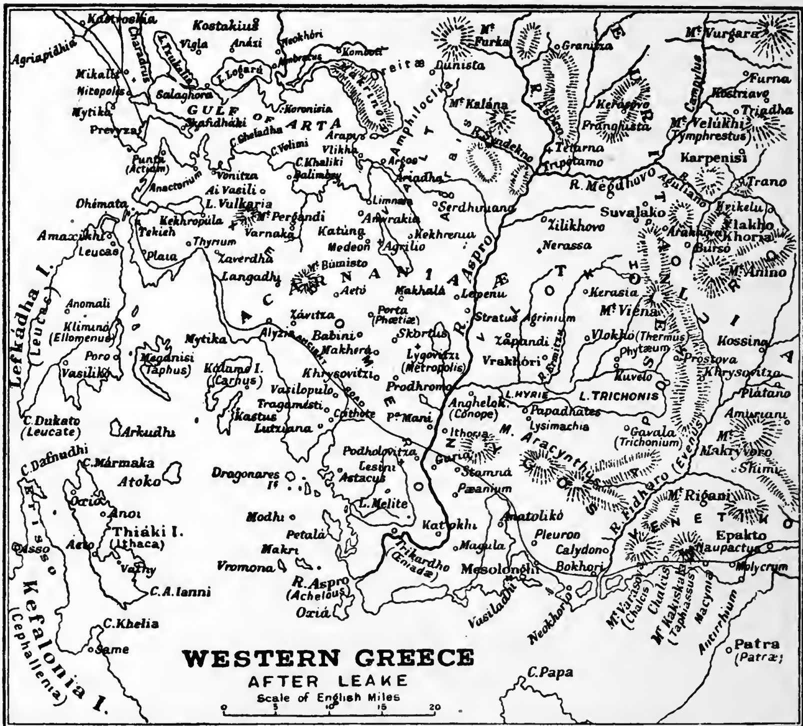
The result of this small mission was the seizure by Demozelio of an island in the lake of Lessini, near the Achelous (Aspropotamos), which he defended so well (partly with guns which had belonged to Byron and been buried on the island) that six months later Church found him in full possession, despite a long Turkish blockade; and the same creditable defence was maintained by Demetrius Makri at the neighbouring Mount Zygos. Such was the insignificant beginning of a movement which led to the liberation of western Greece and the eventual enlargement of the boundaries of the emancipated kingdom.

This first small step could not be immediately followed up. Church's task after his retreat from Attica was diplomatic rather than military: he had to reconcile as best he could rival chiefs, inspire a better and more disinterested public spirit, and try every resource for the replenishment of the treasury and the commissariat. It was uphill work enough, in the divided state of parties and the jealous clan-spirit of the insubordinate military chiefs; but his

tact and conciliatory manner, his genial treatment of his old followers—rather as a father over a pack of unruly children than as a commanding officer—his strong moral influence, probably effected all that was possible under the circumstances. It may be questioned whether he made his authority sufficiently feared; but he certainly gained the love and respect of his men, and retained their devotion when all other commanders despaired of keeping any force together. To him was chiefly due the maintenance of the important camp at Mount Geraneion and the support of the garrisons at Acrocorinthus, Salamis, Megara, and elsewhere. Even with all his efforts a steady advance of Turks and Egyptians must infallibly have overwhelmed the Greeks; and to their inactivity and the English policy which culminated in the battle of Navarino, Greece owed her freedom.

The plan of an expedition to eastern Greece and the Negropont was again proposed in July, but fell through for want of money and provisions. The descent upon Akarnania remained to be tried. The Turks and Egyptians were so busy in devastating Attica and the Peloponnesus that their regular troops had almost deserted western continental Greece; and Cochrane told Church in August (with his usual reckless exaggeration) that the whole country between Prevesa and Mesolonghi was up in arms, and added, 'Were you present, the Turks would soon be driven from all their possessions on the northern shore of the gulf of Corinth.' The admiral accordingly urged Church to carry out 'your first plan;' forgetting doubtless how strenuously he had opposed that plan at the outset. In the existing state of affairs, political, financial, and military, it was impossible to muster an army for western Greece at a week's notice; but throughout the autumn measures were carefully matured with a view to that expedition. Provision had first to be made for the defence of the Greek positions in the Peloponnesus; the jealousies of the military leaders had to be appeased; *προσκυνούμενοι*, or Greeks who had paid forced submission to the enemy, had if possible to be drawn over to the patriotic side and protected from the revenge of the Egyptians and the resentment of stronger-minded patriots; the universal lust of pillage had to be mitigated; and in all these matters Church, as commander-in-chief, was the prime arbiter and referee. So distressing to his upright nature were the petty squabbles and dishonesties of the chiefs, that he declared bitterly that he would rather meet a column of Turks than a petition of contumacious Greeks. At last the news of the battle of Navarino (20 Oct.) brought matters to a crisis. The disaster to the Turks, and the obvious sympathy of the great powers with the Greeks, revived the national spirit in all parts of Hellas. Now, said Cochrane, was the moment to act; and his words found a welcoming echo in the

heart of General Church. He at once took measures for the long-desired expedition; wrote ($\frac{3}{15}$ Nov.) to Captain Hastings to bring his flotilla out of the gulf of Corinth to Cape Papas, at the extreme west of Achaia, and prepare to transport a force across the gulf of Lepanto to Akarnania. He could not fix a day for the rendezvous,[49] he said, because a large force of the enemy's cavalry was reported to command the plains of Elis, but he would start immediately. Delayed by the necessity of manœuvring to avoid the cavalry, by want of money and ammunition, and by heavy rains, he did not reach Cape Papas till 28 Nov. The march across, through the mountains of Achaia, had been difficult and perilous,



and the ravines of Mount Olonos had become almost impassable with their swollen torrents. Food was often hard to procure, for the wretched villagers knew not at first which was their worse enemy, the Egyptians or the *palikari*, and it needed all Church's patience and kindness to convince them of his goodwill. On the 26th he arrived at the convent of Philokali, overlooking the plain of the Kamenitza, and here he dismissed the Peloponnesians, whom (for want of necessary supplies) he did not intend to take over with him, to the number of 4,000 or 5,000, and keeping only the 1,200

[49] Finlay's implied reproach (vii. 22) for delay is vitiated by Church's having forewarned Hastings of his inability to fix a date for their meeting.

Rumeliots led by Botzaris he marched across the Elian plain, through heavy swamps in which the men sank almost to their shoulders, to Cape Papas at the very moment when Ahmed Pasha was bringing his cavalry over the Kamenitza.

Then [on 29 Nov.] with a force which he had gradually sifted, like Gideon's host, till he retained with him only 1,000 men, the number which Hastings undertook to carry across, he made a landing at Dragomestre [Astakos] on the Akarnanian coast in two divisions of 500 men, [the second crossing on 6 Dec.] His purpose was to raise the country on both sides of the Aspropotamos, and to occupy the gulf of Arta and the range of Makrinoros, certain that by so doing he should cut the communication with Mesolonghi and the gulf of Lepanto, and force the garrisons to surrender. And, beyond that, he hoped, if sufficiently supported, to throw a force upon the northern coast of Epirus, to distract the attention of the Turks at Joannina by giving encouragement to the disaffected northern Albanians, or at least to raise the districts of Parga, Souli, and Arta, and to threaten Prevesa by land, while a naval force co-operated in the attack.[50]

At this time the Turks were undisputed masters of continental Greece. Cochrane's enthusiastic report of the rising of the whole western country was not confirmed by Church's personal observation. On the contrary, most of the Greek chiefs who had submitted to the Turks after the fall of Mesolonghi still remained in their service, and in many cases their patriotism was narrowed to a cautious balancing of the chances of success: they would join the winning side, but were not disposed to espouse the national cause hastily, lest worse evils should befall them even than those they had already suffered. The chances of success seemed very small for the little force at Dragomestre. Operating from Joannina, Arta, and Prevesa, the Turks held a chain of fortified posts—whether loopholed khans, walled monasteries, or mere villages and breastworks commanding the mountain tracks—all the way from their garrisons at Mesolonghi and Anatolico on the gulf of Lepanto to the forts of Vonitza and Kervassara on the gulf of Arta, and then across the Makrinoros range to Kombotti and Prevesa. Had they attacked Church's small force at once, there could hardly have been a doubt of their success. But their regular troops were considerably diminished, probably in view of the coming war with Russia, and the rivalries of their chief commanders destroyed all unity of action. Church was accordingly allowed to land unopposed, and once established on shore it did not take him long to convert Dragomestre into a sort of humble Torres Vedras—a base of operations against the Turks in western Greece. In this he was favoured by the natural position of the place. The land

[50] C. M. Church, *New Quarterly Review*, July 1879, pp. 9, 10. The accompanying map will illustrate the positions occupied by the Greeks.

approach, across mountain passes, marshes, and dense forests, offered every obstacle to an enemy; the rocky bays and inlets of the coast presented dangers to a naval attack; and the Paleo Castro and monastery of St. Elia possessed the elements of strong forts. Church lost no time in improving these advantages. He quickly constructed breastworks and redoubts of the ordinary native sort (loopholed walls of loose stone, surrounded by abattis of trees and brushwood), strengthened the monastery and castro, and formed an entrenched camp, armed with a few guns. He wrote to the government (14 Dec.):

We have worked incessantly in throwing up field-works and in strengthening our position, as far as is in our power to do so. I have bought some prize guns—six, nine, and twelve pounders,—iron guns, from Captain Hastings, with which it is my intention to arm some excellent boats acting with the army under brave and patriotic captains and crews. It is my intention, as far as it is in my power, to make this place, Dragomestre, a *base d'opérations* for western Greece, from whence to proceed, with God's aid, to the recovery of the whole of this beautiful province from the Turkish domination. This must be effected by the patriotic and energetic co-operation with me of its warlike Greek population, by my having a flotilla in the gulf of Arta, and by my being provided with provisions.

Having made Dragomestre as safe as he could, Church began to reconnoitre the country, intercept Turkish convoys and messengers (sometimes with striking success), and raise the Greek chiefs of the neighbourhood. Foremost of all came in the valiant Demozelio, who had held the island of Lessini unsupported for six months, but was now relieved by the retreat of the blockading Turks upon the news of Church's landing. To induce the other chiefs to join demanded tact and resolution. They must be taught that this new expedition was no filibustering raid, and therefore the camp must be kept in order and no depredations permitted. They must be convinced that the expedition was destined to triumph, and therefore no chance must be given to the Turks of the smallest success. Fortunately for these objects, the troops behaved well, and the Turks retired instead of advancing. The consequence was the speedy adhesion of various Greek chieftains who had not hitherto ventured to throw off their Turkish yoke, or who had hidden themselves in the mountains in despair of ever again striking a blow for independence.

Staïcos raised the Greek standard on his castled crag of Vlochos (Thermos), the Aetolian capital, which commanded the plains of Vrachori, and cut off convoys and detachments passing to and from Mesolonghi. Makres of Apokoros and Makriyannes of Zygos brought up their men to join Staïcos. Zonga, a large sheepmaster, whose possessions lay round Vonitza and the peninsula of Actium, came in with 500 followers. Varna-

kiottes, the chief man of Xeromeros, the western district of Akarnania, led 300 of his men by night through the Turkish position, and joined the camp [now formed by Church] at Mitika [on the north-west coast, near the gulf of Arta]. Andreas Iskos, chief of Valtos, who held the passes of Makrinoros, made promises of coming over as soon as the Greek force was strong enough to make it safe for him to leave the Turks.[51]

Church had now something like 3,000 men under his command, not indeed regular soldiers, but still hardy mountaineers who could be employed with effect in a guerilla warfare such as was in contemplation. 'It is an army of volunteers,' he wrote to the president, 18 Feb., 'and every man serves under the chief he likes best, being neither enlisted, enrolled, nor subject to articles of war, nor has the general legal right to command or punish; so it must be while they are not regularly paid, fed, nor clothed by the government—such is the nature of the army. I have had to struggle with the Turks for the liberation of Greece, and the difficulties I have had to encounter are incredible; but I must say in justice to those brave men, that I have rarely had to find fault with them, and they have followed me under the most trying circumstances.' A second force of 1,200 men had also under his instructions effected a landing within the gulf of Lepanto, opposite the little island of Trisognia.[52] The main difficulty was to provision the troops. The government had little money, or at all events sent little; the country around Dragomestre could not supply the wants of the army and of the numerous families who took refuge under Church's protection; and for the pay of the troops recourse was had to the Philhellenic commission at Corfu, whose funds, however, were much smaller than rumour asserted. It may be stated, once for all, that from the beginning to the end of the campaign Church's army was never adequately provisioned or paid; that the money, clothes, tents, supplies, and reinforcements repeatedly promised by the government of Aegina, in response to the general's urgent remonstrances, never arrived, or only came in miserable driblets; and that again and again the whole expedition was threatened with total collapse in consequence of the negligence and incapacity of the central authorities. These charges could be proved in all their miserable details, were the proof worth the space.[53]

In spite of these hindrances, Church resolved on a forward movement. And here he again encountered the vexation of a

[51] C. M. Church, l.c. 10. [52] Sir R. Church to Captain Hastings, 28 Dec. 1827.

[53] *E.g.* in January 1,000 Rumeliots were promised, but never came; in May 1,200 Peloponnesians, never came; in June 2,000 men with artillery, never came; in July 3,000 men countermanded, to lie idle at Megara, and only 250 arrived in the following April, &c. As to money, all the president sent was 14,000 francs, 20,000 dollars, and 150,000 piastres—say 7,000*l.*—with which to keep and pay 3,000 officers and men for more than a year. In January 1828 the pay of the men had been in arrears since March 1827. In November 1828, again, they had been four months without pay.

divided command. His plan of seizing the gulf of Arta and the Makrinoros required naval co-operation.[54] Captain Hastings, however, had other views for his flotilla—he took possession[55] of the island of Vasiladi in the lagune of Mesolonghi, and wished to reduce the fortress of Anatolico. In spite of his better judgment, Church deferred to his colleague's desire, postponed his own design, and assisted in an expedition against Anatolico, which, owing to a fatal miscalculation of the defences,[56] was unsuccessful. Upon this, Hastings hurriedly retreated to Dragomestre, whither, after providing for the defence of Vasiladi, Church followed. The failure was embittered by a misunderstanding between the two commanders, which, though afterwards corrected, deprived the army of Hastings's co-operation for a while.[57] Whatever differences may have subsisted between them, the general and Hastings loyally co-operated in the second fruitless attack upon Anatolico, made at the president's urgent solicitation, when the gallant seaman received the mortal wound (25 May) which broke up the siege.

During the summer of 1828 little was done by the small army in western Greece, which had indeed enough to do to keep itself alive at all, so dire was its distress for lack of food, clothes, and shelter. It was now stationed at the entrenched camp of Mitika, as being more convenient than Dragomestre for the movements now in con-

[54] Sir R. Church to Captain Hastings, 12 Dec. 1827. Reports to President, 18 and 22 February.

[55] Captain Hastings to Sir R. Church, 21 Dec. 1827.

[56] Captain Hastings to Sir R. Church, 4 Jan. 1828.

[57] 'Captain Hastings, who possessed the noblest qualities of the head and heart, had unfortunately a hastiness of temper and manner which at times rendered co-operation with him difficult. At Vasiladi a misunderstanding took place between him and the general-in-chief which led to a disagreeable correspondence between them and probably to the want of success of the operation attempted against Anatolico on this occasion. The misunderstanding arose in the first instance on the general expressing surprise at being invited by Captain Hastings to pay him 2,000 dollars after the reduction of Vasiladi, as a remuneration to the crews of the vessels employed against that place; in the next place, on a question of sending boats for some troops. The commander of the naval forces conceived that the general was interfering with his department, and expressed himself to that effect in a way which produced a quick reply. Both officers having the good of the service at heart, this unpleasant affair was soon terminated amicably. It must be said to the honour of Captain Hastings that he had put himself to great inconvenience for a considerable time past in providing resources from his own funds for paying the crew of the steam-vessel under his orders, and he was at this moment so far disgusted with the little attention paid to his wants by the provisional government, that it had affected his mind considerably; and to this feeling must be attributed his intemperate conduct at Vasiladi.' There were no funds wherewith to meet Hastings's demand for 2,000 dollars. This is Church's own account of the quarrel. It is clear, however, from Hastings's letter (printed in Finlay, *History of Greece*, vii. 344–5) that other disputes occurred, arising from the dishonesty of some of the Greek chiefs, who appear to have sold their rations at a time when every ounce of flour was precious. That Church countenanced such proceedings is of course impossible to believe, but it is far from unlikely that his trustful nature was imposed upon by the proverbial duplicity of the Greeks.

templation against Prevesa and the gulf of Arta. The roadstead was good, and the neighbourhood of the Ionian island of Kalamo, where many Greek families had taken refuge, was an advantage. Church established various positions in the mountains and harassed the communications of the enemy. The Turks held their line of fortified posts from Arta to Mesolonghi, and, though more than once threatening to advance, never ventured upon a serious attack, in which they could hardly have failed of success. The Greek army was suffered, as Church wrote, to 'take root;' and rooted it remained on the coast until reinforcements and a flotilla should render more active measures practicable. President Capodistrias visited the camp in person in July, reviewed the troops with apparent satisfaction, approved (15 July) the general's plan of occupying the gulf of Arta and the Makrinoros, and promised the reinforcements necessary to raise the army to 6,000 men.[58] Yet it was not until 16 September that the long-expected flotilla arrived, and even then 'not a soldier or a gun was sent to the land force, though more than 8,000 men were being drilled and paraded in the camp at Megara.'

Church resolved to wait no longer for reinforcements that would apparently never come, and in defiance of the president's order to postpone all military operations pending the conferences of the allies then being held at Poros, he opened the campaign with his 2,000 half-starved soldiers and four field-pieces, early in October. Moving upon the gulf of Arta in two divisions (the second commanded by Baron Dentzel), and valiantly supported by the flotilla of two steamers, a gunboat, and some Hydriot mistikos, which forced the entrance to the gulf, under the fire of the batteries of Prevesa and Punta, and defeated or captured the Turkish gunboats, Church seized and garrisoned Koronisi, beat back two assaults of the Turks of Arta, and made himself master of the gulf. Dentzel and Zavellas then struck inland, drove the Turks out of the provinces of Apokoros and Kravari, and seized the mountain road which crosses the Pindus to Trikkala; but were recalled by the president, whose orders were peremptory that no further advance should be made beyond the line of the Makrinoros. Meanwhile

[58] It is not necessary here to review the conduct and policy of Capodistrias; but, while there can be no doubt that he neglected to support Church and repeatedly broke his promises of supplies and reinforcements, it is only fair to add that the president was in an extremely difficult position, and his conduct was often guided by the hard dictates of necessity. Especially awkward was it for him to have to discuss measures for the pacification of Greece with the ambassadors of the three allies at Poros, when an armistice was supposed to exist and the French army was peaceably expelling the Egyptians from the Peloponnesus, and at the same time to have to support, or appear to support, the generalissimo of the Greek army, who was bent upon active hostilities, despite all armistices and all diplomatic negotiations. There is no doubt, moreover, that his visit to Church's camp in July had impressed him with a strong feeling against the wild disorganised bands of *palikari* who passed there as soldiers.

Church laid siege to Vonitza, an important post commanding the way from Prevesa to Akarnania:

> On Christmas Day an order of the day was given out fixing the assault for the next day, and forbidding plunder of the town or ill-treatment of defenceless inhabitants, and an unanimous promise was made by the soldiery to that effect. On the 27th the assault was made by the soldiers in three divisions, and by the seamen from the boats: the fighting was hot; but the town was taken, and the Albanian garrison was driven out and shut up in the castle. After the capture, the troops faithfully kept their promise, the evacuation of the town was carried out under the protection of the soldiers and sailors, and the garrison of the castle abstained from firing until the evacuation was complete. But the castle of Vonitza still held out in hopes of the promised relief from Prevesa. Lines were drawn across the promontory of Actium, and manned and armed by the Greek soldiers to meet the threatened attack of the Seraskier. He made two attempts in February, by sea and land, but was driven back upon Punta, and finally repulsed he retired to Prevesa. The castle capitulated on honourable terms, on 17 March, and the Albanian garrison of 300 men was conducted safely to Punta.

As soon as this important post was gained, the general directed all his efforts to an immediate advance upon the Makrinoros. The Makrinoros is the range of mountains and forest wedged in between the head of the gulf of Arta and the deep-sunk bed of the Aspropotamos on the east, falling down on the north-west side to Kombotti and the plain of Arta, and running up north to join Mount Djumerka and the Epirote chain; overlooking on the south the lakes of Ambrakia, and Ozeros, and the Aspropotamos. The castle of Kervasara, lying at the foot of the mountain, and in the south-eastern angle of the gulf, is the gate to the mountain passes from Akarnania and the south. A road at the foot of the cliffs, rough and precipitous, 'forms a pass like that of the Syrian Gates, at the head of the bay of Scanderoon,' and winds along for a day's journey by Menidhi to Kombotti on the plain of Arta; other roads cross the mountain to Arta, and to Agrafa, and the Aspropotamos. Information had reached the general that a convoy was at Kombotti, waiting for an escort to cross the mountain to Kervasara. Leaving a garrison in Vonitza, and some men to threaten Kervasara, he embarked by night, 25 March, with a detachment from Lutraki in the boats of the flotilla, landed at Menidhi, midway on the cliff road, and seized the stations on the road, while the boats went back to fetch another detachment. The men climbing the western ravines during the night, surprised at daybreak a Turkish outpost on the heights and drove them into the fortified post on the plateau, the Paleo Castro of Makrinoros. Another body had been ordered to make a circuit round Kervasara, and to advance as skirmishers up the southern face of the mountain; these finding the lower posts unoccupied, pressed onwards to the ridge and closed round the Paleo Castro on the south side. Through the course of the night and next morning the boats brought over fresh men from Lutraki, and with these the general occupied the heads of the ravines leading down to the plain of Arta, and sent forward a division to occupy the plateau of Langadha, which commands the eastern

slopes to the valley of the Aspropotamos. . . . The Turks had been completely surprised by the rapidity of the movement. That very day a convoy of provisions and money for Kervasara and Mesolonghi was to have crossed the mountains, and troops from Kervasara had come up to the fortified post on the ridge to meet the escort on its way, and to conduct it. But the roads on both sides of the mountain had been seized by the Greeks, and the Turks found their way barred, without having means of knowing what was the strength of the enemy which was on their road. The Greeks, increasing in numbers as the boats brought up fresh men from Lutraki, blockaded the garrison in the tower; guns were brought up, the tower bombarded by heavy guns from the gunboats, and on 29 March the garrison surrendered on promise of safe-conduct.

The way over the mountain being secured, and all supplies cut off from the garrisons on the south side, their surrender was merely a question of time. The Turks at Prevesa made no effort to save them, and Kervasara, the gate of the province of Valtos, capitulated on 7 April. The general then pushed forward along the ridges between Kervasara and the fords of the Aspropotamos, and a division was ordered to prepare to march on Mesolonghi, while he himself returned to protect his position on the Makrinoros from a probable attack of the Turks in Arta. As the result of these measures Lepanto surrendered on 30 April, and Mesolonghi and Anatolico on 17 May; when

the last body of Turkish troops was escorted by Varnakiotti and a division of General Church's army through Akarnania to the gulf of Arta and Prevesa, on their return to Albania. The evacuation of Akarnania and Aetolia was now complete; and the Greeks held actual possession by the force of their own arms of the natural frontiers of the western provinces—the gulf of Arta and the Makrinoros defiles.

In June Sir Richard Church entered Mesolonghi as the true liberator of western Greece.

His work was done. He had marked out for himself, two years before, a plan of operations. He had tenaciously adhered to his purpose, and successfully carried it out amidst discouragement, and opposition, and countless difficulties. For eighteen months he had been at the head of his bands of Rumeliot *palikari*, sharing their rough camp life, never complaining, except for the wants of his men; making the best of them, keeping them together, and leading them to success; settling their quarrels, and restraining their lawlessness by the justice and integrity and chivalrous bearing of an English officer. It was no slight mark of the influence he had acquired over his men that, after their savage warfare of years with the Turks, he was able to make them humane and generous in their treatment of enemies. Bounties were given for Turkish prisoners instead of Turkish heads; cattle taken from Greeks on the Turkish side were restored or paid for; respect towards the enemy was enforced in all communications and interviews that passed between the camps; the most generous treatment of the Albanian officers and men

was shown after capitulation, and in each case the garrisons were conducted in safety through the Greek camp without molestation or insult.[59]

His final triumph was somewhat marred by the petty jealousy of the president, who seized the moment of Church's success to appoint his own brother Agostino Capodistrias—who can only be described as a contemptible fool—lieutenant plenipotentiary in western Greece, and who was at the time ornamentally parading at Lepanto a large force of troops which was sorely needed to guard the frontier. And so it happened that the man who received the capitulation of Mesolonghi was not that 'liege lord of Philhellenes' (to use Finlay's phrase) who had toiled and conquered, but the puny nonentity who happened to be the brother of John Capodistrias. The general protested against the insult, but no slight would have induced him to abandon his duty. His work, however, was accomplished; western Greece was practically freed from the Turkish domination, though he had to wait some time before he saw the fruits of his successful struggle. With a clear conscience he attended the National Assembly at Argos, 25 August 1829, and there resigned the command which had been conferred upon him two years before, 'with an indignant protest against the way in which the government of Capodistrias had neglected the army and thwarted military operations.'

If it be asked, what was the result of Church's liberation of western Greece? the answer may be given in the words of one who, in his 'History of Greece,' has striven his utmost to discredit Sir Richard's services. Finlay was not always so grudging of appreciation, and about 1840 he wrote to the general:

> I well recollect the landing at Dragomestre, which at the time I thought a desperate and even hopeless attempt with the small force you had. I have long, however, seen that it was to that desperate step that Greece owes the extension of her frontier. The 500 men induced Romeli to take arms, and prevented Capodistrias making the Morea Greece. You gave him Romeli in spite of himself, and you made Agostino a hero.

In other words, had western Greece not been Greek when the frontier was being mapped out by the allies, the kingdom of Greece would have been limited (as Lord Aberdeen and Capodistrias desired) to the Peloponnesus. The protocol of 3 Feb. 1830, 'in deference to the desire expressed by the Porte,' had surrendered these very provinces which he had conquered, and by the frontier line then drawn had excluded from free Greece the men of Akarnania and Aetolia. This called forth from Church, in April 1830, an indignant letter which was published in England with a preface by Wilmot Horton, who described it as 'the simple

[59] C. M. Church, l.c. 13–16.

protest of a soldier who, in this breathing time of nations, has pursued an unnoticed but not less brilliant career with a firmness and self-devotion worthy of the brightest periods of European history.'[60] He could not keep silence. His recollections were too fresh, as he said, of the efforts which had been made by the men under his command to emancipate these provinces from the Turkish yoke. They had given back to Greece her glorious Mesolonghi. He had witnessed their joy at liberation—the happy meeting of women and children restored to their fathers, husbands, brothers, and to their homes, after nine years of desolation. He had heard their solemn and hearty thanks offered up to the Almighty, and seen the fierce Albanians, on leaving the country in which they had been fairly overcome, partaking of the bread of their conquerors, embracing them gratefully for the good treatment they had received at their hands, and declaring that the Greeks had a right to enjoy the country they had won. So he recorded his solemn protest:

> It is impossible [he wrote] to describe the despair of the people of this country on the intimation that the limits of Greece, according to the new protocol, would exclude the whole of Akarnania and a part of Aetolia. . . . I cannot believe that the generous interference of the allied powers is to be brought to a conclusion by entailing upon Greece disasters of the most serious nature—that, instead of giving her a frontier, they are about to take one from her. . . . Lulled into a fatal security by the protocol of 22 March, the Greeks were unanimous in their gratitude to the allied powers, and saw before them a fair prospect of becoming an independent country, in the supposition that their frontier would be that of the line from Volo to Arta. . . . This line and, far beyond it, the cantons of Agrafa and the province of Aspropotamos are in the peaceable possession of the Greeks; and, before I left the camp of Makrinoros, we had fortified its passes on the highroads leading from Trikkala, Arta, Prevesa, and Joannina, to Vonitza, Mesolonghi, Lepanto, Salona, &c.
>
> Are these people to be again given up to the Turks after having fought for their liberty for nine years, and being ever the foremost in every glorious exertion for the general emancipation of their country and of Greece in general? Will they submit to the Turks as their masters? From the knowledge that I have of their characters, and from what they have suffered, I think they never will. Can the other Greeks, or ought the other Greeks, to abandon them to their miserable fate? I doubt it; and what may not be apprehended from the desperate resolution of some thousands of determined and veteran soldiers? Blood will doubtless flow before these men give up their country, their families, and their honour into the hands of the Turks.

The frontier for which he pleaded was granted to Greece two years afterwards. The frontier imposed in 1830 was rectified in 1832 by the efforts of Lord Palmerston and Sir Stratford Canning; the boundaries from the gulf of Volo to the gulf of Arta were then

[60] *Observations on an Eligible Line of Frontier for Greece.* Ridgway, 1830.

laid down, and the provinces which Church had won for the Greeks were finally restored to them.

Here the military career of Sir Richard Church comes to a worthy end. For forty years more he lived at Athens, beloved and respected by all who reverenced a loyal and upright character; and there he died in 1873, in his ninetieth year, the centre of a wide circle of friends, who delighted in being honoured with the confidence of 'the liege lord of Philhellenes.' The recollections of his self-sacrificing and chivalrous career, stories of his justice, integrity, and kindness, his hardihood and endurance, long lingered among his Greek soldiers and contemporaries. To later generations the epitaph on his monument raised by the Greek nation in the cemetery at Athens will be his abiding memorial:

RICHARD CHURCH,

GENERAL,

WHO, HAVING GIVEN HIMSELF AND ALL THAT HE HAD

TO RESCUE A CHRISTIAN RACE

FROM OPPRESSION,

AND TO MAKE GREECE A NATION,

LIVED FOR HER SERVICE,

AND DIED AMONGST HER PEOPLE,

RESTS HERE IN PEACE AND FAITH.

1873.

STANLEY LANE-POOLE.

Notes and Documents

GAFOL.

'As the subject,' in the words of Mr. W. H. Stevenson, 'is one of considerable historical interest,' I would ask permission to reply briefly to his comments on my 'gavel pennies' theory (*ante*, p. 141). The point for which I have strenuously contended is that 'gafol' was, in England, essentially of the character of *rent*, not of *tax*. Consequently 'gafol' was, in my view, only payable to the king, *qua* lord, from his tenants, not to the king, *qua* king, from his subjects. 'Almost every house in a borough' may, as Mr. Stevenson believes, have 'paid land-gavel,' but this does not affect my theory in the least. What I claim is that it was only paid *to the king* by 'tenants of burgages within the king's *dominium*.' Tenants of burgages without that *dominium* would pay it to their respective lords. I have fully explained this in my essay on the 'Finance of Domesday' (*Domesday Studies*).

With reference to Mr. Stevenson's criticisms on my interpretation of the Leicester 'gavel pennies,' I would point out that though I only claim for it probability, his arguments do not dispose of it. What we have to account for is the occurrence of a due known locally as *gouelpennis* or 'gavel pennies.' I maintain that this is a form obviously derived from the Anglo-Saxon 'gafol,' and not, as the burgesses of 1264 pretended, from the 'gable' of a house. We know, not as a conjecture but as a fact, that (the meaning of *gafol* being early forgotten) the word was corrupted by folk-etymology into 'gable.' For, at Chester, the '*land-gafol* rent' became corrupted into 'long-gable rent.' But there is no reason to believe that 'gable' would ever, conversely, be corrupted into 'gavel.' And yet it is as 'gavel pennies,' not as gable pennies, that the Leicester due meets us. So much for the etymological argument. The Scarborough charter, appealed to by Mr. Stevenson, is at first sight singularly to the point, but a little consideration will show that it is not. The Scarborough burgesses agreed to pay a due on every house; but those houses of which the sides (*latera*) faced the street (presumably because they had more frontage) were to pay half as much again as those of which the (*gabulum*) gable (*i.e.* the

end) faced it. 'Gable pennies' would be a strange (indeed, misleading) name for such a levy, nor are we told that it was so named. Even on Mr. Stevenson's own hypothesis the Leicester burgesses are self-convicted of error, for they omit the houses with their sides (*latera*) to the street, which are precisely those that should have paid most (see p. 141, *ante*, notes).

I still maintain, therefore, that 'gavel' is obviously derived from *gafol*, and that it became corrupted into 'gable' when the meaning of *gafol* was forgotten. That corruption would, of course, be encouraged by the adoption of such a distinction as that which existed at Scarborough, introducing incidentally, as it did, the actual gable end. As to the jurors' verdict in 1264, Mr. Stevenson must have a higher opinion of the authority of such verdicts than I have been led to by my own experience. The *gravamen* however of my complaint against Mr. J. C. Jeaffreson was, not his unquestioning acceptance of that verdict, but his representation of the whole episode as a discovery of his own, whereas it had long been familiar to historians, both local and general.[1] J. H. Round.

THE BLACK DEATH IN LANCASHIRE.

Though the history of the black death has of late years formed the subject of several inquiries, the document here printed, relating to various parishes in Lancashire, has hitherto attracted no attention. It is, however, of considerable interest, and seems to be unique of its kind. It is marked 'Treasury of the Receipt $\frac{21a}{3}$,' in the Public Record Office, and consists of several pieces of parchment not arranged in their correct order. Rearranged, they may be described as follows: (A) one small piece of parchment containing the names of jurors; (B) two consecutive membranes of thin parchment, identical in the main with C, except that blanks are left for the amounts of money, presumably for the jurors to fill up. It is not here printed, but any variations—apart from purely clerical ones—are noted. (C) Two pieces of thick parchment, containing the numbers of vacancies in livings, the numbers of deaths in certain parishes in the deanery of Amounderness, with the proportion of those who, possessing property of more than 100*s.*, made wills or died intestate, and further the amounts which the archdeacon of Richmond claimed from Adam de Kirkham, dean of Amounderness, as his proctor in matters relating to the probate of wills and the administration of the goods of persons dying intestate. It is, of course, to this money question that we owe the record; the

[1] This note, it should be added, was written away from England and from all books of reference.

archdeacon was dissatisfied with the account rendered by the dean, and the dispute was referred to a local jury. The sums claimed by the archdeacon, where they differed from the assessment of the jurors, are crossed out in the manuscript (marked here by square brackets [ ]) and the awards of the jurors substituted. The employment of lay jurors to decide a purely ecclesiastical dispute is not the least interesting point in the document. Though we have here a contemporary record, there seems little ground to place much more reliance on the numbers of deaths than on many other calculations in medieval documents. Allowance must be made for the exaggeration of panic; and there is evidently no attempt at strict accuracy; round numbers are used throughout, and in the case of Ribchester, Lytham, and St. Michael's there is obviously a blunder. Taking the figures, however, as they stand, we find that in the ten parishes here mentioned 13,180 persons died between 8 Sept. 1349 and 11 Jan. $13\frac{49}{50}$,[1] while nine benefices in the same district are mentioned as having been vacant at this time, three of them twice. One difficulty appears to be insuperable: the sum total of the amount claimed by the archdeacon (for it is in the same ink as the bulk of the document, while that used by the jurors is less faded) is declared to be 48*l*. 10*s*. According to the figures the sum claimed by the archdeacon as due from A. de Kirkham as executor of the late dean, W. Ballard, was 34*l*.; for vacant benefices, 88*l*.; for probate of wills, 72*l*. 10*s*.; for acquittances, 40*l*. 10*s*.; for administration of the goods of persons dying intestate, 54*l*. The jury assessed the debts as follows: Due from W. Ballard, 10 marks (6*l*. 13*s*. 4*d*.); for vacant benefices, 18*l*. 6*s*. 8*d*.; for probate of wills, 25*l*. 6*s*. 8*d*.; for acquittances, 6*l*. 13*s*. 4*d*.; while the 54*l*. for the administration remained the same. Is it possible to get a sum total of 48*l*. 10*s*. out of any reasonable combination of these figures? Yet there ought to be some explanation. A. G. LITTLE.

(A.)

Thomas de Singelton, Jur.
Edmundus de Haydok, Jur.
Johannes Banaster de Walton, Jur.
Adam de Singelton, Jur.
Johannes de Ethelleston, Jur.
Thomas Starky, Jur.
Nicholaus Starky, Jur.
Johannes de Plesyngton, Jur.
Willelmus Wygan, Jur.
Adam de Plesyngton, Jur.
Henricus Nicholson Jeffreyson, Jur.
Thomas Williamson Mirreson
Henricus de Asshton
Willelmus del Preesse (?),[2] Jur.
Johannes del Chethyn
Adam de Horton
Nicholaus de Melessa (?)[3]
Robertus de Skypton

[1] The period here given for the ravages of the black death is later than that usually assigned. See Nicolas, *Chronol. of Hist.* p. 389, 31 May–29 Sept. The Franciscan martyrol. of Bodmin in W. of Worcester's *Itinerary*, p. 113, states that the plague began in England *circa kal. Augusti*; Wright, *Polit. Songs and Poems* (R.S.), I. xl., July to end of August.

[2] Preess', *i.e.* Prees, in Shropshire.

[3] Meless'.

(C.)

-ffait a remembrer que la chapelle de la Maugdaleygne [4] de Preston feust voeyde par viij symaignes en temps de la pestilence et que Sire Adam de Kirkham [5] Doyan de Amundernes feust procuratour Sire Hen^{r} de Walton Ercedekne de Richemound meisme le temps et prist et receust touz les oblacions apurtenanus a la dite chapelle meisme le temps a la value de xxxij li.

Item que Sire Adam de Kirkham [6] est lexecutour Sire William Ballard qui feust Doyan Damundernes et feust tenuz a lercedekne de Richemound par resoun de soun office pour diuerses correccions approuances des testaments et les acquitances de y celles et des voydaunces des diuerses esglises et des Mortuariis et oblacions de y celles en queux le dit Sire William Ballard feust tenuz au dit Ercedekne a la value de [xxiiij li.]

[7] et hui ce iour ad assets des biens son testatour pour faire gree et prist etc. Jurati dicunt quod debet inde x marcas.

Data de compoto [8] le dit sire Adam de Kirkham del fest de la Natiuite de nostre Dame [9] lan de nostre seigneur M^{l}cccxlix tanque al vnzsyme Jour de Januaire presche ensuant.

Item que la vicarie de Kirkham et la chapelle de Gosenard voeyderent deux foitz deinz le dit temps [10] et que Sire Adam de Kirkham [11] prist et receust touz les Mortuariis et oblacions meisme le temps,[11] plus qil ad acompte,[12] a la value de [xij^{li}] Jurati dicunt quod habet xx^{s}.

Item que la vicarie de Pulton [13] et la chapelle Bispham voeyderent el dit temps del Pestilence et que meisme Sire Adam [14] prist touz les Mortuariis et oblacions meisme le temps a la value de [xiiij^{li}] Jurati dicunt lx^{s}.

Item que la esglise de Lancastre et la chapelle de Stalmyn voeyderent en le dit temps et que Sire Adam de Kirkham [14] receust touz les mortuariës et oblacions meisme le temps a la value de [xx Marc̄] c^{s} per Juratos.

Item que la vicarie de Garestang voyda deux foitz meisme le temps et Sire Adam de Kirkham [14] receust touz les Mortuaries et oblacions meisme le temps a la value de [x Marc̄] xl^{s} per Juratos.

Item que la Priourie de Lithum voyda meisme le temps et Sire Adam de Kirkham [14] recust touz les Mortuaries et oblacions meisme le temps a la value de [x^{li}] 1 marc per Juratos.

Item que dedeinz la paroche de Preston [15] morerent treys mille hommes et femmes des queux ccc firent testaments et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance des ditz testamentz plus qil nad acompte [xx marc̄] Jurati dicunt x^{li}.

[4] Above is written, 'Jurati dicunt quod nihil cepit.'

[5] Above is written, 'po se qđ nō cul Jō Jur' i.e. *ponit se quod non culpatur* [or *culpabilis*] *judicio Juratorum.*' Or 'Jō' may be merely a clerical error for 'ad'—the phrase 'ad Jur' occurring very frequently.

[6] Written above, 'Inquiratur etiam si compoto [comp'] sit paratus satisfacere.'

[7] The following passage down to *ensuant* is not in B.

[8] 'Dat' de compot.'

[9] 8 Sept.

[10] In margin, 'cestassauoir, De' with blank left.

[11] Written above, 'dicit quod non cul[pabilis] ad Juratos.'

[12] Not in MS. B.

[13] Poulton and Bispham, near Blackpool.

[14] 'ad Jur̄' written above.

[15] *Id.*

[16] Cestassauoir des executours Willelmi Mirresson et sa femme dimidiam marcam; des executours Thomas Mareschal et sa femme vj^{s}; des executours Robert Litester et sa femme xl d; Item des executours Johan Tilleson et sa femme iiij^{s}; Item des executours William de Wrokhol et sa femme xl^{d}; et des plusures autres a la dite summe de xx marc̄.

Item que le dit Sire Adam[15] prist receust ou pourroit par droit et vsage de seynte Esglise auoir receu pour les acquitances des ditz testamentz [17] des queux il nad rienz acompte [17] [xj^{li}] quia supra (?) [18]

Item que deux centz parochiens del esglise de Preston [19] les [20] biens de chescun de c^{s} et plus morerent sanz testament faire et ladministracion de lour biens appurtenoit et feust a Lercedekne de Richemound la quele administracion valoit,[21] de quele administracioun il nad riens acompte [21] x^{li}.

[22] Cestassauoir des biens Robert de Witeneye et sa femme (qui valeient lx^{s}); et de la femme Longe Aubrey les biens c^{s}. Item Richard Waddere et sa femme lour biens lx^{s}. Item Jakke oþe hil le biens xl^{s}, et le biens de plusuris autres intestats, des queux la administracioun val(oit) la dite summe de x l̄i.

Item que dedeinz la paroche de Kirkham morerent [19] treys mille hommes et femmes des queux Dc firent testaments et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance des ditz testamentz [23] plus qil ad accounte [23] a la value de [xx marc̄] Jurati dicunt quod recepit iiij li.

Item que le dit Sire Adam prist receust [24] ou pourroit par droit et vsage de seynte Esglise auoir receu pour les acquitances des ditz testaments des queux il nad rienz acompte ala value de [x l̄i] xx^{s} per Juratos.

Item que C parochiens del Esglise de Kirkham [24] les biens [25] de chescun de c^{s} et plus morerent sanz testament faire et ladministracion de lour biens appurteneit et feust a Lercedekne de Richemound la quele administracion valoit de quele administracioun il nad rienz acompte ala value de c^{s}.[26]

Pulton. Item que dedeinz la paroche de Pulton [27] morerent [24] viij centz des hommes et des femmes des queux cc firent testaments et les biens de chescun valeient c s et plus et le dit Sire Adam prist pour lapprouance des ditz testaments [28] plus qil nad acompte [28] [c^{s}] xx^{s} per Juratos.

[29] Cestassauoir, Des executours Robert de Thacherstions (?) ij^{s}. Des executours Richard de Ellale iij^{s}. Des executours La femme Roger Pans xx^{d}. Des executours Richard de Marton ij^{s} vj^{d}. Et des plusures autres a la dite somme de c^{s}.

Item que le Dit Sire Adam prist receust ou pourroit [30] par droit et vsage de seynte Esglise auoir receu pour les acquitances de ditz testaments

[16] The following details are inserted in the margin, opposite the foregoing paragraph, in the same ink as the bulk of the document: they do not occur in MS. B.

[17] These words not in B.

[18] qz sup^{a}.

[19] 'ad Jur̄' written above.

[20] *quietus*, written above.

[21] Not in B.

[22] In margin; see note 16.

[23] Not in B.

[24] 'ad Jur̄' written above.

[25] 'quietus' written above.

[26] 'de quele administracion,' &c., not in B.

[27] Probably Polton, near Lancaster.

[28] Not in B.

[29] These details are given in the margin.

[30] 'ad Jūr̄' written above.

des queux [31] il nad rienz acompte alà value de [xl^{s} iiij^{li}] dimidiam marcam per Juratos.

Item que xl parochiens del Esglise de Pulton [30] les [32] biens des chescun de c^{s} et plus morerent sanz testament faire et ladministracion de lour biens pertient a Lercedekne de Richemound la quele administracion valoit xl^{s}.

Item que dedeinz la paroche de Lancastre [30] morerent treys Mille des homes et des femmes des queux cccc firent testaments et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance des ditz testamentz [xx $\overline{M}$] iiij li per Juratos. [33] plus qil acompte.[33]

Item que le dit Sire Adam [30] prist receust ou pourroit par droit et vsage de seynte Esglise auoir receu pour les acquitances des ditz testaments des queux il nad riens a compte [x^{li}] xx^{s} per Juratos.

Item que iiij^{xx} [34] parochiens del Esglise de Lancastre [35] les biens de chescun de c^{s} et plus morerent sanz testament faire et ladministracion de lour biens pertient a Lercedekne de Richemound la quele administracion valoit lx[^{s}]^{li}.[36]

Item que dedeinz la paroche de Garestang [30] morerent deux Mille des hommes et des femmes des queux cccc firent testaments et les biens des chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance des ditz testamentz plus qil nad acompte de [37] [x li] xl^{s} per Juratos.

[38] Cest assauoir; Des executours Johan de Staunfgood [39] xl d. Des executours la femme le dit Johan iij^{s}. Des executours Ad. Hannemagh iiij^{s}. Des executours Robert Taillour ij^{s}. Des executours la femme Math' Walker ij^{s}. Des executours William de Couper ij^{s} vj^{d}. Et des autres illeiques a la somme surdite.

Item le dit Sire Adam prist [40] receust ou pourroit par droit et vsage de seynte Esglise auoir receu pour les acquitances des ditz testamentz de quei rien nad acompte [lx^{s}] xx^{s} per Juratos.

Item que cxl parochiens [40] del Esglise [41] de Garestang les biens de chescun de c^{s} et plus morerent sanz testament faire et ladministracion de lour biens pertient a Lercedekne de Richemound la quele administracion valoit x^{li}.

Cokeram. Item que dedeinz la paroche de Cokram [42] morerent Mille des hommes et des femmes des queux ccc firent testamentz et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance des ditz testaments plus qil nad acompte [43] [iiij^{li} x^{s}] xx^{s} per Juratos.

[44] Cest assauoir. Des executours William de ffourneis iij^{s}. Des executours la femme Richard de Guncestre xviii (^{d}). Des executours Thomas Belan ij^{s}. Des executours Roger Hanson iij^{s}. Des executours la femme Adam Slauk xviij^{d}. Et des autres a la dite somme de iiij^{li} x^{s}.

Item le dit Adam prist receust [45] ou pourroit par droit et vsage de

[31] MS. quexx. [32] 'quietus' written above. [33] Not in B.

[34] = 'quatre-vingts.'

[35] Above is written, 'dicit quod W. Ballard fuit tempore illo.'

[36] Something wrong here. [37] 'plus . . . de' not in B.

[38] In margin; not in B. [39] Staunfgd. [40] 'ad Jur' above.

[41] 'quietus' above. [42] 'ad Jur' written above.

[43] 'plus,' &c., not in B.

[44] The following details inserted in the margin, as above. [45] 'ad Jur.'

seynte esglise auoir receu pour les acquitances des ditz testaments [xxx^{s}] de quei il nad rien acompte [46] dimidiam marcam per Juratos.[47]

Item que lx parochiens del Esglise [48] de Cokram les biens de chescun de c^{s} et plus morerent sanz testament faire et ladministracion de lour biens pertient a Lercedekne de Richemound la quele administracion valoit x^{li}.

Ribchestre. Item dedeinz la paroche de Ribchestre [48] morerent [49] j cent des hommes et femmes des queux lxx firent testamentz et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance des ditz testamentz [xl^{s}] xxxiij^{s} iiij^{d} per Juratos.

Item le dit Adam prist receust ou pourroit par droit et vsage de seynt Esglise auoir resceu pour les acquitances des ditz testamentz [xxx^{s}]. Dimidiam marcam per (Juratos).[50]

Item que xl parochiens del Esglise de [51] Ribchestre [52] les biens de chescun de c^{s} et plus morerent sanz testament faire et ladministracion lour biens pertient a Lercedekne la quele adminstracion valoit c^{s}.

[53] Lythum. Item dedeinz la paroche [51] de Lithum morerent cent xl des hommes et femmes des queux $\overset{xx}{iiij}$ firent testamentz et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance [54] des ditz testamentz [x^{li} c^{s}] dimidiam marcam per Juratos.

Item le dit Adam prist receust [51] ou pourroit par droit et vsage de seynt Esglise auoir resceu pour les acquitances des ditz testamentz [xx^{s}] xl^{d} per Juratos.

Item que $\overset{xx}{iiij}$ parochiens del eglise de Lithum les biens de chescun c^{s} et plus morerent sanz testamentz faire et ladministracion de lour biens pertient a lercedekne de Richemound la quele administracion valoit c^{s}.

Seynt Michel. Item dedeinz la paroche [55] de Seynt Michel morerent $\overset{xx}{iiij}$ des hommes et femmes de queux l firent testamentz et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance des ditz testamentz [xl^{s}] j marc̄ per Juratos.

Item le dit Adam prist [55] receust ou pourroit par droit et vsage de seynt eglise auoir receu pour les acquitances de ditz testamentz [x^{s}] dimidiam marcam per Juratos.

Item que xl parochiens de [55] lesglise [56] de seint Michel les biens de chescun de c^{s} et plus morerent sanz testament faire et ladministracion de lour biens pertient a Lercedekne de Richemond la quele administracion valoit xl^{s}.

Pulton. Item dedeinz la paroche de [57] Pulton [58] morerent lx hommes et femmes de queux xl firent testamentz et les biens de chescun valeient c^{s} et plus et le dit Sire Adam prist pour lapprouance de ditz testamentz [iiij l̄i] l marc per Juratos.

Item le dit Adam prist receust ou pourroit par droit et vsage de seynt

[46] 'de quei,' &c., not in B.

[47] 'dj̄ mr̄ p̄ Jur' written above the cancelled 'xxxg^{s}.'

[48] 'ad jur.'

[49] 'quietus' above.

[50] The word is worn away.

[51] 'ad Jūr.'

[52] 'quietus.'

[53] The second membrane of (C.) begins here.

[54] MS. (B.) ends here.

[55] 'ad Jūr' written above the line.

[56] 'quietus' written above.

[57] 'ad Jūr.'

[58] Probably Poulton, near Blackpool.

esglise auoir receu pour les acquitance des ditz testamentz, dimidiam marcam per Juratos.

Item que xx parochiens de [59] lesglise [60] de Pulton les biens de chescun de c^s et plus morerent sanz testament faire et ladministracion de lour biens pertient a Lercedekne de Richemond la quele administracion valoit xl s.

summa totalis xlviij li x^s.

THE TRIAL OF RICHARD WYCHE.

The following letter of Richard Wyche, whose defence and recantation have been already printed,[1] was recently found in the university library at Prague by Professor Loserth of Czernowitz, the editor of Wyclif's 'Sermons' and 'De Ecclesia,' who was so kind as to make a copy of it, and send it me for publication. The text is unfortunately very corrupt, and the scribe, whose nationality is apparent from such spellings as *Wycz*, has made havoc of the English proper names, some of which it has been found impossible to emend with confidence. In spite of these drawbacks the document is of great interest, as giving what appears to be a true and fair account of the dealing with a person accused of heresy. Evidently the bishop of Durham and his council were not severe and suspicious inquisitors. The tone of their speeches to Wyche is for the most part gentle and persuasive, although not free from references to the consequence of obstinacy, while it must be allowed that his extravagant suppositions as to what might happen under the marriage law of the church were likely to stir them to impatience. The successive adjournments and frequent argument show that the object in view was his recantation rather than his punishment. Indeed it seems that at first all that was required was a formal recantation, which would have been accepted without close inquiry into the private belief of the prisoner. It was probably due to his insistence on the 'pact' that when at last he did recant he had to make special profession of his good faith. Foxe tells us that he afterwards relapsed and was burnt on Tower Hill in 1439, winning such a reputation for sanctity that the site of his martyrdom became a place of pilgrimage.[2]

We naturally desire to fix the date of this trial, but are at once met by a serious difficulty. In the 'Fasciculi Zizaniorum' the bishop's name is given as William, a name which does not occur till the promotion of William Dudley, 1478. I suspect that in the original from which the entry in the 'Fasciculi Zizaniorum' was copied, there stood only the initial W. for Walter (Skirlawe), bishop, 1388–

[59] 'ad Jur̄.' [60] 'quietus.'

[1] *Fasciculi Zizaniorum*, pp. 370–382, 501–505.

[2] *Acts and Monuments*, iii. 702 seq., ed. 1855.

1406. The reference to Purvey's recantation, which took place 28 Feb. 1401, makes it probable that we shall not be far wrong if we date it in that year. F. D. MATTHEW.

Gesta cum Richardo Wycz presbytero in Anglia.

(Cod. Bibl. Univers. Prag. III. G. 11, fol. 89b-99b)

[fol. 89b] Reverende domine et frater. Fraternitatis Christi gracia vobis et pax a Deo patre nostro et domino Jesu Christo. In prima die recessus mei a vobis, ut ostenderet michi Deus viam per quam ambularem, percussit me casu penali, ut recordarer penas inmensas in anima mea quas filius Dei pro peccatis nostris in corpore suo[3] pertulit; ipsi regi seculorum inmortali, invisibili, soli Deo honor et gloria in secula seculorum, Amen. Et sic igitur iter accipiens veni in villam de Chester in[4] Restret et quodammodo in medio ville dimisi[5] thocam meam cum portiforio in hospicio; tamen in Quadragesima dicebatur mihi quod bonus magister Dees Oknolle recepisset illa; cui dulcedinem vite celestis et puritatem et benediccionem plenitudinis gracie prestet pater Jesu. Et propter penam lapsus non bene potui transire et conduxi equum et perveni ad locum istum. Et septima die mensis Decembris accessi ante conspectum episcopi et coram eo negavi conclusiones et similiter me predicasse illas. Et communicavimus de mendicacione Fratrum; et ipsi voluissent me publice asserere quod mendicacio Fratrum spontanea esset perfeccio. Et dixi quod non sit perfeccio, quia contra legem Dei. Et illi: Ecclesia catholica approbavit univoce[6] illam; possunt licite mendicare. Dixi: Paulus dicit: Omnia michi licent sed non expediunt.[7] Et posuerunt michi istud iuramentum, ut iurarem illud, legibus et constitucionibus, in decretis, decretalibus, Sexto et Clementinis contentis, quibus[8] tenetur catholicus firmiter et precise obedire. Et ego pecii consilium et diem aptum. Non, dixerunt, sed habebis tempus usque post prandium. Providebis si volueris. Et sic post Nonam accessi coram episcopo et monestavit me [fol. 90a] primo, secundo et tercio, ut iurarem ibidem. Et non respondi ei verbum. Et denuncciavit me excommunicatum et misit me in carcerem. Et sic quem pater graciose in via percussit, persecuti sunt et super dolorem vulnerum meorum addiderunt. Rogavi tamen episcopum ut mandaret quod equus meus ad domum suam duceretur et sic quod habui in bursa, dedi reductori.

Iterum in die Sabbati sequente ductus sum ante episcopum dicentem: Quis licenciavit te predicare in diocesi mea. Ubicunque predicavi, habui licenciam a rectore ecclesie, dixi. At ille: Ipse non habet licenciandi potestatem quemquam. Dixi: Lex nostra dat eis licenciam eligendi quemcunque ydoneum sacerdotem ad iuvandum se in suo ministerio. Non est ita, dixit; et multa alia verba habuimus in ista materia, quia ego dixi quod quilibet sacerdos[9] tenetur ex lege Dei et ex lege canonum predicare evangelium Christi et studere legem Dei. Et allegavi pro me evangelium et Gregorium et alios doctores: et ipsi dixerunt quod faceremus miracula ut[10] ipsi fecerant. Et dixit episcopus: Nos habemus te suspectum et unum

[3] Cod. *et corpore suo.* [4] Cod. *Chest*r *[i.e. Chester-le-Street] in in.*
[5] Cod. *divisi.* [6] *Univoce:* cod. *n*d. [7] In marg. *Iuramentum.*
[8] Cod. *quis.* [9] Cod. *sacerdotes.* [10] Cod. *et.*

de secta Lolardorum qui non credunt veritatem Eukaristie.[11] Ideo audiamus fidem tuam super isto articulo fidei. Dixi: Fidem meam libenter volo confiteri. Et dixi: Credo quod dominus Jesus in qua nocte tradebatur [12] accepit panem et gracias agens benedixit et fregit deditque discipulis suis dicens: Accipite et manducate ex hoc omnes. Hoc est corpus meum. Similiter credo quod ista hostia consecrata post consecracionem est verum corpus Domini, et ista eadem hostia divisa in tres partes vel in quotcunque quelibet pars sit divisa est verum corpus Christi in forma panis. At ille: Credis quod post consecracionem ibi est vera caro Christi et verus sanguis? [13] Credo, dixi, quod illa hostia est vera caro Christi et verus sanguis. At ille: An est ibi panis post consecracionem? Et turbatus fui aliqualiter, non habens spiritum magni consilii qui in me loqueretur. Tunc dixit archidiaconus Donelme: Ecce quomodo titubat in fide. Non, dixi, quia credo quod illa hostia est verum corpus Domini in forma panis. Cancellarius dixit: Hoc est falsum. Non est corpus [fol. 90ᵇ] Domini in forma panis. Archidiaconus dixit: Est corpus Christi in specie panis, non in forma. Dixi: Tunc totus populus est extra fidem. Et respexi populum: Nedum creditis, dixi, Eukaristiam esse corpus Christi in forma panis? Non, responderunt. Ego autem sic credo.[14] Cancellarius dixit: An est ibi panis materialis vel non? Scriptura sacra, dixi, non vocat illam hostiam panem materialem, quapropter nolo [15] idem credere ut articulum fidei; et tunc plura verba alia huiusmodi. Sed iste quodammodo efectus illius diei. Et sic missus in carcerem postea infra Natale Domini ductus sum ante conspectum magistri Augustinus [16] Novicastri [17] et consilii episcopi. Archidiaconus dixit ut dicerem fidem meam Eukaristie, et dixi eodem modo ut prescribitur. Et duo milites ibidem scilicet a latere sedentes dixerunt: Apparet nobis quod ipse bene credit. Magister dixit: Accidencia, dixit, dividuntur illa hostia; dixi, dividuntur. Archidiaconus: An est illa hostia panis materialis vel non? Non teneor, dixi, credere aliter quam scriptura sacra loquitur. Credo, dixi, quod Christus accepit panem in manibus suis et dixit: Hoc est corpus meum. Istud est fides sufficiens cuilibet christiano. Nolo me intromittere de pane materiali. Sufficit christiano dicere, sicut scriptura dicit. Tunc archidiaconus quesivit an vellem iurare illud iuramentum. Non, dixi. Quare? Quia ex illo sequitur, dixi, quod quilibet sacerdos existens in peccato mortali non habeat potestatem conficiendi sacramentum altaris nec ligandi et solvendi. Quomodo idem? Si, dixi, quilibet transgrediens preceptum Domini peccat mortaliter, et quilibet talis non habet potestatem huiusmodi, ergo. Quomodo minor? Sic: Quilibet transgrediens preceptum sedis apostolice non habet huiusmodi potestatem, ergo a forciori transgrediens preceptum Domini etc. Maior sic: Quilibet transgrediens preceptum sedis apostolice est hereticus, sed quilibet talis non habet huiusmodi potestatem, ergo. Probetis minorem, dixerunt. Est textus legis vestre, dixi. Non est ita, dixit cancellarius. Pro certo est, dixi. Tunc magister glosavit textum, tamen ex virtute iuramenti ipse tenetur obedire legi et non glose, et sicut [fol. 91ᵃ] michi apparet argumentum est solutum.

[11] In marg. *De veritate Eukaristie.*
[12] Cod. *tra.*
[13] Cod. *sanguinis.*
[14] Cod. *si credo.*
[15] Cod. *volo.*
[16] So always for *Augustinensium.*
[17] Cod. *Noviclist.*

Et quesierunt a me, utrum esset de necessitate salutis ut quis confiteatur vocaliter. Necessarium est, dixi. Cancellarius dixit: Deus scit tu dices nobis cui et quando antequam abhinc recesseris. Sicut Deus voluerit ita fiat mihi,[18] ut apparet mihi, dixi. Deriserunt. In confessionibus, dixi, quia non desistunt a peccatis, et multa alia verba. Sed hic quodammodo efectus illius diei.

Et in crastino venit magister Augustinus ad me in carcerem et multa blandia verba et utilia michi loquebatur, promittens quod dominus suus, comes vel episcopus promoveret me, si consentirem eis. Et licet vera essent que dixi, tamen ex quo omnes uno ore contra me sunt, assentirem eis, et ipse poneret animam suam in parte pro me et specialiter oraret pro me in missa per unum annum. Sciatis pro certo, dixi, invenietis opera vestra satis pro vobismet in die iudicii. Et dixit: Nisi egeris secundum consilium eorum, vis comburi. Sicut Deus voluerit, dixi, fiat. Et recessit.

Et circa tres septimanas post ductus sum[19] ante conspectum episcopi et quesivit quare nolui iurare hoc iuramentum coram me. Et nos diligimus animas nostras tam bene sicut et tu. Pro certo ego non teneor obedire alicui legi nec mandato cuiuscunque, nisi de quanto sit consonum legi Dei et in tantum volo obedire libenter. At illi: Quis erit iudex ad iudicandum quod sit consonum legi Dei? An non lex Dei, dixi, que iudicabit nos in novissimo die, ut ipsemet Christus dicit? Et ibi erat magister in theologia frater Minor. Et episcopus commendavit ipsum et quesivit annos magisterii sui. Et magister dixit quod stetit magister in theologia per quadraginta annos. Et multipliciter commendavit leges papales. Et episcopus quesivit a me causam quare nolui iurare illud iuramentum. Et dixit quia stat in casu legis quod homo matrimonialiter copulatus matri sue non potest per legem absolvi ab illa, sed uti tamquam uxore; et ex[20] hoc christianus non tenetur illi legi et in divorcio sunt plures casus, in quibus catholicus non tenetur obedire legi; et posui unum [fol. 91^{b}] casum contraccionis filii cum matre. Et ipsi dixerunt quod casus ille non sit in libris. Dixi: Lex tamen ista est in libris, quod non possunt divorciari stante casu. Et ipsi deriserunt me, et tunc cancellarius legebat legem que prohibet sacerdotes desponsari. Et quesiverunt an illa esset bona. Dixi: Utinam sacerdotes vellent virtualiter custodire illam legem. At ille: Ista lex contrariatur textui Pauli. Quomodo? dixi. At ille: Paulus dicit quod quilibet habeat suam uxorem. Ita, dixi; sed addit, propter fornicacionem. Bene, dixit episcopus, tunc propter fornicacionem quilibet haberet uxorem suam. Sic intelligo, dixi, quod quilibet sacerdos cicius quam fornicaretur duceret uxorem. Et nitebantur stabilire legem papalem maioris auctoritatis esse quam evangelium Pauli. Et sic dixit cancellarius. Et magister dixit: Tu obedires preposito tuo, ut docet Paulus dicens: Obedite prepositis vestris. Sic volo, dixi, sicut idem dicit, quia dixit: Obedite dominis vestris tamquam Deo. Et ex quo Deus non potest mandare cuiquam nisi mandatum sui impleri, dicatis mihi voluntatem suam, et implebo si Deus voluerit. Vos estis ministri Dei et non debetis precipere aliquid nisi quod Christus precipit in vobis, quia Petrus dicit: Si quis loquitur, loquatur quasi sermones Dei. Tunc magister: O quando audisti Christum loquentem in te?

[18] Cod. *fiat multi.* [19] Cod. *suum.* [20] *Ex* om. Cod.

Quando audio verba sua locuta a quoquam. Et multa alia verba fuerunt, sed hec est sentencia. Et sic missus sum in carcerem circa decem dies. Post venit miles missus ab episcopo ad tractandum mecum super iuramento supradicto. Et apparuit michi quod ille esset solidus homo. Et venit cum eo cancellarius et notarius presbyter. Et miles sedebat, illi autem steterant. Et miles dixit: Ricarde, libenter vellem ut bene esset verbum. Eciam libenter ad hoc laborate. Dicatis michi, rogo, causam quare non vultis iurare hoc iuramentum. Et dixi sibi tres causas quarum una fuit quam narravi episcopo de filio desponsato matri. Et cancellarius dixit quod illa causa non fuit in tota lege. Dixi: Potest tamen iste casus evenire; in pluribus casibus divorcii cotidie contingentibus non [fol. 92[a]] tenentur fideles legi obedire, quia, si sic, infringerent preceptum Dei. At ille: Quomodo velles tu iudicare in talibus? Deus scit, dixi. Tunc dixit miles: Ista causa non pertinebit iuramento tuo. Bene, dixi. Alia causa est, quia in casu quo quis infideliter accusetur et hoc iudex scit bene, tamen si actor habuerit falsos testes contra istum insontem et oportet iudicem per legem ipsum insontem condempnare, quod non faceret iudex christianus. Nec ista causa pertinebit iuramento tuo. Bene, dixi. Alia causa est quod quibuscunque legibus vel constitutionibus quis tenetur obedire, illas tenetur implere leges illas contentas quatuor libris. Similiter non teneris obedire alicui legi nec precepto cuiuscunque nisi in quantum sit consonum voluntati Dei. Laicus non tenetur obedire legibus pertinentibus ad officium pape, episcoporum vel sacerdotum, quia non tenetur implere illas. Bene dicis, dixit. Ego non teneor, inquit, sedere et audire confessiones. Tunc dixit: Ricarde, potesne invenire in consciencia tua ad obediendum legi ecclesie catholice in quantum ad te pertinet? Eciam, dixi, quia scio quod lex Dei est lex ecclesie catholice et absit quin obedirem legi Dei nostri in quantum ad me pertinet. At ille: Tu bene dicis. Custodias istud in corde tuo et sit istud iuramentum tuum, et iures tu istud in corde tuo limitatum. Bene, domine. Sed vos scitis bene, dixi, si reciperem iuramentum a iudice, oportet me recipere secundum intentum iudicis et non secundum meum. At ille: Pro certo scias, quod dominus meus reciperet a te iuramentum istud, quia sum missus a Domino meo ad te ad tractandum tecum super isto iuramento. Et si volueris sic facere, dominus meus absolvet te ab alio iuramento et sic facies bonum finem. Melius est tibi sic facere quam taliter incarcerari. Vellem, dixi, liberari libenter, si Deo placeret. Sed de uno, inquit,[21] oportet te cavere, ut quodcunque iuramentum tibi demonstraverit, non petas questiones super illo, quia subditus non peteret tales questiones a suo superiori, quia olla non petit a figulo, Cur me ad istum usum fingis [22] vel ad istum. Et dominus meus est quodammodo capitosus [fol. 92[b]] scilicet testis.[23] Et si volueris consentire ad istum finem, volo, si volueris, transire ad dominum meum et tractare ad finem. Dixi, volo[24] libenter si dominus meus voluerit facere sicut vos dicitis et recipere a me istud iuramentum limitatum in corde meo, hoc est, quod teneor obedire legi Dei, in quantum ad me pertinet. Eciam dixit: Ne dubites. Tunc dixit cancellarius: Per Deum, tu iuras sicut nos volumus antequam recesseris. Non respondi ei verbum. Et miles surrexit. Et cum stetisset in hostio domus, dixit: Richarde, in fide, vis tu tenere pactum de istis que dixisti?

[21] Cod. *iniquit.* [22] Cod. *fertis fingis.* [23] Cod. *s. testis.* [24] *Volo:* Cod. *vobis.*

Eciam, si dominus meus voluerit tenere pactum de quibus vos dixistis. Eciam, scias illud pro certo et recessit. Et istud fuit in die Sabbato post Nonam. Et in crastino ductus sum ante episcopum circa horam primam. Et dederunt mihi iuramentum scriptum plene iniquitate ut legerem per me ipsum. Et legi illud ter. Et ista est quodammodo sentencia :

Ego Richardus Vicz Virgoniensis[25] diocesis iuro quod quilibet catholicus tenetur firmiter et precise legibus et constitucionibus in Decretis, Decretalibus, Sexto et Clementinis contentis et, quantum ad me attinet, volo obedire eisdem et si contingat me in posterum aliquid contra easdem predicare me in heresim lapsum confiteor, eciam, si quos contra eos libros habeo, circa diem Pasce ad episcopum destinare. Et cum legissem istud iuramentum, cogitavi super pacto et quod pepigi me non petere questiones super iuramento ab eis donato, transivi ad militem stantem iuxta ignem ante formulam et dixi ei : Istud non est iuramentum pacti. Istud iuramentum nunquam iurabo. Non, dixit, iures tu iuramentum tibi in corde tuo limitatum ? Bene, dixi ; volo. Et episcopus sedebat super formula et genu flectebam. Et dixi episcopo : Domine, iuramentum pacti mihi modo limitatum in corde a magistro meo hic[26] milite ad iurandum volo iurare si volueritis. At ille : Iures tunc. Pone manum super librum. Et posui, et ipsi legerunt illud iuramentum ; et cum legissent, osculatus sum librum ; speravi episcopum non recepturum a me nisi iuramentum pacti, sicut et pactum voluit, si veritas staret [fol. 93a]. Et tunc dederunt michi ad legendum unum iuramentum de fide sua eukaristie et aliud ex confessione ut iurarem. Et iuramentum eukaristie incipit hoc modo : Catholice est tenendum quod inferius hic scribitur. Quia videntes quod nolui[27] iurare illud miserunt postea illud michi in carcerem ad declarandum. Et dixi eis quod nolui[27] iurare illud iuramentum eucharistie. Et ille vetus magister frater Minor dixit : Tu teneris ex virtute iuramenti tui istud iurare ; timui valde dolum in isto iuramento. Et tunc dixi : Non teneor iurare illud, nec volo. Tunc episcopus allegavit michi Berengarium et precepit ut legerent michi revocacionem eius. Et legerunt michi illud non esse contra evangelium quod quilibet tenetur credere. Sicut et Christus dicit et sic ego credo. Quomodo credis prius, dixit. Et dixi eis eodem modo sicut superius. Et rogavi episcopum ut quidquid desideraret me credere ut articulum fidei ut istud demonstraret michi in lege Dei. Et magister : Non vis tu credere, nisi demonstraremus tibi illud in lege Dei. Tunc dixi : Non curo quiscunque michi demonstraverit, et credam, quia omnino oportet me, ex quo fides ex auditu, auditus autem per verbum Christi, audire illud a Christo et ab homine ; et alius episcopus quodammodo nulla. Sed dixit : Augustinus dicit : Quoniam crederem quod lex Dei esset fides nisi quod ecclesia approbaret illam. Et sic ex quo ecclesia approbavit istud iuramentum esse fidem oportet nos credere. Pro certo, dixi, scio quod ecclesia fundatur super petram et sic super fidem et non fides super ecclesiam. Et similiter illud Augustinus dicit, Si Augustinus dixerit, Noli credere ; sed Christus dicit, Ve qui non credit. Et illud episcopus dixit, quod Jacobus et ego subvertimus populum in Northumbria,[28]

[25] For *Vigorniensis*.
[26] *Hic ; scilicet coram.*
[27] Cod. *volui.*
[28] Cod. *Fflorthumbria.*

et magister frater Minor quesivit, Ex quo credo quod illa hostia est corpus Domini in forma panis vel forma panis materialis vel non?[29] Nunquam vidi, dixi, in scriptura sacra istum terminum 'materialis.' Tamen, dixi, Paulus dicit: Panem quem frangimus nonne communicacio corporis Domini est? Ecce loquitur heresim, dixit Frater, quia dicit quod est [fol. 93[b]] panis. Dixi: Non sunt verba mea sed verba sancti Pauli. Hereticatis ipsum si volueritis per legem Dei. Nullus adderet legi Dei nec diminueret aliquid in ea. Non est verum, dixerunt, quia ad verba adduntur ista dicta. Nam sic dicendo: Hoc est enim corpus meum et Christus dicit: Hoc est corpus meum. Dixi: Non est addicio sed affirmacio. Et multa huiusmodi de isto. Et tunc pecierunt me de iuramento confessionis (quod fuit istud in sentencia, quod est de necessitate salutis anime cuiuscunque vocaliter confiteri) iurari illud. Et licet bonus Wicleff illud negat, tamen in fide non discrepavimus, quia ille negavit ad modum loquendi sophistarum. Et ego concessi ad modum loquendi scripture: Quelibet virtus est de necessitate salutis anime cuilibet. Tunc cancellarius dixit episcopo: Domine, queratis ab eo, quando fuit ultimo confessus. Et quesivit a me: quando et cui? Et dixi, Domine, non teneor laudare me nec me ipsum vituperare. Pro certo, dixi, ego fui infra parvum tempus circa sexies[30] confessus. Et plura verba habuimus. Et episcopus me ut essem provisus super iuramento Eucaristie usque ad proximam dominicam. Et sic assenciavit me ut in proxima dominica apparerem coram eo eodem loco et tempore. Et missus in carcerem fui per tres dies in magna tribulacione et affliccione spiritus super illo iuramento intoxicato, nesciens quodammodo quid facerem, si episcopus non teneret veritatem pacti in illo iuramento. Et Deus pater quoddammodo dereliquit me, ut postea revocaret me. Et pater mendacii inmiscuit falsas calidas temptaciones ut me ad falsitatem.[31] In magnis angustiis clamavi ad patrem luminum ut confortaret me et deliberaret a meis tribulacionibus, qui confortavit e eripuit Danielem de lacu leonum. Et dixi: Pater, ista causa tua et tu scis, licet non sum dignus vivere super terram tuam pro multitudine iniquitatum mearum, quod sequitur in ista causa; desideravi voluntatem tuam implere, et si in isto deliqui, aut detestabilia delicta iuventutis mee sunt in causa et ignorancia. Ideo [fol. 94[a]] exaudi me pater et delicta iuventutis mee et tu secundum misericordiam tuam memento mei semper et eripe me de manu peccatoris contra legem agentis et iniqui. Sed anima mea a voluntate tueatur[32] que tue voluntati contrariatur. Et dulcis pater videns affliccionem memor fuit testimonii, ubi dicit: Clamavit ad me etc.,[33] et si in finem permanserit, glorificabo eum. Et ex sua gracia reduxit ad memoriam pactum et modum pacti cum milite sicut prescribitur[34] et quomodo numquam cogitavi nec in mentem ascendit, et nunquam habui voluntatem ad iurandum illud iuramentum, sed iuramentum limitatum a milite. Et exultavi in Domino. Et dilatatum est cor meum in Deo Jesu meo qui eripuit animam meam inmaculatam ab isto iuramento iniquissimo, anima eorum sicut dolenter timeo turpissime

[29] In marg. *De hostia consecrata.*

[30] Cod. *sexis.*

[31] *Falsitatem*, sc. *adduceret.*

[32] Cod. *tuetatur.*

[33] *Etc.*: Cod. *et extra.* (*Clamabit ad me et ego exaudiam eum*, Ps. xc. 15.)

[34] Cod. *presbiter* (or *-ur*).

maculata, quia, ut ait propheta: Quoniam absconderunt michi in interitu laqueum sui, supervacue exprobraverunt animam meam. Veniat illi laqueus quem ignorat, et capcio quam abscondit apprehendat eum; et in laqueum cadat in id ipsum. Tamen autem anima mea exaltabitur [*sic*] in Domino et delectabitur super salutari suo.[35] Ideo benedictus Deus et pater domini nostri Jesu Christi pater misericordiarum et Deus tocius consolacionis, qui consolatur nos in omni tribulacione nostra, quia Respicite filii naciones hominum, dicit Sapiens, et scitote, quia nullus speravit in Domino et si confusus est, permansit in mandatis eius et derelictus est. Nunc cantemus Domino; gloriose enim magnificatus equum[36] et ascensorem eius proicit in mare. Fortitudo mea et laus mea dominus et factus est michi in salutem crucis. Tum karissime contigit quod dies assummacionis ad comparendum coram episcopo pertransiit nullo in iudicio sedente nec continuante processum. Et audivi a legistis quod si quis accusatus in iudicio habeat diem limitatam nullo in iudicio sedente nec continuante quod accusatus non tenetur comparere sine novo processu, et quoddammodo contentatus[37] quod dies ille pertransiit et proxima dominica post diem illum limitatum ductus sum assummacione ante episcopum [fol. 94 b] et legerunt coram me revocacionem Purvey et voluissent me credere sicut ipse revocasset.

Dixi: Domine, si placeat vobis, aut mirabiliter utuntur legibus in Austro aut non habetis contra me aliquem processum. Quare sic? dixit. In Austro, dixi, est lex approbata, ut si quis habeat ad comparendum coram iudice et compareat nullo in iudicio sedente nec continuante, ipse non tenetur sine novo processu. Ait cancellarius: Dominus meus scit plus iuris quam tui. Scio, dixi, cum legis[38] periti sic me docuerunt. Et scio quod unus Londoniis tentus in custodia pro ista eadem causa et fuit circa septem coram iudicibus qui dederunt sibi locum, diem et tempus ad comparendum; et ipse comparuit, nullo in iudicio sedente nec continuante processum, nichil postea sibi fecerunt nec potuerunt sine novo processu, ut idem retulit michi et adhuc manet in civitate. Tunc miles cum quo tractavi dixit: Tu non es accusatus per viam partis, sed iudex ait contra te. Pro certo, dixi, si homo non carceratus sed in libertate positus qui potest habere consilium si voluerit ad defendendum se per legem haberet diem et locum et sibi compareat nullo iudicio sedente nec continuante, ipse non tenetur comparere sine novo processu, licet causa esset eadem cum mea; a multo forciori per legem non ageretis contra me absque novo processu, qui sine advena incarceratus et absque consilio. Et tunc dixi episcopo: Domine, non habeo aliquid agere cum illa revocacione; tamen fidem meam eukaristie paratus sum cuilibet dicere.[39] Dicas tunc, dixit. Et dixi sicut prius et cum dixissem, dixi episcopo: Numquid est ista fides ecclesie? Eciam, dixit. Quid nunc vultis plus in me? Tunc dixit miles: Tu dicis quod Christus dicit: Hoc est corpus meum; ideo oportet se credere quod hoc est nisi corpus suum et sic non panis. Sufficit, dixi, cuilibet fideli credere sicut Christus dicit, non addendo verbis eius. Ecce dixit episcopus: Vel ipse pro certo est extra fidem vel nos; et verum dixit. Et sic missus in carcerem, die sequente misit episcopus istam scripturam per cancellarium mihi in carcerem: Catholice est tenendum

[35] Ps. xxxiv. 7–9. [36] Cod. *equm.* [37] Cod. *contentalis.*
[38] Cod. *legisti.* [39] In marg. *De Eukaristia.*

et [fol. 95a] credendum quod panis et vinum que ponuntur in altari ministerio sacerdotis consecrando post verba consecracionis sunt transsubstanciata in verum corpus et sanguinem Christi. Et post verba consecracionis non remanet ibi panis et vinum que prius ponentur sed ibi est corpus Christi; et lecto argumento eorundem[40] dominus vult quod ad conclusionem predictam et ad quamlibet partem eius R. W. respondeat et precise declaret suam intencionem, in scriptis quidem, et qualiter super premissis senciat et hoc scribat manu. Et dixi ei quod nescivi declarare illam. Et dixit: Dimittam istam istam [*sic*] scripturam tecum usque ad noctem et hic est papierum [*sic*] et incaustum; facias quidquid placuerit tibi. Pro certo, dixi, si feceritis michi legem, vos non habetis contra me aliquem processum. O, dixit, quis fecit te hominem legis; numquid per vos scimus tantum de lege sicut et tu? Et sic quia non poterant me capere in sermone, nitebantur in declaracione. Et in crastino venit iterum si scripsissem causam. Non sum declarator, nec scio declarare, dixi; tamen si volueritis mihi prestare bibliam, fidem meam volo scribere libenter. Et recepit scripturam et recessit.

Postea in die Lune vel Martis ante festum Cinerum ductus sum ante conspectum albi canonici cum illo magistro fratre suprascripto et magister habuit verba et plurima dixit, innuendo[41] quod ex quo non essem clericus approbatus deberem consuli et erudiri secundum clericos approbatos. Pro certo, dixi,[42] paratus sum erudiri a quocunque secundum legem Dei, quia ut Augustinus dicit: Si aliquid noxium est ibi dampnatur, si utile est, ibi invenitur, et habundancius ibi quam unquam alibi. Et albus canonicus valde modestus ut apparuit michi dixit: Domine Ricarde scribitur in lege canonum et intitulatur Salomoni qui dicit: Fili mi: Ne inniteris prudencie tue. Et idem: Fili mi, ne sis sapiens apud te ipsum. Pro certo ut spero quia[43] si aliquid dixero ex proprio capite, tunc contra consilium Salomonis ago. Nichil dicam vel dixi ex proprio capite vel sensu. Et magister dixit: Tota ecclesia credit quod eukaristia post consecracionem non est panis sed est ibi verum corpus [fol. 95b] Domini. Ostendatis michi, dixi, illam negativam in lege Domini et paratus sum credere. O, dixit, hic est pincerna episcopi et tu non vis credere quod sit pincerna episcopi nisi videris in manibus eius claves pincerne. Vos estis magister, dixi; allegaretis legem Dei pro vobis non frivola. Non est, dixi, credere de substancia fidei quod[44] sit pincerna episcopi, tibi crederem. Pro certo, dixit magister, est bonum argumentum: Sacramentum est corpus Domini, ergo non est panis. Et multe sunt raciones ad probandum quod non sit panis, quia dominus apparens in rubo Moysi dixit ei: Proice eam a te et proiecit et versa est in colubrum. Sic, dixit, ille panis versus est in corpus Domini. Intelligendo, dixi, quod ille panis versus est in corpus Domini; sed nec scriptura nec doctores dicunt quod substancia virge fuit annichilata vel destructa sed conversa in colubrum. Ecce, dixit magister, quomodo dicit, quod virga non est versa in colubrum. Non taliter dico, dixi. Et dixi albo canonico, Rogo, domine, testificetis, si ita dixerim. Non dixistis ita, dixit. Dixique: Domine, dicam vobis qualiter sencio in fide eukaristie. Et dixi semper eodem modo sicut

40 *Et lecto argumento eorundem*; Cod. *et 6to a^to^ corudem.*

41 Cod. *inmīdo.*

42 In marg. *Eukaristia.*

43 *Quia*, with *nec ero* written above.

44 Cod. *quod quod.*

prius. Et scio, dixi, quod totus populus laycalis ita credidit. Et credidi a iuventute mea quod ista hostia consecrata alba et rotunda est verum corpus Christi in forma panis et usque ad mortem si Deus voluerit volo credere. Et sic credidit magnus Augustinus qui dicit: Quod videtur panis est, quod autem fides postulat instruenda panis corpus Christi est. Et cancellarius dixit: Creditis quod hostia consecrata inter manus sacerdotis sicut iam utitur ecclesia sit verum corpus Christi. Credo, dixi, quod istud sacramentum est tam bonum sicut sacramentum quod Christus tenuit in manibus et dedit discipulis suis. Et ille dixit: Rogo vos Richarde ut consenciatis episcopo. Iam dies appropinquat in quo episcopus sedebit in iudicio. Et dicit quod habet legem sufficientem ad iudicandum vos pro heretico. Bene, dixi, In nomine Domini. Deus scit quod nichil aliud dixi preter legem Dei vel quod potest expresse fundari in scriptura sacra. Et si voluerit me pro isto iudicare hereticum libenter sustinebo. Transeamus, inquit magister; incorrigibilis, ut quid stabimus cum eo? Et recesserunt ad [fol. 96[a]] prandium, ego autem ad carcerem. Et post quindenam iterum sine assumacione ductus sum ante episcopum sedentem in cathedra iuxta ignem; et ante ignem super formula sedebat miles cum quo tractavi, et duo magistri unus Paris predicator et alius prior Augustinus Novicastri et archidiaconus Donelnie et monachus qui vocatur Rome et familia episcopi ad dorsum eorum, ego autem inter eos et ignem. Et cancellarius stans ante episcopum dixit: Magister, dominus meus querit a te, si adhuc volueris scribere intencionem tuam et respondere ad quamlibet vel ad quemlibet punctum istius scripture. Et dixi episcopo, Domine, si volueritis michi agere communem legem, non habetis contra me aliquem processum. Et narravi eis causam sicut prescribitur.[45] Et tunc demonstraverunt michi illud iniquum iuramentum, asserentes quod tenerem illam scripturam per virtutem illius iuramenti. Pro certo, dixi, nunquam intendebam nec unquam cogitavi illud iuramentum sed iuramentum pacti limitatum in corde meo ab isto reverendo milite; quod fuit istud quod teneor obedire legi Dei in quantum ad me pertinet, et istud paratus sum tenere. Et finaliter dixi in eodem tempore huic venerabili militi cum quo tractavi quod nunquam iurarem iuramentum; et vos dixistis michi in eodem tempore: Non dixistis: Iures tu iuramentum in corde tuo limitatum. Istud miles negavit. Dixi ei, Deus scit quod ita fuit. Et dixi episcopo Domine: Eodem tempore dixi vobis quod iuramentum pacti in corde meo limitatum a milite, hoc volo si volueritis iurare; et vos dixistis: Iures tunc. Tunc et ego credidi. Deus scit quod non reciperetis a me nisi iuramentum pacti in corde meo limitatum, sicut et pactum voluit. Et similiter dixi. Miles hoc dixit michi, Si vellem iurare illud iuramentum in corde meo limitatum, ut non peterem questiones, vos solveretis me ab alio iuramento; si dixit, dixit miles. In quo discrepat istud iuramento a tuo? dixit. In toto, dixi; et pactum non tenetur in aliquo. Et dixi: Magnum peccatum est homini in dolo tractare cum fratre suo. Et miles surrexit: Dicis tu, dixit, quod ego tractavi tecum in dolo? Non sic dico, dixi, quia nescio cor vestrum, neque novi quare dicerem sic de vobis, sed ego generaliter quod est magnum peccatum cuicunque [fol. 96[b]] in dolo tractare cum fratre suo.

Tunc episcopus dixit: Ricarde, tu non potes demonstrare quin tu

[45] Cod. *p̄sbıter.*

iurasti istud iuramentum quia hic sunt duo notarii et plures alii qui volunt iurare quod non coactus sed libere iurasti istud iuramentum. Pro certo dixi, si scirent modum pacti et timerent Deum, non testificarent contra me. Ideo invoco Deum cum omnibus sanctis suis ut ipsi testificentur michi in die iudicii, quod nunquam cogitavi nec fuit intencio mea nec unquam ascendit iurare illud iuramentum. Et Rome dixit michi: Ricarde ne inveniaris falsus pro pudore ecce omnes [46] testificantur contra te. Et dixi ei: Si dicerem quod iurassem falsissimus essem, quia Deus cum omnibus sanctis scit quod nunquam cogitavi illud. Et plura alia habuimus, et finaliter de sacramento altaris tenui me semper in eodem sensu sicut prescribitur. Tandem dixit michi episcopus: Ricarde, tu fore es in relapsu, ideo caveas. Dixi: Domine, vos potestis mecum facere quidquid volueritis. Et monestavit me primo, secundo et tercio, ut scriberem intencionem meam ad illam scripturam; et non respondi ei verbum. Et denunciavit me excommunicatum et iam assumavit me ut crastino comparerem eodem tempore et loco. Et in crastino apparui coram eo sedente in cathedra et Parys frater cum archidiacono sedebat super formulam, alii tres recesserunt et populus domus ad dorsum eorum; et ego steti iuxta ignem. Et cancellarius stetit coram episcopo. Et cancellarius dixit: Ricarde, dominus meus petit a te, utrum adhuc volueris scribere intencionem tuam. Et si volueris, dominus meus erit graciosus. Et ego dixi episcopo: Domine, si placet, per legem incipiatis contra me novum processum. Et ille Paris dixit: Ricarde, miror quod nullus adderet ad legem Dei, quia tunc tota ecclesia errat, quia ecclesia addidit ad verba consecracionis sanguinis 'misterium fidei,' quia nec Christus nec Paulus qui solummodo docuerunt verba istius sacramenti non docuerunt illa verba. Et legebat in biblia Matthei, Luce et Marci cum Paulo. Ecce, inquit, Ricarde; hic non inveniuntur illa verba. Pro certo, dixi; Paulus habet illa verba in pluribus locis. Non est ita, dixit. Scio bene quod sic, dixi. Tamen oportet nos concipere quod lex Dei [fol. 97a] non stat principaliter in caracteribus, scilicet in pergameno et incausto, quia tunc esset lex Dei falsissima, quia multe biblie sunt libri falsissimi. Et finaliter tunc lex Dei faceret finem cum isto mundo; quod est contra verbum Christi qui dicit, Celum et terra transibunt, verba autem mea non transibunt. Et scio quod sciencia Christi non maioratur nec minuitur per verba illa, ideo non est addicio. Et rogavi fratrem, ut legerem Paulum in eodem loco parum post, quomodo ipse tractat de sacramento dicens illud esse panem. Non, dixit episcopus; est nimis longum legere Paulum nunc, quod istud sacramentum non est aliud nisi corpus Domini. Et magnus Augustinus, dixi, dicit: Quod videtur panis est. Et archidiaconus dixit: Est panis spiritualis. Quomodo possit esse spiritualiter, dixi, quam corpus Domini. Et recepi stramen in manu mea et dixi: Si possibile esset quod Christus personaliter hic staret et diceret: Hoc est corpus meum, numquid non crederem hoc esse corpus suum? Et episcopus dixit: Pro certo pertinaciter defendit errorem suum. Tunc dixit cancellarius: Legatis sentenciam. Do tibi vocem meam, quia impeditus sum per infirmitatem. Et cancellarius dixit: Ricarde, tu dixisti michi quod nesciebas declarare intencionem tuam. Nos tamen scimus quod sic, quia nos habemus de declaracione tua. Et sic dedit sentenciam

[46] Cod. *omne*.

excommunicando me maiori excommunicacione et fore hereticum et continuare in carcere, usque providerunt tempus ad degradandum me, et omnia bona mea tam mobilia quam immobilia confiscari. Et sic non obstante protestacione mea hereticarunt me; et ut michi apparet, absque processu, et pro illo nescio facere, nec teneor facere. Et fundat se super iuramento quod nunquam cogitavi iurare et tamen, ut michi apparet, si in voluntate mea iurassem illud iuramentum cum per legem non teneor ad illud obligari, quia in principio illius iuramenti scribitur: Ego Ricardus Wicz, Virgoniensis diocesis ℞. et ego non sum talis, quia non sum illius diocesis, ergo etc. Quis unquam audivit tale iudicium mirabile? Et in fine iudicii appellavi papam, et dixerunt: Tarde venisti. [fol. 97[b]] In nomine Domini, dixi. Et frater Parys dixit: Per Deum; Deus [*sic*] fecit maiorem caritatem, iudicando te hereticum, quam si mille pauperes ad prandium cibasset. Et quid, dixi, pro quo essem hereticus? Nichil aliud dixi preter legem Dei nostri. Pro certo si possibile esset Christum personaliter coram vobis stare, iudicaretis ipsum hereticum, sicut et me. Et dixi populo: Rogo testificetis quod hec est fides mea quam sexies coram eis dixi: Credo quod venerabile sacramentum est verum corpus Christi et verus sanguis in forma panis. Et sic misit me in carcerem. In quo continuo etc. habens cibum et potum competenter, gracias agens Deo. Et bonus Deus noster ex sua gracia visitavit me per magnam strictitudinem in ventre, per quam habeo et habui magnam penam aliquando purgare ventrem meum, quia aliquando per novem dies non habui quantitatem unius purgacionis et emeraudes [47] tenuerunt me bis et sanguinarunt quodammodo fortiter, et sic quod pudor est dicere. Tamen oportet me ita facere vel non vivere et purgacio mea est dura sicut purgacio eius. Ista sunt secreta mea.

Ideo si placet vobis secrete custodite ea; non plura scribo vobis et mittatis Bhytebi ut secrete legatur magistro meo de Balknolle et Bynkfeld, cum videritis tempus, et salutetis me Johanni Maya cum uxore sua ista salutacione, ut quietam et tranquillam agant in omni pietate et castitate. Hoc enim bonum est et acceptum coram Deo salutare nostro, qui det eis graciam per verbum eius fieri filii eiusdem, attendentes sicut filii karissimi verbis eius ubi dicit: Et si patrem familias Belzebub vocaverunt, quanto magis domesticos eius. Et alibi: Si mundus vos odit, scitote quia priorem me vobis odio habuit. Si de mundo fuissetis, mundus quod suum erat diligeret. Sed quia de mundo non estis, sed ego elegi vos de mundo, propterea odit vos mundus. Mementote ergo sermonis mei quem ego dixi vobis: Non est igitur servus maior domino suo; [48] si me persecuti sunt et vos persequentur. Ista verba fidelissima sunt. Ideo si voluerint esse de familia Dei, exponant se pro Deo Salvatore suo ad humiliter paciendum exprobria et detracciones et huiusmodi scandala, et respiciant Christum patrem familias ante [fol. 98[a]] oculos mentis penas quodammodo infinitas pro peccatis nostris pacientem. Et ista non nocebunt sed inducent animam exultantem et Dei benediccionem, ut ille magister testatur: Beati eritis cum vos oderint homines et exprobra[verint] [49] et eiecerint nomen vestrum tamquam malum propter filium hominis.

[47] Cod. *emeraudis.*

[48] Cod. *Mementote ergo in q. e. l. s. vo.; non est igitur m. d. s.* Cf. John xv. 18–20.

[49] Cod. *exprobra.*

Gaudete et exultate quoniam merces vestra copiosa est in celo. Rogo salutetis me filie eiusdem, et ut servet virginitatem sponso suo Christo, non mundo, quia si gloriaretur propter virginitatem laudari a mundo, servat eam mundo, non Christo suo sponso pulcherrimo. Si glorietur laudari a sponso Christo pulcherrimo propter puritatem virginitatis, virgo est Christi, servans se Christo sponso suo et non mundo. Et sic via illius via angelica, et ut sponsus dicit: Angeli eius semper vident faciem patris mei, qui in celis est, quia puritas mentis servata a corrupcione inimici est angelus, per quem videt Patrem et Filium et Spiritum sanctum, unum Deum, residentem in anima quasi regem in solio suo. Ideo deprecetur die ac nocte Deum infinite providencie, ut si sibi placeat eam corporaliter desponsari ei sponsum providere, quia ex quo ipse est infinite formositatis quis potest resistere ei? Ne debet sibi in sponsum quemcunque voluerit, et cum sit infinite sapiencie, quis meliorem scit sibi eligere sponsum, et ex quo est infiniti amoris et ex amore semper disponit optimum sue creature, ideo dicat anime sue, videlicet dicat cum Psalmo: Spera in Domino et fac bonitatem et inhabita terram,[50] et pasceris in diviciis eius. Delectare in Domino, et dabit tibi peticionem cordis tui. Revela Domino viam tuam et spera in ipso, et ipse faciet ut non incidat in carnalia desideria que militant adversus animam.[51] Quia super eos, ut dicit angelus, qui ita coniugia suscipiunt, ut Deum a se et sua mente excludant et sue libidini ita vacent, sicut equus et mulus, quibus non est intellectus, habet demonium potestatem. Ideo dicat cum Sara: Domine, tu scis quia non luxurie causa accipio sponsum sed solum propter posteritatis [52] dileccionem ut videat filios filiorum suorum pacem super [53] Israhel in secula seculorum. Amen. Et consalutetis me fratri meo Roberto Herl qui in causa Dei et quodammodo pro me suscipit [fol. 98b] obprobria, quia dictum fuit michi circa Quadragesimam, quod cancellarius episcopi ad Novumcastrum venit ad explorandum Lollardos, et invenit unum ibi quodammodo magistrum Lollardorum, cui nomen Robertus, et ad istum venisset ad me visitandum et mecum sederet ad me confortandum. Sed ut spero Deus pro se melius disponit. Disponat igitur se ad imitandum dulcissimam vitam Iesu Christi. Et dicat cum Apostolo: Gracia Dei sum id quod sum et gracia eius in me vacua non fuit; ne perdat graciam quam pater celestis ex suo magno amore condonavit; quia cum pater noster dedit filium suum unigenitum [54] ad maximas penas et obprobria propter amorem quem habuit ad ipsum et ad nos miseros, quomodo posset esse quod pater noster, dando quemquam ad penas et obprobria et huiusmodi in isto mundo miserrimo, ubi vita ista comparata vite celesti pocius diceretur mors quam vita, quin ex thesauro sue magne dileccionis diligit ista diligentibus. Respiciat igitur quomodo terrigene desiderant partem [55] de testimonio mortuorum, ita celigene de testimonio Domini dominorum. Sed fons omnis thesauri non legavit in testamento suo dilectis scolaribus prosperitatem mundanam vel secularia desideria, sed penas, afflicciones, flagellaciones, eiecciones a populo, similiter mortem ponderosam, quia ipsemet dicit in

[50] Cod. *bonum inha. tibi.* Cf. Ps. xxxvi. 3.

[51] 1 Pet. ii. 11. Cod. *que nulli adver. a.*

[52] Cod. *prosper:tatis.*

[53] Cod. *ut vi. f. f. s. pa. super.* Cf. Ps. cxxvii. 6.

[54] Cod. *uni'em.*

[55] Cod. *partui* (or *partin*).

testamento suo, Tradent enim vos in conciliis etc. per scandala et maliloquia, et ante reges et presides ducemini propter me in testimonium illis. Et alibi: Absque synagogis faciant vos per excommunicaciones; sed venit hora ut omnis qui interficit vos arbitretur obsequium se prestare Deo, et hec faciant vobis, quia non noverunt patrem neque me.[56] Ideo dicat, Quam dulcia faucibus meis eloquia tua; super mel ori meo,[57] quia ad ista sequitur vita eterna. Non ipse Christus testatur dicens, Vos estis qui permansistis mecum in temptacionibus meis: et sequitur, Dispono vos, sicut disposuit mihi pater meus regnum, ut edatis et bibatis super mensam meam in regno meo. Et alibi, Beati, qui persecucionem paciuntur propter iusticiam, quoniam ipsorum est regnum celorum. Beati eritis cum maledixerint vobis homines et persecuti vos fuerint et dixerint omne malum adversum vos mencientes, propter [fol. 99ᵃ] me. Gaudete et exultate quoniam merces vestra copiosa est in celis. Ideo in finem sequamur Christum ducem milicie scolarium suorum attendentes doctrine magistri dicentis: Qui vult post me venire abneget etc. Qui amat animam suam, perdet eam. Et qui perdiderit animam propter me, inveniet eam in eterna vita manentem cum Christo rege regum per infinita secula seculorum Amen.

Et salutetis me Laudens et Greme cum uxore sua et dicatis Grene ne oblique agat, quia duo sunt que odit Deus, divitem et mendacem et pauperem superbum, quia non habitabit in medio domus dei qui facit superbiam. Et salutatis me matri vestre cum filia eiusdem, uxore vestra, omnibus salutacionibus premissis in vitam eternam et perpetuam benediccionem. Et salutetis me omnibus dilectis Dei in osculo pacis, et oretis pro me ut Deus ex sua magna misericordia dirigat vias meas ad perseverandum in finem, quia qui perseveraverit usque in finem, hic salvus erit. Similiter rogo vos ut velitis respicere in parva et stra nauca; [58] et ibidem invenietis tres quaternos continentes quatuor evangelia in uno, et scribitur in textu Matthei, Marci, Luce et Johannis cum rubeo incausto et in superiori margine: Prima pars, secunda pars, tercia pars et cutem [59] cum rubeo incausto. Et similiter duas proprietates tractantes de iusticia et iure continentes circa duodecim vel tredecim vel quatuordecim capitula. Et primum capitulum incipit in tercio vel in quarto folio [60] et tractat de iusticia et iure, et in primo folio [60] quaterni et secundo est [61] recapitulacio capitulorum.

Et prestetis michi illos quinque quaternos ob amorem Dei viventis et si caritas urget vos et habueritis equum, potestis portare illos quaternos ad unum presbyterum commorantem quodammodo iuxta ecclesiam aclude [*sic*] sancti Andree, qui ut credo vocatur Henricus de Topcliff, quia ipse habet fratrem in Topcliff qui desponsatur sorori domini Wilhelmi Corpp. Et iste presbyter si potuerit faciet ut habeam, et sic quidquid volueritis ad me. Si vos non potestis sibi venire, conducatis servum Grene, ut ipse sapienter veniat ad sacerdotem predictum; et si presbyter predictus mittat vobis aliquid, ex suo capite mittet, [fol. 99ᵇ] non ex meo. Et sic similiter mittatis sibi quidquid voluerit et non michi et similiter prestetis mihi

[56] Cod. *sed e. q. m. t. u. ar. se. ob. p. Deo. Et hec fa. vo. q. non. n. patrem neque me.*

[57] Cod. *tuo.*

[58] Cod. *in pva e stra nauca.*

[59] Cod. *et cūt.*

[60] Cod. *filio.*

[61] Cod. *et.*

quadraginta denarios et recipiatis a fratre meo. Et si non potestis invenire illos quaternos, invenietis in alia cista quinque libros Moysi vel Salomonis scriptos in papiro de manu vestra propria ut mihi apparet; prestetis mihi intuitu caritatis. Rogo formetis argumenta [62] et mittatis ad sacerdotem predictum sapienter. Rogo vos custodiatis ista sub consilio et ne reveletis nisi eis, qui ob amorem mei volunt sub consilio custodire propter custodes meos, licet ipsi sint iuvenes, quia nesciunt de isto usque videritis quid faciant mecum. Aliqui dicunt quod facient diem sollempnem. Amen et cetera.

THE DRAFT DISPENSATION FOR HENRY VIII'S MARRIAGE WITH ANNE BOLEYN.

Readers of Brewer's 'Reign of Henry VIII,' or of his introduction to the fourth volume of the 'Calendar of State Papers' of that reign, are familiar with the striking, and indeed extraordinary, document that Henry was bold enough to demand at the hands of Clement VII to enable him to marry Anne Boleyn as soon as the nullity of his marriage with Katharine should be established. This document, which was only discovered a few years ago—or at all events never was read with attention before—would alone have sufficed, in the absence of all other evidence, to prove the truth of the long-discredited statement of Sanders about Henry's intrigue with Anne Boleyn's sister, Mary. The fact, indeed, might well have seemed incredible, seeing that in itself it presented an obstacle to Henry's marriage with Anne quite as great as the affinity on which he relied to invalidate his marriage with Katharine. But still more inconceivable, apart from authentic evidence, is the idea that Henry seriously asked, or even thought of asking, the pope not only to recognise his first marriage as null because made with a brother's wife, but to allow him to celebrate another with a mistress's sister. That he did so, however, is clearly shown by the draft dispensation in our own archives, which is distinctly worded so as to cover any objection arising from 'affinity, contracted in any degree, *even in the first*, *ex illicito coitu*.' And that this was not a mere idle attempt at diplomacy abandoned as unworkable we have now a still more striking piece of evidence; for it appears that a draft dispensation to all intents and purposes the same was actually presented to Clement VII at Orvieto, and, stranger still, was docketed by the papal secretary, Motta, as registered in the apostolic chamber.

A copy of this document is appended, with notes showing the principal variations between it and the draft in our own record office. Mr. Bliss, who has sent the transcript from Rome, writes that 'those conversant with the forms of the papal chancery say that the decretal could not have been registered before being ex-

[62] Cod. *ar^ta*.

pedited, but that it might be cancelled afterwards.' Not being myself conversant with the forms of the papal chancery, I am unable to discuss the matter from that point of view. But, as the document does not really appear to be registered as Motta's inscription declares it to have been, I am inclined to think that the docket implies no more than that a fee for registration had been accepted in advance, while a good deal more required to be done in order to make it a valid dispensation. Why, indeed, should such words have been written upon it if the paper was intended to remain in the Vatican archives? It is endorsed, *Minuta dispensationis missae per Thadeum cursorem*; and *minuta*, in the diplomacy of those days, commonly means a draft. But a draft formally signed by a papal secretary, with a statement in his handwriting that it is registered in the apostolic chamber, could hardly have been meant as a mere official memorandum. It was evidently intended to satisfy somebody outside. It was probably a warrant to be carried from one department of the circumlocution office to another, for the issuing of a more regular instrument, provided there were no objections to the process going a step further. But it is clear that it was stranded on the way; for the English ambassadors never got their bull, and had to leave the draft with the papal secretary's inscription in one of the papal offices without getting any further satisfaction.

Wolsey could scarcely have anticipated any other result, notwithstanding the sanguine terms in which he expressed himself to Sir Gregory Casale when forwarding the draft dispensation and commission required; but a part of the instructions contained in that letter seem to deserve quotation, as it appears to me that the words attached to the draft dispensation by Motta only show the pressure put upon the pope at Orvieto, where he was taken at a disadvantage, in order to carry out Wolsey's instructions, and the utmost that could be obtained from him in the required direction. Casale, it must be observed, was required to solicit two things of the pope—first a commission to Wolsey to examine the validity of the dispensation under which Henry was married to Katharine, and, second, a dispensation to enable him to marry some one else. To save all possible trouble these documents were prepared beforehand in England. Casale was to use every argument to show the extreme urgency of the case—the deep scruples in the king's conscience, his firm resolve never to take back Katharine, the necessity of freeing the succession from all ambiguity, the danger of alienating a king who had done so much for the church; and then, as the instruction runs (I quote the English abstract from the Latin)—

When you have expounded all this to his holiness it is not to be doubted that the pope will freely at once consent to the king's request and grant the commission without making any one privy to it. But if

this cannot be done you are to urge the pope not to refuse to make the concessions required by briefs or bulls in the most ample manner, taking care that it does not come to the ears of those who can offer any obstacle. Rather than that, *you shall be satisfied with his simple signature to the aforesaid drafts, which he may afterwards confirm by separate instruments.*

It was not likely that even a pope in captivity, or just escaped from captivity, would commit himself in this way; and it shows how desperate the game was when Wolsey saw no other way of satisfying his imperious master. Another thing it shows is how the most impudent demands upon the papacy were met in those days. Clement never for a moment thought of yielding to Henry's unjust demands, but as little could he for a moment have thought of rejecting them with indignation. He sought relief from pressure in the mazes of the circumlocution office.

With these observations I leave the reader to study the text of the proposed dispensation for himself. JAMES GAIRDNER.

Charissimo in Christo filio nostro Henrico, Angliae Regi illustri et Domino Hyberniae, Fidei Defensori, Salutem.

Clemens etc.

Quod nostrae autoritati divina sententia in terris commissum creditumque habemus ut Christianorum disciplinam veluti economus ac dispensator in familia Domini prout causarum, temporum aut personarum qualitas persuaserit, id in Domino expedire moderemur; ita nos accipimus interpretamurque ut pro pastoralis solicitudinis cura, ad preces supplicantium faciles et benignas aures porrigentes, nostrae potestatis modum sic exhibeamus ut et paternae pietatis affectum prestemus omnibus, et quos in fide ac religione tuenda et conservanda studii favoris et in nos Sedemque Apostolicam gratitudinis insolita[1] officia nobis ante ceteros[2] commendaverint, eos ex meritorum ratione quasi vicissitudine quadam officii uberioribus gratiis prosequentes, quantumcunque novum,[3] praeter morem aut exemplum videatur quod agimus[4] indulgentia, nihilominus gratia[5] et benignitate nostris sublevemus. Cum[6] vero te, charissimum in Christo filium nostrum inter ceteros Christianos principes unum hoc seculo extitisse cognovimus qui fidem Ecclesiae orthodoxam[7] stilo, sedem hanc Apostolicam[8] gladio[9] ab hereticorum improbitate aliorumque injuria felicissimis successibus defendisti, captivitatis nostrae casum et prohibere semper laborans, et, quae tuae pietatis est magnitudo, sublevare prae ceteris summo cum studio contendens,[10] Regnum autem Angliae florentissimum, quod jure clarissimo et apertissimo possides ab heresis calamitate sanctum tectum[11] summa cum vigilantia conservasti et Sedi semper Apostolicae

[1] In the Rolls MS. (henceforth referred to as R.) the word *insolita* occurs two lines higher, after *conservanda*, and is omitted here.

[2] R. reads 'ante ceteros nobis.'

[3] R. adds 'insolitum.'

[4] 'agamus,' R., which of course is right.

[5] *gratia* om. in R.

[6] 'Cumque,' R.

[7] *orthodoxam.* R. reads 'catholicam.'

[8] 'quam obtinemus,' R.

[9] 'et armis,' R.

[10] *captivitatis . . . contendens.* Not in R.

[11] *sanctum tectum.* Not in R.

devotissimum, in fide vero et religione colenda observantissimum [12] tua cura et providentia reddidisti, inestimabili orbis bono, magnoque tuo, tum apud Deum tum apud homines, merito singulari; sicque Regnum illud tuum [13] virtutibus ornans, omnis etiam querelae et dissensionis ex Lancastriae Eboracique [14] familiis de titulo successionis olim natae et controversae multaque sanguinis profusione nimium diu jactatae materiam utriusque titulo in persona tua consolidato [15] extinguas stabilem Regno concordiam firmam [16] atque eternam promittens si nihil aliud quod abhominamur ingeniosa calliditas effinxerit objiciendum quod certam et inconcussam [17] successionem impeteret et causam aliquam gigneret ambiguitatis: non sine gravissimis sane rationibus adducti videmur ut quod in tua persona dignum pro meritis beneficium collocare non possumus ad successionis posteritatisque tuae constituendae confirmandaeque commodum de potestatis plenitudine prorogemus, animadvertentes itaque dominandi affectu nihil improbius et certissima [18] quaeque regnandi libidinem impugnare solere et astutia interdum expugnasse curae solicitudinique nostrae quam de perpetuenda sobolis tuae successione eademque [19] inviolabiliter continuanda merito habemus consentaneum esse arbitramur ut quatenus nostra permiserit valeatque potestas illa omnia e medio removeamus quae occultam sui causam habent atque secretam fictioni machinationique promptam et obviam, unde materia confingi conflarique possit ad successionem collabefactandam allegabilis. Quamobrem, ne ulla [20] fraudi excogitandae relinquatur occasio, et calliditas atque astutia omnem materiam [21] precisam sublatamque [22] intelligant unde suas malitias satagant palliare, de potestatis nostrae plenitudine nostram [23] in ea parte absolutam potestatem et quam habemus summam et maximam exercentes, ex causis nobis perspectis, cognitis et dijudicatis, quas hic pro insertis volumus haberi, omnes illos canones, constitutiones, ordinationes et statuta [24] in conciliis generalibus synodalibus aut provincialibus aliasve edita et promulgata [25] quae de matrimoniis inter consanguineos qui tertio aut quarto gradu se attigerint non contrahendis,[26] et item illa [27] quae de impedimento publicae honestatis justiciae ex sponsalibus [28] clandestine contractis natae matrimonium videlicet [29] impedimentis et dirimentis contractum, et etiam ea quae de precontractu matrimoniali per verba de presenti inito et contracto non consummato nec solemnizato secundum matrimonium impedituro et dirempturo,[30] Denique illa quae [31] de affinitate

[12] 'observatissimum,' R.

[13] 'tum,' by error, in R.

[14] 'Eboracensisque,' R.

[15] *utriusque . . . consolidato.* Not in *R.*

[16] 'firmamque,' R., omitting *atque eternam.*

[17] 'inconuulsam,' R.

[18] 'firmissima,' R.

[19] *eademque* om. in R.

[20] *ulla.* R. reads 'quid.'

[21] *materiam.* R. reads 'occasionem.'

[22] *sublatamque.* Not in R.

[23] 'nostramque,' R.

[24] *constitutiones . . . statuta.* Not in R.

[25] R. reads 'editos et promulgatos.'

[26] The reading in R. immediately following the last variation is 'qui' (originally written 'que') 'de matrimoniis in quarto gradu non contrahendis loquuntur.'

[27] 'Illos,' R., followed by 'que' corrected into 'qui.'

[28] *sponsalibus.* The original reading in R. was *sponsalibus in septennio aut alias clandestine contractis*; but the italicised words have been struck out and *sponsalibus* rewritten.

[29] *videlicet* om. in R.

[30] *et etiam . . . dirempturo.* The reading in R. is 'aut de precontractu matrimoniali clandestine inito non consummato secundum matrimonium impedituro et dirempturo,' all written in an interlineation.

[31] *Denique illa quae.* In R. 'ac etiam illos qui.

ex coitu illegitimo in quocunque gradu, etiamsi primo, proveniente, matrimoniorum similiter[32] irritatorio impedimento,[33] Postremo illa quae de cognatione spirituali similiter matrimonium impeditura loquuntur et disponunt ad matrimonia per te contrahenda non pertinere sic ut illorum canonum[34] constitutionum, ordinationum aut statutorum aliove quocunque nomine censeantur, aliquorumve eorum virtute aut vigore,[35] matrimonia per te contrahenda[35] sobolesve suscitanda ex eisdem impeti aut impugnari non possent,[36] cum plenissima[37] causae cognitione de qua volumus imposterum ambigi aut dubitari, ex tunc prout ex nunc, et ex nunc prout ex tunc, pronunciamus, decernimus et declaramus, ac illis omnibus et singulis canonibus, constitutionibus, ordinationibus et statutis antedictis quae hic pro nominatis reputamus alias in suo robore duraturis quoad matrimonia per te contrahenda specialiter et expresse derogamus[38] necnon potiori pro cautela et ut hoc nostrum decretum certiorem sortiatur effectum, nihilque deinceps ex predictis canonibus allegari[39] queat quod matrimonia per te contrahenda[40] impugnaret, causantibus fortasse aliquibus non per modum decreti aut derogationis sed dispensationis specialis haec fieri oportere,[41] tecum ut non obstantibus canonibus, constitutionibus, ordinationibus, statutis aut aliis legibus quocunque nomine censeantur[42] antedictis, aliisve in ea parte editis quibuscunque[43] eam mulierem quae vel propter precontractum cum alio per verba de presenti factum[44] modo consummatum aut solemnizatum matrimonium non fuerit, impedimentumve publicae honestatis justitiae ex clandestino contractu provenientis, aut affinitatis in quocunque gradu, etiam si primo, ex illicito coitu contingentis, gradumve consanguinitatis tertium aut quartum, cognationemve spiritualem quamcunque, alioqui per canones ecclesiae ritum, morem et consuetudinem matrimonio copulari conjungique non posset,[45] licite accipere poteris uxorem, ac te et illam hujusmodi mulierem, vosque et quemlibet vestrum, cum data contrahendi facultate accipere eam velis ducereque uxorem, a quibusvis excommunicationis, suspensionis et interdicti sententiis ad effectum premissa consequendi[46] absolventes et absolutos fore decernentes ut matrimonium per verba de presenti contrahere solemnizare

[32] *similiter* om. in R.

[33] R. has *extant* after *impedimento* and omits the following words from *Postremo* to *disponunt.*

[34] R. reads 'virtute aut vigore illorum canonum,' omitting the words which follow down to the next variation.

[35] *matrimonia per te contrahenda.* In R. 'matrimomium per te contrahendum,' omitting the following words before *impeti.*

[36] *posset* without *non* in R.

[37] *plenissima* om. in R.

[38] The words following *declaramus* in R. are 'necnon illis omnibus et singulis alias in suo robore duraturis hac vice dumtaxat derogamus.'

[39] *ex . . . allegari.* R. reads 'allegari ex predictis canonibus.'

[40] 'matrimonium per te contrahendum.' R.

[41] *causantibus . . . oportere* om. in R.

[42] *constitutionibus . . . censeantur* om. in R.

[43] 'aliquibusve aliis in ea parte constitutionibus editis,' R.

[44] R. reads: 'eam mulierem que propter precontractum per verba de presenti clandestine aut secrete factum,' omitting the clause *modo consummatum . . . non fuerit.*

[45] *gradumve . . . posset.* In R. the reading is 'gradumve consanguinitatis modo secundum aut tertium excesserit, tibi alioqui per canones matrimonio copulari conjungique non posset.'

[46] *ad . . . consequendi.* R. reads 'ad effectum premissorum.'

et consummare possitis, causam qua movemur ad omnem super surreptione aut obreptione caussaeve illius validitate questionem [47] futuram removendum supprimentes, et eam nihilominus justam, certam, cognitam, perpensam, discussam, exploratam et dijudicatam pro hic expressa habentes,[48] ex certa scientia et mero motu [49] nostris, deque [50] nostrae potestatis plenitudine, misericorditer in Domino dispensamus, Decernentes prolem e tali matrimonio suscipiendam legitimam fore ac tanquam ex matrimonio [51] natam et procreatam cui nihil predictorum objici queat [52] haberi imperpetuum et reputari deberi. Non obstantibus quibuscunque objectionibus [53] aut allegationibus de notitia precontractus antedicti [54] per verba de presenti contracti aut contractus illius unde publica honestas oriretur, sive quae [55] ejusmodi affinitatem ex persona tua causatam allegetur, gradumve consanguinitatis tertium aut quartum [56] intercessisse [57] fama aut rumore innotuisse diceretur, aut prefata impedimenta omnia eorumve aliqua vere intervenisse poterit doceri [58] et etiam revera intervenerint,[59] Qua in re omnem conscientiae tuae scrupulum eximimus nec eam [60] predictis objectionibus subjacere volumus et inquietari [61] sed ut tam in foro poli quam fori [62] sis omnino securus,[63] aut denique quavis alia allegatione, vel de non expressione caussae qua movemur, subreptionis aut obreptionis vitiis, sive de nostra captivitate, de impetratione per importunitatem aut gratiam, deve eo quod tempore presentis decreti sive gratiae facti et concessae a matrimonio liber et solutus non fueras, quas omnes et singulas allegationes, pro frivolis et inefficacibus habentes, veluti temerarias et nullas rejicimus et reprobamus, ac generaliter quibuscunque constitutionibus in conciliis generalibus, synodalibus aut provincialibus editis, etiamsi ad juris divini relaxationem sive limitationem

[47] *questionem.* 'disputationem,' R.

[48] R. reads 'discussam et exploratam, ac pro hic expressa habentes.' The whole of the passage from *causam qua movemur* to *habentes* is, in R., placed after the words 'ex mero motu . . . plenitudine.'

[49] *ex certa . . . motu.* 'ex mero motu,' R.

[50] 'absolutæ,' R.

[51] 'legitimo' interlined in R.

[52] *queat.* 'Possit,' R.

[53] *objectionibus.* 'exceptionibus,' R.

[54] *de . . . antedicti.* 'de scientia predicti precontractus,' R.

[55] *sive quae.* 'aut quod,' R.

[56] *tertium aut quartum.* Not in R., but the word 'quantum,' erased, stands here in the text.

[57] ante contractum matrimonium,' R.

[58] *aut prefata . . . doceri.* 'et hec impedimenta vere intercessisse poterit doceri,' R.

[59] *intervenerint.* 'intercesserint,' R.

[60] *eam* not in R.

[61] *subjacere . . . inquietari.* R. reads 'sive vere sive false fuerint, volumus inquietari.'

[62] R. inserts 'ex nostre potestatis plenitudine,' interlined.

[63] From this point to the end the text in R. is as follows: 'ac etiam quavis de non expressione cause qua movemur, de nostra captivitate, de impetratione per importunitatem, de eo quod tempore presentis concessionis a matrimonio liber et solutus non fueris, quas omnes pro frivolis et inefficacibus judicamus, ac quibuscumque constitutionibus in conciliis generalibus, synodalibus aut provincialibus, et specialiter, etiamsi ad juris divini regulam pertinere hanc dispensationem objiciatur et allegetur, et ceteris contrariis non obstantibus quibuscumque. *Nulli ergo hominum liceat presens nostrum decretum, gratiam sive dispensationem ausu temerario infringere aut violare, aut eidem quoquo modo contravenire.*'

The clause in italics at the end is added in a different hand and crossed out.

interpretationemve pertinere hanc dispensationem objiciatur et allegetur vereque pertinere doceatur, et ceteris contrariis non obstantibus quibuscunque.

Excommunicamus autem, et excommunicatos denunciamus, omnes illos et singulos, cujuscunque conditionis preëminentiae aut dignitatis existant, quicunque directe aut indirecte, secrete aut aperte, matrimonium per te contrahendum, prolemve ex eodem suscipiendam, apertis obliquisve mediis contra presentem nostri decreti sive dispensationis paginam impetere, impugnare, convellere aut contradicere presumpserint, impetentibusve, impugnantibus aut contradicentibus verbo, consilio aut favore consenserint aut assenserint, illorumve machinationem aut molimen tam temerarium et detestandum pro virili non impedierint, ausum denique et conatum tam nefarium modis omnibus reprimere atque extinguere bona fide et ex animo postquam de hoc nostro decreto sive dispensatione fuerint certiorati non laborarint, quos omnes et singulos statim velut precisa ab ecclesia Dei membra atque abjecta ulteriori denuntiatione non exspectata ubique et ab omnibus volumus evitari. *Nulli ergo etc. nostrae pronuntiationis, declarationis, derogationis, absolutionis, dispensationis et decreti infringere etc. Si quis etc. Datum in Urbeveteri anno etc.* 1528, *Idibus Aprilis anno quinto.*

B. Motta.

Registrata in camera apostolica de mandato sanctissimi Domini nostri papae.

B. Motta.

The address and the last clause are considered to be in Motta's handwriting.

ASKE'S EXAMINATION.

The eleventh paper in the volume at the Record Office marked 'Chapter House Books, A/2/28,' p. 87, contains a series of fifty-six questions put to Aske and his friends, Lord Hussey, Lord Darcy, and Sir Robert Constable, and three questions put by Cromwell. The twelfth paper continues the questions; 60–106 are put to Lord Darcy and signed 'Thomas Crumvell.' Paper 13, p. 99, contains more questions put to Aske, through which the pen has been drawn. On p. 101, paper 14, there are more. Paper 15 repeats questions 23, 32–35, 57–59, which Aske had not answered. In 'Chapter House Books A/2/29,' No. 24, p. 197, are the answers given by Aske to a number of the questions. The twenty-fifth document, p. 209, contains his answers to those questions he had omitted, and these are continued till p. 241, when the examination is continued and is dated April 15, 1537. Passages have been quoted in Froude's 'History of England' and in Gasquet's 'Henry VIII and the English Monasteries.' The letters that are illegible are printed in brackets.

Mary Bateson.

Interrogatories ministred to Aske & other.

1. Furst, howe long afore the insurrection in Lincolnshire, and also the insurrecti(on) of Yorkeshire, brut*es* wer (sp)red abrode in those countreis, that t(he) churche goodes shulde be takyn aw(a)ye, and that there shulde be (left to) stande but one p*ar*isshe churche within (seven myl)es,[1] and suche other ?

2. Item, what p*er*sonnes, and howe many, shewed you that suche brut*es* went abrode in the countrey. And how many asked you counseill what they shulde doo therin ?

3. It*em*, what l*ettr*es, and from whome ye received them, intimating vnto you that suche brut*es* went abrode ?

4. Item, what aunswers ye made to them againe that signified the same vnto you, by wourde or writing ?

5. Item, who were the inuentours and imaginers of the said fals brut*es* ?

6. It*em*, who were the setters fourth and spreders of them among the people ?

7. Item, whether the saide fals brut*es* were not one of the greatest causes of so generall insurrection in the north part*es* ?

8. Item, what p*er*son was attached for telling or spreding abrode of the saide fals brut*es*, or compellid to seeke out thautor, that reported those brut*es* vnto hym ?

9. Item, w*ith* what p*er*sonnes haue ye comoned of the said brut*es*, either afore the said insurrection, or sithens, and what ye saide to them, and they to you therof ?

10. Item, whether at any tyme ye saide to any p*er*sonne shewing you that there were suche brutes abrode in the countrey, that he shuld let it alone and medle not therw*ith*, and to howe many ye said so ?

11. Item, why did you not make diligent inquisition to finde out the auctours and spreders of suche brut*es*, and why did you not punisshe them ?

12. Item, were not you contented that suche brut*es* shulde be spredde in that contrey ?

13. Item, whether ye thought the matters conteynid in the saide brut*es* to be false and falsely imagined or noo ?

14. Item, whye did ye not certifie the King or his counceill of the said brut*es* ?

15. Item, whye d(i)d ye not cause the people to be (in)fourmed that thoses brut*es* were (fa)ls, (and) also cause the same falsehed to be d(isp)laied (in) open plac*es*, that (the) people shuld gyve no credens therto ?

16. Item, whether ye th(in)ke that there h(ad) been any suche generall insurrection or no, if those brut*es* had been extincted, at the begynnyng of the same ?

17. Ferther, how many haue come to you, shewing their g(r)udg*es* against the King*es* act*es* of p*ar*liament, and when and where ?

18. Item, howe many haue saide to you that they were to grevous and to preiudiciall to the comon welth of this realme, and when and where ?

19. Item, how many act*es* of the King*es* p*ar*liament they haue grudged at, and what be the sp*ec*iall act*es* where against they grudged ?

[1] Froude, ii. p. 512.

20. Item, what aunswere ye made vnto all them or euery one of them whiche shewed you their mynds in that behalf?

21. Item, whether any of them comonid *with* you for any meane or wey, to be takin for the reformacion of those actes, when and where?

22. Item, whether you yourself grudged against any of the saide Kinges actes, and against how many, and wiche they be?

23. Item, for what causes ye grudged against them, and what reasons were brought foorth by any man for declaracion of those causes?

24. Item, whether your consciens were suche as therby ye were induced to grudge against them?

25. Item, whether any suche as comoned *with* you vppon the said statutes shewed you, or you them, any meane or waye howe thoses same might be refourmed?

26. Item, what was the waye deuised by you or them, for the reformacion of the saide statutes?

27. Item, whether it was not deuised by you, or thaim, that they could not be refourmid, by any other wayes, but by a comon insurrection?

28. Item, whether ye at any tyme comonid *with* any freende of yours, or any other personne devising by what meanes the people might best be induced to (a) comon (in)surrection, for the reformacion of (t)he said statutes?

29. Item, whether ye agreed *with* any personne that the spred(di)ng (o)f (t)he fals brutes [as be affore (ag)reed, and other] shuld (be t)he moost redy waye to stere vp the people generally in euery qua(rt)er for the saide reformacion?

30. Item, what *communi*cacion ye haue had with any personne, or any person *with* you, of the busshops, wiche you or they noted to be of the newe lernyng? And *with* how many, and what be their names?

31. Item, whether you or they noted them in your comunicacion to be heretiques and scismatiques?

32. Item, for what causes ye noted them to be heretiques?

33. Item, for what causes ye noted them to be scismatiques?

34. Item, whether it were not because they spake against the abuses of the Busshop of Rome, and against his power?

35. Item, whether you and they accompted not them scismatiques, for that they toke vppon them to defende that the Kinges grace was supreme hedde of the Churche of England vnder Christ?

36. Item, whether ye fauored not the saide insurrections, that by reason therof the saide busshops shuld be punisshed, and put from their auctorite?

37. Item, whether ye thought they could be punisshed by any other waye than by a comon insurrection?

38. Item, whether ye your self grudged not against the Kinges grace title of supreme hed of the churche?

39. Item, whether you and my Lorde Darcy had any co*mmuni*cacion at any tyme of the said matters?

40. Item, what was that co*mmuni*cacion in euery point?

41. Item, whether you my Lorde Darcy and Sir Robert Constable were not togither at one place this last yere?

42. Item, at what place was it?

43. Item, what co*mmun*icacion you three had togy(ther) and of what matters?

44. (Item, what) reasonyng ye had vppon the King*es* (actes of) p*ar*liament?

45. Item, whethe(r) you, my Lorde Husee, s(wore) at that tym(e) that ye wold be none heretique?

46. Item, whether ye, my Lorde Darcy, herd at that tyme my Lord Husee saye, that he wold be none heretique?

47. Item, whether ye, syr Rob*ert* Constable, herd my Lord Husee say that time, that he wold be none heretique?

48. Item, vppon what cause he said that he wold be noon heretique?

49. Item, whether it was not concernyng the King*es* title of supreme hedde of the churche, thincking that if ye shulde still consent thereto, ye shuld be one heritique therby?

50. Item, whether ye thinke nowe that all suche as nowe consent to the King*es* saide title be scismatiques or heritiques or no?

51. Item, whether at any time before the saide Insurrection ye demaunded of any lernid man, being in hie dignitie of the churche or other, whether it were laufull to a sabiect to make warre against his prince for defense of the faithe and of the churche? And of whome and where, and what aunswere was made therunto?

52. Item, whether you yourself haue thought it lefull to make suche warre or no, and whether ye thinke so nowe or no?

53. Item, whether you haue sclaunderid diueree of the King*es* counceill, and spokyn very evill of them, affirmyng that by thair evill counseill the faith of Christ is decayed, and the comon weale of this realme destroyed?

54. Item, whether you haue exhorted, or haue gyven occasion to any of y*our* seru*a*unt*es* or freendes to make evyll report*es* of diuerse of the King*es* counsell emong the people, to thentent to prouoke them against the said counseill as deuisors (of) the said act*es* and seducers of the King*es* grace?

55. Item, where the King*es* grace is a p(attern) of wisdome and (kn)owlege (whome it were hard for his (cou)nseill to sedu(c)e), was not the grudge [wiche is pretended by the (r)ebellys to be against the said counsell for the saide act*es* of p*ar*liament] mynded and stomaked against the King*es* owne p*er*sone, albeit it was cloked as is aforesaid?

56. Item, whether ye, my Lorde Darcy, might not haue vitailed the castell of Pomfrett, and have defendid it from the rebelles tyll rescue had comen from the King*es* grace if ye had wold, as well as Ivers kept the castell of Scarburgh?

(The following) added by my Lorde pryvy seale.

57. Item, who moved firste that there shulde be moo burgesses appoynted in diuers townes of Yorkeshire, and what reason was brought in therfore and by whome?

58. Item, where the bill*es* of peticions and articles brought in to you by any of the co*m*ens doo nowe remayne, or where haue you lefte theym?

59. ide*m* cu*m* 23. Item, what moued yo*ur* co*n*science to grudge at the said statut*es*?

Paper 12 (*Questions to Lord Darcy*).

[12] 60. Item, for what cause did ye, my Lorde Darcy, yelde the castell of Pomfrett, seing the (r)ebelles had none artilary to besege th(e s)ame and the Kinges (ar)my was not farre of, to come to rescu(e) vnder (t)he ——n [2] of my Lorde Stuarde and others ?

61. Item, why did not you call your seruauntes, freendes, tenauntes and feed men togyther, to repelle and kepe bake the rebelles, at some strayte bridge or passage, if ye had mistrusted the keping and defending of the saide Castell ?

62. Item, whether the default, that ye did not so repelle the rebelles, was in you, wiche wolde not call to gither your seruauntes, freendes, tenauntes and feedmen, or els in them, wiche wold not come to you, and assist you when they were callid ?

63. Item, if your seruauntes, freendes, tenauntes and feedmen wold not assist you in suche greate necessite, when ye knew not howe ye shuld be entreated by the rebelles, or shuld be forced to consent to treason and rebellion, what cause had ye gyven to them to fle from you in so honest a purpose, as to stande against the Kinges enemyes, and disturbers of the realme ?

64. Item, if ye, my Lorde Darcy, had dispaired to defende the castell of Pomfret, or to resist the rebelles in the feld, or at some straite bridge or passaige, why did not ye finde some meanes to come to the Kinges grace, or to his army, rather than to tary, and to be sworne to the Kinges enemies ?

65. Item, whether ye did swere to the rebelles voluntarily or compellid ?

66. Item, what violence or compulsion was offerid vnto you, to force you to be sworne to the rebelles ?

67. Item, what gentilman there lost other lif or lym for refusall to be sworn to the comons, by exemple wherof ye shuld haue been affrayed to refuse that othe, when it was offerid you ?

68. Item, howe (lo)ng did you stande in the refus(a)l of that othe and what th(ing) did (y)ou allege for your self to avoide the same ?

69. Item, when y(ou) had gyven that othe, whether did you th(ink) y(our)self (w)ere bounden (to) (o)bserue that othe, or the (othe) wiche ye had gyven afore to the Kinges grace ?

70. Item, wiche of the said twoo othes did you applye your self moost to obserue ?

71. Item, whether ye thought your secounde othe to be mere periurie, and that ye were in no wise bounde to kepe it ?

72. Item, if ye thought it periurie whye did you gyve the rebelles your best counseill for setting forth of their army, for deuising of articles of suche thinges wiche ye wold haue had reformed ? And for determynyng that it were better haue garnison werr, than hosting warre, in tyme of winter ?

73. Item, why did you gyve badges of the fyve woundes of Christ ?

74. Item, was it not to thentent ye wold haue made the souldiours to

[2] Illegible.

beleve that they shuld feight in the defence of the faith of Chist, and to thentent they shuld not feare to die in that cause ?

75. Item, was not that badge of v woundes your badge, my Lorde Darcy, when ye were in Spayne ?

76. Item, whether were those badg*es* newe made, or were the same wiche ye gave in Spayne, or the remayne of them ?

77. Item, could you not haue disposed the said badg*es* afore this insurrections ?

78. Item, whether kept ye thaim stylle for that purpose, for wiche they now s*er*ued ?

79. Item, if they were newe made, who made and embroderid them, when and in what place ?

80. Item, how long afore the saide insurrections ?

81. Item, for what intent ye maide those newe badg*es* ?

82. Item, d(i)d not you make them for the setting for(th) (of) th(e) saide insurrection of Yorkeshire, for the animating of the sould(io)urs (that they might thin)kin that they had a iuste cause to fight in pretend(in)g their rebellion to be for the defence of the (faith) of Christ ?

83. Item, if ye were sodenly takin of the comons, wether it is like that than ye had leisur to make suche badg*es* ?

84. Item, did you cause your souldiours and s*eruaunt*es w*ith*in Pomfret Castell or w*ith*out, to were those badg*es* in the King*es* part, afore ye were wyued w*ith* the rebellys ?

85. Item, why brought you forth those badg*es* when ye were wyuid with the rebelles, rather than afore, when ye shewid yourself to stand for the King*es* part ?

86. Item, what nomber was there of the saide badg*es* ?

87. Item, whether it was not declared to them wiche ware those badg*es* that they were Christ*es* souldiours, and that when they loked vppon their badg*es* of v woundes of Christ, they shuld think that their cause was for the defence of Christ*es* faith and his churche ?

88. Ferther, was it not your counseill and aduise that the archbusshop of Yorke shuld call togither his oune doctours and others bothe of lawe and of diuinitie, to make a determynacion among them according to their mynde and lernyng vppon certayne questions here after folowing ?

89. Item, who gaue the first counsel therto ?

90. It*em*, whow many and what be thair names ?

91. Item, why wer thoes questions moved ?

92. It*em*, wer they not aswel moved to animat and co*n*firme the rebelles in thair purpose as to iustifie the rebellis ?

93. It*em*, was it not a doble iniquite to fal into rebellion and also aft*er* to p*rocure* mat*er*s to be set furthe to iustifie that r*e*bellion ?

94. Item, when the temporalte and spiritualte of Yorkshir had entered so far into rebellion as they had was it like that the said archebishop and doctors wold otherwise determine thes questions than they dyd and did they otherwise think whiche movid thes questions, as ye beleive ?

95. Item, wh(e)ther [3] the said archebisshop and Doct(or)s wer put (in) any fere as far (as ye know) to d(e)ter(mi)ne thes (que)stions as they dyd ?

[3] The part in brackets torn away.

96. Item, who(w) many doctors (and) lerned men wer at the c*oun*sel when the said questions wer det*er*mined, and what wer thair names?

97. It*e*m, whether the said archebisshop and doctors made aunswere and determed only suche questions as wer deliu*er*ed thaim by the temporal lord*es*, knight*es* and gentilmen, or els added any others of thair owne mynd?

98. It*em*, what wer the questions and det*er*minations whiche wer addid by the spiritualte?

99. It*em*, whether thes articles folowing wer deliu*er*ed of the temporal rebellys to tharchebisshop of York and the counsel of doctors, to be determed by thaim?

100. It*e*m, t(o) what intent was it mouid to the saide archbiusshop and doctours that they shuld showe their ler(ny)ng w(he)ther subiect*es* might leffully move warre in any cacis (a)gains(t) (ther p)rince?

101. It*e*m, who (th)at mynded that ques(ti)on to be moued to the archbusshop and doctours?

102. It*e*m, what reasonnyng was had among temporall lordis, knight*es*, and other gentilmen, capitains or leders of the saide rebellys vpon that question, afore it was purposed to the saide sp*iri*tuall men, and what euery one of them wiche spake in that matter reasoned and said?

103. It*e*m, was not that question purposed (*sic*) to the sp*iri*tuall men to thentent it shuld be determyned by them as it was, that the rebellys might lefully make warre against thair prince in the cause of the faith of Christ, and of the churche?

104. It*e*m, were not the saide sp*iri*tuall men sollicited or procured, by you or by any other personne to your knowlege, to determyne that the rebellys battaill was leefull in that case?

105. It*e*m, whether els wasit thought of you or others, that the said sp*iri*tuall men were redy inough of their owne self, w*ith* out any procurement, to make that determynation for steying and confirmyng of the said insurrection?

106. It*e*m, w*ith* how many of that counseill of sp*irit*uall men ye haue comonid concernyng that question and what ye saide to them, or they to you therin?

THOMAS CRUMWELL.

Paper 13 (*Questions to Aske*).

[13] 1. It*e*m, where, whan and vpon what occasion was the said Aske made Capitain first amongest the comens in Yorkesh*ir*?

2. Item, whether he bade not theym of Holden not stire till ye retorned to theym agein, the first tyme he cam thether fro*m* thinsurrection of Lincolnsh*ir*?

3. Item, whether he did not c*on*sulte with any priuate p*er*son there at that tyme and shewed hym why he bade theym so, and what was his co*mmun*ication to the same?

4. Item, whether in very dede, according to his appoyntme*n*t, they of Holden stayed theymself*es* till they harde fro*m* hym agein?

5. Item, in what tounes and plac*es* was he in the meane tyme till he retorned to Holden agein, & with whome he spake there, & what, & to what tounes and plac*es* he sent, & with what message or l*ett*res?

6. Item, whether they of Holden as soone as ye retorned agein did not rise?

7. Item, whether all the tounes. that ye had ben at bifore or sent vnto, did not rise inco*n*tine*n*tly therupon first of all other plac*es* in Yorkeshire?

8. Item, where, whan and vpon what occasion was he first made Capitain amongest the comens of Yorkesh*ire* ?

9. Item, what experime*n*t of trust or fidelitie towardes the comens had he showed bifore, that they shulde haue suche affiaunce in h*e*m as to make hym their capitain or by what oration or meanes had he p*er*suaded theym so to doo?

10. Item, howe happened that he was choysen to be graunt Capitain afterwarde ov*er* all? Whether it was bicause he was the begynner of the co*m*motion, or bicause they sawe hym moste ernest in the matier?

11. Item, that he be exam*in*ed agein vpon the (6)5, 66, 71, 72, 73, for he made no answere to theym as yet.

Paper 14.

[14] 1. Item, what reasons be those that might be made co*n*cernyng the King sute by last will, not necessarie to be opened, as he saith, but in parliame*nt*?

2. Item, whether my Lorde Darcye, after the castell was wornne (*sic*), lying in the same euery night & knowing the King*es* armye to be than at hande, mought not haue recoueryd the castell agein & kept the same for a season, till the King*es* army might come to rescue hym?

3. It*e*m, what sp*e*ciall policie or counsaill gaue the Lord Darcye for the defense or furniture of the comens?

4. Ite*m*, what sp*e*ciall policie brought S*i*r Robert Constable brought (*sic*) in, & what euery man brought in that was notable?

5. Item, what policies were deuysid for passage ov*er* waters and what for thavoyding of the violence of goonnes, were there deuysed & by whome?

6. It*e*m, if all thing*es* had since ded after their intended purpose, what wolde they haue doon:—first, touching the King*es* p*er*son, than touching euery man of his counsaill, & what with the busshops, and what further orders wolde they haue appoynted in the comenwelth of this realme?

7. Item, what causes bare ye that grudge and d(is)pleasure toward*es* the said Counsellors?

8. It*e*m, if it be for that ye thought they were the causers of making the said statut*es*, whether ye wolde not, if ye knewe the King*es* highnes to be the cheff causer of the making of the same, beare like grudge or mynde toward*es* his gr*a*ce as ye haue towarde the said counsaillors.

*Examinacion taken at the Towre of London, the xi*th *daye of Aprile, the xxviii*th *yere of the reigne of King Henry the viii*th*, before M*r *Doctor Legh & M*r *Doctor Peter & M*r *Lieutenant of the Towre, in the presence of M*r *John ap Rice, Notarie, etc.*

Robert Aske exa*m*ined saith as herafter doth ensue:—

1. To the first Interrogatorie he saith, that within thre or foure dayes after Mychellmasse daye last past as this exa*minate* was co*m*myng vp to

London to the terme at Ferybye he mett with one Huddeswell, & vpon a syxtene p*er*sons moo. And there the said Huddyswell shewed hym, that the comens of that qu*a*rter, as farre as Lowthe, were vp, and howe they had taken the King*es* co*m*missioners that satt of the subsidie and the busshop of Lincolnes chauncellor who, as he said, cam to viewe their chalec*es* & other churches good*es* & ornament*es*, which, as the said Huddeswell said, was bruted shulde be taken aweye. And other brutyng of that matier he harde not bifore that tyme in no place, nor yet in Yorkeshire afterwarde, till tharticles cam fro*m* Lincolnshire thethyr by Guye Keme.

And saith further that the said tyme & place this ex*aminate* was sworne by the said Huddyswell.

2. To the seconde article he saith, that on the morowe after the said daye this exa*minate* being taken agen of the co*m*ens at Saltclyff out of his bedde, harde the said brute amongest the co*m*ens there oponly spoken amongest theym & can not sp*e*cifie any sp*e*ciall p*er*son that he harde it of, for he knewe theym not, & no man asked hym counsaill.

3, 4, 5. To the thirde & iiii^th & v^th, he receiued no l*ett*res of any suche brut*es* at all to his reme*m*braunce, nor knoweth no other inuentors of suche brutes.

6. To the vi^th, he knoweth no oth(er) setters forth of the said brut*es* but Guye Keme & one Dooune, which cam with articles from Lincolnshire to Yorkeshire.

7. To the vii^th Int*errogatorie* he saieth, that he thinkes those brut*es* were one of the greatest causes, but the supp*re*ssion of abbeys was the greatest cause of the said insurrection, which the hart*es* of the co*m*ens moste grudged at, as he saith.

8. To the viii^th he saith, that eu*er*y man spake at his libertie what he wolde, without any repression or punyshment of any man.

9. To the ix^th he saith, that he comened with no man of the said brut*es* but with Huddeswell, to whom he made no answere touching the said brut*es* to his reme*m*brance. But he saith, that afterward he publisshed to the comynaltie in Yorkeshire at Kaxbye More tharticles sent fro*m* Lincolnshire to Yorke, which as he reme*m*breth were *con*cernyng the supp*re*ssion of abbeys, the seconde, touching the statute of Vses, the thirde, for the remission of the quindene, in the which it was counted they shulde paye a grote for euery shepe or there about*es*, & a certain su*m*me for euery bullok.

The iiii^th was that eu*er*y benefice vnder the value of xx^li shulde be discharged of the first frut*es* and tenthes. The fifte was ageinst the busshop of Lincoln & others of the busshoppes.

10. To the xth he saithe, that, as he thinkes, at suche tyme as he herede men speke of the said brut*es*, he bade theym speke no more of theym, for he thought they were not trewe. And as for any articles, allthough he wrotte theym, yet he putt none foorth till he had aduise of all the noble men & gent*le*men therunto.

11. To the xi^th he saith, he made no inquisicion of thauto*urs* of suche brut*es* because the people were vp before, and he durst not make inquisicion therof for daunger of his lif. And he p*u*nysshed none for suche brut*es*, bicause he was no iustice of peax & durst not punyshe theym.

12, 13. To the xii[th] & xiii[th] he saith, that he was nev*er* co*n*tent that suche brutes shulde goo abrode, for he thought they were no trewe.

14. To the xiiii[th] he saith, that he was layde for in Lincoln, so that if he had com southwarde he shulde haue ben slayne, as the goodman of thaungell can tell, which, as he thinkes, nowe shewed hym of the same. And therfore he durst nother come hymself nor send vp to the King, but was fayne to retorne to Yorkeshire agein where they were vp bifore he cam.

15. To the xv[th] he saith, he did not declare openly the said brut*es* to be vntrewe in Yorkeshire, bicause they were not in question amongest the people their, & in Lincolnshire he durst not, bicause he was a straunger amongest theym.

16. To the xvi[th], he thinkes that only the supp*re*ssion of thabbeys & diuision of p*re*chers had caused an insurrection, though the said brut*es* had not ben spoken of at all.

17. To the xvii[th] he saith, that syns thinsurrection was vp, in maner all the gent*lemen* & co*m*ens counsailled with hym co*n*cernyng the King*es* statut*es* of vses, supp*re*ssion of abbeys, first frut*es* & tenthes & the sup*re*mitye; before th*at*, none to his reme*m*brance. And as touching the supremitie, they wolde haue anulled the hole statute, as he thinkes, but that he hymself putt in touching *cura*m *ani*m*ar*um, which shulde belonge to the busshop of Rome.

18. To the xviii[th] he saith, that it was in euery mans mouthe syns thinsurrection, that the said statut*es* w(ere) to grevous to the people and, as he supposeth, it was bifore in euery man's harte, bicause afterwarde euery man was gladde to sett forwarde for the reformacion of theym.

19. To the xix[th] he saith, that they grudged cheffely at thact*es* of Supp*re*ssion of Abbeys an(d) the Sup*re*mitie of the Church, bicause it was thought it shulde be a diuision from the churche, thassignement of the crowne by the King*es* last will, the illegitimacye of my Lady Marie, the statute of Vses, & of the first frut*es*, which they said wolde be a decaye to all religion; & as for the tenthe, they said it might be borne well ynough. And they grudged at thacte that word*es* shulde be treason.

20. To the xx[th] he saith, that he said than, that he thought mete that the said act*es* shulde be reformed by auctoritie of p*ar*liame*n*t, as shulde be sene good by the hole body of the realme.

21. To the xxi[th] he saith, that afore they cam first bfore Doncaster, this exa*minate* & all the lordes gent*lemen* & co*m*ens thought best to geate the said statut*es* reformed first by peticion; & therfore they first rose, if they coulde not so obteigne, to geate theym reformed by swerde & battaill. And afterwarde, vpon the co*mmuni*cation had betwene theym & my Lorde of Norf*olk* at Doncaster, the said ex*aminate*, lords, gent*lemen* and com*m*ons co*n*cluded at Pomefrete for a reformacion to be had of the said statut*es* by act of parliame*n*t.

22. To the xxii[th] he saith, that than he hymself grudged at the said statut*es*, but syns he was sworne he hathe doon according to his allegiance.

To the xxiii[th] (see later).

24. To the xxiiii[th] he saith that hys co*n*science was suche at that tyme, that he was therby induced to grudge at the said actes.

25. To the xxv[th] he saith, that S*ir* Thom*as* Tempest was one of theym that did sende their aduyse in writing to the lord*es*, knight*es*, & this ex*aminate* at Pomefrete, for the reformacion of the said statut*es* by act of parliam*ent*, & for a good order to be taken at Doncaster. And also Bapthorpe & Chaloner did geue their aduyse in writing of like effect, as he reme*m*bereth, and saith that M[r] Mynell was there also, but whether he deliuered any writing or no, he dothe not reme*m*ber. And diuers other gaue in bill*es*, which as he reme*m*breth were deliuered vnto theym agein, after that this exa*minate* had taken out suche articles as he thought co*n*uenie*nt*, which afterwarde were shewede to the lordes & gent*lemen* ; & suche therof as were thought reasonable by theym, were noted with this worde *fiat* on the heddes of theym, & allowed, & afterwarde presented to my Lorde of Norf*olk*. And as touching tharticles of the sp*irit*ualtie, diuers sp*irit*uall men, as doct*or* Marshall & other, gaue in those articles as touching the sup*re*me hedde & the illegitimacion of my Lady Marie & other, to the no*m*ber of ix, which p*er*sons my Lorde of Yorke, as he saith, can best specifie & name.

26, 27. To the xxvi[th] & xxvii[th] he saith as he said before to the xxi[th] Inter*rogatory* & o(the)rwise he can not answere therunto.

28. To the xxviii[th] he saith, that the first tyme he mett with Rudston and Stapleton at Wighton, viz : vpon a Fryeday the seconde daye after the rising in Holdenshire, there they counsailled together for the taking of Hull & Yorke, & co*n*cluded that Rudeston & Stapleton & other gent*lemen* of those p*ar*tes shulde go and take the deliuery of Hull & this ex*aminate* shulde go to take Yorke. And at Yorke this exa*minate* sent for Sir Oswalde Wolsethorpe & one Plumpton, brought in by Wolesthorpe, M[r] Metam Saltmarshe, & many other gent*lemen*, amongest whome it was there co*n*cluded that euery gent*leman* shulde take his frend*es* that were gent*lemen*, & bring theym in. And as for the co*m*ens they were alredy vp in all p*ar*tes of Yorkeshire & the busshoprich.

And at Pomefrete this ex*aminate* sent by my lorde of Derbyes s*er*u*a*unt a letter to my lorde his m*aste*r, and a copie of thothe, which he bade the said s*er*u*a*unt to spreede abrode in the countrey, as he shulde thinke co*n*uenie*nt*, & that, as he saith, to thintent to stere the countrey of Lancashire to take theire p*ar*te.

And than at Yorke after the first metyng at Doncaster, & before the last this ex*aminate* & all the gen*tlemen* of the counsaill there co*n*cluded that they of Dent & Sedbere shulde be at libertie to stere Lancastreshire, bicause it was said there that my Lorde Privey Seale had warranted that countrey for any reysing.

29. To the xxix[th] he saith, he vsed no meanes to rise vp the people but by sending thothe abrode.

30. To the xxx[th] article he saith, that he had co*mmun*icacion co*n*-cernyng the busshops with many, whose names he can not tell, but the cause that they articled agenst theym was through the peticions that they had out of Lincolnshire. And they desired return bokes to be co*n*dempned, bicause they were articled by Bower of York to be heresy, & deliuered to this ex*aminate*.

31. To the xxxi[th] article he saieth, that as well he hymself as (al)l the

com*m*ens for the moste p*ar*te, noted the bussliops of Cant*erbury*, of Worcester, of Rochester & Saunt Dauid*es*, to be heretiques.[4]

To the xxxii^th^ & xxxiii^th^.

To the xxxiiii^th^.

To the xxxv^th^.

(For these see later.)

36 To the xxxvi^th^ saith, that they fauoured the insurrection bicause they wolde haue had the said busshops to be depriued & putt fro*m* their authoritie, bicause they were supposed to be occasion of the breche of the vnitie of the churche.

37. To the xxxvii^th^ he saith, that they thought that the King might ponyshe & reforme theym when so euer he wolde.

38. To the xxxviii^th^ he saith, that he grudged at that tyme of the insurrection that the king shulde haue cure of soule, but none otherwise, as he saith.

Paper 25.

[25] 23. To the 23 artacle the said Aske sayth :—furst, to the statut of subpressions, he dyd gruge ayenst the same & so did al the holl contrey, because the abbeys in the north p*ar*tes gaf great almons to pour men and laudable s*er*uyd God ; in wich p*artes* of lait dais they had but smal comforth by gostly teching. And by occasion of the said suppression the devyn s*er*uice of almightie God is much minished, great nombr*e* of messes vnsaid, & the blissed consecracion of the sacreme*nt* now not vsed & showed in thos plac*es*, to the distreas of the faith, & sperituall comforth to man soull, the temple of God russed and pulled down, the [5]ornam*entes* & releques of the church of God vnreu*ere*nt vsed, the townes & sepulcres of honorable & noble men pulled down & sold, non hospitalite now in thos plac*es* kept, but the fermers for the most p*ar*te lett*es* & tau*er*ns out the fermes of the same houses to other ferm*ers*, for lucre and adu*a*untage to them self*es*. And the p*rofi*t*es* of thies abbeys yerley goith out of the contrey to the King*es* highnes, so th*at* in short space little money, by occasion of the said yerly rent*es*, tent*es* and furst frut*es*, should be left in the said countrey, in consideracion of the absens of the King*es* highnes in thos p*artes*, want of his lawes & the frequentacion of m*er*chandisse. Also diu*er*se & many of the said abbeys wer in the montaignes & desert plac*es*, wher the peple be rud of condyccions & not well taught the law of God, & when the said abbeys stud, the said peple not only had worldly refresshing in ther bod*ies* but also sperituall refuge both by gostly liffing of them & also by speritual informacion, & preching ; & many ther ten*a*unt*es* wer ther feed s*er*u*a*und*es* to them, & s*er*uyng men, wel socored by abbeys ; & now not only theis ten*a*unt*es* & seru*a*unt*es* want*es* refresshing ther, both of meat, cloth & wag*es*, & knowith not now wher to haue any liffing, but also strang*ers* & baggers of corne as betwix Yorkshir, Lancashir, Kendall, Westm*ore*land & the bischopreke, was nither cariage of corne & m*er*chandisse, greatly socored both horsse & man by the said abbeys, for non was in thes p*artes* denyed, nether horsmeat nor manesmeat, so th*at* the peple was greatlie refresshyed by the said abbeys, wher now they haue no such

[4] 'bicause they were so named in the peticions of lincolnshire' scratched out.

[5] 'in' scratched out.

sucour; & wherfor the said statut of subpression was greatly to the decay of the comyn welth of that contrei, & al thos p*ar*t*es* of al degreys greatly groged ayenst the same, & yet doth ther dewtie of allegiea*n*ce alwais sauyd.

Also the abbeys was on of the bewties of this realme to al men & strang*er*s passing threw the same; also al gentilmen much socored in ther ned*es* with money, ther yong sons ther socored, & in nonries ther doughte*rs* brought vp in vertuee; & also ther euidens*es* & mony left to the vsses of infant*es* in abbeys hand*es*, alwas sur*e* ther; & such abbeys as wer ner the dang*er* of see bank*es*, great mayntenou*rs* of see wals & dyk*es*, mayntenou*rs* & bild*er*s of briges & heghwais, such other thing*es* for the comyn welth.

It*em*, to the statut of the illigittimacy of my Lady Mary, the sayd Aske sayth, that both he & al the wissemen of thos p*ar*t*es* then much groged she sould so be maid by the lawes of this realme, seing she on the mother syd was comyn of the gretest blod & paraige of cristyndome, and the lib*e*le or ple hanging & appelled to the church; & yit the sayd appell not discussed, to al mens knowlaige in thos p*ar*t*es*, toching the mariage betwix the King*es* highnes and the Lady Kat*er*yn Dowgur. And thought th*a*t the estatut not to be good, for if heraft*er* the law of the church should find or allow the sayd lady ligittimat, yit by this said estatut she should be maid illegitimat, & not inheritable to the Crown of this realme; wherin should be thought by al reasonable men, being strangers, that the said estatut should haue been maid, mor for sum displesor toward*es* hir & hir frend*es*, then for any just cause. And it was the(n) thought that in reason rather she should be fauoured in this realme then otherwise, for the vertue & high paraige of hir mother, whos aunsitor*es* was alwais, or of long tyme haue been, great frend*es* & fauorers of the comyn welth of this realme. Also then it was thought, that the deuorce maid by the bischop of Cant*er*bury, hanging that appell, was not laufull, ye and then men dowted the attorite of his consecracion, hauing not his paull as his p*re*decessor*es* had. And also it was then thought, the said Lady Mary aught to be fauored for hir great vertues, then & yit estemed to be in hir. Also it was thought, that the said Lady Mary aught to be fauored & that estatut a*n*nulled, for the reasons aforsaid, lest themp*er*our & his frend*es* should thinke he had cause therby to move ware agenst this realme & stop the recours of o*ur* m*er*chandisse into Fland*er*s, wherby the makyers of & science of cloth, the comodite of woll, led, tyne & cott*on*,[6] should not be had nor vssed, to the great dang*er* & impoue*r*yssm*en*t of this realme.

Wherfor it w(er) (t)hen though(t) surly good, that the said estatut should be adnichillat,[7] & that she should not be maid illegittimat by no statut law, but by the law of the holl church or not vnto th*a*t tyme, for the said Lady Mary th*us* m*ar*vilusly belouyd for hir v*ir*tue in the hert*es* of the peple.

It*em*, to the statut of furst frutes, it was thought then good that the same should be adnulled by reason it wold be the holl distruccion of stat of Relegion, wich wais & is p*ro*fitable for the comyn welth, both in soull & body, as befor is rehersed. For it may chaunce so, th*a*t in some

[6] Query. [7] Annihilate (Ducange).

on yere, by deth, dep*ri*vacion or resignacion, the King*es* highnes may be intitled therunto two or thre tymes or mor, & for the paym*ent* of the same, worshipfull men & frend*es* most be bound, & so they to be in dang*er* & the hous not able to pay the same; for now in man*er*, what with the King*es* money granted by them & the tent*es* yerly by them paid, all or most p*ar*te of ther playt is goon & cown [8] also, & the houses in dete, so th*at* either they most menysh ther houshold & hospitalite & inf*or*sed to kep fewer monk*es* then ther foundacion, or els surrend*er* ther abbathie in to the King*es* hand*es*, as inforced for ned; & the money therof alwais comyng out of that contrey, and to great detrem*ent* of the co*m*en welth, ther wher befor the riches and tresor of relegion was & is estemed the King*es* tresor, as redy at his comandem*ent*. Also, by reason they had plentie of Riches, they inornyat the temple of God, really socored ther neghbur in ther ned w*i*th p*ar*te of the same, ther mony for the most p*ar*te curant emong*es* the peple. Also it was then thought sur*e*ly that, by the law of God, the King*es* highnes aught not to haue the first frut*es* of relegion, for neu*er* King of Ingland had it befor, nor now other. Wherof should the brether lyf when the furst yer rent*es* is gone during that yer? Also it was said, it was not granted at Yorke by convocacion, nor agreyd vnto. Wherfor it was then thought good this estatut to be adnulled or other wyse qualified for thies reasons & many mo.

It*e*m, for the statut of vses, the sayd Aske sayth, that he thinkyth that if yt had not been in the peticcions of Lincolnshir, the same had not been remembred nor put in his na(me) of the peticcions to the King*es* highnes. He saith it wer p*ro*fitable for the honorable men, worshipfull & al (those) hauyng land*es*, that the said estatut might be adnulled or qualified, so th*at* they might declare ther will of p*ar*cell of ther land*es* for paym*ent* of ther det*es* & maiage (*sic*) of ther childer, for the said Aske sayth, that if a man will studie to defet the King*es* highnes of the mariage of his son & hier or of the land*es* or fees (?) & both.

For that ther is mo then ther was bifor so do; also it hath maid a great defecultie in al pleding in the law, & turned the old accostomed law in many thing*es*. Also great meen cannot be in such credense w*ith* m*er*chand*es*, nor haue so much money to do the King*es* s*er*uice with all in tyme of ned, vpon the assurance of statut*es* as lef they wer in, bicause the most p*ar*te of all men land*es* be installed, & so his son should by reuntt*er* alwas defeat al estatut*es* of the staple m*er*chand, recounsanc*es* & other bond*es*, with many other great reasons that may be mayd for that purpos. So that estatut of vsses is p*re*iudiciall to the co*m*en welth, albiet in this estaitut the said Aske declared his conscience to the King*es* highnes what the old law then was & what he thought.

Ite*m*, to the statut of the declaracion of the crowne of this realme by will, the said Aske saith, that he & al wise men of thos p*ar*t*es* then groged at the same and that for diu*er*sse causes. On was that, befor that estatut, sith the conquiror, neu*er* king declared his will of the crown of this realme, nor neu*er* ther was known in this realme no such law. Also, why should it be a reasonable law that the King*es* highnes might so do & declare his last will of the crown, wherunto almen on the allegience

[8] Query 'corn.'

and therby ar born to clame dissent of enheritence, by the law of this realme & by the same p*a*rilm*ent*; al his subiect*es* is as right that they shall not declare ther will of ther land, wher mor necessite is, for payne of ther dett*es* and socoring of ther childer, then may be p*re*sumed to be in the King & for his childer & issue & dett*es*, wher befor his subiect*es* by the law myht haue declared ther will.

Ite*m*, it is reme*m*b*er*ed in the yer*es* of the law of King Henry the VII, whos soull Jhesu p*ar*don, that his grace wold haue had the crown of his realme & sigiore of the same installed to him & the issue of his body, as is ther expressed, & it should apper ther, it wold not be agreyd vnto, for King Henry the IIII mayd therof a lyke intaill, & King Edward the IIII adnulled the same estatut, wher it was thought by all the wisemen ther, it wer no reasonable law, to make an intaill of the same crown; and King Henry the VII was bruted & called the wisist prince & king of the world. Also if the crown should pas by testam*ent*, it[9] wer to be dowted ther wold be great wer risse, if it wer declared from the rightfull hier apparent; & betwix them & him to whom the same wer goffyn, who should be takin to be jug*es*? For witnes admitt the rightfull hier apparent wold not allow them, as no record; surely herin wer lyke to arysse great contencion & a thing aganst the publyke welth. Wherfor it was thought necessary this estatut to be adnulled or qualified, so th*at* either by estatut the certaynte might apper who wer or should be hier appare*nt*, or els to be as it was befor, by the law of this realme; the same to go to the varie next of the blod of the king as oth*er* realmes doth. Also it is to be noted that any borne vnder the crown of this realme may clame in man*er* an inheritence therunto, that it might come to them by discent & by reason therof they may clame the law of this realme as ther inherit(ance), frely to by & sell land*es* & good*es* & take by discent, and so cannot an alien do nor clame. Then se this casse, if the crown wer giffyn by the King*es* highnes to an alian, as we dout not his grace will not so do, how should this alien by reason haue it, for he in his pe*r*son was not maid able t[o] take it, no mor then if I wold gif land*es* t[o] an alien, it is a voyd gift to the alien, because he is not born vnder the allegience of this crown.

Reso(n) it should be a great brut in other realmes and a great slander, th*at* o*ur* lawes in this realme should not be indeferent to reason, when we know not by our law who should be the rightfull inheritor to the Croun of this realme, lyffing o*ur* King highnes, aft*er* his deceas; & to this estatut there is many high reasons to be mayd, not nece(ssary) to be oppined, onles it wer in p*a*rilm*ent*. For as the voice of the most p*ar*te of the peple is, & I suppos the law is also, that no strang*er* canne clame this croun by no discent of enheritence, onles he wer born under the allegience of this croun. Wher for it wer necessary to have this estatut qualified, as they thought then. And if ther be any mo estatut*es* mencion in the sayd 23 Int*err*igatory the said Aske remembryth them not but lyffyth this rowme fo*r* the reason of the same. [Space left.]

The statute of Sup*re*mitie.
The statute that word*es* shoulde be treason.

[9] MS. 'is.'

23. To the statut of sup*re*macy the said Aske saith, that then all men much m*ur*mored at the same, and said it could not stand with Godd*es* law, & diu*er*sse resons th*er*of maid, wherof he delyu*er*yd on to the archbischop of Yorke in Latyn, contenyng a holl shet of paper or more. And an other ther was wich was in Inglisshe or for argum*en*t toching only the same mat*er*, for the wich the same Aske shall write for to be deliu*er*yd if it cane be found. But the great brut in al menz mouthes then was that neu*er* king of Ingland, sith the fayth comyn within the said realme, clamyd any such auctorite, & th*at* it should sound to be a measure of a diuision from the vnite of the catholyke church, if men might with out fere & by the King*es* fauor, declare ther lernyng with out his grac*es* dissplesor, & therfor the Convocacion was required at the meting at Doncaster. And the said Aske sayth, that vpon his conscience he knowith not who sent him this two paupers, for he receyued them as pourmen peticionz, & he knew not of on of them, to he was comyn from Doncastr*e* last, th*at* argum*en*t wich was writen in Inglisse, w*i*th the auctor*es* latyn.

23. To the statut of word*es* that be treson, the said Aske sayth, that to all to (*sic*) his knowlaig, except it be the said statut of sup*re*macy, varyly he herd few men groge therat, & to the estatut eu*er*y man is ferfull to show ther lernyng or to laubor for the same intent to show ther lernyng, because ther is temp*or*all law, wherin they should in cour the danger or els the displeso*ur* of ther prince; & if the cause toch the helth of man soull, then it wer a gracius ded that the King*es* highnes wold adnul that estatut, & th*at* lerned men in diuinitie might show ther lernyng either in convocac(ion) or preching; (about) (th)at estatut vary many m*ur*murs; & spec(ially):—

23. To the st(atute) of vses the sayd Aske sayth, that if he should show thees reason, it requiryth a great studie on the law & for long tyme he hath not seen the sayd statut, nor p*er*used his buk*es* for no such intent*es*; but the jug*es* & other good student*es* cane declare the same cases. And, to his now remb*r*ance, he thinkyth that if a man held land of the King as of his duchie or of the croun, & haue lisense to alien & do alien to an estrang*er* to the vsse of the strang*er*, vppon condiccion th*at* he shall execut an estatut to him for t*er*me of his lyf, the remayd*er* therof to his son or hier apparent, & to the hier*es* of his body legetyme, the remaynd*er* in fe simple to a yong*er* of his sonz or doughte*r*s or to an estr(anger), in this caise his son cannot be in ward, nor the lond*es*, for he come in aft*er* his father as a p*ur*chasser; & colucion it cannot be, because the rem*aynder* of the fee simple is in a strang*er*; & many other was, vpon studie, as the sayd Aske supposes, may be said, wich he referyth to thos as be deplie lernyd.

The sayd Aske sayth to the secounde artacle, th*at* if he haue his reason toching the same agayne, he ther shall declar his mynd therin, as he cane call to his rememb*r*ance.

To the third the sayd Aske sayth, th*at* to his rememb*r*ance they be in his chambr*e* or in his brother hous & in the chambr*e* in Wresill castell, wher he lay; albeit he think*es* ther [be] few at Wresill, but they be al in his sayd chambr*e* or els in some other place in his brother hous, wher his s*er*u*a*unt*es* left them. Also he think*es* ther be some in a litle coffer wich

his nece kens, wich is plat*ed*, wich filed [10] aboute*s* theire vnlokyd in his brother hous at Aughton.

27. 1. Wher in thaunswars concerning thacte of vses, ye sayd thatt if a man was disposed to defeat the Kinge*s* highnes of his right, the same might bee rather brought to passe now then befor, dyu*er*s wayes, whatt movith you to say so, and whatt wayes they bee?

2. It*em*, wher in thawnswars & concernenge thacte of thillegittimacy of my Ladye Marye ther might many other causes bee assigned, nott necessarye to be openyd butt in parlament, whatt causes they bee?

It*em*, to declare more specially the names of all suche p*er*sones and plac*es* wher any writing*es* or l*ett*res delyueryd yow or devised in tyme of the sayd insurrection doo now remayn, and wher thatt Christofer dwellyth to whom ye haue directyd yo*ur* l*ett*res, and whatt he is namyd now.

28. It*em*, of whom ye lernid an(ie) suche reasons and argumen(tes) as ye haue made, concerning the sayd act*es*, and w*ith* whom ye principally conferryd, and who war the chefe reasonars & sekers fowrthe of the same.

[11] To thos artales surly the sayd Aske sayth, that toching mat*er* of comyn reason or in the law of this realme or experim*ent*, surly he had yt of his own lernyng & knowlaig, & toching the sperituall law he had it, part of his own conscience, p*ar*te by the argument to him deliu*er*yd, & part the reasons wer exprimed by the clergy at Pomfret. But by his troth, to his rememb*r*ance he conferred with few or no p*er*son, the reasons his other causis wer so great at that season, but he shall caull this artacle to his remem*br*ance, & disclose the holl scircumstance as he shall rememb*re* to my Lord P*re*vie Seall.

[P. 218 upside down.]

The name of the sayd Cristofer, the sayd Aske shall sett on the banke syde his lett*er*, & is new my brother s*eruau*nt, & dwellyth now with him, a vary honest man & cane red well.

Also the sayd Aske think*es*, ther be bills of compleynt betwix p*ar*te & p*ar*tie during that tyme in a litle trussing coffre in his said nece chambr*e*, albeit to his remembr*a*nce they be but of small effect toching any artacle of the peticcions or requirem*entes*, & if he cane reme*m*br*e* ther be any writing*es* in any other place, he shall alwais declare the same as it comyth to his reme*m*br*a*nce.

29. And the sayd Aske sayth, that they had no laysor t[o] reason the said causes, for the tyme at Pomfret was so short, furst t[o] dispach the harols what nomb*re* should come for the King*es* saue conduct, & ther names, and who should go fyrst withe artacles to the Doke of Northfolke, & to haue thes names agreyd by the comyns then to peen the artacles, & aft*er* to agre of them, as well to the lord*es* & gentilmen as to the comons, & then to haue agrem*ent* of the comyns, who should go to Doncastre, viz: ccc men, & how many they wold appoynt of the comyns; so that the sayd Aske had litle or no laysor to reason with noman in them, albeit M[r] Chalon*er* red his bill of instruccion, but they

[10] Query.

[11] 'Let this be brought in next after the 23th article & the reson next folowing' is written in the margin.

all agreyd to the artacle & non to the contrary them; & furst at Doncastre M[r] Bowes deliu*er*yd the artacles to the Doke of Northfolke with other gentilm*en*, & reasoned to them, but the sayd Aske knew not what he sayd, nor his oppinion therin, for he was not ther; & when the sayd Aske came to Doncaster aft*er* the next day, then he exprimyd his mynd therin to the sayd Doke & the comyn*er*s th*er* appoynted reasoned much f*or* abbeys, & specially f*or* the possession th*er*of to the p*ar*ilme*n*t tyme of the King*es* ferm*er*s.

32. It*em*, to the 32 Int*err*ogatory the said Aske sayth, because they wer so noted in the peticcions of Lincolnshir, & because they wer reputed to be of the new lernyng & may*n*teno*r*s of Luter & Tindall oppinions; & to the bischop of Worceter, because it was said, either he was bef*or* abiured, or els should haue born a fagot for his p*r*eching; & that the erchbishop of Cant*er*bury was the first that eu*er* was erchbishop of th*at* isle that had not his paull from a speritualł man or from the se of Rome, and because he toke vpon him to make the deuorce betwix the King*es* highnes & the Lady Cat*er*yn Dougyer, wher it was appelled to the chirch, & for other his oppinionz, wich the sayd Aske much noted not, because they wer so oppinly bruted with all men; & to the other two bischops[12] surly wer m*er*vilusly evill spokin of to be mayntenor*s* of the new lernyng & p*r*echer*es* of the same, & that by reason of ther informacion, rather religion was not fauoured, & the statut of suppression take rather th*er*by place, for they p*r*eched as it was sayd ayenst the b*e*nefite of habyt*es* in relegion & such lyke, & ayenst the comyn orders & rules befor vsed in the vniu*er*sall church; this was the comyn voice of all men.

To the 33 int*err*ogatory, the said Aske sayth, well he knowith not the diu*er*site betwix a herityke & a sysmatyke, but he sayth he can se they varied from the old vssag*es* & seramonies of the church, & because they p*r*eched cont*rar*y the same, th*er*for they wer bruted so to be sysmatyk*es*, and the sayd Aske sayth, that he had but litle laysur to argue with any priuat p*er*son, to his remem*br*ance, toching them.

34. To the 34, the sayd Aske sayth, that, emong*es* other thing*es*, that was on of the causes then.

35. To the 35, the sayd Aske sayth, th*at* emong*es* the most p*ar*te of all men that was supposed to be on cause.

37. To that int*err*ogatory, the sayd Aske sayth, vpon his troth he cannot yit caull to his remembr*ance* who it was, th*at* furst movyd it, whether it was first moved at Pomfret or Doncast*er*, but at Doncast*er* it was moved & reasoned vnto; or whether it was himself or what other p*er*son, but he shall caull that to his rememb*r*ance, & declare the troth therof, for it is not now in the remembr*ance* of the sayd Aske, or if it wer on of the peticcions or not.

38. To that the sayd Aske sayth, he shall direct his lett*er* oppyn, th*at* the King*es* highnes & my Lord P*r*ivey Seall may se the same, wherby all the artacles & peticcions drawen by any man*er* of p*er*son or any commer shalbe sent to his grace, wich the sayd Aske in any wyse knowith wher is.

39. To the 39 the sayd Aske sayth, his conscience groged by cause of the reason aboue specified in the 23 Int*err*ogatory to haue them reformed

[12] Rochester and St. David's, see above, answer 31 (not Dublin, as in Gasquet, ii. 100).

for the comyn welth, both in soull & body, by order of p*a*rilm*en*t or other wyse.

39 & 40. To that the said Aske sayth, they had comunicacion to geders toching the said act*es* of p*a*rilm*ent*, & saith by his faith he cane not well rememb*e*r now any notorius comunicacion betwix the Lord Darcy and him in the denyall of the auctorite of the sup*re*me hed, but he rememb*r*yth this, that the same Lord Darcy declared to him, he had in the p*a*rilm*ent* chambr*e* declared befor the lord*es* his holl mynd, toching any mater ther to be argued, toching ther faith; but that the custome of that hous emong*es* the lord*es*, befor that tyme, had been, that such mat*ers* should alwais, toching sp*irit*uall attorite, be referred vnto the conuocacion hous & not in the p*a*rilm*ent* hous, & that befor this last p*a*rilm*ent*, it was accostomed emong*es* the lord*es*, the furst mat*er* they alwais comuned of, aft*er* *the* messe of the Holy Gost, was to affirme & allow the furst chapiter of Magna Carta, toching the right*es* & libert*ie*s of the church, and it was not now so. Also the sayd Aske sayth then he remembryth, that the said Lord Darcy should sey that, in any mat*er* the wich toching the p*re*rogatyue of the Kinge*s* crown, or any other mater that toched the p*re*iudice of the same, the costome of the lord hous was, that they should haue vpon ther request a copy of the bill of the same, to thentent they myht haue ther Councell lernyd to scane the same, if that in the same they cold p*er*ceue ther wer any thing p*re*iudiciall to the p*re*rogatyue of the King crown, or if it wer betwix p*ar*tie & p*ar*tie, if the bill wer not preiudiciall to the comynwelth, & that they could not haue no such copy vpon ther suyt, or at lest so redely as they wer wont to haue in p*a*rilm*entes* befor & to his rememb*r*ance he thought defaut in thos of the Chaunc*ery* in the vsse of ther office emong*es* the lord*es*, & in the hastie reding of the billes, & request of the sped of the same; & toching any other of the statut*es*, the said Aske saythe, sur*e* they had but litle comunicacion to-*getheres*, & that for this cause:—for then the artacles sent to the Kinge*s* highnes wer but v, & was not purposed to haue been deuydyd in to no more p*ar*ticulers, vnto such tyme the King*es* aunswer was showed at Yorke, & aft*er* that he spake not with the sayd Lord Darcy to he came to Pomfret, & ther vary litle but befor al men; & the sayd Aske was so besy withe comyns for to wil them to a comfirmite, th*at* a small order might be haue *sic*] maid at Donca(stre) th*at* he could not haue much comunicacion ther with him. And the sayd Aske then was logyd in the abbey in the town & not in the Castell; & the sayd Aske sayth, that as any p*er*ticuler comunicacion canne come to his rememb*r*ance, toching any of the statut*es* th*at* was betwix them, he shall alwais be redy to show the same.

41. To that the sayd Aske sayth, they wer to ged*ere*s diu*er*sse tymes aft*er* he had wone the castell of Pomfret, but he sayth, vpon his troth to his knowlage he neuer spake w*ith* the Lord Darcy befor he spake with him at the yeffyng vp of the said castell, & then they wer toged*ere*s; & also befor that tyme, the sayd S*ir* Rob*er*t Constable was in displesor w*ith* the sayd Aske, because he was alwais in cou*n*sell ayenst him, & the sayd S*ir* Rob*er*t was in the said castell at the same tyme, & sayth this:—that to the furst meting at Doncastre, aft*er* the same castell was wone, the sayd Aske most of the day tyme toke mustres of the peple on Saint

Thomas Hill by Pomfret, & sum ttyme (*sic*) Sir Robert Constable with him, & sent forth letters to al partes to assemble to repare thether, as to them, with saint Cutbert standert, Richmondshir, Cravyn & to Yorkeswold after that the Harrold Lancastre had ons been with him, & the Lord Darcy; & then to expresse the troth, the sayd Aske sayth surly he saw no man of no degree ther but he was willing to do his best, ye and that ernystly, to prepayr to batell, except it wer the archbischop of Yorke & Mr. Magnus, who might not be suffered to abyd by hind, to the furst appoyntment toke place.

42. To that the sayd Aske sayth, they al there was to geder, as befor is sayd, at Pomfret & not after that al thre togederes to Mr Bowes comyng home, or els to send his letter furst doun, & my Lord of Northfolke letter also; & also at the last Councell at Pomfret thies thre tymes to his remembrance we wer togeder & non offtyner.

43. The sayd Aske sayth, the furst tyme was at Pomfret & they ther comuned for the setting forth of the battelions & company towardes Doncastre, for preparacion for vetall, scoutwachis & for the orders of the feld, & who should be in the vanward & mydilward, & for the aunsweres of the Herraldes & for good espialls & serch of the soundes of Down for passag with the host, & not only they so dyd but so dyd al other worshipfull men, as fer as euer the said Aske then could perceue; & at that tyme ther was no peculier comunicacion of no act of parilment, other thin generally it was thought diuersse actes at the last parilment passed by fauor, nor no comunicacion therof, was not greatly to the meting at Yorke, to the Kinges highnes aunswer came, & then euery man stodied for ther greves in them, ayenst the metting at Pomfret. The second tyme was, when they al thre mett to gederes, was (*sic*) when Mr Bowes or his letter came to Templehirst, at my Lord Darcy place, & then they toke order for the dispaching of the same letters, and then they had comunicacion how the garison of Hull should be mayntened ayenst the Dooke of Suffolke, & if the Kinges highnes wold move ware the winter tyme, & not consider ther comyn cause & peticcions then for them, & al other of the contrey defensse, wher garisons should be lad, in what places, as at Pomfret, Hull, & suche lyke places, or if they should proced, how they should do for vetall, horsmet, artilire & ordenaunce & goynpouder & such other artilary of warre. Albeit thies reas(ons) wer but alwas spoken & reasoned to thies intent, if that the Kinges highnes wold not graunt them ther pardon & peticcions for ther commen welth of the realme, then so to make preparacion for the socor of ther lyffes & the contrey.

44. To that the sayd Aske sayth, surly to his yit rembrance they had vary litle communicacion al thre to gederes, except it wer of the statut of suppression, & thought a defaut therin because in the statut in print of the court of agmentacions ther is giffyn the Kinges highnes al abbeys landes to the value of iii. c markes & vnder, & showith not whether they wer thos in Ingland or the sinyierz (?) of the same, & so toke the statut therin litle better then voyd. Albeit the sayd Aske sayth, alwas he supposed ther was an other statut that gafe [13] the King highnes the same, not put in prynt, & to the sayd Aske remembrance, they had els litle comunicacion of any particuler estatut at that tyme, but rather how a good order

[13] Written 'gast.'

should be takyn at the comyng of the Doke of Northfolke, for surly the Lord Darcy was much willyng the same order. And as toching the statut of sup*re*me hed, other then at the gene*r*all setting at Pomfret, the sayd Lord Darcy, S*ir* Rob*er*t Constable & the sayd Aske had not & then but litle th*er*of, but agreyd to put it in the peticcions for the sayd Aske. Then saw no man mynd ther t[o] contrary the same request & peticcions, and sayth to his rememb*r*ance, they groged ayenst the statut*es* of treason for word*es*, of the sup*re*me hed & thought it vary strait th*at* a man might not declare his conscience in such a great caise, but the same to be mayd treson ; & the said Aske saith, th*at* surly they taked of the sup*re*mecy, & thought it doutfull by the law of God to belong to a king, but surly they neu*er* greatly arguyd th*er*of th*at* he cane remember of, or of any point, nor of the oppinion of any other ther in ; & the said Aske saith, as he cane at any tyme caul any such p*ar*ticuler point or comunicacion to his rememb*r*ance, he shalbe glad *to declare the same* [underneath which is written, 'To*r*ne (?)heretycs to thexaminac*ion*'].

27. The said Aske sayth th*at* Mr Bowes gaf no bouke of his aduice but at Yorke, & that was what order should be takin at Yorke for the spedy comyng of my Lord of Northfolke, & for spolles, remidy for pulling down of inclosere*s*, and remyde for varience*s* betwix p*ar*tie and p*ar*tie, & to his rememb*r*ance Mr Bowes at Pomfret toched the statut of the declaracion of the Crown by will, wich artacles the sayd Aske hath sent for by bill, so th*at* they shalbe apparent at the comyng of the same.

Also at Pomfret, Mr Chalon*er* gaf in a bouke of instruccions, and red it to Mr Constable & him [14] & otherz gentilm*en*, in that boke furst wer, as it had been, int*err*igatorys to the speritualtie, toching our fayth to p*r*oue whos work*es* & book*es* wer herisy by ther oppinion, & who of the bisshops & other p*re*ched & mayntened thes book*es* being herisy, & by that measne to haue p*ro*uyd who, by ther oppinion, had been heritik*es* as then it was said frear Barnes was for his oppinions put in the Tower. Also in the said book ther was many of the peticcions toching the remide in o*ur* lawes and statut*es*, as by the same boke it may apper, wich also the sayd Aske hath sent for ; & the sayd Aske sayth, that he spake litle with Mr Chalon*er*, but that he & other sent him word*es*, as they dyd to other plac*es*, for wach to be mayd at Wakfeld during the tyme of the meting*es*, for taking of lett*er*s & espieres & for wach nightly, & for such lyke mat*er*s, & for p*ro*uicion of vetals for the comuyns. But he sayth he herd neu*er* no man reason no artacle of ther peticcions to the cont*ra*rie them, but thought them vary necessary to be reformed and the said Aske sayth, that Mr. Babthorp put in a bill at Pomfreat, but it toched but few mat*er*s in the peticcionz, & also he had with him vary litle comunicacion toching any of them, he eu*er* was so in contenuall besenes, and he sayth, according to the order at Yorke, Mr Babthorpe came to my lord archbishop, & shwyd him how he & his clargy most be at Pomfret, to declare that oppinion toching o*ur* fayth, & that they should studie for the same ayenst the said tyme, as befor in an other int*err*ogatory the said Aske hath declared. Wherupon the said Aske, toching sum mat*er*, expressed his mynd by l*ett*re to Mr Babthorpe to send ou*er* to the said erchbischop, wich as he sayd required the same, & referring the rest for

[14] Corrected from 'me.'

the benifit of *our* fayth to the sayd archbischop, because he was *our* metrepolitan knew best wherin was ned of reformacion, & the said Aske to his now remembrance cannot thinke of any other comunicacion had with any of them, toching any of the statut*es*. But when they wer oppynly red at Pomfret, to the lord*es*, and the said Aske sayth, that eu*er* as any p*ar*ticular mat*er* by any of them to him expressed comyth to his remembrance, the sayd Aske shalbe redy to declare the same.

51. To that artacle the sayd Aske sayth, to his remembrance, ye and th*at* vpon his conscience, he neu*er* demandyd nor thought to demand no such cause, nor question, of no man*er* of person of no degre, nether speritual nor temp*or*all, befor the said insurreccion.

52. To the 52 artacle the sayd Aske sayth, that vpon his conscience he neu*er* thought to haue been causer of any wer, nor comenser of the same, nor thought of no such mat*er* to he was in Lincolnshir & ther takyn & swhorn. And he sayth, that he thought aft*er* that he was ons, & had peple assembled, th*at* because th*is* intent was for grace, be peticcion to the King*es* highnes for remyde for ther fayth, th*at* if his grace had refussed ther peticcions, that then ther cause had been iust, but he eu*er* thought th*at* by no iust law no man might rebell aganst ther sou*er*yng lord & king. And he sayth surly that now he thinkyth cler, no man may rebell ayenst ther sou*er*yng lord and king, and he sayth & thinkyth that if Lincolnshir had not rebelled, surly Yorshir had neu*er* rebelled.

53. To that 53 Int*err*ogatory the sayd Aske sayth, th*at* then not only he in man*er*, but al men th*at* rebelled, blamyd much diu*er*sse bisshops & p*re*cher*es* for diuision in preching & the varience in the church of Ingland in oppinions, & though(t) th*at* much of this insurreccion rosse by them, & vpon causes aboue sayd, & also they thought & blamed diu*er*sse of the King*es* counceill for the statut of suppression, & that the same came by ther insensing & gro with ther peculier labor, wich statut & other statut*es* the north part*es* thought was not for the comyn welth of the realme. Albeit the said Aske sayth th*at* ther was diu*er*sse of the councell the wich the comyns neu*er* blamed, but toke them for honorable & good catholyke men & willers of the comyn welth.

54. To that the sayd Aske sayth, he will nether accuse nor excusse himself, but varyly he thinkyth that he was on of the lest blasfem*er*s of them of any other gentilmen, otherwise then was contenyd in the oth of the comyns, wherin no mans name was expressed of the Councell, & as vnto that he will refer him to the report of other men of worship, & surly, otherwyse then aganst herysy, he thinkyth h*e* litle or at no tyme mayd any blasfemes of any p*er*son.

73. To that the sayd Aske sayth, th*at* the Lord Darcy gaf him a crose with the v wound*es* in it. Albeit who that was the furst inventor of th*at* bage the sayd Aske cannot say, but as he remembreth that bage w*i*th a blake crose came first with them of Seint Cutb*er*t baner, but he sayth the cause why almen ware the sayd v wond*es* or els the bage of IHS was for this cause :—

M[r] Bowes befor *our* furst meting at Doncastre scrymaged with his company with the scorier*es* of the Douke of Northfolke host, & ther, on of M[r] Bowes own s*eruaunt*es rane at another of his own fellows; because he had a crose on his bake, & went he had been on the p*ar*tie of the Doke

host, & ther with a sper killyd his own fellow, & for that chance then was ther a cry almen to haue the bage of IHS, or the fyue woundes, on him, both befor and hynd them, & ther to his knowlage was al the men that was slayn or hurt of eyther partie, during al the tyme of busynes.

102. To that artacle the sayd Aske sayth, that surly as son as the Lord Latymer had moved that question, the said Aske moved the same question to the clergy; & the peple & gentilmen reconed that the erchbisshop of Yorke showld haue declared the same in the pulpit, & many ther was at thought the sayd archbischop colored in that point, & that he faynted when he sawe the Herrold Lancaster come inne to the church; & ferther sayth that all men wold haue been vary glad to haue known that poynt & causis, albeit the clergy had neuer lasor to consult & agre vpon this pointes, for they had but newly writin & concludyd vpon the ix artacles when as the sayd Aske was redy to go to Doncaster, to his remembrance; & the said Aske sayth, that euer as any particuler mater or cause comyth to his remembrance, or by any others a mans report, he shalbe glad to declare the troth in the same from tyme to tyme.

Paper 32.

Robert Aske eftsones examined the xv^th of Aprile 1537,[15] before Mr Layton, Mr Legh and Mr Lieutenant.

48. To the xlviii^th Interrogatory he saith, that he thinkes in his conscience that he harde the Lord Darcy saye in the tyme of the insurrection, that he wolde be non heretique.

49. To the xlix^th he saith, it was not touching the Kinges title of supremitie to his remembrance but concernyng the newe preaching of certain newe busshops and the diuision in lernyng, saing there, he wold be none heretique in consenting to their opinions.

50. To the lth article he saith, No.

Also being interrogated whether my Lorde Darcy might not haue kept the castell lenger than he did and defended the same better, saith that he thinketh that he might haue kept the castell longer albeit this examinate was adcertayned that the seruyng men within the castell fauoured hym and his parte.

65. To the lxv^th he saith, he sware none but gentlemen and they toke their othe vp willingly, as semed to hym, after that they were ones taken & brought in, and saith he offred them that othe voluntary.

67. To the lxvii^th he saith, that no man was nother hurt nor wounded to his knowlege, for refusing the othe, nor no other violence offred theym, but that they shulde lose their goodes if they cam not in within xxiiii houres after they were warned.

68. To the lxviii^th he saith, that whan he was sworne by Huddyswell in Lincolnshire, he alleged that he was els sworne to the King, and Huddyswell said he shulde swere there agein, or els he shulde dye, & said no man shulde escape that weye, but he shulde swere. And then mediately this examinate toke his othe, viz: to be trewe to God, to the King & to the comen welth, and saith that he hymself made & deuysed thothe in Yorkeshire without any other mans aduyse at Yorke, & the cause why he putt it in writing was to swere the gentlemen by the same & bicause that parte of the commons peticcions might appere in the same.

[15] Corr. from 1536.

69. To the lxixth he saith, that he thinkith that he was & is nowe bounde to obserue thothe he made to the King.

70. To the lxxth he saieth, he did than applye hymself more to obserue the said vnlawfull othe & to geate in as many men as he coulde, bicause he was in daunger.

71. To the lxxith :—

74. To the lxxiiiith he saith, it was his intent and all others that were there to his thinking, for he herde no man saye the co*n*trarye.

88, 89, 90. To the lxxxviiith & lxxxixth & lxxxxth he saith, it was co*n*cluded amongest theym all in counsaill at Yorke that tharchebusshop of Yorke shulde call his Clerk*es* togetheir to co*n*sulte of certain articles, but who was the first motioner of that he can not certainly tell, but as reme*m*breth it was other S*ir* Thom*as* Tempest, Rob*er*t Bowes, Bapthorp, Chaloner or this ex*aminate* hymself.

91, 92. To the lxxxxith & the next he saith, they wolde haue the clergies opinions touching tharticles co*n*cernyng o*ur* faith, to thintent they shulde make their articles to the lordes at Doncaster certain, & for none other cause as he saith.

93. To the fourescore & thryttenth he saith, if the clergie did declare their myndes co*n*trary to the lawes of God it was a double iniquitie.

94, 95. To the lxxxxiiiith & next he saith, that they thought none other like but that the said Clergye wolde haue shewed their mynd*es* according to their lernyng & co*n*science, & had no violence offred theym in the worlde to do the co*n*trarye.

96. To the lxxxxvith he saith, that my lorde arch*bishop* of Yorke can best sp*ec*ifie the names of the doctors.

97. To the lxxxxviith he saith, that they made no direct answere to tharticles deliu*er*ed them by this ex*aminate* to his reme*m*b*r*ance, but made their boke vppon other poynt*es*, other innc*er*ted by theymself*es* or exhibited by some other vnto theym, wherof he desiereth them to be exam*in*ed, for he reme*m*breth not the troith in that p*ar*te.

100, 101. To the cth & cith he saith, that my Lorde Latomer first moued this ex*aminate* & other to enquire that poynte of the clergy, to thintent as he thinketh, that if they had declared that it was laufull, than if they wolde not agre at the next metyng at Doncaster, they might declare to the people the said determi*n*acion of the clergie, that it were laufull for theym to fight in the cases, by theym to haue ben specified, ageinst their prince.

103. To the ciiith he answereth, no, but that they might determyne it according to their co*n*science.

104, 105. To the 104th & 105th he saith, no man p*ro*cured theym, but as he thinkes the sp*irit*uall men were willing ynough of themself*es* to declare their mynd*es* as they did in these poynt*es* that they answered vnto, but in that poynte, whether subiect*es* might fight agenst their p*ri*nce, he thinkes they were not willing, bicause they made no deter*mi*nacion at all touching the same.

106. To the 106 he saith that he comened with no sp*irit*uall man p*ri*[v]ately for that question, as he saith, for it was nev*er* spoken of bifore the night or the daye bifore they went to mete my Lorde of Norf*olk* & therfore had no tyme to comune therof.

Reviews of Books

Die Religion Altisraels nach den in der Bibel enthaltenden Grundzügen; die altjüdische Religion im Uebergange vom Bibelthum zum Talmudismus. Von Israel Sack. (Berlin: C. F. Dümmler. 1889.)

The author of this book, which seems to be the firstfruits of his studies, is well acquainted with the original language of the Old Testament as well as of the Talmudical literature. In the greater part of his work he is eclectic without always indicating his sources; but where we find him at times original we also find that his theories are untenable. Herr Sack is right to put aside the history of the Hebrew religion in its prehistoric epoch; this, he says, must remain, together with the earliest political history of the Hebrews, in obscurity, since it is clothed in legends and stories, which, if not created at a later period by national phantasy, were at all events adorned by it. He rejects Professor Goldziher's idea of a mythology of nature, and also that of Dr. Lippert, who thinks that the fear of the dead and the cultus of the soul are the origin of all religions. The Hebrew religion, as that of all other Semites, inclines towards monotheism and the Jehovistic idea, which gradually entered into the heart of the people in general and finally became with the Hebrews an ethical perfection. The Levites, according to the author, received the mission of educating the people through the medium of the law, of which they were the traditional bearers. The priestly caste is a late institution, for in the early period sacrifices were offered by others than priests. The prophets, in opposition to the priests, taught the most exalted morality, whilst the priests continued steadfast to the service with sacrifices, which was a remnant of heathendom. The two parties were struggling each for its idea until the return from the exile. As to the law (Thorah), there were several in existence, all ascribed to Moses, but the contents of each of them remain unknown, even of that found by Hilkiah. Herr Sack does not admit, like most scholars, that this was the book of Deuteronomy; for, he says, this book reveals prophetical tendencies, which a high priest would not have willingly proclaimed as the law, and besides Jeremiah declares it to have been a forgery.

After this preliminary study on the two streams of teaching, viz. the priestly, associated with the notion of external worship, and the ethical, our author goes on to explain the religious conception of the Hebrews according to the documents preserved in the canon of the Old Testament. In the first chapter, which treats of the idea of God and the world, he says that there is no prescription to believe in God, because this presupposes a metaphysical idea, which was not to be found amongst the

Hebrews. It is true that we do not find the belief in God expressed as an article of faith, for the sole reason that articles of faith do not exist in the Old Testament. But what is the first commandment except a belief in God? And when Herr Sack translates *Jhwh* 'the being (*der seiende*)' he himself introduces a metaphysical idea which is explained in Exodus iii. 14. Everything in the Hebrew religion has, according to him, an ethical character; the creation, the political state, the festival days and the sabbath, even the sacrifices are more or less ethical. There is no mysticism in Israel before the Captivity. The *sheol* is a practical conception and is synonymous with death, pit, &c. Angels are natural phenomena which God calls for in order to accomplish a certain purpose; *seraphim* and *cherubim* are fanciful pictures. But whilst the Hebrews were mostly realistic and knew nothing but the visible world, they were also idealistic. They had the garden of Eden with all its pictures of the first man, but their idealism related to the future and not to the past; it consisted in a vision of morality and prosperity on the earth. Justice and love provoked the law of the love of one's neighbour, the dignity and equality of all mankind; the sanctity of the creation and of marriage resulted in reverence for the family and in purity of morals. And not only is the ethical side, the real cause, of this idealism predominant in the Mosaic legislation, but also in the other books of the Old Testament.

All this has been set forth by others before Herr Sack; he has only developed the ethical side of the legislation without taking into consideration that the documents he quotes in support of his theory either are very late, that is, of the time of the Babylonian captivity, or at least have been tampered with by the redactors of the Pentateuch, for it is admitted that the so-called Mosaic books could not have been written as they stand by Moses. The contents may be old, and many chapters even taken verbatim from the Hebrew legislator, but as a whole the book is of late composition, since the exile is alluded to in it. Thus the ethical character of the Pentateuchal legislation has a late colouring, such as we shall find in the second part of our author's work.

During the Babylonian exile the strife between the priests and the prophets continued, and was even intensified when they returned to Jerusalem. Our author accepts Geiger's opinion that the dominant priests were of the family of Zadok, and from this name derives the word Zadukim, or Sadducees. The last prophets did not succeed in abolishing the sacrificial cultus, and all that they could obtain was a compromise between the prophetic and the priestly practice. But there were those 'who feared Jehovah,' who could not submit to the priestly observances; for them the temple was not the resting-place of God or a priestly sanctuary, but a house of prayer for all. They took the rôle of the Levites of the first temple; they were the teachers, and to them is due the greatest part of the Old Testament literature. In order to hold their own against the Zadokites they put forward the idea of an eternal covenant which God made with David and his descendants, one of whom should sit upon the throne of Israel. This opposition between the priestly régime and the Davidic dynasty, with its consequences for the worship of the temple, is now admitted by all historians; it continued as long as the political existence of the Jews them-

selves, and we find it in the mouth of Christ. Those 'who feared God,' if ever these words represented a sect, formed a part of the Great Synagogue, who, no doubt, continued the work of Ezra in settling the text of the Thorah, in order to avoid additions. This is the meaning, according to our author—and we think it plausible—of one of the sayings attributed by the Mishnah to the members of the Great Synagogue. They used to say, amongst other things, 'Make a hedge to [around] the law,' usually explained by commentators to make new precepts which will prevent the transgression of the old ones, a very forced explanation as to the word *seyag*, which means 'hedge.' Our author rejects the idea of a Hexateuch, and thinks Joshua an independent whole, whilst the Pentateuch is a collective work by various writers. After noticing the school of the scribes the author continues his exposition of the religious ideas of this period, and gives instances of the Zoroastri an influence upon Jewish thought, *e.g.* with respect to angelology and the belief in Satan. This latter word was in old times a designation of an office, whilst in Chronicles and Job Satan represents a proper name and is not accompanied by the article. The ceremony of the red heifer can easily be traced to the Zoroastrian religion. The institution of the Nazarites (Numbers vi. 1 to 21) sprang up in the class of those 'who feared God,' who became later the pious, and who finally formed the sect of the Essenes. The priestly class was against the Nazarites. This our author considers evident from the saying of Simon the Just, who was a Cohen and blamed those who became Nazarites. The priests, who in general considered themselves as the holy people, did not want a separate institution to observe cleanliness. Herr Sack does not explain what the prophet Amos means in chap. ii. 11, 12, where he says, 'And I raised up of your sons for prophets, and of your young men for Nazarites . . . but ye gave the Nazarites wine to drink.' Thus the post-exilic religion, with the minute ceremonial of sacrifices, holiness, and abstention, was introduced against the will of the prophets, the chief factor in Judaism.

Along with Babylonian-Persian ideas and customs we find the influence of Greek philosophy after Alexander the Great. Not only officials and priests adhered to Hellenic rule; many prided themselves on their Greek names—*e.g.* Onias, Antigonus, and others—and in the Jewish literature of the time Greek philosophy dominates. The chief idea of the pious, according to Herr Sack, was derived from the Stoa, as we learn from one of the following sayings of Antigonus, successor of the Great Synagogue. He used to say ('Aboth,' i. 3), 'Be not as slaves that minister to the lord with a view to receive recompense, but be as slaves that minister to the lord without a view to receive recompense; and let the fear of heaven be upon you,' which means to practise virtue as a final aim in itself, independent of eudaemonism. The sect of pious men transformed itself later into that of the Pharisees; therefore Josephus could qualify their doctrine as similar to that of the Stoics. The influence of Greek pessimistic philosophy we perceive in Ecclesiastes, the composition of which our author puts in agreement with most critics towards the end of the third or the beginning of the second century B.C. The book was received as canonical very late, about 90 A.D., and our author is perhaps right when he says that Ecclesiastes together with Canticles were not yet canonical in the time of

Josephus; therefore he speaks only of twenty-two books. Sirach and the Wisdom of Solomon follow closely upon Ecclesiastes. The former represents, according to Herr Sack, an orthodox Sadducean tendency, glorifying the high priest and passing over in silence the great reformer Ezra. Side by side with the creation of a Jewish Alexandrian literature went the foundation of the Talmud, by laying down new precepts, partly based upon the Thorah and partly in accordance with the requirements of the time; and this was called the oral law, because it was kept up traditionally and was not allowed to be written down. Many of these precepts were enforced by the wise men (whom our author brings into connexion with the Sophistic school), the followers of the scribes, by declaring that they had been given on Mount Sinai. We pass over the further development, political as well as religious, to which Herr Sack necessarily devotes a great part of his book, but which repeats only what has been said by all historians of this epoch.

The struggle of the pious against the priests continued under the Maccabean dynasty, and the former not being able to make a radical change tried to create new institutions, which would help in abolishing many priestly ones. Such is, according to Herr Sack, the institution of the water sacrifice or the feast of the tabernacles, which was set up against the cultus of the blood sacrifice. In the description of the service for the water ceremony, which we find in the Mishnah, it is mentioned that the pious and the 'men of deed,' not the priests, danced all night with torches in their hands, accompanied by the Levites' music, and then went with the dawn to the torrent of the Temple mountain with golden vessels, brought the water to the altar, and poured it out on it. The procession moved on round the altar, having in their hands palms and willows, singing Psalm cxviii., in which, verse 25, the 'Hosanna,' is prominent. The sentence, which was evidently a popular exclamation, as appears from Matthew xvi. 9, Mark xi. 9, 10, became, according to our author, the watchword of the pious, of whom the Essenes formed a part, and who derived their name from *Hosha*, Ossens, i.e. those who say Hosha. This strange derivation Herr Sack tries to justify phonetically, in which we shall not follow him. He goes on to say that those who received Christ with the cry of Hosanna were Essenes, for he follows throughout Professor Graetz's ingenious idea that the early Christians were Essenes. Another strange derivation of the author is the word *Purim*. Purim he derives from πῦρ, which is in Persian Adhar; therefore the Purim falls in the month of Adar, i.e. the feast of fire. But what the plural form of Purim means Herr Sack does not say.

After speaking of the book of Daniel, in which he follows Reuss, Herr Sack occupies himself with some of the apocryphal books, beginning with the book of Enoch, which is a product of the Essenes, and finishes with the book of Jubilees, of which the object is to introduce the era of the creation instead of that of Alexander. Before noticing briefly the author's extravagant idea of the origin of Christianity we may mention that he does not admit that any psalms were written in the time of the Maccabees, mostly on the ground that the poetical language was already dead. It is not the place here to agree or to disagree with this view.

We have already observed that Herr Sack follows Professor Graetz,

and makes the early Christians Essenes, whose successors were the Ebionites and the Elksai, which our author explains by Elk-Essaei: what *Elk* means he does not say. Jesus was not a real person, but merely 'the salvation' (from ישע), which was preached by John the Baptist, who was called after his death Jesus. It would be mere loss of time to adduce our author's curious arguments for his wild paradoxes, which fill nearly fifty pages. He concludes his book with the schools of Johanan ben Zakkai at Jamnia and of Gamaliel the Second, which both form the real development of the two branches of Talmudic learning, the Haggadah and the Halakhah, upon which rabbinism still feeds. He finishes by saying that as long as the Talmudico-rabbinic lawbooks are considered of higher value than the other books of the past Judaism will remain the religion of a nation; only the ethical principles and sayings of the prophetical school could produce a world-wide religion. In spite of many exaggerations, the book is worth reading, more especially the part which traces the development of rabbinism.

A. NEUBAUER.

A History of the Later Roman Empire, from Arcadius to Irene (395 A.D. to 800 A.D.) By J. B. BURY, M.A., Fellow and Tutor of Trinity College, Dublin. 2 vol. (London: Macmillan. 1890.)

MR. BURY calls his work a 'History of the Later Roman Empire.' That empire, as he reminds us, was neither Greek, nor Byzantine, nor yet eastern, till the coronation of Karl the Great, but simply Roman. The empire was one and indivisible from Augustus to Irene, whether it was governed by Diocletian and Maximian, by Leo and Majorian, by Justinian, or by the Isaurian Leo. When old Rome was desolated by the Gothic war, new Rome became the centre of the world's affairs. Long after the fabled extinction of the empire in the west it was a living power to Gregory of Tours and his barbarian kings, and the distant Augustus of Constantinople was still a *dominus rerum humanarum*. Only the horror of Irene's crime enabled the westerns to set up a worthier successor of Constantine VI in their own mighty king of the Franks and Lombards.

With this conception of his subject our author traces its history through four eventful centuries from Arcadius to Irene, including the Teutonic conquest of the west, the recovery and loss of Italy and Africa, the wars of Heraclius with the Persians and the Saracens, and the regeneration of the empire by the iconoclasts—in a word, the whole transition from ancient to medieval society. It is no light undertaking which risks a contrast on almost every page with the stately periods of Gibbon, with Mr. Hodgkin's graceful narrative, or with the research of Felix Dahn. Mr. Bury, however, avoids direct comparison by taking the empire itself as his proper subject. Thus he disposes of the Gothic war in a few formal paragraphs, and gives full accounts of the obscure contests of Justinian on his eastern frontier, or of the wars of Maurice with the Avars. These are what seem to him the events of vital consequence to the empire; and in them, moreover, he breaks new ground, for Gibbon almost passed over the affairs of Colchis, and even Hopf blundered sadly over the strange Greek of Theophylactus Simocatta. Our author goes

his own way steadily and without enthusiasm, resisting temptations to 'Herodotean digressions,' but never warming to his splendid subject. His industry is great, his scholarship is good, and his command of Russian gives a special value to his discussions of Slavonic questions. On the Asiatic side he is not so well equipped. His account of the Saracen conquests is meagrely filled out from Weil; and when he comes to the Persian war of Anastasius he overlooks the Syriac chronicle of Joshua the Stylite, and even Professor Wright's translation of it.

Upon the whole it seems to us that Mr. Bury would have done his work better if he had been less afraid of the dry-bones school of historians, who preach so diligently that general ideas and careful writing are the ruin of history, that the wider aspects of events must be left to the romancers, and that Christianity in particular must not be touched without the tongs, though there is no great harm in a little mild speculation about pestilences. Our author never sinks below a decent mediocrity of language, but, with the fear of Mrs. Grundy before him, he never rises very much above it. He gives us plenty of straightforward narrative, discussions in abundance, and sometimes a little play of fancy, but hardly ever a luminous statement or a powerful summing up of an important question. Is it want of thought or want of self-confidence which so often limits him to commonplace remarks? We prefer to think it is the latter.

On one great question he has not made sure of his foundations. He seems never to have formed a clear idea of the meaning of Christianity and of the great moral revolution of the Nicene age. Thus his introductory chapters are the weakest part of the entire work. A closer study of the fourth century might have saved him not only from a generally superficial and perfunctory treatment of Christianity, but from definite errors like that of making the neoplatonic theology 'generically similar to Christian,' or (to instance a simple matter of fact) representing Constantius as 'enforcing the word ὁμοιούσιον in the formula,' (which formula?) Indeed, accuracy is not his strong point when he gets beyond his proper subject. Strange oversights or misprints are scattered about, as when Archbishop Thomas of Canterbury is invited to the council in 680. These last, however, are surface matters, and we must not make much of them. It is only due to Mr. Bury to say that he has found a real lacuna in our historical literature, and achieved no small measure of success in filling it. His subject is a difficult one, and he has not spared good work on it. The book needs and repays careful study as a whole, but a few miscellaneous points of interest may be mentioned here. Amongst the most noticeable are his unfavourable opinions of Stilicho and Tiberius II, his discussions of the Gaïnas crisis and the origin of the Themes, his history of the financial bureaux and of the official dignities generally, and his accounts of the passes of the Balkans and of the state of education and society in the iconoclast period. H. M. Gwatkin.

Untersuchungen zur Geschichte der byzantinischen Verwaltung in Italien (540–750). Von Ludo Moritz Hartmann. (Leipzig: Hirzel. 1889.)

The history of the Byzantine domination in Italy has of late years attracted the special attention of students, and certainly the subject is one worthy of minute study. The treatise now before us by Herr Hartmann

is a very careful survey of the organisation of the Byzantine government in Italy since the fall of the Gothic kingdom and during the Lombard period. The work, divided under four heads, examines first the position of the exarchs, and then one by one the systems of the civil, the military, and the financial administration. The chapter on the exarchs is very interesting. Following and corroborating the observations of Professor Calisse in his 'Governo dei Bizantini in Italia,' he rejects Narses from the series of the exarchs, but he does not agree with the Italian professor in believing that the first exarch may have been Longinus, and rather thinks that the series began with a Decius mentioned in a letter of Pope Pelagius II, A.D. 584. It is well, however, to observe that a French writer, M. Diehl, who simultaneously with Hartmann has been writing on this subject ('Études sur l'administration byzantine dans l'Exarchat de Ravenna'), infers from the same letter of Pelagius that the first of the exarchs was Baduarius, the son-in-law of Justin II. However this particular point may be, the history of each of the exarchs, gathered diligently by Hartmann from all available sources, and his observations on their authority and position in the government, will be of great use to all future historians of the period. The chapter on the civil officers ('Die Civilbeamten') deals with the civil administration of Italy, the attributions of the various magistrates, their relations with the provinces and the municipalities, and with the church, whose political influence was continually increasing and in many cases superseding the civil authority. This latter authority was also diminished by the encroachments of the military element, to which is devoted another chapter of the book ('Das Militär'). The necessity of garrisoning the most important places gave origin to military districts on the borders near the Alps, at Ravenna, at Rome, and elsewhere in central and south Italy. Besides, the exarch at Ravenna was at the head of a special army, ready for the many emergencies which occurred owing to the chronic state of war through which the Byzantine domination lived its life in Italy. The consequence of this perpetual state of war was an ever-increasing power of the military element, which in many cases transformed itself into a sort of military feudalism. But the most important part of this short treatise seems to us to be found in the chapter devoted to the financial administration (*Finanzverwaltung*), which gives a very clear insight into the sad state of the economical conditions of Italy at that period. With extreme care the author goes over the various possessions and resources of the state, and deals with the nature and the use of the impositions. The horrible oppression of the country under Byzantine fiscalism comes out only the more vividly in these pages because the author does not attempt to generalise about it, but contents himself by presenting mere solid facts in a dry and concise way. This dryness is, indeed, the chief complaint one feels inclined to make against this book, which in that respect is in contrast with the work of M. Diehl, more brilliant though equally careful and diligent. But perhaps while the plan chosen by Herr Hartmann rendered this dryness unavoidable, it has nevertheless many advantages in its great simplicity and in an objective accumulation of facts which it would have been difficult to obtain under a different system.

UGO BALZANI.

Il Regesto di Farfa di Gregorio da Catino. Pubblicato da I. Giorgi e U. Balzani. Vol. II, III, IV. Roma: Presso la Società Romana di Storia Patria. (1879, 1883, 1888.)

Regesto Sublacense dell' undecimo secolo. Pubblicato da L. Allodi e G. Leva. Roma: Presso la Società Romana di Storia Patria. (1885.)

The Società Romana di Storia Patria has set a splendid example to other societies in its Biblioteca or series of collections of documents, of which the first four lie before us; and though they have reached us somewhat late, it is not too late to give a short account of their contents and importance.

The register of the monastery of Santa Maria at Farfa in the Sabine territory was transcribed from the archives of the house by Gregorio da Catino at the end of the eleventh century. He gave his work the fanciful title of *Liber gemniagraphus sive cleronomialis Ecclesiae Farfensis.* The register will be completed in one volume more, with the exception of some preliminary matter, including three indexes, which, together with the editor's introduction, is reserved for publication in the first volume. Many of the documents in the collection have already been printed by Muratori and others. But if its interest has been in this way in some part forestalled, it was not the less desirable to have the entire text published at length; for it is only in a complete edition that we can follow the history of the abbey and of its territorial possessions in detail, while for diplomatic study such a text, showing the variations of legal formulae, &c., from time to time, is absolutely indispensable. In view of the importance for critical purposes of an exact reproduction of the original, the editors, Signor Giorgi and Count Ugo Balzani, have made no changes in the orthography of the manuscript, with the single exception of the punctuation, in regard to which they have rightly considered that some concession should be made to the convenience of readers. We cannot help feeling that they would have done well to make the further concession of printing proper names with capital initials, a plan which would have greatly lightened the labour of finding one's way through a mass of a thousand documents. But their principle that the first edition of a codex should present a diplomatic text deserves respect. Even obvious mistakes are corrected only in footnotes; the peculiarities of the manuscript are faithfully reproduced, and the monograms of the signatories are given in facsimile.

The trustworthiness of Gregorio da Catino's work justifies the fidelity of his editors. It was pointed out by Brunner in the 'Mittheilungen des Instituts fur österreichische Geschichtsforschung,' vol. ii., that the register accurately reflects some of the distinctive criteria which are known from original charters of the time. For instance, the *completio* is absent from older Italian charters, the so-called 'Beneventine' type, which might or might not have a *subscriptio*, prevailing. By degrees, however, the Lombard formula, 'complevi et dedi,' or the like, came into use. In the Farfa charters it first makes its appearance in 757 (doc. 40, vol. ii. 48), the earlier documents having no *completio*; while in Roman documents we find the Roman formula 'complevi et absolvi' (e.g. doc. 511, vol. iii. 223). All the critical evidence of this sort bears out the truth of Gregorio's profession, in his preface (vol. ii. 6), that he copied honestly what he had before him and wittingly neither added nor omitted anything. On the other

hand it is clear that some of the documents which he transcribed were either in a bad state of preservation, or else were not originals but inaccurate copies. A striking example occurs in document 405 (vol. iii. 114), where a charter of the empress Theophania (Theophano) is assigned to 'Theofanius gratia divina imperator augustus' and embellished with the effigy of an emperor with a beard. In another case (doc. 342, vol. iii. 45) the name of the emperor Berengar was accidentally omitted in the formula 'anno imperii domini imperatoris in Christo V,' and so slight was the knowledge of those days preserved in the time of the copyist that he set down an imaginary emperor 'Imperius' under the year 916 in his chronological list (vol. ii. 15). Even so late as 1028 a variety in the writing of the emperor Conrad's name (doc. 731, vol. iv. 136) misled him into the invention of an emperor Conon (vol. ii. 18).[1] Nevertheless the value of Gregorio's transcripts is unique, since not one of the originals is now known to exist. When Bethmann visited Farfa in 1853, he found there none earlier than the twelfth century ('Mon. Germ. Hist.' Scr. xi. 520); and Gregorio's register itself, after having been carried off to France, was restored, not to the monastery, but to the Vatican library.

The history of the abbey of Farfa is well known from the narrative entitled 'Constructio Farfensis,' which runs as far as 857, and its continuation the 'Destructio Monasterii Farfensis' written by Abbot Hugh early in the eleventh century. From these we learn the steps by which, chiefly through the lavish grants of the Carolingian sovereigns, Farfa became one of the richest religious houses in Italy. Its wealth naturally exposed it to the attacks of the Arabs in the unsettled time that followed; and at length the monks were driven to abandon their home and scatter themselves in new quarters. On their return we have that most curious picture of monastic life in the tenth century, drawn by Abbot Hugh in the 'Destructio,' when two of the monks murdered the abbot and divided the property of the house between them, each (it seems) ranking as abbot. They lived all the while as married men, *nuptialiter*, and endowed their families out of the plunder of the monastery. Soon a third rival was introduced in the person of Sarilo or Serlio, of whom Liudprand tells us ('Antapod.' v. 8) that he acquired the marquisate of Spoleto from Anscar in 940; afterwards, adds the 'Destructio' (xi.), when King Hugh appeared on the scene, Sarilo, seeing his cause hopeless, put on the guise of a monk and sought the king's mercy. He was then, after King Hugh's manner, set over all the abbeys in the march of Fermo. Accordingly he is placed in the list of abbots of Farfa, which had considerable possessions near Fermo, under the year 943 (Reg. ii. 16, cf. 'M. G. H.,' Scr. xi. 537 note); and the singularity of his position, which on all accounts was not long maintained, may excuse Gregory for placing him in the Register itself a quarter of a century too late (vol. iii. 96). In this time of confusion, the senator Alberic attempted to put an end to the scandalous state of things at Farfa by the appointment of another abbot, Dagibert, who after some years was poisoned. His successor, Adam, also sent from Rome, yielded to the social conditions which he found in the monastery, and adopted all its vices. When he died, the abbey remained for a time with-

[1] This form of the name is well known; *e.g.* Ruotger regularly calls Conrad the Red 'Cuono' (*Vit. Brun.* xix. xxiv.)

out a head. The monks, who had taken to themselves wives, lived in country houses round the monastery, only visiting it in order to attend mass on Sundays and carry off plunder. They even pulled down their rooms in the building, so as to escape being compelled to return to monastic life.

One naturally looks into the Register for traces of these astonishing excesses. The time of peril from the Arabs is marked by a total absence of documents between 898 and 920.[2] Henceforward the charters of gift and, more commonly, of exchange are numerous. The felon abbot Campo (from about 936) appears doing business in decorous fashion, and with strict regard to established usages. The proper officers are present to authenticate the transaction, and the consent of the monks is invariably recorded. If we pass over a possible case of misdoing in the grant of a life-interest in certain lands in 947 for a sum of money paid down (doc. 354, vol. iii. 56), there is no symptom of any irregularity in the administration of the monastic property. We read nothing of grants to the abbots' children, nothing of benefactions to Campo's son-in-law, the Jew Azo; whatever was done in this way—and the testimony of Abbot Hugh is positive on the point—has no record among the deeds of the monastery. At last, about 939 (for the chronological order of the documents is often disturbed, sometimes for a whole series of documents), we have an account of the treasures stolen and carried away by Campo's colleague Hildebrand, who had a separate establishment near Fermo. The list, which has already been printed by Bethmann ('M. G. H.,' Scr. xi. 536 note), is a curious one, and includes *sigilla duo de auro que miserunt Karolus et Pipinus filius eius in uno praecepto*, not to speak of several commentaries on the Bible, a history of the Lombards, and other books (doc. 379, vol. iii. 84). The following document lets out the true state of things: *Interea in huius regimine monasterii apud Marchiam flagitiosus et tyrannus atque dissipator bonorum coenobii alter praeerat abbas Hildeprandus, divisus a prescripto malivolo Campone, plurimarum rerum monasterii distractore earumque iniquo concambiatore, ac paucorum bonorum pigro acquisitore, multorum etiam consanguineis largitore.* Whence it is evident that the preceding charters were industriously selected, and no record left standing of the more compromising transactions. Nor is it less significant of the state of confusion in which the rule of the abbey lay that two gifts of the years 941 and 951 are made not to any abbot by name, according to the uniform practice, excepting during a vacancy, but in general terms to the monastery (No. 387, 385, vol. iii. 90, 88). In the chronological list prefixed to the Register, the name of abbot Dagibert is found under the year 948, but no successor is mentioned until 966, the intervening abbot Adam being omitted. The charters, however, if correctly dated, show that Dagibert held office at least from 947 to 952, and Adam then makes his appearance from 953 onwards. Meanwhile the old profligate, Campo, goes on making and receiving grants imperturbably until 962. When Adam died, the pope sent a new abbot, John, who found that Hildebrand at Fermo was disposed to claim the reversion of the entire abbacy for him-

[2] One document (372, vol. iii. 79), we may note, is assigned to this latter year by an evident mistake, since then neither was Stephen VIII pope nor Campo abbot. Apparently the year should be 940.

self and it was not until the two claimants—Hildebrand, it is said ('Destr. Mon. Farf.' xiii.) accompanied by his wife—made their suit before Otto the Great at Ravenna in 971, that John obtained undisputed possession of his office (doc. 395, vol. iii. 97). The unity thus restored lasted only for a time; for John, cleaving to the manners of his predecessors, was superseded, and the new abbot settled the dispute by a division of the conventual property ('Destr.' xiv.) This rival abbot finds no place, however, in the Register, and it is evident that the public opinion of the monastery supported the wicked John, who was finally re-established in 996 (doc. 413, vol. iii. 123). Two years later, with the accession of Hugh, the author of the 'Destructio' as well as of some, probably, of the notices incorporated in the Register, the real revival of the abbey began; it continued through the days of Gregorio da Catino until the thirteenth century, and fell with the empire, of which for all its time of prosperity it had been a devoted supporter. Yet Abbot Hugh himself did not obtain his dignity without some trouble; he was charged with usurping the abbacy without the emperor's leave, and in fact with having bought it from the pope; and he had to be solemnly pardoned, and his appointment confirmed by Otto III (doc. 700, vol. iv. 102).

The documents in the Farfa Register, extending as they do from 705 to 1069, are of various characters at different times. One element, however, is constant, namely, the noble and unmatched series of imperial diplomas that run from Charles the Great to Henry IV, in continuation of those of the Lombard kings and the dukes of Spoleto. Of the earlier documents in the collection nearly all are grants or transfers of land, notarial reports of actions regarding property being few in number; but after the long period of misrule in the middle of the tenth century such claims naturally arose, and from about 981 they gradually increase in number until the reports of them fill the greater part of the Register during the last years of the century and the beginning of the next. In these the monastery seems regularly to win its case. When the abbey has again settled down in quietness, the grants of land resume their preponderance. In 1018 we find an isolated example of a gift of books (doc. 514, vol. iii. 225). The accessions of abbots are noted simply with their names and numbers until we reach 1048, when the last abbot mentioned receives a biographical panegyric with the documentary record of his election (vol. iv. 209 ff). The grants furnish abundant specimens of the varieties of conveyance under Roman, Lombard, and Frankish law (e.g. doc. 348, 403), and the notarial minutes illustrate these varieties more particularly in the forms of legal procedure. Thus in doc. 426 (vol. iii. 137 ff.) the abbot claims Lombard law in a case tried by Otto III and Gregory V in 998, in which the conflict of laws comes out in a very interesting way.

In a work of the magnitude of the Farfa Register it is impossible in a short review to deal with more than a fragment. In the 'Tusculan' period of the papacy there are many documents that invite attention, and throw light on the doings of the Crescentius family. In a document of the year 1014 (No. 492, vol. iii. 201) Benedict VIII (whose accession, by the way, is fixed precisely to 21 May, instead of the end of June or even July, 1012, in a learned note, vol. iv. 34) signs his name 'Teophilactus

qui Benedictus papa vocor,' and elsewhere attempts to write the first word in Greek letters (doc. 502, 639, vol. iii. 212, iv. 38). It is not generally known that this pope bore the same name (or surname) as his nephew Benedict IX.[3] In a document of 1036 (566, vol. iii. 273) a capitulary of Pippin is assigned to his father Charles the Great, and quoted in a largely extended sense. References to the 'Edictus Langobardorum,' of which there are some instances in the earlier charters, become frequent in deeds from about 1022 onwards (e.g. doc. 721, 734, 735, 736). A peculiar measure, the perch of ten feet, *ad pedem cubitalem qui dicitur Liutprandi regis*, is mentioned in document 745 (vol. iv. 154); but the glossarial interest of the Register would require a volume for adequate treatment. The personal names are not less deserving of examination, and some of the titles are curious, as when 'Demetrius grammaticus' and 'Petrus grammaticus' appear as landholders (doc. 378, 499, vol. iii. 83, 207). The value of the notices for the local history not only of the country districts of middle Italy, but also of the city of Rome, great as it indisputably must be, is such as can only be appraised by an Italian topographer working on the spot. It is sufficient if we have here merely indicated the characteristics which give to the Farfa Register its exceptional importance, an importance which has its recognition in the magnificent and almost faultless form in which it is printed by F. Vigo of Leghorn and in the scholarly devotion of its editors. Without an actual collation with the manuscript it is impossible to speak with confidence of the correctness of the edition; but such tests as we can apply—for instance, in checking a large number of the chronological data presented by the text with the editors' notes—have led us to form a high opinion of its accuracy and trustworthiness.

The length to which these remarks on the Farfa Register have extended precludes us from more than briefly mentioning the other work of which the title is placed at the head of this notice. The Subiaco Register was written a little earlier than the Farfa book, probably during the pontificate of Alexander II or of Gregory VII. The documents are arranged in no sort of order, but the editors have prefixed a chronological table. The earliest document is probably of the date of 758; the last that of 1064. Some documents belonging to the twelfth century, and one of the thirteenth, with two early ones, are inserted in later hands, and form no part of the original Register as compiled by the unknown monk of the eleventh century. The value of the work, which was issued in 1885, has long been acknowledged by scholars, and the labours of the editors, Signori Allodi and Levi, have been duly estimated. The indexes of names and places and the glossary add greatly to the usefulness of the edition. We may also call attention to the 'bibliografia' at the end of the preface containing a list of the documents which have already found their way into print in various books and collections. A similar list will no doubt appear in the Farfa register when it is finished; but in both works it would have been more convenient to have specified the fact of a document having been published in a footnote to this particular document as well.

REGINALD L. POOLE.

[3] The fact, however, is noticed, and the Farfa document cited by Gregorovius, *Geschichte der Stadt Rom*, ii. 16, n. 1.

Select Pleas in Manorial and other Seignorial Courts. Vol. I. Edited for the Selden Society by F. W. Maitland. (London: Bernard Quaritch, 1888.)

It is always a pleasure to review Professor Maitland's work. One is sure to meet in it either new facts, or at least old facts presented in a novel light. In the volume before us the conclusions he arrives at are as original as they are important; and the evidence on which they are based is effectively and skilfully marshalled.

Perhaps the theory of most interest to historical students here advanced is the contention that the leet jury, which has been held by our greatest authority to bear 'every mark of the utmost antiquity,' had its origin in seignorial usurpation favoured by an accidental confusion. The jury of presentment, he holds, originates in the assize of Clarendon; and, becoming 'implicated' with the pre-existent view of frankpledge, in the great half-yearly hundred court, it assumed the form we meet with in the sheriff's towon. This sheriff's towon was then, he suggests, imitated by those lords who enjoyed views of frankpledge, and who endeavoured to develop their 'capital pledges' into the jury of presentment that we are familiar with in the court leet. Of course, so revolutionary a view as this can only, as the writer observes, be 'put forward tentatively,' for the links in the chain of evidence are, and must be, to some extent, hypothetical. But, where all is so obscure, one can but say that the theory of antiquity is as difficult to establish as the theory of confusion. It would surely help us to clear the ground if we could decide what the word 'leet' (*leta*) originally meant, and how it came to be identified with the *curia visus franci plegii.* I have found instances of the use of the word a century earlier than the first known to Mr. Maitland; for it occurs even under William I; but the elaborate note devoted to the subject in the present volume fails to decide either the origin or early meaning of the term. All that seems clear is that it can be traced to East Anglia; and if the word 'trilinguum,' which I have met with (in the sense of a jurisdiction) at an early date, be equivalent to the A.S. *threóra gelǽtu* it may possibly place us on the right track.

Of the various courts whose rolls are selected for his purpose, the first are those of some manors held by the Abbey of Bec, which commence in 1246. The next is the court of the Abbot of Ramsey, held at Broughton in Huntingdonshire, its rolls belonging to the years 1258 and 1293–5. On the existence and character of this court great stress is laid by the writer, who insists that 'no stretch of language will enable us to call the court of Broughton the court of a manor—it is the court of a great fief.' The importance of this contention lies in its opposition to the accepted maxim that 'the so-called court of an honour was nothing but an aggregate of manorial courts.' This latter view would reduce the honorial jurisdiction to a mere development of the manorial principle. Broadly speaking, the evidence at present available on the subject tends to suggest that the court of an honour had its origin in the feudal principle, and was of alien introduction. If it was thus, indeed, an exotic institution, we can understand why it failed to flourish on English soil, or to hold its own against the royal jurisdiction on the one hand, and the manorial principle on

the other. The Broughton court was clearly, from the rolls here printed, a weak one. Its meetings—held, it would seem, in imitation of those of the hundred — were but poorly attended; and its chief business appears to have been matters connected with feudal tenure and military service. Unfortunately its rolls fail to throw upon the latter subject as much light as could be wished, because the Ramsey Abbey fief had retained a corporate liability for its service instead of being cut up, as was the usual practice, into distinct knight's fees.

The next rolls quoted from are those of the same abbey's manorial courts *temp.* Edward I. These, like those of the Bec manors, are of extreme interest to the student of the village community and its life; but their importance for institutional purposes is less than those belonging to the manor of King's Ripton, by which they are followed. Ripton was a manor (or member of a manor) on ancient demesne. Hence its tenants, after its transfer to the abbey, were constantly at strife with their new lords as to the services due from their holdings. Professor Maitland quotes at length the instructive pleadings from one of these suits, under Edward I, in which the tenants failed to make good their pretensions. This, however, did not discourage them, for, as the writer observes, 'the privileged nature of the tenure had engendered a privileged race, very tenacious of its land and of its customs.' The three-weekly courts of Ripton were among the points in which it differed from the surrounding manors, and the whole character of the manor may serve to remind us of the peculiar, and in many ways superior, position of tenants on Ancient Demesne.

The court rolls of the Fair of St. Ives (p. 275), though 'in no sense manorial,' are, happily, included in Professor Maitland's scheme, on the plea that the court was 'seignorial;' for, as he urges, 'there are few documents which give so much detailed information about the commercial law and commercial morals of the thirteenth century.' The extracts, however, here given are confined, of necessity, to those entries which illustrate the 'lex mercatoria.' In an admirable introduction to these extracts, Professor Maitland discusses the nature and growth of the 'law merchant' as distinguished from the common law, touching on such matters as contractual obligations, the tally, the 'God's penny,' and the whole scheme of 'private international law.' His remarks on the *communitas* in its trading, contrasted with its municipal aspect, are most suggestive, and the idea of 'a tacit guarantee for the trading debts of one's fellow townsmen' is deserving of careful study.

The remaining rolls quoted from in this volume are those of the Battle Abbey manor of Brightwaltham, and of the abbess of Romsey's courts for the hundred of Wherwelsdown and the manor of Ashton in Wiltshire. The 'apparatus' of this book is as perfect as in the writer's previous works, and it is impossible to praise too highly the combination of minute labour with breadth of view, which are the essential qualifications for editing such records, and which distinguish so conspicuously this admirable volume.

J. H. Round.

Papers of the American Society of Church History. Vol. I. (New York and London: 1889.)

Etudes de critique et d'histoire par les membres de la Section des Sciences Religieuses. Vol. I. (*Bibliothèque de l'Ecole des Hautes Etudes.*) (Paris: 1889.)

THESE two works, widely as they differ in character and in style, are alike in being the outcome of recent efforts towards an organised, scientific, and impartial examination of the history of religious thought and life. The new American society aims, as the president (Dr. Schaff) set forth in his opening address, at 'cultivating church history as a science, in an unsectarian, catholic spirit;' and the object of the *Section des Etudes Religieuses*, as it is clearly and ably explained in the introduction to this volume by M. Albert Réville, is to examine the various fields comprised without any efforts at iconoclasm or propaganda, men of all religions being admitted as teachers *à la seule condition de reconnaître le principe de l'autonomie de la science historique et critique.* Whether, both in France and in America, there may not be some hindrances (of widely different character in the two countries) to the investigation of some at least of the problems of church history in a perfectly white light, may be doubted by the reader of both publications—yet the experiments are none the less welcome.

It is, however, hardly fair to compare the American with the French publication, seeing that the latter represents the labours of specialists and is designed for students, whereas the former, though for the most part the work of professors of ecclesiastical history, is addressed to a wider audience. 'The sessions were attended to a gratifying extent by the Washington public.' It may, however, be permitted to regret that this appeal to the public precludes a more thorough and scholarly investigation of some of the problems under discussion, while the nature and objects of the society are not such as to encourage a really popular and attractive style. In Dr. Schaff's paper on the progress of religious freedom there is not much that is new to most students of history, and the general view taken leaves an impression that any other relations between church and state than those which prevail in America are not only faulty but vicious. To call Mary Tudor 'bloody Mary,' Pius IX 'the first infallible pope,' and Madame de Maintenon the 'last mistress' of Louis XIV, are perhaps errors both of taste and of judgment in a work of this kind. Dr. Lea's study of indulgences in Spain is introduced by a reference to a recent discussion in Boston, which 'gives a momentary practical influence to the historical questions involved in it,' although the paper itself is a piece of scholarly research. Dr. Moffat, in his essay on 'A Crisis in the Middle Ages,' views the Canossa incident in an anti-papal light, and without a clear historical appreciation of all the circumstances. Dr. Scott's 'Notes on Syncretism,' in which he examines Alexandrian influences modifying early Christian belief, seems to identify too closely the original Pauline theology with the Paulinism of the reformation. Dr. Foster's paper on Melanchthon's Synergism is an interesting study of the growth of that reformer's opinions. Dr. Richardson's 'Influence of the Golden Legend on Pre-

Reformation Culture History' points the way to an interesting field of investigation, though without an inquiry into the sources of the Golden Legend we should feel doubtful how far to attribute the various legendary growths to the direct influence of that collection of stories.

The *Section des Sciences Religieuses* embraces many distant fields, but the breadth of mind, power of organisation, and respect for thoroughness which distinguish the president, Mr. Albert Réville, ensure that the work in each department shall be good of its kind, and it is very gratifying to hear that as many as 120 eager and disinterested young Frenchmen have followed the courses, which comprise, besides the lectures here published, classes for the systematic study of the sacred literature of various peoples. The least satisfactory part of the work, perhaps, is that relating to New Testament criticism, since, in his paper on the Conversion of St. Paul, the late M. Havet, apparently from an exaggerated dread of seeming to favour supernaturalism, launches some rather wild hypotheses, which he does not attempt to prove. No such charge can be brought against M. Sabatier's interesting examination of the relations between the Pauline epistles and the Acts of the Apostles. M. Maurice Vernes' paper on the Ancient Populations of Palestine seems to be a useful contribution to Old Testament criticism and history. There are papers on various points in Indian, Chinese, Egyptian, and Arabian religions, one on Rabbinical systems, two on early Christianity (on the early uses of the word *sacramentum*, and on the position of widows in the primitive church); also an interesting article by M. Picavet, on the origin of the scholastic philosophy in France and Germany, in which he vindicates Alcuin against his recent detractors, and shows the importance of Neo-Platonic influence as compared with that of Aristotle on mediæval thought. But perhaps the most important essays are that of M. Esmein on Yvo of Chartres, and his attitude towards the question of investitures—a study which incidentally throws a good deal of light on the whole course of the investiture controversy in France—and that of M. Massebieau on the classification of the works of Philo. The chief object of this paper is to show that '*si notre auteur avait l'âme mystique, c'était un esprit lucide,*' whereas the clue to his system has been lost by uncritical editing. Especially the Allegorical Commentary should be regarded 'not as a quarry, but as a building.'

Some of these writers are well acquainted with the works of English scholars M. Albert Réville pays a respectful homage to Professor Max Müller, and M. Sabatier refers to Doctors Westcott and Hort. Both the results obtained and the vastness of the field yet unoccupied make us inclined to wish that we had a *section des Etudes Religieuses* here in England, where our atmosphere is less polemical than that of America, and possibly more favourable to religious criticism than that of France.

ALICE GARDNER.

Essai sur la Géographie Féodale de la Bretagne, avec la carte des Fiefs et Seigneuries de cette Province. Par ARTHUR DE LA BORDERIE, Correspondant de l'Institut. (Rennes: J. Plihon et Hervé. 1889.)

THIS last monograph of M. de la Borderie is not the least valuable or elaborate of his many notable contributions to the history of Brittany.

Historic geography has not been studied with much result by French *savants*. Only one important work on the subject has appeared for many years—M. Auguste Longnon's 'Géographie de la Gaule au VIe Siècle'—for M. Houzé's somewhat pretentious atlas is unsatisfactory and disappointing. And yet, considering how impossible it is for us to understand our own relations with France, our quarrels and wars, which sprang out of English claims upon the French provinces, it is not a little curious how vague is our knowledge, for the most part, of the actual geographical limits of the territories whose names are household words. The truth is that the boundaries of the provinces were continually changing more or less according as vassal or overlord gained either upon the other. The building up of the great duchy of Normandy is a typical instance.

It is at the beginning of the ninth century that we first hear much of Brittany. Nominoë may be said to have united the independent chieftains under one head and succeeded in consolidating his rule over them. The persistent aggressions of Charles the Bald served to keep up this union, but the tragic fate of Herispoë and the successful revolt of Solomon suggest the probability that the bond which kept the Armoricans together would not have borne too long a strain. The ravages of the Danes in the peninsula must have been frightful. The Celtic people, who had been settled for ages westward of a line between the Couesnon and the Loire, appear to have been divided into a number of tribes or septs, each with its hereditary chief. The district which each of these tribes occupied had the semblance of a civil and ecclesiastical organisation. The *plou* was the term by which the tribal community, and the land belonging to it, was designated (compare *Plou-balay*, *Plou-harnel*, *Plou-gastel*, *Plou-agat*, &c.) The chieftain was called the *machtiern*. The struggle with the Northmen must have been exceptionally obstinate and bloody. Not only monasteries and churches but all the leaders of the people, the *machtierns*, were swept away. Only hideous confusion and obliteration of every landmark and institution ensued. Alain Barbe-Torte—he who took refuge for a while with our Althelstan—was the Breton hero who gave new life and new hope to his people. Somehow he swept the terrible Northmen from his duchy, and from the year 938, says M. de la Borderie, an era of reconstruction began. The tribal system came to an end and was replaced by all the machinery of feudalism—commendation, vassalage, fiefs, military service, suit of court, fealty, homage, and the rest. It was the price the Bretons paid for riddance from the vikings, who came to harry and slay. If any man has a right to hold a theory of this kind, it is M. de la Borderie; but we are most of us inclined to be sceptical when asked to believe that a constitutional and social revolution such as is here postulated could have been carried out by legislative enactment or anything like it. If it be true that the old tribal communities broke up in Brittany and a new *régime* came in their place, resulting in the general substitution of tenure by military service and the bringing in of all those ample relations which the 'feudal system' implies, it is difficult to believe that this could have been arrived at in any other way than by the slow process of growth and development; difficult to believe that it could have been brought about in a generation or a century; and in this instance the evidence is wanting.

On the other hand when we come to the thirteenth century we

certainly find Brittany divided into eight great *fiefs*, designated as *baillies* (bailiwicks), held of the dukes of Brittany by the ordinary feudal services; and that the famous 'Livre des Ostz' not only sets forth in detail these services due to Duke Jean II in the year 1294, but shows unmistakably that such services had been claimed and rendered from a long time back. The question is, How far back? As a statistical record the 'Livre des Ostz' may be compared with the manorial *extents* of the same age which are to be met with among ourselves, and with the famous ancient *polyptics*, of which the most important and valuable is that of the Abbey of St. Germain des Prés, published by M. Guérard in 1844. The value of M. de la Borderie's map of medieval Brittany, however, does not depend upon the soundness of his theory as to the social condition of the province anterior to the coming of the Northmen and the consequences of the ravages by the pirate bands. It is the result of a laborious study of all available sources of information on the territorial divisions of the duchy; and the *picture* we get of the breaking up of the great *baillies* into smaller lordships and of the commanding position of the territory retained in the hands of the dukes of Brittany is very striking. Thus in the *baillie* of Vannes almost the whole of the seaboard was included in the ducal domain between the Vilaine and the Blavet, the district having been wrested from the formidable Rivallon, who was compelled to exchange it for the distant barony of Vitré. The same policy is observable in the dukes keeping their hold jealously upon the coast in the west and north from Brest as far as Tréguier, and the eventual absorption of the *vicomté* of Dinan (in 1265) and the gaining thereby the command of the left bank of the Rance. It is clear that the plan of separating the more formidable vassals by giving them neighbours on this side and on that who would be jealous of them, and unwilling to submit to their dictation or co-operate with them in revolt against their overlord, commended itself to every sagacious suzerain who hoped to preserve any sway over his vassals, and equally clear that the quasi independence of these same vassals made them much more difficult to deal with when in conflict with a foreign invader than they would have been if centralisation had been carried to the point which it has reached in our own time.

M. de la Borderie's essay is divided into two parts. In the first he endeavours to trace the origin of the great lordships of Brittany in the eleventh and twelfth centuries. In the second he gives us some account of all the principal *fiefs* of the duchy in the thirteenth century, such account being based upon the 'Livre des Ostz,' supported and illustrated by the evidences furnished in the great works of Lobineau and Morice, and further supported by documents still existing in the archives of the department of la Loire-Inférieure. The value of such a monograph as this must be obvious to all students, and the more so because as yet little or nothing has been attempted to clear up the feudal geography of France. And yet, as the learned author says, *si l'on ne sait pas ce que c'est que le Porhoët, les baronies de Fougères, de Combour, de Dinan, de Bécherel, comment comprendre, au xiie siècle, la lutte d'Henri II Plantagenet contre Eudon de Porhoët et ses alliés? Si l'on ne connaît les comtés de Penthièvre et de Tréguier, comment se rendre compte de la guerre de Bretagne du xive siècle, où le premier rôle est tenu par Jean*

de Penthièvre ? Si l'on ignore la force et la situation des diverses seigneuries accumulées vers 1480 *dans la main du maréchal de Rieux, comment s'expliquer le rôle prépondérant de ce personnage dans les événements du règne d'Anne de Bretagne ? Et ainsi de suite.*

M. de la Borderie modestly calls his map a mere sketch map, on which he intends to work hereafter. As a specimen of chartography it is not, perhaps, all that could be wished. What we feel most on examining it is the want of any delineation of the physical features of the province. Even the rivers are laid down indistinctly, and one has to work out the hills and valleys for oneself. M. de la Borderie is, however, quite aware of the draughtsman's deficiencies. But what was he to do ? There were people at Rennes who could draw maps and print them. Should a Breton travel out of his own borders when a thing could be done at home ? *En province on fait ce qu'on peut,* he says, and there is something magnanimous about his loyalty. AUGUSTUS JESSOPP

Year-Books of the Reign of King Edward III—Years 14 *and* 15. Edited and translated by LUKE OWEN PIKE. (London: Published under the direction of the Master of the Rolls. 1889.)

MR. PIKE is still engaged in filling up the gap which occurs in the old printed editions of the year-books between the tenth and twentieth years of Edward III. This is his fifth volume, and covers the Michaelmas term of the fourteenth year and the Hilary term of the fifteenth. At this rate it will be some time before the gap is completely filled, and there are several other important gaps that require filling; in particular the whole reign of Richard II is as yet unrepresented. If reports exist for every term of that reign, they will apparently fill some forty volumes such as the present, and many of us will have to be content to leave this world without having read them. But we make no complaint; for certainly whatever is to be done for the year-books should be done thoroughly and once for all; and now that most of our chronicles have been edited the law reports and monastic cartularies have strong claims upon such funds as can be devoted to them. It may be hoped that those who have the disposal of such funds will not grow weary of well-doing; they should remember that law reports and cartularies will only begin to bear their best fruits when large numbers of them are well edited and easily accessible. If, for example, the history of English land law is ever to be fully written, it is of the utmost importance that the writer should have within easy reach great quantities of charters coming from every part of the country. There are hardly any books in the Rolls series which in the long run will do more good than the History of Abingdon and the Gloucester and Ramsey Cartularies; and though the Surtees Society has been providing nobly for the north of England by publishing the cartularies of Rievaulx and of Whitby, still if ever we are to know the law of the twelfth century we must have many similar books in print. And the same must be said about the year-books. A single year-book is of itself of no great value; a long line of year-books edited as Mr. Pike can edit them will be of inestimable value, especially if it be accompanied by such a digest as Mr. Pike could make. Especially is this true of the books

coming from the middle of the fourteenth century. So far as private law is concerned—and of public law we hear very little—it is a quiet and unexciting time, not so brilliant as the thirteenth century, not so brilliant as the fifteenth. The law has got itself involved in the perplexing meshwork of the forms of action; the time is past when judges could openly and avowedly invent new forms; the time has not yet come when they will exercise their ingenuity to evade the old restraints. And yet the law is growing, though slowly and unobtrusively; it would be difficult to mistake a page out of the reports of 1340 for a page out of the reports of 1300. But, in order that the measure of this growth may be taken, many volumes such as the present will be necessary, and when Mr. Pike has come to the twentieth year he will, it may be hoped, pause and give us a digest of all the cases decided in the past ten years.

On the present occasion he is somewhat more fortunate in his materials than he has hitherto been, for he has to report a striking and picturesque case, and one which is of considerable importance in the general history of England—the trial, namely, of Sir Richard Willoughby, one of those judges whom Edward on his sudden return from France in the autumn of 1350 deposed and imprisoned. The charges against him seem to have been of a very vague kind; he had sold the laws of the realm as if they were cattle; he had taken bribes; and apparently he had suffered juries to be empannelled which were not sufficiently favourable to the prosecutors. On the whole Mr. Pike has found nothing which will tend to mitigate the judgment that has been generally pronounced on the headstrong folly of Edward's proceedings. In an excellent introduction he discusses what we may call the legal phenomena of the great crisis.

F. W. MAITLAND.

Calendar of Wills, Court of Husting, London. By REGINALD R. SHARPE, D.C.L. of St. John's College, Oxford, Records Clerk in the Office of the Town Clerk of London. (Printed for the Corporation, 1889.)

THIS volume contains the first part of a calendar of the wills preserved among the archives of the corporation of the City of London at the Guildhall. The earliest will here summarised dates from 1258, and the volume ends with the year 1358. The rest of the series, which comes down to 1688, will be comprised in the second volume, on which Dr. Sharpe is now engaged. The historical importance of the work cannot be overrated, the more so, as Dr. Sharpe reminds us that there is no such collection of wills extant elsewhere. In the 'Ninth Report of the Historical Manuscripts Commission,' Mr. Maxwell Lyte calendared a large number of citizens' wills preserved in the library of the Dean and Chapter of St. Paul's. Some of these appear also in Dr. Sharpe's volume, but a great majority of the Guildhall collection will be found entirely new. One of those at St. Paul's is dated 1226, and is therefore earlier than any at the Guildhall; but this is the sole exception, and the next in order is dated 1271. But Dr. Sharpe has here calendared some two score made before this latter year.

The early wills are of course the most interesting. Mr. Lyte, though he mentions Philip 'de St. Mary ecclesia,' treasurer of St. Paul's, whose

will is the oldest in the cathedral library, gives us only the name. Dr. Sharpe begins with Henry 'le Huphelder,' whose will was proved before the husting court on 25 Jan. 1259, or, as it was under the old style, 1258. Henry leaves everything he has to Erneburga, his wife, in trust to pay his debts and give the rest to pious uses. The first local name mentioned is 'Fridaistrate' by William Eswy, mercer, and the second 'Distavelane' by John Randulf, both in the same year, 1259. A little further on we come to 'Godronelane,' 'Westchep,' 'Kyroune Lane,' and 'Billingesgate'; and Nicholas Bat, in 1259, mentions Ludgate and the 'Flete bridge.' Bat was, of course, the alderman of that name, who was mayor in 1253, and who seems to have had great possessions. He was probably son of Gerard Bat, mayor in 1240. The opening of the Fleet bridge was a very important event in the history of London, and greatly increased the importance of what had previously been, as indeed the name 'Ludgate' (A.S. Ludgeat: see Bosworth) denotes, a mere postern. True, neither then nor for several centuries later was there any road for the public through St. Paul's Churchyard, and traffic went by a labyrinth of lanes along the brow of the hill above St. Bennet Paul's Wharf, turning into Ludgate Hill by Carter Lane, whose name explains itself. London was thus extended in a new direction; and some of the wills in this volume, with Dr. Sharpe's comments on them, furnish us with an almost complete series of facts as to the history of that puzzle of municipal historical students, the formation and descent of the two wards of Farringdon, Within and Without. So much has been made of a passage of Stow relating to this ward that, as illustrating the value of Dr. Sharpe's researches, it will be well worth while to trace the whole story, with the topography belonging to it, from its source. We all know, of course, that Stow, while he was, as Jonson says of him, 'a man of monstrous observations,' yet when he came to theorise on what he had seen was, if not always, at least generally, wrong. I do not want to run him down in the very least. Compared with any other antiquary of the time Stow stands very high, if not quite in the highest place. We know now where he obtained much of his information, namely, from original documents to which he had access, and of which he was able to avail himself. He must therefore have both been able to read old manuscript, and also to translate—sometimes, no doubt, erroneously—mediæval Latin. This is saying a great deal for an archæologist of his day, when the middle ages had passed away, and every kind of 'Gothique' study was disparaged.

Before examining Stow's statement as to Farringdon Ward and the Farringdons, it may be well to state the historical questions involved. What was the original condition of a city ward? Was it able to elect its own alderman, or was it in the same position as a country manor? On the demise of the alderman, who succeeded him? The difficulty of all these questions is very great, yet a correct answer to them is very desirable. In another place I endeavoured to find a solution to some of the problems presented by the early history of city wards ('London' in Historic Towns Series); but in the two or three years which have elapsed since that book was written, the information brought to hand by such publications as Dr. Sharpe's has been nearly doubled in bulk. I will

therefore here endeavour to point out, by way of specimen, the sort of light which Dr. Sharpe's latest volume affords us on the subject of this one famous passage of Stow regarding Farringdon, Within and Without. It will be remembered that, at the time when Dr. Sharpe's records commence in the middle of the thirteenth century, the western side of the city of London communicated with the outer world through Chamberlain's or the Westgate, afterwards called Newgate, through which the Roman Watling Street emerged towards the Fleet, Holborn Bridge, and Holborn Hill, and also by what had, as mentioned above, been a postern near St. Paul's. The populated region seems to have been about the Holborn road, but already a lane, Show-well, now Shoe, Lane, ran down to the Thames close to the Temple, at a place where there was a pier, locally called a bridge, whose antiquity was attested by the Roman bath, still in part existing. But the then recent opening of the road from Ludgate over the Fleet Bridge, and its continuation up the low hill and across the line of Shoe Lane to the Bars and the Strand, led out to an entirely new region, which was soon well populated. Before this time there is some slight evidence of the existence of a ward of Newgate, to which was afterwards added the ward of Ludgate. This last must have comprised what, as far back as 1115, was the 'Warda Episcopi,' and included the precinct of St. Paul's.

In 1277, then, the first date mentioned by Stow, these two wards together belonged to Thomas de Arderne, who probably came of an old city family, now turned into country squires, willing no doubt to ignore their city origin and to get rid of their city estates. There is some difficulty about the descent of this Thomas Arderne. Stow calls his father Sir Ralph Arderne, knight. There was a 'Radulphus de Ardena,' a justice itinerant in the reign of Henry II, who might easily be this Thomas's father, and who would probably be called 'Sir Ralph.' But in Drummond's elaborate pedigree of Arden there is no mention of Thomas among the judge's sons. Thomas Arderne, then, Stow goes on to say, granted to Ralph le Fevre, who had been sheriff in 1277, 'the aldermanry with the appurtenances in the city of London and the suburbs of the same between Ludgate and Newgate.' He further notes that before this le Fevre the aldermanry had been held by 'Ankerinus de Averne,' for his life, by grant from the same Thomas Arderne. Le Fevre—the same name is sometimes given as 'Smith,' and the new alderman was almost certainly a goldsmith—was to pay 'one clove or slip of gilliflowers at the feast of Easter.' After the death of Ralph le Fevre, his son, John le Fevre, granted the aldermanry on the same terms to 'William Farindon, citizen and goldsmith,' in 1279. At this point Stow makes a mistake. He says the 'aldermanry descended to Nicholas Farindon, son to the said William, and to his heirs.' He further volunteers the statement or calculation that 'this ward continued under the government of William Farindon the father and Nicholas his son by the space of eighty-two years, and retaineth their name until the present day.' The account given by Stow has been always accepted, yet it is erroneous in at least two particulars, for he says that Nicholas was William's son, and that he was buried 'in St. Peter's church in Cheape.' Nicholas was buried (IX Report, Hist. MSS. Comm. p. 3, b)

at the altar of St. Dunstan in the cathedral church of St. Paul, and Dr. Sharpe shows us that he was not the son of Nicholas. He gives us abstracts of the wills of three men of the name. The first may be identified with Stow's 'William Farindon,' and spells his name in the same way. He obtained the aldermanry, as Stow says correctly, from John le Fevre, and Dr. Sharpe informs us that the deed was duly enrolled in the Hustings in 1281–2. His will is proved by his wife, Isabella, his daughter, also Isabella, and his son-in-law, Nicholas; and he bequeaths to his wife for life, and afterwards to Nicholas and Isabella, his tenements in London and the suburbs. Dr. Sharpe adds, that it is more than probable that this Nicholas, the son-in-law of William Farindon, 'is identical with Nicholas, son of Ralph le Fevre.' In Munday's edition of Stow we are told (1633; p. 336) that Stow's assertion that William and Nicholas Farindon held the ward for eighty-two years cannot be sustained against the evidence of a certain deed shown to him by 'that worthy favourer of antiquities, Master John Williams, goldsmith,' from which it appears that William Farindon handed over the ward to Nicholas 'the sonne of Ralph de (*sic*) Feure.' Munday adds in the margin, 'M. John Speed can testifie this to be true; for I brought the sealed deed to him and to divers other beside, who can beare me witnesse that herein I doe noway deprave Mr. Stowe, but set downe the truth as I received it.'

Dr. Sharpe very cleverly reconciles these apparently discrepant statements. He finds the will, proved in 1334, of 'Nicholas de Farndon, goldsmith.' 'Most writers have stated him to be a son of William de Farndon, instead of a son-in-law, as he was by marriage with Isabella, daughter of the said William; while Stow and others have confounded him with Nicholas, his grandson, whose will is dated 20 April, 1361, and who desired to be buried in the church of St. Peter in Chepe.' In the will this Nicholas (le Fevre) Farndon leaves lands and tenements to Roysia, his daughter, and to her sons Nicholas and Thomas. These brothers (their father's name does not appear) seem to have taken the name of Farndon, like their grandfather, and the will of Thomas, perhaps the younger of the two, is in this volume under the year 1344. The children of this Thomas, furthermore, are mentioned by name in the will of Henry Sterre (1350), who had married their mother, and who leaves ten marks sterling between William, Thomas and Johanna Farndon.

One more point has to be mentioned. Reverting to the will of Nicholas Farndon (1334) we find that he does not bequeath the aldermanry to his grandson, but to John de Pultenaye, whose name is still commemorated in the name of a city parish. He does not appear to have taken up the office. From information kindly supplied to me by Dr. Sharpe, I am able to trace the history of the ward to the last alderman who held it on the old tenure. Pultenaye was probably already an alderman, and did not change from Dowgate to Farringdon, but sold the office to Richard le Lacier, who held it as appears by a deed in 1336. In 1357 the old tenure disappears. Lacier surrenders his aldermanry into the hands of the mayor. Then for the first time we hear of an election. John de Chichester is 'elected' to the vacant ward.

It will have been seen, by this one example, how much of historical interest and importance may be extracted from Dr. Sharpe's pages: the

more so, because the volume ends with one of the best indexes to be found in any modern book. The reader should, however, be warned to consult the list of errata before accepting any very remarkable statement of fact; for in a book of this kind 'faults escaped in the printing' are inevitable.

W. J. Loftie.

Oliver Cromwell and his Ironsides. A Study in Military History. By Lieut.-Col. W. G. Ross. (London: Hamilton, Adams, & Co. 1889.)

Under this title Col. Ross has put together a number of arguments against the authenticity of the Squire papers, mainly based upon the statements about military matters contained in them. It was hardly necessary to discuss these papers again. The correspondence in the *Academy* in 1885 and the notes in the early numbers of this Review sufficiently demonstrated them to be a gross and palpable fabrication. Col. Ross, however, has brought forward many new objections, and his pamphlet ought to give a finishing stroke to any belief in them which yet lingers in the mind of the general reader. His fundamental argument is 'that the Squire papers are not, and cannot be, on account of the technical absurdities contained in them, compositions by any military man living at any period, either during or since the civil war' (p. 10). In support of this Col. Ross shows that while Squire is represented as having been 'auditor' of Cromwell's regiment, it is certain that the functions attributed to him in those letters are for the most part incompatible with his tenure of that office (p. 17). Squire describes Cromwell's troops as consisting in part of lancers, whereas it is certain that they contained none (p. 27). The troops of the eastern association are described as all dressed in a red uniform, but that statement is contradicted by authentic documents (p. 46). The lists of the names of persons supposed to have been officers in Cromwell's regiment teems with absurdities (p. 31). Certain statements about Col. Edward Montague's early career are incompatible with his known history (p. 31). Many other proofs of the same nature are adduced by Col. Ross in support of his thesis, and he also repeats Mr. Gardiner's argument about Squire's memorandum concerning the siege of Lynn (p. 38). In conclusion he criticises Carlyle as an editor, points out some of his errors, and justly condemns the careless and uncritical manner in which he accepted the Squire papers (p. 51).

There is much of interest in Col. Ross's pamphlet besides the purely controversial matter, and his incidental remarks on the equipment and organisation of the armies of the civil war well deserve attention. On the history of Cromwell's own regiment a few notes may be added to those collected by Col. Ross. Its growth can be traced with some minuteness. In the summer of 1642 Cromwell was captain of a troop of sixty men. In March 1643 he is described in a newspaper as colonel. A letter describing his capture of Lowestoft in that month speaks of his having five troops of his own. In the following September his regiment contained ten troops. At the formation of the new model it was, according to Baxter, a double regiment of fourteen troops. Col. Ross doubts the truth of this statement. 'Such

evidence as we have, outside of the 'Reliquiae,' being, on the whole, against a regiment of such unusual strength, Baxter may be presumed to have been mistaken when he made the statement' (p. 30). On the other hand Baxter had unusual opportunities for knowing the truth, and his statement is extremely definite. He says that Cromwell's regiment at the formation of the new model consisted of fourteen troops, that six of these were taken to form Fairfax's regiment, and six to form that of Whalley, whilst the other two troops were assigned to the regiments of Colonel Rich and Sir Robert Pye. As Baxter was for eighteen months chaplain to Whalley's regiment he had exceptional means of learning a fact of this nature. Moreover, as he was engaged in combating the spread of sectarianism in the army, and as he attributed it mainly to the evil influence of the regiments of Whalley, Fairfax, and Rich, the question of the composition of those regiments was one of exceptional interest to him. His statement is also to some extent confirmed by the names of the officers in the regiments he mentions.

The question of the date when the red uniform was adopted by the army is of some interest. It is certain that it was introduced before 1659, for by that year 'redcoat' is used as a synonym for soldier (*e.g.* 'The Redcoats Catechism,' 4to, 1659). Cromwell's army in Ireland in 1649 were dressed in red coats and breeches 'of grey or other good colours' (see the contract with Richard Downes, 'Cal. State Papers, Dom.' 1649–50, p. 243). Hugh Peters in his famous sermon of 20 Dec. 1648, demanding the punishment of the king, is described by a witness at his trial as 'pointing to the redcoats on the pulpit stairs' in order to clinch an argument. Thomas Edwards in 1646 complains of a lieutenant in the new model that 'preached publicly in his scarlet coat laced with silver lace' ('Gangraena,' pt. iii. p. 111). While agreeing with Col. Ross that Squire's statement that 'by July 1643 all the forces of the eastern association, both horse and foot, had adopted a red uniform' is demonstrably false, I believe that colour was adopted earlier than he supposes, probably when the new model was organised. The need for a common uniform was naturally felt when the army was reorganised, placed on a permanent footing, and put under one command.

A few additional arguments with respect to the authenticity of the Squire letters may perhaps be permitted here.

1. The first of the letters refers to the possibility of the king's coming through Huntingdon on his way to Stamford in 1642. The king was at Huntingdon on 14 March, 1642. But the same letter refers to proceedings in connexion with 'the county array.' The commissions of array were first issued by the king in June 1642.

2. Letter VII is dated Wisbeach, 11 Nov. 1642, but it is pretty certain that Cromwell was then serving in the army under Essex. The same objection applies to letters VIII and IX.

3. Letter XI is addressed to 'Captain Berry,' who is also referred to in letters XVII, XVIII as if he commanded a troop. But at this time Berry was lieutenant to Cromwell's own troop. The same objection applies to the supposed letter from Henry Cromwell to Berry.

4. Squire's endorsement on letter XXXV is, 'Ten to one the feather beats the sword.' According to William Squire this sentiment is also

repeated in his ancestor's journal. '"The pen is of greater force than the sword any day for good or evil" (or words to that effect).' The source of both these sentiments is plainly, 'The pen is mightier than the sword,' a line in Lytton's 'Richelieu.' C. H. FIRTH.

Calendar of Domestic State Papers, 1644. Edited by W. D. HAMILTON. (London: Her Majesty's Stationery Office. 1888.)

THE papers calendared in this volume extend from 1 Jan. to the end of September 1644. Compared with the papers relating to 1643 they are extremely numerous and important. The difference is caused by the fact that the Derby House committee, which was instituted at the commencement of 1644, kept a minute account of its proceedings and copies of its correspondence with the different parliamentary commanders. Its day books and letter books cover the period from February 1644 to January 1648, but unfortunately there are many gaps in the series. For instance, the letter books containing the despatches received from officers in the field extend merely from 1 June 1644 to 16 Feb. 1645, and it is improbable that the missing volumes will ever be recovered (Preface, pp. v, vi). In addition to this there are a considerable number of intercepted royalist letters, some of importance (*e.g.* pp. 54, 110, 259, 313, 401). Two letters of the elder Goring's illustrate the devotion with which royalists sacrificed themselves for the king's cause. His eldest son was a prisoner in the Tower; his younger son he also sent to join the king's army. 'I could not endure,' he wrote to his wife, 'to see him here [at Paris] so much a man as he is now grown, learning exercises at ease and pleasure. No; had I millions of crowns and scores of sons the king and his cause should have them all with better will than to eat if I were starving; nor shall fear or loss of whatsoever ever change me therein. . . . God bless his majesty and send sweet England peace, and then little shall I trouble myself for my own particular, how ruined soever. I had all from his majesty, and he hath all again' (pp. 110, 261).

The military correspondence preserved in this volume gives a detailed history of the Marston Moor campaign, of Waller's defeat at Cropredy, and of Essex's disaster in the west. The disputes of the parliamentary commanders and the difficulties with which they had to struggle are set down day by day, with a wearisome but instructive minuteness. The best paid, and the best armed, and the best drilled troops of the parliament were in the armies of Essex and Manchester. Waller and Browne had under them ill-equipped and mutinous local militia, mutinous because they were hardly ever paid and frequently half-starved. Waller describes some of the trained bands men of Essex and Hertfordshire as only fit for a gallows here and a hell hereafter (p. 324). Browne describes the garrison of Abingdon as without gunpowder, or match, or ordnance, or victuals, or money, driven to disorder by their want of all the ordinary necessaries of an army (p. 527). Like the soldiers of the parliament the soldiers of the king were frequently pressed men. 'I sent two captains,' complains the earl of Forth to Sir Edward Nicholas,' to receive the 334 soldiers to be impressed out of Berkshire to recruit my regiment, whereof they

received but 121, and of those 51 are since run away in two days for want of pay' (p. 134).

In addition to their value for the history of the war the papers in this volume contain much biographical material. The references to Cromwell are few, and most of the documents relating to him have been published in the Camden Society's volume on the quarrel between Cromwell and the earl of Manchester. The letters of Essex and Waller, however, most of which are for the first time published, are numerous and important, and the careers and characters of many of the minor officers of the parliamentary army are copiously illustrated. In his anxiety to assist his readers Mr. Hamilton has added the christian names of many of the officers casually mentioned in the text, and in many cases these additions will be useful aids in identifying them. In one or two instances, however, he has fallen into error in so doing. For instance: p. 174, the 'Ayr' who is mentioned is not William Crichton, viscount of Ayr, but probably Colonel Eyre of Hassop, an active Derbyshire royalist; p. 171, Sir Michael Luesy is not Sir Michael 'Lucy,' but 'Livesey,' the regicide; p. 192, Hastings is not 'Sir James Hastings,' but Henry Hastings, Lord Loughborough; p. 224, Colonel Russell is not Colonel 'John Russell,' who was a royalist, but Colonel Francis Russell, Cromwell's friend. C. H. Firth.

Life of Thomas Attwood. By C. M. Wakefield. Published privately. (London: Harrison & Sons, St. Martin's Lane. 1885.)

This work, published privately through the modesty of Mr. Wakefield, deserves to be known to those engaged in the study of the history of the early part of the nineteenth century. Not only does it present the reader with an account of Thomas Attwood, a man of great though now almost forgotten importance, but, in addition, it contains information about the early popular movements such as, so far as I know, is to be found in no other book. They were important because the influence of social conditions on political and general history has become greater as the years have gone by, and in these early movements, which resulted in the Reform Act of 1832 and continued on in the form of Chartism, we find this connexion clearly defined. Attwood is of importance, for he was the man who on a critical occasion gave, as it were, the direction to the movement. But both, social movement and social leader alike, have been passed over with little comment by the historians of the century. So complete has been the oblivion into which they have fallen that Attwood has escaped the critical eye of the editor of the 'Dictionary of National Biography.' And yet for some few years he stood in the position of a veritable tribune of the people. Looked at from the side of the historian, the greatest interest of this volume consists in the proof it affords of the economic character of the movements which culminated in the Reform Act. That this was the view which Attwood took cannot be doubted. His speeches abound in assertions to the effect that the reform of parliament is sought as a means rather than as an end. Speaking of the condition of the nation, and lamenting its distress, he says, 'Here, then, is a proof of the absolute necessity of Parliamentary Reform. Give us a House of Commons who are identified with the commons, and

with the feelings and interests of the commons, and everything will be right in England.' The same is his meaning when he says, 'I look for liberty first, and, through liberty, prosperity. I shall never be content until I see the happiness and comfort of the poor settled upon a sure basis—until I see all interests of society—but more especially the labouring classes—receiving that remuneration to which, both by the laws of God and of man, they are entitled.' Thus, too, in the plan of the political union, adopted January 25, 1830, the relief of the national distress occupies a place of equal prominence with the reform of Parliament. Indeed, the latter achieved its importance because it was viewed as the necessary preliminary to the former. Among the objects of the union it appears in a more conspicuous place, because it was the first step to be taken. These, then, were the ideas with which the political unions were established, and in consequence of which they increased so rapidly that they were estimated to contain two million members. The estimate, it must be acknowledged, is questionable, as it does not appear to be more than a magnificent attempt at generalisation. In view of the social importance thus attached to the passage of the Reform Bill, there is less cause for wonder at the outburst of indignation which vented itself against the Duke of Wellington.

The share which the political unions had in forcing on that measure cannot, I think, be doubted. They supplied the fulcrum on which the ministry of Earl Grey rested its lever. The ministers themselves acknowledged the support they thus received, both by letters (p. 179) and in the words addressed by Lord Grey to Attwood on the occasion of an interview at the Treasury, May 19, 1832: 'We feel deeply indebted to you, and shall be happy to do anything in our power to mark our sense of the obligation.' The account of this meeting is, as Mr. Wakefield reminds us, taken from the 'Gentleman's Magazine.' Though, as related in this work, Thomas Attwood declined to receive any reward, there can be no doubt that he felt highly gratified at being admitted to the freedom of the City of London. Such an honour as this, together with the other recognitions which he received, points, it must be owned, to a service of peculiar magnitude. That service may be described in the words of Grote, who said, 'He has taught the people to combine for a great public purpose, without breaking any of the salutary restraints of law and without violating any of their obligations as private citizens.'

Hitherto we have touched on the brighter side of Attwood's life, but now it becomes necessary to trace the causes which combined to prevent him from attaining a greater and more continuous public importance than fell to his lot. He failed in the House of Commons; he failed in after-attempts to ameliorate the condition of his fellows; he failed in obtaining any effective control over the forces of Chartism. And yet, if we review his career and examine his character, there seems little cause for such failure. Cause, of course, there was; but, on the other hand, he had many qualities and aptitudes which appeared to mark him out for eminence. He was sincere in mind and of thorough earnestness of purpose, gifts which, when coupled with a certain fluent oratory and a great power of controlling large bodies of men, gave him frequent opportunities for usefulness. But what he might have attained through his abilities he

lost through his inveterate adherence to the principle of an unrestricted paper currency. When this could not be prominent he was successful. Thus his protests and agitation against the monopoly of the East India trade were of considerable effect; similarly his action at the time of the Reform Bill, when, for the time being, further measures were put out of sight; but from the day when the Reform Act became law he became the apostle of the paper currency. The opinions he enunciated then he had held before. He had frequently given expression to them before, but up to that date he had been content with announcing his sentiments and with gathering together a parliament which should be able to appreciate them to the extent of repealing the Act of 1819. But both the new parliament and the chartist convention refused to become his disciples, and in despair he abandoned public life in 1839. So far as can be judged from his utterances, he, together with others, as, for instance, Lord Western, regarded the repeal of the Bank Restriction Act as having unduly enhanced the value of money, which in their view was the exclusive property of one class of men, the so-called *moneyed class*. In addition to this, the increase of money was, they thought, the one thing which could give an impetus to trade. Prices would rise all round, and therefore every one would be instigated to purchase more, and so in consequence to produce more. Together with his brother Matthias, from whom he differed on almost every other public question, he struggled long and boldly in support of his pet theory. Nor had he any doubts as to his correctness and as to the invincibility of his arguments. He was perpetually deluding himself with the belief that he had demolished the arguments of his opponents. The most complete instance of this state of mind occurs in the account he gives of his examination before the Committee on Agricultural Distress (1821). He writes to his wife: 'I answered all the objections of Ricardo and Huskisson, I believe most completely, and very evidently to their deep mortification.' The independent inquirer need only examine the account of Mr. Attwood's examination to understand what he means by completeness; but then, I fear, he will not understand how the answers could have caused either of the two above-named financiers any mortification.

E. C. K. Gonner.

Histoire de la Seconde République Française. Par Pierre de la Gorce. 2 vols. (Paris: Plon. 1887.)

The work of M. de la Gorce opens with the fall of the Orleanist monarchy, and brings us down to the *coup d'état* of Louis Napoleon in 1851. The published authorities at the author's disposal are abundant; he has moreover studied certain unpublished memoirs and letters, the most important of which is a private correspondence between M. de Corcelles, French envoy at Rome in 1849, and De Tocqueville, then minister of foreign affairs. M. de la Gorce has a good subject; and if two considerable volumes may seem a large allowance for the history of less than four years, the author has certainly given us one more example of the natural superiority of French writers over those of Germany or our own country in the qualities of arrangement, internal proportion, and lucidity of style. It can hardly be said that his work adds much to our knowledge of a

period of which one of the characteristics was publicity of the most glaring kind. Lamartine, Ledru-Rollin, Louis Blanc, Montalembert, Changarnier, were not exactly persons who pursued a system of mystery either with regard to themselves or their opponents ; and the Parnell commission sinks into modest dimensions by the side of those numerous *enquêtes* of modern French governments which are at once the terror and the delight of the conscientious investigator. The interest of M. de la Gorce's book lies rather in his way of looking at known events than in the discovery of new historical material.

M. de la Gorce informs us in his preface that the work was undertaken *pour remplir le vide d'une carrière prématurément brisée.* A foreigner may respectfully confess himself ignorant of the meaning of an allusion which will at once be intelligible, no doubt, to every French reader ; but there is a sentence at the end of the book, a little sting in the tail, which may possibly help us to the interpretation of this mournful exordium. After M. de la Gorce has given in his two volumes a trenchant exposure of the errors, the imbecilities, of the second republic, he concludes with a set of very terse comparisons. In comparison with the Orleanist monarchy the republic of 1848 was, he says, a miserable failure ; in comparison with the empire of Napoleon III, by which it was succeeded, it may enjoy the benefit of a doubt ; but 'compare it with the first republic *or the third* and we shall not only absolve it, we shall wish it back again.' Is it possible that what M. de la Gorce has all along had in his heart, if not in his mind, has been the third, not the second republic, the France of the present, not the France of 1848 ? He would expose a thriving rogue who has a brother, bad indeed, but not half such a criminal as himself. M. de la Gorce depicts the minor villain in all his atrocity, and when we are bursting with indignation against him, 'Hold !' he cries ; 'in comparison with his brother, your next-door neighbour, the man is a saint.' Can art go further ?

It would not be fair to say that M. de la Gorce writes history as a reactionary. The word is too rough, too coarse. His sympathies are with an hereditary monarchy, but under liberal forms ; his dominant interests are in fact religious, not political. Accordingly he dwells with great fulness and satisfaction on the legislation of 1850, which to some extent restored to the church its influence over education. 'Liberty of teaching' was the demand of Montalembert and his catholic friends under Louis-Philippe ; liberty, that is, for the catholic teacher to educate as best he could without molestation from the state. The present generation will probably not solve the problem of the true relation of the state, the church, and the individual in the work of education ; to view the matter from one standpoint alone is easy enough ; and M. de la Gorce writes as if there were really nothing to be said on any side but that of the church to which he belongs. The same untroubled unity of view puts him at his ease in the treatment of Roman affairs in 1849. Certain persons were so audacious as to usurp the government of the papal states after Pius IX had fled to Gaeta : of course it was the duty of the powers, and of France in particular, to restore the holy father. That the thing was done by the French republic in the most bungling way M. de la Gorce thoroughly admits ; but that the Roman republic had any possible

claim to be left in peaceful existence never enters his mind. Indeed on the affairs of Italy generally he writes in a manner which will not be relished on the south of the Alps. Providence, he says, had given Italy an agreeable climate, ruins, treasures of art, political insignificance, everything that could make it a touching subject for Lord Byron's poetry and an agreeable field of exercise for the generous diplomacy of France. Unfortunately both the French and the English became possessed by a romantic idea that the Italians ought to be raised to political independence. A cunning fellow (*on l'appelait Camille de Cavour*) persuaded foreign governments that the aggrandisement of Piedmont was necessary to the political order of Europe; Napoleon III was fool enough to establish an Italian kingdom; and the ungrateful nation now acts as a rival of France! The policy of 1859, says M. de la Gorce, was all the more inexcusable because the ingratitude and perverseness of the pope after his restoration in 1849 had given France ample warning that of all peoples the Italians were *le plus fin, et aussi le moins accessible à la reconnaissance. Cette expérience, hélas! resta, comme bien d'autres, sans profit pour nous.*

M. de la Gorce is merciless alike to socialists and to socialistic theories. He revels in the confusion, the waste, the demoralisation of the national workshops of 1848, and dwells on every detail of mismanagement as if it were a proof of the folly of all attempts to organise industry on a social basis. Surely the fair conclusion is the opposite. If, as M. de la Gorce shows in every line, the experiment of 1848 was conducted under conditions of preposterous absurdity, its failure proves nothing whatever on the general question. There are indeed, the author admits, degrees of wickedness even among socialists; and after reading his denunciations of the Parisians of 1848–9 it comes rather as a surprise to find him describing the socialists of the rural districts in 1851 as blacker still. When the trump of the last judgment sounds against these desperate wretches they will hardly hear anything more tremendous than the anathema which M. de la Gorce launches against them in the last chapter of his second volume. It is a really eloquent passage. If M. de la Gorce is right, there existed in 1851 among the socialist peasantry in the Nivernais, in Burgundy, in the Cevennes, in Provence, absolutely not one thought or motive but that of brutal rapacity; and every man of every other class in these districts who professed socialism—'woodman, poacher, artisan, gaol-bird, refractory conscript, debtor, defaulting tax-payer, clerk, shop-keeper, restaurateur, veterinary surgeon, ex-schoolmaster'—every soul without exception was animated with pure and unadulterated greed. M. de la Gorce believes that, but for the *coup d'état* of Louis Napoleon, France would really have been convulsed with a socialist revolution when the term of the presidency expired in 1852, and accordingly he hesitates to condemn the *coup d'état.* The evidence of actual outrage by which he supports this theory of a vast socialist conspiracy is of singularly small compass in proportion to the charge built upon it; but a critical insistence upon evidence is not always apparent to the reader in M. de la Gorce's judgments. He has indeed a theory of history which it is hard to square with any of the recognised canons of proof. The world, as he considers, is on the whole left to itself by the higher powers, and in consequence goes on badly enough, especially in France; but there are occasions when,

on the intercession of a person of high ecclesiastical rank or under other exceptional conditions, Providence will interfere and put things straight for the moment. Thus in June 1848, after the soldiers of Lamoricière had for three days fought without complete success against the insurgents of Paris, the prayer of the martyred archbishop brought the contest to an immediate close ; and when divided counsels threatened to fill the papal chair with some less worthy occupant than Pius IX, *la Providence précipita le dénoûment.* These are but instances of a familiarity with unseen causes which at times places the conclusions of M. de la Gorce out of the range of an ordinary reader's experience. But it is well that, in such a matter-of-fact time as our own, history should be written by men of every school. C. A. Fyffe.

Russia : Story of the Nations. By W. R. Morfill, M.A. (London: T. Fisher Unwin. New York: G. P. Putnam's Sons.)

Mr. Morfill's position as 'reader in the Russian and Slavonic languages in the university of Oxford' lends a peculiar interest and authority to any work coming from his pen. Probably there is no man living in England who is more familiar with the history of his subject, or whose opinion as to disputed facts should have more weight. The acquaintance of the English public with Russian history is confined to a few details about Peter the Great, Catherine II, and a possible hazy reminiscence of Ivan the Terrible, and the task which Mr. Morfill has set himself is to give a brief and straightforward account of the formation of the vast Slavonic empire. This is not always an easy matter, as every one knows who has traced in Karamsin the weary course of the struggle between the various 'appanages' which formed the rapidly changing states of the centre and the south of Russia. But Mr. Morfill passes very lightly over the 170 years in which M. Pogodine reckons that there were no fewer than 83 civil wars among the princes who disputed the throne of Kief and the states of the north and west, and passes on to the invasion of the Tatars. Wherever it is possible he enlivens his pages with quotations from travellers, and the letters of secretaries of embassies, merchants, and other thoughtful and observant people are laid under contribution. But, in spite of all the knowledge and accuracy and painstaking labour which Mr. Morfill has brought to his work, there is something lacking to make his book quite as interesting as it ought to be. For one thing his style is often obscure and oftener still involved and parenthetical, as in a sentence at the bottom of p. 39, and another about the Novgorodians on p. 42. Then he is apt to give his readers credit for more acquaintance with the subject than they are likely to possess, and to omit the mention of some small circumstance which is necessary to a clear understanding of the position. For instance, when telling, on p. 50, of the victory of Koulikovo, which dealt a serious blow to Tatar supremacy and restored self-respect to the downtrodden Russian race, Mr. Morfill forgets to tell us that the hero of the fight took the title of Donskoi, though he afterwards speaks of him by that name. Again, in pp. 195 and 211 he refers casually first to 'the duke' and then to the 'duke of Courland,' but there is never a word to show that the low-born Biren

previously alluded to was the duke in question. His account of the raskolniks, who were nearly as disturbing an element to Russia as the presbyterians were to the Stuarts, is confused and meagre, and many picturesque episodes in Russian history are passed by in silence. He warms up a little over his account of some of the Russian men of letters and manages to interest us over his sketch of Lomonosov and Karamsin, but as a whole he gives his readers the impression of having written his book from a sense of duty and not from love. It hardly seems necessary to state as the final 'leading fact' with which the history proper is closed that 'last year the emperor William II of Germany paid a visit to the czar on ascending the throne on the death of his father, Frederick III,' and in the beginning of the paragraph we feel that there is something wanting to explain or supplement the remark that 'Alexander III was born in 1845; his wife is a sister of the princess of Wales, by whom he has had several children.' As to the pictures, the book would be far better without them; they are coarse and common, even though they are perfectly 'clean.' Mr. Morfill has added two genealogical tables of the House of Romanov, but these are rendered less valuable than they might have been by being divided instead of connected, and so leaving the reader almost as perplexed as before as to the bewildering relationships of Anne, Ivan VI, Peter II, Elizabeth, and Peter III to each other and to Peter the Great. To sum up, whatever Mr. Morfill lays down as fact may be accepted as such by the reader, but it is to be regretted that he has not always the knack of imparting his extensive learning in a manner calculated to impress it on the ignorant mind of the public to whom he appeals. L. B. Lang.

Arabic Authors, a Manual of Arabian History and Literature, by F. F. Arbuthnot, M.R.A.S. (London: Heinemann, 1890), is an attempt to convey in a popular form some idea of the wealth of historical and literary material which is contained in the works of Arabic authors, and especially to direct the attention of students to the large and increasing number of eastern authorities which may now be consulted in European translations. The book is not well-proportioned and is entirely wanting in criticism, and the historical chapter is very defective; but in the absence of any similar handbook it cannot fail to be useful to non-orientalists, and will guide historical students to many valuable sources which are too apt to be neglected. A large number of misprints or misspellings and not a few serious omissions will need to be seen to in a future edition. The plea here advanced for the proposed revival of the Oriental Translation Fund deserves the hearty support of all who are alive to the importance of the still untranslated Arabic texts.

Dr. Adalbert Ebner's monograph on *Die klösterlichen Gebets-Verbrüderungen bis zum Ausgange des karolingischen Zeitalters* (Regensburg: Friedrich Pustet. 1890) covers a small field with great completeness. Indeed, Dr. Ebner has chosen a title which makes his field appear even smaller than it is, for he does not confine himself to mutual intercession as a feature of conventual fraternities only, but he touches also on secular fraternities established to secure it. Dr. Ebner's scheme is to write a complete history of his subject, be-

ginning with conventual fraternities. His first part reaches the middle of the tenth century. To illustrate this period he has collected a number of necrologies from England, France, and Germany, and has analysed the Durham *liber vitae* and the Salzburg diptychon. His generalisations are, however, postponed until the completion of his whole work, and a brief classification of the nature of the influences exercised suffices for the first part. The close relations between monastic houses which resulted on their union for mutual intercession cannot but have had important effects on medieval social and monastic life. Reichenau, for instance, was united in the ninth century to more than a hundred spiritual foundations within and some without the Frankish kingdom. One important practical result of such prayer unions, as Dr. Ebner points out, was to save the early Benedictine monasteries from the complete severance and isolation which their rule sanctioned in allowing each house to be independent. With the wealth of material which Dr. Ebner has collected from books of obits, martyrologies and the like, important historical observations might be made which should throw light on the foreign relations kept up by some monasteries, on the number of inmates, their rank, and so forth. What a Family Bible may be to the genealogist these necrologies and obituary notices interpolated into liturgies may be to the monastic historian.

Early Britain, by Alfred J. Church, M.A. (London : Fisher Unwin. 1889.) This is a fluent and not always unreadable compilation by an experienced book-maker, who has got up his subject hastily and imperfectly, and has not sufficient knowledge to know which are the right sources to follow. It is called 'Early Britain,' but it quite leaves out the Celtic side of history and is really an attempt at a history of England in the narrower sense before the Norman Conquest, with a slight account of Roman Britain prefixed. The compiler speaks in his preface of the assistance he has derived from the works of Professor Freeman and Mr. J. R. Green, but we feel sure that these eminent writers would not be proud of such a pupil, and it is simply astonishing that in the year 1889 a work should be published which either ignores or misreads the labours of the last generation of historical workers. Mr. Church thinks that the narrative of the pseudo-Ingulphus 'embodies genuine records and traditions,' and that Dr. Giles's opinions on literary matters are worthy of respect and quotation. Apart from the general want of grasp of the whole subject, the work abounds in blunders, slips, inaccuracies, and misprints. Mr. Church is not clear (p. 66) as to the technical meaning of 'legatus' as the governor of an imperial province. He systematically spells 'Bayeux' 'Bayeaux,' thinks 'earldorman' is a 'more proper' form than 'alderman,' confuses (p. 170) the 'eorls' with the magistrates of the primitive English, believes that the 'ceorls' stood to the 'eorls' as the plebeians to the patricians of Rome, and rarely succeeds in spelling an old English name accurately or consistently, according to any standard, old or new, of orthography. The illustrations, prettily enough executed, are in some cases ludicrously inappropriate or out of all relation to the text they profess to illustrate. But it would be a waste of space to point out in more detail the demerits of this slovenly and unscholarly book. Its circulation would be a great

hindrance to the spread of sound historical knowledge. In it the well-planned but unequally executed 'Story of the Nations' series sinks to its lowest level.

A History of Cumberland, by Richard S. Ferguson (London: Eliot Stock), is the latest addition to the series of 'Popular County Histories,' and aims at a much higher level of historical thoroughness than any of the previous volumes. In so doing Mr. Ferguson has laid himself open to the criticism that he has packed into a small volume an undue amount of local knowledge, and has dwelt on the early history of Cumberland to the exclusion of many subjects which would have been more popular. This, however, will not be a disadvantage in the eyes of an historical student, who will find more than half the volume devoted to the history of the county before the Norman Conquest. Much of the material relating to the Roman occupation is original, and even the history of the Roman wall receives new light from Mr. Ferguson's suggestions. His account of the Roman roads is excellent, and in chapter iv. he conducts his reader on an imaginary journey in the year 300 A.D. from Lancaster to Ravenglass, with a spirit and precision that show a thorough mastery of the subject and a remarkable power of historical realisation. If Mr. Ferguson would devote a volume to 'Roman Cumberland,' and would furnish his readers with a map, he would lay a sure foundation for a work which is sorely needed, a complete history of Roman Britain. Such a work could only be done by a number of men who united great local knowledge to sound scholarship, and it is impossible to read Mr. Ferguson's book without feeling that he has all the qualities requisite to set an example which others could follow. Throughout his book Mr. Ferguson shows original research; he does not linger over the characteristics of Cumbrian life, interesting as they are, but prefers to trace the formation and descent of its baronies. In all points he is careful to make clear the origins of institutions rather than dwell on historical incidents. We are not sure that his book will be reckoned a popular history, but it is certainly a real contribution to sound knowledge.

The Beginnings of New England, or the Puritan Theocracy in its Relations to Civil and Religious Liberty. By John Fiske. (London: Macmillan. 1889.) Mr. Fiske's book contains the substance of lectures delivered by him at the Washington University, St. Louis. It consists of a sketch of the history of the New England colonies up to 1689, with special reference to the constitutional and ecclesiastical sides of their development. The Indian war of 1675–1678 is related at disproportionate length, and the introductory chapter on 'The Roman Idea and the English Idea' is full of unnecessary disquisition on general English and European history. Apart from these defects, Mr. Fiske has produced a clear and vigorous narrative, and English readers will find it a useful introduction to the subject of which it treats. There is an excellent bibliography of the subject in the Appendix (pp. 278–287).

List of Historical Books recently published

I. GENERAL HISTORY

(Including works relating to the allied branches of knowledge and works of miscellaneous contents)

DODGE (T. A.) Alexander: a history of the origin and growth of the art of war from the earliest times to the battle of Ipsus [B.C. 301]. Pp. 693, map &c. Boston: Houghton. $5.

JÄHNS (M.) Geschichte der Kriegswissenschaften, vornehmlich in Deutschland. I: Altertum, Mittelalter. Fünfzehntes und sechzehntes Jahrhundert. (Geschichte der Wissenschaften in Deutschland. Neuere Zeit. XXI.) Pp. xlvi, 865. Munich: Oldenburg. 12 m.

MÜHLBRECHT (O.) Uebersicht der gesammten staats- und rechtswissenschaftlichen Literatur des Jahres 1889. XXII. Pp. xxviii, 250. Berlin: Puttkammer & Mühlbrecht. 6 m.

PIANESE (G.) & VILLANI (L.) Raccolta delle misure, pesi, e monete attuali dei principali paesi del mondo ed antiche misure, pesi e monete dei comuni italiani, ragguagliati al sistema metrico decimale ed al sistema monetario della lega latina. Pp. 288. Turin: Paravia. 16mo. 3 l.

POLLOCK (sir F.) An introduction to the history of the science of politics. London: Macmillan. 2/6.

REICHENBACH (A.) Martin Behaim, ein deutscher Seefahrer aus dem fünfzehnten Jahrhundert. Die beiden Hemisphären nach Behaims Erdapfel. Pp. 69. Wurzen: Kiesler.

SYMES (J. E.) The prelude to modern history; being a brief sketch of the world's history from the third to the ninth century. London: Longmans. 2/6.

II. ORIENTAL HISTORY

ARAMAICAE, Inscriptiones. (Corpus inscriptionum Semiticarum. II.) I, 1. Pp. 173. Paris: Klincksieck. 4to, with atlas of 19 plates in folio. 50 f.

CODERA (V.) Complementum libri Assilah (Dictionarium biographicum) ab Aben-Al-Abbar, scriptum; ad fidem codicis Escurialensis Arabice edidit. II. Pp. 552. Madrid: Romero. 4to.

GENTILE (I.) L'oriente antico: prospetto storico. Pp. 231. Milan: Hoepli. 16mo.

JOSEPHI, F., Opera, edidit et apparatu critico instruxit B. Niese. V: De Judaeorum vetustate sive contra Apionem libri II. Pp. xxvii, 99. Berlin: Weidmann. 5 m.

KIELHORN (F.) Tafeln zur Berechnung der Jupiter-Jahre nach den Regeln des Sûrya-Siddhânta und des Jyotistattva. Pp. 18. Göttingen: Dieterich. 1·40 m.

KREMER (A., Freiherr von). Studien zur vergleichenden Culturgeschichte, vorzüglich nach arabischen Quellen. I, II. Pp. 60. Vienna: Tempsky. 1·20 m.

LE STRANGE (G.) Palestine under the Moslems: a description of Syria and the Holy Land [650–1500], translated from the works of the mediaeval Arab geographers. Pp. 624, maps &c. London: Watt. 12/6.

MORRISON (W. D.) The Jews under Roman rule. Pp. 426, illustr. London: Fisher Unwin. 5/.

PIEHL (K.) Inscriptions hiéroglyphiques, recueillies en Égypte. 2me série. I: Planches. 154 plates. Leipzig: Hinrichs. 4to. 40 m.

STRASSMAIER (J. N.) Babylonische Texte. VII: Inschriften von Cyrus, König von Babylon [538–529 v. Chr.] von den Thontafeln des britischen Museums copirt und autographirt. Pp. 380. Leipzig: Pfeiffer. 20 m.

III. GREEK AND ROMAN HISTORY

CAESARIS, C. Julii, Commentarii cum supplementis A. Hirtii et aliorum, iterum recognovit et adnotationem criticam praemisit E. Hoffmann. 2 vol. Pp. xlii, 263; lxxxvi, 321. Vienna: Gerold. 4·50 m.

CAUER (F.) Parteien und Politiker in Megara und Athen: Studien zur Geschichte

Griechenlands im Zeitalter der Tyrannis. Pp. 97. Stuttgart: Kohlhammer. 2 m.

Delbrück (H.) Die Strategie des Perikles, erläutert durch die Strategie Friedrichs des Grossen; mit einem Anhang über Thucydides und Kleon. Pp. 228. Berlin: Reimer. 3 m.

Durrbach (F.) L'orateur Lycurgue: étude historique et littéraire. (Bibliothèque des écoles françaises d'Athènes et de Rome. LVII.) Paris: Thorin. 4 f.

Garofalo (F. P.) L'ovazione nella storia di Roma. Pp. 25. Catania: Martinez.

Herodotus, The history of, translated by G. C. Macaulay. 2 vol. Pp. 780. London: Macmillan. 18/.

Hübner (E.) Römische Herrschaft in Westeuropa. Pp. 296. Berlin: Hertz. 6 m.

Lehner (H.) Ueber die athenischen Schatzverzeichnisse des vierten Jahrhunderts. Pp. 137. Strassburg: Trübner. 3 m.

Manfrin (P.) Gli Ebrei sotto la dominazione romana. II. Pp. 358. Rome: Bocca. 5 l.

Neumann (K. J.) Der römische Staat und die allgemeine Kirche bis auf Diocletian. I. Pp. 334. Leipzig: Veit. 7 m.

Oman (C. W. C.) A history of Greece from the earliest times to the Macedonian conquest. Pp. 546, maps and plans. London: Rivingtons. 4/6

Pausanias.—Mythology and monuments of ancient Athens; being a translation of a portion of the Attica of Pausanias by Margaret de G. Verrall: with an introductory essay and commentary by Jane E. Harrison. Pp. 736, illustr. London: Macmillan. 16/.

Pichlmayr (F.) T. Flavius Domitianus: ein Beitrag zur römischen Kaisergeschichte. Pp. 100. Amberg: Pustet. 1·80 m.

Ravioli (C.) Documenti e computi che formano nella cronologia della storia primitiva d' Italia gli elementi e i caratteri di storica certezza. II. Pp. 237. Rome: Righetti.

Strabonis Ἱστορικῶν ὑπομνημάτων fragmenta collegit et enarravit P. Otto. (Leipziger Studien zur classischen Philologie. XI. Suppl.-Heft.) Pp. 350. Leipzig: Hirzel. 8 m.

Thouvenel (L.) La Grèce du roi Othon: correspondance de M. Thouvenel avec sa famille et ses amis, recueillie par L. Thouvenel. Paris: C. Lévy, 7·50 f.

IV. ECCLESIASTICAL HISTORY

Baldassari (P.) Relazione delle avversità e patimenti del glorioso papa Pio VI negli ultimi tre anni del suo pontificato. Pp. 428, 382. Rome: tip. della propaganda fide. 8 l.

Bratke (E.) Wegweiser zur Quellen- und Litteraturkunde der Kirchengeschichte: eine Anleitung zur planmässigen Auffindung der litterarischen und monumentalen Quellen der Kirchengeschichte und ihrer Bearbeitungen. Pp. 282. Perthes. 6 m.

Bulsano (Albertus a). Expositio regulae fratrum minorum, ex declarationibus Romanorum pontificum, s. Bonaventura aliisque probatis auctoribus congesta. Editio novissima. Pp. 586. Milan: typ. Ghezzi.

Cornelius (C. A.) Die Rückkehr Calvins nach Genf. II: Die Artichauds. III: Die Berufung. Pp. 102. Munich: Franz. 4to. 3 m.

Finck (Freiherr von). Uebersicht der Geschichte des souveränen ritterlichen Ordens St. Johannis vom Spital zu Jerusalem und der Balley Brandenburg. Pp. 158. Leipzig: Duncker & Humblot. 3·60 m.

Gauduel (F.) Etude historique et critique au sujet d'une prétendue bulle du 20 décembre 1239, attribuée au pape Grégoire IX, et d'une bulle inédite du pape Innocent IV, datée de Lyon le 20 décembre 1246. Pp. 39. Grenoble: impr. Breynat.

Gerbert (C.) Geschichte der Strassburger Sectenbewegung zur Zeit der Reformation [1524–1534]. Pp. 200. Strassburg: Heitz. 3·60 m.

Gundlach (W.) Der Streit der Bisthümer Arles und Vienne um den Primatus Galliarum: ein philologisch-diplomatisch-historischer Beitrag. Pp. 294. Hanover: Hahn. 6 m.

Hagiographicorum, Catalogus codicum, Latinorum antiquiorum saeculo XVI qui asservantur in bibliotheca nationali Parisiensi: ediderunt hagiographi Bollandiani. I. Pp. 606. Louvain: typ. Lefever. 20 f.

Ignatii Diaconi Vita Tarasii archiepiscopi Constantinopolitani, Graece primum ed. J. A. Heikel. Pp. 45. Berlin: Mayer & Müller. 4to. 2·40 m.

Kurtz (J. H.) Church history. Authorised translation from the latest revised edition by J. Macpherson. III. Pp. 550. London: Hodder & Stoughton. 7/6.

Leclère (L.) Les rapports de la papauté et de la France sous Philippe III [1270–1285]. Pp. 138. Brussels: Lamertin. 3·50 f.

Loserth (J.) Beiträge zur Geschichte der husitischen Bewegung. IV: Die Streitschriften und Unionsverhandlungen zwischen den Katholiken und Husiten [1412, 1413]. Pp. 127. Vienna: Tempsky. 2·40 m.

Majocchi (R.) S. Tommaso d' Aquino morì di veleno? Studio storico-critico. Pp. 136. Modena: tip. dell' Immacolata Concezione.

Mussafia (A.) Studien zu den mittel-

alterlichen Marienlegenden. III. Pp. 66. Vienna: Tempsky. 1·20 m.

Nyem (Theoderici de). De scismate libri tres, recensuit et adnotavit G. Erler. Pp. 341. Leipzig: Veit. 10 m.

Vaticano, Spicilegio, di documenti inediti e rari estratti dagli archivî e dalla biblioteca della sede apostolica. I, 1. Pp. 168. Rome: Loescher.

V. MEDIEVAL HISTORY

Hagenmeyer (H.) Anonymi Gesta Francorum et aliorum Hierosolymitanorum, mit Erläuterungen herausgegeben von. II. Pp. 321–574. Heidelberg: Winter. 7 m.

Miklosich (F.) & Müller (J.) Acta et diplomata Graeca medii aevi sacra et profana collecta. VI: Acta et diplomata monasteriorum et ecclesiarum orientis sumtus praebente Caesarea scientiarum academia Vindobonensi. III. Pp. 452. Vienna: Gerold. 14 m.

Sathas (C. N.) Documents inédits relatifs à l'histoire de la Grèce au moyen âge publiés sous les auspices de la chambre des députés de la Grèce. IX. Pp. l, 293. Paris: Maisonneuve. 25 f.

Schlumberger (G.) Un empereur byzantin au dixième siècle: Nicéphore Phocas. Illustr. Paris: Didot. 4to. 30 f.

VI. MODERN HISTORY

Auerbach (B.) La diplomatie française et la cour de Saxe [1648–1680]. Pp. 492. Paris: Hachette. 10 f.

Behr (K. von). Genealogie der in Europa regierenden Fürstenhäuser. Supplement zur zweiten Auflage. Pp. 47. Leipzig: Tauchnitz. 4to. 15 m.

Boillot (C.) La campagne de 1799 en Suisse: relation historique. I. Pp. 12, 23 maps, &c. Neuchâtel: Kloetzsch. 1 f.

Grottanelli (L.) La regina Cristina di Svezia in Roma. Pp. 111. Florence: Cellini.

Kriegsgeschichtliche Einzelschriften, herausgegeben vom Grossen Generalstabe (Abtheilung für Kriegsgeschichte). XII: Der Fall von Soissons [3. März 1814] und die demselben unmittelbar vorhergehenden Operationen des schlesischen Heeres; Das Nachtgefecht bei Laon [9. März 1814]; Die Stärkeverhältnisse im deutsch-französischen Kriege 1870–71 bis zum Sturze des Kaiserreiches. (Schluss.) Pp. 703–845, plans, &c. Berlin: Mittler. 2·50 m.

Pribram (A. F.) Oesterreichische Vermittelungs-Politik im polnisch-russischen Kriege [1654–1660]. Pp. 66. Vienna: Tempsky.

Rothan (G.) Souvenirs diplomatiques; l'Europe et l'avènement du second Empire. Pp. 443. Paris: C. Lévy. 7·50 f.

Rupert, prince palatine of the Rhine, duke of Cumberland, A biographical sketch of the life of. Pp. 132, 3 portraits. London: Paul, Trübner, & Co. 6/.

VII. FRENCH HISTORY

Armaillé (comtesse d'). La comtesse d'Egmont, fille du maréchal de Richelieu [1740–1773], d'après ses lettres inédites à Gustave III. Paris: Perrin. 12mo. 3·50 f.

Aubert (F.) Le parlement de Paris de Philippe le Bel à Charles VII [1314–1422]; sa compétence, ses attributions. Pp. xl, 387. Paris: Picard. 8 f.

Aulard (F. A.) Recueil des actes du comité de salut public, avec la correspondance officielle des représentants en mission et le registre du conseil exécutif provisoire. II: [22 janvier–31 mars 1793]. Pp. 634. Paris: Hachette. 12 f.

Auriol (C.) Documents militaires du lieutenant-général de Campredon; la défense du Var et le passage des Alpes; lettres des généraux Masséna, Suchet, etc.; lettres diverses annotées. Pp. 430, 4 maps. Paris: Plon. 18mo. 4 f.

Auton (J. d'). Chroniques de Louis XII; publiées par R. de Maulde La Clavière. I. Pp. 414. Paris: Laurens. 9 f.

Avenel (G. d'). Richelieu et la monarchie absolue. IV: Administration générale, justice (suite et fin); administration provinciale et communale. Pp. 459. Paris: Plon. 7.50 f.

Babeau (A.) La vie militaire sous l'ancien régime. II: Les officiers. Paris: Didot. 6 f.

Barrière-Flavy (C.) Dénombrement du comté de Foix sous Louis XIV [1670–1674]: étude sur l'organisation de cette province, suivie du texte du dénombrement. Pp. xxvii, 166, plate. Toulouse: imp. Chauvin.

Blanchard (R.) Archives de Bretagne. IV: Lettres et mandements de Jean V, duc de Bretagne [1402–1406]. Pp. cxxxvi, 135, plate. Nantes: imp. Forest & Grimaud. 4to. 12 f.

Callet (A.) Les origines de la troisième république; études et documents historiques. Pp. 337. Paris: Savine. 18mo. 3·50 f.

Charavay (E.) Assemblée électorale de Paris [18 novembre 1790–15 juin 1791]; procès verbaux de l'élection des juges, des administrateurs, etc., publiés

d'après les originaux des archives nationales, avec des notes historiques et biographiques. Pp. xlviii, 699. Paris: Quantin. 7.50 f.

CHARLES (R.) & FROGER (J.) Gesta domni Aldrici Cenomannicae urbis episcopi; texte publié et annoté par. Pp. xxxiii, 224. Mamers: Fleury & Dangin. 4to. 8 f.

CŒURET (A.) La Bastille [1370–1789]: histoire, description, attaque, et prise. Pp. 100, 37 portraits. Paris: Rothschild. 5 f.

COSNAC (comte de). Episodes de l'histoire du Dauphiné au dix-septième siècle. Paris: Lechevalier.

DEVIC (C.) & VAISSÈTE (J.) Histoire générale du Languedoc, avec des notes et des pièces justificatives. XI. Pp. xlv, 1414. Toulouse: Privat. 4to. 15 f.

DU BLED (V.) Le prince de Ligne et ses contemporains; avec une préface de C. de Mazade. Paris: C. Lévy. 12mo. 3·50 f.

DU BOUT (dom). Histoire de l'abbaye d'Orbais (Marne), publiée d'après le manuscrit original de l'auteur par E. Héron de Villefosse. Paris: Picard. 20 f.

FEUGÈRE (G.) La révolution française et la critique contemporaine. Pp. 100. Paris: Lecoffre. 12mo. 3 f.

FORNERON (H.) Histoire générale des émigrés; les émigrés et la société française sous Napoleon Ier. III. Pp. 645. Paris: Plon. 7·50 f.

GAZEAU DE VAUTIBAULT. Les d'Orléans au tribunal de l'histoire: Philippe-Egalité [1747–1793]; Louis-Philippe [1773–1850]: leur vie pendant la révolution. VI, VII. Pp. 358, 347. Paris: Dentu. 7 f.

GUGLIA (E.) Die konservativen Elemente Frankreichs am Vorabend der Revolution; Zustände und Personen. Pp. 531. Gotha: F. A. Perthes. 8 m.

HAUSSMANN (baron). Mémoires. I: Avant l'Hôtel de Ville. Paris: Havard. 7·50 f.

HYDE DE NEUVILLE (baron). Mémoires et souvenirs. II: La restauration; les cent jours; Louis XVIII. Pp. 520. Paris: Plon. 7·50 f.

IMBERT DE SAINT-AMAND. La captivité de la duchesse de Berry; Nantes et Blaye. Paris: Dentu. 12mo. 3·50 f.

JOUBERT (A.) Documents inédits pour servir à l'histoire de la guerre de cent ans dans le Maine, de 1424-1452, d'après les archives du British Museum et du Lambeth Palace. Pp 47. Mamers: Fleury & Dangin.

LE NORMANT DES VARANNES (É. B.) Histoire de Louis XVII, d'après des documents inédits, officiels et privés. Paris: Lechevalier. 7·50 f.

MÈGE (F.) Gaultier de Biauzat, député du tiers-état aux états généraux de 1789; sa vie et sa correspondance. 2 vol. Paris: Lechevalier. 12 f.

MEYNIEL (L.) Napoléon Ier: sa vie, son œuvre, d'après les travaux historiques les plus récents. Pp. 269, illustr. Paris: Delagrave. 5 f.

MORIN (D.) Histoire du Gastinois, edited by H. Laurent. III. Pp. 427, plates. Orleans: Herluison. 4to. 15 f.

PARIS. — Correspondances politiques et chroniques parisiennes adressées à Christophe Güntzer, syndic royal de la ville de Strasbourg [1681–1685], publiées d'après les originaux conservés aux archives de la ville, par R. Reuss. Paris: Fischbacher. 3 f.

PERTHUIS (P. A.) & NICOLLIÈRE-TEIJEIRO (S. de la). Le livre doré de l'hôtel de ville de Nantes, avec les armoiries et les jetons des maires. 2e édition. 2 vol. Paris: Lechevalier. 50 f.

ROBIDOU (B.) Histoire du clergé pendant la révolution française. II. Paris: C. Lévy. 7·50 f.

STOCKMAR (Freiherr Ernst von). Ludwig XVI u. Marie Antoinette auf der Flucht nach Montmédy [1791], aus dem Nachlasse herausgegeben von E. Daniels. Pp. 162. Berlin: Hertz. 4 m.

SURCOUF (R.) Un corsaire malouin: Robert Surcouf, d'après des documents authentiques. Pp. 529. Paris: Plon. 7·50 f.

TALLEYRAND, Le prince de, et la maison d'Orléans; lettres du roi Louis-Philippe, de Madame Adélaïde et du prince de Talleyrand, publiées par la comtesse de Mirabeau. Paris: C. Lévy. 12mo. 3·50 f.

TAMIZEY DE LARROQUE (P.) Les correspondants de Peiresc. XII; Pierre-Antoine de Rascas, sieur de Bagarris; lettres inédites écrites d'Aix et de Paris à Peiresc [1598–1610]. XIV: Samuel Petit; lettres inédites écrites de Nîmes et de Paris à Peiresc [1630–1637]. Pp. 118, 67. Aix-en-Provence: imp. Illy et Brun. 6 f.

THÉNARD (M.) Bailliages de Versailles et de Meudon; les cahiers des paroisses avec commentaires, recueillis et publiés par. Pp. xxxvi, 324. Versailles: imp. Aubert. 18mo. 4·50 f.

TROUSSET (J.) Histoire d'un siècle. II: [1791–1793]. III: [1793–1799]. Illustr. Paris: Librairie illustrée. Each 7·50 f.

WALLON (H.) Les représentants du peuple en mission et la justice révolutionnaire dans les départements en l'an II [1793-1794]. IV: La frontière du nord et l'Alsace. Pp. 462. Paris: Hachette. 7·50 f.

VIII. GERMAN HISTORY

BACHMANN (A.) Die deutschen Könige und die kurfürstliche Neutralität [1438–1447]: ein Beitrag zur Reichs- und Kirchengeschichte Deutschlands, mit urkundlichen Beilagen. Pp. 236. Vienna: Tempsky. 4·40 m.

Becker (J.) Kurfürst Johann von Sachsen und seine Beziehungen zu Luther. I: [1520-1528]. Pp. 82. Leipzig: Gräfe. 1·60 m.

Bruckner (C.) Studien zur Geschichte der sächsischen Kaiser. Pp. 73. Leipzig: Fock. 1·60 m.

Dieffenbach (F.) Der französische Einfluss in Deutschland unter Ludwig XIV und der Widerstand der kurbrandenburgischen und kursächsischen Politik: eine historisch-politische Studie, aus den Quellen des königlich sächsischen Hauptstaatsarchivs in Dresden. Aus dem Nachlass des Verfassers bearbeibet von A. Kohut. Pp. 132. Dresden: Oehlmann. 2·50 m.

Edelmann (A.) Schützenwesen und Schützenfeste der deutschen Städte vom dreizehnten bis zum achtzehnten Jahrhundert. Pp. 163, illustr. Munich: Pohl. 6 m.

Germain (L.) Mélanges historiques sur la Lorraine. Pp. 505, plate. Nancy: imp. Crépin-Leblond. 10 f.

Hartung (C.) Die Schlacht am Welfesholze am 11 Feb. 1115 nach vergleichender Darstellung. . 2 Aufl. 2 Bde. Pp. 412, 596. Danzig: Hinstorff. 9 m.

Höfler (C., Ritter von). Der Hohenzoller Johann, Markgraf von Brandenburg, designirter König von Bugia, Gemal der Königin Germaine, geb. Gräfin von Foix. Pp. 83. Munich: Franz. 4to. 2·40 m.

Huber (A.) Die Erwerbung Siebenbürgens durch König Ferdinand I [1551] und Bruder Georgs Ende. Pp. 65. Vienna: Tempsky.

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deutschen Reiches durch Wilhelm I, vornehmlich nach den preussischen Staatsacten. III. Pp. 414. Munich: Oldenbourg. 7·50 m.

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Dieckmeyer (A.) Die Stadt Cambrai: verfassungsgeschichtliche Untersuchungen aus dem zehnten bis gegen Ende des zwölften Jahrhunderts. Pp. 38. Jena: Dabis. 80 pf.

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XV. HISTORY OF THE UNITED STATES OF AMERICA

(With CANADA and MEXICO)

ADAMS (H.) History of the United States of America during the second administration of Thomas Jefferson. III, IV. Pp. 471, 499. New York: Scribner. $4.

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BOWEN (J. L.) Massachusetts in the war [1861-1865]; with introduction by H. L. Dawes. Pp. 1050. Springfield (Massachusetts): Bryan. $6.

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Contents of Periodical Publications

I. FRANCE

Revue Historique, xliii. 1. *May*—A. Baudrillart: *The intrigues of the duke of Orleans in Spain* [1708–1709]; first article [exculpating the duke, on the basis of a number of letters and despatches in the archives of Alcalá, from the charge of actually conspiring against his nephew, Philip V: 'Les plans qu'il forma en Espagne purent être extravagants, ils ne furent pas criminels'].——T. Reinach: *The first siege undertaken by the Franks* [arguing that the account of a siege of a city of the Tyrrhenians by the Celts, preserved in a fragment of the historian Eusebius, who wrote probably in the time of Diocletian, refers not to an insurrection in Gaul, A.D. 21, but to a siege of Tours during an invasion of the Franks between 257 and 272, probably in 258–259].——R. de Maulde prints a *panegyric of Louis XII* [1509].——H. Harrisse: *Recent researches in American history* [exposing various theories as to the birthplace of Columbus and the origin of the name of America].——J. Flammermont: *On a forged letter of madame de Lamballe* [22 March 1778, printed as genuine in the 'Nouvelle Revue,' 1 May, 1889].——*Obituary notice of Gustave Rothan* [† 28 Jan.]

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Sybel & Lehmann's Historische Zeitschrift (Munich), **lxiii. 2.**—L. Keller: *The struggle for the Lutheran confession in the lands of the lower Rhine* [1555–1609].——H. Delbrück: *King Frederick William III and Hardenberg at the congress of Vienna* [maintaining that the king's share in bringing about the Prussian agreement with Russia has been exaggerated], with documents.——M. Lehmann: *The origin of the Prussian cabinet* [under Frederick William I].——*Some correspondence of Stein* [Dec. 1812–Feb. or March 1813] illustrating the antecedents of the war of 1813.——G. von Below: *Lamprecht's 'Deutsches Wirthschaftsleben im Mittelalter.'*==**3.** H. Nissen: *The outbreak of the Peloponnesian war.*——H. von Sybel: *The* 18*th and* 19*th March* 1848 *in Berlin.*——P. Zimmermann prints a *letter of Gneisenau to duke Friedrich Wilhelm of Brunswick* [12 March 1812].——*A German song on Napoleon* [August 1813].

Historisches Jahrbuch der Görres-Gesellschaft (Munich), **xi. 2.**—A. Zimmermann: *On the character of Cromwell*, concluded [a hostile criticism, accepting R. F. D. Palgrave's view of the conspiracy of 1655 as 'jetzt zur Gewissheit erhoben'].——F. X. Glasschröder: *On the materials for papal history in the fourteenth century.* I

Notes on the manuscripts. II: On two continuations of Martin of Troppau, partly dependent on Bernard Gui. III: 'Chronicae Martinianae continuatio Italica' [down to 1357]. IV: 'Florum chronicorum Bernardi Guidonis continuatio Avinionensis.' V: On the papal chronicle of Werner of Liège [the middle portion of the 'Vitae Pontiff.' (extending at least as far as Gregory XI), published under the name of Dietrich of Niem].——A. Knöpfer prints a *fragmentary diary of the council of Constance* [12 February–15 March 1415, written by one in the following of Frederick of Austria].——A. Ebner describes a *second manuscript of Hugo of Trimberg's 'Registrum auctorum.'*——J. Nordhoff: *The first attempts at the conversion of Westphalia* [on Martin of Braga's notice concerning St. Martin of Tours' mission, and on St. Cunibert].——A. Hirschmann prints a *mandate of bishop Reimboto of Eichstätt 'de litteris apostolicis ab episcopo recognoscendis'* [1283].——J. Blötzer: *Lea's 'History of the Inquisition'* [an unfavourable criticism].

Quidde's Deutsche Zeitschrift für Geschichtswissenschaft (Freiburg), **ii. 1.**—H. Baumgarten: *The differences between Charles V and his brother Ferdinand in* 1524 [discussing the genuineness of the emperor's letter to Frederick of Saxony asking him to exert his influence to make Ferdinand amend his government and remove Salamanca from his confidence; in connexion with the instructions given to the Hannart, the emperor's representative at the diet of Nuremberg. The writer suggests that the passages of which Ferdinand complained were inadvertently overlooked by Charles in the course of a long and elaborate despatch submitted for his approval].——G. Buchholz: *The origin and character of the modern conception of history.*——O. Hartwig: *A generation of Florentine history* [1250–1292], second article.——G. Sommerfeldt: *Henry VII and the Lombard cities* [1310–1312], with a document.——H. Ulmann: *The execution of the Saxons by Charles the Great* [maintaining that it was limited to those who set the rebellion on foot, and inferring that there is an error in the number of men, 4,500, said to have been executed].——R. Fester: *On the history of the Frankfurt association of* 1697 [from the despatches of Freiherr von Görz].——G. Monod: *Report on historical studies in France.*——H. Vančura: *Recent historical research in Bohemia.*——F. Liebermann: *Survey of recent literature on medieval English history* [on an extensive and detailed plan].——*Bibliography of German history.*══2. L. Quidde: *Obituary notice of Julius Weizsäcker* [† 3 Sept. 1889].——E. Sackur: *The dispute between the monasteries of Waulsort and Hastière*; a contribution to the history of medieval forgeries.——R. Wolkan: *The Winter-King in contemporary songs* [with specimens].——F. Arnheim: *Contributions to the history of the northern question in the second half of the eighteenth century.* I: The northern policy of Frederick the Great down to 1762. II: The alliance of Russia and Poland [11 April 1764] and its antecedents.——J. von Gruner prints *two papers of Justus Gruner* [1809 and 1811].——A. Kaufmann prints a *letter of Philipp Joseph Rehfues* [4 May 1823] describing the beginnings of his administrative work in the Prussian Rhine provinces [from 1814].——F. Liebermann: *Recent literature on medieval English history.*——*Bibliography of German history.*

Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde (Hanover), **xv. 3.**—E. Sackur: *Report of a visit to libraries and archives in the north of France* for the purposes of the 'Monumenta Germaniae' [with extracts from manuscripts at Douai and Saint-Omer].——H. Simonsfeld: *Report of work in libraries and archives in northern Italy* in connexion with the same undertaking [criticising the accuracy and also the *bona fides* of the edition in De Rubeis' 'Monum. Eccl. Aquil.' with specimens of various readings and other extracts].——W. Gundlach: *On the letters of St. Columbanus* [an account of the manuscripts, with a short biography of the saint, an attempt to fix the date of the letters, and a vindication of the genuineness of the poems].——L. M. Hartmann: *On the orthography of pope Gregory I.*——H. Bresslau: *On a letter on papyrus at Monza attributed to Gregory I* [showing that there is no evidence whatever for its authorship, though it belongs to Gregory's time].——B. von Simson: *Critical notes.* I: *On the 'Vita Dagoberti III' and the 'Annales Mettenses'* [giving instances of the former's having borrowed either from the 'Annales' or from its source, and maintaining that the 'Annales' belong really to Metz, not to Laon]. II: *On the different texts of Widukind* [holding that the British Museum manuscript (2) presents the earliest recension]. III: *On the privilegium of Otto I to the Roman church* [perhaps a combination of two different documents].——F. Wrede: *On the marriages arranged by Theoderic the Great for members of his family.*——A. Chroust: *Topographical notes on Paulus Dia-*

conus, the 'Annales Altahenses Maiores,' and the 'Annales Fuldenses.' ——L. von Heinemann: *The date of the 'Vita Gerardi abbatis Broniensis'* [fixing it not long after 1038, and placing the forged documents of the abbey of Brogne about the same time]. ——E. Sackur: *On the shorter collection of legends of St. Francis of Assisi by Bonaventura* [incorporated in the 'Annales Hannoniae']. ——P. M. Baumgarten describes a *manuscript of the letters of Gregory I* [Brit. Mus., MS. 6 c. x.]. ——W. Schmitz: *Tironian notes.* ——W. Lippert: *On the necrology of St. Vannes* in the diocese of Verdun. ——E. D.: *Wilhelm von Giesebrecht.*

Bayerische Akademie der Wissenschaften zu München. Abhandlungen der historischen Classe, **xix. 2.**—C. Ritter von Höfler: *John margrave of Brandenburg, the second husband of queen Germaine, countess of Foix* [dealing with the changes in the political condition of south-west Europe at the close of the fifteenth century, the state of the Spanish peninsula at the death of queen Isabella, the marriage of Germaine with king Ferdinand and her life as *reyna católica*, and afterwards as wife of John of Brandenburg, 1519–1525, and concluding with her marriage to Ferdinand of Aragon, duke of Calabria, 1526]. ——C. A. Cornelius: *Calvin's return to Geneva,* continued. ——A. von Druffel: *Charles V and the Roman curia* [1544–1546]. IV: From the opening of the council of Trent to the emperor's meeting with the landgrave of Hesse at Spiers, with thirty-seven documents [12 Aug. 1545–13 March 1546].

Sitzungsberichte der philos.-philol. und hist. Classe, **1889, ii. 2.**—K. von Maurer: *The Norwegian höldar* [tracing the change in the signification of the word *höldr* from denoting a 'man' to denoting a 'freeman,' and ultimately a 'member of a free class, with special privileges;' with an exposition of the legal status of the class and its development]. ——F. von Löher: *On the history of archives in the middle ages* [on the earliest Teutonic documents (runes) and the next stage of indentures or tallies; the introduction of the modern form of documents under Merovingian rule, and the chief purposes for which they were used; the varied contents of archives, including songs and chronicles; forgeries; and the general history of documents in Germany during the middle ages].

Archiv für Oesterreichische Geschichte (Vienna), **lxxv. 1.**—A. Bachmann: *The German kings and the neutrality of the electors* [with respect to the papacy and the council of Basle, 1438–1447]; a contribution to the imperial and ecclesiastical history of Germany, with seventeen documents. ——B. Scholl: *The necrology of the chapter of the regular canons of Gurk* [from two manuscripts of the twelfth and fifteenth centuries], with an index.

Delbrück's Preussische Jahrbücher (Berlin), **lxv. 4.**—H. Delbrück: *The beginnings of Bismarck's ministry* [on Sybel's 'Begründung des Deutschen Reiches,' iii.] ═ **5.**—B. Seuffert: *Duchess Anna Amalia of Saxe-Weimar's travels in Italy* [1788–1790], with letters.

Zeitschrift der Deutschen Morgenländischen Gesellschaft (Leipzig), **xliv. 1.**—E. Wilhelm: *Priests and heretics in ancient Erân.*

CHURCH HISTORY

Brieger's Zeitschrift für Kirchengeschichte (Gotha), **xi. 3.**—F. Görres: *The emperor Maximin II and his persecution of the Christians.* ——E. Nöldechen: *Tertullian 'de corona'* [dating the work in the latter part of February, 211]. ——P. Meyer: *The recent history and present condition of the monasteries on Mount Athos,* first article. ——T. Kolde prints a number of titles of *theses for disputation at Wittenberg* [1516–1522], and discusses the *chronology of Luther's writings in the sacramental controversy.* ——G. Kawerau prints *Luther's theses 'de excommunicatione'* [1518]. ——T. Brieger prints *theses of Karlstadt* [probably early]. ═ **4.**—E. Lempp: *St. Anthony of Padua.* II: His writings. ——P. Meyer: *The recent history and present condition the monasteries on Mount Athos,* second article. ——L. Schulze: *On the history of the brethren of common life* [printing works of Geert Groote, Johannes Busch, and Johannes Veghe].

Theologische Studien und Kritiken (Gotha), **1890. 3.**—J. Köstlin defends the *genuineness of Luther's letter to Bugenhagen* [1520].

Zeitschrift für Katholische Theologie (Innsbruck), **xiv. 2.**—P. von Hoensbroech: *The evidence of St. Cyprian for the primacy of the bishop of Rome.* ——E. Michael: *Pope Innocent IV and Austria.* ——J. Heller prints a *document on the diocesan synod of Passau of* 1435. ——A. Arndt: *The early bishops of Przemysl of the Latin rite down to* 1375. ——U. Berlière: *Recent researches concerning Henry of Ghent* ['doctor solemnis']. ——N. Nilles prints an *account of the mission of bishop Künigl of Brixen to Hanover* [1719].

Hilgenfeld's Zeitschrift für Wissenschaftliche Theologie (Leipzig), **xxxiii. 2.**—F. Görres: *Contributions to the*

history of the age of Constantine.——A. Hilgenfeld: *The Neronian persecution of the Christians.*——The same: *The pre-catholic constitution of the Christian communities outside Palestine.*

MILITARY HISTORY

Jahrbücher für die Deutsche Armee und Marine (Berlin), **lxxiv. 3.** *March—Admiral Lord Nelson as a naval commander*, concluded.——**lxxv. 1.** *April—Memorials of the life and times of Field-Marshal Hermann von Boyen* [born in Prussia 1771; a sketch from Nippold's work, illustrating the political and military history down to 1809].——2. *May—The hundred-and-fiftieth anniversary of the accession of Frederick the Great* [31 May 1740; on the king's character and influence].

Neue Militärische Blätter (Berlin), **xxxvi. 5, 6.** *May, June*—Lieut. Dechend: *The journal of the Hessian general staff in the campaign of 1792 in Champagne and on the Main* [largely from papers in the Marburg archives].

Organ der Militär-wissenschaftlichen Vereine (Vienna), **xl. 3.**—J. U.: *Studies on the equipment and commissariat in Napoleon's campaign against Russia in the year 1812* [minutely detailed and based on many authorities].

III. GREAT BRITAIN AND IRELAND

Archæological Journal. No. 183.—G. T. Clark: *Contribution towards a complete list of moated mounds or burhs.*——Bunnell Lewis: *The antiquities of Treves and Metz*, first paper.——**184**—Rev. W. Hudson: *Traces of the early development of municipal organisation in the city of Norfolk.*——G. F. Fox: *Roman Norfolk*, with a list of Roman discoveries in the county.——Bunnell Lewis: *The antiquities of Treves and Metz*, second paper.

Church Quarterly Review, No. 59. *April—Dante's political ideal* [an account of the 'De monarchia' in connexion with other theoretical treatises of Dante's time; and a study of the political situation in Italy with which Henry VII was confronted. The article is attributed to E. Armstrong.

Dublin Review. 3rd Series. No. 46. *April*—J. Morris, S. J.: *Jesuits and seculars in the reign of Elizabeth* [a temperate account, in connexion with T. G. Law's work].——J. R. Gasquet: *The early history of the mass.*——J. M. Stone: *Mary, queen of England.*——P. L. Nolan: *Irishmen in the French revolution.*——*Encyclical letter of pope Leo XIII on the chief duties of Christian citizens* [10 Jan. 1890].

Edinburgh Review, No. 350. *April—Lord Melbourne's papers.*——*Bury's 'Later Roman Empire.'*——*Henry de Rohan and the Huguenot wars.*——*The correspondence of princess Lieven and Earl Grey.*——*Talleyrand and Napoleon I.*

Jewish Quarterly Review, ii. 1. *October*—A. H. Sayce: *Polytheism in primitive Israel.*——J. S. Meisels: *Don Isaac Abarbanel*, the famous Jewish statesman under Alfonzo V of Portugal.——H. Graetz: *Alexander Jannaeus and his gold-lettered scroll*, and *The burning of the Talmud in 1322* [note based on a Hebrew manuscript in the Bodleian library].——C. Adler: Note on *Jewish history in Arabian historians.*——3. *April*—D. Kaufmann: *Don Joseph Nasi* [or Prince; founder of colonies in the Holy Land], with a *contribution to the history of Venetian Jews* [from document in the Vatican archives].——A. Neubauer: *A supposed English school of Jewish grammarians* [maintaining against J. Jacobs that Berachiah Naqdan ('Punctator') is not identical with Benedictus le Puncteur of Oxford, and that the latter was not an English Jew at all; further, that Moses, of the family of Contissa, though descended from an English family, did not write in England]; with *reply* by J. Jacobs.

Law Quarterly Review, No. 21. *January*—A. V. Dicey: *Private international law as a branch of the law of England.*——F. W. Maitland: *Remainders after conditional fees* [showing that such existed before the enactment of the statute 'De Donis'].——J. W. Salmond: *The superiority of written evidence* [in older English law].——22. *April*—C. Elton: *The antiquities of Dartmoor.*

Quarterly Review, No. 340. *July—The viking age* [on P. B. du Chaillu's book], illustrated.——*St. Saviour's Southwark.*——*The French in Italy, and their imperial project* [under Charles VI].

Scottish Review, No. 30. *April*—J. Rhŷs: *The early ethnology of the British isles* [proceeding from the classification of the Celtic languages to an inquiry into their geographical distribution, and suggesting that the Gallo-Brythonic branch, in common with the other Aryan languages (Osco-Umbrian, Doric Greek, and Phrygio-Carian) distinguished by the change of *qu* into *p*, became differentiated during the residence of the races which speak those languages, in the course of their migration from the north, in a common home 'somewhere in the Alpine region of central Europe'].——*The Stewarts in*

Orkney [describing the rule of Robert Stewart, half-brother of queen Mary, and of his son Patrick].——*The university of Finland* [at Abo, afterwards at Helsingfors, with notices of the history of the Scandinavian universities].——*An old Scots society* [at Boston, U.S.A., traceable in part to the Scottish prisoners deported after the battle of Dunbar].

IV. HOLLAND AND BELGIUM

Bulletin de la Commission de l'Histoire des Eglises Wallonnes (The Hague), **iv. 2.**—W. N. du Rieu: *Bibliography of works published in the Netherlands relating to the Vaudois.*——J. B. Kan: *Bayle and Jurieu* [a biographical study, with special reference to the school at Rotterdam in the last quarter of the seventeenth century], with official documents concerning the disputes between the two refugees [1691-1697] and other notices.

Messager des Sciences Historiques de Belgique (Ghent), **1889, 4.**——A. Dubois: *Philippe Wielant and J. de Damhoudere*, continued.——P. Bergmans: *Notes on the autobiography of Justus Lipsius*, continued.——J. T. de Raadt: *The seignories of the country of Malines*: Keerbergen, continued [1427–1523].——*Notes on the topography, &c., of Ghent.*

V. ITALY

Archivio Storico Italiano (Florence), **5th ser. iv. 2, 3.**—C. Carnesecchi: *A Florentine of the fifteenth century* [Luca di Matteo] *and his private memoirs* [1406–1461], with extracts.——A. Virgili: *The week before the battle of Pavia* [16–24 February 1525] from contemporary and unpublished accounts.——G. Rossi: *The port-dues of the city of Monaco*, with two documents [one of 1511 giving the text of a treaty with the Florentines, negotiated by Machiavelli].——E. Ridolfi: *Matteo Civitali* [the sculptor] *and his family.*——U. Pasqui prints a *catalogue of the library of a notary of Arezzo* [1338].——L. Frati prints a *contemporary letter giving an account of the suicide of the physician Pier Leoni* immediately after the death of Lorenzo de' Medici.——G. Sforza prints a *letter on the assassination of Bassville at Rome* [1793].——A. Coen: *Pais's 'Amministrazione della Sicilia durante il dominio romano.'*——F. Tocco: *Lea's 'History of the Inquisition of the middle ages.'*——F. C. Pellegrini: *Perrens' 'Histoire de Florence.'*——*Calendar of Strozzi charters*, continued.

Rivista Storica Italiana (Turin), **vii. 1.**—E. Calleghari: *The inscription of Acraephiae* [containing Nero's oration at the Isthmian games, A.D. 67].

Archivio Storico Lombardo (Milan), **xvi. 4.**—P. Magistretti: *The imprisonment of Galeazzo Maria Sforza at La Novalesa* [1466], with documents.——G. de Castro: *The national party in Lombardy* [1818–1820], from contemporary diaries, &c.——C. Brambilla prints *two documents illustrating the internal affairs of Pavia* [1289].——G. Romano: *The age and birthplace of Gian Galeazzo Visconti* [urging that he was born not later than October 1351 and not, as Z. Volta argues, at Pavia but at Milan].——V. Forcella & E. Beltrami: *Inscriptions, &c.* [chiefly of modern date] *recently discovered at Milan.*——L. A. Ferrai: *Francesco Bussone di Carmagnola*, with documents.——**xvii. 1.**—L. Zerbi prints *charters and other instruments of the tenth, eleventh, and twelfth centuries, chiefly relating to the territory of Monza.*——P. Ghinzoni: *The last days of Tomaso Moroni da Rieti*, an Umbrian man of letters of the fifteenth century [1474–1476].——A. Luzio & R. Renier: *The relations of Isabella Gonzaga with Ludovico and Beatrice Sforza*, first article [1490–1491].——C.: *A noble Milanese house* [the family of Litta in the eighteenth and early nineteenth centuries].——E. Motta: *On the fustian manufacture in Lombardy in the fourteenth century.*——A. Maspes prints the *ceremonial for the reception of ambassadors at the court of Galeazzo Maria Sforza* [10 Dec. 1468].——L. Beltrami: *A design for the fortification of Milan* [1521], with an illustration.——A. Avetta: *Francesco Marcaldi*, with a list of his writings [1572–1597].——A. Garovaglio: *The worship of Mithras in northern Italy.*

Archivio Storico per le Province Napoletane, xv. 1.—M. Schipa: *Charles Martel* [the claimant to the crown of Hungary], fourth article [1290–1295], concluded.——B. Croce: *The theatres of Naples* from the fifteenth to the eighteenth century, continued.

Archivio Veneto, xxxviii. 1.—V. Malamani: *Giustina Renier Michiel* [b. 1755] *and her times.*——B. Morsolin: *Luigi da Porto, the historian of the league of Cambrai and author of 'Giulietta e Romeo'* [correcting the date of his death], with documents.——U. Papa: *La magnifica Patria Benacense* [the

district of Salò on the west coast of the Lago di Garda; an account of its administration under Venetian rule].——A. Valentini: *The medieval gonfalon of the city of Brescia* [and the *carroccio*].——A. Medin reprints a rare *ballata*, '*La lamentation de Venise*' [with a bibliography of other works relating to the battle of Ghiara d' Adda, 14 May 1509].——G. Giomo: *Bartolomeo Cecchetti* [† March 1889; with a list of his writings].

VI. RUSSIA

(Communicated by W. R. Morfill)

The Antiquary (Starina).—*March, April, May—Memoirs of the senator Vladimir Daehn* [with details of the Crimean war].═*March—Memoirs of Mochnacki: the Polish rebellion of* 1830–1831 [translated from the Polish with comments on many of the statements].——*Recollections of general A. Lishin* [1830–1831; with details of the Polish insurrection].——*The district of Valdai in old times* [1777–1797], with extracts from the archives [illustrating the state of society].═*March–April*—V. Sniezhnievski: *The revolt of Pugachev* [illustrated by letters written in 1774 by Tatars, accidentally discovered].═*April*—Prince N. Golitsin: *Corporal punishment in Russia and its abolition* [a summary from the time of its introduction by the Tatars].——Count Lüders-Weimarn: *The siege of Sebastopol as described in the letters of an officer, who was killed there* [1853–1855: Augustus Comstadius, who died of his wounds 29 Sept. 1855].——Prince N. Golitsin: *Russian soldiers in the Prussian service* [1713–1817: an account of the adventures of the giants whom the Russians sometimes contributed to the Prussian armies].——P. Lebedev: *Prince Paul Tsitsianov* [materials for the history of the occupation of the Caucasus by the Russians at the beginning of the present century].——K. Mankovski: *The emperor Nicholas in the year* 1846 [describing how the emperor was nearly drowned while crossing the river Niemen].——G. Studenkin: *The emperor Nicholas at the courts of justice in St. Petersburg.*═*May—The emperor Nicholas* [various anecdotes].——J. Ivanov: *The Bulgarian militia in* 1876–78.

The Historical Messenger (Istoricheski Viestnik).—*March—The youth of Catherine II.*——A. Molchanov: *A journey to the Okrainski monastery* [situated near Kovno: originally a wealthy Roman catholic abbey, founded by one of the Pats family].═*April–May*—A. Petrov: *Russian diplomatists at the Vienna conferences in* 1855].═*April—The living words of Peter the Great* [some notes on the second volume of his letters which has just appeared].═*May*—I. Fedorov: *The captive of Krim-Ghirei* [the adventures of Dinora Chionis, supposed to be the prisoner of the khan, who forms the subject of one of Pushkin's poems].——V. Nedzvietski: *The most important theatres of war in Europe.* I: *The eastern portion from the western Dvina and the Dnieper to the Elbe and the central Danube.*——N. Likhachiev: *The pedigree of A. Adashev, the favourite of Ivan the Terrible* [showing that this once celebrated family, now extinct, was probably of eastern origin].

Journal of the Minister of Public Instruction (Zhurnal Ministerstva Narodnago Prosviestchenia).—*March*—I. Filevich: *The struggle between Poland and Lithuania for the succession in Galicia.*——S. L. Ptashitski: *The Polish reforms of the eighteenth century.*═*April–May*—I. Ghanov: *Songs about prince Roman* [a contribution to the literature of the Russian *bilini*].═*April*—K. Bestuzhev Riumin: *The history of Catherine II before her accession* [1729–1762].═*May*—A. Veselovski: *Remarks on the bilini* [Russian legendary poems].——S. Platonov: *The towns of Muscovy in the sixteenth century.*——S. L. Ptashitski: *The beginning of the catholic reaction and the fall of the reformation in Poland.*——P. Sirku: *Bulgarian ethnography.*

VII. SPAIN

Boletin de la Real Academia de la Historia, xvi. 1, 2. *January–February*—M. Danvila continues the publication of *documents relating to the Cortes of Madrid* [1632–1636 and 1638–1643]. F. Fita: *The extinction of the bishopric of Morocco*, with a bull of Pius IV [1560], and other acts; *the testament* [1627] *and death* [1631] *of the last bishop.*═**3.**—M. Danvila: *The Cortes of Madrid* [1646–1647].——F. de Selgue: *The basilica of Santa Maria at Oviedo, and the burial-place of its founder, Alfonso II el Casto.*——F. Fita prints a *letter of Innocent VIII* requesting Ferdinand and Isabella to arrest and imprison Pico della Mirandola and his adherents.

VIII. UNITED STATES OF AMERICA

Johns Hopkins University Studies in Historical and Political Science (Baltimore), viii. **1, 2**.—A. W. Small: *The beginnings of American nationality*; the constitutional relations between the continental congress and the colonies and states [1774–1789].═══**3**.—D. E. Spencer: *Local government in Wisconsin*.═══**4**.—F. W. Blackmar: *Spanish colonisation in the south-west*.═══**5, 6**.—P. Fredéricq: *The study of history in Germany and France* [translated from the French].

Magazine of American History.—*March*—W. R. Garrett: *The northern boundary of Tennessee* [finally settled in 1860].═══*April*—J. Dimitry: *François Xavier Laval, first bishop of Quebec* [1623–1708].——J. L. M. Curry: *George William Erving, his diplomatic services in Spain* [1804–1818].——P. C. Standing reprints an *account of Pennsylvania* from the 'Universal Museum' [1765].——*Records of committees of the war in Virginia* [1775–1776].═══*May*—C. H. Shinn: *Spanish pioneer houses of California*.——E. D. Warfield: *The constitutional aspects of the struggle of Kentucky for autonomy* [1784–1792].——C. W. Super contributes *three letters of Stephen Noylan, secretary to George Washington* [November–December 1775].

To the Editor of The English Historical Review.

THE LONDON WEAVERS' GUILD.

Mr. Loftie, in his review of Mr. Clode's 'History of the Merchant Tailors' Company' (above, p. 157), has perhaps been somewhat too hasty in his positive assertions as to the early history of guilds and city companies. Without, however, entering upon the wide field of discussion which his 'proved propositions' open up, it is desirable to correct a statement of some importance on which, here and elsewhere, Mr. Loftie lays great stress. Mr. Loftie's language and argument imply a belief that the London Weavers' Guild was permanently suppressed by King John. This was so far from being the case that the guild regained its charter, and had a continuous history, which can be traced with certainty as late as 24 Henry VII (Madox, 'Firma Burgi,' 191–196). Its position in 1321 may be learned from 'Liber Custumarum,' 416–425, and 'Placita de Quo Warranto,' 465; while the difficulties which arose from the introduction of foreign weavers by Edward III may be traced in Madox, 'Firma Burgi,' 284–287, and 'Rotuli Parl.' iii. 600, iv. 50. Mr. Loftie adds satirically that 'the history of the weavers might be shown to be intimately connected with that "early history of the tailors" which Mr. Clode professes to elucidate.' It would be interesting to see the evidence by which this can be 'shown.' Mr. Loftie has indeed repeatedly stated that the weavers' guild split into sections, 'of which the tailors retained the ancient name *telarii*' ('Hist. of London,' i. 169, n., and 'London,' 49, in the 'Historic Towns' series). But the argument here implied would seem difficult to reconcile with etymology. *Taillour* is clearly from Fr. *tailler*, to cut, and its usual Latin equivalent was *cissor* ('Liber Albus,' 727), while *telarius*, a weaver, is from *tela*, a web, or, in late Latin, a piece of cloth.

W. J. Ashley.

Errata.

Page 317, line 12 of poem: For '*quam tocius*' read '*quantocius*.'
Page 326, line 10 from foot: For 'Infanta' read 'Infante.'

THE ENGLISH HISTORICAL REVIEW

NO. XX.—OCTOBER 1890

Northumbrian Tenures

IN the thirteenth century there might be found in Northumbria—by which name I intend to include our five northernmost counties—certain tenures of land bearing very ancient names; there were still thegns holding in thegnage and drengs holding in drengage. These tenures, though common enough in the north, seem to have given the lawyers at Westminster a great deal of trouble by refusing to fit neatly into that scheme of holdings—frankalmoign, knight's service, serjeanty, socage, villeinage—which was becoming the classical, legal, scheme. Were they military tenures or were they not? They had features akin to those of serjeanty, other features akin to those of socage; nor were there wanting yet other features which according to some generally accepted rules would have been deemed to be marks of villeinage. I propose to collect here a little of what may be learnt about them.

And in the first place let us remark that in Northumbria the duty of military service occasionally appears under a very antique name; it is still 'the king's utware.' When a man is making a feoffment, it is of course a very common thing that besides reserving some service to be done to himself, he should also stipulate that the feoffee should discharge the service which the land owes to any overlords that there may be, and in particular the service, usually military service, that it owes to the king. Such a stipulation is, we may say, the medieval equivalent for the clause common in modern leases which throws on the tenant the burden of rates and taxes. So the feoffor stipulates for rent, or it may be for prayers, *pro omni servicio salvo regali servicio*, or *salvo forinseco servicio*; for, as Bracton explains, the service which was due from the tenement to the king while it was in the feoffor's hands is 'forinsec service' as between the feoffor and the feoffee; it, so to speak, stands outside

and is foreign to the bargain that they are making.[1] On the other hand, the feoffor may undertake that he himself will see to the discharge of this forinsec service. Now in Northumbrian charters, instead of reading about 'royal service' or 'forinsec service,' we frequently read of the king's 'utware:'—thus one gives land *liberam et quietam ab auxilio et ab omni alia consuetudine excepta uthware quae ad dominum Regem pertinet*[2]—*libere et quiete nominatim a servicio Regis quod dicitur utware*[3]—*et a servicio Regis quod dicitur Wtware.*[4] Sometimes as between feoffor and feoffee it is the one of them, sometimes it is the other of them, who is to be answerable for the 'utware.' On meeting with such clauses our thoughts will at once go back to the well-known fragments of ancient English law, which teach us the rights of the thegn who had five hides to the king's utware, and of the ceorl who was so rich that he had five hides to the king's utware.[5] That this term had once referred to military duty there seems no doubt, and I think that it must have the same meaning in the charters of the twelfth and thirteenth centuries. It is a northern equivalent for *regale servicium* or *forinsecum servicium,* and though these terms were wide enough to cover other services besides military service, though they would for example cover the duty of doing suit to the communal courts, still the pleadings of the thirteenth century constantly put before us scutage as the typical royal and forinsec service, the incidence of which feoffors and feoffees have to settle by their agreements. Even in the fourteenth century the drengage tenants of the bishop of Durham were still nominally liable to do 'outward,' though whether they well knew what this meant may perhaps be doubted.[6]

Another term frequently meets us which demands some explanation since it has become a progenitor of myths, namely, 'cornage.' Every one knows Littleton's tale about the tenants by cornage in the marches of Scotland, who are bound to wind their horns when they hear that the Scots will enter the realm.[7] Obviously it is an idle tale; one glance at the Boldon Book will teach us that. We cannot suppose that vast masses of men held by this horn-blowing tenure; but they paid cornage. It will be shown hereafter that near two centuries before Littleton's day, the origin of the payment

[1] Bracton, f. 36: 'et ideo forinsecum dici potest quia sit [*corr.* fit.] et capitur foris sive extra servitium quod sit [*corr.* fit] domino capitali.' Note that a tenant's *dominus capitalis* is his *immediate* lord.

[2] Rievaulx Cartulary (Surtees Soc.), p. 215.

[3] Newminster Cartulary (Surtees Soc.), p. 19.

[4] Newminster Cartulary, pp. 86, 87, 118, 119.

[5] Schmid, *Gesetze*, Anh. v. 3; Anh. vii. 2 § 9.

[6] Bp. Hatfield's Survey (Surtees Soc.) p. 9: *et facit outeward in episcopatu quantum pertinet ad iiij. partes unius dringagii*; p. 10: *et faciunt oughtward quantum pertinet ad iiij. partes j. dringagii.*

[7] *Tenures,* sec. 156.

had become obscure, and that the Northumbrians had already invented another fable about it, quite as marvellous as that which Littleton repeated. A passage in the one extant Pipe Roll of Henry I's day will direct our eyes to a more hopeful quarter. The see of Durham is vacant and the custodian of the temporalities accounts to the king for 110*l.* 5*s.* 5*d.* *de cornagio animalium episcopatus.*[8] A charter of Henry I is pleaded in John's day by which the king gives land which belonged to certain of his drengs to Hildred of Carlisle, 'rendering to me yearly the *gablum animalium* as my other free men both French and English who hold of me in chief in Cumberland render it.'[9] Often in northern charters we read of *neutegeld et horngeld.* In 1200, Gilbert fitz Roger fitz Reinfred held land in Westmoreland and Kendal by paying 14*l.* 6*s.* 3*d.* per annum of neutegeld. He obtained the king's charter commuting his service into that of one knight.[10] In 1238 a Cumbrian tenant holds by cornage *quod Anglice dicitur horngeld.*[11] Cornage, horngeld, neutgeld, beasts' gafol, must in all probability have originally been a payment of so much per horn, or per head for the beasts which the tenant kept and turned out on the common pasture. But we only know it as a fixed sum, a sum which does not vary from year to year; very commonly a township as a whole is liable to pay a lump sum for cornage. Name and thing were known in Normandy also. Delisle gives an instance from 1451: Jean du Merle says that in his land of Briouse he has a right called cornage, that is to say, so much for every beast.[12] A much earlier instance may be found in a charter of 1099 by which Richer de Laigle grants the monks of St. Evroul freedom from cornage, passage, and toll.[13] The interest of Littleton's fable does not lie within the fable itself, for that belongs to a very common class of antiquarian legends,[14] but in the necessity for it. We only know cornage as a fixed and substantial money rent; as such it appears even in surveys of the fourteenth century; but according to Littleton tenure by cornage is not reckoned as a mode of socage, it is accounted sometimes a tenure by grand serjeanty, sometimes a tenure by knight's service.[15] How can this be?

We turn to the fate of the northern thegns and drengs. Thegns, of course, are to be found in all parts of Domesday Book; but we have special information as to certain thegns who held of the king in the land between the Ribble and the Mersey. Here the thegn

[8] *Pipe Roll*, 31 Hen. I, p. 131.

[9] *Plac. Abbrev.* p. 67. The printed book has *Tablum animalium.*

[10] *Rot. Cart.* p. 50.

[11] Bracton's Note Book, pl. 1270.

[12] *Études sur la condition de la classe agricole en Normandie*, p. 65.

[13] Appendix to Prevost's edition of *Ordericus Vitalis*, vol. v. p. 195.

[14] See in Whitby Cartulary (Surtees Soc.), i. 129, Mr. Atkinson's very interesting note about the duty of *horngarth.*

[15] Littleton, *Tenures*, sec. 156.

is generally described as holding a *manerium*—one of them holds six *maneria*—though the hidage of their manors is small. They pay a rent of 2 ores per carucate; 'by custom' they, 'like the villani,' make houses for the king, and fisheries, and inclosures, and buck-stalls (*stabilituras*) in the woods, and on one day in August they send their reapers to reap the king's crops; the heir pays forty shillings for his father's land; if one of them wishes to quit the king's land he must pay forty shillings, and may then go where he pleases; the criminal tariff applicable to them is in some respects unusually mild; they attend the shiremoot and the hundredmoot. They seem bound to obey the orders of the serjeant of the hundred when he bids them go upon the king's service—this probably implies military duty—but if they make default they only pay a fine of four shillings. In close contact with these thegns we find a group of 'drengs'—a name rare in Domesday Book—they hold a manor apiece, but of their service we have no particulars.[16] The tenure of these Lancashire thegns, if it is continued, will certainly provide a pretty puzzle for lawyers.

Next in the Boldon Book we may read much of the bishop of Durham's drengs. The typical dreng is described as feeding a dog and a horse, going to the bishop's great chase with two greyhounds and five cords, doing suit of court and carrying messages (*sequitur placita et vadit in legationibus*); sometimes he does boon works with all his men.[17]

We soon come upon entries which, when read together, are perplexing. In Henry I's time the guardian of the temporalities of Durham, after accounting for the cornage of beasts and the *donum* of the knights, accounts for what is due *de tainis et dreinnis et smalemannis inter Tinam et Teodam.*[18] Are not the *smalemanni* of Durham the compeers of the *minuti homines* of Yorkshire and other counties? In Henry II's reign an account is rendered of 'the aid of the boroughs and vills and drengs and thegns' of Northumberland.[19] Some years earlier the knights and thegns of the same county had joined in a *donum.*[20] Under Richard I the thegns and drengs of Northumberland paid tallage.[21] Under Henry III the thegns of Lancashire paid fifty marks to be quit of the tallage that had been imposed upon them.[22] A mandate of 1205 speaks of the serjeanties, thegnages, and drengages of the honour of Lancaster that have been alienated.[23] In John's reign thegns and drengs of Westmoreland and Northumberland paid fines to save themselves from military service in Normandy;[24] and this was early in the reign, while the law of the land was still respected. But a tenant who is

[16] D. B. i. 269 b.

[17] D. B. iv. *e.g.* pp. 574, 580, 581, 583.

[18] *Pipe Roll*, 31 Hen. I, p. 101.

[19] Madox, *Exch.* i. 130.

[20] *Ib.* 698.

[21] *Ib.* 698.

[22] *Ib.* 417.

[23] *Rot. Cl.* i. 55.

[24] Madox, *Exch.* i. 659.

bound to attend the king's banner even in Normandy, and who is subjected to tallage when he is at home, is not he a living contradiction in terms? But what shall we say of a tenant who must pay a fine when his daughter marries, and whose heir will be in ward to the lord? Is not this an amazing confusion of tenures, of the noblest with the basest, of chivalry with servility?

Opinion fluctuates. In 1224 a general summons for military service was issued for the siege of Bedford, then occupied by Fawkes of Breauté. The sheriff of Cumberland was forbidden to distrain Richard of Levinton, since he did not hold of the king in chief by military service, but held by cornage only.[25] A few years later we hear of a tenant who holds by cornage, and is bound to follow the king against the Scots, leading the van when the army is advancing, bringing up the rear during its return.[26] This looks like an ancient trait, for at the time of the Conquest there were men on the Welsh march who were bound to a similar service, to occupy the post of honour when the army marched into Wales or out of Wales.[27] Among the documents which have been published under the title 'Testa de Neville' are some important entries. One which seems to belong to Edward I's time mentions a number of tenants by cornage in Cumberland, and then adds, 'All these tenants by cornage shall go at the king's command in the van of the army in the march to Scotland, and in the rear on its return.' Some of them are considerable persons holding entire vills.[28] In Northumberland, we are told, the barony of Hephale was held by thegnage until King John commuted the thegnage into a knight's fee.[29] John's charter we have; the holder of the barony had formerly paid the king fifty shillings *nomine thenagii*.[30] We read of men who hold whole vills in thegnage, and who yet pay merchet and heriot. Comparing two documents, we find that in the thirteenth century the distinction between thegnage and drengage is but little understood. One John of Halton holds three vills, Halton, Claverworth, and Whittington, in drengage (another account says thegnage), of the king; he pays forty shillings a year, pays merchet and aids, and does all customs belonging to thegnage.[31] Often the Northumbrian tenant in drengage or thegnage pays cornage, and must do *truncage*, *i.e.* must carry timber to Bamborough castle—a relic, is it not, of that *arcis constructio* which was a member of the *trinoda necessitas*?[32]

[25] *Rot. Cl.* i. 614.
[26] Bracton's Note Book, pl. 1270.
[27] *Domesday*, i. 179.
[28] *Testa*, pp. 379, 380–1.
[29] *Ib.* p. 393.
[30] *Rot. Cart.* p. 51.
[31] *Testa*, pp. 389, 393.
[32] The Newminster Cartulary, p. 269, contains an interesting charter by Edgar, son of Earl Gospatric; he confirms to his sister a gift, made by his father, of land to be held in frankmarriage, *exceptis tribus serviciis, videlicet, communis exercitus in com[itatu] et cornagio et commune opus castelli in com[itatu]*. Here, we may say, is a modern version of the old clause about the *trinoda necessitas*. By a charter of King John the lands of the Abbey of Holmcoltram are freed from 'castelwerks;' Monasticon, v. 506.

Sometimes it is distinctly said that his services have not been changed since the days of William the Bastard. In Lancashire, also, there are many men who hold in thegnage; the duties mentioned are the payment of money rents and the finding of one judge (*judicem*), seemingly for the hundred and county courts. In passing, we notice a Lancashire entry about a serjeanty, which consists in blowing a horn before the king when he enters or leaves the county [33]:—are men already beginning to dabble in etymology and to seek an origin for cornage?

By comparing one of the entries with the Hundred Roll of 1275, we get the result that, in the opinion of some, drengage is free socage. A certain Henry of Millisfen holds Millisfen in chief of the king. One account of his tenure is that he holds in drengage, paying thirty shillings rent, doing *truncage* to Bamborough, paying tallage, cornage, merchet of sixteen shillings, heriot of sixteen shillings, relief of sixteen shillings, and forfeit of sixteen shillings; he ploughs once a year with six ploughs, reaps for three days with three men, owes suit of mill and pannage.[34] Elsewhere his services are described in much the same way, though merchet and heriot are not mentioned, and he is said to hold in free socage.[35]

All this is extremely puzzling at Westminster. There the question takes this shape: Shall the lord have wardship and marriage of tenants in drengage and tenants in thegnage? Wardship and marriage have become extremely important things; service in the army by reason of tenure is fast becoming an archaism, for the time for distraint of knighthood and commissions of array is at hand. In 1238–9, it was decided that the wardship of the land of Odard of Wigginton belonged to the king, for Odard held of the king by serjeanty, to wit, that of going to Scotland in the van of the king's army and returning in the rear; 'besides, he paid cornage.' [36] In or about 1275, the barons of the Exchequer certified that a man, lately dead, held of the king in chief the vill of Little Rihull in Northumberland by a rent of twenty shillings, and a payment of fourteen pence for cornage, and that they could not find that the king had ever had wardship of any of this man's ancestors; but this proved little, for no minority had occurred for some while past. They add, 'Of all your tenants in chief by cornage in Cumberland and Westmoreland wardship and marriage are due to you; but we have not yet discovered whether they are due to you of those who hold of you by cornage in Northumberland.' [37] Then in 1278 a case, which evidently was regarded as very difficult, came before the justices of the bench, and afterwards before the king's council. Robert de Fenwick held two manors in Northumberland of Otnel de l'Isle *in drengagio*. Agreement was

[33] *Testa*. p. 409. [34] *Ib*. p. 389. [35] *Rot Hund*. ii. 18.
[36] Bracton's Note Book, pl. 1270. [37] *Cal. Geneal*. 501.

made between them that the service of drengage should be remitted, and that Fenwick should hold of Otnel, rendering an annual rent of one hundred shillings, and doing whatever forinsec service was due from the said manors. The question was whether this tenure gave wardship in chivalry, to which the answer was that it did not. All depended on the nature of the 'forinsec service' (if any) that Fenwick had to do. The jurors were asked what this forinsec service was. They replied, cornage and fine of court (*finis curiae*). Questioned as to what they meant by this, they told a wonderful story. Cornage and court fine, said they, are payments made to the king by the suitors of the county, hundred, and baronial courts for the remission of certain royal rights. A sum of fifty pounds a year is paid in respect of cornage (seemingly by some group of suitors, for the payment is a heavy one) to be quit of the following custom, namely, that if a man be impleaded and do not 'defend' (*i.e.* deny) the plaint word by word he shall be at once convicted. For 'fine of court' fifty pounds was paid to the king twice in seven years for freedom from the following custom, namely, that the king's bailiff should come and sit in the baron's court and hear the pleas, and that so soon as the suitors should do anything against the law and custom of the realm, the king's bailiff should amerce them. The case was heard by eight justices and some other members of the council. They held that drengage is *certum servitium et non servitium militare*, also that cornage and fine of court are *certa servitia et non servitium militare*.[38] That the origin of cornage had been forgotten seems pretty plain. About the winding of horns there is no word.[39]

The later history of these once common tenures might be an interesting theme. Probably many of them fell into the ever-growing mass of free socage; a few, by aid of the fable of the hornblowers, may have been still regarded as serjeanties, or as military tenures, at a time (and this occurred long before Littleton's day) when the military tenures were no longer military, except in name and in legal tradition. Again, it may be strongly suspected that many of the tenures in drengage went to swell the mass of 'customary freeholds' which appear in the north of England. In Bishop Hatfield's Survey, the tenants *in dringagio* are kept apart from the *libere tenentes* on the one hand, and from the *bondi* on the other. Indeed it might, I believe, be shown that the successors of these thegns and drengs went on doing their military, but not

[38] *Coram Rege Roll*, Pasch. 6 Edw. I, No. 37, m. 14d., No. 38, m. 7; imperfectly reported in *Plac Abbrev.* p. 194.

[39] In a charter of Gospatric, son of Orm, for Holmcoltram, as given in the Monasticon, v. 609, the grantor undertakes to do for the monks *omne forense et terrenum servicium quodcunque ad dominum regem pertinet, scilicet de Noutegeld et Ondemot.* Noutegeld is probably the same as *cornage*; what *ondemot* may be I cannot guess, though it must be a moot of some kind; is it simply the hundred-moot?

knightly, service in the Tudor age long after a summons of the feudal array had become a mere name. It was thus that in 1577 the council of the North spoke of certain tenants of the dean and chapter of Durham: 'The said tenants be bounde by the custome of the countreye, and the orders of the borders of Englande annenst Scotlande to serve her majesty, her heirs and successors at everie tyme, when they be commanded in warrelike manner upon the fronteres or elsewhere in Scotlande by the space of fyftene daies without waiges.'[40] And the tenants, who were disputing with their lords whether they had a right to the renewal of their lifehold estates, insisted on this same military feature of their tenure, namely, 'serveing the Quene's Majestie and her noble progenitors upon the borders of Skotland at the burneinge of the Beken, or upon comaundment from the Lord Warden with horse and man upon their oune charges, by the space of fiftene daies at every time accordinge to the laudable use and custome of tennant right their used.'[41] It looks as if the king's *utware* had outlived knight's service; but these tenants failed in their endeavour to establish a laudable use and custom of tenant right, and seem ultimately to have sunk into the position of mere tenants for life without right of renewal.

However it is rather of early than of late times that I would here speak. In Northumbria we seem to see the new tenure by knight's service, that is by heavy cavalry service, superimposed upon other tenures which have been, and still are in a certain sort, military. In Northumbria there are barons and knights with baronies and knights' fees; but there are also, thegns and drengs holding in thegnage and drengage, doing the king's *utware*, taking the post of honour and of danger when there is fighting to be done against the Scots. But as with the Lancashire thegns of Domesday Book, so with these thegns and drengs of a somewhat later day, military service is not the chief feature of their tenure—in a remote past it may have been no feature of their tenure, rather their duty as men than their duty as tenants—they pay substantial rents, they help the king or their other lord in his ploughing and his reaping, they must ride on his errands. They even make fine when they give their daughters in marriage; they, these holders of whole manors and of whole vills, of whose unfreedom there can be no talk, pay merchet. They puzzle the lawyers because they belong to an old world which has passed away. Perhaps Northumbria is hardly the part of England to which we should have looked for the most abundant relics of this old world; but surely it is only as such that we can explain the thegnage and drengage of the twelfth and thirteenth centuries. F. W. MAITLAND.

[40] *Rolls of the Halmotes of the Prior and Convent of Durham* (Surtees Soc.), p. xxxviii.

[41] *Ib.* p. xliii

The Growth of Oligarchy in English Towns

THE topic with which the present paper is concerned has, for the most part, suffered neglect at the hands of writers on English constitutional history. Whereas the Germans have diligently examined the corresponding subject in the case of their own country, Englishmen have displayed strange indifference to a question which is of great significance in the growth of their civic life. Moreover the meagre treatment which this aspect of town history has received is of inferior *quality*, from a cause which is quite apparent. In Macaulay's words, our antiquaries conducted their researches in the spirit of partisans.

Brady was 'about the court,'[1] and he sought, perhaps officially, to prove in his 'Historical Treatise of Cities and Boroughs,' that the close corporation of his own time had existed at a very early period, and that it had emanated from royal grant. It may also be remarked that, through over-eagerness to establish his conclusion, Brady assumed a liberty in the treatment of his sources which would hardly be considered legitimate at the present day. On the other hand, the *quaestio vexata* of municipal reform had an important influence on the general tone of Merewether and Stephens, the most voluminous writers on municipal history. Their work contains much valuable material, but, both in the evidence selected and in the manner of proof, it is too forensic to serve as a permanent authority. They were clearly animated by a political purpose, and their thesis that municipal corporations were a late creation, and a departure from purer and more ancient democracy, was intended to justify the action of the whig party in 1835. At the best they wrote as lawyers and not as historians. They could not, or would not, see definite indications of virtual incorporation before the establishment of legal and abstract incorporation. They simply wished to furnish their political party with a strong historical showing. Their conclusions have been adopted by Gneist and other writers on English constitutional history; so that, both mediately and immediately, they are responsible for many of the erroneous

[1] Merewether and Stephens, *History of Boroughs*, Introduction, p. liv. Brady was keeper of the records at the Tower.

notions which are entertained concerning English town government in the later middle ages. The contrast between the position of Brady and that of Merewether and Stephens is extremely sharp; sharp enough, indeed, to suggest a reasonable doubt as to the correctness of either. No attempt at elaborate confutation can be made in these notes. The utmost purpose of this article is to bring forward some reasons which tend to show that the growth of an oligarchy, in the towns of medieval England, was more regular and natural than could be inferred from the statements of those writers who have just been mentioned.

We shall first touch upon the conditions of English borough life during the early years of Norman occupation; we shall next glance at the beginnings of organic town government; in the third place we shall examine the nature of burgess-ship during the latter part of the twelfth and the early part of the thirteenth centuries; and finally we shall consider the growth of an oligarchical spirit during the period of the three Edwards. This last stage of our subject is concerned with the rise of that 'select body,' or close corporation, which was the main characteristic of borough government down to the thirty-fifth year of the present century.

I. It is not necessary to discuss in detail the nature of town administration before the Conquest. Town life under the Saxons was scarcely an important feature of national life; and the internal arrangements of the few boroughs which were then conspicuous were, in a large degree, modified before entering on the phase of development which is to occupy our attention. The writers who have discussed this aspect of later Saxon life emphasise the infrequency of a definite or rigid government. Lawmen (*lagemen*) exercised great influence in Lincoln, Stamford, and those other towns where the Danes had gained a permanent foothold.[2] These officers were judicial, and succession passed from father to son; but they have little or nothing in common with the *praepositi*, *ballivi*, and *majores*, who became so prominent under the Plantagenets. The *judices* of Chester were, in function, not dissimilar to the *lagemen*. We have also other proofs that class gradations and distinctions existed in the towns. In addition to the burgesses proper there were burgesses who dwelt without the walls. The better portion of the citizens at Shrewsbury formed a royal body-guard when the king visited that place. These were patricians, and so too were the mounted burgesses of Hereford and the knights of Nottingham. On the other hand we learn that *poor*, *mean*, *minor*, and *petty* burgesses formed part of the population at Winchester, Huntingdon, Norwich, Derby, and Tateshale in Yorkshire. Four hundred and eighty *bordars* of Norwich returned no custom, because of their

[2] Freeman, *Norman Conquest*, v. 466; J. F. Morgan, *England under the Norman Occupation*, pp. 157-8.

poverty; and one hundred poor burgesses of Ipswich contributed to the king's revenue only a poll tax of one penny.[3] This disparity among the citizens in rank and importance naturally suggests the true origin of the borough. It brings us to the fact that the English town was not necessarily supreme in its immediate district, but was merely a section of a district where people dwelt together more compactly than elsewhere. It was not a *civitas* in the Roman sense, but rather a Saxon hundred, small and thickly settled. Hence all sorts and conditions of men, subject for the most part to feudal relations, were brought into close connexion by a gradual increase of population, on the basis of an old territorial division. As regards the payment of taxes, Domesday shows a classification of burgesses according to the several lords whose land they occupied. There were also in the towns free socage tenants. Warwick, Stafford, Romney, Buckingham, Colchester, and Norwich are among the towns within which fiefs were held from different lords. Elsewhere, as at Canterbury, the citizens themselves were prosperous, and had come to possess common property in the borough. In the latter instance they had forty-five masures without the city. Of these they took the rent and custom, the sovereign still retaining legal jurisdiction.[4] In brief, at the Conquest inhabitants of towns acknowledged the superiority of the king, or of some mesne lord, and lived under his protection. To him they paid annual rents, and also fixed dues and customs. They might belong to different masters, or the same burgess might pay tribute to one master, and remain at the same time under the jurisdiction of another. It is unnecessary to point out the features of contrast between such a town as this, and the town of the later twelfth and of the thirteenth centuries.

II. By what means did the borough, as we thus see it in 'Domesday,' work out of the strict feudal relation into greater independence of municipal spirit and action? This question we cannot fail to ask in turning from the town of the Conquest to that of Henry II. Local influences, of course, readily suggest themselves to account for the change; but behind all these lie several general causes of transition, which are of the first importance. We are now led to consider those steps by which the English town, once a collection of fiefs belonging to different lords, came to have an organic, civic existence. The growth of the towns in trade and population during the twelfth century was marked, and its effect is visible in the extended scope of municipal relations, and in the firmer union of the burgesses themselves. This is one line of progress along which the municipality advanced. The judicial system in vogue helped to weld the townsmen together. They met for

[3] Morgan, *England under the Normans*, pp. 156-7.

[4] Ellis, *Introduction to Domesday*, i. 198-208.

common action in their folk moot or court leet, and the experience which they gained there made them conversant to a certain extent with new ideas—ideas, too, that were more liberal than those to which they had been accustomed. But most of all the burgesses were united by the bond of common payment—by the fee-farm. The *firma burgi*, the commutation of all feudal and town dues by the payment each year of a fixed sum to the king or to the mesne lord, had two main effects. It was an implicit acknowledgment that the burgesses might claim recognition as a body. In the eye of its superior the town was a unit, bound, at stated intervals, to pay him a certain amount of money. The policy of the lords was, no doubt, a strictly selfish one. They saw that by making the town as a whole, and each member of the town, responsible for the tax, the collection of their revenue would become easier and more regular. Still the boroughs gained advantages which were even more considerable. The citizens enjoyed a wider personal liberty than before, and their superiority in this respect over tenants in the neighbouring hundreds probably proved a strong incentive to the spirit of municipal pride and energy. Secondly, besides the benefits which they derived from *firma burgi*, the townsmen incurred a joint responsibility. Their union was cemented by the bond of contribution to a common fund.

A complete revolution in ideas must have taken place before the theory which held each burgess bound to his lord by individual service, was superseded by the theory which regarded the town as a whole and accepted a sum of money in lieu of all customary obligations. We need, however, note only one result, which is this: that a certain amount of machinery, hitherto uncalled for, was required as soon as this transition was brought about. In order to make the new arrangements harmonious and satisfactory, it was found that the burgesses must be represented in fiscal matters by persons in whom they placed confidence—persons of their own choice. It does not appear that the lords were unwilling to grant the privilege of free election, and from the reign of Henry II the right to choose *praepositi* and *ballivi* is granted as one of the ordinary clauses in a charter.

In thus speaking of the fee-farm we have anticipated somewhat the date at which it became generally prevalent. Hardly before the latter years of Henry II is it safe to say, that the process of 'converting individual tributes into a perpetual rent from the whole borough' had become common. The place which the burgesses henceforth occupied in the feudal system is thus defined by Hallam:

> They held their lands by burgage tenure, nearly analogous to, or rather a species of, free socage. The lord, by such a grant of the town in fee-farm, divested himself of his property or lucrative dominion over the soil in return for the perpetual rent; so that the tallages subsequently

set at his own discretion upon the inhabitants, however common, can hardly be considered as a just exercise of the rights of proprietorship.

To recapitulate, during the first century from the Conquest the borough underwent the following principal changes: Having grown up as a smaller and more densely inhabited hundred, comprising within its walls all the various elements of medieval society, it was—by such various means as have been indicated—largely transformed. The heterogeneous classes were knit firmly together by mutual privileges and duties; the town came to act as a unit. It is significant to mark how Stamford, Lincoln, and the Danish boroughs, where magistrates like the lawmen had been prominent, were modified by the influences which have been suggested. The lawmen disappear, and these places soon become towns of the ordinary type. Finally, these changes thrust upon the citizens a rude form of organisation. They were practically free socage tenants, who had gained the right of electing their own officers—officers who represented them in their dealings with their feudal lords, and who had general superintendence of municipal business.

The inference from all this is, that town government in its origin was called into being to fulfil naturally a new demand. There is nothing in its rise to make us doubt that it was completely spontaneous. In the process of development from the conditions of burghal life which are revealed in 'Domesday' we can discern no trace of personal or class influence. This fact should certainly be of assistance to us in our attempt to determine the character of the municipal body when we first find it enjoying a full measure of self-government.

III. Having thus seen how the municipality came into being, we are in a position to examine the nature of citizenship in the newly organised boroughs. What persons possessed a voice in the election of officers? To whom were those officers responsible for their management of local affairs? How was it possible to acquire the rights of a burgess? In a word, did the townsmen act for themselves, or were they ruled by a select body, a close corporation? The annalists of medieval England, it is true, have left us no answers to these queries. But we have royal charters and grants, the charters and grants of the mesne lords, and documents which have been printed from town archives in recent times. From these sources we shall draw most of our data, data which point clearly to a democratic type of administration. Merewether and Stephens have treated this period (1154–1272) at great length, but here, as elsewhere, they are careless in the selection of evidence.[5]

[5] Merewether and Stephens are constantly contrasting *heirs* and *successors*. They think that a grant to the burgesses *and their heirs* excludes all possibility of the existence of a corporation. Their emphasis of this point perhaps accounts for a lack of diligence, which is evident, in their search for early examples of the word *successors*.

They lay much stress on the terms of address used in the charters, and pass by many proofs which are in favour of the theory they support. We shall endeavour to eschew their method altogether, and to base our conclusions only on explicit statement. We shall first examine the 'Ancient Custom-Book of Hereford.' Johnson, in his 'Ancient Customs of the City of Hereford,' refers the origin of this work to the following circumstance: The men of Drusselane (Rhuddlan), in North Wales, presented a petition to Henry II, who, in compliance with their request, sent a royal mandate to his chief bailiff at Hereford, commanding him to search into the laws of the town and form them into a regular code, so that when required some body of precedents might be produced without delay.[6] Accordingly a council was convened, composed of the principal citizens, and from this meeting originated the ancient custom-book, containing the laws by which the city of Hereford was governed for many centuries. Any information that we can gain concerning the state of affairs in Hereford is especially important, since that town was the model upon which most of the towns in the Welsh march, and in Wales itself, were organised.

At the feast of St. Michael we choose a bailiff of our fellow citizens, *by the consent of the whole city*, who is powerful to labour and discreet to judge, holding some tenements or hereditaments in the fee of our lord the king, he to be our head next under the king, whom we ought in all things touching our king or the state of our city to obey, chiefly in three things: *first*, when we are sent for by day or by night to consult of things which appertain to the king or to the state of the city; *secondly*, to answer if we offend in any point contrary to our oath as fellow citizens; *thirdly*, to perform the affairs of the city at our own charges, if so be they may be finished either sooner or better than by any other of our fellow citizens. . . . The bailiff, his year being finished, shall make unto us

They say, 'It should be remarked that the word "*successors*" does not occur at this time (1216) with respect to any municipal corporation: though it does in many grants to and by ecclesiastical corporations; who are contradistinguished from the municipal aggregate bodies of burgesses and others' (Introduction, p. xxi); and later (Introd. p. xxii), 'The first instance of the adoption of the term "*successors*" in a grant to a municipal body occurs in 1227, in a charter to the city of London. . . . It there occurs . . . . in conjunction with "*heirs*."' Now there are at least two town charters prior to this time in which burgesses *and their successors* are mentioned. Probably it would not be difficult to accumulate other instances. 1. Henry II granted the town of Ilchester to his burgesses of Ilchester and their successors, with divers liberties and profits, for 30*l*. a year. (Vide *Report of Munic. Corp. Comm.* part ii. p. 1289.) 2. A charter of 5 Richard I conferred various privileges on the burgesses of Pontefract in these words: *Hac presenti carta mea confirmavi burgensibus meis de Ponte fracto et heredibus* et successoribus suis *libertatem et liberum burgagium.* (Vide *Historical MSS. Commission, Eighth Rep.* p. 269.)

The reason why no real significance can be attached to a contrast between *heredes* and *successores* is that no rigid or absolute distinction seems to have been present in the minds of the men who issued the grants. In the absence of a sharp distinction no argument based on these terms is valid.

[6] Rhuddlan and many other neighbouring towns took their form of government from Hereford. See *The Affiliation of Mediæval Boroughs*, by Dr. Charles Gross.

a just account of all his receipts, *in one whole company*, by the tolling of our common bell calling them together for that intent.

Concerning those which would be made free men or enjoy our liberty. *First*, let them come unto our chief bailiff, either by themselves or by their friends, lovingly beseeching and entreating. Then the bailiff shall appoint them a day to come unto the next court, and there to notify unto them the pleasure of the commonalty, especially if the men are strangers. But if they are born in the city and of good report, and if their presence may be profitable to the city for wisdom or other worth known to the citizens, then the bailiff, having called together the steward, and twenty at least of the discreetest and ablest men, especially of the king's fee, shall cause them to come in a public place where our courts are held, having with them the charter.

The candidate for admission then took an oath which bound him to the service of the king, to his fellow citizens, and to the preservation of local laws. An initiation fee was required.

If any man be convicted of perjury he shall lose his freedom altogether, and never recover it again, unless by the special favour of the commonalty, and by the redemption of his goods and chattels for at least twice as much as he gave before. . . . If the heir of any of our citizens shall be willing to enter into our freedom, it shall forthwith be done by him as by the other aforesaid, saving that he shall pay to our bailiff only twelvepence.

The franchise could not have been at all narrowly confined when the son of a citizen by the payment of a poll tax of twelvepence entered into the town's freedom.[7] This account is sufficiently definite, and its authenticity has not been questioned. Conjecture has placed the compilation rather later than the date (1154) assigned to it in the manuscript; but for our purpose this does not affect the value of the document. It is plainly stated that 'we choose a bailiff of our fellow citizens by the consent of the whole city,' and from what is said of candidates for the freedom of the city it would appear that any respectable man might become a burgess. Throughout these 'Customs' mention is made of twelve citizens who, in certain cases, act in the town's behalf. This institution will presently be discussed in another connexion.

Passing from the 'Custom-Book of Hereford,' we come to the interesting question, Were the *nativi*, or villains, eligible for admittance to citizenship? The following passage from Glanvill should decisively settle this point: *Item si quis nativus quiete per unum annum et unum diem in aliqua villa privilegiata manserit, ita quod in eorum communam, scilicet gildam,* tanquam civis receptus fuerit, *eo ipso a villenagio liberabitur.*[8]

[7] Johnson, *Ancient Customs of the City of Hereford*, p. 10 *et seq.*; *Journal of the Archæological Association*, xxvii. 461.

[8] Glanvill, *De Legibus Angliae*, lib. v. cap. 5. See also Stubbs, *Select Charters*, 113, 166; Surtees, *Durham*, i. 297. These cases relate to Newcastle, Lincoln, and Sunderland.

During the reign of Henry III it is an ordinary clause in town charters[9] that 'if any villain shall remain in the borough, and hold himself in the guild or hanse, and in scot and lot, with the burgesses, a year and a day without challenge, he may not again be demanded by his lord, but he may freely continue in the borough. At a time when the merchant guild was the most influential body in the town the *nativus* who 'held himself in the guild or hanse' would naturally be a burgess. Ipswich affords another proof of our view regarding burgess-ship. A landmark in the local history of that town is made by the charter which John granted to the burgesses in the first year of his reign:

> By their common council they might choose two of the more lawful and discreet men of their town, well and faithfully to keep the government of the borough, and not to be removed except by the common council so long as they behaved well in that bailiwick.[10]

The bailiff's roll of Ipswich, 2 John, describes the first election which was held under the charter. It then proceeds:

> Also on the same day it was ordained by the common council of the same town, that hereafter *there shall be twelve capital portmen sworn, in manner as they are in other free boroughs of England*, and that they shall have full power for themselves and the whole town to govern and maintain the aforesaid borough, and all the liberties of the same borough; and to render the judgments of the town, and also to ordain and do all things in the same borough which ought to be done for the state and honour of the town aforesaid; and hereupon it is directed by the bailiffs and coroners aforesaid, *that the whole town assemble* in the burial ground on Sunday after the feast of the Apostles Peter and Paul next coming, to elect the aforesaid twelve capital portmen according to the form of the same ordinance.[11]

The muniments of Ipswich afford one other proof that the terms of citizenship were liberal in this borough so late, certainly, as 1291, when the Ipswich Domesday book was compiled. Wodderspoon, quoting from this work, says—

> Every son of a burgess, heir to his father, was ordered to come into court within forty days after the death of his parent, and render up his father's sword, swearing to maintain the franchise of the town and to keep its secrets. If there was more than one son, the eldest brought the sword, *and the others joined in the oath.*

We have already found entrance by heirship at Hereford. The inference is the same in this case as in that. So long as the sons of a burgess were required on oath to maintain the franchise of the

[9] See, especially for Shrewsbury and Dunwich, *Report of the Municipal Corporations Comm. of* 1835, part iii. p. 2011, and part iv. p. 2219.

[10] *Ib.* part iv. p. 2293.

[11] Wodderspoon, *Memorials of the Ancient Town of Ipswich*, p. 78.

town, that franchise could not have passed into the hands of a small and exclusive body.

Another proof which carries weight remains to be cited. A large proportion of the charters [12] declare that burgesses shall elect certain officers 'by their common council.' Now throughout the bailiff's roll of Ipswich, which has just been quoted, *commune concilium* and *tota villata* are made synonymous terms. The common council there, at any rate, was the whole town. So Du Cange defines *commune concilium : 'incolarum urbis aut oppidi* universitas.' The name itself suggests a large assembly. It is difficult to believe that such a wide expression could in the first instance have been applied to a set of persons closely limited in membership. Another significant point is to be gathered from the general tenor of the charters during this period. No individuals are indicated by them as the sole recipients of the favours granted. Their language is extremely vague, and can only apply, when taken in its most natural sense, to the mass of citizens.

Finally, strong evidence of the early condition of burgess-ship is to be found in the protests which the poorer citizens, even in the thirteenth, but particularly in the fourteenth century, made against the usurpation and oppression of an encroaching oligarchy. They hen refer to the rights of free election which their ancestors enjoyed, and which they still claim as their own due. Instances of such claims are by no means rare. The following preamble to a commission issued by Edward III in 1355, though alluding only to a riot, will show how the burgesses insisted on the ancient origin of their electoral privileges :

> We have received the plaint of the good men of Beverley, containing that whereas they and their ancestors, the men and tenants of the town aforesaid, always hitherto, from time whereof memory is not, have had, and been accustomed to have, this liberty, that they may assemble themselves every year on the day of St. Mark the Evangelist at their guildhall of the said town, and elect twelve of the most wealthy and honest men of the same town to maintain and govern the same town, and the laws and customs thereof for the year thence ensuing, &c.[13]

The commission proceeds to state that a body of roughs interrupted the burgesses while they were thus exercising their civic rights.

Placing dependence on the facts which these different sources afford us, we may infer that the government of English towns for above a century after the accession of Henry II, was democratic in principle, and so far as can be ascertained democratic also in

[12] For three such charters granted in a single year—1 John—vide *Report of Municip. Corp. Comm.* 1835, Northampton, part iii. p. 1965; Ipswich, part iv. p. 2293; Shrewsbury, part iii. p. 2011.

[13] Poulson, *Beverlac*, vol. i. p. 126.

actual working. The mass of citizens at stated intervals freely elected in some public place their own bailiffs, their own officers to keep the pleas of the crown (coroners) and their own mayor, when that title and institution first appear. The sons of a burgess ordinarily received the town franchise. Even villains were freely admitted to a full share of civic rights. The common council of the charters was nothing more or less than the people at large (‘*tota villata*’; ‘*incolarum urbis aut oppidi universitas*’). These are the distinguishing features of an English town in the period which extends from the reign of the first Plantagenet, to the reign of the first Edward. They are emphasised in records of that time, and are confirmed by the protests of a later time, when ‘immemorial’ liberty was being curtailed by the gradual rise of a close corporation.

English institutions are seldom stationary: a transition of some sort is usually in progress. We have already seen one in the development of the municipality from the feudal borough of Domesday. We now take up another in the change from popular to a more aristocratic government in the towns. First of all what were the chief steps in this transition? In making answer we must notice an aspect of town administration which was of the utmost importance, viz. the presence of a committee or council.

In the ‘Custom-Book of Hereford’ twelve citizens are mentioned as acting in emergencies for the whole borough.

1. If it shall happen that the bailiff shall be dishonest, proclaimed, suspected, or convicted of any crime, he shall forthwith be put out of his place (that secretly), *twelve* of the company being assembled together, provided that his accounts be rightly made, either by him or by his heirs, at twelve days' warning.

2. If it shall happen that the king or his children come into the city, *twelve* of the discreetest men at the least, being assembled together, shall petition if anything be wanting, and do all other things which belong to the king's state; so that our lord the king or his children have no cause to be aggrieved at the said city.

We are not told who these twelve were, or how they were appointed, but it is clear that they were a committee who for the sake of convenience sometimes represented the town.

Again, at Ipswich, the common council ordained that ‘there shall be *twelve capital portmen*, sworn in manner as they are *in other free boroughs of England*.’ The election of these capital portmen has already been described. They had full power, for themselves and the whole town, to govern and maintain the aforesaid borough and all the liberties of the same borough; and to render the judgments of the town, and also to ordain and do all things in the same borough which ought to be done for the state and honour of the town aforesaid. The ‘good men’ of Beverley had the

same custom. Their usage was to assemble annually in the guildhall, and elect 'twelve of the most honest and wealthy men of the same town, to maintain and govern the same town, and the laws and customes thereof, for the year thence ensuing.' The committee of twelve citizens spoken of at Hereford, Ipswich, and Beverley was doubtless a common feature in the management of towns from early in the thirteenth century. 'As they are in other free boroughs of England,' says the bailiff's roll of Ipswich concerning the capital portmen. The institution was widespread, and we have every reason to suppose that the process by which the committee were chosen was identical with that usual in other cases, and explicitly described in the bailiff's roll of Ipswich.

It is exceedingly important that we should insist upon this general prevalence of elected committees. We can easily see how, when municipal relations became numerous and complicated, the administration of the borough passed into the hands of a small executive body. The citizens themselves were always the ultimate source of authority, but, being a monster of many heads, they could only act through agents. To be sure these agents, usually twelve or twenty-four in number, were persons of their own choice and were annually elected. Still, as a matter of fact, the selection was made from that small class of burgesses who, by wealth or personal character, were foremost in the town. Wherever we have definite records we find the same names constantly recurring in the lists of government. This habit of re-electing well-known citizens was undoubtedly convenient, and apathy among the common people tended to confirm it. The gradual strengthening of such a hold on civic office by a few leading men, furnishes the key to the subsequent growth of a close corporation. Co-optation had only to be substituted for free election to transform the old temporary committee, or democratic council, into an oligarchical body.

Though English town development in the main stands apart from the corresponding development in Europe, instructive hints can be gleaned from the progress of the French communes and the Italian cities. In the latter instance especially the effect of artisan life was to stimulate democracy. The nobles were either driven out, or forced to become citizens. An aristocracy of wealth arose, and an oligarchy supplanted the republic. In the absence of a strong central power the oligarchy gave way to a local tyranny, and we have the age of the despots. In England, where the feudal monarchy was strong, and city life much weaker than in Italy, the towns, fortunately, never entered upon the final stage. Still, as in Italy, the people lost free control of their own affairs. An aristocratic *select body* usurped the place of the democratic common council of citizens.

IV. We have now to consider in the remainder of this paper the

manner in which this transition was brought about, and also some early examples of oligarchical control.

Merewether and Stephens say:

> The introduction of municipal corporations in the reign of Henry VI, coupled with the partial cessation of the court leet in the reign of Edward IV—and the consequent prevalence of the court baron—laid the foundation of the subsequent usurpations. By the doctrines from time to time applied to the artificial creation of corporations the control of the select body and the capricious election of corporators and non-residents were gradually introduced. Those abuses arose from slight beginnings in the reign of Elizabeth, increased in the reigns of James and Charles I, were carried to the greatest extent by the violent acts perpetrated in the reigns of Charles II and James II, and were finally confirmed in the time of William III and Queen Anne, and have since been acquiesced in by passive submission.[14]

The above assertions may at the least be styled incorrect. We have to antedate the reign of Queen Elizabeth by a period of over 200 years in order to get at the time when 'these abuses arose from small beginnings.' We shall see that during the period which, roughly speaking, begins with Edward I and terminates with Richard II, a committee of burgesses often administered public business, to the exclusion of those who had formerly possessed an equal voice in the management of the town. It would be rash to declare that in a majority of the towns the old constitution had been supplanted even at the end of the fourteenth century;[15] but we have enough material to justify the opinion that an oligarchical tendency was at work throughout the reigns of the three Edwards. It is not improbable that further publication of municipal records will add new testimony to what is now available.

The first signs of oppression are revealed by those discords which occurred when a few of the burgesses arbitrarily taxed the rest of the town. This is the cry which the town of Gloucester, in the eighteenth year of Edward I, raised against the exactions of its *potentes*.

> The commonalty (*communitas*) of the town of G. complains that the *potentes* of the town have often, within a short time, levied tallages without cause, and prays the king that he will make an investigation concerning the reason of the tallages, and their amount, and where that money went to—by the loss of which they are beggared—and for what uses [it was expended].[16]

This instance is only one of many. In the twenty-first year of Edward I a charge was brought against an ex-mayor of Oxford and

[14] Merewether and Stephens, Introduction, pp. lxi and lxii.

[15] *E.g.* Bridport in 13 Richard II. An account is given in the *Report of the Hist. MSS. Comm.* of certain persons being made burgesses. One gives a breakfast 'because he entered by his heirship.' Others paid the respective sums of 20*s.* and 13*s.* 4*d.*

[16] *Rolls of Parliament*, i. 47.

seven of his associates for having levied tallages on the town, contrary to the will of the community. Owen, Culverd, and six others were involved in the complaint. It is stated that when H. Owen was mayor he levied an arbitrary tallage of twenty-five pounds upon the town. He did this 'in accordance with the consent and wish of the said Culverd and the others, who are reciprocally bound to a single plan and purpose by an oath taken among themselves.' Moreover, 'when the rich and powerful (*divites et potentes*) are placed on assizes and juries they levy their expenses on their [the townsmen's] goods, in manifest contempt of the king and to the damage of the said community and its impoverishment.'[17] These protests of Gloucester and Oxford both come within the reign of Edward I, and like protests of other towns become tolerably frequent during the years which follow. Traces of similar abuses can even be found in the last years of Henry III, as at Stamford in 1260,[18] and in a royal commission which bears the date 1269.[19] The latter is styled *De tallagio assidendo*, and is addressed to John le Moyne, one of the king's escheators. It refers to the assessment of an aid *in omnibus civitatibus, burgis*, &c. Provision is made against relief of the rich burgesses at the expense of the poor. The tax is to be so laid *quod divitibus non parcatur, nec pauperes indebite graventur*. Unjust taxation of the poor by the rich is, of course, no proof of a close corporation, but it is an important link in the chain of development from democracy to aristocracy. It is the practice against which, almost invariably, the loudest complaints are directed. The more prominent citizens were not inspired by a mere love of office to establish their sway. Office in itself was throughout the middle ages considered a burden, and the inclination everywhere was to shirk it when no palpable benefit was annexed to the discharge of its duties. The few well-to-do persons of the community who aspired to fill public positions were not prompted by any love of fame or glory. They had in mind a far more practical and unworthy end—namely, to manipulate the financial system of the borough in such ways as to promote their own interests by putting burdens on other people's shoulders. The mass of burgesses through indifference suffered their leaders to act very much as they pleased until some attempt at extortion provoked a lawsuit or a riot.

The wealthy did not confine their injustice to the field of municipal taxation. They sometimes tried to crowd out their poor neighbours from commercial rights which they possessed. At Grimsby (2 Edward I) eight burgesses obtained such a monopoly that they would not 'suffer the poor men of G. to participate with them in the matter of purchase and sale according to the liberties granted

[17] Madox, *Firma Burgi*, p. 94. [18] *Ibid.* p. 95. [19] Rymer, *Foedera*, i. 478.

them.'[20] At times damages were awarded to the sufferers, as, for example, in the second year of Edward II's reign, when 'William Sadeler and others the poor burgesses of Newcastle-upon-Tyne recovered 50*l.* damages in the court of exchequer against Nicholas de Carlile and the rest of the burgesses of the merchant guild of the town.'[21] On the whole the difficulties were largely economic. The rich were growing richer and the poor poorer, and along with the social change went a political one. The influence of the moneyed men was waxing; that of the needy was waning. Where once all had been equal in power sharp lines of distinction began to appear. The community broke up into classes whose interests were often hostile to each other, and ill feeling was developed by their constant friction. Such a state of things is apparent at Scarborough. In the first year of Edward II a suit was brought in the exchequer court by the middle-class and poor burgesses (*mediocribus et pauperibus*) against the affluent burgesses (*divites*), concerning certain transgressions which had been committed in despite of the former. The sequel of this complaint is not given, but we can infer that it was unfavourable to the middle-class and poor townsmen, for in the reign of Edward III they were practically excluded from the government of the borough. Letters patent then issued provide that 'bailiffs and all others of the borough, fit for the common offices thereof, be chosen by the oath of certain persons chosen out of the thirty-six, *with the consent of the poor and middle sort.*'[22] Evidently the *divites* had secured the initiative for themselves, and at most looked to the populace for ratification of their acts. 'By the oath of certain persons chosen out of the thirty-six, with the consent of the poor and middle sort,' has quite a different ring from, 'it is directed by the bailiffs and coroners aforesaid *that the whole town assemble* . . . . to elect the aforesaid capital portmen.'[23]

From illustrations of a mere tendency towards oligarchical control we pass to instances of undoubted usurpation. Here it is no longer a question of processes. The rich and powerful have already excluded, or are about to exclude, the poor and weak. By a kind of prescription they are established in office, and thinking themselves secure venture to become intolerant. The resistance which they encounter [shows, however, that the spirit of municipal democracy, though dormant, is not extinct. The 'Abbreviatio Placitorum' contains an important allusion to troubles at Winchester in the second year of Edward I.[24] The disturbance was due to wrongs inflicted on the town 'by the twenty-four citizens.' Here is the entry:

[20] *Hundreds Rolls*, i. 263.

[21] Madox, *Firma Burgi*, p. 96. See also a document about Scarborough given by Madox in the same connexion.

[22] *Report of Municipal Corporations Comm.* 1835, part iii. p. 1713; also Lancaster, pp. 1597–8.

[23] See above, p. 640.

[24] *Abbreviatio Placitorum*, p. 187.

Concerning oppressions inflicted by the twenty-four principal citizens, where the customs of the town of W., and the method of electing bailiffs, are treated: to the effect that the twenty-four choose four from themselves each year, out of whom the people (*communitas*) select one; and the people choose four, out of whom the twenty-four select one, and the same two shall continue bailiffs for that year, and so on.

The distinction which is drawn between the twenty-four principal citizens and the community at large could not be plainer. The select body is still in its infancy, but the committee of twenty-four, however constituted, is striving to assume an important function which was formerly vested in the whole people. We can see, too, that this usurpation must have been a new thing. The fact that a cry was raised against what was styled an *oppression*, shows that the inferior burgesses had not forgotten the ancient liberties of their class. The new order justly seemed to them an encroachment. The number of leading burgesses is suggestive. Twenty-four was a common limit to the membership of the select body when it had become a rigid institution in all the towns.

Woodward, in his 'General History of Hampshire,' [25] speaks as follows concerning the government of Winchester:

> In the beginning of Edward II's reign the bailiffs were elected thus: The twenty-four chose four out of their own number, and out of them the commonalty elected one; and the commonalty chose four, out of whom the twenty-four chose one: these were the bailiffs for the ensuing year. When the 'Consuetudinarium' was drawn up [early in the reign of Henry VI] the mayor and the twenty-four selected four *prud'hommes*, and the commonalty chose two for bailiffs. These officers were called the two peers of the mayor. The twenty-four, who were also peers of the mayor, are called in the 'Consuetudinarium' *jurez*, and are said to be chosen from *les plus prudes hommes et plus sages* in the city, to aid and counsel the mayor in presenting the franchise. This body appears at a very early date to have attempted to invade the liberties of other members of the municipality, and in the Black Book of Winchester there are signs of some conflict of authorities, in which the twenty-four were eventually successful.

It is stated in the opening of the 'Consuetudinarium'—a codification of customs—that 'these buth þe usages of þe city of Wynton þt hayth been usd by our eldrene þe time of our eldrene birth.' [26] We observe that some time in the interval between Edward I and Henry VI the commonalty had lost all power of nomination, and were restricted to a choice among those who were presented to them by the twenty-four.

The documents relating to King's Lynn which have been published by the Historical Manuscripts Commission are exceed-

[25] Vol. i. p. 276.

[26] *6th Rep. of Hist. MSS. Comm.* part i. p. 602; *English Gilds*, p. 349.

ingly instructive in their bearing on the progress of town government. Probably in no other borough can the course of oligarchical development be so clearly traced. In 1305

> letters of pardon and release were issued to burgesses of Lenn in respect to all trespasses, &c., said to have been done by them in assessing divers talliages on the community of the same town, without the unanimous consent of the same community, and in levying the same talliages from the poor and but moderately endowed men of the same community, and other great sums of money under colour of certain common fines, heretofore made by them for divers causes, beyond the sums to which the same fines extended themselves, and in converting to their own use, and not to the advantage of the said community, nor to the reparation of the same town, a great part of the talliages and other different sums of money formerly levied in the same town.[27]

The Calendar of Charter Rolls under the first year of Edward II gives the following bit of information about Lynn; 'Lynne villa. *Inquisitio de gravaminibus et tallagiis super communitatem villae predictae per majores . . . . impositis.*' [28] The next step of which we have record was taken in the seventh year of Edward II. Authority was then given, at an assembly in the guildhall, to a committee of twenty-six persons to elect twelve of the more sufficient persons of the borough to be a committee in the matter of the community's business in the king's parliament and elsewhere. This sub-committee 'had warranty under the common seal that their arrangements for the town's business should be adhered to by the community.' [29] Before the close of Edward III's reign the burgesses at large were entirely excluded from their right of suffrage in parliamentary elections. 'From 48 Edward III to 17 Richard II there were thirteen elections, and the burgess representatives were in each case chosen by a committee of twelve. Each record gives the names of the electing committee.' [30] In the fourteenth year of Henry IV we get an explicit mention of the three classes into which the community was divided—the *potentiores*, the *mediocres*, and the *inferiores*. A memorandum was then inscribed touching certain decrees of Thomas, archbishop of Canterbury and chancellor, upon 'discords and controversies between certain *de potentioribus* of the one part, and the mayor, burgesses, and community of the said town of the other part, respecting certain oppressions and extortions committed by the said *potentiores*.' [31] The matter was in the end submitted to arbitration:

> We the mayor and *potentiores* for our part, and we the *mediocres* and *inferiores* not burgesses for our part, and the whole community of the town of Lenn aforesaid, by these presents promise to fulfil [the decision

[27] *11th Rep. of Hist. MSS. Comm.* part iii. p. 187.
[28] *Cal. Rot. Chart.* p. 222.
[29] *11th Rep. of Hist. MSS. Comm.* part iii. p. 146.
[30] *Ib.* part iii. p. 158.
[31] *Ib.* part iii. p. 191 *et seq.*

of the arbitrators] in all things; and further for the greater security of the present submission and for the faithful fulfilment of the decrees and ordinances of the said .... xviii persons, on the part of the *potentiores* .... xxii have each been bound in the sum of £100; also .... lxxxiv *mediocres* and *inferiores* not being burgesses in the sum of £50; and .... lxvi not being burgesses in the sum of £5 11*s.* 2*d.*

The arbitrators did something to redress the wrongs of the *mediocres* and *inferiores.* They disallowed claims which the *potentiores* made to a 'certain sum of 457*l.* 19*s.* 7*d.*, which sum, in addition to very many others, had been spent by the mayors from the first to the thirteenth year of Henry IV, without consent of the aforesaid community, unjustly and inordinately, to the serious prejudice and extreme impoverishment of the same community.' They decreed that

yearly each mayor should choose and take to himself three *potentiores*, three *mediocres*, and three *inferiores* not being burgesses of the aforesaid community, which nine persons together with the said mayor should during the year of his mayoralty have power to deal with the rents &c. of the community; .... that *inferiores* not being burgesses of the said community who hitherto against order of justice have been deprived of their certain privileges, should enjoy for ever all privileges granted to them by a certain composition made between John, formerly bishop of Norwich, and the mayor and community of Lenn.

This mediation, though fair-seeming, afforded no permanent relief to the *inferiores* and *mediocres.* In the fourth year of Henry V's reign the institution of twenty-four *jurats* was confirmed, and the burgesses were limited to these in their choice of mayor:

When there was a vacancy the mayor and the rest of the jurats, in the presence of the rest of the burgesses, elected another of the more worthy, honest, discreet, and sufficient burgesses in the place of him, who, having taken oath, *should continue in that state for life.*

Taken as a whole, Mr. Jeaffreson's report on the Lynn archives leaves little room for doubt as to the existence of a dominant oligarchy in that town, an oligarchy which arose in the fourteenth, and was confirmed in the first years of the fifteenth, century.

Bristol was the scene of a very violent civic outbreak which occurred in 1317. We are fortunate enough to have a detailed account of the disturbances in the 'Vita Edwardi Secundi.' Seyer's 'Memoirs of Bristol' also contains considerable information which is drawn from original sources. The situation is best described in the words of the monk of Malmesbury: [32]

Some time previous a dissension had arisen in the town of Bristol relating to customs of seaport and market, to privileges and other matters,

[32] *Chronicles Ed. I and Ed. II,* ed. Stubbs, Rolls Series, ii. 219 *et seq.*

in which fourteen *de majoribus* of that town seemed to have a special right (*praerogativam*). The people (*communitas*) made opposition, affirming that all the burgesses were of a single condition, and therefore remained equal in respect to liberties and privileges. Royal judges were appointed to take cognizance of the disputes.

Forthwith the said fourteen so managed it that outsiders were brought into the inquiry. Moreover, these were considered to have been bribed, and wholly inclined to the side of the fourteen. The people (*communitas*) stated that it would be contrary to the liberties of the town for internal disputes [to be settled] by the decision of outsiders, but the justiciars held such allegations to be idle.

The feeling became intense, and twenty deaths resulted from a tumult in the town hall. For a time

the said fourteen, who strove against the people, leaving their homes and property, departed from the city. For over two years this rebellion of the commonalty of Bristol lasted, yet they were often admonished on the king's part to return to peace.

At last Edward summoned the town to accept the terms which he might impose. The commonalty replied :

We were not the authors of the trouble; we have in no way been culpable against our lord the king. Certain persons kept striving to take away our rights, and we in turn, as became us, [strove] to defend them. Therefore if our lord the king will relieve us of those things which have been heaped upon us ; if he will grant us life and limb, revenues (*redditus*) and property, we will obey him as our lord and do whatever he wishes ; otherwise we will keep on as we have begun, and will defend, even to death, our liberties and privileges.

The citizens of Bristol hoped that the Scottish war might divert the king's forces from the attack of their town. In this they were disappointed : they were overcome and the fourteen reinstated.[33] Seyer considers this struggle to be the earliest proof of a privileged body among the townspeople. The triumph of the fourteen finds its complete expression in the election of their chief, William Randolph, to the mayoralty just after their reinstatement.

The last citation which we need to make relates to Shrewsbury and its affairs during the reign of Richard II. Here the Black Death had caused many changes, by which the town was disorganised both in government and social life. The crown and the lords of the county at length interfered, and in 1381 twelve persons were appointed to conduct the rule of the borough. The sequel of this act is given in Owen and Blakeway's 'History of Shrewsbury :'[34]

[33] *Report of Municip. Corp. Comm.* 1835, part ii. p. 1153.

[34] Owen and Blakeway, *History of Shrewsbury*, pp. 168–74; also *Report of Mun. Corp. Comm.* 1835, part iii. pp. 2011–2012.

The committee of twelve principal burgesses appointed in 1381 for the government of the town was found so conducive to its tranquillity that it was continued until 1389, at which time *the exercise of universal suffrage in the election of bailiffs having, it should seem, been productive of great inconvenience*, a new measure was adopted. The reason alleged for these further alterations is the continuance of the 'discords, debates, and dissensions in the town.'

Finally a composition of the troubles, which was confirmed by Richard II, was effected. 'It recites the long continuance of discords and contention in the town and the consequent evil government, chiefly in that the bailiffs have not been for a long time elected duly, and that the profits and revenues of the town have not been duly levied, or dispended to the benefit of the same.' The bailiffs and the twelve before mentioned were established in office, and authorised to make good remedy for the existing mischiefs. The result of their joint action was the following innovation: No man could be made bailiff who had not 10*l.* a year in land or 100*l.* in merchandise. The bailiffs were to be chosen by twenty-five

of the most lawful commons, being burgesses, resiants, householders, and contributors to all charges in the town. The common seal was by consent of the commons attached to one part of this indenture, to the other part the seals of the bailiffs, of the twelve, and of twelve other of the most valiant [wealthy] and sufficient of the town.

From this time on the twenty-five were the electing body. There are points of marked contrast between such a transition, and the more violent changes which took place at Lynn and Bristol. The commonalty divested themselves for the sake of tranquillity and convenience of their rights of universal suffrage, and placed the election of bailiffs in the hands of the twenty-five who were themselves nominated by the bailiffs of the preceding year. This form of administration remained tolerably stable, as can be seen by reference to the rolls of parliament during the reign of Henry VI.[35]

The oligarchical spirit gained a great accession of strength during the period of Lancastrian rule and the wars of the Roses. It is during this epoch that democracy in most of the towns becomes nearly extinct and the close corporation confirms and extends the power which it had gained during the fourteenth century. This final stage of development brings us to those narrow 'select bodies' which, after controlling the boroughs of England for more than

[35] *Rolls of Parliament*, iv. 476, v. 121. For other cases of an oligarchical tendency see Poulson, *Beverlac*, vol. i. p. 139, and Wells, *Rep. of Munic. Corp. Comm.* 1835, part ii. p. 1366.

three centuries, were abolished by act of parliament in 1835. We must, however, leave the details of this later time unexamined and return for a moment to the rise of the aristocratic impulse and its causes.

The constant increase of population was an important factor in changing the character of town government. Growth in numbers was both cause and effect of growth in commerce. With the growth of commerce came an unequal distribution of wealth, which, ever more and more striking, enabled the rich citizens to gain a greater relative importance than they had possessed before. Their prestige as a class and their personal influence over the poorer burgesses led them to exercise a tacitly admitted sway. Afterwards they would not be slow to claim as a right what they had gained through the indifference or submission of their neighbours.

The representation of boroughs in parliament, the Hundred Years' War, and the Black Death may, or may not, have joined with the apathy of the poor burgesses and the arrogance of the rich, in producing the effect which we have seen. It is not necessary to seek out remote reasons when the whole development is explained by the simple light of experience, by the fact that men are never anxious to surrender what they have once held, and what by long tenure they have come to look on as their own.

In conclusion we have only to review the chief matters at which we have glanced.

I. 'Domesday' shows us few traces of organic municipal life. The burgesses are of different ranks, belong to different lords, and have not yet come to act as a body.

II. Various causes, especially the *folk moot* and *firma burgi*, give the town a status. The citizens hold their tenements by burgage tenure, which is practically the same as free socage. Circumstances force an organisation on the townsmen. Civic officers collect the fee-farm rent and assume charge of internal affairs.

III. Town government under the early Plantagenets (1154–1272) is democratic.

IV. In the later years of Henry III a transition begins. The wealthier class of the community extorts money from the whole town and seems inclined to establish its sway. This tendency assumes definite form in the fourteenth century, during which cycle the poorer citizens in many towns lose the privileges which they had before possessed. The process of change finds its last phase in the establishment of a select body, or close corporation, which, usurping the place of the old democracy, continues to control the town from the later fifteenth century to its legislative death in 1835. In that year the present system of administration was

established, and thereby was brought about an approximate return to the democracy of the twelfth and thirteenth centuries.[36]

CHARLES W. COLBY.

[36] London has been purposely omitted from this sketch, on account of the peculiar and individual conditions of its growth. The student of English municipal history will find much that is instructive in Professor Cosmo Innes's preface to the *Ancient Laws and Customs of the Burghs of Scotland.* Scottish boroughs in the fifteenth century, though opposed to the feudal nobility, were very aristocratic. The merchants had absorbed power and influence, and their guild 'sometimes almost swallowed up the power and management, and even the funds and property, of the burgh.' The artisans of the craft guilds often rebelled against the wealthy merchants, and the elections were very riotous. To provide a remedy against such disturbances an act of parliament passed in 1469 declared that 'the chesing of the new officiaris be in this wise, that is to say, that the aulde consail of the Toune sall cheise the new consail in sic nowmyr as accordis to the toune, as Alderman, Bailyis, Dene of Gild, and utheris officiaris, and that ilka craft sall cheise a persone of the samyn craft, that sall have voce in the said electioune of officiaris.' This system remained, in principle, permanent till 1833.

The English in the Levant

IN the development of our system of commerce, the company of Turkey merchants played a most important part, second perhaps only to the great East India company. The Levant company lived an active life of 244 years, and, besides the amount of wealth it accumulated for this country, did infinite service in the development of art and research, the suppression of slavery, and the spread of civilisation in countries which would still have been unapproachable had not the continued efforts of the 244 years been towards civilisation and humanity.

Far back into distant ages we must look for the basis on which our Levant company was built, as far back perhaps as the ninth and tenth centuries of our era, when the emperors of the East granted to the Warings or Varangians from Scandinavia, capitulations or rights of exterritoriality which gave them permission to own wharves, carry on trade, and govern themselves in the city of Constantine. During the whole of the succeeding centuries down to the fall of Constantinople, these capitulations were granted to trading communities, the Venetians, the Amalfians, the Genoese, and the Pisans; until the Greeks of those days complained that there were no wharves for themselves, no means of competing with those indefatigable traders, just as to-day our artisans grumble at the influx of German and Belgian workmen. When the Turks took Constantinople they did little to interfere with the existing order of things. Being a nomadic race they cared little for commerce, their ships were the caïques of the Greeks, their emperors wrote their decrees in red ink as their predecessors had done, and to the foreign traders who flocked to Constantinople they gave the same grants and privileges that they had been accustomed to enjoy. The only difference was that the traders themselves were changed; new competitors came into the arena, the Portuguese, the French, and then the English.

In 1536 Sieur Foret arranged a capitulation for the French, between Sultan Solyman I and Francis I; matters of dispute between Frenchmen were to be decided only by their own authorities; questions between Frenchmen and Turks were to be decided only in the presence of the French dragoman; the French merchants residing at

Constantinople were to be exempt from the *harach*, or poll tax exacted from Christians in lieu of military service; and the French could name their own baily or magistrate in Constantinople. This was the first of what may be called the modern capitulations under which the foreign nations in Constantinople now live, carry on trade, and govern themselves in the heart of the Turkish empire. In proportion to the exigencies of the Turk and his want of money, the system of capitulations has waxed strong. Encroachments have occurred—the so-called *avanias*, of which more presently—but nevertheless the progress has been continuous, and no company contributed more to the success of the foreigner on Turkish soil than the 'Turkey merchants' of England.

During the reign of Elizabeth our infantile commercial adventures were beginning to make themselves felt. Captain Bodenham was the first to penetrate as far as the Greek islands in 1550;[1] and Anthony Jenkins got to Aleppo and stipulated for privileges 'on a footing with the most favoured nations.'[2] Up to this time the carrying trade between England and the Levant had been carried on by Venice on ships called Argosies because, says Sir Paul Ricaut in his 'Maxims of Turkish Polity,' they were built at Ragusa.

> There, where your argosies with portly sail,
> Like Signiors and rich burghers on the flood.

It has been asserted that our trade to the Levant arose out of the fact that one of these argosies was wrecked off the Isle of Wight, that the Venetians refused any longer to trade in such dangerous seas, and that necessity thereby compelled the English to start themselves an intercourse with the Levant. But it would appear that the cause was not so superficial and discreditable to the queen of the Adriatic, but that a quarrel concerning the duty on currants was the origin of our trade in the East.[3] In 1575 Venice had granted a patent to one Acerbo Velutelli, a native of Lucca, which gave him the sole right of importing to England currants and oil from Venetian dominions. Velutelli contrived to get these articles conveyed to England on English ships, and by exacting an export duty for his own benefit enriched himself and impoverished the Venetian traders. Venice then imposed a fine of 5*s*. 6*d*. on currants and oil conveyed to England in other than Venetian bottoms. Elizabeth retaliated by a similar fine on their importation, and for a time trade in these commodities was at a standstill. Some few years afterwards, 1581, a patent for carrying on this trade was granted to some English merchants by Venice; and at the same time Queen Elizabeth formed a treaty charter with the Sultan for five years, and granted letters patent to a small company entitled 'the Com-

[1] Anderson, *History of Commerce*, ii. 89. [2] Hakluyt, *Voyages*, ii.
[3] *State Papers, Domestic*, 11 April 1606.

pany of Merchants of the Levant'—Sir E. Osborne, Thomas Smith, Stephen and William Garret—'because they had found out and opened a trade in Turkey, not known in the memory of any man now living to be frequented by our progenitors.' The first of our English ships to trade with the East was sent out in that year. 'The Great Susan' was her name, and Mr. Harebone, the first ambassador from England to the Ottoman Porte, was carried out by her. He established factories at Constantinople, ratified our capitulations with the Porte, and regularly established our trade. Five years later, in 1586, a second charter was granted to fifty-three individuals with power to trade in the Levant; and though, of course, the ambassador lived at Constantinople, the principal mart of English trade was Aleppo, where in those days Michael Loe was consul, whose account of the condition of affairs in that city is quaint and interesting.

One of the most lively and graphic accounts of our trade in those early days is given us by Master Thomas Dallam, organ builder, who was sent out to Constantinople in 1598 by Queen Elizabeth, with a present of a curiously constructed organ for the Sultan. His diary is unprinted and reposes in the British Museum. His adventures by the way on the ship 'Hector' were many. They went to Malaga, Algiers, Zante, and then to Scanderoon, where most of 'their goods were unladen which were to go to Aleppo,' and though they left London in February, it was not till 15 August that they reached Constantinople. Chios, too, at that time, was a centre for our trade, and we had a consul there, Mr. Aldridge, who was consul, says Dallam, 'for fear of the charges.' Sir Edward Barton, who was our second ambassador, died at that time. He was the nominee of the young Levant Company, and having accompanied Mahomed III on his Hungarian campaign, he contracted an illness, and died at one of the Prince's islands, where his monument may be seen to this day. Sir John Finch was his successor, and assisted Master Dallam in his task of refitting the organ which had been damaged by the voyage, and in properly presenting it to the Sultan. Dallam, in his admiration of our representative, writes, 'he did ride like unto a king, only that he wanted a crown, and there rode with him twelve gentlemen and merchants all in cloth of gold, and there went on foot twenty-eight more in blue gowns after the Turkey fashion, with caps after the Italian fashion. My livery was a fair cloak of a strange green silk.' The present appears to have gratified the Sultan immensely, for he presented Dallam with a purse of forty-five pieces of gold, and was anxious for him to remain always at Constantinople, that he might play the organ and keep it in order. Dallam wished to return with the 'Hector;' but as the merchant was bound to the owner of the ship under a penalty of 500*l*., and 20*l*. for charges for every day he delayed to leave

after the appointed day, Dallam was obliged to let the 'Hector' sail without him, and cross through Turkey to pick his ship up again at Zante. In company with the 'Great Susan' the 'Hector' reached London in safety, and from this time forward our intercourse with the East was constant and satisfactory.

From the first the Levant company appointed and paid the consuls and ambassadors. As long as they had the monopoly this could easily be done, but when in 1600 the monopoly was removed, and the company struggled on as best it could against competition, the results were very nearly disastrous. Accordingly in 1605 we find petitions from the company to James I, complaining that they could no longer pay the salaries of the ambassador and consuls, and that they feared that the Turks might seize their factories and buildings in the Turkish towns. Lord Salisbury entered into consultation with Chief Justice Popham, and the result was that on 14 December 1606 letters patent were granted by James I which may really be said to have established the company on a permanent basis. The five years' terminable licenses were made perpetual; privileges were granted to several persons and their sons, and such others as should be after admitted. The company was to again have the monopoly of all the Levant trade, which was to be open to all merchants who could pay 50*l.* towards the expenses of carrying on the trade, the salary of the ambassador and consuls, and the presents which from time to time were necessary to be given to the sultan to keep him favourably disposed, and the first year's 'imposition' or tax of 5,322*l.* was handed over to the company to assist it in tiding over a time of difficulty. Sir Thomas Glover, who had been one of Master Dallam's companions on board the 'Hector,' was sent out as ambassador to the Porte, and the successful career of the Levant company was inaugurated. It was necessary in those days to give the monopoly of the Levant trade to the company; only a rich and united body with the privileges of the capitulations could carry on the trade. It was necessary for the safety of the ships that they should sail in large numbers for mutual protection from pirates or hostile Spaniards, and hence very strict penalties on private individuals who sought to carry on trade under the protection of the company without belonging to it were necessary. The celebrated case of Bates, who refused to pay a tax to the company on currants, and drove them off in his cart from the wharf, was tried shortly after this, decided in favour of the company, and their monopoly established. The company received the name of 'the governor and company of merchants of England trading to the Levant seas,' and took out the arms of a ship with three masts in full sail between two rocks. Their crest was a demi sea-horse

salient, their supporters two sea-horses, and their motto, 'Deo, Reipublicæ et amicis.'

In 1643 some further privileges were granted, and the question of the Levant company caused some little difficulty owing to the conflicting state of parties in England; and in Constantinople was a little by-play fought out of the great contest between the royalists and the parliament. Sir S. Crowe, ambassador of the Levant company in 1642, was a staunch royalist, and on hearing that his goods in England had been confiscated proceeded to imprison many of the factors in Constantinople and appropriate their goods. The parliamentarians forthwith obliged the company to send out another representative, Sir J. Bendish, who after some difficulty succeeded in establishing himself as the ambassador of England, and Sir S. Crowe was sent home. On arriving in London he was impeached at the suit of the company, condemned and kept in prison until the year 1653.

The regulations of the company with regard to their employés were very strict in those days: none of the consuls under their employ might marry without the consent of the directors, and the factors at Constantinople and elsewhere were frequently reproved for 'sensuality, gambling, Sabbath breaking, neglect of public worship' and other irregularities. A curious instance of the fanaticism of the time occurred in 1661, when the earl of Winchilsea—'a jovial lord extremely favoured by Vizier Cuperli'—was the company's ambassador to the Porte. An individual called 'John the Quaker' arrived at Constantinople and began to preach at the street corners repentance to the Turks in his native tongue. Naturally enough, the Mohammedans looked upon him as a lunatic, and consigned him to a madhouse, where he languished for eight months until his nationality was discovered and he was taken before Lord Winchilsea. On entering the ambassador's presence John refused to remove his hat, whereupon he was bastinadoed, and on his clothes being examined a letter was discovered in his pocket addressed to the sultan, politely telling that monarch that he was the scourge employed by God to punish wicked Christians.

The Levant company always sent out chaplains to officiate at the various towns where they had factories established. Dr. Covel, who was appointed as chaplain to the embassy at Constantinople in 1670, wrote a work on the Greek Church which long continued to be the chief authority on the subject; and his interesting and voluminous diary, now amongst the manuscripts in the British Museum, affords us many interesting glimpses into the life of our merchants at that time. The squadron, with which Covel's ship, 'The London Merchant,' sailed, consisted of seventy-five vessels, and all the way to Constantinople they kept together in large bodies for

fear of attack. He relates with great minuteness the life on board ship in those days, the games the sailors played, the toll exacted from those who went through the Straits of Gibraltar for the first time, and many other little points which make his diary delightful to peruse. His testimony to the character of the English in the employ of the Levant company at Constantinople is highly satisfactory. 'I must say,' he writes, 'this great truth, that no nation have had, or yet hath so general a reputation amongst them for right down honest and upright dealing as all our worthy English factories have.' He also gives graphic accounts of the misfortunes which befell some of our seamen who chanced to be taken by pirates, of the ravages of the plague in the cities of Turkey; and his diary is bristling with accounts of quaint ceremonies he witnessed amongst the Mohammedans and Christians resident in Constantinople and Adrianople. Sir Daniel Harvey was at that time the company's ambassador to the Porte, 'the choice amongst the nobles of the people of the Messiah,' as Covel tells us the sultan called him. In the same strain the sultan wrote a letter to Charles II, whom he addressed: 'To the glorious amongst the princes and great lords of Jesus, the supreme judge of the nation of the Messiah and governor of all the Nazarene affairs.' Sir Daniel died of the plague, and Dr. Covel attended his body to Smyrna and saw it on to an English ship. Sir Samuel Baines succeeded him, and Dr. Covel was present at an audience the ambassador had with the sultan, at which he presented to that monarch 320 purses, each purse worth 500 dollars, from the company to obtain certain grants of privileges. Covel also gives us a good account of the state of inland Turkey in those days, showing how lamentably the country had declined during the last two centuries. With regard to the roads and bridges between Constantinople and Adrianople he says 'that you may see the Turks are neither niggards nor fools in these public works, for, I assure you, I never saw stronger work than among them, and some things are as fine and neat as we can possibly shew.' Covel was for seven years chaplain to the ambassador, and during that time had opportunities of witnessing many interesting sights, and thoroughly acquainting himself with the habits and customs of the country. Evelyn, in his diary, speaks of him as 'Covel the great oriental traveller.'

The life of Dudley North, afterwards Sir Dudley and ambassador for the company to the Porte, by his son, tells us much concerning the life and adventures of a Turkey merchant in those days. Dudley North was born in 1641, and was sent out to Smyrna as apprentice to a Turkey merchant when eighteen years of age, with a capital of 400*l*. For many years he lived a most frugal life, keeping himself aloof from the extravagant and luxurious lives which the English

merchants in the Smyrna factory lived in those days. The merchants of Smyrna 'procured a pack of hounds and hunted in the country after the English way,' but young North did not afford himself a horse, but used to go out hunting on an ass. He subsequently removed to Constantinople and was taken into the factorage of William Hedges & Palmer, and lived in the *Ragion* or caravanserai, such as one sees now in Constantinople; the courtyard and basement being given up to business, and the merchant's family dwelling in the upper rooms. Dudley North's first occupation appears to have been correcting the books and getting in the outstanding debts of the firm. 'Better a loss at sea than a debt on land' appears to have been a proverb amongst the merchants of the Levant company in those days. North seems to have acquired great skill in the 'rules of Turkish justice,' and at once set about to institute 500 claims in the law courts. These claims for his clients he conducted himself in the Turkish language, and, though he lost a good many, he was in the main successful, and gained for himself great credit. After a few years he broke with his partners Hedges & Palmer, left the large house in the Ragion, and, in a small way, gathered together a business of his own. As he was 'master of his own work,' and a man of great business capacity, his fortune soon came. He summoned his brother from Aleppo, Mr. Montague North, and together the brothers built up the fabric of a colossal fortune. 'His first care,' says his son, 'was to get a fire-tight room to secure his goods from fire, and a sofa room in which to entertain the Turks.' The brothers North appear to have dealt largely in jewels, with which they supplied the women of the seraglio, and to have acted somewhat usuriously in lending money to pashas at from twenty to thirty per cent. However their money was made, they soon rose to fame, and Sir Dudley North concluded his career in the Levant by being appointed ambassador for the company to the Porte. Sir Dudley North himself wrote an interesting account of certain encroachments of the Turks on the privileges of the Turkey merchants, one of which had a great effect on the Levant trade and established that race of nondescript Englishmen whom we call to-day Levantines, who, though originally of English stock, by intermarriages with natives have produced families of very different type. These encroachments Sir Dudley North terms *avanias*, or, as he defines them, 'unjust demands of the Turks on Christians.' The first *avania* appears to have had reference merely to the places allotted to the ambassadors at an audience with the grand vizier, and in taking which the representatives of foreign potentates considered themselves grievously insulted. Other *avanias* occurred at this time which caused considerable inconvenience to Levant merchants; much bad money had been circulated by Spaniards, and on pretext of considering whether the money was bad or not

many sacks of silver were taken from some English merchants at Aleppo.

But these *avanias* were as nothing compared with a terrible edict promulgated in 1685, which obliged every foreigner who had married a Turkish subject to become himself a subject of the Porte. He made himself liable by this act to the harach or capitation tax, and he was forbidden to leave Turkey without the sultan's consent. This was a terrible blow to many artisans and merchants who had married and settled in the Levant. No less than forty French watchmakers who had married Greek wives and lived in Galata became subjects of Turkey, in spite of the remonstrances of the French ambassador; and the case of Mr. Pentloe at Smyrna settled the question with regard to the English. He had married a Greek lady and died, leaving her with two children; he made a will appointing two English merchants his executors, and obliging them to realise all his property and send his wife and children to England. This they proceeded to do, but they were seized on embarkation and the two merchants were thrown into prison, from which they did not emerge for some little time; all the money was confiscated and our ambassador was unable to get any redress. This *avania* is the origin of the many Levantine families of English, French, Italian, and others. Many of them trace their pedigrees back to the earliest days of the Levant company of Turkey merchants —the Abbott family, for example, who have supplied the consular service with many valuable men; but to all intents and purposes they are, like the other Christian inhabitants of Turkey, of a mixed origin. Their mothers for generations have been Greek, Armenian, or from one of the other Christian communities of Turkey; and, though justly proud of their English origin, they can boast of but an infinitesimal drop of English blood in their veins. This order of things lasted for fully a century after the case of Mr. Pentloe, and accounts for the great number of families now to be found in Smyrna, Salonika, Constantinople, and other Turkish towns, whose origin is at first sight a problem.

Charles II was very friendly with the sultan; in reply to the fulsome address above given, he wrote a letter, says Dr. Covel, in 1676 addressed to 'The Most High and Mighty Emperor Sultan, Mohammedan Chief, Lord and Commander of the Mussulman Kingdom, Sole and Supreme Monarch of the Eastern Empire.' Hence we find Charles II securing for himself a little private treaty with this august potentate, by which he got leave for two ship-loads of figs and currants to be annually exported from Smyrna for the use of the king's kitchen. Charles, when he came to the throne, gave the Turkey merchants more extended privileges than they had had before, and towards the close of that century they entered upon their most prosperous period. Notwithstanding, in 1681 we

find the Turkey merchants petitioning parliament, setting forward certain grievances against the East India company, and begging his majesty to permit the Turkey merchants 'exercise of trade in the Red Sea, and all other dominions of the Grand Signior, and to forbid the East India company to import raw or wrought silks,' and further stating that as their freights were 'raw silks, gaules, grograms, yarn, cotton, &c., and as they, not being a joint stock company, did not export much gold,' that the East India company ought to be restricted from interfering with their monopoly. To this petition the East India company drew up an exhaustive reply, and parliament set the petition on one side.

For the first three decades of the last century the prosperity of the Levant company was maintained, in the years 1716 and 1717; they exported to Turkey '43,000 cloths and a very great quantity of lead, tin, sugar, &c.' In 1718, for the greater protection of merchants, 'general ships' which sailed together in large squadrons were appointed, and all each merchant had to do was to convey his goods to the wharves, consign them to the ship-owners, and pay the freight. These ships used to leave about July 1, so as to have good weather in the open seas and reach Turkey about the right time for the winter markets, then they came home freighted with raw silk, mohair, yarn, &c.

For some cause or other, in 1753 the career of the Levant company did not appear so brilliant. In their petition to parliament they complained that a quarrel between Sir Kenelm Digby and the Venetian admiral in the bay of Scanderoon had cost them 20,000*l.*; that the indiscretion of a young man at Aleppo under Dutch protection had caused an insurrection and nearly lost the lives of all the Europeans there; that they had had to pay an indemnity of 12,000*l.* for prisoners taken in war and other misfortunes. As a result of this petition the charter of the company was remodelled: they were to have unmolested choice of the ministers maintained by them at home and abroad, ambassadors, governors, deputies, consuls, or otherwise; nobody except free brothers of the corporation could send ships into those parts, and very stringent rules were made on this point, full power being given to the company to fine, imprison, and send home in custody any individuals who infringed this rule. They were allowed to make their own laws and by-laws though they had to be sanctioned by the board of trade, and with various little assistances from government in minor points, the company of Levant merchants again became exceedingly flourishing, and continued to be so until the end of its days. It would appear that at the end of the last century the company consisted of 800 members, each and all calling themselves 'Turkey merchants.' The wages of their officials, that is to say, the ambassador, secretaries, chaplains, consuls, and phy-

sicians at Constantinople, Smyrna, Aleppo, Alexandria, Algiers, Patras, &c., came to 15,000*l.* per annum. Many of our consulates in the East were built by them—particularly worthy of mention is the one at Smyrna, and the fine embassy at Constantinople which cost the company 10,000*l.* The Porte gave the ground out of gratitude to the English for driving the French out of Egypt, and the opening of it was hallowed by the liberation of many Christian slaves, mostly Maltese, who, with wan and worn faces, came in a body to the embassy to tender their heartfelt thanks.[4]

In 1803 the English government assumed the appointment and payment of the ambassador and his secretaries; this was the first step towards the disintegration of the company. The Eastern question was then beginning to make itself heard, the Balkan States were in arms against Turkey, and, the interests of trade being naturally subordinate to foreign policy, the Levant company had to give way. Mr. Canning's communication to them ran as follows: 'It results solely from considerations of public expediency and in no degree from any disrespect or disposition to impute any blame to their past administration;' but in point of fact the new order of things had to supersede the old. The atmosphere was full of the ideas of free trade, and the aristocratic, exclusive Turkey merchants had to give way, and they did so most gracefully. In 1825 the deed of surrender was drawn up, 'of all the several grants, privileges, liberties, powers, jurisdictions, and immunities granted and conferred by their charters,' and in solemn conclave the company of merchants dissolved themselves, after honourably providing pensions for their officials and handing over a substantial balance to the treasury.

During its life of 244 years the Levant company certainly had a most exemplary and noble career. It would take a volume to enumerate the deeds of their great men, and how they have embellished our literature with admirable studies of the past and of the present. Sir James Porter, one of the company's ambassadors, wrote an admirable work on the policy and government of the Turkish people. Montague, Covel, and Pococke gave some of the earliest accounts of the people of the East in our tongue. Other servants of the company devoted their attention to archæology, for example Chishull, Shaw, and last but not least Lord Elgin, who rescued the marbles of the Acropolis from being destroyed in the Greek revolution. The company's doctors used to make a special study of the plague. 'Russell on the Plague' was quite the standard work of its time, and Dr. Maclean gave the plague his closest attention; and to the efforts of these men we may almost say that we owe the gradual diminution and eventual eradication of this terrible malady. The rescuing of slaves from corsairs, the liberation of the

[4] Clarke, *Travels.*

oppressed Christians, whether they happened to be English, Greeks, or Armenians, will be for ever one of the noblest and proudest of our actions. Without the Levant company Greece would not be as it is now; without the Levant company the Christian nationalities of the East would have been stamped out and eradicated; and it is a question for grave thought as to whether our free and enlightened government, during the half-century it has had control over our actions in the East, has been half as active and half as influential as the company of Turkey merchants, who could draw not only the sword but the purse strings, and cared not what they paid so long as their object was gained.

J. THEODORE BENT.

The Salzburgers

IN the beginning of April 1730, chatty Baron Pöllnitz arrived in the course of his wanderings at Salzburg, and from there wrote to a friend one of his pleasant letters describing this ancient ecclesiastical city on the banks of the Salzach, with its sombre archbishop and sombre society, and 'not disagreeable though rather mountainous surroundings.'[1] He does not seem at the time of writing to have dreamt that the country of which Salzburg was the capital, and the doings of its valetudinarian and, to the gay baron, not too affable ruler, would in the course of another year engage the serious attention of diets and diplomatists, and excite the wrathful interest of nearly all protestant Europe. The fine gentlemen of the chapter, and the very polite master of the horse, who, he complains, were the only sociable people in the place, doubtless took him round to see the marvellous upholstery and decorations over which he grows so enthusiastic. They evidently, however, did not say a word to him concerning the religious troubles which were brewing amongst those hills and valleys he saw from the lofty convent of the Capuchins. They told him of the '20,000 quintals of gunpowder lodged in the castle,' which from its lofty perch frowned down on the high roofs and narrow streets of the city, but not of the heretical peasants whipped 'brown and blue,' who were also so very uncomfortably lodged there, 'lying crosswise for want of room.'[2] He saw quite a multitude of things worthy of observation—lustres of massy silver and rock crystal, suits of hangings of crimson damask with gold lace, stables far excelling those of Versailles and holding 150 horses in two rows, the grave of Paracelsus, and a wonderful open-air riding-house, 'lined by very high rocks in which three rows of seats are very artfully cut for the spectators when there is any carousal or combat of wild beasts.' He did not, it is clear, observe any signs of that eventful struggle, yet to become historical, which had already begun between the severe and solitary archbishop and his peaceable but heterodox subjects. A very snug, well-ordered little clerical king-

[1] *The Memoirs of Charles Lewis, Baron de Pöllnitz.* Being the observations he made in his late travels from Prussia through Germany, Italy, France, Flanders, Holland, and England in letters to his friend. London, 1739. Vol. i. letter xiii.

[2] Putoneus, *Das wohlthätige Leipzig*, cap. vii. p. 68. Leipzig, 1732.

dom Salzburg appeared to him, with a steady revenue coming in from hard-working miners and submissive mountaineers, who joyfully paid their hundred thousand crowns to the holy father for each archbishop's pall, 'besides making him a free gift of a like sum.' He never seems to have doubted but that the Salzburgers were all 'good Romans,' and was sure that the 'salvation of their souls,' as an object most dear to a ruler who was also a pious prelate, was being specially well looked after by the country priests.

No whisper reached his baronial ears of Jesuit spies ransacking peaceful homes for Lutheran books, of barefooted and tonsured tormentors compelling unwilling protestants to count their beads, go to mass, and swear fidelity to the pope. He heard nothing of fanatical district governors filling the prisons of their gloomy castles with Bible lovers, of pious mothers torn from their children, of dying men hailed to damp dungeons for the theological sins of sons who could read, and of God-fearing farmers driven half-naked across the borders.

In describing the archbishop's most princely household with its grand cupbearer, grand steward, grand huntsman, grand marshal, grand chancellor, down through multitudinous gentlemen servants, pages, ushers, valets, to the twenty-eight footmen and the eighteen cooks, he mentions the important item that the mastership of the pantry was vacant. In 1732 other and more considerable vacancies had to be reported. Here is a part of the postscript he added to the letter above mentioned. It was evidently written with a feeling of considerable surprise. 'P.S.—Since the year (1730) that this letter was wrote, great revolutions have happened in the archbishoprick of Salzbourg with regard to religion, for about 22,000 persons have abandoned this country, together with their estates and their fortunes, and declared themselves of the Lutheran communion—which is very strange and inconceivable.' Very strange and inconceivable to observant Baron Pöllnitz, a true goldstick, who had told us that in the fine gardens of the archbishop's summer palace, amongst the fountains and statues, there were 'several orange trees planted in the ground, which were covered up in winter in a wooden box,' though he had no news about the astounding growth of heresy in the surrounding valleys. After a somewhat vague historical explanation of this Lutheran phenomenon, he continues thus: 'These unfortunate subjects, like the Jews, are spread into divers countries, as Germany, Holland, and Prussia, where the king, I must confess (as much a catholic as I am), has received them with a charity and generosity perfectly christian and royal, his majesty having grudged neither care nor expense to convince the world that as France is the asylum of unfortunate kings, so the dominions of Prussia are the refuge of oppressed subjects.' We shall not give the baron's not over-sympathetic comments on the

motives of these poor ignorant 'sectaries,' who were anything but martyrs or heroes in the eyes of one who, like him, was somewhat of a trimmer in religion and able to talk of the Reformation as 'pretended' or 'glorious,' according to his changing tastes and matrimonial necessities. We need not quote either all his very sensible strictures ('as much a catholic as I am') upon the priests and their archbishop, 'who knew not there was a fire till it was too late to put it out, and instead of good nature, compassion, and charity, which, like water, were necessary to extinguish it, poured the oil of hatred and violence and abandoned themselves to their furious zeal.' What follows is an attempt to give some account of these very 'strange and inconceivable' incidents, which necessitated this serious postscript, dealing as it does with far other matters than ceilings painted in fresco representing a tournament, chimney-pieces of the finest marble adorned with brass and gilt with water-gold, pilasters of the composite order, old porcelain of the most beautiful sort, and orange trees in boxes.

The Salzburg emigration was not in itself so important an event as the revocation of the edict of Nantes, nor, if we regard its consequences, was it even of such significance as the sailing of the 'Mayflower.' Still, though it has left no very permanent traces in history, and is now almost forgotten, it roused a more widespread interest, on the continent at least, than almost any other event of the first thirty years of the eighteenth century. This was owing partly to the peculiarly pathetic and idyllic elements in this enforced pilgrimage, and partly because it was beginning to get inconceivable that religious tyranny on so large a scale could at that time of day be openly practised. No doubt complaints were sometimes heard from unhappy protestants in Hungary and the Palatinate, but to the men who saw or heard of these hardly treated Salzburg emigrants wandering during many months through Germany on their way to a new, though not to a better, country in distant Lithuania, the dragonnades of Louis XIV were already in the far past, and the peace of Westphalia was a fixed law of nature. It does seem out of keeping, too, with the fitness of things, that in a century which was to produce Voltaire, and at a date when in good English society men laughed if you spoke of religion, and when in certain continental circles it was regarded as a sign of taste and good breeding to go over to catholicism, such astounding religious heroism should have flashed forth upon Europe from a remote corner, with which till then people had not much concerned themselves. A Bible was at that time anything but a common possession amongst English or German peasants. In Norway the proportion was about one Bible to every 5,000 of the population. Even when one was possessed, like that solitary ill-used copy of the scriptures which Hannah More saw in the parish

of Cheddar propping up a flower pot, it was not always earnestly used for purposes of edification. It was rather a notable circumstance, therefore, that in such degenerate days some 30,000 obscure Austrian highlanders should have preferred exile and loss of all to the loss of freedom to read the 'word' and live in accordance with it. Religion was not indeed altogether dead throughout the protestant world. Young Wesley was beginning to stir at Oxford; high-souled Franke, hated of Lutheran pedants and Calvinist scholastics, was busy with his lectures and his orphanage at Halle, busy too trying to circulate Bibles amongst the common people and to rouse some spiritual life in their souls. Religion was not altogether dead, but neither in our own country, where, under Walpole's guidance, we were prepared to die for our commerce rather than for our consciences, nor in Germany, where it had stiffened, in the face of pietist protests, into dull catechising and doctrinal leanness, was there much of the heroic element left. It is not certain if any echo of the Salzburg pilgrimage reached as far as Scotland, but if it had we can imagine how strangely this story of sacrifice and modest martyrdom would have sounded in the ears of a generation given over to that wonderful mixture of claret, high-flying orthodoxy, low-flying morality, brandy, and the moral sentiments. Rieger, a Stuttgart professor, who, because he was not permitted by Providence to feed and clothe the Salzburgers, wrote a book about them, in a most apostolic dedication thus addresses the 'scattered guests and companions in tribulation.' 'Be you,' he says, 'a good salt in our lands, and season with your earnestness our indifference, and with your genuineness and simplicity our Christianity of barren ritualisms. Be like those fish which preserve their sweet taste even in the salt sea water, and keep yourselves unspotted from the evil example of the many poor enough Christians amongst ourselves.' [3]

All this explains the countless tears that were shed over the Salzburgers. It is the mingling of human, religious, and polemical interest connected with the emigration which accounts too for the literature of the subject. We have endless diplomatic protocols and notes and memorials, argumentative manifestoes, complaints, and prayers. We have long sermons of welcome, comfort, and farewell, dialogues of the dead and the living in Hades and Leipsic, local narrations and 'monuments of love.' We have on the protestant side 'Providences Displayed' and poetical defences of Christ's own sheep, and on the catholic side 'Salzburg Wickedness Laid Bare' and indignant denunciations of the bloody iconoclastic rebels in 105 verses. The very titles of the documents and writings evoked by the pilgrimage make up a considerable pamphlet.[4]

[3] Rieger, *Der Salzbund Gottes* (Stuttgart, 1732), Dedicatio.

[4] *Die Literatur der Salzburger Emigration* (1731–35). Stuttgart, 1886.

The protestantism of the Salzburgers, for their fidelity to which these sufferings and wanderings so copiously narrated were due, was no new thing. The quiet mountain principality, which thus drew the gaze of Europe upon it and its expelled inhabitants, though for centuries[5] it had been ruled over by church dignitaries, had not escaped the influence even of the reformers before the Reformation. The roll of Zisca's drum had stirred some echoes amongst the Salzburg mountains, and Hussite heresies secretly conveyed from the neighbouring lands had long ago taken root in these secluded valleys. Spite of all precautions it had been found impossible too to keep even this purely archiepiscopal state free from the poison of the Lutheran teaching, or to shut out the turbulent ideas of the fanatical land agitators against whom Luther was so bitter. The archbishops, who to all intents and purposes were monarchs, and could be tyrants if they chose, had had their troubles long before 1732, and with these religion was more or less mixed up. Thus we read that in the beginning of the sixteenth century fiery old Archbishop Leonhard, being much vexed by the unruly conduct of the citizens, with whom the peasants were always ready to sympathise, invited twenty of the chief men of the town to dinner. The sumptuous repast over, he gave them a sharp lecture, packed them off bound on sledges in their fine court clothes, though it was the depth of winter and snowing hard, and lodged them in a mountain fortress, there to meditate upon their sins. He would have beheaded them all but for the intercession of many lay and clerical high officials, and as it was, some of them died of terror, sorrow, and the effects of the cold drive.[6] Salzburg archbishops had a weakness for making rebellious subjects travel in winter, especially when their clothing was scanty and it was snowing hard. Just about the time when Luther was nailing his theses to the door of the Wittenberg church, and old Leonhard was moping in his castle, utterly disgusted with the new views which were afloat, the great reformer's friend and counsellor Dr. Staupitz, who was court preacher at Salzburg, was proclaiming in his mild way against the abuses and errors of the church.[7] This gentle, amiable mystic, whose portrait shows us a heavy refined face, suggestive of rather silent protest, had not the stuff of a reformer in him, but having preached to others, became, from a rigid protestant point of view, somewhat of a castaway. At any rate the archbishop, dreading trouble, got him to retire to the quiet of a snug and orthodox

[5] The palace salon, Pöllnitz tells us, contained the 'pictures' of no less than eighty-four archbishops.

[6] 'Die Länder Oesterreich-Ungarns,' *Das Herzogthum Salzburg geschildert von Prof. Eduard Richter.* Wien, 1881, p. 39.

[7] See Panse, *Geschichte der Auswanderung der evangelischen Salzburger im Jahre* 1732 (Leipzig, 1827), p. 8.

Benedictine monastery. Here he passed the rest of his days thinking heterodoxy only, and not being ambitious of martyrdom himself, left his library, which was found to contain dangerous mystical and Lutheran books, to be burned after him. But though Staupitz was silenced, Luther spoke. His Big Bible and his smaller writings were eagerly read by the Salzburgers, who were predisposed to accept evangelical teaching. The reformer was in correspondence too with Martin Lodinger, a native of Salzburg, and with others in that region.[8] Paulus Speratus, who had been cathedral preacher to the archbishop, had to flee the country for his sympathy with the new doctrines, and came to Wittenberg, where he lectured with great applause. The awakening of new religious life had the usual effect of stirring up a desire for greater civil liberty. The Salzburg citizens getting clamorous in their demands, Archbishop Matthäus, who had fought in Kaiser Maximilian's wars against the Venetians and was not likely to be afraid of townspeople, secured two companies of *Landsknechte* and surrounded the town, so that the inhabitants had to surrender.[9] On a white stallion with golden harness, in cardinal-coloured satin dress and hat, the commander's staff supported on his hip, he rode, surrounded by his troops, into the market-place, where the burghers humbly knelt to him and asked pardon. But this was not the worst. Stephen Agricola, a protégé of the archbishop, had under his patron's very eye declared for Luther, and was promptly carried off to Mühldorf and imprisoned there. It was determined that he should be made an example of, and used as an illustration of the divine wrath against heretics. Arrangements were accordingly made for bringing him back to Salzburg, and for a striking display of heaven's vengeance. In an old tower in the town wall, where he was to lodge for a little, some bags of gunpowder were placed, and an instrument of Providence was in readiness to apply the match just as the heretic was about to contaminate the city with his presence. It was meanwhile given out that fire was to fall from heaven upon the head of this Lutheran monster. But these terrestrial arrangements were bungled. The fire fell too soon; the tower was blown to pieces before Stephen was got in, and the explosion thus manifestly shown up produced another explosion of a far more dangerous character. The peasants and miners were already in a somewhat restless state, and this gunpowder plot, along with the execution of an unfortunate official who had shown favour to an heretical preacher, made them rise in open revolt. Up from the mines and over the mountains, from the valley towns and the lofty farm villages, they came surging in upon the city, demand-

[8] See Luther's letter 'to the honourable and wise Martin Lodinger,' Putoneus, 11.

[9] Richter, p. 39.

ing the lightening of their burdens and 'evangelical' freedom. The sympathetic citizens opened the gates to these badly clad, badly equipped, rebellious serfs. The city was taken, the palace was plundered, and the peasant women derisively hung their washings out to dry from the sculptured windows. For fourteen weeks the rebels held the city, but under great difficulties. The archbishop had found refuge in the citadel, where, safe behind his new bastions, he had on the whole the best of it, and showed himself to be quite as well up in the use of the gun-match as of the crosier. As soon almost as anyone appeared in the streets there came a bang, bang from the troublesome and invincible castle. The wooden cannons of the citizens would not work, the mines which the miners tried were not a success, and, unfortunately for the clumsy besiegers, just when the archbishop and his friends were at the starving point an agreement was come to. But the terms were not kept, and the revolt was put down in blood, for Bavaria was always ready to lend a helping hand at a crisis of this sort. But the heresy was by no means stamped out. Luther's Bible, his 'Haus-Postill,' his catechism, the Augsburg confession, and other heretical writings were secretly read. The faithful were encouraged to steadfastness by letters from brethren already in exile, notably by two epistles from Lodinger, Luther's friend, epistles which came to have an almost canonical value amongst the Salzburgers.

Archbishop Wolfgang Dietrich, a man of fierce, unclerical aspect, and a great builder, discovered, to his horror, heretical tendencies even in his own palace. After consulting the pope he issued in 1588 an edict [10] demanding a return within a month of all the possessions of the heretics in his dominions, giving them the quite simple choice between abandoning—for a consideration and to buyers approved of by the archbishop—their property, or their faith. Some chose exile, and in order to make an effectual clearing, Dietrich's successor—poor Dietrich being by this time a prisoner in his own castle—sent out in the depth of winter a troop of monks backed by a company of soldiers, and made all suspected persons swear on the gospel of St. John to live and die in the catholic church. Many seem to have taken the oath, and while openly conforming met secretly in caves and lonely gorges to read and pray. To escape detection they hid their Bibles in holes, and, unknown to the priests, taught their children 'evangelical' truth.[11]

Spite of all hindrances, in a very short time the number of protestants in the country far exceeded the number of those who had been expelled by the edict of Dietrich. During the long rule of good Archbishop Paris, who died in 1653, after wisely shepherding his flock for thirty-four years, the dissenters were left

[10] The Edict is given in full by Putoneus, p. 13.

[11] Herzog, *Real-Encyclopädie*, art. 'Salzburger.'

in peace. Their Bible-reading and other delinquencies were winked at, and while throughout Europe catholics and protestants were engaged in the frightful struggle of the Thirty Years' War, and in certain secluded spots obstinate heretics were having their faces planed and their bodies bored through with red-hot wires, the Salzburgers were at rest and prospering. The protestants had by this time become somewhat lax in their attendance on the established ordinances, and had even formed themselves here and there into congregations, but this scandal was at length checked.[12] A Jesuit preacher, whose zeal was no doubt inflamed by reports of his brethren's great labours for the unity of the church in southern France, informed the overseer of the remote Teffregger valley that he had discovered some secret churches in his district. His grace lost no time in dealing with this horror. Force, bribery, Bible-burning, Jesuit arguments, smooth speech, and missions were all tried, but without effect.[13] In 1685, a memorable year, Archbishop Gandolf resolved to bring matters to a crisis, and ordered the protestants out. Over a thousand were compelled to go in the snow. They were forced to leave their children behind them, or had them snatched away at the borders, to be put under the care of the priests, that the innocent young souls might be kept unspotted from the heretical world. After enduring many miseries, *per saxa, per nives, per tot discrimina vitae*, as an anonymous narrator neatly puts it, they reached Swabia.[14] This was the little emigration, foreshadowing the greater one that was to come, and in nearly all its details an exact imitation of the tragic doings of Louis XIV with his Huguenots. These unfortunates only got about half value for their possessions, and by disobeying the regulation to leave all children under fifteen behind, many of them lost even that. This poor thousand, however, had little wealth to abandon and no fair churches to be burned, unlike their 500,000 brethren who were at the same time fleeing by land and sea from Louis's dragoons and the catechising of La Chaise's missionaries. The remonstrances of Brandenburg and Würtemberg were of no avail, and though some of the exiles got a certificate from the Augsburg ministers testifying that they were not blaspheming sectaries and obstinate rebels, as they were slanderously reported, but sound Lutherans, and therefore entitled to all the privileges of the peace of Westphalia, the archbishop paid not the slightest heed to it, and there was no resolute Frederick William to keep at him and compel him to listen.

Fortunately the next archbishop was too much interested in

[12] See *Kurze Nachricht von dem Salzburgischen Emigrationsgeschäffte* (Frankfurt am Mayn, 1732), p. 19.

[13] Putoneus, p. 17.

[14] See 'Dialogue between a catholic and a protestant,' already referred to, in *Kurze Nachricht*, p. 17.

architecture to think about heresy, and too busy doing up the 173 rooms with the furnishings Pöllnitz admired so much to trouble himself with the little nonconformities of his subjects. During this interval of peace protestantism grew apace, stimulated now by the memory of martyrs and by the epistles and the *Exulantenlied* of Joseph Schaitberger, a miner, who in the last persecution had had to leave all for the good cause.[15] The 'Exile's Song' which, after the events of 1732, German children were often heard singing in many a town from Ulm to Königsberg has all the simplicity, force, and fresh feeling which go to make up a good national hymn, and became for the Salzburgers even more than *Ein' feste Burg* had been for the Lutherans. Thousands of copies of this and other hymns and booklets were circulated through the valleys, along with protestant devotional books such as Rhegius's 'Soul's Medicine,' Arndt's 'True Christianity,' and other old favourites. These were handed about at secret meetings held at some lonely cottage at night, or during the day, especially on the holy days, in sequestered spots amongst the dark pine forests, watch being kept by some of the younger brethren while their elders read and prayed. Though the teaching was entirely of a lay character, it is worthy of note that then and always after there was an utter absence of anything approaching fanaticism or harshness in the beliefs of the Salzburgers, and no trace of any wild or irregular notions in their religion.[16] Perhaps it was the absence of lengthy professional expositions and clerical pet views which helped to give their protestantism such a singularly natural, simple, sober, and domestic character. Determinedly loyal as they were to their convictions, which were entirely their own, one finds no hint of anything about bloody papists or the scarlet woman, none of those 'popular scurrilities, and opprobrious scoffs' which so often accompany anti-papistical zeal. It is refreshing to see these mountaineers so deeply in earnest, and yet as calmly polite as any Selden or Falkland could wish. They would have pleased Sir Thomas Browne surely, and might have said with him, 'I confess there is cause of passion between us, by his sentence I stand excommunicated. Heretick is the best language he affords me, yet can no ear witness I ever returned him the name of antichrist, man of sin, or whore of Babylon.'[17] The civil magistrate, who in their case represented both civil and religious

[15] The *Exulantenlied* is printed at the end of Panse's book, p. 189. Another *Exulantenlied* is given by Rieger, p. 62.

[16] It is perhaps lucky that the kind efforts afterwards made by Count Zinzendorf to be allowed to take the Salzburgers in hand were unsuccessful, and though we read of visits made by the rather fussy Moravians to the exiles, the latter do not seem to have adopted any of the Herrnhut practices and views. See Bovet, *Le Comte de Zinzendorf* (Paris, 1865), p. 224; and Spangenberg's *Zinzendorf*, Dritter Theil, p. 753 c; Vierter Theil, p. 801.

[17] *Religio Medici*, p. 13.

tyranny, is mentioned with an almost abject reverence and respect, but the 'gospel' was as precious to the Salzburger as it was to the puritan in the days of the Long Parliament.

'Our principle is, to render to Caesar the things that are Caesar's and to obey the rulers in all things, the gospel excepted, which is not ours but God's; and by this will we stand, even if it cost us our life.' So runs the testimony[18] of those 'respectful creatures,' as Carlyle calls them, 'doffing their slouch hats almost to mankind in general, but entirely obstinate in that matter of the Bible.'[19] Such was the state of things throughout Salzburg till towards the close of the first quarter of the eighteenth century. Not a very creditable state of things it must have seemed to earnest churchmen, especially in the dominions of one who had the privilege of dressing as a cardinal and could call himself primate of Germany. Laxities, such as the employment of heretical attendants, now abounded even in the palace itself, which were enough to make the toe and shoulder bones of St. Martin of Tours, resting there in the court chapel, turn in their shrine.[20] But the Salzburgers had now had all the toleration they would ever get, and troublous times were at hand. In 1727 Leopold Anton became chief shepherd in these parts. This is the dignitary whom Pöllnitz saw and did not find a pattern of amiability—Leopold, by the grace of God archbishop of Salzburg and prince of the empire, perpetual legate of the see of Rome, primate of Germany, descended of the illustrious family of the barons of Firmian.[21] His rigid orthodoxy and personal piety, his poverty, his ambition, the querulousness of ill health, and the pride which often accompanies accidental advancement, all combined to make him the arch-persecutor he very soon turned out to be. He had been trained in a Jesuit school and had shown himself an apt pupil, and after holding some minor posts in Salzburg was somewhat suddenly elected to his high dignity, owing to the quarrels of the chapter. The factions, all composed of gentlemen of quality, could not get their own candidate in, and in order to spite one another chose this tall, gloomy, sickly aristocrat, expecting that he would very soon die. But, as Pöllnitz says, 'all these gentlemen were mightily mistaken as to the archbishop's life; for this prelate, like another pope Sixtus V, lost all his infirmities when he found the mitre, and is very likely to outlive many of his electors.' His natural unsociableness and pride were only increased by his new honours. He hardly ever conversed with any one, unless with his physician, 'who has so much the length of the prelate's foot that he is almost the only

[18] See *Schreiben einiger evangel. Salzburger*, in *Nöthige Beylagen*, Num. ix. Putoneus, p. 31.

[19] *Frederick the Great*, iii. 88.

[20] Putoneus, p. 8.

[21] *Allgemeine Deutsche Biographie*, art. 'Firmian.'

person that dares to speak to him with freedom.' He always took his meals alone, and never paid any compliments, and our garrulous informant tells us that he spent all his spare time and his summer holidays hunting, which was the only pleasure of his life. He was soon, however, to go at higher game, and the hunting of heretics was to occupy him for several winters. In his solitude he brooded over the means of increasing his territory and power and helping needy Tyrolese relations, and devised schemes for winning the pope's favour and repairing the ravages made on the exchequer by his magnificent and easy-going predecessor, for whose tapestry, and lacqueys, and worldly æstheticism he had a profound contempt. The occupation of the Jesuits had been pretty much gone under the jovial Count de Harrach, who not only dearly loved marble tables with gilt mouldings and silver chandeliers upon gilded stands, but held very advanced views on toleration, counting it the greatest wickedness to try to rule over men's consciences.[22] But now, with their pupil at the head of affairs, better days had come, and they were not long in reporting to him the scandalous religious condition of certain parts of his kingdom, where his subjects were actually staying away from the processions and almost openly conducting family worship without crucifixes or telling of beads. They managed to get on their side a certain long-headed, unscrupulous Räll, who was the archbishop's chancellor and knew his financial wants. He thought he saw here a fine chance of at once increasing his master's reputation for orthodoxy and filling the rather empty coffers, of serving God and mammon at the same time with the excellent help of these zealous fathers.

Firmian was proud of his servant, and entered readily into his schemes, not, it is clear, merely from mercenary motives, for he was sincerely pious, like many persecutors. Besides, he looked on it as a gross personal insult that miners, and shepherds, and clockmakers, and gamekeepers should dare to think differently from him, their archbishop, descended, too, 'of the illustrious family of the barons of Firmian.' Like our own wise James, he expressed his determination to make his subjects conform or harry them out of the land. 'I'll have the heretics out of my land, though thorns and thistles should grow upon my acres.' It was not long before thorns and thistles were growing upon his acres, and the archbishop found that they did not pay quite so well as corn and cattle. When some of the rich mountain mines without miners to work them got covered up with glaciers, and produced neither salt, silver, nor gold, it was small compensation even to such a pious ruler that nothing but the salt of orthodoxy and the pure gold of the catholic faith were to be found within his borders. Lutheran psalm-singing and

[22] Putoneus, p. 8.

the firing of guns to announce the conventicles were silenced for ever in the heretical valleys, but then the sheep-bells and the *Jodel* were silenced along with them, and, though a round sum came in from forced sales, the archbishop's zeal made him a poor man for the rest of his life, and gave the ecclesiastical revenues and the Salzburg industries a blow from which they have not recovered until this day.

Firmian's Salzburgers were, according to all accounts, a strong, hardy, industrious race. The occupations they followed for the most part helped to foster a spirit of courage and endurance. Many of the mines were high up amongst the mountains and could be reached in winter only by dangerous and snow-filled passes. Even in green and sunny Pongau, with its magnificent pasture, the winter was long and severe, and necessitated much battling with the elements on the part of the peasant farmers, who were a numerous and well-to-do class and possessed some of the finest cattle in Europe. Though the valleys and sheltered slopes were dotted with villages, many of the brown wooden farmhouses were built in lonely spots far up on the wild hill-sides or in secluded glens. The herdsmen's huts, too, were scattered far apart, and the solitary life, as in the case of the older race of Scotch shepherds, produced habits of reflection and a kind of natural piety. The shielings, the roofs of which had to be held down by large stones, were often overhung by frowning granite peaks or perched in sight of the great desolate fields of ice and rock in the mountain hollows, or placed, perhaps, hard by roaring waterfalls and near gloomy caverns dropping with icicles and haunted by warrior knights of the olden time. In some parts there were wood-carvers, workers in majolica, and watchmakers, but most of the protestants were engaged in rougher and sterner work, which had to be done in solitude and sometimes in danger. The Salzburgers were genuine Teutons, honest, simple, and straightforward in all their dealings. With them a promise was a promise and needed no documentary support. So general is the love of truth, says a contemporary writer, that one who is false cannot live amongst them. The fear of God and the love of their neighbour seem to have formed the foundation of their religion. Though devout they were by no means puritanical. They liked psalms and hymns, but they had a great love too for the old country songs and rhymes which they were wont to sing together in the long winter evenings, and they thought dancing and mummeries quite consistent with daily Bible-reading. They believed in being happy as well as in being protestants, and entered with great zest into their wrestling matches, and picturesque fêtes, and fantastic highland games. The younger men could on occasion make merry in front of the village inn, and peaceable as they were did sometimes go home with their heads broken, for though no

grapes were grown on the Salzburg hills great quantities of wine, if we are to believe Putoneus, were imported.[23]

Such were the people whom Firmian had resolved to wean from their foolish heresies, for no amount of industry in turning out salt-blocks, no skill in cattle-rearing or forestry, not even regular payment of taxes and the most humble obedience in things secular, could tempt this enthusiastic pupil of the Jesuits to tolerate the slightest disrespect for the rites and doctrines of the holy catholic church.

Chancellor von Räll was wise enough to know that the surest way of accomplishing his design was to get the protestants driven to despair, and by forcing them into rebellion to alienate the sympathies of their catholic neighbours and co-religionists in other lands. He accordingly organised a grand mission, the 'missionaries' acting the double part of inquisitors and preachers of the gospel of repentance, conveniently combining the *rôles* of Torquemada and John the Baptist. They set to in good earnest to sift the wheat from the chaff, trying specially hard to set the mother-in-law against the daughter-in-law and to create bad feeling between peaceable neighbours. They sought to entangle simple believers in the meshes of their dialectic, and to frighten them with threats of eternal damnation. They openly abused Luther, damned the heretics and their doctrines from the pulpit, and made their lives at home wretched by espionage and catechising. A regular system of fines for neglect of religious duties was introduced, at the rate of two florins for every absence from church without excuse; ten, twenty, thirty, and forty florins, according to circumstances, for those who ate flesh on Friday or did not otherwise conform to the rules of the church. The local magnates assisted the missionaries with the secular arm and shut up nonconformists in prison, letting them out broken in fortune and broken in health to return sometimes to a solitary, weeping wife from whom the children had been taken away, to a monastery, for their spiritual safety. The governor of the wild Werfen district specially distinguished himself by zeal in this sifting process.[24] He stripped his prisoners to their shirts and pricked them with ox-goads, so that you could hear their cries on the street.[25] The heretics generally were treated 'worse than dogs.' The consecrated ground was closed against their dead. No bell tolled as the protestant funeral procession wended its way along. Heretical fathers had to baptise their children themselves, and it was crime to have 'evangelical' sponsors, though the catholic reply to this is that the heretics refused the services of the regular clergy.[26] Official moonlighters accompanied by blacksmiths and priests, sometimes

[23] *Kurze Beschreibung*, § 2.

[24] *Memoriale ad Corpus Evangelicorum*, Putoneus, appendix, p. 66.

[25] *Das wohlthätige Leipzig*, p. 25.

[26] *Kurze Anmerckungen über den Schreiben's Extract*, 18ten Sept. 1731.

with a big dog and a bag of chains, visited the suspected, searched the chests, and carried off what books they could find to make bonfires with, as the half-humorous, half-pathetic woodcuts show us, or, as the Halle story has it, when they could not get the Bibles burned they cut them up with knives and threw them into the *Mistgruben*.[27]

Though no word was all this time spoken against the archbishop, as the catholics themselves testified,[28] these proceedings roused the people to try and do something for their protection, and ugly rumours reached the capital of the dangerous mood of the peasants and of the secret meetings which were being held, meetings which it turned out were mostly devotional. Two tolerably well-to-do Salzburgers, who after some weeks' starving and regular daily whipping had been expelled the country, leaving behind their nine children and all their possessions, found their way to Regensburg and presented a petition to the Corpus there [29]—a petition of the most modest and sober character. The protestant members of the diet thereupon tried to send a remonstrance through the Salzburg deputy to the archbishop, asking him to restore the goods and children to the complainants and to let them go without the slightest further hindrance.[30] The deputy, however, declined the duty of presenting the petition, and when they addressed the archbishop direct he politely told them it was none of their business. In April the archbishop was informed that the 'evangelical' cabinets were indignant at his conduct, and that it was not a case of meddling on their part, but a clear case of imperial law, the disconsolate sufferers being protected by art. v. of the peace of Westphalia,[31] which gave perfect freedom to subjects to change their religion, and, if they could not get freedom to worship, allowed them three years' grace to leave the country. All this only annoyed the archbishop. The passes were carefully watched, to keep complainers from getting out; the portraits of the ringleaders were sent to the border towns, and whispers of rebellion, judiciously circulated, reached the emperor.

In the spring of the following year a deputation of protestants tried to slip out by one of the wild passes on their way to Vienna. They were caught, however, brought back under an escort of dragoons, and imprisoned. Some, who managed to reach Regensburg, had their petition strangled by the red tape of the Corpus and the general assurances of Baron von Zillerberg, the Salzburg deputy. It was now that the Salzburgers began to think seriously of emigration, but all meetings were strictly forbidden, and mounted patrols watched their every movement. They acted, however, with such wonderful patience and prudence that Von Räll could not fairly treat

[27] *Das wohlthätige Leipzig*, p. 69.
[28] *Extract-Schreiben*, p. 22.
[29] 2 Jan. 1730.
[30] Feb. 1730.
[31] Art. v. §§ 34, 36, 37.

them as rebels, however much he might wish it, and, in fact, his arrangements for so doing were not yet completed. At last, in order to gain time, he hit upon the plan of appointing a small commission, with himself at the head of it, to take the names and investigate the grievances of the protestants. Accordingly, in the fine summer weather, accompanied by two assistants, he went through all the forty-two districts, offering all who duly registered themselves the free exercise of their religion—'until some proper arrangement could be come to.' The protestants came freely forward and gave their names, and the astonished chancellor, on looking over his papers, found that no less than 20,768 had inscribed themselves as professing the evangelical faith.[32] Things got no better, however, and the persecution went on, but the promises kept the Salzburgers quiet till troops were got in readiness and till the emperor could be persuaded that a most dangerous rebellion was on foot. The Salzburgers soon discovered what was preparing for them, but they were not to be converted by terror, like the old king in that neighbourhood whom a Salzburg bishop had won from his paganism by showing him a picture of the last judgment.[33] Consultations were secretly held in the various districts, and it was resolved that there should be a meeting of chosen delegates to discuss the alarming outlook. Accordingly on a Sunday morning in early August 1731 over a hundred of their wisest and bravest met at Schwarzach, lying in its fair valley with the Salzach swiftly rushing through and bordered by the spurs of the wild Grosse Tauern mountains, the long wall of the Tennengebirge, and the soft slopes of the Thonschiefer range. Farmers and shepherds were there from sunny Saalfelden on the one side and from wind-swept Abtenau on the other. Saxon brethren came up from the gold and silver mines of Gastein, already renowned for its baths and its beauty; charcoal-burners and huntsmen from the great Werfen forests, miners and shipwrights from the big salt works and yards at busy Hallein, in company with toy-making and wood-carving neighbours from beautiful Berchtesgaden.[34] There too were stout peasants from the Arl Thal with its inaccessible gorges and lonely waterfalls, which could be heard but not seen, and iron workers from little Radstadt with its walls and towers, and from the heretical country round. These were the Salzburg 'Tables.'

Gathered round a table, in the centre of which stood a big salt-dish, they first knelt with bared heads in silent prayer, then rising and each having wetted the forefinger of his left hand and dipped it in the dish, they all raised their right hands to heaven, and swore by the Holy Trinity to be true to their faith and to stand by one

[32] *Das wohlthätige Leipzig*, p. 37. [33] *Der Salzbund Gottes*, p. 15.

[34] Berchtesgaden was an independent provostry, but many of the inhabitants went out with the subjects of Firmian.

another as brothers, and next, in token of their sacred promise, according to an ancient country custom, they, as a kind of sacramental wafer, swallowed a little salt.[35] Thus they subscribed their solemn league and covenant after their own fashion, metaphorically at least with their own blood, doubtless too with tears on their rough cheeks if not 'with much joy and shouting'—a set of much-enduring, silently suffering covenanters, who would have shrunk from the bare thought of punishing their persecuting archbishop even had they come upon him passing unguarded through one of their rocky gorges or crossing one of their mountain moors. The resolution finally come to that day may appear tame or heroic according as you look at it. It was to choose exile rather than rebel, or even seek the aid of friendly powers to enable them to raise a bloody banner for Christ and his covenant. Having thus with quiet heroism made up their minds to go into a land which the Lord should choose, they arranged to appeal to the protestant princes at Regensburg for shelter and protection when they should be homeless and defenceless.

The news of the salt covenant soon reached the archbishop, and he determined to strike terror into the hearts of those daring heretics, who, strengthened by their common oath, were meeting more openly than ever. They had taken to beating drums and firing guns to announce the hour of service, seeing they were not allowed to use bells. Before the arrival of the imperial troops there came an imperial letter, which is too long to translate, but the substance of which is: 'I, Charles the Sixth, your lord, hear that, on the pretence of being persecuted—a mere cloak for rebellion, let me tell you—you have taken up arms, and are threatening your ruler with fire, murder, and sword. Give up your blasphemous and abusive language, and come freely to me, the holy Roman emperor, preserver of the peace and supreme judge, if you have anything to complain of. Sealed with my imperial seal this 26th day of August, 1731.'[36] These stern words were quickly followed by stern action. In September a thousand infantry were marched into the protestant districts, and these were followed in October by three regiments of dragoons, who were quartered on the unfortunate peasantry and made their existence a burden to them by plunder and outrage. A kind of holy crusade was proclaimed, of a milder and more modern pattern than that to which the Albigenses had

[35] Herzog, art. *Salzburger*; Panse, p. 68. There is a painting of the salt covenant scene in the inn at Schwarzach.

[36] Given in full by Putoneus, Appendix, p. 17. A Salzburg pamphlet of date Sept. 1731 defends the Salzburgers against these charges, and soon after came a scornful catholic reply declaring that it is a strange way of obeying conscience and God *to send away the tax-gatherers empty-handed.* This writer, whose facts were certainly manufactured, does not see what good reading the Bible will do to such a set of *murderers and scoundrels.*

long before been subjected, but if less bloody it was scarcely less endurable. Families were roused in the middle of the night, and whole batches of offending members were put on waggons, blindfolded, bound with 'chains and fetters,' and hurried off to the prisons in Salzburg, the gaolers there testifying to the cruelties practised on these 'martyrs,' especially on a smith, a furrier, and a peasant. One sufferer in his testimony tells us how his old father of seventy-five and twenty-five others were put in a Black Hole in the fortress deep under ground, where they were almost smothered.[37] The passes were watched night and day, so that no news of the dragonnades might reach the outer world. Grey hairs, youth, sex, or infirmities gave no protection. Young men became prematurely old from suffering, and the work of torment was only left incomplete owing to the conduct of Prince Eugene's dragoons, who, mostly protestants themselves, secretly protected the unfortunate Salzburgers, and even met with them at night to read the Bible and pray.

In the midst of this frightful persecution two men managed to make their way to Regensburg, and enlisted in what appeared a practical manner the sympathy of the Swedish deputy; but his master, who was on the outlook for new subjects, was too slow in coming to any arrangement, and, spurred by the distressing news which reached them of the sufferings of their brethren, the two went on to Berlin. Peter and Nicolas laid their case before Frederick William, who, to test the truth of the reports that had been industriously circulated about the unsoundness of the Salzburgers, had them rigorously catechised on the fundamentals by pastors Roloft and Reinbeck. These learned divines declared themselves perfectly satisfied, and testified on oath that they had not put the answers into the men's mouths, but that they had answered of their own accord.[38]

Frederick William, though he threw plates at the heads of his children when they needed correction, was an enthusiast for a pure creed, and being now certain that all the scandalous heresies attributed to the Salzburgers were utterly unfounded, he determined on vigorous interference on their behalf. The protestant deputies at Regensburg had meanwhile been doing something in their long-winded fashion, and appealed again to the emperor, protesting against the conduct of the archbishop and asking Charles to appoint a commissioner to inquire into the whole matter. Little heed, however, was paid to their remonstrances. It was while Peter and Nicolas were on their way to Berlin that the archbishop issued his famous emigration edict, which fell like a thunderbolt on the Salzburgers. The terms of this document, which brought matters

[37] Putoneus, Appendix, p. 34. *Species facti.*

[38] A full account of the examination is given in the 'Dialogue between a catholic and a protestant,' *Kurze Nachricht*, p. 97.

to a crisis, were sufficiently rigorous.[39] All heretics of both sexes over the age of twelve and not possessed of saleable property were to leave the country within eight days from the publication of the edict. Those with goods or possessions which could not be removed, and would have to be sold, were to get a truce of one, two, and three months, according to the value of their property. All the miners, wood-cutters, iron-workers, and others in the state service were to be paid off at once, and all their perquisites were to cease. The members of the guilds and trades were henceforth deprived of all their rights, and, unless for those who retracted, there was to be no abatement of those terms. The harvest was not all gathered in; the first snow showers were beginning to fall when this inhuman 'patent' came forth.[40]

The Salzburgers could scarcely believe the terms would be enforced, and for about three weeks nothing was done on either side; but towards the end of November the dragoons dashed into St. Johannis and began to drive the peasants out. The orders given to the dragoons were that if they found any in the fields, or in the woods, or in the house, who came under the eight days clause, they were to waste no time with them, but bring them on to Salzburg at once.[41] The heretics were to be allowed to take what they had on their backs and nothing else. In a short time whole villages were cleared; families were broken up; husbands were separated from their wives, children from their parents, servants from their mistresses—wages still due too, and their boxes left behind. Those relations were most fortunate who were expelled together, for many only found one another again, after weary wandering, in distant German cities. Sons had to mount their old fathers on their backs; women unfit to travel had to go out carrying their children, sometimes with the cradle and its contents tied behind them, of which incidents affecting pictures were to be seen long after in many a Prussian parlour. At Radstadt, which along with St. Johannis was notoriously heretical, we are told that the sun had just set when the dragoons came trooping through the gates, and drove over a hundred of the most evangelical citizens out into the dark and the snow. By the middle of December several hundreds had been taken to Salzburg, where the ringleaders were chained in the castle. Those who attempted to escape without passes and without giving in their names, as the patent demanded, were turned back and marched to join their brethren in the capital. Here they were lodged in stables and sheds outside the town mostly, until their passports were got ready, and during their stay they were taken to the fortress and shown the blood of those who had been already executed, and other startling sights.

[39] In *Kurze Nachricht*, p. 33, and more fully in *Das wohlthätige Leipzig*, p. 39.

[40] 31 Oct. 1731.

[41] 'Fort, fort, fort' (*Das wohlthätige Leipzig*, p. 44).

This, however, was only a theatrical display, it being too late in the day to go further than *acting* in the blood-shedding line. It is fair to tell that, to the great jubilation of the Salzburg clerics, some thirty-six of the heretics, worn out by their miseries, recanted, in spite of the earnest remonstrances of their comrades.

But this was the first and last occasion for priestly jubilation. The passports all duly signed—perfectly regular, cold, official documents they were[42]—the first company of emigrants embarked in flat-bottomed boats on the yellow-grey waves of the Salzach and sailed for the Bavarian frontier. A long and loud farewell rose from the crowded decks as the vessels started, pathetic as the cry of the puritan emigrants exactly 100 years earlier, 'Farewell, dear England!'—'Farewell, dear Salzburg!' Arrived on the Bavarian borders about Christmas in the very worst of winter weather, they were handed over to the care of the Bavarian commissioner and started on their wanderings. His highness the elector had made most liberal arrangements for their transit across his territories, though some of their historians choose to omit the fact. We read of 800 of them getting to Kaufbeurn at nightfall on 27 Dec. after the gates were shut. They got a good reception, and were all, like sheep, full of patience and humility,[43] quite unlike the black and bloody rebels papistical reports had represented them to be, though a priest and his peasants in a neighbouring village grew riotous over the proposal to lodge them there.

Meanwhile the lumbering Corpus was writing endless notes, full of legal phrases, to the emperor and archbishop, protesting against this scandalous violation of the peace of Westphalia, declaring that the 'patent' in every paragraph contradicted and abrogated it, and demanding that such patent should be instantly withdrawn. The reply was always the same—that the Salzburgers had neither part nor lot in the peace of Westphalia, not being Lutherans at all and being rebels besides. They baptise their children in the name of the Father and the Son, and leave out the Holy Ghost. They say that Christ died of despair, and that men can keep the ten commandments. They pray to the Virgin, they make the sign of the cross, and are not averse to confession; in fact, their religion is a regular *Mischmasch*. They are neither fish nor flesh, but weathercocks, and obstinate, insolent fools. To all this the Corpus answers that it would not need a very clever advocate to defend the Salzburgers against these trumpery charges.

But on 2 Feb. 1732 Frederick William spoke out in a way not to be mistaken through the Prussian deputy, who announced the invitation of his majesty to the Salzburgers to come and settle in his country; and announced too his majesty's determination to make reprisals. The passes must be opened, the families are not to be broken up, and the emigrants must be allowed to come the

[42] Putoneus, p. 45.

[43] *Kurze Nachricht*, p. 75.

shortest way. About a month after, his majesty further declares that, unless these conditions are complied with, he will be compelled to alter his hitherto gracious treatment of his catholic subjects, and choose quite another style of treatment.[44] The frightened catholics in Prussia appealed to the archbishop, but all the answer was, 'I am giving them far more than they deserve. I have already extended the term till St. George's Day,[45] and they are voluntarily going out before the time, as you will see from their passports.'

Meanwhile the Salzburgers were passing a wretched winter. The valleys were silent, the villages often looked as if they were deserted, as the peasants, to escape the soldiers, kept their houses. Work was pretty much suspended, the building of waggons to convey their goods being their chief occupation. Not a week passed but heavy fines were exacted for reading 'evangelical' books, and batches of heretics were still being taken blindfolded to Salzburg, where they were paraded through the streets amongst the curses of the orthodox populace, and then shown puppet executions by the clerical theatrical managers. At St. Veit there was a grand Bible-burning, lasting three days, and though the smoke was only 'Bible-reek' it seems to have affected all it blew upon, for many who had not openly professed protestantism now threw in their lot with the sufferers. In February a large deputation waited upon the archbishop, asking for liberty to go out unhindered, and offering to leave the country within a certain time on condition that their fellow-sufferers were liberated, as the prisons were full, and some had not seen sun or moon for a year. Upon this Räll, by way of a joke, called the attention of the croaking protestant deputies to the fact that his master could not, without breaking the peace of Westphalia, force the heretics to wait for three years, now that they were in such a hurry to go.[46]

Strongly worded memorials were all this time being presented to the emperor from the various protestant courts. The one sent by the British representative in Vienna is of a most eloquent, lofty-toned character, and amongst other things tells the emperor and the archbishop that even if imperial law is not applicable to the Salzburgers justice and mercy *are*. The Danish document is a mixture of pious reflections on God's goodness to protestant Holland and plain threats, and advises the archbishop that if there are tares amongst his wheat the task of separation should be left to God and not to the dragoons. In Holstein the Danish king told his catholics that they would have till 24 April to pack up, and Frederick William, who scarcely allowed a week to pass without some remonstrance, now definitely stated that, seeing the representations of the Corpus had borne so little fruit, he was henceforth going to treat the Salzburgers as his subjects. The catholic clergy

[44] Putoneus, Appendix, p. 56. [45] 24 April. [46] Panse, p. 121.

at Magdeburg and elsewhere were informed that if the Salzburg protestants were not better treated they themselves would have to go within a certain number of days, and finally a joint note was drawn up by the protestant powers intimating that as Firmian showed no signs of improvement he would have to be compelled by force to come to reason.[47]

With all this pressure brought to bear upon him the emperor at last, on 7 April, counselled the archbishop to moderate his terms. The patent was accordingly withdrawn, and the conditions were softened to suit the demands of the protestant states. During these months of negotiation the Salzburgers were wandering out under the hardest conditions, having lost the bulk of their property by forced sales and otherwise, though it was in April that the mass of them left. By the end of that month 14,000 of the best and most well-to-do had gone away. Here is an effective bit from Panse:

> On the return of the early spring festival many, moved by a common feeling and accompanied by the herds and milkers, their wives and children, thronged up out of the valleys in order to keep the fête once more. The flocks were gaily decorated, as was their wont, with flower wreaths and peacock feathers, and on the broad embroidered bands round their necks hung the Alpine bells. In front went the youths and maidens. The herd-boy with his flute followed, and behind him came the long line of the gaily adorned cattle, the milkers with their pails bringing up the rear. Arrived on the heights, the old spring songs were once more sung, and perhaps never was a more heartfelt prayer offered than in that rocky temple. But when the sun again neared the western glaciers the Alpine joys had to be left for ever. The mountaineers could no longer repress their sorrow. They fell on each others' breasts and then sank on their knees to pray their last mountain prayer. They took farewell of the cattle grazing with their gay deckings and restored to them the freedom of nature, since there was no longer now any one to tend them. Down after them into the darkening valleys echoed the bells of the masterless flocks, and all felt as if they had lost human and much-loved hearts. Like dying men who have made their will, they looked forward to the last moments, and packed together what they thought they could carry with them.[48]

And so on for another year, with such sad farewells and pathetic bundlings up, troop after troop left the glittering salt mines and the Alpine slopes, until Firmian, spite of a papal decoration, ground his teeth as he heard of the busy valleys converted into silent deserts and saw the crop of thorns and thistles getting month after month more and more plentiful, saw too from his palace window his best Dürrenberg miners embarking on the Salzach and taking with them their skill and his revenues.

The first few hundreds who had reached Bavaria at the end of

[47] The various *Pro-Memorias* are given by Putoneus in his appendix.

[48] Panse, p. 143.

the year, after passing through the country on terms that did the catholic ruler honour, had settled down in the neighbouring region, especially in Würtemberg. Here some of them had gone into service, being mostly poor. They had their small idyls too, after the 'Hermann und Dorothea' pattern, some twenty of the Salzburg maidens having got married. They had generally been sent on from town to town in a somewhat irregular manner under the care of voluntary guides and the country officials, but when Frederick William in February announced that he would take all who liked to come, the emigration went on in quite an orderly fashion. He appointed commissioners to guide the emigrants, and arranged to give them so much a day so long as the journey lasted. Every man was to get four groschen and every woman and child two groschen each. And so, as Rieger says, speaking of the earlier bands, 'many of you, like Ruth and Naomi, would not separate yourselves from your relations and neighbours, but joined these later comers and went on with them to the place pointed out by the foreknowledge of God and the grace of a great king.' [49] In companies of five hundred and eight hundred, and even more, they went on their way slowly northward to Berlin, reminding all who saw them of the pilgrimage of the Israelites towards Canaan.

In all the protestant towns along the route they met with an enthusiastic reception and quite overwhelming kindness. When news of their approach was spread, the clergy, schoolmasters, and principal citizens went out to meet them and welcomed them with an appropriate text or a hearty address of a biblical character, and amidst the ringing of the town bells, the songs of the school children, the flags and banners of the guild processions, the vigorous hand-shaking and the tears of the onlookers, they were conducted to their quarters. Sometimes they arrived towards nightfall, and then there were long lantern and torch processions, and the dark country roads, to the great delight of the boys and girls, were covered with moving lights. They were lodged and fed free so long as they stayed; big collections were made in all the churches, where even voluntary assessments were levied sometimes, and they were everywhere loaded with hymn-books, Bibles, and religious treatises.[50] Their souls were specially well looked after, and in every place there was copious catechising—two hours of it every morning at Nörd-

[49] Rieger, *Dedicatio.*

[50] An incident happened at Nürnberg which well illustrates how strong was the feeling at the time against the Moravian 'exiles.' Christian David and another brother made a special journey to that city to comfort the Salzburgers, 900 of whom arrived there along with them. David attempted to distribute 300 copies of Zinzendorf's Bible which he had with him, but the clergy of the place promptly summoned the missionaries before them, reprimanded them, and then proceeded to collect all the faulty Ebersdorf Bibles they could lay their hands on (Spangenberg's *Leben des Grafen von Zinzendorf*, p. 753).

lingen, for instance, and not a trace of socinianism to be found. At Halle the royal officials took accurate note of all the exiles had been forced to leave behind, and its full money value, and Professor Francke gave them a lecture during the dinner hour and expounded a psalm afterwards, as if they had been under strict monastic rule. Many of them could not read, but nearly all showed good knowledge of their Bibles. It was afterwards told how one old woman who had not answered the minister's questions over well was asked why she had left her fatherland at all. 'Ah, well,' she replied, 'I have heard so little about God in my life, you see. With us we didn't hear so very much about Him, and I just wanted to hear more of the good God and to become pious.'

Sometimes the citizens actually quarrelled and fought for guests. At Haarburg, for instance, those who only got two or three to lodge were quite displeased,[51] and at Zeitz some houses were regularly stormed and the guests carried off by force. The hotel-keepers often could get nothing to do. At one place a certain Herr Kutschbach took the whole company into his house, whereupon there was much weeping amongst his fellow-townsmen, who were only consoled by the assurances of the commissarius that there were plenty more to follow. The very Jews were kind to them, and even catholics wept over their misfortunes and gave them money.

When a Jew was asked why he could be kind to such people he replied, 'Because they are made in God's image, and God has commanded us to be kind to strangers, and to remember that our forefathers were strangers in Egypt.' A poor catholic soldier who was at first prejudiced against them, when he saw 800 of them arrive at Halle, many of them old and blind and lame, and found what quiet, good people they were, distributed all his newly gotten pay amongst them in order to relieve his feelings. The rich prelates of Augsburg and Ochsenhausen too, by way of showing disapproval of their Salzburg brother's conduct, treated the pilgrims with great generosity and kindness.

In catholic Donauwörth and other places, it is true, they did not fare so well. They did not get inside the towns at all, and were threatened with hanging and burning as heretical dogs, and at one zealously papistical village they had to tie their children to their sides during the night, as the villagers had been heard to declare that if the old folks liked to go to Satan they would see that the innocent children did not. But these Ammonites and Moabites were few and far between. Generally human nature triumphed over doctrinal differences,[52] and the Capuchins themselves sometimes mounted to the monastery lofts to have a sympathetic look at the heretical pilgrims. Good dinners, good sermons, presents, joyful receptions, and tearful farewells were the order of the day. In

[51] Putoneus, p. 57. [52] Putoneus, p. 53.

orderly Voigtland they each got a ticket with their quarters written on it, and sentinels were placed before the doors, so that they might sleep soundly and not be disturbed by the unruly and the curious. The clergy baptised and buried for nothing, liberal corporations laid in big stores for them, hospitable dukes and kind countesses dined the older people in their castles and sent baskets of pears for the children. Town ladies could be seen washing and dressing the babies in order to relieve the mothers. At Gera one poor woman who had a Benoni born to her on the road was lodged in the quarters of the commissarius, in order that she might be better looked after. But it was not long before she had disappeared, and no one knew where she was. At last it was discovered that a certain lady of rank had come secretly with her carriage and carried her off, in order to nurse her herself.[53] Bottles of wine, shirts, linen, money, and all kinds of good things were shoved into their hands as they passed along the streets between the rows of onlookers, and the very children gave them their pennies. Goethe, whose 'Hermann und Dorothea' is founded on an incident which actually happened when the Salzburgers were passing through Altmühl, does not exaggerate when he makes Hermann's mother give away her husband's favourite dressing-gown to the wanderers.[54]

At Erlangen the French refugees presented them with clothes of their own weaving, and at Frankfort some other Huguenots who had lost their own children begged the commissioner to allow them to adopt some little Salzburgers ; but this was against rigid Berlin orders, and so their prayer was not granted.[55] At Frankfort the fair was going on when the exiles passed through, and they got everything they liked to take without paying for it, and presents of the most varied sort were left for them at their lodgings. Generally the partings were of the most affecting description, as if old friends were being separated. 'Pray for us,' cried the Frankforters as their guests left. 'Yes, we will. We will not forget you as surely as the Lord Jesus will not forget us,' and on they went singing their *Exulantenlied*, the citizens looking longingly after them till the green hats and high-piled waggons were out of sight. The general testimony is that amongst the Salzburgers there was no complaining, and that not a single disrespectful word was spoken against their prince, though there was loud and constant praise of his Prussian majesty. When occasion arose to mention their sufferings, as at Halle, where the doctor extracted some pellets from one of the pilgrims, they did tell to sympathetic ears[56] how they had been shot at like wild beasts, but they had too much natural dignity to

[53] Putoneus, p. 62.

[54] The story, which Goethe tells of *French* emigrants, is to be found in a little pamphlet of date 1732.

[55] Putoneus, p. 60.

[56] Putoneus, p. 66.

be garrulous about their sorrows. Their general spirit is well illustrated by the reply given by a well-to-do farmer when he was asked how he could possibly bring himself to leave his hundred fine cattle behind. 'Oh, well,' he quietly said, 'if I had died I would have had to leave them behind.'

'World-renowned' Leipsic specially distinguished itself by the enthusiasm of the reception given to the wanderers, and happily a citizen of that town, who calls himself Putoneus and who saw with his own eyes all that went on, has thought fit to chronicle the main events. When word reached the city that more than a thousand Salzburgers wished to pass through, the place was all in a stir, and the citizens actually wearied for their arrival. For days beforehand the horse-dealers and innkeepers were busy supplying horses to the students and others who wished to go out and meet the pilgrim guests, and by midday on 13 June, when they were now near at hand, not a horse could be had at any price. All the inhabitants, young and old, parents and children, masters and servants, had donned their best Sunday clothes, as if some grand holiday were afoot. The Salzburgers to the number of 800 marching two deep, followed by the sick, the infirm, the little children, and the baggage in forty waggons, arrived at four o'clock in the afternoon. A worthy councillor had been stationed at the Peter's Gate to superintend the entry, but so great was the enthusiasm that all the orderly arrangements made by the corporation were broken through, and the citizens carried off with them parties of twenty, thirty, forty, and even fifty. One prosperous merchant, to prevent disappointment, had ridden out as far as Connewitz and secured fifty, but before he reached home all save twenty had been stolen from him. Servants could be seen here and there eagerly prospecting for guests, and many of the principal people made preparations quite as elaborate as if a marriage had been going to take place in the house. That night the poor pilgrims got the best of beds, and drinks, and suppers, and next day, when even a larger number arrived with sixty baggage waggons, although provision had been made in the hotels for their accommodation, those citizens who on the previous day had had their guests stolen had the new party all secured before they came into the town at all. The whole inscribing of guests and hosts was carried through with wonderful rapidity. On Saturday the streets were full of Salzburgers strolling about to see the town. It being market day, the butchers and fish merchants gave them copious supplies, and as they passed along they were taken into the houses and came out laden with bundles of all shapes and sizes. The booksellers stood at their shop doors and handed them provision for their minds, while the ministers presented them with quite newly bound prayer books and Bibles, and copies of the Augsburg confession, which

they kissed and received with the greatest joy. This action on the part of the clergy effectually refutes the calumnies circulated by a Berlin journalist to the effect that the Leipsic ministers had shown scant interest in the Salzburgers. In some of the public places stood piles of presents to which they were told to help themselves, and they were informed that they had the free run of all the shops during their stay. Crowds of country people came in to see them, bringing loads of bread, cheese, and butter. One poor flower girl, who had nothing else to give, distributed all her little bouquets amongst them, and a milkwoman on her way home, happening to meet a poor Salzburgerin carrying a child on her arm, gave her all the proceeds of the day's sale along with a very warm maternal blessing and good wishes for the journey. A certain well-to-do person, who wished his name concealed, seeing some Salzburgers drinking with their hats out of a well, went up to them and took them off to the nearest wine cellar, and there regaled them with as much as they could drink, for though they were ardent protestants they were not ardent abstainers, and yet they never once gave occasion for any doubts being cast on their sobriety, any more than on their orthodoxy.

This nameless benefactor, not content with the entertainment in the wine shop, took down all their addresses and sent a big present of bottles of the best to their quarters. Certain widows of substance who were in the habit of giving largely to the poor looked on this occasion as specially providential, and gave enormous sums away; Putoneus will not say how much, lest he should offend their modesty. One family, like our friend at the well, not to be named, highly distinguished itself in the way of giving, and set many others to follow the good example, so that among the wealthy there was a regular competition as to who should give most. Putoneus, who throughout his book does not waste words, says he might go on filling many pages with details of the good things given by the scholars, merchants, guilds, and corporation, but, as he did not propose to write a panegyric on his fellow-citizens, he hastens to tell of the spiritual refreshment provided, having in his eye, as we can see, the gibes of the afore-mentioned wicked Berlin journalist.

The Sunday was an ever-memorable day. Announcement had been made that any of the visitors who wished to take the communion would be free to do so after a short examination. Many availed themselves of the privilege, and took it with tears of joy, praising God that they could so freely communicate under the double form, instead of in the niggardly way they had been compelled to follow at home. All the city ministers gave them presents of money during the morning examination, though some brethren, who were afraid that the evil-disposed, who did not like the clergy, might say they wanted to show off, gave their charity secretly

through the assistants. Many of the citizens took their guests to their own pews, but the bulk were seated in the nave of the church. Their devoutness, their piety, and the wonderful attention with which they listened to the sermon cannot be described, and their great thirst for the truth inspired the preachers to unwonted flights of eloquence. In all the churches special sermons of a solemn and touching character were preached to crowded audiences, and many tears were shed that day.

Putoneus is evidently a cleric, and takes special care to defend the cloth against unjust insinuations, assuring us that the ministers did a great deal of good that was never heard of in the way of giving money, sympathy, and instruction. The splendid sermons seem to have had the effect of still further softening the hearts of the good people of Leipsic, and of inflaming the fire of their Christian love, for after church was over the whole of the rest of the day was taken up with works of necessity and mercy both inside and outside. Never, we may well believe, was such an ideal Sunday spent anywhere, never was there such hearty Christian worship, followed by such hearty Christian work. Our informant calls special attention to a fact about which the testimony is most unvarying—to the wonderfully modest behaviour of these exiles, and to the happy, friendly, homely spirit they showed. Their admirable conduct utterly silenced any sneering, and moved even the most notorious niggards and misers to do unheard-of things in the way of liberality. Whether it was because the close-fisted wished, from superstitious motives and a kind of spiritual greed, to get the blessing of so many, or from a genuine desire to do good, Putoneus will not say, but at any rate good was done, and he rejoices—yea, and will rejoice. This so memorable Sunday came to an end, but the desire to be kind did not come to an end with it.

On Monday morning the wanderers all assembled in the horse market, and from there marched in the best order to the Halle Gate, accompanied by weeping thousands. There was no trace even of a Moabite. Huge crowds were waiting for them at the gate, and prodigious sums of money were given them; in fact, it looked as if the Leipsic people were beginning their kindness instead of ending it. The bakers gave them all their morning's new bread and semel—with what effect on the citizens' breakfast-tables it is not said. Even the widow's mite must not be forgotten, for one poor woman was seen cutting up a big fourpenny loaf, buttering the slices, and handing them to the little hungry pilgrims. A merchant gave them as a parting gift six hundred pairs of stockings, and another sent a supply of muslin for neckcloths, besides what was given by many who did not let their left hand know what their right hand did, and by the guilds, who gave each one a 'travelling penny.' Very joyful and very grateful the Salzburgers showed themselves, and

Hans Hayer, who could write, left a note of thanks in the name of the whole company, in which he called down abundant blessings on famous Leipsic city. Thus those whom God had liberated from Babylon went on their way thankful and happy, followed by the blessings and prayers of Putoneus and all his fellow-citizens.

Pastor Struve,[57] of Magdeburg, has left us an account of the arrival there at the *Pfingstfest* of a smaller batch, who had gone round by Halberstadt and entered Magdeburg a few days before their brethren thus enjoyed the overflowing hospitality of the people of Leipsic. He unfortunately devotes thirty-eight pages of his pretty *brochure* to his own sermons and communion addresses and catechising, and only six to what is far more interesting. For days beforehand, as at Leipsic, Magdeburg, he tells us, was in a very excited state, getting arrangements made for the reception of the wanderers. The government officials notified to the corporation that the Salzburgers were to be received by the schools and the ministers, lodged in the guild houses and the inns, and have a sermon preached to them. The corporation accordingly ordered the parish minister to get the school children all together and to prepare a special sermon, the text of which was to be sent to them for approbation. As amongst the 238 who were on the road some ten were ill, the town doctor was instructed to look after the sick immediately on their arrival, and to give them all necessary attendance and medicine gratis. The members of the various guilds met in the council chambers, counsellor Naumann in the chair, and committees were appointed to carry out all the arrangements. It was also ordered by the magistrates that in all the six parish churches in the old town, in the cathedral, in the reformed and in the French churches, the plates were to be placed outside the door during the Whitsuntide services and a collection to be taken for the Salzburgers.

The preparations were all duly made, and everything was in perfect order, when at one o'clock on 31 May the exiles arrived, the sick and the baggage in seventeen long waggons, and accompanied by the doctor. They were first taken to the silk mercers' hospital, outside the town, where stools, chairs, and tables had all been got ready, and after an hour's rest in the pleasant weather they all sat down to an open-air dinner, provided by the guilds. Struve has given us the *menu*—beef soup, sturgeon, beef with raisins, well cooked, he says; bread rolls, butter, Dutch cheese, and plenty of good Magdeburg beer. Through the kindness of an anonymous Christian each guest got by way of dessert a *Butterpretzel*. They took their meal with all sobriety and order-

[57] *Magdeburgisches fröliches Pfingstfest bei der Ankunft der vertriebenen Glaubens-Brüder aus Salzburg.* Magdeburg und Leipzig, 1732.

liness, and a great many ladies and gentlemen and a crowd of inhabitants from the town, besides country visitors, gathered round them and chatted with them about their circumstances, their religion, and their sufferings, and to all questions they gave most Christian, sensible, and prudent answers. Grace after dinner having been said, they all went on to the grass, and spent the afternoon in singing hymns and talking with the citizens who were standing about.

At five o'clock Struve, accompanied by his five colleagues with the teachers and their classes, appeared on the scene, and gave them an address of welcome, which was attentively listened to. It is a right hearty address, the refrain of which is, 'Who are these who fly as clouds and as doves to the windows? His majesty has opened windows for the flying doves, and offered a nest to the swallows, saying, "My land is open to you; come, you shall find a Goschen here." God lives and watches over those who care for Him. Can any one looking on you deny that?' Struve thinks that the hospital should get a new name and be hereafter called Christ's Inn. 'And now,' he says, 'I will tell you what you have to pay for all your entertainment—God's recompense, gratitude.' He hopes they will all come to church and find food for their souls, as they are certain to find food for their bodies. After this speech Struve set about distributing the fifty bound pocket Bibles which the 'presbytery' had provided, but it was found that the Salzburgers had so many Bibles already they could not take any more, so Struve had to pack up his parcels and think of something else.

A procession was then formed, and the Salzburgers marched into the town. First came the town schools, then the ministers and town guards, next the Salzburgers, the *Cammer-Deputatus* riding in front of them. In this orderly fashion they proceeded to the stadthaus, the children singing appropriate hymns at intervals. The streets and windows all along the route were thronged with sympathetic and joyful spectators. At the stadthaus they were formed into small parties and supplied with numbered tickets, and then taken to the various guild and trades' houses. Next day Struve, as senior minister, preached to them in St. John's church, which was crowded with people of all ranks. At the forenoon service over 30*l.* was collected, though the second day had been officially fixed for the collection.

On the two following days the Salzburgers were taken twice to church, and got sermons with special applications. Pastor Struve makes a first ending with some good advice to the Salzburgers and a special application to his own people, who he wishes should see in the Salzburgers branches and buds adorning their Whitsuntide festival and showing that summer was nigh—the summer of renascent protestantism. This was a hope which was at this time pretty

general amongst German protestants, for[58] Rieger too saw in the emigration a sign from heaven to comfort all protestant Elijahs, telling them that perhaps there were many more in Europe who had not bowed the knee to Baal. Struve, after a prayer, proceeds with his peroration from the words *Emigremus hinc* ('Arise, let us go hence'). 'Let us all be emigrants—out of the evil that is in the world—out of our own wills. Let us be emigrants and seek the better country,' and so on he rings the changes. 'And now to conclude. "You have the poor always with you, but Me you have not always." In these Salzburgers Christ is present; feed Him, clothe Him, minister to Him. Amen.'

At the close of the afternoon sermon on Tuesday in all the churches the Salzburgers were publicly catechised on the fundamentals, an examination which was of the most testing description, the questions put being no less than sixty in number and as doctrinally searching as any longer or shorter catechism. Some did not only answer yes or no, but gave their proofs, and Struve in his church repeated their answers, so that the whole congregation might hear. After the catechising he took to his study several who had expressed a desire to take the sacrament, which was given to fifteen on Wednesday morning at seven o'clock, after another very thorough examination by the careful Struve.

Besides all this preaching and catechising, Christian citizens and students of theology visited the strangers in their quarters, talked, prayed, and sang hymns with them. Some evil-disposed persons disturbed them in their Whitsuntide devotions, the women especially, with profane talk and gossip, and some papists, remembering King William's threats, had their flout at them, but no real harm was done. They were taken walks through the town and down by the Elbe to see the scenery.

The citizens did not leave the entertainment of the guests to the guilds, but had parties of four, six, eight, and ten to dinner and supper privately, and gave them many presents. On Tuesday afternoon the three guides were summoned to the council chambers and got the week's allowance provided by his majesty for each man, woman, and child, besides 10*l*. 18*s*. 6*d*. sent by some kind friends. It was found that the church-door collections amounted in all to 190*l*., which was made up that night to 200*l*. and distributed on Wednesday in the presence of the burgomaster, the councillors, Struve, and a great crowd, each individual receiving two ducats, put into his or her hand. After the two hours' communion service, and breakfast on Wednesday morning, the silk mercers gave fifty of them a new hat, a neckerchief, and a pair of stockings. Catechisms, prayer books, and alphabets were also distributed. Their baggage being now much increased and their sick diminished, the waggons were repacked

[58] *Vorbericht*, § 3.

and they all assembled in the market place soon after twelve. From here they were conducted to the gate, where pastor Celvisius gave them a most moving farewell address, and with blessings on Magdeburg and blessings from the crowd of citizens who parted from them as if they had been blood relations, singing as far as the last toll bar, they went on their way to Potsdam, which they reached that week, much built up by sturgeon and catechism.

At Berlin, through which the various companies had to pass, and where they generally rested for some days, the enthusiasm was quite as great as along the route. Putoneus, whose interest in the Salzburgers was unbounded, has given us some details of the arrival there at the end of April of the first parties. At Potsdam they had to halt for a little outside for medical inspection, and were then conducted by the ministers, the schools, and the orphanage with hearty singing into the town. They were first taken to the palace gardens, and actually saw his majesty himself, upon whose head so many blessings had been called down.[59]

The commissioner was first summoned to give an account of himself, and then some of the Salzburgers were examined in the faith by the king, who was greatly delighted with their ready answers. His majesty showed special interest in a boy of about fourteen who had left father and mother for religion. He in the most gracious manner asked him how he could justify his action, when the boy at once replied, 'Who loves father and mother more than Me is not worthy of Me.' 'But what will you do without your father and mother?' 'Though father and mother forsake me the Lord will take me up,' answered the youthful confessor. After the examination his majesty gave them lots of money and ordered that they should rest in Potsdam for the remainder of the day and be well looked after; and all the world knows what wonderful love and goodness the people of Potsdam showed, from the queen downwards.[60] The officers and high officials were very liberal with their help, and some good-hearted persons got up a subscription amongst themselves and gave the money to the ministers to distribute.

Next day they received orders to go on to Berlin, and before starting his majesty made them a speech to encourage their hearts, and more than once said, 'It will be well with you, my children; you will be all right with me.' After breakfast there was a prayer meeting, then they were examined and addressed by the ministers, and some officers were so affected that they fell down on their knees and prayed with the exiles, and all were dissolved in tears.

As the first party was nearing the capital on 30 April a deputation of clergy, theological students, and scholars went out as far

[59] Carlyle, in his incomparable chapter on the subject, quotes from Buchholz short sketches of the three principal commissaries. See *Frederick the Great*, iii. 97.

[60] Putoneus, p. 75, § 12.

as the Sheep Bridge to meet them, and burst into singing as soon as the Salzburgers, preceded by the commissioner on horseback, came in sight. A halt being called, the Salzburgers formed themselves into a half-circle; the members of the deputation did likewise, and all sang together *Ein' feste Burg,* with such effect that strong men wept. Pastor Kamp then addressed them, and the ministers distributed fifty New Testaments, which the Salzburgers gladly accepted, saying, 'So different is it here from at home, where they took the word of God from us.' A regular procession was then formed. A horseman led the way; the school children followed two deep; next came twelve licentiates, twelve ministers, two horsemen, two students of theology from Halle who had voluntarily accompanied the exiles, then the Salzburgers in couples, men first, women and children behind, while twenty-three baggage waggons brought up the rear. As they passed through the streets all kinds of good things were handed to them. Presents were thrown from the windows, and some people of distinction had their carriages drawn up on the side of the causeway, and from peck measures which they had with them full of money gave large gifts to the Salzburgers. One worthy father trudged along the street followed by a horse with panniers, in each of which was a twin, while a boy of five was mounted on the horse's back; and this pathetic little group was quite the centre of attraction. Hymns were sung the whole way till they reached the royal pleasure gardens, where they were shown to their majesties and family, amid much shedding of tears again. Before going to their quarters they got another address of welcome from pastor Schonemann in the form of some pretty verses of his own composition to the effect that having cast off the yoke of the pope they were now in Canaan.[61] In Berlin they stayed eight days, and as new parties arrived touching reunions took place. Husbands found their long-lost wives, parents their children, and long-separated lovers rushed into each others' arms.[62]

During the whole week requests came pouring in to the commissioner for liberty to dine large parties, and casks of beer, loaves, hundreds of cheeses, and eatables of every kind were sent to their lodgings, not to speak of anonymous presents of money accompanied by suitable texts and kind letters. Collections were, of course, made in all the churches, and not only good Lutherans, but Calvinists, French refugees, Jews, and papists were wonderfully kind. The king gave them a great quantity of cloth; the queen invited several parties over to dinner, and had the portrait of a pretty Salzburgerin painted and hung up in the castle at Montbijou.[63] They attended services and heard sermons every day, besides getting religious instruction from the two Halle theological students.

Their devoutness in church here too was wonderful, and they bowed

[61] Putoneus, p. 78. [62] Panse, p. 179. [63] Herzog, art. *Salzburger.*

themselves almost to the ground at the name of Jesus. Their general behaviour was perfect, and they do not seem to have been spoilt by all this kindness, though a worthy Salzburger expressed his fears on this head. 'We are getting too much kindness shown us. We must thank God and ask Him to keep us in the grace wherein we stand. We are far too much praised, and people do not remember our sins enough. All this is not good for the young folks.' These first parties, under the guidance of four young ministers who had been ordained by Frederick William's orders to accompany them and be their pastors, went on to Stettin, where they shipped to Königsberg, and were all very sea-sick and home-sick during the stormy voyage.

From Königsberg they travelled inland to their new settlement amongst the rivers and lakes and morasses of old Lithuania, which had been almost depopulated by an epidemic fifty years before, but was now, under the king's careful house-keeping, gradually filling up and getting in order for being filled up.[64] This country, with its stunted fir woods and marshy moors, was, Professor Richter thinks,[65] a poor exchange for the emerald green meadows, the sunny Alps, and the airy heights they had left behind, but still it was in many respects a fertile land, and under the management of such splendid farmers as the Salzburgers were these desolate stretches soon rejoiced and blossomed as the rose. The Salzburgers, if they missed much, no doubt consoled themselves somewhat after the fashion of pious John Winthrop. 'We shall call that our country where we may most glorify God and enjoy the presence of our dearest friends.'

The settlers had every opportunity of glorifying God by work on week-days and worship on Sundays, and the king thoughtfully arranged that relations and families who had been neighbours in the old country should get settling side by side in the new. The king spared no pains to make these first comers and all who followed perfectly comfortable. Whole villages with their churches and schools were handed over to them, and where new building was necessary they got wood and stone free, help in money, besides cattle, fowls, and seed to start with—everything, in fact, in the way of plenishing. They were to be relieved from taxes for nine years, and got all guild and trade rights without expense. A very different story was being told in Salzburg, where the archbishop had published an order that the returning children of the murdered emigrants were to be educated at the cost of those who had acquired the estates of the parents. This lying announcement was backed up

[64] Outsiders, too, had apparently been giving help, as the following entry in a Scotch session-record shows: '1718. Nov. 16. Collected this day for the distressed Protestants in Lithuania 5*l.* 14*s.* 8*d.*' *History of the Parish of Banchory Devenick.* (Aberdeen, 1890.)

[65] *Das Herzogthum Saltzburg*, p. 78.

by terrible tales of how the Poles had burst into Prussia and cut the colonists to pieces, of how some had raised a revolt in Brandenburg, and that the king had ordered them to be drowned in the Baltic and thrown into the rivers, of how the few who had escaped were wandering about like beggars, cast off by catholics and protestants alike.[66] The king, after enormous labour, succeeded in getting four million gulden of damages for the 2,000 farms that had been left behind, though even with this and all the church-door collections he was a million thalers out of pocket before all expenses were paid.[67] The first difficulties got over and the new steadings all in working order, the old trades began to be practised again, such as toy and clock making, on the winter evenings especially, and, as Panse says, Lithuania became like the German heaven, where every one follows the trade he has worked at on earth.

Thus, after their long pilgrimage of 1,200 miles, the Salzburgers—at least 20,000 of them—found rest in this Prussian Canaan, and there their descendants, with many of the old characteristics, remain to this day. Some thousands settled down in other 'evangelical' countries, though the party that went to Holland could not stand the mists, the isolation, and the dyke-mending, and by-and-by joined their brethren in the Prussian colony. Our own George II, who had all along shown considerable interest in the exiles, and who was the author of a proposal to have a grand European protestant church collection for their benefit, besides giving a home to some of them in Brunswick, got 116 to go to his newly chartered colony of Georgia, to engage in the recently started silk and grape industries there. To their credit be it said, they stood out to the last, supported, we shall hope, by their neighbours the Scotch highlanders against the introduction of slavery into what, according to Oglethorpe's ideal, was to be the home not only of all the oppressed and the haters of rum, but was to be a settlement untainted by the now rapidly spreading traffic in negroes.

'You make far more fuss about these stupid peasants than they really deserve,' says the catholic to the Lutheran in a charming dialogue published at Frankfort in 1732. 'If you think so, my friend,' replies the Lutheran in effect, 'read for yourself all that has been written of their wanderings, and judge.'

Here now we may drop the curtain over the fortunes, good and bad, of the Salzburgers. Surely even though there may be no desire to make protestant capital out of their history, though it may be necessary to take with some reserve the tolerably sober stories of the Salzburg Foxes, though we may choose to see as much policy as Christianity in the championship of Frederick William, even though

[66] Panse, p. 151. [67] Gosel, *Geschichte des Preussischen Staates*, i. 413.

we were prepared to admit with Pöllnitz and a modern Salzburg professor that it is impossible to say what share the desire to be relieved from grinding taxes and what share honest religious conviction respectively had in the emigration, we may, after all deductions have been made, like the sobbing catholic students at Halle and the tender-hearted Jews at Berlin, allow ourselves to be touched by the plentiful human interest which attaches itself to the pathetic story of the Salzburg pilgrims.

E. B. Speirs.

Doellinger's Historical Work

WHEN first seen, at Würzburg, in the diaries of Platen the poet, Dr. Doellinger was an eager student of general literature, and especially of Schlegel and the romantic philosophy. It was an epoch in which the layman and the dilettante prevailed. In other days a divine had half a dozen distinct schools of religious thought before him, each able to develop and to satisfy a receptive mind but the best traditions of western scholarship had died away when the young Franconian obtained a chair in the reorganised university of Munich. His own country, Bavaria, his time, the third decade of the century, furnished no guide, no master, and no model to the new professor. Exempt, by date and position, from the discipline of a theological party, he so continued, and never turned elsewhere for the dependence he escaped at home. No German theologian, of his own or other churches, bent his course; and he derived nothing from the powerful writer then dominant in the north. To a friend describing Herder as the one unprofitable classic he replied, 'Did you ever learn anything from Schleiermacher?' And if it is doubtful which way this stroke was aimed, it is certain that he saw less than others in the Berlin teacher.

Very young he knew modern languages well, though with a defective ear, and having no local or contemporary attachments he devoted himself systematically to the study of foreign divines. The characteristic universality of his later years was not the mere result of untiring energy and an unlimited command of books. His international habit sprang from the inadequacy of the national supply, and the search for truth in every century naturally became a lecturer whose function it was to unfold from first to last the entire life of the church, whose range extended over all Christian ages, and who felt the inferiority of his own. Doellinger's conception of the science which he was appointed to carry forward, in conformity with new requirements and new resources, differed from the average chiefly by being more thorough and comprehensive. At two points he was touched by currents of the day. Savigny, the legal expert of a school recruited from both denominations and gravitating towards catholicism, had expounded law and society in that historic spirit which soon pervaded other sciences, and restored the significance of

national custom and character. By his writings protestant literature overlapped. The example of the conspicuous jurist served as a suggestion for divines to realise the patient process of history; and Doellinger continued to recognise him as a master and originator of true scientific methods when his influence on jurisprudence was on the wane. On the same track, Drey, in 1819, defended the theory of development as the vital prerogative of Rome over the fixity of other churches. Moehler was the pupil of Drey, and they made Tuebingen the seat of a positive theology, broader and more progressive than that of Munich.

The first eminent thinker whom he saw and heard was Baader, the poorest of writers, but the most instructive and impressive talker in Germany, and the one man who appears to have influenced the direction of his mind. Bishop Martensen has described his amazing powers; and Doellinger, who remembered him with more scant esteem, bore equal testimony to the wealth and worth of his religious philosophy. He probably owed to him his persistent disparagement of Hegel, and more certainly that familiarity with the abstruse literature of mysticism which made him as clear and sure of vision in the twilight of Petrucci and St. Martin as in the congenial company of Duperron. Baader is remembered by those who abstain from sixteen volumes of discordant thought, as the inventor of that system of political insurance which became the Holy Alliance. That authority is as sacred, and sovereignty as absolute in the church as in the state, was an easy and obvious inference, and it had been lately drawn with an energy and literary point to which Baader was a stranger, by the Count de Maistre, who was moreover a student of his favourite St. Martin. When the ancient mystic welcomed his new friend, he was full of the praises of De Maistre. He impressed upon his earnest listener the importance of the books on the pope and on the Gallican church, and assured him that the spirit which animates them is the genuine catholicism. These conversations were the origin of Doellinger's specific ultramontanism. It governed one half of his life, and his interest in De Maistre outlasted the assent which he once gave to some of his opinions. Questions arising from the Savoyard's indictment against Bacon, which he proposed to Liebig, formed the connexion between the two laboured attacks on the founder of English philosophy.

Much of that which at any time was unhistoric or presumptive in his mind may be ascribed to this influence; and it divided him from Moehler, who was far before him in the fullness of the enjoyment of his powers and his fame, whom he survived half a century, and never ceased to venerate as the finest theological intellect he had known. The publication of the 'Symbolik' made it difficult for the author to remain in Wirtemberg; Tuebingen, he said, was a place where he could neither live nor die happy; and having

made Doellinger's acquaintance, he conceived an ardent wish to become his colleague at Munich.

Im Verkehre mit Ihnen, und dem Kreise in dem Sie leben, habe ich mich aufs anmuthigste erheitert, sittlich gestärkt, und religiös getröstet und ermuthigt gefunden; ein Verein von Einwirkungen auf mich wurde mir gewährt, deren aller ich in fast gleichein Grade bedürftig war.

Doellinger negotiated his appointment, overcame the resisting ministerial medium through the intervention of the king, and surrendered his own department of theology, which they both regarded as the most powerful agency in religious instruction. Moehler had visited Goettingen and Berlin, and recognised their superiority. A public address to Planck, praising the protestant treatment of history, was omitted by Doellinger from the edition of his miscellaneous writings. They differed so widely that one of them hesitated to read Bossuet's 'Defensio,' and generally kept the stronger Gallicans out of sight, whilst the other warmly recommended Richer, and Launoy, and Dupin, and cautioned his pupils against Baronius, as a forger and a cheat, who dishonestly attributed to the primitive church ideas quite foreign to its constitution. He found fault with his friend for undue favour to the Jesuits, and undue severity towards Jansenism. The other advised him to read Fénelon, and succeeded in modifying this opinion.

Sie werden vielleicht um so geneigter sein, mir zu verzeihen, wenn ich Ihnen melde, dass ich inzwischen recht fleissig die Jansenistischen Streitigkeiten, durch Ihre freundliche Zuschrift angeregt, studirt habe, und Ihrer Darstellung ohne Zweifel jetzt weit näher stehe als früher. Selbst die Bulle Unigenitus erscheint mir in einem weit günstigeren Lichte als früher, obschon ich die Censur mancher Quesnel'scher Sätze immer noch nicht begreifen kann. Sie schrieben mir, dass die Fénelon'sche Correspondenz einen grossen Einfluss auf Ihre Betrachtungsweise ausgeübt habe. Auch bei mir ist dieses der Fall.

But in describing the failure of scholastic theology, the exaggeration of De Maistre, the incompetence of the Roman censorship, the irreligion of Leo the Tenth, and the strength of Luther's case against the papacy, the sensitive Suabian made a contrast, then, and long after, with Doellinger's disciplined coolness and reserve.

Dann war wirklich die bestehende Form der Kirche im höchsten Grade tadelhaft, und bedurfte der Reinigung. Die Päpste waren Despoten, willkührliche Herrscher geworden. Gebräuche hatten sich angehäuft, die im höchsten Grade dem Glauben und der christlichen Frömmigkeit entgegen waren. In vielen Punkten hatte Luther immer Recht, wenn er von Misbräuchen der Römischen Gewalt spricht, dass dort alles feil sei.—Tetzel verfuhr ohnediess auf die empörendste Weise, und übertrieb, mit einer religiösen Rohheit und einem Stumpfsinn ohne Gleichen, das Bedenkliche der Sache auf die äusserste Spitze.

The disagreement which made itself felt from time to time be-

tween the famous colleagues was not removed when one of them wished the other to change his confessor before his last illness.

Moehler claimed the supreme chair, of ecclesiastical history, as a matter of course, and by right of seniority. He apologised for venturing to supersede one who had gained distinction in that lecture-room, but he hinted that he himself was the least fit of the two for dogmatics.

> Ich habe mich für die historischen Fächer entschieden. Ihr Opfer, wenn Sie Dogmatik lesen, anerkenne ich, aber ich bitte das meinige nicht zu übersehen. Welcher Entschluss, ich möchte sagen, welche Unverschämtheit ist es, nach Ihnen und bei Ihren Lebzeiten, Kirchengeschichte in München zu doziren ?

Doellinger took that branch for the time, but he never afterwards taught theology proper. As Moehler, who was essentially a theologian, deserted divinity to compose inferior treatises on the gnostics and the false decretals, Doellinger, by choice and vocation a divine, having religion as the purpose of his life, judged that the loftier function, the more spiritual service, was historical teaching. The problem is to know how it came to pass that a man who was eminently intelligent and perspicuous in the exposition of doctrines, but who, in narrative, description, and knowledge of character, was neither first nor second, resolved that his mission was history.

In early life he had picked up chance copies of Baronius and Petavius, the pillars of historic theology; but the motives of his choice lay deeper. Church history had long been the weakest point and the cause of weakness among the catholics, and it was the rising strength of the German protestants. Therefore it was the post of danger; and it gave to a theologian the command of a public of laymen. The restoration of history coincided with the euthanasia of metaphysic; when the foremost philosophic genius of the time led over to the historic treatment both of philosophy and religion, and Hamilton, Cousin, and Comte, severally converted the science into its history. Many men better equipped for speculation than for erudition, went the same way; and systematic theology was kept up in the universities by the influence of Rome, where scholasticism went on untouched by the romantic transformation. Writing of England, Wiseman said: 'There is still a scholastic hardness in our controversial theology, an unbendingness of outward forms in our explanations of catholic principles, which renders our theologians dry and unattractive to the most catholicly inclined portion of our protestants.' The choice which these youths made, towards 1830, was, though they did not know it, the beginning of a rift that widened.

Doellinger was more in earnest than others in regarding Christianity as history, and in pressing the affinity between catholic and historical thought. Systems were to him nearly as codes to

Savigny, when he exhorted his contemporaries not to consolidate their law, lest, with their wisdom and knowledge, they should incorporate their delusions and their ignorance, and usurp for the state what belonged to the nation. He would send an inquiring student to the *Historia Congregationis de Auxiliis* and the *Historia Pelagiana* rather than to Molina or Lemos, and often gave the advice which, coming from Oriel, disconcerted Morris of Exeter: 'I am afraid you will have to read the Jesuit Petavius.' He dreaded the predominance of great names which stop the way, and everything that interposes the notions of an epoch, a region, or a school between the church and the observer.

To an Innsbruck professor, lamenting that there was no philosophy which he could heartily adopt, he replied that philosophies do not subsist in order to be adopted. A Thomist or a Cartesian seemed to him as a captive, or a one-armed combatant. Prizing metaphysicians for the unstrung pearls which they drop beyond the seclusion of system, he loved the *disjecta membra* of Coleridge, and preferred the *Pensieri*, and *Parerga und Paralipomena* to the constructed work of Gioberti and Schopenhauer. He knew Leibniz chiefly in his letters, and was perceptibly affected by his law of continuous progression, his general optimism, and his eclectic art of extracting from men and books only the good that is in them; but of monadology or pre-established harmony there was not a trace. His colleague, Schelling, no friend to the friends of Baader, stood aloof. The elder Windischmann, whom he particularly esteemed, and who acted in Germany as the interpreter of De Maistre, had hailed Hegel as a pioneer of sound philosophy, with whom he agreed both in thought and word. Doellinger had no such condescension. Hegel remained, in his eyes, the strongest of all the enemies of religion, the guide of Tuebingen in its aberrations, the reasoner whose abstract dialectics made a generation of clever men incapable of facing facts. He went on preferring former historians of dogma, who were untainted by the trail of pantheism, Baumgarten-Crusius, and even Muenscher, and by no means admitted that Baur was deeper than the early Jesuits and Oratorians, or gained more than he lost by constriction in the Hegelian coil. He took pleasure in pointing out that the best recent book on the penitential system, Kliefoth's fourth volume, owed its substance to Morinus. The dogmas of pantheistic history offended him too much to give them deep study, and he was ill prepared with counsel for a wanderer lost in the pervading haze. Hegelians said of him that he lacked the constructive unity of idea, and knew the way from effect to cause, but not from cause to law.

His own lectures on the philosophy of religion, which have left no deep furrow, have been praised by Ketteler, who was not an undiscriminating admirer. He sent on one of his pupils to

Rosmini, and set another to begin metaphysics with Suarez; and when Lady Ashburton consulted him on the subject, he advised her to read Norris and Malebranche. He encouraged the study of remoter luminaries, such as Cusa, and Raymundus, whose Natural Theology he preferred to the Analogy; and would not have men overlook some who are off the line, like Postel. But although he deemed it the mark of inferiority to neglect a grain of the gold of obsolete and eccentric writers, he always assigned to original speculation a subordinate place, as a good servant but a bad master, without the certainty and authority of history. What one of his English friends writes of a divine they both admired, might fitly be applied to him:—

> He was a disciple in the school of Bishop Butler, and had learned as a first principle to recognise the limitations of human knowledge, and the unphilosophical folly of trying to round off into finished and pretentious schemes our fragmentary yet certain notices of our own condition and of God's dealing with it.

He alarmed Archer Gurney by saying that all hope of an understanding is at an end, if logic be applied for the rectification of dogma, and to Dr. Plummer, who acknowledged him as the most capable of modern theologians and historians, he spoke of the hopelessness of trying to discover the meaning of terms used in definitions. To his archbishop he wrote that men may discuss the mysteries of faith to the last day without avail; 'we stand here on the solid ground of history, evidence, and fact.' Expressing his innermost thought, that religion exists to make men better, and that the ethical quality of dogma constitutes its value, he once said: *Tantum valet quantum ad corrigendum, purgandum, sanctificandum hominem confert.* In theology as an intellectual exercise, beyond its action on the soul, he felt less interest, and those disputes most satisfied him which can be decided by appeal to the historian.

From his early reputation and his position at the outpost, confronting protestant science, he was expected to make up his mind over a large area of unsettled thought and disputed fact, and to be provided with an opinion—a freehold opinion of his own—and a reasoned answer to every difficulty. People had a right to know what he knew about the end of the sixteenth chapter of St. Mark, and the beginning of the eighth chapter of St. John; the lives of St. Patrick and the sources of Erigena, the author of the 'Imitation' and of the Twelve Articles, the Nag's Head and the Casket Letters. The suspense and poise of the mind, which is the pride and privilege of the unprofessional scholar, was forbidden him. Students could not wait for the master to complete his studies; they flocked for dry light of knowledge, for something defined and final, to their keen, grave, unemotional professor, who said

sometimes more than he could be sure of, but who was not likely to abridge thought by oracular responses, or to give aphorism for argument. He accepted the necessity of the situation. A time came when everybody was invited, once a week, to put any imaginable question from the whole of church history, and he at once replied. If this was a stimulus to exertion during the years spent in mastering and pondering the immense materials, it served less to promote originality and care than premature certitude and the craving for quick returns. Apart from the constant duty of teaching, his knowledge might not have been so extensive, but his views would have been less decided and therefore less liable to change.

As an historian, Doellinger regarded Christianity as a force more than as a doctrine, and displayed it as it expanded and became the soul of later history. It was the mission and occupation of his life to discover and to disclose how this was accomplished, and to understand the history of civilised Europe, religious and profane, mental and political, by the aid of sources which, being original and authentic, yielded certainty. In his vigorous prime, he thought that it would be within his powers to complete the narrative of the conquest of the world by Christ in a single massive work. The separated churches, the centrifugal forces, were to have been treated apart, until he adopted the ampler title of a history of Christianity. We who look back upon all that the combined and divided labour of a thousand earnest, gifted, and often instructed men has done and left undone in sixty years, can estimate the scientific level of an age where such a dream could be dreamed by such a man, misled neither by imagination nor ambition, but knowing his own limitations and the immeasurable world of books. Experience slowly taught him that he who takes all history for his province is not the man to write a compendium.

The four volumes of 'Church History' which gave him a name in literature appeared between 1833 and 1838, and stopped short of the Reformation. In writing mainly for the horizon of seminaries, it was desirable to eschew voyages of discovery and the pathless border-land. The materials were all in print, and were the daily bread of scholars. A celebrated Anglican described Doellinger at that time as more intentional than Fleury; while catholics objected that he was a candid friend; and Lutherans, probing deeper, observed that he resolutely held his ground wherever he could, and as resolutely abandoned every position that he found untenable. He has since said of himself that he always spoke sincerely, but that he spoke as an advocate—a sincere advocate who pleaded only for a cause which he had convinced himself was just. The cause he pleaded was the divine government of the church, the fulfilment of the promise that it would be preserved from error, though not from sin, the uninterrupted employment

of the powers committed by Christ for the salvation of man. By the absence of false arts he acquired that repute for superior integrity which caused a Tyrolese divine to speak of him as the most chivalrous of the catholic celebrities; and the nuncio who was at Munich during the first ten years, called him the *professeur le plus éclairé, le plus religieux, en un mot le plus distingué de l'université.*

Taking his survey from the elevation of general history, he gives less space to all the early heresies together than to the rise of Mahometanism. His way lies between Neander, who cares for no institutions, and Baur, who cares for no individuals. He was entirely exempt from that impersonal idealism which Sybel laid down at the foundation of his review, which causes Delbrück to complain that Macaulay, who could see facts so well, could not see that they are revelations, which Baur defines without disguise in his 'Dreieinigkeitslehre': *Alle geschichtlichen Personen sind für uns blosse Namen.* The two posthumous works of Hegel which turned events into theories had not then appeared. Doellinger, setting life and action above theory, omitted the progress of doctrine. He proposed that Moehler should take that share of their common topic, and the plan, entertained at first, was interrupted, with much besides, by death. He felt too deeply the overwhelming unity of force to yield to that atomic theory which was provoked by the Hegelian excess: *L'histoire n'est pas un simple jeu d'abstractions, et les hommes y sont plus que les doctrines. Ce n'est pas une certaine théorie sur la justification et la rédemption qui a fait la Réforme: c'est Luther, c'est Calvin.* But he allows a vast scope to the variable will and character of man. The object of religion upon earth is saintliness, and its success is shown in holy individuals. He leaves law and doctrine, moving in their appointed orbits, to hold up great men and examples of Christian virtue.

Doellinger, who had in youth acted as secretary to Hohenlohe, was always reserved in his use of the supernatural. In the vision of Constantine and the rebuilding of the temple, he gives his reader both the natural explanation and the miraculous. He thought that the witness of the fathers to the continuance of miraculous powers could not be resisted without making history *à priori*, but later on, the more he sifted and compared authorities, the more severe he became. He deplored the uncritical credulity of the author of the 'Monks of the West;' and, in examining the Stigmata, he cited the experience of a Spanish convent where they were so common that it became a sign of reprobation to be without them. Historians, he said, have to look for natural causes: enough will remain for the action of Providence, where we cannot penetrate. In his unfinished book on 'Ecclesiastical Prophecy' he enumerates the illusions of mediæval saints when they spoke of the future, and describes them, as he once described Carlyle and Ruskin, as

prophets having nothing to foretell. At Frankfort, where he spoilt his watch by depositing it in unexpected holy water, and it was whispered that he had put it there to mend it, everybody knew that there was hardly a catholic in the parliament of whom such a fable could be told with more felicitous unfitness.

For twenty years of his life at Munich, Goerres was the impressive central figure of a group reputed far and wide, the most intellectual force in the catholic world. Seeing things by the light of other days, Nippold and Maurenbrecher describe Doellinger himself as its most eminent member. There was present gain and future peril in living amongst a clever but restricted set, sheltered, supported, and restrained by friends who were united in aims and studies, who cherished their sympathies and their enmities in common, and who therefore believed that they were divided by no deep cleft or ultimate principle. Doellinger never outlived the glamour of the eloquence and ascendency of Goerres, and spoke of him long after his death as a man of real knowledge, and of greater religious than political insight. Between the imaginative rhetorician and the measured, scrutinising scholar, the contrast was wide. One of the many pupils and rare disciples of the former complained that his friend supplied interminable matter for the sterile and unavailing *Mystik*, in order to amuse him with ropes of sand: and the severest censure of Doellinger's art as an historian was pronounced by Goerres when he said, 'I always see analogies, and you always see differences.'

At all times, but in his early studies especially, he owed much to the Italians, whose ecclesiastical literature was the first that he mastered, and predominates in his church history. Several of his countrymen, such as Savigny and Raumer, had composed history on the shoulders of Bolognese and Lombard scholars, and some of their most conspicuous successors to the present day have lived under heavy obligations to Modena and San Marino. During the tranquil century before the Revolution, Italians studied the history of their country with diligence and success. Even such places as Parma, Verona, Brescia, became centres of obscure but faithful work. Osimo possessed annals as bulky as Rome. The story of the province of Treviso was told in twenty volumes. The antiquities of Picenum filled thirty-two folios. The best of all this national and municipal patriotism was given to the service of religion. Popes and cardinals, dioceses and parish churches became the theme of untiring enthusiasts. There too were the stupendous records of the religious orders, their bulls and charters, their biography and their bibliography. In this immense world of patient, accurate, devoted research, Doellinger laid the deep foundations of his historical knowledge. Beginning like everybody with Baronius and Muratori, he gave a large portion of his life to Noris, and to the solid and

enlightened scholarship that surrounded Benedict the Fourteenth, down to the compilers, Borgia, Fantuzzi, Marini, with whom, in the evil days of regeneration by the French, the grand tradition died away. He has put on record his judgment that Orsi and Saccarelli were the best writers on the general history of the church. Afterwards, when other layers had been superposed, and the course he took was his own, he relied much on the canonists, Ballerini and Berardi; and he commended Bianchi, De Bennettis, and the author of the anonymous 'Confutazione,' as the strongest Roman antidote to Blondel, Buckeridge, and Barrow. Italy possessed the largest extant body of catholic learning; the whole sphere of church government was within its range, and it enjoyed something of the official prerogative.

Next to the Italians he gave systematic attention to the French. The conspicuous Gallicans, the Jansenists, from whom at last he derived much support, Richer, Van Espen, Launoy whom he regarded as the original of Bossuet, Arnauld whom he thought his superior, are absent from his pages. He never overcame his distrust of Pascal, for his methodical scepticism and his endeavour to dissociate religion from learning; and he rated high Daniel's reply to the *Provinciales*. He esteemed still more the French protestants of the seventeenth century, who transformed the system of Geneva and Dort. English theology did not come much in his way until he had made himself at home with the Italians and the primary French. Then it abounded. He gathered it in quantities on two journeys in 1851 and 1858, and he possessed the English divines in perfection, at least down to Whitby, and the nonjurors. Early acquaintance with Sir Edward Vavasour and Lord Clifford had planted a lasting prejudice in favour of the English catholic families, which sometimes tinged his judgments. The neglected literature of the catholics in England held a place in his scheme of thought, which it never obtained in the eyes of any other scholar, native or foreign. This was the only considerable school of divines who wrote under persecution, and were reduced to an attitude of defence. In conflict with the most learned, intelligent, and conciliatory of controversialists, they developed a remarkable spirit of moderation, discriminating inferior elements from the original and genuine growth of catholic roots; and their several declarations and manifestoes, from the Restoration onwards, were an inexhaustible supply for irenics. Therefore they powerfully attracted one who took the words of St. Vincent of Lérins not merely for a flash of illumination, but for a scientific formula and guiding principle. Few writers interested him more deeply than Stapleton, Davenport, who anticipated Number XC, Irishmen, such as Caron and Walshe, and the Scots, Barclay, the adversary and friend of Bellarmine, Ramsay, the convert and recorder of Fénelon. It may

be that, to an intellect trained in the historic process, stability, continuity, and growth were terms of more vivid and exact significance than to the doctors of Pont-à-Mousson and Lambspring. But when he came forward arrayed in the spoils of Italian libraries and German universities, with the erudition of centuries and the criticism of to-day, he sometimes was content to follow where forgotten Benedictines or Franciscans had preceded, under the later Stuarts.

He seldom quotes contemporary Germans, unless to dispute with them, prefers old books to new, and speaks of the necessary revision and renovation of history. He suspected imported views and foregone conclusions even in Neander; and although he could not say, with Macaulay, that Gieseler was a rascal, of whom he had never heard, he missed no opportunity of showing his dislike for that accomplished artificer in mosaic. Looking at the literature before him, at England with Gibbon for its one ecclesiastical historian, at Germany, with the most profound of its divines expecting the church to merge in the state, he inferred that its historic and organic unity would only be recognised by catholic science, while the soundest protestant would understand it least. In later years, Kliefoth, Ritschl, Gass, perhaps also Dorner and Uhlhorn, obliged him to modify an opinion which the entire school of Schleiermacher, including the illustrious Rothe, served only to confirm. Germany, as he found it when he began to see the world, little resembled that of his old age, when the work he had pursued for seventy years was carried forward, with knowledge and power like his own, by the best of his countrymen. The proportion of things was changed. There was a religious literature to be proud of, to rely on: other nations, other epochs, had lost their superiority. As his own people advanced, and dominated in the branches of learning to which his life was given, in everything except literary history and epigraphics, and there was no more need to look abroad, Doellinger's cosmopolitan characteristic diminished, he was more absorbed in the national thought and work, and did not object to be called the most German of the Germans.

The idea that religious science is not so much science as religion, that it should be treated differently from other matters, so that he who treats it may rightly display his soul, flourished in his vicinity, inspiring the lives of Saint Elizabeth and Joan of Arc, Moehler's fine lectures on the early fathers, and the book which Gratry chose to entitle a 'Commentary on St. Matthew.' Doellinger came early to the belief that history ought to be impersonal, that the historian does well to keep out of the way, to be humble and self-denying, making it a religious duty to prevent the intrusion of all that betrays his own position and quality, his hopes, and wishes. Without aspiring to the calm indifference of Ranke, he was conscious that,

in early life, he had been too positive, and too eager to persuade. The Belgian scholar who, conversing with him in 1842, was reminded of Fénelon, missed the acuter angles of his character. He, who in private intercourse sometimes allowed himself to persist, to contradict, and even to baffle a bore by frankly falling asleep, would have declined the evocation of Versailles. But in reasonableness, moderation, and charity, in general culture of mind and the sense of the demands of the progress of civilisation, in the ideal church for which he lived, he was more in harmony with Fénelon than with many others who resembled him in the character of their work.

He deemed it catholic to take ideas from history, and heresy to take them into it. When men gave evidence for the opposite party, and against their own, he willingly took for impartiality what he could not always distinguish from indifference or subdivision. He felt that sincere history was the royal road to religious union, and he specially cultivated those who saw both sides. He would cite with complacency what clever Jesuits, Raynaud and Faure, said for the Reformation, Mariana and Cordara against their society. When a Rhenish catholic and a Genevese Calvinist drew two portraits of Calvin which were virtually the same, or when, in Ficker's revision of Boehmer, the catholic defended the emperor Frederic II against the protestant, he rejoiced as over a sign of the advent of science. As the middle ages, rescued from polemics by the genial and uncritical sympathy of Mueller, became an object of popular study, and Royer Collard said of Villemain, *Il a fait, il fait, et il fera toujours son Grégoire VII*, there were catholics who desired, by a prolonged sorites, to derive advantage from the new spirit. Wiseman consulted Doellinger for the purpose. 'Will you be kind enough to write me a list of what you consider the best books for the history of the Reformation; Menzel and Buchholz I know; especially any exposing the characters of the leading reformers.' In the same frame of mind he asked him what pope there was whose good name had not been vindicated; and Doellinger's reply, that Boniface VIII wanted a friend, prompted both Wiseman's article and Tosti's book.

In politics, as in religion, he made the past a law for the present, and resisted doctrines which are ready made, and are not derived from experience. Consequently, he undervalued work which would never have been done from disinterested motives; and there were three of his most eminent contemporaries whom he decidedly underestimated. Having known Thiers, and heard him speak, he felt profoundly the talent of the extraordinary man. Before Lanfrey or Taine, Haeusser and Bernhardi had so ruined his credit among Germans that Doellinger, disgusted by his advocacy, whether of the revolution, of Napoleon, or of France, neglected his work. Stahl claims to be accounted an historian by his incomparably able book

on the church government of the Reformation. As a professor at Munich, and afterwards as a parliamentary leader at Berlin, he was always an avowed partisan. Doellinger depreciated him accordingly, and he had the mortification that certain remarks on the sovereign dialectician of European conservatism were on the point of appearing when he died. He so far made it good in his preface that the thing was forgotten when Gerlach came to see the assailant of his friend. But once, when I spoke of Stahl as the greatest man born of a Jewish mother since Titus, he thought me unjust to Disraeli.

Most of all, he misjudged Macaulay, whose German admirers are not always in the higher ranks of literature, and of whom Ranke even said that he could hardly he called an historian at all, tried by the stricter test. He had no doubt seen how his unsuggestive fixity and assurance could cramp and close a mind; and he felt more beholden to the rivals who produced d'Adda, Barillon, and Bonnet, than to the author of so many pictures and so much bootless decoration. He tendered a course of Bacon's Essays, or of Butler's and Newman's Sermons, as a preservative against intemperate dogmatism. He denounced Macaulay's indifference to the merits of the inferior cause, and desired more generous treatment of the Jacobites and the French king. He deemed it hard that a science happily delivered from the toils of religious passion should be involved in political, and made to pass from the sacristy to the lobby, by the most brilliant example in literature. To the objection that one who celebrates the victory of parliaments over monarchs, of democracy over aristocracy, of liberty over authority, declares, not the tenets of a party, but manifest destiny and the irrevocable decree, he would reply that a narrow induction is the bane of philosophy, that the ways of Providence are not inscribed on the surface of things, that religion, socialism, militarism, and revolution possibly reserve a store of cogent surprises for the economist, utilitarian, and whig.

In 1865 he was invited to prepare a new edition of his church history. Whilst he was mustering the close ranks of folios which had satisfied a century of historians, the world had moved, and there was an increase of raw material to be measured by thousands of volumes. The archives which had been sealed with seven seals had become as necessary to the serious student as his library. Every part of his studies had suffered transformation, except the fathers, who had largely escaped the crucible, and the canon law, which had only just been caught by the historical current. He had begun when Niebuhr was lecturing at Bonn and Hegel at Berlin; before Tischendorf unfolded his first manuscript; before Baur discovered the Tuebingen hypothesis in the congregation of Corinth; before Rothe had planned his treatise on the primitive

church, or Ranke had begun to pluck the plums for his modern popes. Guizot had not founded the 'École des Chartes,' and the school of method was not yet opened at Berlin. The application of instruments of precision was just beginning, and what Prynne calls the heroic study of records had scarcely molested the ancient reign of lives and chronicles. None had worked harder at his science and at himself than Doellinger; and the change around him was not greater than the change within. In his early career as a teacher of religion he had often shrunk from books which bore no stamp of orthodoxy. It was long before he read Sarpi or the 'Lettres Provinciales,' or even Ranke's 'Popes,' which appeared when he was thirty-five, and which astonished him by the serene ease with which a man who knew so much touched on such delicate ground. The book which he had written in that state of mind, and with that conception of science and religion, had only a pre-historic interest for its author. He refused to reprint it, and declared that there was hardly a sentence fit to stand unchanged. He lamented that he had lost ten years of life in getting his bearings, and in learning, unaided, the most difficult craft in the world. Those years of apprenticeship without a master were the time spent on his 'Kirchengeschichte.' The want of training remained. He could impart knowledge better than the art of learning. Thousands of his pupils have acquired connected views of religion passing through the ages, and gathered, if they were intelligent, some notion of the meaning of history; but nobody ever learnt from him the mechanism by which it is written.

Brougham advised the law-student to begin with Dante; and a distinguished physician informs us that Gibbon, Grote, and Mill made him what he is. The men to whom Doellinger owed his historic insight and who mainly helped to develop and strengthen and direct his special faculty, were not all of his own cast, or remarkable in the common description of literary talent. The assistants were countless, but the masters were few, and he looked up with extraordinary gratitude to men like Sigonius, Antonius Augustinus, Blondel, Petavius, Leibniz, Burke, and Niebuhr, who had opened the passes for him as he struggled and groped in the illimitable forest.

He interrupted his work because he found the materials too scanty for the later middle ages, and too copious for the Reformation. The defective account of the Albigensian theology, which he had sent to one of his translators, never appeared in German. At Paris he searched the library for the missing information, and he asked Rességuier to make inquiry for the records of the Inquisition in Languedoc, thus laying the foundations of that 'Sektengeschichte' which he published fifty years later. Munich offered such inexhaustible supplies for the Reformation that his collections overran all bounds.

He completed only that part of his plan which included Lutheranism and the sixteenth century. The third volume, published in 1848, containing the theology of the Reformation, is the most solid of his writings. He had miscalculated, not his resources, of which only a part had come into action, but the possibilities of concentration and compression. The book was left a fragment when he had to abandon his study for the Frankfort barricades.

The peculiarity of his treatment is that he contracts the Reformation into a history of the doctrine of justification. He found that this and this alone was the essential point in Luther's mind, that he made it the basis of his argument, the motive of his separation, the root and principle of his religion. He believed that Luther was right in the cardinal importance he attributed to this doctrine in his system, and he in his turn recognised that it was the cause of all that followed, the source of the reformer's popularity and success, the sole insurmountable obstacle to every scheme of restoration. It was also, for him, the centre and the basis of his antagonism. That was the point that he attacked when he combated protestantism, and he held all other elements of conflict cheap in comparison, deeming that they are not invariable, or not incurable, or not supremely serious. Apart from this, there was much in protestantism that he admired, much in its effects for which he was grateful. With the Lutheran view of imputation, protestant and catholic were separated by an abyss. Without it, there was no lasting reason why they should be separate at all. Against the communities that hold it he stood in order of battle, and believed that he could scarcely hit too hard. But he distinguished very broadly the religion of the reformers from the religion of protestants. Theological science had moved away from the symbolical books, the root dogma had been repudiated and contested by the most eminent protestants, and it was an English bishop who wrote:—*Fuit hæc doctrina jam a multis annis ipsissimum Reformatae Ecclesiae opprobrium ac dedecus.—Est error non levis, error putidissimus.* Since so many of the best writers resist or modify that which was the main cause, the sole ultimate cause, of disunion, it cannot be logically impossible to discover a reasonable basis for discussion. Therefore conciliation was always in his thoughts; even his 'Reformation' was a treatise on the conditions of reunion. He long purposed to continue it, in narrower limits, as a history of that central doctrine by which Luther meant his church to stand or fall, of the reaction against it, and of its decline. In 1881, when Ritschl, the author of the chief work upon the subject, spent some days with Doellinger, he found him still full of these ideas, and possessing Luther at his fingers' ends.

This is the reason why protestants have found him so earnest an opponent and so warm a friend. It was this that attracted him

towards Anglicans, and made very many of them admire a Roman dignitary who knew the Anglo-catholic library better than De Lugo or Ripalda. In the same spirit he said to Pusey: '*Tales cum sitis jam nostri estis*,' always spoke of Newman's 'Justification' as the greatest masterpiece of theology that England has produced in a hundred years, and described Baxter and Wesley as the most eminent of English protestants—meaning Wesley as he was after 1 Dec. 1767, and Baxter as the life-long opponent of that theory which was the source and the soul of the Reformation. Several Englishmen who went to consult him—Hope Scott and Archdeacon Wilberforce—became catholics. I know not whether he urged them. Others there were, whom he did not urge, though his influence over them might have been decisive. In a later letter to Pusey he wrote:—'I am convinced by reading your "Eirenicon" that we are united inwardly in our religious convictions, although externally we belong to two separated churches.' He followed attentively the parallel movements that went on in his own country, and welcomed with serious respect the overtures which came to him, after 1856, from eminent historians. When they were old men, he and Ranke, whom, in hot youth, there was much to part, lived on terms of mutual goodwill. Doellinger had pronounced the theology of the *Deutsche Reformation* slack and trivial, and Ranke at one moment was offended by what he took for an attack on the popes, his patrimony. In 1865, after a visit to Munich, he allowed that in religion there was no dispute between them, that he had no fault to find with the church as Doellinger understood it. He added that one of his colleagues, a divine whose learning filled him with unwonted awe, held the same opinion. Doellinger's growing belief that an approximation of part of Germany to sentiments of conciliation was only a question of time, had much to do with his attitude in church questions after the year 1860. If history cannot confer faith or virtue, it can clear away the misconceptions and misunderstandings that turn men against one another. With the progress of incessant study and meditation his judgment on many points underwent revision; but with regard to the Reformation the change was less than he supposed. He learnt to think more favourably of the religious influence of protestantism, and of its efficacy in the defence of Christianity; but he thought as before of the spiritual consequences of Lutheranism proper. When people said of Luther that he does not come well out of his matrimonial advice to certain potentates, to Henry and to Philip, of his exhortations to exterminate the revolted peasantry, of his passage from a confessor of toleration to a teacher of intolerance, he would not have the most powerful conductor of religion that Christianity has produced in eighteen centuries condemned for two pages in a hundred volumes. But when he had refused the test of the weakest link, judging

the man by his totals, he was not less severe on his theological ethics.

Meinerseits habe ich noch eine andre schwere Anklage gegen ihn zu erheben, nämlich die, dass er durch seine falsche Imputationslehre das sittlich-religiöse Bewusstseyn der Menschen auf zwei Jahrhunderte hinaus verwirrt und corrumpirt hat (3 July, 1888).

The revolution of 1848, during which he did not hold his professorship, brought him forward uncongenially in active public life, and gave him the means of telling the world his view of the constitution and policy of the church, and the sense and limits of liability in which he gave his advocacy. When lecturing on canon law he was accustomed to dwell on the strict limit of all ecclesiastical authority, admitting none but spiritual powers, and invoking the maxims of pontiffs who professed themselves guardians, not masters, of the established legislation—*Canones ecclesiæ solvere non possumus, qui custodes canonum sumus.* Acting on these principles, in the Paulskirche, and at Ratisbon, he vindicated Rome against the reproach of oppression, argued that society can only gain by the emancipation of the church, as it claims no superiority over the state, and that both Gallicans and Jesuits are out of date. Addressing the bishops of Germany in secret session at Würzburg, he exhorted them to avail themselves fully of an order of things which was better than the old, and to make no professions of unconditional allegiance. He told them that freedom is the breath of the catholic life, that it belongs to the church of God by right divine, and that whatever they claimed must be claimed for others.

From these discourses, in which the scholar abandoned the details by which science advances for the general principles of the popular orator, the deductions of liberalism proceed as surely as the revolution from the title-page of Sieyès. It should seem that the key to his career lies there. It was natural to associate him with the men whom the early promise of a reforming pope inspired to identify the cause of free societies with the papacy which had Rosmini for an adviser, Ventura for a preacher, Gioberti for a prophet, and to conclude that he thus became a trusted representative, until the revolving years found him the champion of a vanished cause, and the Syllabus exposed the illusion and bore away his ideal. Harless once said of him that no good could be expected from a man surrounded by a ring of liberals. When Doellinger made persecution answer both for the decline of Spain and the fall of Poland, he appeared to deliver the common creed of whigs; and he did not protest against the American who called him the acknowledged head of the liberal catholics. His hopefulness in the midst of the movement of 1848, his ready acquiescence in the fall of ancient powers and institutions, his trust in Rome, and in the abstract rights of Germans, suggested a reminiscence of the *Avenir* in 1830.

Lamennais, returning with Montalembert after his appeal to Rome, met Lacordaire at Munich, and during a banquet given in their honour he learnt, privately, that he was condemned. The three friends spent that afternoon in Doellinger's company; and it was after he had left them that Lamennais produced the encyclical and said: *Dieu a parlé.* Montalembert soon returned, attracted as much by Munich art as by religion or literature. The fame of the Bavarian school of catholic thought spread in France among those who belonged to the wider circles of the *Avenir*; and priests and laymen followed, as to a scientific shrine. In the 'Mémoires d'un Royaliste' Falloux has preserved, with local colour, the spirit of that pilgrimage :—

> Munich lui fut indiqué comme le foyer d'une grande rénovation religieuse et artistique. Quels nobles et ardents entretiens, quelle passion pour l'Eglise et pour sa cause! Rien n'a plus ressemblé aux discours d'un portique chrétien que les apologies enflammées du vieux Goerres, les savantes déductions de Doellinger, la verve originale de Brentano.

Rio, who was the earliest of the travellers, describes Doellinger as he found him in 1830.

> Par un privilège dont il serait difficile de citer un autre exemple, il avait la passion des études théologiques comme s'il n'avait été que prêtre, et la passion dés études littéraires appliquées aux auteurs anciens et modernes comme s'il n'avait été que littérateur; à quoi il faut ajouter un autre don qu'il y aurait ingratitude à oublier, celui d'une exposition lucide, patiente et presque affectueuse, comme s'il n'avait accumulé tant de connaissances que pour avoir le plaisir de les communiquer.

For forty years he remained in correspondence with many of these early friends, who, in the educational struggle which ended with the ministry of Falloux in 1850, revived the leading maxims of the rejected master. As Lacordaire said, on his deathbed: '*La parole de l'Avenir avait germé de son tombeau comme une cendre féconde.*' Doellinger used to visit his former visitors in various parts of France, and at Paris he attended the salon of Madame Swetchine. One day, at the seminary, he inquired who were the most promising students; Dupanloup pointed out a youth, who was the hope of the church, and whose name was Ernest Renan.

Although the men who were drawn to him in this way formed the largest and best defined cluster with which he came in contact, there was more private friendship than mutual action or consultation between them. The unimpassioned German, who had no taste for ideas released from controlling fact, took little pleasure in the impetuous declamation of the Breton, and afterwards pronounced him inferior to Loyson. Neither of the men who were in the confidence of both has intimated that he made any lasting impression

on Lamennais, who took leave of him without discussing the action of Rome. Doellinger never sought to renew acquaintance with Lacordaire, when he had become the most important man in the church of France. He would have a prejudice to overcome against him whom Circourt called the most ignorant man in the Academy, who believed that Erasmus ended his days at Rotterdam, unable to choose between Rome and Wittenberg, and that the Irish obtained through O'Connell the right to worship in their own way. He saw more of Dupanloup, without feeling, as deeply as Renan, the rare charm of the combative prelate. To an exacting and reflective scholar, to whom even the large volume of heavy erudition in which Rosmini defended the *Cinque Piaghe* seemed superficial, there was incongruity in the attention paid to one of whom he heard that he promoted the council, that he took St. Boniface for St. Wilfrid, and that he gave the memorable advice: *Surtout méfiez-vous des sources.* After a visit from the bishop of Orleans he sat down in dismay to compose the most elementary of his books. Seeing the inferiority of Falloux as a historian, he never appreciated the strong will and cool brain of the statesman who overawed Tocqueville. Eckstein, the obscure but thoughtful originator of much liberal feeling among his own set, encouraged him in the habit of depreciating the attainments of the French clergy, which was confirmed by the writings of the most eminent among them, Darboy, and lasted until the appearance of Duchesne. The politics of Montalembert were so heavily charged with conservatism, that in defiance of such advisers as Lacordaire, Ravignan, and Dupanloup, he pronounced in favour of the author of the *coup d'état,* saying: *Je suis pour l'autorité contre la révolte*; and boasted that, in entering the Academy he had attacked the revolution, not of '93 but '89, and that Guizot, who received him, had nothing to say in reply. There were many things, human and divine, on which they could not feel alike; but as the most urgent, eloquent, and persevering of his catholic friends, gifted with knowledge and experience of affairs, and dwelling in the focus, it may be that on one critical occasion, when religion and politics intermingled, he influenced the working of Doellinger's mind. But the plausible reading of his life which explains it by his connexion with such public men as Montalembert, De Decker, and Mr. Gladstone is profoundly untrue; and those who deem him a liberal in any scientific use of the term, miss the keynote of his work.

The political party question has to be considered here, because, in fact, it is decisive. A liberal who thinks his thought out to the end without flinching is forced to certain conclusions which colour to the root every phase and scene of universal history. He believes in upward progress, because it is only recent times that have striven deliberately, and with a zeal according to knowledge, for the increase

and security of freedom. He is not only tolerant of error in religion, but is specially indulgent to the less dogmatic forms of Christianity, to the sects which have restrained the churches. He is austere in judging the past, imputing not error and ignorance only, but guilt and crime, to those who, in the dark succession of ages, have resisted and retarded the growth of liberty, which he identifies with the cause of morality, and the condition of the reign of conscience. Doellinger never subjected his mighty vision of the stream of time to correction according to the principles of this unsympathising philosophy, never reconstituted the providential economy in agreement with the whig Théodicée. He could understand the Zoroastrian simplicity of history in black and white for he wrote: *obgleich man allerdings sagen kann, das tiefste Thema der Weltgeschichte sei der Kampf der Knechtschaft, oder Gebundenheit, mit der Freiheit, auf dem intellectuellen, religiösen, politischen und socialen Gebiet.* But the scene which lay open before his mind was one of greater complexity, deeper design, and infinite intellect. He imagined a way to truth through error, and outside the church, not through unbelief and the diminished reign of Christ. Lacordaire in the cathedral pulpit offering his thanks to Voltaire for the good gift of religious toleration, was a figure alien to his spirit. He never substituted politics for religion as the test of progress, and never admitted that they have anything like the dogmatic certainty and sovereignty of religious, or of physical, science. He had all the liberality that consists of common sense, justice, humanity, enlightenment, the wisdom of Canning or Guizot. But revolution, as the breach of continuity, as the renunciation of history, was odious to him, and he not only refused to see method in the madness of Marat, or dignity in the end of Robespierre, but believed that the best measures of Leopold, the most intelligent reformer in the era of repentant monarchy, were vitiated and frustrated by want of adaptation to custom. Common party divisions represented nothing scientific to his mind; and he was willing, like De Quincey, to accept them as corresponding halves of a necessary whole. He wished that he knew half as much as his neighbour, Mrs. Somerville; but he possessed no natural philosophy, and never acquired the emancipating habit which comes from a life spent in securing progress by shutting one's eyes to the past. *Alle Wissenschaft steht und ruht auf ihrer historischen Entwicklung, sie lebt von ihrer traditionellen Vergangenheit, wie der Baum von seiner Wurzel.*

He was moved, not by the gleam of reform after the conclave of Pius IX, but by Pius VII. The impression made upon him by the character of that pope, and his resistance to Napoleon, had much to do with his resolution to become a priest. He took orders in the church in the days of revival, as it issued from oppression and the eclipse of hierarchy; and he entered its service in the spirit of

Sailer, Cheverus, and Doyle. The mark of that time never left him. When Newman asked him what he would say of the pope's journey to Paris, for the coronation of the emperor, he hardly recognised the point of the question. He opposed, in 1853, the renewal of that precedent; but to the end he never felt what people mean when they remark on the proximity of Notre-Dame to Vincennes.

Doellinger was too much absorbed in distant events to be always a close observer of what went on near him; and he was, therefore, not so much influenced by contact with contemporary history as men who were less entirely at home in other centuries. He knew about all that could be known of the ninth: in the nineteenth his superiority deserted him. Though he informed himself assiduously his thoughts were not there. He collected from Hormayr, Radowitz, Capponi, much secret matter of the last generation; and where Brewer had told him about Oxford, and Plantier about Louis Philippe, there were landmarks, as when Knoblecher, the missionary, set down Krophi and Mophi on his map of Africa. He deferred, at once, to the competent authority. He consulted his able colleague Hermann on all points of political economy, and used his advice when he wrote about England. Having satisfied himself, he would not re-open these questions, when, after Hermann's death, he spent some time in the society of Roscher, a not less eminent economist, and of all men the one who most resembled himself in "the historian's faculty of re-thinking the thoughts and realising the knowledge, the ignorance, the experience, the illusions of a given time."

He had lived in many cities, and had known many important men; he had sat in three parliamentary assemblies, had drawn constitutional amendments, had been consulted upon the policy and the making of ministries, and had declined political office; but as an authority on recent history he was scarcely equal to himself. Once it became his duty to sketch the character of a prince whom he had known. There was a report that this sovereign had only been dissuaded from changing his religion and abolishing the constitution by the advice of an archbishop and of a famous parliamentary jurist; and the point of the story was that the Protestant doctrinaire had prevented the change of religion, and the archbishop had preserved the constitution. It was too early to elucidate these court mysteries; instead of which there is a remarkable conversation about religion, wherein it is not always clear whether the prince is speaking, or the professor, or Schelling.

Although he had been translated into several languages and was widely known in his own country, he had not yet built himself a European name. At Oxford, in 1851, when James Mozley asked whom he would like to see, he said, the men who had written in the "Christian Remembrancer" on Dante and Luther.

Mozley was himself one of the two, and he introduced him to the other at Oriel. After thirty-two years, when the writer on Dante occupied a high position in the church and had narrowly escaped the highest, that visit was returned. But he had no idea that he had once received Doellinger in his college rooms, and hardly believed it when told. In Germany, the serried learning of the 'Reformation,' the author's energy and decisiveness in public assemblies, caused him to stand forth as an accepted spokesman, and, for a season, threw back the reticent explorer, steering between the shallows of anger and affection.

In that stage the 'Philosophumena' found him, and induced him to write a book of controversy in the shape of history. Here was an anonymous person who, as Newman described it, 'calls one pope a weak and venal dunce, and another a sacrilegious swindler, an infamous convict, and an heresiarch *ex cathedrâ*.' In the Munich Faculty there was a divine who affirmed that the church would never get over it. Doellinger undertook to vindicate the insulted see of Rome; and he was glad of the opportunity to strike a blow at three conspicuous men of whom he thought ill in point both of science and religion. He spoke of Gieseler as the flattest and most leathern of historians; he accused Baur of frivolity and want of theological conviction; and he wished that he knew as many circumlocutions for untruth as there are Arabian synonyms for a camel, that he might do justice to Bunsen without violation of courtesy. The weight of the new testimony depended on the discovery of the author. Adversaries had assigned it to Hippolytus, the foremost European writer of the time, venerated as a saint and a father of the church. Doellinger thought them right, and he justified his sincerity by giving further reasons for a conclusion which made his task formidable even for such dexterity as his own. Having thus made a concession which was not absolutely inevitable, he resisted the inference with such richness of illustration that the fears of the doubting colleague were appeased. In France, by Pitra's influence, the book was reviewed without making known that it supported the authorship of Hippolytus, which is still disputed by some impartial critics, and was always rejected by Newman. 'Hippolytus und Kallistus,' the high-water mark of Doellinger's official assent and concurrence, came out in 1853. His next book showed the ebb.

He came originally from the romantic school, where history was honeycombed with imagination and conjecture; and the first important book he gave to a pupil in 1850 was Creuzer's 'Mythology.' In 1845 he denounced the rationalism of Lobeck in investigating the Mysteries; but in 1857 he preferred him as a guide to those who proceed by analogy. With increase of knowledge had come increase of restraining caution and sagacity. The critical acumen

was not greater in the 'Vorhalle' than when he wrote on the 'Philosophumena'; but instead of being employed in a chosen cause, upon fixed lines, for welcome ends, it is applied impartially. Ernst von Lasaulx, a man of rich and noble intellect, was lecturing next door on the philosophy and religion of Greece, and everybody heard about his indistinct mixture of dates and authorities, and the spell which his unchastened idealism cast over students. Lasaulx, who brilliantly carried on the tradition of Creuzer, who had tasted of the mythology of Schelling, who was son-in-law to Baader and nephew to Goerres, wrote a volume on the fall of Hellenism which he brought in manuscript and read to Doellinger at a sitting. The effect on the dissenting mind of the hearer was a warning; and there is reason to date from those two hours in 1853 a more severe use of materials, and a stricter notion of the influence which the end of an inquiry may lawfully exert on the pursuit of it.

'Heidenthum und Judenthum,' which came out in 1857, gave Lasaulx his revenge. It is the most positive and self-denying of histories, and owes nothing to the fancy. The author refused the aid of Scandinavia to illustrate German mythology, and he was rewarded long after, when Caspari, of Christiania, and Conrad Maurer met at his table and confirmed the discoveries of Bugge. But the account of Paganism ends with a significant parallel. In December 69 a torch flung by a soldier burnt the temple on the Capitol to the ground. In August 70 another Roman soldier set fire to the temple on Mount Sion. The two sanctuaries perished within a year, making way for the faith of men still hidden in the back streets of Rome. When the Hellenist read this passage it struck him deeply. Then he declared that it was hollow. All was over at Jerusalem; but at Rome the ruin was restored, and the smoke of sacrifice went up for centuries to come from the altar of Capitoline Jove.

In this work, designed as an introduction to Christian history, the apologist betrays himself when he says that no Greek ever objected to slavery, and when, out of 730 pages of paganism, half a page is allotted to the moral system of Aristotle. That his Aristotelian chapter was weak, the author knew; but he said that it was not his text to make more of it. He did not mean that a Christian divine may be better employed than in doing honour to a heathen; but, having to narrate events and the action of causes, he regarded Christianity more as an organism employing sacramental powers than as a body of speculative ideas. To cast up the total of moral and religious knowledge attained by Seneca, Epictetus, and Plutarch, to measure the line and rate of progress since Socrates, to compare the point reached by Hermas and Justin, is an inquiry of the highest interest for writers yet to come. But the quantitative difference of acquired precept between the

later pagan and the early Christian is not the key to the future. The true problem is to expose the ills and errors which Christ, the Healer, came to remove. The measure must be taken from the depth of evil from which Christianity had to rescue mankind, and its history is more than a continued history of philosophical theories. Newman, who sometimes agreed with Doellinger in the letter, but seldom in the spirit, and who distrusted him as a man in whom the divine lived at the mercy of the scholar, and whose burden of superfluous learning blunted the point and the edge of his mind, so much liked what he heard of this book that, being unable to read it, he had it translated at the Oratory.

The work thus heralded never went beyond the first volume, completed in the autumn of 1860, which was received by the *Kirchenzeitung* of Berlin as the most acceptable narrative of the founding of Christianity, and as the largest concession ever made by a catholic divine. The author, following the ancient ways, and taking, with Reuss, the New Testament as it stands, made no attempt to establish the position against modern criticism. Up to this, prescription and tradition held the first place in his writings, and formed his vantage-ground in all controversy. His energy in upholding the past as the rule and measure of the future distinguished him even among writers of his own communion. In 'Christenthum und Kirche' he explained his theory of development, under which flag the notion of progress penetrates into theology, and which he held as firmly as the balancing element of perpetuity:—*In dem Maass als dogmenhistorische Studien mehr getrieben werden, wird die absolute innere Nothwendigkeit und Wahrheit der Sache immer allgemeiner einleuchten.* He conceived no bounds to the unforeseen resources of Christian thought and faith. A philosopher in whose works he would not have expected to find the scientific expression of his own idea, has a passage bearing close analogy to what he was putting forward in 1861:—

> It is then in the change to a higher state of form or composition that development differs from growth. We must carefully distinguish development from mere increase; it is the acquiring, not of greater bulk, but of new forms and structures, which are adapted to higher conditions of existence.

It is the distinction which Uhlhorn draws between the terms *Entfaltung* and *Entwickelung*. Just then, after sixteen years spent in the church of Rome, Newman was inclined to guard and narrow his theory. On the one hand he taught that the enactments and decisions of ecclesiastical law are made on principles and by virtue of prerogatives which *jam antea latitavere* in the church of the apostles and fathers. But he thought that a divine of the second century on seeing the Roman catechism, would have

recognised his own belief in it, without surprise, as soon as he understood its meaning. He once wrote:—'If I have said more than this, I think I have not worked out my meaning, and was confused—whether the minute facts of history will bear me out in this view, I leave to others to determine.' Doellinger would have feared to adopt a view for its own sake, without knowing how it would be borne out by the minute facts of history. His own theory of development had not the same ingenious simplicity, and he thought Newman's brilliant book unsound in detail. But he took high ground in asserting the undeviating fidelity of catholicism to its principle. In this, his last book on the primitive church, as in his early lectures, he claims the unswerving unity of faith as a divine prerogative. In a memorable passage of the 'Symbolik' Moehler had stated that there is no better security than the law which pervades human society, which preserves harmony and consistency in national character, which makes Lutheranism perpetually true to Luther, and Islamism to the Koran.

Speaking in the name of his own university, the rector described him as a receptive genius. Part of his career displays a quality of assimilation, acquiescence, and even adaptation, not always consistent with superior originality or intense force of character. His 'Reformation,' the strongest book, with the 'Symbolik,' which catholics had produced in the century, was laid down on known lines, and scarcely effected so much novelty and change as the writings of Kampschulte and Kolde. His book on the first age of the church takes the critical points as settled, without special discussion. He appeared to receive impulse and direction, limit and colour, from his outer life. His importance was achieved by the force within. Circumstances only conspired to mould a giant of commonplace excellence and average ideas, and their influence on his view of history might long be traced. No man of like spirituality, of equal belief in the supreme dignity of conscience, systematically allowed as much as he did for the empire of chance surroundings and the action of home, and school, and place of worship upon conduct. He must have known that his own mind and character as an historian was not formed by effort and design. From early impressions, and a life spent, to his fiftieth year, in a rather unvaried professional circle, he contracted homely habits in estimating objects of the greater world; and his imagination was not prone to vast proportions and wide horizons. He inclined to apply the rules and observation of domestic life to public affairs, to reduce the level of the heroic and sublime; and history, in his hands, lost something both in terror and in grandeur. He acquired his art in the long study of earlier times, where materials are scanty. All that can be known of Cæsar or Charlemagne, or Gregory VII, would hold in a dozen volumes; a

library would not be sufficient for Charles V or Lewis XVI. Extremely few of the ancients are really known to us in detail, as we know Socrates, or Cicero, or St. Augustine. But in modern times, since Petrarca, there are at least two thousand actors on the public stage whom we see by the revelations of private correspondence. Besides letters that were meant to be burnt, there are a man's secret diaries, his autobiography and table-talk, the recollections of his friends, self-betraying notes on the margins of books, the report of his trial if he is a culprit, and the evidence for beatification if he is a saint. Here we are on a different footing, and we practise a different art when dealing with Phocion, or Dunstan, or with Richelieu, or Swift. In one case we remain perforce on the surface of character, which we have not the means of analysing: we have to be content with conjecture, with probable explanations and obvious motives. We must constantly allow the benefit of the doubt, and reserve sentence. The science of character comes in with modern history. Doellinger had lived too long in the ages during which men are seen mostly in outline, and never applied an historical psychology distinct from that of private experience. Great men are something different from an enlarged repetition of average and familiar types, and the working and motive of their minds is in many instances the exact contrary of ordinary men, living to avoid contingencies of danger, and pain, and sacrifice, and the weariness of constant thinking and far-seeing precaution.

> We are apt to judge extraordinary men by our own standard, that is to say, we often suppose them to possess, in an extraordinary degree, those qualities which we are conscious of in ourselves or others. This is the easiest way of conceiving their characters, but not the truest. They differ in kind rather than in degree.

We cannot understand Cromwell or Shaftesbury, Sunderland or Penn, by studies made in the parish. The study of intricate and subtle character was not habitual with Doellinger, and the result was an extreme dread of unnecessary condemnation. He resented being told that Ferdinand I and II, that Henry III and Lewis XIII, were, in the coarse terms of common life, assassins; that Elizabeth tried to have Mary made away with, and that Mary, in matters of that kind, had no greater scruples; that William III ordered the extirpation of a clan, and rewarded the murderers as he had rewarded those of De Witt; that Lewis XIV sent a man to kill him, and James II was privy to the Assassination Plot. When he met men less mercifully given than himself, he said that they were hanging judges with a Malthusian propensity to repress the growth of population. This indefinite generosity did not disappear when he had long outgrown its early cause. It was revived, and his view of history was deeply modified, in the course of the great change in his attitude in the church which took place between the years 1861 and 1867.

Doellinger used to commemorate his visit to Rome in 1857 as an epoch of emancipation. He had occasionally been denounced; and a keen eye had detected latent pantheism in his 'Vorhalle,' but he had not been formally censured. If he had once asserted the value of nationality in the church, he was vehement against it in religion; and if he had joined in deprecating the dogmatic decree in 1854, he was silent afterwards. By protestants he was still avoided as the head and front of offending ultramontanism; and when the historical commission was instituted at Munich, by disciples of the Berlin school, he was passed over at first, and afterwards opposed. When public matters took him to Berlin in 1857, he sought no intercourse with the divines of the faculty. The common idea of his 'Reformation' was expressed by Kaulbach in a drawing which represented the four chief reformers riding on one horse, pursued by a scavenger with the unmistakable features of their historian. He was received with civility at Rome, if not with cordiality. The pope sent to Cesena for a manuscript which it was reported that he wished to consult; and his days were spent profitably between the Minerva and the Vatican, where he was initiated in the mysteries of Galileo's tower. It was his fortune to have for pilot and instructor a prelate classified in the pigeon-holes of the Wilhelmsstrasse as the chief agitator against the state, *dessen umfangreiches Wissen noch durch dessen Feinheit und geistige Gewandtheit übertroffen wird.* He was welcomed by Passaglia and Schrader at the Collegio Romano, and enjoyed the privilege of examining San Callisto with De Rossi for his guide. His personal experience was agreeable, though he strove unsuccessfully to prevent the condemnation of two of his colleagues by the Index.

There have been men connected with him who knew Rome in his time, and whose knowledge moved them to indignation and despair. One bishop assured him that the Christian religion was extinct there, and only survived in its forms; and an important ecclesiastic on the spot wrote: *Delenda est Carthago.* The archives of the Culturkampf contain a despatch from a protestant statesman sometime his friend, urging his government to deal with the papacy as they would deal with Dahomey. Doellinger's impression on his journey was very different. He did not come away charged with visions of scandal in the spiritual order, of suffering in the temporal, or of tyranny in either. He was never in contact with the sinister side of things. Theiner's Life of Clement the Fourteenth failed to convince him, and he listened incredulously to his indictment of the Jesuits. Eight years later Theiner wrote to him that he hoped they would now agree better on that subject than when they discussed it in Rome. '*Ich freue mich, dass Sie jetzt erkennen, dass mein Urtheil über die Jesuiten und ihr Wirken gerecht war.—Im kommenden Jahr, so Gott will, werden wir uns*

hoffentlich besser verstehen als im Jahr 1857.' He thought the governing body unequal to the task of ruling both church and state; but it was the state that seemed to him to suffer from the combination. He was anxious about the political future, not about the future of religion. The persuasion that government by priests could not maintain itself in the world as it is, grew in force and definiteness as he meditated at home on the things he had seen and heard. He was despondent and apprehensive; but he had no suspicion of what was then so near. In the summer of 1859, as the sequel of Solferino began to unfold itself, he thought of making his observations known. In November a friend wrote: *Je ne me dissimule aucune des misères de tout ordre qui vous ont frappé à Rome.* For more than a year he remained silent and uncertain, watching the use France would make of the irresistible authority acquired by the defeat of Austria and the collapse of government in Central Italy.

The war of 1859, portending danger to the temporal power, disclosed divided counsels. The episcopate supported the papal sovereignty, and a voluntary tribute, which in a few years took shape in tens of millions, poured into the treasury of St. Peter. A time followed during which the papacy endeavoured, by a series of connected measures, to preserve its political authority through the aid of its spiritual. Some of the most enlightened catholics, Dupanloup and Montalembert, proclaimed a sort of holy war. Some of the most enlightened protestants, Guizot and Leo, defended the Roman government, as the most legitimate, venerable, and necessary of governments. In Italy there were ecclesiastics like Liverani, Tosti, Capecelatro, who believed with Manzoni that there could be no deliverance without unity, or calculated that political loss might be religious gain. Passaglia, the most celebrated Jesuit living, and a confidential adviser of the pope, both in dogma and in the preparation of the Syllabus, until Perrone refused to meet him, quitted the Society, and then fled from Rome, leaving the Inquisition in possession of his papers, in order to combat the use of theology in defence of the temporal power. Forty thousand priests, he said, publicly or privately agreed with him; and the diplomatists reported the names of nine cardinals who were ready to make terms with Italian unity, of which the pope himself said: '*Ce serait un beau rêve.*' In this country, Newman did not share the animosity of conservatives against Napoleon III and his action in Italy. When the flood, rising, reached the papal throne, he preserved an embarrassed silence, refusing, in spite of much solicitation, to commit himself even in private. An impatient M.P. took the train down to Edgbaston, and began, trying to draw him: 'What times we live in, Father Newman! Look at all that is going on in Italy.' 'Yes, indeed! And look at China too, and

New Zealand!' Lacordaire favoured the cause of the Italians more openly, in spite of his Paris associates. He hoped, by federation, to save the interests of the Holy See, but he was reconciled to the loss of provinces, and he required religious liberty at Rome. Lamoricière was defeated in September 1860, and in February the fortress of Gaëta, which had become the last Roman outwork, fell. Then Lacordaire, disturbed in his reasoning by the logic of events, and by an earnest appeal to his priestly conscience, as his biographer says, '*ébranlé un moment par une lettre éloquente*,' broke away from his friends :—

Que Montalembert, notre ami commun, ne voie pas dans ce qui se passe en Italie, sauf le mal, un progrès sensible dans ce que nous avons toujours cru le bien de l'église, cela tient à sa nature passionnée. Ce qui le domine aujourd'hui c'est la haine du gouvernement français.—Dieu se sert de tout, même du despotisme, même de l'égoïsme ; et il y a même des choses qu'il ne peut accomplir par des mains tout à fait pures.—Qu'y puis-je ? Me déclarer contre l'Italie parce que ses chaînes tombent mal à propos ? Non assurément : je laisse à d'autres une passion aussi profonde, et j'aime mieux accepter ce que j'estime un bien de quelque part qu'il vienne.—Il est vrai que la situation temporelle du Pape souffre présentement de la libération de l'Italie, et peut-être en souffrira-t-elle encore assez longtemps : mais c'est un malheur qui a aussi ses fins dans la politique mystérieuse de la Providence. Souffrir n'est pas mourir, c'est quelquefois expier et s'éclairer.

This was written on 22 Feb. 1861. In April Doellinger spoke on the Roman question in the Odeon at Munich, and explained himself more fully in the autumn, in the most popular of all his books.

The argument of 'Kirche und Kirchen' was, that the churches which are without the pope drift into many troubles, and maintain themselves at a manifest disadvantage, whereas the church which energetically preserves the principle of unity has a vast superiority which would prevail, but for its disabling and discrediting failure in civil government. That government seemed to him as legitimate as any in the world, and so needful to those for whose sake it was instituted, that if it should be overthrown, it would, by irresistible necessity, be restored. Those for whose sake it was instituted were, not the Roman people, but the catholic world. That interest, while it lasted, was so sacred, that no sacrifice was too great to preserve it, not even the exclusion of the clerical order from secular office.

The book was an appeal to catholics to save the papal government by the only possible remedy, and to rescue the Roman people from falling under what the author deemed a tyranny like that of the Convention. He had acquired his politics in the atmosphere of 1847, from the potential liberality of men like Radowitz, who declared that he would postpone every political or national interest to that of the church, Capponi, the last Italian federalist, and

Tocqueville, the minister who occupied Rome. His object was not materially different from that of Antonelli and Mérode, but he sought it by exposing the faults of the papal government during several centuries, and the hopelessness of all efforts to save it from the revolution unless reformed. He wrote to an English minister that it could not be our policy that the head of the catholic church should be subject to a foreign potentate :—

Das harte Wort mit welchem Sie im Parlamente den Stab über Rom gebrochen haben—*hopelessly incurable*, oder *incorrigible*—kann ich mir nicht aneignen; ich hoffe vielmehr, wie ich es in dem Buche dargelegt habe, das Gegentheil. An die Dauerhaftigkeit eines ganz Italien umfassenden Piemontesisch-Italiänischen Reiches glaube ich nicht.—Inzwischen tröste ich mich mit dem Gedanken, dass in Rom zuletzt doch *vexatio dabit intellectum*, und dann wird noch alles gut werden.

To these grateful vaticinations his correspondent replied :—

You have exhibited the gradual departure of the government in the states of the church from all those conditions which made it tolerable to the sense and reason of mankind, and have, I think, completely justified, in principle if not in all the facts, the conduct of those who have determined to do away with it.

The policy of exalting the spiritual authority though at the expense of sacrifices in the temporal, the moderation even in the catalogue of faults, the side blow at the protestants, filling more than half the volume, disarmed for a moment the resentment of outraged Rome. The pope, on a report from Theiner, spoke of the book as one that might do good. Others said that it was pointless, that its point was not where the author meant it to be, that the handle was sharper than the blade. It was made much more clear that the pope had governed badly than that Russia or Great Britain would gain by his supremacy. The cold analysis, the diagnosis by the bedside of the sufferer, was not the work of an observer dazzled by admiration or blinded by affection. It was a step, a first unconscious, unpremeditated step, in the process of detachment. The historian here began to prevail over the divine, and to judge church matters by a law which was not given from the altar. It was the outcome of a spirit which had been in him from the beginning. His English translator had uttered a mild protest against his severe treatment of popes. His censure of the Reformation had been not as that of Bossuet, but as that of Baxter and Bull. In 1845 Mr. Gladstone remarked that he would answer every objection, but never proselytised. In 1848 he rested the claims of the church on the common law, and bade the hierarchy remember that national character is above free will: *Die Nationalität ist etwas der Freiheit des menschlichen Willens entrücktes, geheimnissvolles und in ihrem letzten Grunde selbst etwas von Gott gewolltes.* In his 'Hippolytus' he began

by surrendering the main point, that a man who so vilified the papacy might yet be an undisputed saint. In the 'Vorhalle' he flung away a favourite argument, by avowing that paganism developed by its own lines and laws, untouched by Christianity, until the second century; and as with the Gentiles, so with the sects; he taught, in the suppressed chapter of his history, that their doctrines followed a normal course. And he believed so far in the providential mission of protestantism, that it was idle to talk of reconciliation until it had borne all its fruit. He exasperated a Munich colleague by refusing to pronounce whether Gregory and Innocent had the right to depose emperors, or Otho and Henry to depose popes; for he thought that historians should not fit theories to facts, but should be content with showing how things worked. Much secret and suppressed antagonism found vent in 1858, when one who had been his assistant in writing the 'Reformation' and was still his friend, declared that he would be a heretic whenever he found a backing.

Those with whom he actively coalesced felt at times that he was incalculable, that he pursued a separate line, and was always learning, whilst others busied themselves less with the unknown. This note of distinctness and solitude set him apart from those about him, during his intimacy with the most catholic of Anglican prelates, Forbes, and with the lamented Liddon. And it appeared still more when the denominational barrier of his sympathy was no longer marked, and he, who had stood in the rank almost with De Maistre and Perrone, found himself acting for the same ends with their enemies, when he delivered a studied eulogy on Mignet, exalted the authority of Laurent in religious history and of Ferrari in civil, and urged the Bavarian academy to elect Taine, as a writer who had but one rival in France, leaving it to uncertain conjecture whether the man he meant was Renan. In theory it was his maxim that a man should guard against his friends. When he first addressed the university as Rector, saying that as the opportunity might never come again, he would employ it to utter the thoughts closest to his heart, he exhorted the students to be always true to their convictions and not to yield to surroundings; and he invoked, rightly or wrongly, the example of Burke, his favourite among public men, who, turning from his associates to obey the light within, carried the nation with him. A gap was apparent now between the spirit in which he devoted himself to the service of his church and that of the men whom he most esteemed. At that time he was nearly the only German who knew Newman well and appreciated the grace and force of his mind. But Newman, even when he was angry, assiduously distinguished the pontiff from his court:—

There will necessarily always be round the Pope second-rate people, who are not subjects of that supernatural wisdom which is his prerogative.

For myself, certainly I have found myself in a different atmosphere, when I have left the Curia for the Pope himself.

Montalembert protested that there were things in 'Kirche und Kirchen' which he would not have liked to say in public:—

Il est certain que la seconde partie de votre livre déplaira beaucoup, non seulement à Rome, mais encore à la très grande majorité des Catholiques. Je ne sais donc pas si, dans le cas où vous m'eussiez consulté préalablement, j'aurais eu le courage d'infliger cette blessure à mon père et à mes frères.

Doellinger judged that the prerogative even of natural wisdom was often wanting in the government of the church; and the sense of personal attachment, if he ever entertained it, had worn away in the friction and familiarity of centuries.

After the disturbing interlude of the Roman question he did not resume the history of Christianity. The second century with its fragments of information, its scope for piecing and conjecture, he left to Lightfoot. With increasing years he lost the disposition to travel on common ground, impregnably occupied by specialists, where he had nothing of his own to tell; and he preferred to work where he could be a pathfinder. Problems of church government had come to the front, and he proposed to retraverse his subject, narrowing it into a history of the papacy. He began by securing his foundations and eliminating legend. He found so much that was legendary that his critical preliminaries took the shape of a history of fables relating to the papacy. Many of these were harmless: others were devised for a purpose, and he fixed his attention more and more on those which were the work of design. The question, how far the persistent production of spurious matter had permanently affected the genuine constitution and theology of the church arose before his mind as he composed the 'Papstfabeln des Mittelalters.' He indicated the problem without discussing it. The matter of the volume was generally neutral, but its threatening import was perceived, and twenty-one hostile critics sent reviews of it to one theological journal.

Since he first wrote on these matters, thirty years earlier, the advance of competitive learning had made it a necessity to revise statements by all accessible lights, and to subject authorities to a closer scrutiny. The increase in the rigour of the obligation might be measured by Tischendorf, who after renewing the text of the New Testament in seven editions, had more than three thousand changes to make in the eighth. The old pacific superficial method yielded no longer what would be accepted as certain knowledge. Having made himself master of the reconstructive process that was carried on a little apart from the main chain of durable literature, in academic transactions, in dissertations and periodicals, he sub-

mitted the materials he was about to use to the exigencies of the day. Without it, he would have remained a man of the last generation, distanced by every disciple of the new learning. He went to work with nothing but his trained and organised common sense, starting from no theory, and aiming at no conclusion. If he was beyond his contemporaries in the mass of expedient knowledge, he was not before them in the strictness of his tests, or in sharpness or boldness in applying them. He was abreast as a critic, he was not ahead. He did not innovate. The parallel studies of the time kept pace with his; and his judgments are those which are accepted generally. His critical mind was pliant, to assent where he must, to reject where he must, and to doubt where he must. His submission to external testimony appeared in his panegyric of our Indian empire, where he overstated the increase of population. Informed of his error by one of his translators, he replied that the figures had seemed incredible also to him, but having verified, he found the statement so positively made that he did not venture to depart from it. If inclination ever swayed his judgment, it was in his despair of extracting a real available Buddha from the fables of Southern India, which was conquered at last by the ablest of Mommsen's pupils.

He was less apprehensive than most of his English friends in questions relating to the Old Testament; and in the New, he was disposed, at times, to allow some force to Muratori's fragment as to the person of the evangelist who is least favourable to St. Peter; and was puzzled at the zeal of the Speaker's commentator as to the second epistle of the apostle. He held to the epistles of St. Ignatius with the tenacity of a Caroline prelate, and was grateful to De Rossi for a chronological point in their favour. He rejected the attacks of Lucius on the most valued passages in Philo, and stood with Gass against Weingarten's argument on the life of St. Anthony and the origin of monasticism. He resisted Overbeck on the epistle to Diognetus, and thought Ebrard all astray as to the Culdees. There was no conservative antiquarian whom he prized higher than Le Blant: yet he considered Ruinart credulous in dealing with acts of early martyrs. A pupil on whose friendship he relied, made an effort to rescue the legends of the conversion of Germany; but the master preferred the unsparing demolitions of Rettberg. Capponi and Carl Hegel were his particular friends; but he abandoned them without hesitation for Scheffer Boichorst, the iconoclast of early Italian chronicles, and never consented to read the learned reply of Da Lungo.

The 'Pope Fables' carried the critical inquiry a very little way; but he went on with the subject. After the Donation of Constantine came the Forged Decretals, which were just then printed for the first time in an accurate edition. Doellinger began to be

absorbed in the long train of hierarchical fictions, which had deceived men like Gregory VII, St. Thomas Aquinas, and Cardinal Bellarmine, which he traced up to the false Areopagite, and down to the Laminæ Granatenses. These studies became the chief occupation of his life; they led to his excommunication in 1871, and carried him away from his early system. For this, neither syllabus nor ecumenical council was needed; neither crimes nor scandals were its distant cause. The history of church government was the influence which so profoundly altered his position. Some trace of his researches, at an early period of their progress, appears in what he wrote on the occasion of the Vatican Council, especially in the fragment of an ecclesiastical pathology which was published under the name of Janus. But the history itself, which was the main and characteristic work of his life, and was pursued until the end, was never published or completed. He died without making it known to what extent, within what limit, the ideas with which he had been so long identified, were changed by his later studies, and how wide a trench had opened between his earlier and his later life. Twenty years of his historical work are lost for history.

The revolution in method since he began to write was partly the better use of old authorities, partly the accession of new. Doellinger had devoted himself to the one in 1863; he passed to the other in 1864. For definite objects he had often consulted manuscripts, but the harvest was stacked away, and had scarcely influenced his works. In the use and knowledge of unpublished matter he still belonged to the old school, and was on a level with Neander. Although, in later years, he printed six or seven volumes of Inedita, like Mai and Theiner, he did not excel as an editor: and this part of his labours is notable chiefly for its effect on himself. He never went over altogether to men like Schottmueller, who said of him that he made no research—*er hat nicht geforscht*—meaning that he had made his mind up about the Templars by the easy study of Wilkins, Michelet, Schottmueller himself, and perhaps a hundred others, but had not gone underground to the mines they delved in. Fustel de Coulanges, at the time of his death, was promoting the election of the bishop of Oxford to the Institute, on the ground that he surpassed all other Englishmen in his acquaintance with manuscripts. Doellinger agreed with their French rival in his estimate of our English historian, but he ascribed less value to that part of his acquirements. He assured the Bavarian Academy that Mr. Freeman, who reads print, but nevertheless mixes his colours with brains, is the author of the most profound work on the middle ages ever written in this country, and is not only a brilliant writer and a sagacious critic, but the most learned of all our countrymen. Ranke once drew a line at 1514, after which, he said, we still want help

from unprinted sources. The world had moved a good deal since that cautious innovation, and after 1860, enormous and excessive masses of archive were brought into play. The Italian revolution opened tempting horizons. In 1864 Doellinger spent his vacation in the libraries of Vienna and Venice. At Vienna, by an auspicious omen, Sickel, who was not yet known to Greater Germany as the first of its mediæval palæographers, showed him the sheets of a work containing 247 Carolingian acts unknown to Boehmer, who had just died with the repute of being the best authority on Imperial charters. During several years Doellinger followed up the discoveries he now began. Theiner sent him documents from the Archivio Segreto ; one of his friends shut himself up at Trent, and another at Bergamo. Strangers ministered to his requirements, and huge quantities of transcripts came to him from many countries. Conventional history faded away; the studies of a lifetime suddenly underwent transformation ; and his view of the last six centuries was made up from secret information gathered in thirty European libraries and archives. As many things remote from current knowledge grew to be certainties, he became more confident, more independent, and more isolated. The ecclesiastical history of his youth went to pieces against the new criticism of 1863, and the revelation of the unknown which began on a very large scale in 1864.

During four years of transition occupied by this new stage of study, he abstained from writing books. Whenever some local occasion called upon him to speak, he spoke of the independence and authority of history. In cases of collision with the church, he said that a man should seek the error in himself ; but he spoke of the doctrine of the universal church, and it did not appear that he thought of any living voice or present instructor. He claimed no immunity for philosophy ; but history, he affirmed, left to itself and pursued disinterestedly, will heal the ills it causes ; and it was said of him that he set the university in the place of the hierarchy. Some of his countrymen were deeply moved by the measures which were being taken to restore and to confirm the authority of Rome ; and he had impatient colleagues at the university who pressed him with sharp issues of uncompromising logic. He himself was reluctant to bring down serene research into troublesome disputation, and wished to keep history and controversy apart. His hand was forced at last by his friends abroad. Whilst he pursued his isolating investigations he remained aloof from a question which in other countries and other days was a summary and effective test of impassioned controversy. Persecution was a problem that had never troubled him. It was not a topic with theoretical Germans ; the necessary books were hardly available, and a man might read all the popular histories and theologies without getting much further than the Spanish Inquisition. Ranke, averse from what is unpleasant, gave

no details. The gravity of the question had never been brought home to Doellinger in forty years of public teaching. When he approached it, as late as 1861, he touched lightly, representing the intolerance of protestants to their disadvantage, while that of catholics was a bequest of Imperial Rome, taken up in an emergency by secular powers, in no way involving the true spirit and practice of the church. With this light footfall the topic which has so powerful a leverage slipped into the current of his thought. The view found favour with Ambrose de Lisle, who, having read the 'Letters to a Prebendary,' was indignant with those who commit the church to a principle often resisted or ignored. Newman would admit no such compromise :—

Is not the miraculous infliction of judgments upon blasphemy, lying, profaneness, &c., in the apostles' day a sanction of infliction upon the same by a human hand in the times of the Inquisition? Ecclesiastical rulers may punish with the sword, if they can, and if it is expedient or necessary to do so. The church has a right to make laws and to enforce them with temporal punishments.

The question came forward in France in the wake of the temporal power. Liberal defenders of a government which made a principle of persecution had to decide whether they approved or condemned it. Where was their liberality in one case, or their catholicity in the other? It was the simple art of their adversaries to press this point, and to make the most of it; and a French priest took upon him to declare that intolerance, far from being a hidden shame, was a pride and a glory: *L'Eglise regarde l'Inquisition comme l'apogée de la civilisation chrétienne, comme le fruit naturel des époques de foi et de catholicisme national.* Gratry took the other side so strongly that there would have been a tumult at the Sorbonne, if he had said from his chair what he wrote in his book; and certain passages were struck out of the printed text by the cautious archbishop's reviser. He was one of those French divines who had taken in fuel at Munich, and he welcomed 'Kirche und Kirchen': '*Quant au livre du docteur Doellinger sur la Papauté, c'est, selon moi, le livre décisif. C'est un chef-d'œuvre admirable à plusieurs égards, et qui est destiné à produire un bien incalculable et à fixer l'opinion sur ce sujet; c'est ainsi que le juge aussi M. de Montalembert. Le docteur Doellinger nous a rendu à tous un grand service.*' This was not the first impression of Montalembert. He deplored the Odeon lectures as usurping functions divinely assigned not to professors, but to the episcopate, as a grief for friends and a joy for enemies. When the volume came he still objected to the policy, to the chapter on England, and to the cold treatment of Sixtus V. At last he admired without reserve. Nothing better had been written since Bossuet; the judgment on the Roman

government, though severe, was just, and contained no more than the truth. There was not a word which he would not be able to sign. A change was going on in his position and his affections, as he came to regard toleration as the supreme affair. At Malines he solemnly declared that the Inquisitor was as horrible as the Terrorist, and made no distinction in favour of death inflicted for religion against death for political motives: *Les bûchers allumés par une main catholique me font autant d'horreur que les échafauds où les protestants ont immolé tant de martyrs.* Wiseman, having heard him once, was not present on the second day; but the Belgian cardinal assured him that he had spoken like a sound divine. He described Dupanloup's defence of the Syllabus as a masterpiece of eloquent subterfuge, and repudiated his *interprétations équivoques.* A journey to Spain in 1865 made him more vehement than ever; although, from that time the political opposition inflamed him less. He did not find imperialism intolerable. His wrath was fixed on the things of which Spain had reminded him: *C'est là qu'il faut aller pour voir ce que le catholicisme exclusif a su faire d'une des plus grandes et des plus héroïques nations de la terre.—Je rapporte un surcroît d'horreur pour les doctrines fanatiques et absolutistes qui ont cours aujourd'hui chez les catholiques du monde entier.* In 1866 it became difficult, by the aid of others, to overcome Falloux's resistance to the admission of an article in the *Correspondant,* and by the end of the year, his friends were unanimous to exclude him. An essay on Spain, his last work—*dernier soupir de mon âme indignée et attristée*—was, by Dupanloup's advice, not allowed to appear. Repelled by those whom he now designated as spurious, servile, and prevaricating liberals, he turned to the powerful German with whom he thought himself in sympathy. He had applauded him for dealing with one thing at a time, in his book on Rome: *Vous avez bien fait de ne rien dire de l'absolutisme spirituel, quant à présent.* Sat prata biberunt. *Le reste viendra en son temps.* He avowed that spiritual autocracy is worse than political; that evil passions which had triumphed in the state were triumphant in the church; that to send human beings to the stake, with a crucifix before them, was the act of a monster or a maniac. He was dying; but whilst he turned his face to the wall, lamenting that he had lived too long, he wished for one more conference with the old friend with whom, thirty-five years before, in a less anxious time, he had discussed the theme of religion and liberty. This was in February 1867; and for several years he had endeavoured to teach Doellinger his clear-cut antagonism, and to kindle in him something of his gloomy and passionate fervour, on the one point on which all depended.

Doellinger arrived slowly at the contemplation of deeper issues than that of churchmen or laymen in political offices, of

Roman or German pupils in theological chairs. After seeing Baron Arnim, in 1865, he lost the hope of saving the papal government, and ceased to care about the things he had contended for in 1861; and a time came when he thought it difficult to give up the temporal power, and yet revere the Holy See. He wrote to Montalembert that his illusions were failing:— *Ich bin sehr ernüchtert.—Es ist so vieles in der Kirche anders gekommen als ich es mir vor 20-30 Jahren gedacht, und rosenfarbig ausgemalt hatte.* He learnt to speak of spiritual despotism almost in the words of his friend. The point of junction between the two orders of ideas is the use of fire for the enforcement of religion on which the French were laying all their stress: *In Frankreich bewegt sich der Gegensatz blos auf dem socialpolitischen Gebiete, nicht auf dem theologisch-wissenschaftlichen, weil es dort genau genommen eine theologische Wissenschaft nicht gibt* (16 Oct. 1865). The Syllabus had not permanently fixed his attention upon it. Two years later, the matter was put more definitely, and he found himself, with little real preparation, turning from antiquarian curiosities, and brought face to face with the radical question of life and death. If ever his literary career was influenced by his French alliances, by association with men in the throng, for whom politics decided, and all the learning of the schools did not avail, the moment was when he resolved to write on the Inquisition.

The popular account which he drew up appeared in the newspapers in the summer of 1867; and although he did not mean to burn his ships, his position as an official defender of the Holy See was practically at an end. He wrote rapidly, at short notice, and not in the steady course of progressive acquisition. Ficker and Winkelmann have since given a different narrative of the step by which the Inquisition came into existence; and the praise of Gregory the Tenth, as a man sincerely religious who kept aloof, was a mark of haste. In the work which he was using, there was no act by that pontiff; but if he had had time to look deeper he would not have found him, in this respect, different from his contemporaries. There is no uncertainty as to the author's feeling towards the infliction of torture and death for religion, and the purpose of his treatise is to prevent the nailing of the Catholic colours to the stake. The spirit is that of the early lectures, in which he said: *Diese Schutzgewalt der Kirche ist rein geistlich. Sie kann also auch einen solchen öffentlichen hartnäckigen und sonst unheilbaren Gegner der Kirche nur seiner rein geistlichen kirchlichen Rechte berauben.* Compared with the sweeping vehemence of the Frenchmen who preceded, the restrained moderation of language, the abstinence from the use of general terms, leaves us in doubt how far the condemnation extended, and whether he did more, in fact, than deplore a deviation from the doctrine of the first centuries. *Kurz*

darauf trat ein Umschwung ein, den man wohl einen Abfall von der alten Lehre nennen darf, und der sich ausnimmt als ob die Kaiser die Lehrmeister der Bischöfe geworden seien. He never entirely separated himself in principle from the promoters, the agents, the apologists. He did not believe, with Hefele, that the spirit survives, that there are men, not content with eternal flames, who are ready to light up new Smithfields. Many of the defenders were his intimate friends. The most conspicuous was the only colleague who addressed him with the familiar German *Du*. Speaking of two or three men, of whom one, Martens, had specially attacked the false liberalism which sees no good in the Inquisition, he wrote: *Sie werden sich noch erinnern . . . wie hoch ich solche Männer stelle.* He differed from them widely, but he differed academically; and this was not the polish or precaution of a man who knows that to assail character is to degrade and to betray one's cause. The change in his own opinions was always before him. Although convinced that he had been wrong in many of the ideas and facts with which he started, he was also satisfied that he had been as sincere and true to his lights in 1835 as in 1865. There was no secret about the Inquisition, and its observances were published and republished in fifty books; but in his early days he had not read them, and there was not a German, from Basil to Koenigsberg, who could have faced a *vivâ voce* in the *Directorium* or the *Arsenale*, or who had ever read Percin or Paramo. If Lacordaire disconnected St. Dominic from the practice of persecution, Doellinger had done the same thing before him.

> Weit entfernt, wie man ihm wohl vorgeworfen hat, sich dabei Gewalt und Verfolgung zu erlauben, oder gar der Stifter der Inquisition zu werden, wirkte er, nicht den Irrenden, sondern den Irrthum befehdend, nur durch ruhige Belehrung und Erörterung.

If Newman, a much more cautious disputant, thought it substantial truth to say that Rome never burnt heretics, there were things as false in his own early writings. If Moehler, in the religious wars, diverted attention from catholic to protestant atrocities, he took the example from his friend's book, which he was reviewing. There may be startling matter in Locatus and Pegna, but they were officials writing under the strictest censorship, and nobody can tell when they express their own private thoughts. There is a copy of Suarez on which a priest has written the marginal ejaculation: *Mon Dieu, ayez pitié de nous!* But Suarez had to send the manuscript of his most aggressive book to Rome for revision, and Doellinger used to insist, on the testimony of his secretary, in Walton's 'Lives,' that he disavowed and detested the interpolations that came back.

The French group, unlike him in spirit and motive, but dealing with the same opponents, judged them freely, and gave imperative utterance to their judgments. Whilst Doellinger said of Veuillot that he meant well, but did much good and much evil, Montalembert called him a hypocrite: *L'Univers, en déclarant tous les jours qu'il ne veut pas d'autre liberté que la sienne, justifie tout ce que nos pires ennemis ont jamais dit sur la mauvaise foi et l'hypocrisie des polémistes chrétiens.* Lacordaire wrote to a hostile bishop: *L'Univers est à mes yeux la négation de tout esprit chrétien et de tout bon sens humain. Ma consolation au milieu de si grandes misères morales est de vivre solitaire, occupé d'une œuvre que Dieu bénit, et de protester par mon silence, et de temps en temps par mes paroles, contre la plus grande insolence qui se soit encore autorisée au nom de Jésus-Christ.* Gratry was a man of more gentle nature, but his tone is the same: *Esprits faux ou nuls, consciences intellectuelles faussées par l'habitude de l'apologie sans franchise:* partemque ejus cum hypocritis ponet. *—Cette école est bien en vérité une école de mensonge.—C'est cette école qui est depuis des siècles, et surtout en ce siècle, l'opprobre de notre cause et le fléau de la religion. Voilà notre ennemi commun; voilà l'ennemi de l'Eglise.*

Doellinger never understood party divisions in this tragic way. He was provided with religious explanations for the living and the dead; and his maxims in regard to contemporaries governed and attenuated his view of every historical problem. For the writers of his acquaintance who were unfaltering advocates of the Holy Office, for Philips and Gams, and for Theiner, who expiated devious passages of early youth, amongst other penitential works, with large volumes in honour of Gregory XIII, he had always the same mode of defence: *Mir begegnet es noch jede Woche, dass ich irgend einem Irrthum, mitunter einem lange gepflegten, entsage, ihn mir gleichsam aus der Brust herausreissen muss. Da sollte man freilich höchst duldsam und nachsichtig gegen fremde Irrthümer werden* (5 Oct. 1866). He writes in the same terms to another correspondent sixteen years later: *Mein ganzes Leben ist ein successives Abstreifen von Irrthümern gewesen, von Irrthümern die ich mit Zähigkeit festhielt, gewaltsam gegen die mir aufdämmernde bessere Erkenntniss mich stemmend; und doch meine ich sagen zu dürfen, dass ich dabei nicht* dishonest *war. Darf ich andre verurtheilen* in eodem luto mecum haerentes? He regretted as he grew old the hardness and severity of early days, and applied the same inconclusive deduction from his own experience to the past. After comparing Baronius and Bellarmine with Bossuet and Arnauld he goes on: *Wenn ich solche Männer auf einem Irrthum treffe, so sage ich mir: 'Wenn Du damals gelebt, und an seiner Stelle gestanden wärest, hättest Du nicht den allgemeinen Wahn getheilt; und er, wenn er die Dir zu Theil gewor-*

denen Erkenntnissmittel besessen, würde er nicht besseren Gebrauch davon gemacht haben, die Wahrheit nicht früher erkannt und bekannt haben, als Du?'

He sometimes distrusted his favourite argument of ignorance and early prepossessions, and felt that there was presumption and unreality in tendering such explanations to men like the Bollandist De Buck, De Rossi, whom the Institute elected in preference to Mommsen, or Windischmann, whom he himself had been accused of bringing forward as a rival to Moehler. He would say that knowledge may be a burden and not a light, that the faculty of doing justice to the past is among the rarest of moral and intellectual gifts: *Man kann viel wissen, viele Notizen im Kopf haben, ohne das rechte wissenschaftliche Verständniss, ohne den historischen Sinn. Dieser ist, wie Sie wohl wissen, gar nicht so häufig; und wo er fehlt, da fehlt auch, scheint mir, die volle Verantwortlichkeit für das gewusste.*

In 1879 he prepared materials for a paper on the massacre of St. Bartholomew. Here he was breaking new ground, and verging on that which it was the policy and the aspiration of his life to avoid. Many a man who gives no tears to Cranmer, Servetus, or Bruno, who thinks it just that laws should be obeyed, who deems that actions done by order are excused, and that legality implies morality, will draw the line at midnight murder and wholesale extermination. The deed wrought at Paris and in forty towns of France in 1572, the arguments which produced it, the arguments which justified it, left no room for the mists of mitigation and compromise. The passage from the age of Gregory IX to that of Gregory XIII, from the Crusades to the wars of Religion, brought his whole system into jeopardy. The historian who was at the heels of the divine in 1861, and level with him in 1867, would have come to the front. The discourse was never delivered, never composed. But the subject of toleration was absent no more from his thoughts, filling space once occupied by Julian of Eclanum and Duns Scotus, the Variata and the Five Propositions. To the last days of 1889 he was engaged in following the doctrines of intolerance back to their root, from Innocent III to the Council of Rheims, from Nicholas I to St. Augustine, narrowing the sphere of individual responsibility, defending agents, and multiplying degrees so as to make them imperceptible. Before the writings of Priscillian were published by the Vienna Academy the nature of their strange contents was disclosed. It then appeared that a copy of the *Codex unicus* had been sent to Doellinger from Würzburg years before; and that he had never adverted to the fact that the burning of heretics came, fully armed, from the brain of one man, and was the invention of a heretic who became its first victim.

At Rome he discussed the council of Trent with Theiner, and tried to obtain permission for him to publish the original acts. Pius IX objected that none of his predecessors had allowed it, and Theiner answered that none of them had defined the Immaculate Conception. In a paper which Doellinger drew up, he observed that Pallavicini cannot convince; that far from proving the case against the artful Servite, the pettiness of his charges indicates that he has no graver fault to find; so that nothing but the production of the official texts can enforce or disprove the imputation that Trent was a scene of tyranny and intrigue. His private belief then was that the papers would disprove the imputation and vindicate the council. When Theiner found it possible to publish his 'Acta Authentica,' Doellinger also printed several private diaries, chiefly from Mendham's collection at the Bodleian. But the correspondence between Rome and the legates is still, in its integrity, kept back. The two friends had examined it; both were persuaded that it was decisive; but they judged that it decided in opposite ways. Theiner, the official guardian of the records, had been forbidden to communicate them during the Vatican Council; and he deemed the concealment prudent. What passed in Rome under Pius IX would, he averred, suffer by comparison. According to Doellinger, the suppressed papers told against Trent.

> Wenn wir nicht allen unseren henotischen Hoffnungen entsagen und uns nicht in schweren Konflikt mit der alten (vormittelalterigen) Kirche bringen wollen, werden wir doch auch da das Korrektiv des Vincentianischen Prinzips (*semper, ubique, ab omnibus*) zur Anwendung bringen müssen.

After his last visit to the Marciana he thought more favourably of Father Paul, sharing the admiration which Venetians feel for the greatest writer of the Republic, and falling little short of the judgments which Macaulay inscribed, after each perusal, in the copy at Inverary. Apart from his chief work he thought him a great historian, and he rejected the suspicion that he professed a religion which he did not believe. He even fancied that the manuscript, which in fact was forwarded with much secresy to Archbishop Abbot, was published against his will. The intermediate seekers, who seem to skirt the border, such as Grotius, Ussher, Praetorius, and the other celebrated Venetian, De Dominis, interested him deeply, in connexion with the subject of Irenics, and the religious problem was part motive of his incessant study of Shakespeare, both in early life, and when he meditated joining in the debate between Simpson, Rio, Bernays, and the 'Edinburgh Review.'

His estimate of his own work was low. He wished to be re-

membered as a man who had written certain books, but who had not written many more. His collections constantly prompted new and attractive schemes, but his way was strewn with promise unperformed, and abandoned from want of concentration. "He would not write with imperfect materials, and to him the materials were always imperfect." Perpetually engaged in going over his own life and reconsidering his conclusions, he was not depressed by unfinished work. When a sanguine friend hoped that all the contents of his hundred note-books would come into use, he answered that perhaps they might, if he lived for a hundred and fifty years. He seldom wrote a book without compulsion, or the aid of energetic assistants. The account of mediæval sects, dated 1890, was on the stocks for half a century. The discourse on the Templars, delivered at his last appearance in public, had been always before him since a conversation with Michelet about the year 1841. Fifty six years lay between his text to the *Paradiso* of Cornelius and his last return to Dante.

When he began to fix his mind on the constitutional history of the church, he proposed to write, first, on the times of Innocent XI. It was the age he knew best, in which there was most interest, most material, most ability, when divines were national classics, and presented many distinct types of religious thought, when biblical and historical science was founded, and catholicism was presented in its most winning guise. The character of Odescalchi impressed him, by his earnestness in sustaining a strict morality. Fragments of this projected work reappeared in his lectures on Lewis XIV, and in his last publication on the Casuists. The lectures betray the decline of the tranquil idealism which had been the admiration and despair of friends. Opposition to Rome had made him, like his ultramontane allies in France, more indulgent to the ancient Gallican enemy. He now had to expose the vice of that system, which never roused the king's conscience, and served for sixty years, from the remonstrance of Caussin to the anonymous warning of Fénelon, as the convenient sanction of absolutism. In the work on seventeenth-century ethics, which is his farthest, the moral point of view prevails over every other, and conscience usurps the place of theology, canon law, and scholarship. This was his tribute to a new phase of literature, the last he was to see, which was beginning to put ethical knowledge above metaphysics and politics, as the central range of human progress. Morality, veracity, the proper atmosphere of ideal history, became the paramount interest.

When he was proposed for a degree, the most eloquent lips at Oxford, silenced for ever whilst I write this page, pointed to his excellence in those things which are the merit of Germans. *Quae-*

cunque in Germanorum indole admiranda atque imitanda fere censemus, ea in Doellingero maxime splendent. The patriotic quality was recognised in the address of the Berlin professors, who say that by upholding the independence of the national thought, whilst he enriched it with the best treasure of other lands, he realised the ideal of the historian. He became more German in extreme old age, and less impressive in his idiomatic French and English than in his own language. The lamentations of men he thought good judges, Mazade and Taine, and the first of literary critics, Montégut, diluted somewhat his admiration for the country of St. Bernard and Bossuet. In spite of politics, his feeling for English character, for the moral quality of English literature, never changed; and he told his own people that their faults are not only very near indeed to their virtues, but are sometimes more apparent to the observer. The belief in the fixity and influence of national type, confirmed by his authorities, Ganganelli and Moehler, continued to determine his judgments. In his last letter to Mr. Gladstone, he illustrated the Irish question by means of a chronicle describing Ireland a thousand years ago.

Everybody has felt that his power was out of proportion to his work, and that he knew too much to write. It was so much better to hear him than to read all his books, that the memory of what he was will pass away with the children whom he loved. Hefele called him the first theologian in Germany, and Hoefler said that he surpassed all men in the knowledge of historical literature; but Hefele was the bishop of his predilection, and Hoefler had been fifty years his friend, and is the last survivor of the group which once made Munich the capital of citramontane catholicity. Martensen, the most brilliant of episcopalian divines, describes him as he talked with equal knowledge and certainty of every age, and understood all characters and all situations as if he had lived in the midst of them. The best ecclesiastical historian now living is the fittest judge of the great ecclesiastical historian who is dead. Harnack has assigned causes which limited his greatness as a writer, perhaps even as a thinker; but he has declared that no man had the same knowledge and intelligence of history in general, and of religious history which is its most essential element, and he affirms, what some have doubted, that he possessed the rare faculty of entering into alien thought. None of those who knew Professor Doellinger best, who knew him in the third quarter of the century, to which he belonged by the full fruition of his powers and the completeness of his knowledge, will ever qualify these judgments. It is right to add that, in spite of boundless reading, there was no lumber in his mind, and in spite of his classical learning, little ornament. Among the men to be com-

memorated here, he stands alone. Throughout the measureless distance which he traversed, his movement was against his wishes, in pursuit of no purpose, in obedience to no theory, under no attraction but historical research alone. It was given to him to form his philosophy of history on the largest induction ever available to man; and whilst he owed more to divinity than any other historian, he owed more to history than any other divine.

ACTON.

Notes and Documents

TWELFTH-CENTURY NOTES.

I. *An Unknown Mistress of Henry I.*

A curious story is incidentally told in a record of the days of Henry III entered in the *Testa de Nevill* (p. 352). Gilbert de Gaunt gives it in his reasons why he should not be called upon to pay on certain knight's fees credited to him at the exchequer. Among the exemptions he seeks is one for three fees representing an estate which his family claimed, but had never been able to regain. According to him, Henry I, having seduced a sister of Walter de Gaunt, his ancestor, arbitrarily took this estate from her brother and handed it over to her as a provision for life. If the story is true—and it would scarcely be invented—it reveals one of the very shabbiest tricks of the so-called 'Lion of Justice.'[1]

On the death of the grantee (*temp.* Henry II) the estate, instead of reverting to the family, was granted out anew by that king. Agnes de la Roche, holding under this fresh grant, was impleaded till her death by Gilbert de Gaunt, the complainant's father.[2] But when she died, Henry III re-granted the land to his sister, the Queen of Scotland, and is alleged to have stopped Gilbert's action against her by a writ of prohibition. When the queen died, and Stephen de Segrave obtained a grant of the disputed estate, the indefatigable Gilbert renewed his action and impleaded him to the day of his death.[3]

This document is also of interest for its reference to the return of his knight's fees sent in by earl Simon in 1166,[4] illustrating the

[1] *Rex Henricus primus cepit istas terras pro voluntate sua de dicto Waltero, et tradidit eas cuidam sorori dicti Walteri, cum qua idem rex fecit voluntatem suam, ad se sustinendam in vita sua.*

[2] This statement is confirmed by a case in 'Bracton's Note-Book' (ed. Maitland, i. 186, ii. 8), which reveals to us Agnes shirking the action in 1224: *Gilebertus de Gaunt per attornatum suum optulit se . . . versus Agnetem de Rupe . . . de placito terre*, etc.

[3] *Dominus rex qui nunc est tradidit . . . dictas terras Stephano de Segrave, quem Gilbertus de Gaunt pater istius Gilberti implacitavit usque ad mortem ipsius.* The word *ipsius* leaves us in doubt as to whose death is meant, but they both died about the same time (1241).

[4] *Item heredes subscriptorum qui nominati sunt in carta quam comes Simon fecit domino R. Henrico secundo contradicit (sic) feoda contenta in predicta carta.*

importance of these 'cartæ' for reference, long afterwards, in disputes. The date of the document is thus determined. It belongs to the time when William de Lungespee held the Haye fief (*jure uxoris*), that is, 1215–1250, and it is subsequent to the death of the claimant's father in 26 Hen. III. It may therefore be assigned to 1241–1250. Now we know that the claimant paid on his knight's fees towards the aid for marrying the king's daughter in 29 Hen. III (1245), and it may therefore fairly be assigned to that occasion.

II. *Robert of Bampton.*

So much confusion has prevailed concerning this man, whose rebellion against Stephen in 1136, with the siege of his castle by the king, is related at some length in the 'Gesta Stephani,' that it may be well to establish his identity in a brief note. Miss Norgate speaks of him as 'Robert of Bathenton'

or Bakington. In the 'Gesta Steph.' (Sewell), p. 18, the name of the place is *Batthentona*, which Lappenberg and Mr. Freeman render by Bathenton, in Devon (Mr. Sewell, the editor of the 'Gesta Steph.,' rendered it *Bath*). But while two MSS. of Henry of Huntingdon have 'Bathentun' three others have 'Bachentun' or 'Bakentun' (Arnold, p. 259, note 6. In the index Mr. Arnold suggests 'Bagington? Bathampton?')[5]

The latest editor of the 'Gesta,' Mr. R. Howlett, renders 'Batthentona' unhesitatingly as 'Bathampton' (which adjoins Bath).[6]

To Lappenberg belongs the credit of having rightly identified it with the 'Baentona' (now Bampton, co. Devon) of Domesday, and its holder with Robert de Baentona, who occurs in the pipe roll of Henry I (pp. 153–4).[7] Polwhele (iii. 377–8) says that *Bampton*, in Domesday *Baentone*, has been spelt *Baunton*, *Badentone*, *Bathamton*, *Bathrum-ton*, and *Bathermton* (being named from its river). It was part of the great Domesday barony of Walter de Douai, whom, here and elsewhere, Robert had succeeded (he is said, but I know not on what evidence, to have been Walter's son). Dugdale states that William Paynel 'married Julian the daughter of Robert de Bahantune,' but his evidence is a grant of Bridgwater church by her son Fulk Paynel 'de Bahantune,' in which he speaks of his mother as *matris meae Julianae de Bahamtune*, but does not mention Robert. There is, however, no question that the barony of Bampton descended to the Paynels. The 'Gesta' describes Robert as *nec honoris terrarum exigui*, and states that he was sentenced to forfeiture by Stephen's *curia*. The latter statement is confirmed by a

[5] *England under the Angevin Kings*, i. 284.

[6] Pp. 18–20. Bnt he has since, in his edition of *Robert de Torigni*, p. 129, asserted that 'Bachentwne,' according to Domesday, is in Wiltshire. The place in Devonshire supposed to represent 'Bachentwn' is called 'Bachestane' in the Survey.

[7] Mr. Freeman refers to him as having identified the locality as 'a place in Devon.'

charter I have seen, in which Stephen, some years later, grants away the estates of Robert 'de Baentona' in another county as an escheat.

III. *The alleged invasion of England by Henry Fitzempress in* 1147.

When Mr. Richard Howlett, in the preface to his edition of the 'Gesta Stephani' for the Rolls series, announced that we were indebted to its 'careful author' for the knowledge of an invasion of England by Henry Fitzempress in 1147, 'unrecorded by any other chronicler,' and endeavoured at considerable length to establish this proposition,[8] it was received, from all that I can learn, with general incredulity. As, however, in the volume which he has just edited, he reiterates his belief in this alleged invasion,[9] it becomes necessary to examine in detail the evidence for a discovery so authoritatively announced in the pages of the Rolls series.

The accepted view of Henry's movements has hitherto been that, by his father's permission, in the autumn of 1142 he accompanied the earl of Gloucester to England; that he remained there about four years; that, by his father's wish, at the end of 1146 or beginning of 1147 he returned from England; that he then spent two years and four months over sea; that in the spring of 1149 he again came to England, and was knighted at Carlisle by the king of Scots on 22 May. As to the above long visit, commencing in 1142, Gervase of Canterbury is our chief authority, but the other chroniclers (omitting for the present the 'Gesta Stephani') harmonise well with his account. Gervase and Robert of Torigni alike mention but one arrival of Henry (1142) and one departure (1146 or 1147), thus distinctly implying there was then only one visit—namely, that visit which Gervase tells us lasted four years. The only slight discrepancy between Gervase and Robert is found in the date of Henry's departure. Robert places that event under 1147, and mentions that Henry visited Bec 29 May in that year. There is also, Mr. Howlett has pointed out, charter evidence implying that Henry was back in Normandy in March or April. Now Gervase says distinctly that he was away from England two years and four months. The chroniclers, Gervase included, say that he returned to England in the middle of May 1149. Counting back the two years and four months, this would bring us to January 1147 as the date of his departure from England. But there is a charter of his to Salisbury cathedral, tested, as Mr. Howlett observes, at Devizes 13 April, 1149. If this evidence (I do not know if or where the original charter, or even its text, is preserved) be trustworthy it would take us back to December 1146 instead of January 1147. It is easy to see how Gervase may have included

[8] *Chronicles*, Stephen, Henry II, Richard I, vol. iii. pp. xvi–xx, 130.
[9] *Ib.* vol. iv. pp. xxi–xxii.

in 1146, and Robert in 1147, an event which appears to have taken place about the end of the one or beginning of the other year.

Much has been made of the alleged circumstance that Gervase assigns the earl of Gloucester's death to 1146, whereas he is known to have died in 1147. But reference to his text will show that he does nothing of the kind. Writing of Henry's departure at the close of 1146, he tells us that the earl was destined never to see him again, for he died in November [i.e. November 1147]. He is here obviously anticipating.

Such being the evidence on which is based the accepted view of Henry's movements, let us now turn to the 'Gesta Stephani.' Though Mr. Howlett's knowledge of the period is great and quite exceptional, I cannot but think that he has been led astray by his admiration for this fascinating chronicle. Miss Norgate sensibly observes that 'there must be something wrong in the story' as actually preserved in the 'Gesta,'[10] but Mr. Howlett, unwilling to admit the possibility of error in his chronicle, boldly asserts that the 'romantic account'[11] of Henry's adventures which it contains does not refer to his visit in 1149, but to a hitherto unknown invasion in 1147. He appears to imagine that the only objection in accepting this story is found in the fact that Henry was but just fourteen at the time.[12] But this is not so. Putting aside this objection, as also the silence of other chroniclers, there remains the chronological difficulty. How is the alleged visit to be fitted in? Its inventor, who suggests 'about April 1147' for its date, must first take Henry back to Normandy (why or when he does not even suggest) and then bring him back to England as an invader, neither his alleged going or coming being recorded by any chronicler. Then he assigns to his second return to Normandy (after the alleged invasion) the only passages in Gervase and Robert which speak of his returning at all. Surely nothing could be more improbable than that Henry should rush back to England just after he had left it, and had returned to his victorious father, and this at a time when his cause seemed as hopeless there as it was prosperous over the sea.

The evidence of the 'Gesta Stephani' would have indeed to be beyond question if we are to accept, on its sole authority, so improbable a story. But what does that evidence amount to? The 'Gesta,' unlike other chronicles, not being arranged chronologically under years, the only definite note of time here afforded in its text is found in the passage, *Consuluit [Henricus] et avunculum* (sic) *Glaorniae comitem, sed ipse suis sacculis avide incumbens, rebus tantum sibi necessariis occurrere maluit.*[13]

[10] *England under the Angevin Kings*, i. 377. [11] *Ib.*

[12] 'The invasion of England by Henry in 1147, when he was but a boy of fourteen, a piece of history which has hitherto been rejected solely on the ground of improbability.'—Preface (*ut supra*), p. xxi.

[13] *Gesta* (ed. Howlett), p. 131.

As Earl Robert is known to have died in the autumn of 1147, the word *avunculus* does, undoubtedly, fix these events as prior to that date. But is not *avunculus* a slip of the writer for *cognatus*? Is not the reference to Earl William rather than to his father, Earl Robert?[14] Such a slip is no mere conjecture; the statement that Earl Robert was too avaricious to assist his beloved nephew in his hour of need is not only absolutely contrary to all that we know of his character, but is virtually discredited by the 'Gesta' itself when its author tells us, further on—

Comes deinde Glaorniæ ut erat regis adversariorum strenuissimus et ad magna quevis struenda paratissimus, iterum atque iterum exercitum comparare, jugi hortaminis et admonitionis stimulo complices suos incitavit; illos minis, istos promissis sibi et praemiis conjugare; quatinus omnes in unam concordiam, in unum animum conspirati, exercitum e diverso ad idem velle repararent, et collectis undecumque agminibus, vive et constanter in regem insurgerent.[15]

How can such language as this be reconciled with the statement as to Earl Robert's apathy at the very time when Henry's efforts offered him a unique opportunity of pursuing his war against the king? Mr. Howlett does not attempt to meet, or even notice, this objection. Moreover, when the 'Gesta' proceeds to describe Earl William of Gloucester as devoted to his own pleasures rather than to war,[16] we see that the conduct so incredible in his father would in him be what we might expect.

I will not follow Mr. Howlett in his lengthy argument relative to the knighting of Eustace and Henry, because he himself admits that it is based only on conjecture.[17] It is sufficient to observe that if the 'romantic' narrative in the 'Gesta' refers to the events of 1149,[18] then the knighting of Eustace, which is a pendant to that narrative, belongs, as the other chroniclers assert, to 1149. The

[14] There is a precisely similar slip, by John of Salisbury, in the *Historia Pontificalis* (Pertz, xx. 532), where the 'duke' of Normandy is referred to in 1148 as *qui modo rex est* (i.e. Henry). Mr. Howlett himself has pointed out (*Academy*, 12 Nov. 1887) that the author 'slipped in the words *qui modo rex est*, and thus transferred to Henry a narrative which assuredly relates to his father.' The slip in question, as he observed, has sadly misled Miss Norgate.

[15] *Gesta* (ed. Howlett), p. 134.

[16] *Successit in comitatum suum Willelmus filius suus, senior quidem aetate, sed vir mollis, et thalamorum magis quam militiae appetitor* (*Gesta*, ed. Howlett, p. 134).

[17] Mr. Howlett incidentally claims that knighthood was a necessary preliminary to comital rank, and appeals to the fact that the younger Henry was even carefully knighted before his coronation (*Gesta*, p. xxii.). But what has he to say to the knighting of Earl Richard of Clare by Henry VI, and more especially to the knighting of Malcolm, already Earl of Huntingdon and king of Scots, by Henry II, in 1159? (*Robert of Torigni*, p. 203.)

[18] Mr. Howlett asserts (*Gesta*, p. 130, note) that 'when Henry made his better known visit in 1149 his acts were quite different' from those recorded in the *Gesta*. But if, as he himself admits, in 1149 Henry visited Devizes on his way to Carlisle, what more natural than that he should pass by Cricklade and Bourton (the two places mentioned in the *Gesta*), which lay directly on his road?

statement, I may add, that Henry applied for help to his mother by no means involves, as Mr. Howlett assumes, her presence in England at the time.

I would suggest, then, that the whole hypothesis of this invasion in 1147 is based on nothing more than a confusion in the 'Gesta.' Mr. Howlett, indeed, claims that 'medieval history would simply disappear if the evidence of chroniclers were to be treated in this way,[19] and detects 'among some modern writers a tendency to incautious rejection,' &c.[20] But he himself goes out of his way to denounce, in this connexion, as a 'blundering interpolation' a passage in John of Hexham, which he assigns to notes being 'carelessly misplaced' and 'ignorantly miscopied.'[21] The 'Gesta,' to my knowledge, is by no means immaculate; its unbroken narrative and vagueness as to dates render its chronology a matter of difficulty; and the circumstance that the passage in dispute occurs towards its close renders it impossible to test it as we could wish by comparison with later portions. The weakness of Mr. Howlett's case is shown by his desperate appeal to 'the exact precedent' set by Fulk Nerra, and no talk about the contrast presented by 'physical science' and that 'fragmentary tale of human inconsistencies which we term history' can justify the inclusion of this alleged invasion as a fact beyond dispute in so formal and authoritative a quarter as the preface to a Rolls volume.

IV. *The alleged debate on Danegeld in* 1163.

The great importance attached by historians to the financial dispute at the council of Woodstock in 1163 renders it desirable that the point at issue should be clearly stated and understood. As I venture to believe that the accepted view on the matter in dispute is erroneous, I here submit the reasons which have led me to that conclusion. 'Two most important points,' writes Dr. Stubbs, 'stand out' on this occasion: (1) 'this is the first case of any express opposition being made to the king's financial dealings since the Conquest;' (2) 'the first fruit of the first constitutional opposition is the abolition of the most ancient property tax [danegeld] imposed as a bribe for the Danes.'[22] It is with the second of these points that I propose specially to deal.

The passage which forms our best evidence is found in Grim's 'Life of St. Thomas,' and its relative portion is as follows:—

[19] Preface to *Gesta*, p. xx.

[20] Preface to Robert of Torigni, p. xxii.

[21] Preface to *Gesta* (*ut supra*), p. xvi.

[22] *Early Plantagenets*, pp. 69, 70. So too Miss Norgate: 'It seems, therefore, that for the first time in English history since the Norman Conquest the right of the nation's representatives to oppose the financial demands of the crown was asserted in the council of Woodstock, and asserted with such success that the king was obliged not merely to abandon his project, but to obliterate the last trace of the tradition on which it was founded' (*Angevin Kings*, ii. 16).

Movetur quæstio de consuetudine quadam quae in Anglia tenebatur. Dabantur de hida bini solidi ministris regis qui vicecomitum loco comitatus servabant, quos voluit rex conscribere fisco et reditibus propriis associare. Cui archiepiscopus in faciem restitit, dicens, non debere eos exigi pro reditibus, 'nec pro reditu,' inquit, 'dabimus eos, domine rex, salvo beneplacito vestro: sed si digne nobis servierint vicecomites, et servientes vel ministri provinciarum, et homines nostros manutenuerint, nequaquam eis deerimus in auxilium.' Rex autem aegre ferens archiepiscopi responsionem, 'Per oculos Dei,' ait, 'dabuntur pro reditu, et in scriptura regis scribentur.'

On this passage Dr. Stubbs thus comments :—

A tax so described can hardly have been anything else than the danegeld, which was an impost of two shillings on the hide, and was collected by the sheriffs, being possibly compounded for at a certain rate and paid by them into the exchequer. As the danegeld from this very year 1163 ceases to appear as a distinct item of account in the pipe rolls, it is impossible to avoid connecting the two ideas, even if we may not identify them. Whether the king's object in making this proposition was to collect the danegeld in full amount, putting an end to the nominal assessment which had so long been in use, and so depriving the sheriffs of such profit as they made from it, or whether he had some other end in view, it is impossible now to determine; and consequently it is difficult to understand the position taken by the archbishop.'[23]

The attempt to identify the payment in dispute with the danegeld does indeed lead to the greatest possible difficulties, and Miss Norgate, who follows closely in Dr. Stubbs's footsteps, is no more successful in answering them;[24] for, in the first place, the words of Grim do not apply to the danegeld if taken in their natural sense, and in the second the proceeds of the danegeld were already royal revenue, and were duly paid in, as such, at the exchequer. To meet this latter and obvious difficulty Dr. Stubbs suggests that,

as the sums paid into the exchequer under that name [danegeld] were very small compared with the extent of land that paid the tax, it is probable that the sheriffs paid a fixed composition and retained the surplus as wages for their services [&c.][25]

So too Miss Norgate urges that the danegeld 'still occasionally made its appearance in the treasury rolls, but in such small amount that it is evident the sheriffs, if they collected it in full, paid only a fixed composition to the crown, and kept the greater part as a remuneration for their own services.'[26] Now this suggestion

[23] *Const. Hist.* i. 462; so too *Early Plantagenets*, pp. 68–70; and *Select Charters*, p. 29, where it is described as 'Henry's proposal to appropriate the sheriffs' share of danegeld.'

[24] *Angevin Kings*, ii. 15–16.

[25] *Early Plantagenets*, p. 69.

[26] But the Auctor Anonymus makes it clear that the king was not asking for the balance of the sums raised, but for the entirety: *duo illi solidi . . . si in unum conferuntur immensum efficere possunt cumulum.*

raises the whole question as to the revenue from danegeld. We are told that 'the danegeld was a very unpopular tax, probably because it was the plea on which the sheriffs made their greatest profit . . . having become in the long lapse of years a mere composition paid by the sheriff to the exchequer, while the balance of the whole sums exacted on that account went to swell his own income.'[27]

As against this view I venture to hold that the danegeld was in no way compounded for, but that every penny raised by its agency was due to the royal treasury, leaving no profit whatever to the sheriff. The test is easily applied: let us take the case of Dorset. The Domesday assessment of this county, according to the late Mr. Eyton, who had investigated it with his usual painstaking accuracy, and collated it with the levy rolls of two years before, was about 2,300 hides.[28] This assessment would produce, at two shillings on the hide, about 230*l.* Now the actual amount accounted for on the pipe roll of 1130 is 228*l.* 5*s.*; on that of 1156 it is 228*l.* 5*s.*; and on that of 1162, the last levy, it is 247*l.* 5*s.*[29] There is certainly no margin of profit for the sheriff here. In other counties we find that the proceeds of the danegeld in 1130, 1156, and 1162, whilst slightly fluctuating, roughly correspond, as indeed they were bound to do, the Domesday assessment remaining unchanged.[30] I can therefore find no ground for the alleged discrepancy between the amounts accounted for by the sheriffs and those which the assessment ought to have produced.

This being so, the solitary explanation suggested for Henry's action falls to the ground, and it becomes clear that the payment in dispute could not have been the danegeld, as the proposed change could not increase the amount it produced already. As a matter of fact the last occasion on which danegeld *eo nomine* was levied was in 1162, but to connect that circumstance with the Woodstock dispute of 1163 is an instance of the *post hoc propter hoc* argument, more especially as the danegeld was not in dispute, still less its abolition. On the contrary, the primate desired to keep things as

[27] Stubbs, *Const. Hist.* i. 381, 582.

[28] *Dorset Domesday*, p. 144.

[29] Thus accounted for (*Rot. Pip.* 8 Hen. II):—

	£	s.	d.
Paid in	141	10	0
Paid out previously	63	0	0
Allowed for remissions	20	1	2
Balance due	22	13	10
	247	5	0

N.B. The roll sums up the remissions as 21*l.* [*sic*] 1*s.* 2*d.*, but the total of the items is 20*l.* 1*s.* 2*d.*

[30] Oxfordshire, for instance, where the amounts were 239*l.* 9*s.* 3*d.*, 249*l.* 6*s.* 5*d.*, 242*l.* 0*s.* 10*d.*; or Wiltshire, where they run 388*l.* 13*s.* 0*d.*, 389*l.* 13*s.* 0*d.*, 388*l.* 11*s.* 11*d.*

they were. What, then, was this mysterious payment but the *auxilium vicecomitis*, or 'sheriff's aid'? Garnier distinctly states that this is what it was,[31] and Grim's words no less unmistakably point to the same conclusion. To institutional students of the twelfth and thirteenth centuries the *auxilium vicecomitis* is familiar enough. It was, writes Dr. Stubbs, a 'payment made to the sheriff for his services,'[32] and was, it may be added, a customary charge, varying in amount,[33] paid over locally to the sheriffs. It may fairly be said to have stood to the danegeld in the relation of rates to taxes.

On this hypothesis the difficulties of the case vanish at once, and Henry's object is made plain. To add this regular annual levy to his own revenues would be all clear gain, and would relieve him *pro tanto* from the necessity of spasmodic and irregular taxation. As for the sheriffs and the districts beneath their sway, they were possibly to be left to their own devices to find a substitute for the lost 'aid,' like a modern county council bereft of its wheel tax; for the thought suggests itself that Henry was attempting to reverse the process that we have lately witnessed, by relieving the taxes at the expense of the rates, instead of the rates at the expense of the taxes. Whether, therefore, the attitude of the primate can be described as 'opposition to the king's will in the matter of taxation' is perhaps just open to question. He took his stand on the sure ground of existing 'custom,' recognised at that time as binding on all.[34] One is tempted to discern a grim irony in Henry's action when he promptly proceeded to turn the tables on his old friend by appealing to the *avitae consuetudines* as obviously binding on so rigid a constitutional purist as the primate. J. H. Round.

THE DATE OF THE 'PREROGATIVA REGIS.'

In the new edition of the Statutes, vol. i. p. 80, the 'Prerogativa Regis' is printed among the statutes of uncertain date, but in a note we are told that in all the printed copies it is put down as belonging to 17 Edward II. From a note on page 74 it appears:

In those editions which continue the statutes beyond Edward II, several articles have been placed between the reigns of Edward II and Edward III, under the head of 'Certain Statutes made during the reigns of K. Henry 3, K. Edward 1, or K. Edward 2, but uncertain when

[31] *L'Aïde al Vescunte*, as quoted by Miss Norgate, who observes thereon, 'This payment, although described as customary rather than legal, and called the "sheriff's aid," seems really to have been nothing else than the danegeld. . . . His [Garnier's] story points directly to the danegeld.'

[32] *Const. Hist.* i. 382.

[33] In this detail alone Grim appears to have confused it with the uniform two shilling rate of the danegeld.

[34] Thus the statement that he 'declared at Woodstock that the lands of his church should not pay a penny to the danegeld' (*Const. Hist.* i. 578) misrepresents his position by making him repudiate his undoubted obligation.

or in which of their times.' The number and nature of the articles so classed vary in the several editions.

From a piece of internal evidence I hope to show that the statute cannot possibly belong to the reign of Edward II, and that it most probably was promulgated under Henry III.

Paragraph 18 of the statute runs as follows:

Item Rex (habeat) omnia catalla dampnatorum felonum et fugitivorum, ubicunque inventa fuerint, et (si) ipsi habeant liberum tenementum, tunc illud statim capitur in manu Regis, et Rex habebit omnes exitus ejusdem per unum annum et unum diem, et *tenementum illud vastabitur et destructur, de domibus et gardinis, boscis et aliis quibuscunque ad praedictum tenementum pertinentibus.* . .

If we examine the chronicles of the reign of Henry III, we shall find at least one passage to show that the judicial laying waste of lands belonging to felons was customary in his day. In the annals of Dunstaple under 1236 (Ann. Mon. iii. 145) stands the following notice: *et nos habuimus pretium catallorum suorum,* et horreum ejus vastavimus; *et plegii ejus amerciati sunt; et terrae ejus, post annum regis, cesserunt dominis suis.* But Britton, writing half a century later, mentions this custom as a thing of the past (*Summa de Legibus Angliae,* i. 35–36).[1] It seems probable that Edward I, who was particularly active in the matter of punishments (he abolished the death-penalty for prison-breaking, instituted the system of imprisoning for a fixed term, abolished the custom of loading prisoners with chains, &c.),[2] did away with the romantic idea of destroying a felon's property. If such be the case, the paragraph of the statute which we are considering could not belong either to the reign of Edward I or Edward II, and the statute itself can be considered as belonging to the reign of Henry III.

E. F. Henderson.

THE MISSING MANUSCRIPT OF ECCLESTON'S CHRONICLE.

A reference in Leland's 'Comment. de Script. Brit.' p. 298, and some extracts 'ex Chronico cujusdam Thomæ Franciscani' in his 'Collectanea' (tomus secundus, vol. iii. p. 341; printed in Mon. Franc. i. 547), led Mr. Brewer to suspect the existence of a third manuscript of Eccleston's chronicle, 'De adventu Minorum in Angliam,' besides the Cottonian and York manuscripts. Mr. R. Howlett, the editor of 'Monumenta Franciscana' ii., printed a fragment of the chronicle from a manuscript in Sir C. Isham's collection at Lamport Hall (called here 'Lamport'). This, however, only supplied most of the

[1] *Et voloums aver de lour tenementz, de qi qe unques soint tenus, le an et le jour . . . par issi qe nous ne faceum estreper ne gaster les tenementz ne les boys ne arrer les preez, sicum hom soleit fere en Remembraunce de felonies atteintes.*

[2] See the writer's essay on *Verbrechen und Strafen in England.* Berlin, 1889.

leaves wanting in the Cottonian manuscript (called here 'Cotton'), of which it in all probability originally formed a part, and did not throw any light on the question of the third copy or reveal the source from which Leland's extracts were taken. The credit for the rediscovery of this missing manuscript is due to Father Denifle, who, in his 'Die Universitäten des Mittelalters,' vol. i. p. 811, mentions incidentally a manuscript entitled 'De adventu fratrum Minorum in Angliam,' in Sir Thomas Phillipps's library at Thirlestaine House, Cheltenham. The following notes are the result of a very cursory inspection of this manuscript.

It is contained in No. 3119, is written on vellum, and consists of ten leaves in folio (ff. 71–80) with double columns. The printed catalogue describes it as 'ex bibliotheca Battlesden: olim Dom. Gregorii Page Turner, Baronetti.' The writing, which is better than that of York or Cotton, dates like them from the first half of the fourteenth century, and, except for some additions, appears to be in the same hand throughout.

(1) This manuscript (called here 'Phillipps') is evidently the copy used by Leland. Leland's extracts begin: *Ordo Minorum incepit* A.D. 1206. Phillipps begins (after the prologue, etc.): *Memorandum quod ordo fratrum Minorum incepit* A.D. *MCC sexto.* Both contain an entry about John of Yarmouth, and his death and burial, which is not found in Lamport or York (Phillipps, f. 72 *a*, Mon. Franc. i. 547). The reading Adam de *Exonia* instead of *Oxonia* is common to Leland and Phillipps (as also to Lamport). Both state that W. of Nottingham's provincialship lasted 'about fourteen years,' instead of nine, as in York (Mon. Franc. i. 70, 551; Phillipps, fol. 80 dorso). Leland reads: *Apud Salisbury . . . Post per cives introducti sunt in villam ubi nunc sunt* (Salisbury is a mistake for Shrewsbury, Salopisburi). The passage, which does not occur in York or Lamport, seems to be copied, with some inaccuracies, from Phillipps, where it refers to Northampton; but the mistake is easily accounted for, as the addition about Northampton comes immediately after the notice of Shrewsbury (Phillipps fol. 73, end; Mon. Franc. i. p. 18). About the friars who lectured at Oxford, York reads: *Oxoniæ legit primus fratrum Frater Adam de Marisco* (ib. 38): Cotton adds the date M.CCC.VIII in the margin: this date is incorporated in the text by Phillipps (f. 76, *Anno domini M.CCC.VIII Oxon' legit primus fratrum frater Adam de Marisco*), and by Leland (A.D. 1308 *legit Oxoniæ primus fratrum Adam de Marisco*). Further, in the list of lectors (Mon. Franc. i. 39), Cotton reads, *Sextus Frater Richardus Cornubiensis;* York reads *quintus*, otherwise the same: Phillipps and Leland read, *quintus frater Richardus Rufus Cornubiensis.*

Are there any striking discrepancies between Leland and Phillipps? The former (see Mon. Franc. i. 549,35) reads: *sub fratre Wilhelmo de Abyngdon mutatus est locus Ebori*, etc. Phillipps reads

sub fratre Wilhelmo, as do the other manuscripts. *De Abyngdon* is merely a blundering addition of Leland's: the friar referred to is of course W. of Nottingham. Leland again (Mon. Franc. i. 547, cf. p. 5) reads 'Kingesthorp;' Phillipps, 'Ingewurde,' but 'Kingesthrop' is added in the margin in a late hand. These seem to be the only discrepancies of any importance. We may therefore conclude that this is the manuscript to which Leland (Script. Brit. p. 298) refers as being preserved in Queen's (College ?) Library at Cambridge; *exemplar vero vel adhuc extat Grantæ Girviorum in bibliotheca Reginea.*[1]

(2) Phillipps on the other hand was unknown to Wood. In his 'Historia et Antiquitates' (Latin Version) he refers to two manuscripts, the *imperfectum exemplar* or *fragmentum* in the Cotton library, and the *perfectum exemplar,* which is certainly not Phillipps, and is almost certainly York. For the statement that Philip Wallensis and Adam of York were called to Lyons, he gives the following reference (p. 71): *Perfect. exempl. Eccleston Coll.* 10. *Imperfect. Coll.* 11. The number of the 'Collatio' in Phillipps is XI, in York X (Mon. Franc. i. 37, 38; Phillipps, f. 75 *b*). Again, in his account of the *lectores* at Oxford, he refers only to the list in Cotton, never to that in Phillipps (Hist. et Antiqq. p. 72, seq.).

(3) From the writing one can merely conclude that the three manuscripts are about contemporaneous. From other evidence it appears that Phillipps is independent of York, and probably copied from Lamport-Cotton a few years after the latter was written. The numbering of the 'Collationes' coincides mainly with the numbering in the Lamport and Cotton manuscripts, *i.e.* York 'Collatio III' is divided into two; Phillipps 'Coll. IV' begins, like Lamport 'Coll. IV,' with the words *Post hoc crescente numero fratrum;* (Mon. Franc. i. 16; ii. 18). Even the mistakes are reproduced: 'Collatio XI' in York, which ought to be 'Coll. XII' in Cotton and Phillipps, is called in both these manuscripts 'Collatio 17ª.' On the other hand, 'Coll. XIV' in Cott. begins only a new paragraph, not a new 'Coll.' in Phillipps. Again (Mon. Franc. i. 55) Phillipps and Cott. both read, *ad cavernam* laci *de qua,* etc. The marginal note in Cott. (Mon. Franc. i. 63) occurs in Phillipps, fol. 79, margin, with the same blank space. On p. 10 of Mon. Franc. i. York reads: *Dignum memoria quod* secundo *anno administrationis Fratris Petri, quinti ministri Angliæ.* Lamport (Mon. Franc. ii. 10): *Dignum memoria quod* quinto *anno,* etc. Phillipps (f. 73): *Est autem dignum memoria quod* quinto *anno,* etc. York (Mon. Franc. i. 15) reads *Adam de Oxonia;* Lamport and Phillipps, *Adam de Exonia.* York (Mon. Franc. i. 19): *Intravit . . Ada de Marisco. . . zelo sc.* majoris *paupertatis.* Lamport and Phillipps: *zelo sc.* amoris *paupertatis.* On the other

[1] Bale in his manuscript *Index Scriptorum* in the Bodleian Library (Selden, supra, 64 f. 178 verso) mentions a copy of Eccleston's *De Adventu Minorum* as existing at Queen's College, Oxford. [Ed. E. H. R.]

hand Phillipps reads (Mon. Franc. i. 38): *Ipsi vero incipiunt ut magistri; alii legunt ut bakalarii;* Cott: *inceperunt . . . legerunt . . . bachalarii.* Phillipps agrees with York in the reading *magister Serlo decanus* Oxon, against Cotton's *Exon*; and there are probably other differences; but the passages quoted above are sufficient to prove a close connexion between Lamport-Cotton and Phillipps.

Can the nature of this connexion be more accurately determined? The mistake in the numbering of the chapters already quoted suggests that one manuscript was copied from the other. If so (and it must be confessed that this is not certain), Phillipps must have been copied from Lamport-Cotton. Marginal notes in the latter, either in the same hand as the accompanying text or in other hands, are often incorporated in the text of Phillipps. Cotton e.g. (Mon. Franc. i. 38) adds the date A.D. M.CCC.VIII. in the margin opposite the name of Adam de Marisco. In Phillipps (fol. 76) this is found in the text, thus: *alii legunt ut bakalarii. Anno domini* M.CCC.VIII. *Oxon' legit primus fratrum frater Adam de Marisco.* The addition to the name of Eustace de Normanville (Mon. Franc. i. 39, note 2), which in Cotton is in a slightly later hand, is written in Phillipps in the same hand as the text. The list of Oxford lectors from the sixth to twenty-first are added in Cotton in a hand slightly later, or at any rate differing from that of the text (Mon. Franc. i. 39, 552). The same names occur in Phillips (f. 76) in the same writing as the text; the succeeding names are added in both manuscripts in later writing; both manuscripts contain the note beginning *Notandum quod secundum alia chronica* (Mon. Franc. i. 552). The note in Cotton (Mon. Franc. i. 59, note 1), *stetit autem in conventu Glovernię*, etc., is not in Phillipps, and seems from the handwriting to be of later date than most of the additions in Cotton. These facts suggest that Phillipps was copied from Cotton shortly after the latter manuscript was written; but a more careful comparison of the manuscripts will be necessary before any such conclusion can be safely drawn. A note in Phillipps in a hand differing from, but apparently contemporary with, that of the text may help us to fix the date of the manuscripts more exactly. It occurs on the dorse of fol. 76: *Memorandum quod frater Peregrinus de bononia frater multum antiquus scripsit sic fratri Gunsalvo Generali Ministro de successione Generalium Ministrorum.* Gonsalvo was General 1304–1314. The list of Generals, however, in the Phillipps manuscript ends with *frater Michael de Zezana Ytalicus et doctor in theologia* who became Minister in 1316 and was deposed 1328. The note was probably written during his ministry.

Omissions and additions.—Many passages in Brewer's edition of Eccleston are not found in the Phillipps manuscript: e.g. Mon. Franc. i. p. 6, *Et quia blandimentis . . . gigantes.* Ibid. 8, *usque*

ad tempus . . . diutius comedi alia. Ibid. 28, *In custodia Oxoniæ, cui præfuit . . . . . . in mediam aream,* etc. Many more might be added.

Additions are less frequent: some of them are not without interest. At the end of fol. 71 we find the authority for Bale's statement that Friar William of Esseby (whom he calls Eton) *seipsum castrabat.* On f. 73, at the end of Collatio IV (i.e. Mon. Franc. i. 18), is the following addition:—

Northamton primo collocavit fratres Dominus Ricardus Gobium Miles extra portam orientalem in area sibi hereditarea juxta Ecclesiam sancti Edmundi, ubi parum post filius dicti patroni, Johannes nomine, recepit habitum, cujus ingressum parentes graviterf erventes (*fl*erentes) precepit dictus dominus fratribus quod exierunt et vacuerunt aream suam. Quibus Gardianus cum omni maturitate sic Respondit: 'Statuatur adolescens in medio, et, quamcunque partem elegerit, illa pars firmetur.' Et assenserunt. Positus est igitur puer in medio chori, parentes ex una parte et fratres ex alia fuerunt assistentes. Posita igitur electione a Gardiano, cucurrit frater Johannes ad partem fratrum, amplectens pulpitum in brachiis, clamans: 'Hic volo manere.' Paraverunt deinde se fratres ad exeundum, stante dicto domino extra portam exspectando exitum; venerunt autem? combinati processionaliter et exeuntes, in fine sequebatur unus senex debilis portans unum psalterium in manu; quorum simplicitatem et humilitatem respiciens, divina inspiracione compunctus, prorupit in lacrimas, instante et devote clamans et petens, quod sibi parcerent et reintrarent; quod et fecerunt. Qui dictus dominus in posterum tanquam pater fratrum se habuit. Postea per cives ville introducti sunt in villiam et locati ad hec ubi manent.

On folio 76 *a* (*Collatio X*) is another addition of some interest. It is a note, in a hand differing from, but very little later than, that of the text, to the fifth reader at Oxford, who is called in Phillipps, *Richardus Rufus Cornubiensis* (the corresponding entry in Cotton is *Sextus Frater Ricardus Cornubiensis*):—

Iste Ricardus veniens in Angliam narravit in capitulo Oxon', quod, cum unus frater parisius extasi staret, visum erat ei quod frater Egidius laicus sed contemplativus sedit in cathedra legens autenticas septem peticiones dominice oracionis, cujus omnes auditores erant tamen fratres in ordine lectores. Intrans autem S franciscus primo siluit et postea sic clamavit: O quam verecundum est vobis quod talis frater laycus excedit vestra merita sursum in celo. Et quia inquid (= *inquit ?*) sciencia inflat caritas autem edificat plures sunt venerati fratres clerici. . . . (the last line is pared off: *explicit*) in eterno regno dei.

Phillipps gives a list of the Friars Minors who lectured at Oxford, which differs little from the list in the Cotton manuscript (see Mon. Franc. i. 552). To many of the names, dates have been added in a late hand. These correspond with the dates assigned to the same persons by Bale and Pits, and were probably added in the manuscript by the former. Bale and Pits mention among Eccleston's works a

treatise relating to the friars at Oxford which is contained in this same volume of the Phillipps manuscripts and which is to be printed in a future volume of the Oxford Historical Society's publications. This manuscript of Eccleston was, therefore, evidently known to those laborious, if untrustworthy, compilers, but it appears never to have been consulted or referred to since the beginning of the seventeenth century. A. G. Little.

A LETTER OF GEORGE HICKES, D.D., DEAN OF WORCESTER.

In the following letter Dr. Hickes comments on the execution of Alderman Henry Cornish, which took place on 23 Oct. 1685. Accounts of it are given by Macaulay (chap. v.) and by Burnet ('Own Time,' i. 651). Cornish had been Sheriff with Slingsby Bethell in 1680, and had distinguished himself by his protestant zeal and his defence of the rights of the city ('Dictionary of National Biography,' xii. 230). Bohun had this letter and three others from Hickes bound up in a volume of the 'London Gazette' of the reign of James II, and the binder carelessly cut away parts of two lines of this letter. The original is at present in my own possession. The spelling and punctuation of the original are preserved, the contractions extended.

C. H. Firth.

Worcester: 29 Oct. 1685.

Honoured Sir,—I thank you for the account you sent me of Cornish: it agrees well with another account I had of him between his condemnation, and execution. Your letter saith, that what he did, and said at his execution was extravagant and like a man enraged, he being extream red and his shirt as wet with his sweat, as if it had been dipt in water, that he threw his armes about, and spoke very loud, that what he said was like the cant of his party, and that he hinted to the people, to expect the like treatment. And my former account of him was this: that he would dy much, as my Lord Russell did, that he was full of assurance, and rapturous expressions, that after his condemnation he eat nothing, and only drunk twice a day a small glasse of a weak cordiall water, and that his empty stomach filled his head with enthusiasticall vapours, and from this account one would expect, that his enthusiasme should spend it self in loud extravagant talk, and spurious devotion, and be agonisticall, and put him into a violent sweat, and tempt him to deny the fact, of which he was found guilty.

But whether he was innocent, or guilty, I cannot but revere the righteous judgment of God in suffering him to make such a tragicall end, who was one of the first sheriffs, that industriously set up ignoramus juries, when the King, as his late Majesty once passionately said, was the only man in England, that could not have the benefit of the law. They were the *ignoramus grand juries*, who tempted people to be daring, and insolent against the government, and to combine in plots, and conspiracies against the king; without them there had been no counsell of six, nor no

such deluge of criminall blood as hath since been shed by the hand of justice; without them children had had their fathers, wives their husbands, and men and women their neerest relations, whose unhappy fate they now remember with sorrow, and therefore if he, the first father of ignoramus-Grand juries, was indeed innocent, as to the particular fact for which he was executed, the hand of God was more visible in taking vengeance upon him for all the criminall blood, which certainly cried, and still cryes for vengeance against all the sheriffs that made it their designed work to set up Ignoramus grand juries. Methinks he should have made such reflections [up]on himself, and have acknowledged God's justice whether he was innocent, or guilty, because he was one of the first causes of all the disloyalty, and conspiracies, that have been since he, and Beth [ell] wore the gold chain, but like a true enthusiast he went out of [the world] without any remorse for having stop't the current . . . . . . [of justice] and the dismall consequents followed upon it, and therefore methinks the wiser, and better sort of men should not have any such particular pity, for a man, who caused so much publick mischeif, and interpret the clapp of thunder, which happened in the evening after his execution, as the applause, and approbation of heaven, that his blood was at last shed, who had been the occasion of so much sin, and blood-shedding.

I hope to be with you in a moneths time, in the interim I heartily thank you for the promise of your assistance, and beg the continuance of your prayers. My wife presents her humble service to you, and your Lady. Here is a report that an eminent nobleman, and minister of state in Scotland hath declared himself a Roman Catholic. Pray let me know, if it be true. I must ever be your most devoted, and faithfull servant

George Hickes.

THE INFLUENCE OF ALBERONI IN THE DISGRACE OF THE PRINCESS DES URSINS.

The immediate causes of the expulsion of the Princess des Ursins from Spain have always remained somewhat of a mystery. The subject was at the time much debated throughout Europe, and very various opinions were held. Those which were current at Paris find expression in the almost daily despatches of the Savoyard minister Perrone, who writes that it was attributed alternately to Louis XIV, Philip V, the Cardinal del Giudice, and the Queen Dowager of Spain. S. Simon, as is well known, elaborates a theory that the disgrace of the princess was mainly due to the action of Louis XIV, though elsewhere he states on the authority of the Duchess de St. Pierre, who was for some time the chief confidante of Elizabeth Farnese, that the queen went to Jadraque with the firm intention of dismissing her at once, and that the actual method was reserved for the chapter of accidents. It will be seen that this piece of gossip is substantially correct. Alberoni also naturally had the credit of the removal of one who was likely to

prove an obstacle to his ambition, but his own claims were somewhat vaguely formulated after his disgrace, and have been attributed to the exigencies of an apologia. M. Baudrillart, in his admirable work on 'Philippe V et la Cour de France,' recently published, has conclusively proved, if proof were necessary, that the French Government was not only innocent but ignorant of the young queen's action. He believes that the situation in itself was sufficient to account for the results. *Qu'une jeune reine n'ait pas voulu subir la domination d'une vieille femme qu'elle n'avait jamais vue et qui se proposait d'être toujours entre elle et son mari ; qu'elle ait choisi la première occasion venue de se débarrasser d'elle, qu'y a-t-il là de surprenant ?* The following despatches drawn from the confidential correspondence of Alberoni with the Prince of Parma prove however beyond all doubt that the bold stroke which electrified Europe was solely due to the entreaties of the Parmesan envoy. This is rendered all the more certain from the fact that Alberoni in more than one letter thinks it necessary to apologise for his action. He had long contemplated the necessity of the withdrawal of the Princess des Ursins, but had earnestly deprecated haste, considering that a year's endurance was a minimum term. In this view the Prince of Parma steadily concurred. Alberoni's views were changed by the increasingly hostile attitude of the princess to her future mistress and more especially to himself. He realised that further access to the Queen's confidence depended upon the first interview between the bride and *la vecchia*.

The first of the three passages now printed gives a hasty official description of the event, the second enters into the events preceding and succeeding the expulsion of the princess, and the third and perhaps the most important may be regarded as solving the vexed question as to the initiative influence. E. ARMSTRONG.

Dec. 25, 1714. *Alberoni to Prince of Parma.*[1]

Il corriere Paraqua che S.M. spedisce in questo momento anche per adherire alle premure del Re non mi permette servirmi della zifra, ne tampoco dilongarmi nel raconto anche a cause d'un grandissimo raffredore che mi causa un poco d'alterazione. Da S.M. intenderà V.A.S. come in Cadrache dove stava la Principessa Orsini e dove voleva trattenere S.M. alcuni giorni anche contra la volontà del Re passò la detta donna ad insolenza tale che obligò S.M. farla sortire della camera e con cinquanta guardie del suo corpo farla passare i Pirenei. Parerà a V.A.S. questa risoluzione non poco risentita, però ben esaminata da S.M. e conferita meco fu creduta tanto necessaria come l'unica salute a S.M. Scrisse S.M. subito una lettera per il Re, ben messa e meglio concertata, e da mezza notte mi spedi al Alcala, ove stava il Re, e doppo averla io presentata gli feci una lunga e viva rappresentazione con la quale gli feci comprendere la necessità in cui s'era stata trovata S.M. di venire a si

[1] *Archivio di Stato*, Naples: *Carte Farnesiane*, fasc. 54.

grande risentimento, e l'obbligo che lui haveva d'approvarlo e sostenerlo. Cosi segui, con tutto ciò procurai con modo che tale approvazione la ponesse in una lettera sua, acciò io la potessi fare tenere alla Regina prima che arrivasse in Guadalaxara, come in punto la ricevette dalle mie mani a una legha e mezza da Guadalacara. Confesso che il passo è stato ardito, però creda V.A.S. che era il solo rimedio specifico al gran male della Regina, del quale col primo ordinario procurarò farne alla V.S. la descrizione. La mia consolazione è di vedere la Regina fuori di gran guai e che si dichiara contenta e persuasa del zelo che ho per il suo reale servizio e sua maggiore gloria. Il Re già l'adora ed è a quest' hora fatto l'unico oggetto delle sue felicità. Gran stordimento ha apportato ai furbi e gran contento a tutta la nazione. Molte lettere di V.A.S. ho ricevuto senza havere ne meno potuto aprirle, solo potei aprendo i pieghi alla presenza della Regina, consegnarle quella di V.A.S. Dimani si va a Alcala e doppo dimani a Madrid, ove S.M. si è degnata dirmi che si seguiranno le solite conferenze. Sono con profondissima venerazione

D.V.A.S., Guadalaxara li 25 Dec, 1714.

Umil^mo^ obsequios^mo^ servitore, e suddito fideliss^mo^,

GIULIO M. ALBERONI.

II. 31 *Dec.* 1714, *Alberoni to Prince of Parma.*[2]

Io ebbi tempo fa l'onore di raguagliare a V.A.S. il pentimento della dama per havere concorso al matrimonio della Regina, occasionato, credo io, dal discorso che gli fece D'Aubigni subito giunto a Madrid, il quale partitante della Principessa di Clairmont e conoscendo la smisurata ambizione ed il genio altiero ed insupportabile della sua Padrona, resa incorrigibile dal assoluto commando di questa monarchia in corso di quattordici anni mantenutasi nel medesimo con ragiri continui e cabale, in pregiudizio del servigio del Re e con la perdita dei più qualificati soggetti, concluse il sod^to^ D'Aubigni che il partito sicuro della dama era sotto qualche pretesto plausibile di ritirarsi dalla Corte, anche prima dell' arrivo della Regina. Di questo sentimento fu pure il Duca di Popoli senza darsene inteso con la dama, poiche conoscendo il genio della medesima, le sue massime ed i discorsi tenuti della Regina con poco rispetto ed in publico, fece scomessa col medico del Re, che nella prima conferenza con la Regina duarebbe n qualche eccesso e che se incontrasse in una Regina risentita si vedrebbe qualche grande scena. Cominciò la dama a publicare S.M. di collo lungo, di struttura e disposizione a dare nell' etico, resa difforme nel viso dalle vaiuole, prese indi tutte le misure per porla in diffidenza col Re, col persuaderlo a tenerla lontana da negozii, perchè già prevenuta veniva da V.A.S. a promovere ciecamente i vantaggi della Corte di Roma, e si spiegò in fine con molti che il Re come timorato di Dio sene servirebbe di pura moglie e che conserverebbe l'amore e la stima per la fu Regina e non per questa, perche il Re ne stava già pentito. Di tali discorsi sene viddero moltiplicate lettere di Madrid in Pamplona ed in tutto il cammino furono confirmati dalla viva voce d'alcuni emissari francesi, creature della dama, mandati a Roncisvalle sotto pretesto di servire la Regina, però col fine solo ad ispiare i suoi primi passi e le sue

[2] *Archivio di Stato*, Naples: *Carte Farnesiane*, fasc. 54. While this document was in type it has been printed by Dott. A. Professione in an appendix to *Giulio Alberoni dal* 1708 *al* 1714.

intenzioni. Passò la dama a detestare publicamente il poco viaggio che S.M. facea ed il modo ancora publicandolo come segno evidente di mente storta, ma quello, ed è horribile, insinuare al Re che era somma disattenzione e mancanza di rispetto alla sua Reale persona e che a farla da Re doveva lasciarla tre mesi in Guadalacara prima di vederla.

Non sarà male fare quì una picciola digressione sopra detto viaggio per rimprovero alla dama mentre fu precisa necessità caminare a picciole giornate, perche in altro modo gli equipaggi non havrebbero potuto giungere, oltre le proteste che ogni giorno S. M. era obligata di sentire da vetturini che le vetture stavano fatigate e che non potevano continuare il loro trattato per mancanza del denaro dovutogli che poi fu pagato a Pamplona dal thesoriere di quel regno dalla somma destinata da questa Corte per il ritorno della famiglia di S.M. Tutto dunque si ridusse al caminare due hore di notte, però troppo barbaro sarebbe stato quello che havesse voluto opporsi a questa tanto giusta e necessaria sodisfazione quando in si lungo e penoso viaggio altro soglievo non provava S.M. che il poco riposo della mattina.

Ma ritorniamo alle querele publiche e private della dama che volle anche portarle con sua lettera alla Regina con termini insolenti, non contenta di questa ne diede altra consimile al Conte d'Alberti, che passava in Francia incaricandolo d'accompagnare simili rimproveri con la viva voce, dandogli piena libertà di rappresentargli maggiori se volesse. Al medesimo Conte che me ne parlò con simili sensi gli dissi io che mi pareva grande arditezza ed imprudenza che si fosse incaricato di tale commissione e che l'esecuzione mi pareva per lui molto hazardosa. Questo però con tutto che l'eseguisse con qualche modificazione fu ricevuto dalla Regina con sommo sentimento.

Troppo tempo poi sarebbe il dire a V.A.S. tutte le misure prese dalla dama per rinserrare S.M. ed isolarla e privarla oninamente d'ogni soccorso humano e divino. Haveva con particolare arte mutilata l'antecamera del Re, resa difforme ed angosta, per formare un picciolo gabinetto ove il Re havesse a fare i suoi dispacci con Orri lontano dalla camera della Regina e vicino a quella della dama, quando il Re era stato sempre acostumato di spacciare nella camera della Regina. Haveva di più posto il suo quarto in mezzo a quello del Re e Regina. Haveva pure risoluto negarmi l'accesso a S.M. e ne haveva persuaso il Re per il male esempio diceva ella che io havrei dato di cui se ne sarebbe offeso il medesimo ambasciadore francese. Non fu contenta la dama della barbara negativa, alle replicate istanze delle tre consapute miserabili donne poiche vedendo tutta la famiglia gionta in Pamplona, contro il suo ordine si scatenò a screditarla coll' imputarle infiniti furti comessi in camino, e per colmo di vituperio si ordinò a Orri acciò che con lettere circolari agli Intendenti di Provenza, Linguadocca e Bearne, dimandasse loro la notta dei supposti furti perche S.M. Cat. volesse risarcire il danno fatto dalla famiglia della Regina. Ne a me bastò con la dama per discolpa di questa famiglia l'addurre per testimoni la Principessa di Piombino ed il Marchese de los Balbases perche mi troncò il discorso col dirmi che la detta Piombino era stata sempre protettrice dei forfanti. Mi gionse in Pamplona una lettera del Segretario Grimaldi, con cui mi diceva che se havessi insinuato alla Regina di rendersi a Guadalacara, la vigilia di Natale, sarebbe stato un perfetto contento

per il Re, occultandosi però questo passo alla dama. Subito che S.M. seppe il desiderio del Regio suo sposo concertò meco le giornate per ubbidirlo, onde con la marchia sforzata d'una giornata senza detinersi in Tudela, ove stavano preparate feste grandi, ne prese S.M. accertate misure. Questo mutuo concerto dei Regii sposi fu saputo in Cadrache dalla dama e con replicate lettere al Re procurò divertirlo, dicendo che la Regina haveva bisogno d'essere vestita alla moda della fu Regina e di riposarsi alcuni giorni prima di giongere in Guadalacara ; però come il Re stava impaziente di vedere la sua Regia sposa, non volle prestare orecchio alla dama, che credeva potere trattenere la Regina almeno due giorni, ed insinuarle quelle materie che potevano contribuire a mantenersi nell'antico ed assoluto dominio della monarchia.

Infiniti sono stati i discorsi e le reflessioni che furono fatte tra S.M. e me nel corso di dieci sere, le di cui conferenze, la minima fu di tre hore e mezza a porte chiuse, e dal modo che avrebbe tenuto la dama fu concertata e stabilita la risoluzione a prendersi da S.M. Fu stabilito dunque che S.M. praticarebbe con la dama tutte le maniere le più dolci, le più amabili e le più insinuanti per guadagnare il di lei animo, e si progettarono altri modo (che sarebbe troppo lungo a dirli) guadagnare tempo senza venire ad alcuna publicità e rottura ben che minima. Però l'audacia della dama non diede luogo ne tempo che la Regina praticasse seco gli atti premeditati di benignità e clemenza, ben conoscendo ogni sensato che era venuto il tempo nel quale il Signor Iddio haveva risoluto di confondere la sua eccessiva superbia.

Gionsi io a Cadrache il giorno 23, tre hore prima della Regina, dalla quale hebbi il commando d'avanzarmi. A pena entrato io nella camera della dama venne questa alli grandissimi rimproveri sopra il viaggio e sopra la risoluzione presa da S.M. di rendersi a Guadalacara il giorno 24, che questa era condotta poco sensata, perche oltre la necessità che haveva d'essere vestita e non comparire in funzione si riguardevole con habito ridicolo non doveva come una donna del comune correre la posta trovare il marito, ed oltre quanto sta di sopra espresso, che mi replico intieramente, mi disse che le qualità di questa Regina erano diverse da quelle haveva io rappresentato, mentre ogni sua azione era ridicola e che fino il suo mangiare da paesana faceva conoscere la leggierezza del suo spirito e la povertà del suo talento. Ribattendo io però con modo questa sua audacia, la pregai a scordare tali discorsi, perche saputi od intesi dalla Regina havrebbe saputo rintuzzarli. Infatti ben m'accorsi che questa dama sarebbe uscita dai termini del dovere, perciò feci con gran modo che i due ufficiali di guardia, miei amici, stassero alla porta della camera per accorrere al bisogno che havesse havuto la Regina. Giunse infine la Regina a Cadrache ove la dama non sorti dalla sua camera, che per trovarsi alla metà della scala per ricevere la Regina, dalla quale fu accolta con modo ben benigno e distinto, che tutti gli astanti lo riguardorno evidente ed ostensivo alla Reale maestà. Appena furono S.M. e la dama nella camera che questa venne a sod^{ti} rimproveri ed in certo modo alle minaccie, credendo forsi fosse bene far prova se si potesse sul principio intimorire una Principessa giovine, la quale con spirito superiore si vide portata a quel giusto risentimento da lei usato in diffesa del suo decoro e della maestà del Re oltragiata nella sua persona. Dissi a V.A.S. che ricavai dal Re una lettera

d'approvazione della risoluzione presa dalla Regina ; però a pena che usci dalla camera del Re seppi che ci entrò Orri ed il Confessore, il quale valendosi dell'arte, e dicendo che era pericoloso il soffrire simile attentato d'una Regina non per anche giunta al throno che perciò era necesse fare itornare la dama, per la quale altro non poteva ottenere se non la spedizione d'un corriero alla medesima di far alto ove il medesimo corriero 'avesse trovata.

Arrivato che fui in Guadalacara . . . con biglietto mio ne averti la Regina ed il modo che doveva parlare al Re, di sorte che il giorno susseguente fu rinviato l'ordine soddetto con la conferma che la dama proseguisse il suo viaggio.

III. *Alberoni to Prince of Parma.*[3]

Ben credei e lo crede la Regina che alla prima nuova del successo ne sarà V.A. restata sorpresa, però sia costantemente persuasa che da questo unico colpo dipendeva la totale salute della Regina. Non s'ingannò V.A. in credere la determinazione non solo presa col mio parere anzi suggerita, come vedrà, ne senza il commando preciso di V.A. anche con quello della Regina avrei fatto tale confessione, premendomi che tutto quello riuscirà di buono sia attribuito a S.M., ne riceva gloria ed applauso e si fermi il concetto tanto necessario particolarmente sul principio che le operazione sue non sono ne suggerite ne guidate da alcuno. Dirò dunque a V.A. le circostanze colla maggiore accuratezza possibile. Già scrissi a V.A. che appena effetuato il matrimonio la dama se ne pentì, ed il Re lo confessò due notti sono alla Regina in mia presenza, con furberie di più praticate per screditare la Regina, il che, soggiunse il Re, non solamente [non ?] le aveva credute ma che aveva formato mal concetto della dama. Disse di più il Re le gelosie che aveva procurato insinuare contro la mia persona. Ciò dunque supposto e da me conosciuto prima partissi per Alicante, confermato di questa pessima volontà di tutti i mali passi che andava facendo la dama, riferitimi da miei amici più fidi che stavano attorno al Re, avvertito pure dello scredito in cui pose la famiglia della Regina, della provista delle inventate segretarie, ed in fine di quanto impunemente e sfacciamente andava dicendo, e che tutto mi veniva scritto da miei buoni amici, credei che questa donna scordata del suo dovere ed ubbriaca dell' autorità insolente usurpata sopra il Re debole potesse al primo incontro con la Regina praticare con aria insolente d'autorità con modo improprio o poco decente anche per intimorire la giovane ed innocente Regina, ed in fine che tutto questo avrebbe potuto dare plausibile pretesto e motivo alla risoluzione sopra la quale fatta da me matura riflessione conchiusi era la sola che poteva porre in sicuro la vita della Regina.

In Pamplona ebbi due conferenze con S.M., una d'un' ora, l'altra di quasi quattro, e dal primo giorno che si parti da quella città fino al luogo dove si dormì prima d'arrivare a Cadrache volle S.M. tutte le notti prima di porsi al letto avere meco conferenze di quattro ore a porte chiuse, e con arte finissima diceva la mattina al pranzo che non potendosi porre al letto di buon ora sarei io la vittima della lunga vigilia. Confesso a V.A. che andai due sere a S.M. determinato a fare tale determinazione e non ebbi il coraggio. In fine, assistito dal Signor Iddio, la sera prima d'arrivare a Cadrache che da S.M. ed io si mirava come l'ultima conferenza da cui

[3] Feb. 3, 715. *Archivio di Stato*, Naples: *Carte Farnesiane*, fasc. 54.

riceverebbe soglievo il suo reale animo, stando con un ginocchio a terra appoggiato ad un tavolino appresso cui stava seduta S.M., e posso dire con le lagrime agli occhi, Signore, le dissi, in molte e lunghe conferenze che ho avuto l'onore d'avere con V.M., le ho rappresentato l'inferno aperto, ho fatto vedere da ogni parte inciampi, dapertutto scogli, borasche e naufragi inevitabili, gente intorno alla sua Reale persona senza legge, senza fede, e senza coscienza, destituta in somma d'ogni aiuto umano e divino. A tanti gravissimi mali, dissi, non ho proposto a V.M. che rimedi paliati ed indifferenti, un solo da me creduto specifico non ho creduto ne ardito di proporlo per essere violente, e da V.M. sarà riguardato per tale, e forse anche periculoso. Di quanto mi dite me ne sono accorta, mi rispose quest' anima grande, però sappiate che potete dirmi quanto volete, senza timore che mi spaventi ed imbarazzi la testa. Da si degna e magnanima risposta mi feci animo di rappresentarle il sod^to^ discorso, dicendole che da tutti antecedenti si poteva probabilmente credere che al primo incontro ne darebbe la dama a S.M. il motivo di venire alla risoluzione, anzi che a quattro occhi lo doveva S.M. procurare e facilitare con rimproverarla l'insolenza avuta di dare la commissione al Conte d'Albert, con tanto poco decoro di S.M. Concertai che subito che S.M. entrarebbe nella sua camera con la dama non mi scostarei io dalla porta, ove avrei tenuto a bada con discorsi indifferenti i due ufficiali delle guardie miei amici. Si discorse il modo, subito seguito l'arresto della dama, d'assicurarsi della sua famiglia. Si pensò anche al maestro di posta di Cadrache di non dare cavalli ad alcuno. Fu stabilito pure d'assicurarsi col mezzo di dodici guardie del cammino di Guadalacara, acciò che alcuno non precedesse alla mia spedizione, ed in fine la medesima notte del progetto si minutò la lettera e l'ordine, le di cui copie vanno ingionte, accioche seguendo il caso potesse subito S.M. trascriverli di sua mano, come fece col tutto il modo ed apparenza la più nobile e con una presenza di spirito in dare i sod^ti^ ordini che incantò il mondo. A tale proposizione rispose S.M., mirandomi fissamente e con un sorriso che certamente era ardita e violente, però che non lasciasse di considerare che nell' esecuzione consisteva unicamente la sua salute. Soggiunse di più dovevasi considerare come l'avrebbe presa il Re. Questa è la maggiore difficoltà, risposi, che stava attendendo da S.M., però che sapesse che la perfetta cognizione che aveva del Re era l'unico fondamento e speciale motivo che mi faceva proporre a S.M. tale ispediente con sicurezza probabilissima che verrebbe approvato dal Re, quando avesse avuto il suo effetto, non però se gli si fosse communicato prima, soggiungendo che per non approvarlo bisognasse che il Signor Iddio gli mutasse il naturale. Acconsentì in fine S.M. alla proposizione, sopra la quale la supplicai farvi riflessione la notte e che la mattina come doveva partire prima di S.M. fuori del solito per rendermi a Cadrache a scoprire terreno mi avrebbe detto la sua Reale intenzione. Ebbi dunque l'onore d'essere la mattina per tempo al suo letto e S.M. vegliandosi mi disse, E bene, vi dirò che non ho dormito tutta la notte, però che sto fissa e risoluta d'eseguire quanto si concertò jeri notte. Racommandiamoci tutti due, mi disse, al Signor Iddio, accioche assista al nostro disegno. Il modo con cui ascoltò la proposizione, confesso a V.A. che m'incantò, osservando che la risoluzione non fu presa ne con leggierezza, ne con fuoco, ma con ardore, difficoltà e con matura riflessione, e mi ha detto in comprova di questo che tutta la notte e tutto

il giorno prima d'arrivare a Cadrache le fu di bisogno d'un spirito superiore per vincere tutte le difficoltà che se le offerivano nel pensare. Graziosissima è nel dirmi che la prima prova che le ho data è stata buona. Nel resto sia V.A. sicurissima che questo avvenimento non le ha dato ne intempestivo ne eccendente corragio, anzi dirò che credendo io ora che si governa col marito come se l'avesse tutta via a guadagnare, presi la libertà di dirle che non si serviva di tutto il potere che aveva sopra di lui. Mi rispose, Avete ragione, però anche con questo modo fo tutto quello che voglio. Io non so se in Italia aveva molto fuoco; io ho procurato di scoprire il suo naturale, che trovo molto pacato. Vi trovo della vivacità, però moderata d'una somma prudenza, senza fuoco e senza colera. In somma, parlando a V. A. con tutta sincerità, se era altrimente, la mutazione del stato, o il clima di Spagna, o il gran rispetto che ha per il marito l'abbino mutata. Non devo tralasciare a dire a V.A. che Orri e Macanaz mi hanno fatto una vera impostura, la quale confidata dal Re alla Regina ho avuto luogo di farla conoscere e toccare con le mani al Re per mezzo d'una lettera del medesimo Macanaz, con evidenza tale che il Re n'è restato piccato. A diffarsene prima forsi di quello pensava, tanto più che nell' impostura che troppo lungo sarebbe il dirlo vi stava compresa anche la Regina. Sono pure avvertito che Orri ha scritto contro di me in Francia, però da una lettera che ho veduta del Marchese di Torcy vedo che non ha mala opinione di me, anzi incarica questo suo ministro a coltivarmi e farmi onestà. O veda V.A. se costoro fossero fortificati dalla dama in che stato saressimo e sarebbe la Regina. Si spedì jeri l'altro un corriere per far venire il Cardinale, per questo vo sollicitando la Regina che faccia seguire la caduta delle soddette due persone prima dell'arrivo del Cardinale, rappresantandole con arte che, geloso della sua gloria, desidero che sia attribuita la risoluzione a S. M. e non al Cardinale, quando io so che succedendo prima dell'arrivo del soddetto sarà tutta attribuita alla Regina, e finirà di porla nella più alta stima, concetto ed applauso.

THE BATTLE OF TRAFALGAR.

The following letter was written by Mr. W. S. Badcock, then a midshipman, aged 16, on board H.M.S. Neptune, a week after the battle of Trafalgar. It is of interest not only as giving a boy's experiences of the great fight, but as incidentally pointing out the reason, or one of the chief reasons, of Nelson's victories. It was not so much the manœuvre of 'breaking the line'—which indeed is a risky expedient, not to be hazarded without great superiority in naval skill or fighting capacity—as longer practice, better seamanship, and above all greater rapidity and accuracy of fire, which gave victory to the English in these encounters. It is the story of Crécy, of Mollwitz, of Königgrätz over again: the English fire, which was so brisk, as Mr. Badcock says, 'that the Spaniards could not keep at their guns,' won the day, as the long-bow, the iron ramrod, and the needle-gun did on other occasions. There was no lack of courage on the part of French or Spaniards; but the enormous disproportion between their losses and those of the English shows how inferior they were in the art of gunnery. The English losses

amounted to 1690 men, a little over 10 per cent. At the battle of the Nile the percentage was almost exactly the same. The losses of the allies do not appear to have been ascertained, but many indications prove it to have been enormously greater. In the engagement on 4 Nov. in which the four French ships which had escaped under Dumanoir were taken, the French lost 730 men, or at least 30 per cent. while the English lost only 135. In the battle of Trafalgar the English loss was very unevenly distributed over the ships engaged, several ships losing twenty or twenty-five, and one (the Colossus) losing as many as 35 per cent. Collingwood's column, numbering fifteen ships of the line, lost more than twice as many men as that of Nelson, which numbered twelve. The Neptune was the third ship in Nelson's column, and suffered but slightly. Mr. Badcock afterwards changed his name to Lovell, and died a vice-admiral in 1859. The original of the letter is in the possession of his daughter, the Dowager Lady Crewe.

G. W. Prothero.

My dear Father,—It is with pleasure I inform you, that it as pleased God to give us a very great Victory over the combined fleets on the 21st Inst. We have taken 11 sail of the Line, 1 Blown up with all hands, and 1 sunk, they consisted of 33 sail of the Line 4 Frigates and 2 Brigs, we had 26 sail of the Line 4 Frigates, a Cutter, and Schooner, we began the fight at 12 and did not knock off till 5, 16 ships struck, but two ships got off again,[1] as the Wind blew fair for Cadiz, and it unfortunately came on to blow hard, and we where nearly all to much disabled to look after the captured ships, 1 of which [2] in the Night founder'd with all the crew except 8 which at day light we picked up floating on peices of wreck, having been eight hours in the Water.

All the Prizes are entirely dismasted, and so very much cut up that I think only one or two will ever get to England.

The ships we engaged in the Neptune was first the Bucentaur of 84 guns Adm[l] Villineuve the French commander in cheif, who in half an hour we made strike, having entirely dismasted her; [3] we then bore up mounting 142 guns, with a flag at the Mizen the Spanish 2d in Command, and engaged the largest ship in the world, the Santissima Trinidada [4]

[1] These details are somewhat incorrect. Nelson had twenty-seven sail of the line, not twenty-six. Of the allied fleet, one ('l'Achille') blew up during the action, two were burnt afterwards, three were sunk, and ten drove ashore in the gale and were wrecked, while four were conveyed to Gibraltar, making a total loss of twenty (on 21 and 22 October). A fortnight later four more were taken, so that of the whole fleet only nine escaped. Two of these (the 'Santa Anna' and the 'Algesiras') had actually struck, but during the gale the English crews on board of them were unable to retain the upper hand, and got carried into Cadiz (Collingwood's 'Despatches' in the *Annual Register*).

[2] The 'Redoutable,' from which the shot which killed Nelson had been fired.

[3] The 'Bucentaure' had received at the outset of the action a raking broadside from the 'Victory,' which went far towards disabling her. According to Alison, the 'Bucentaure' actually struck to the 'Victory.'

[4] The *Annual Register* calls the 'Sant. Trinidada' 'the largest and finest ship of war ever built.' She, with the 'Bucentaure' and the 'Redoutable,' had already been engaged with the 'Victory' and the 'Téméraire' (Turner's 'Old Téméraire') before she was attacked by the 'Neptune.'

we mounted 102 guns, after an action of an hour and 10 minutes, we dismasted her, and she struck to us, we have 9 killed 30 wounded, I am, thank God, come off safe, although 1 Man was killed, and 3 wounded not far from me.

I was on board our prize the Trinidada getting the prisoners out of her, she had between 3 and 400 killed and wounded, her Beams where coverd with Blood, Brains, and peices of Flesh, and the after part of her Decks with wounded, some without Legs and some without an Arm; what calamities War brings on, and what a number of Lives where put an end too on the 21st; several of our ships have suffered very much; and we have lost the pride of the English Navy, the Brave Admiral Nelson, who fell by a Musket Ball in this memorable Action. We have still a very brave Adm[l] left to command Collingwood, who in this last Action fought like a Tyger.[5] Am happy to say Capt[n] Fremantle is very well, he behaved very well, and was as cool in Action as if nothing was doing; we are not so much cut up as some of the other ships, but I believe that was owing to Capt[n] Fremantle's good management in laying our ship alongside her oponent,[6] and we kept up such a brisk fire that the Spaniards could not keep at their guns.

Had we had more daylight, and all the ships come into Action, there would have been much more done. I do not think above 6 ships would have got away, but at dusk Mr Frenchman thought he had got enough and so made off. The Prisoners we have on board say they expected to give us a good licking, they heard we had only 21 ships of the Line and they had 33,[7] their officers told them now the English would pay for all, but I think, they did. It was daylight in the Morning when we first saw them, and we had the weather gage, but having light Winds did not get down till 12, we then broke their Line in two places, in the Adm[ls] letter you will see the Minutes better than I can tell you, for my station, and the smoke would not allow me to make many observations. This Action is a famous thing for me it will get me a Commission without Interest, as I have a claim on the Service, and my Country.

Have written to my Uncle to say I'm well. With Love to all, and wishes for your Health and Happiness. Believe me

To remain your Dutiful Son

William Stanhope Badcock.

Neptune at Sea October 28th 1805
To Thos. Stanhope Badcock Esq[r].
Lower Grosvenor St, Bond St, London

17 Ships of the Enemys Line are taken, sunk, burnt, and run aground.

October 31st 1805, off Cadiz.

[5] Admiral Collingwood's ship, the 'Royal Sovereign,' out-sailed the rest of his column and entered the action nearly two miles ahead of the next ship. She consequently lost very heavily.

[6] The *Annual Register* singles out for special praise Captain Harvey, of the 'Téméraire,' and Captain Fremantle, who 'by the skilful manner in which he manœuvred his ship, compelled two of the adversaries' vessels to surrender to him, with little comparative loss on his own side.' The loss of the 'Neptune' is officially put at forty-four men, or about eight per cent.

[7] Villeneuve had resolved not to fight unless he outnumbered the English fleet in the proportion of three ships to two, and Nelson had, by keeping his ships out of sight, deceived him into thinking that this was the case.

Reviews of Books

A History of Greece from the Earliest Times to the Macedonian Conquest. By C. W. C. Oman, M.A., F.S.A. (London: Rivingtons, 1890.)

This is the best school history of Greece which has appeared for many a day. While the style is never heavy, nothing of importance has been omitted. The interest of the reader never flags except perhaps now and again in the dreary period after the end of the Peloponnesian war and the fall of Athens—a period of border fights and political squabbles to which Grote alone among historians of Greece has been able to impart any interest. But although Mr. Oman has avoided the Scylla of dullness he has not plunged into the Charybdis of 'anecdotage' into which the school historian usually falls. Mr. Oman's book is, moreover, not a mere summary of larger histories; it gives proof of independent judgment and it passes beyond earlier books in finding room for the most recent information derived from archæological discoveries. In some cases perhaps new views are put too sweepingly, in others, it seems to me, Mr. Oman is too conservative of earlier opinions; but in such matters *quot homines tot sententiae.* There is only one serious objection which can be urged against this newest History of Greece, and that is the lack of due proportion between its component parts. It is of course true that all historians of Greece have dwelt at much greater length on some periods of Greek history than on others, not so much on account of the intrinsic interest of the time as because chance had preserved better sources of information. But in a book of little more than 500 pp. it is surely too much to devote 305 to the period before the death of Pericles and from the remainder to give up quite another hundred pages to the rest of the Peloponnesian war. It is, I suppose, useless to protest against the practice of historians of Greece in making Greek history end with the death of Alexander, but Mr. Oman has gone a step further and finished his narrative with the death of Philip. By this the value of the book for the weaker University students, whose needs the author professes to have had in view, is seriously impaired, as, in Cambridge at least, some knowledge is required of the history of the next two hundred years about which in this book there is not a word. Could not Mr. Oman carry on his history in a second volume to 146 B.C. or later if he pleases, and thereby confer even a greater boon on beginners in Greek history than he has by the present volume?

On minor points it would be unfair to lay stress, as the author pleads difficulty in correcting his proof sheets; but a few which imperatively require correction in future editions may be mentioned. Would it not be more accurate in the light of recent investigation to say (p. 61) that Pheidon

introduced a foreign standard of weights and measures rather than 'fixed a new standard'? On p. 72 there seems to be a confusion between Ariston (Herod. vi. 63) and Anaxandridas (ib. v. 40), but in neither case did the ephors compel the king, as is said in the text, to divorce his barren wife. Nor, if we may judge from periods when the action of the ephorate can be studied closely (as in Thucydides v.), was the continuity of the ephors' policy so uniform as Mr. Oman says. He may be right in scoffing at the theory which makes Lycurgus a sun-myth, but he ought to have warned his reader that his authority for the organisation and rapidity of movement of the Spartan host was a writer of the fifth century B.C. describing what happened in his own day and therefore not a trustworthy witness for the earliest period. The statement (p. 72) about the action of the ephors who accompanied the king to war is slightly misleading, for though 'his authority was under their supervision' in the sense that they observed carefully all that was done, yet we are expressly told that they never actively interfered unless the king asked them to do so. During the campaign the king had certainly absolute command and power over life and death. The account of the Heliastic courts (p. 154) is not in all respects quite satisfactory. While identifying the members of these courts with the public assembly, Mr. Oman goes on to say that after a time six thousand were chosen by lot from the Heliæa. Granting that there may have been at some time the definite number of six thousand dicasts, which is far from probable, this must surely belong to the earlier rather than to the later period, for Harpokration says that all citizens who chose to give in their names to the archons took the dicasts' oath annually to observe justice and impartiality in their judgments.

Some ambiguities have been left, obviously from the desire to compress the narrative as far as possible. Thus the beginner might be led to suppose (p. 156) that after the board of Strategi became important the Polemarch was nothing else but a 'mere honorary colleague and president of the Strategi,' instead of being also an important legal official. It was not Brasidas who commanded the Spartan fleet at Pylos (p. 324), but, as Thucydides distinctly says (iv. 11), Thrasymelidas. The narrative (pp. 327–8) is hardly fair to Cleon, who, so far as we know, had no grudge against Demosthenes. Cleon did not say that if he had been in Demosthenes' place he would have captured the Spartans, but that if he had been in the place of Nicias and the other Strategi he would have sailed to Pylos and done it (Thuc. iv. 27). Demosthenes had no official position, not being a member of the board of Strategi that year (Thuc. iv. 2). The author seems to have misunderstood Thucydides' remark (v. 43) about the age of Alcibiades at the time when he began to agitate for the Argive alliance (p. 344). The point is not that Alcibiades was too young to be a politician in any other state—for no Greek state was likely to exclude a man of thirty years of age from being *that*—but that, as was said of William Pitt, he was very young to be the head of a party. In the account of the results of the battle of Cyzicus (p. 392) some reference might have been made to Bergk's correction of the famous *ἔρρει τὰ καλά* into *κᾶλα*, for I cannot but think that the last phrase a Spartan would have used in writing home would be 'Our fortune and honour are gone.' On the other hand, 'the ships are lost' is the sort of blunt statement which the matter-

of-fact lieutenant was likely to submit to the as matter-of-fact ephors. I wish historians of Greece would explain why, when Philip reached Elateia, the Athenian populace burnt the wicker booths—if booths the γέρρα were—in the market-place (p. 514), a proceeding which in the neighbourhood of important and valuable buildings was scarcely prudent and which could hardly have increased the comfort of the council as they stumbled through the ashes and cinders from the council chamber to the Pnyx.

There are a good many misplaced accents, as προξένοι (p. 67), ψηφίσμα (p. 153 n.), ναυτίκος (p. 173), μεσόν (p. 258) and a few misprints in proper names, as C*h*acion (p. 66) Pausani*u*s (p. 410). 'The constitution of the colonies *were* often unstable' (p. 92), and the use of 'like' for 'as' (p. 485) are obviously oversights. The quantities of difficult words are marked, but I am afraid Perrhaebēan (p. 335) and Dascylium (p. 423), neither of which names appears in the index, must rank with Eudămus and Stephānas of famous memory. I hope the enumeration of these minute slips will lead no one to suppose that the execution of the book is careless. That is not the case, but of all books a school book most requires to be perfect in small details, and if the work as a whole had not been excellent it would not have been worth while to point out such trifling imperfections. P. Giles.

Quellenuntersuchungen zur Geschichte des Kaisers Hadrian nebst einem Anhange über das monumentum Ancyranum und die kaiserlichen Autobiographien. Von Dr. J. Plew. (Strassburg: K. J. Trübner. 1890.)

This investigation of the original sources for the reign of Hadrian is divided into five chapters which treat respectively of (1) Hadrian's autobiography, (2) the sources of Spartianus's life of Hadrian, (3) the value of Dio Cassius for this period, (4) the sources for Hadrian's military reorganisation, (5) Dio and Apollodorus, this last chapter dealing with the statements of Dio concerning the relations which existed between Apollodorus, Hadrian's famous architect and author of a work entitled Πολιορκητικά, and his imperial master. The discussion of these five topics occupies 97 pages of the pamphlet, and the remaining twenty-four are taken up with an appendix in which the purpose of the *monumentum Ancyranum* is elaborately investigated. According to Dr. Plew, that purpose was the same as that which inspired other emperors, Hadrian amongst them, to write their autobiographies; these works originated in a desire to justify their political action before the empire at large. Hence emperors' memoirs, and the memoirs of their relatives, as Agrippina, are not to be looked upon as impartial narratives of the events of the period. The appendix is more interesting than the body of the pamphlet, the longest chapters of which (2 and 4) are somewhat polemical, but by no means so lively as polemical controversy sometimes is. The dividing up of an author into his original sources upon almost purely *a priori* grounds is perhaps depressing; at any rate Dr. Plew has not struggled successfully with the dreariness of his task, although this is the third essay he has made in the same field—the sources from which the *Scriptores Historiae*

Augustae drew their materials. The subject, if we may judge by the number of dissertations produced upon it within the last few years, has fascinated many minds in Germany, and all are equally certain of having reached the truth which all their rivals have just missed. The impartial observer must admit that much may be (and is) said on both sides, but probably will be inclined to think that Dr. Plew and the other investigators disquiet themselves in vain. As Schiller remarks in discussing the sources for the history of this period 'the attempts made so frequently in the last decades to distinguish the various original sources have led to very divergent and contradictory results. They will never succeed, for the sources themselves are far too fragmentary to admit of the drawing of certain conclusions.'

P. GILES.

Karl von Anjou als Graf der Provence (1245–1265). Von RICHARD STERNFELD. *Historische Untersuchungen.* Herausgegeben von J. JASTROW. Heft 10. (Berlin: Gaertner. 1888.)

DR. RICHARD STERNFELD, already favourably known by his treatise on the relations of the kingdom of Arles to the emperor and empire during the reigns of Henry VI and Frederick II,[1] has in this book carried on his researches into the difficult and obscure history of the Arelate, by a very careful and useful working up of the history of Charles of Anjou before his expedition to Naples. He has laboured on almost virgin soil. The only critical *Vorarbeit* for his work was the essay on the coins of Charles of Provence by M. Louis Blancard, the learned archivist of the departmental archives of the Bouches-du-Rhône, from which rich store Dr. Sternfeld has himself drawn the larger part of his materials. The mass of his work is based on official documents and formal records. Local chronicles hardly exist, and the dry bones of the archives can only be made to live by the colour to be got from the patriotic and anti-French songs of the troubadours. Foreign chronicles Dr. Sternfeld has found not very trustworthy, and his frequent criticisms of Matthew Paris and William of Nangis only confirm the general moral that even the best of medieval historians cannot be trusted in their accounts of the affairs of distant countries only known to them by rumour and gossip tempered by prejudice. Examples of such criticisms, which will be of value to those using these two great chroniclers for English or French history, may be found on pp. 14, 28, 29, 47, and a review of the whole question on pp. 131–132. From the same Marseilles archives Dr. Sternfeld has printed more than fifty pages of valuable documents, mostly unpublished, including all the great treaties between Charles and the cities of Arles and Marseilles. Of some, already published by M. Blancard, he is able to give a more precise text.

Dr. Sternfeld's book gives a very complete biography of Charles of Anjou up to 1265. He has collected the little known of Charles's youth. He has given a clear if not very vivid account of his adventures in Egypt during St. Louis' crusade of 1248 and the following years. He has devoted an interesting chapter to Charles's unsuccessful attempt to get

[1] *Das Verhältniss des Arelats zu Kaiser und Reich*, 1190–1250. Berlin, 1881.

possession of Hainault as the ally of Margaret of Flanders and her sons the Dampierres. He has told what he could of Charles's administration of his original Angevin appanage, and worked up very fully his early dealings with the papacy. He has recounted the first offer of Sicily in 1252 when Charles and Richard of Cornwall were simultaneously urged in vain to undertake a hopeless task. He has traced with minute care the gradual growth of Charles's dominions in Piedmont and his alliances with the chief Guelphic powers of Lombardy, and has followed at length the tortuous negotiations with Urban IV and Clement IV which at last led to Charles's embarkation, on Ascension day 1265, in quest of the throne of southern Italy.

Though not neglecting other aspects of Charles's early career, Dr. Sternfeld's main interest is plainly in the actual administration of Charles in Provence, and in the history of his successful subversion of Provençal national freedom. Despite the Albigensian wars, which, except in Avignon, had not much influence in the imperial lands beyond the Rhone, the Provençal national feeling still remained unbroken as long as Raymond VII reigned at Toulouse and Raymond Berengar V at Aix. Signs were not wanting that, in the face of a common enemy, the old hostility of Toulouse and Provence was abating, and a united South-French State might still have been established had Raymond succeeded in his suit for the hand of Beatrice, the youngest daughter and heiress of Raymond Berengar, and the sister of the queens of France and England and of the future queen of the Romans. Had such a union been accomplished, it would not have been hard to cheat Alphonse of Poitiers of the Toulouse succession secured by the treaty of Paris of 1229, and it would have become possible to set a limit to the aggressions of the northerners of the Langue d'oil, and build up a Romance national state in southern Gaul. Charles's marriage with Beatrice in 1245 cut off the best prospect of such a Provençal monarchy, secured the triumph of northern France over the whole of the south, and began the long series of aggressions on the disorderly and disunited fiefs of the waning Empire. M. Boutaric has told how Toulouse and Languedoc became French in his 'Saint Louis et Alphonse de Poitiers.' Dr. Sternfeld now does the same service for the county of Provence, and for Louis and Alphonse's younger brother. Though scarcely twenty years old when he became lord of Provence, Charles of Anjou at once set to work to bring his new dominions thoroughly under his power through northern administrators and northern methods of government. His success was brilliant and lasting. The great ecclesiastics, like the archbishop of Arles, ceased to be temporal sovereigns. The nobles gave up their independence, and their leader, Barral de Baux, one of Dr. Sternfeld's chief heroes, despairing of feudal freedom, became one of Charles's ablest and most trusted ministers. The great cities which had hitherto been as free as Milan or Florence, sought in vain to maintain their franchises. Arles, Avignon, and Marseilles itself were quickly subdued. Though Marseilles rose in revolt in 1262, it was qiuckly starved into submission, and the care shown by Charles for its trading interests soon reconciled the wealthy burghers to the loss of their freedom. Barral de Baux himself led Charles's army against his old ally, while Charles was capturing the rock of Castellane, whence its lord, Boniface of Castellane, the last of the

troubadours, sought safety in flight and exile. Master of clergy, nobility, and cities alike, Charles welded all Provence together by good laws, carefully and strictly executed. So far from playing the brutal tyrant, Charles was, Dr. Sternfeld maintains, singularly long-suffering in dealing with rebels. Not till 1264 were any rebels executed. William of Nangis, indeed, speaks of the execution of the Marseilles leaders in 1262 (i. 224, ed. Société de l'Histoire de France). The treaty, however, published by Dr. Sternfeld speaks of an amnesty (p. 305). As the result of his wise policy Charles could now draw his armies from his new subjects and gradually dispense with his northern followers. In 1264 he raised a revenue of 41,000 pounds Tournais, of which he only spent 24,000. Charles had thus won great glory as warrior, administrator, and diplomatist, had extended his direct dominion over the Col di Tenda to the suburbs of Asti, had become the ally of Milan and Montferrat, and Roman Senator for life, when the final offer of Clement IV brought him forward in a wider sphere as king of Naples and chief Guelphic partisan all over Italy.

All workers at thirteenth-century history will be grateful to Dr. Sternfeld for the fullness and clearness with which he has worked out this striking growth of the French power and the early history of the great prince who guided it. It is not to be expected that in a work of this sort the picturesque sides of the history will stand out strongly, but they have not been altogether neglected. So far as Dr. Sternfeld has used accessible sources his work seems thoroughly accurate, and this is the best guarantee of his wise use of the manuscripts and inedited documents on which he so much relies. There are perhaps rather more printer's mistakes than are necessary, but most can be easily corrected, even by foreign readers. Special praise should be given for the care taken by the writer to bring out clearly the general results and tendencies of his work.

T. F. Tout.

Chronicon Galfridi le Baker de Swynebroke. Edited, with Notes, by Edward Maunde Thompson. (Oxford: Clarendon Press. 1889.)

The principal librarian of the British Museum has done another good service to students of fourteenth-century history by the publication of the first critical edition of the important chronicle of Geoffry le Baker, and by first fully pointing out its real importance. Baker was an Oxfordshire clergyman who came from Swinbrooke, a little village near Burford. His chronicle extends from 1303 to 1356, and is of great value throughout. It is very useful even in the early portion, though that is mostly based on Adam Murimuth, also an Oxfordshire man. Later on it becomes a strictly contemporary narrative, the account of the battle of Poitiers, with which it ends, being written within three or four years of the event. Found in its entirety only in the MS. Bodley 761, the chronicle has had a most curious literary history. One part of it, under a different name, has been always very widely known and used. The other, and that not the least valuable portion, has been quite lost sight of except in a garbled and suspected shape. The touching and graphic detail with which the tragic end of Edward II's life is described by Baker seems to have led to a large number of copies being taken of the portion

of his chronicle dealing with that king's reign than of the rest. Gradually this extract got to be looked on as a separate 'Life and Death of Edward II.' Its authorship was ascribed to a certain Sir Thomas de la Moor, of Northmoor, between Witney and Oxford, who was knight of the shire for Oxfordshire and an eye-witness of the deposition of Edward. But the Bodley MS. only shows that Sir Thomas was Baker's patron and instigator to literary labour, and the author of a French account of at least part of his experiences, on which Baker based his Latin version. This 'Life and Death,' which had got gradually rather cut down from the wordy style of the original, though it remained unaltered in substance, was printed in 1602 by Camden, and has been recently republished as a sort of appendix to Bishop Stubbs's invaluable 'Chronicles of Edward I and Edward II' in the Rolls series. In the introduction to vol. ii. Dr. Stubbs explained clearly that the 'Vita et Mors' was really but an extract from the Bodley MS., pointed out that Baker was its true author, and corrected Camden's erroneous biography of Moor. On these points Mr. Thompson has very little to add. His only difference from the bishop is that he thinks that no French original of the whole chronicle ever existed, and that the passage alluding to Moor's French narrative only means that the knight wrote an account of the deposition of Edward, and not a French chronicle covering the whole period. This is not impossible, but the words are too ambiguous to make the question certain. Anyhow no French original has been found hitherto.

A very different fate met the later part of Baker's work, which remained in almost complete oblivion, except that the whole chronicle had become known to Stow and was largely used by him in his 'Annals,' great portions of which for the years it covers being but rough and not always very accurate translations from it. From this source bits of Baker—such as, for example, his account of the Black Death—have found their way into the ordinary histories. But writers have been chary of having recourse to an Elizabethan writer for fourteenth-century facts. At last in 1847 Dr. Giles, in his zealous but uncritical and unscholarly way, published some sort of text of all Baker's work for the Caxton Society. Yet the book was not very accessible and little notice was taken of it. For example, Dr. Pauli, who published the fourth volume of his 'Geschichte von England' in 1855, does not seem to have used it at all, for on p. 437 he complains that Froissart is the only circumstantial authority for the battle of Poitiers, though he would have found in Baker an equally full and much more likely account of the fight. Mr. Longman, in his 'History of Edward III,' does not seem to refer to it. It is hardly too much to say that Mr. Thompson has revealed to historians a new and most important source for the first half of the reign of Edward III, which no one will have any excuse for neglecting in the future.

Mr. Thompson's reputation as a palæographer is a sufficient guarantee for the fidelity and accuracy of his text, which has been printed, bound, and 'got up' by the Clarendon Press in a more sumptuous style than generally falls to the lot of medieval historical materials. There is also a preface of seventeen pages, dealing with the literary history of the manu-

scripts and printed versions of the text, and a full and clear index at the end. Mr. Thompson has also enriched the edition by nearly 140 pages of closely printed 'Notes and Illustrations,' which deserve to be spoken of at some length.

The only complaint that can be made against Mr. Thompson's notes is that he has taken up a great deal of space in printing long extracts from well-known authorities which are easily accessible to all students. It would have been quite enough to have given precise references to books like Stubbs's 'Chronicles of Edward I and Edward II,' Hemingburgh, Knighton, Froissart, and the 'Foedera.' More room would have thus been gained for the inedited and inaccessible matter of which Mr. Thompson has so great a store, or for more critical notes from the editor himself. But no one can blame Mr. Thompson for his extracts from Stow's 'Annals,' though Stow is not a rare book, because they so excellently and clearly bring out both the extent of Stow's obligations to Baker and the way in which he often misunderstood or slurred over his meaning. But the most valuable authorities quoted in the notes are undoubtedly the long extracts from the English 'Brute' chronicles, from the Harley MS. 2279 and the Egerton MS. 650. The graphic vigour of these narratives enables one fully to realise the complaint of Mr. Thompson that modern historians have not paid as much attention as they ought to the 'Brute,' though a version of it was published by Caxton so early as 1480. The fourteenth-century French 'Brute,' from which the English 'Brutes' are derived, would apparently be still more worthy of attention. Both in his treatment of the 'Brute' and by his pointing out the fidelity of Stow to contemporary sources Mr. Thompson usefully recalls to an age too apt to reject without examination all sources not strictly contemporary the value of even secondary authorities when critically and carefully used. In many places former writers, who have followed Froissart's brilliant romancing, would have done much better to have paid more attention to Stow, and, through him, to Baker.

Mr. Thompson's own critical contributions to the notes are very valuable. He has naturally devoted most attention to those events on which Baker's chronicle throws most light. Three points may be selected on which he bestows special pains—the march of Edward III in 1346 from La Hogue to Calais, the Black Prince's great raid in 1355, and the campaign of Poitiers in 1356.

The itinerary of Edward III between 12 July 1356, the date of his landing at La Hogue, and 4 Sept., the day of his arrival at Calais after fighting on 26 Aug. the battle of Crecy, is already fairly well known, but has never been laid down with the minute precision with which Mr. Thompson describes it on pp. 255–7, illustrating it with a clear and useful map. He relies mostly on the full but dateless account in Baker, the 'Kitchen Journal' printed in 'Archaeologia,' vol. xxxii., and a contemporary itinerary which he prints, so far as I know for the first time, from the MS. Cotton Cleopatra, D. VII.

The famous raid of the Black Prince from Bordeaux to Narbonne between 5 Oct. and 2 Dec. 1355 has hitherto been told almost entirely on Froissart's authority, and the details of the itinerary have therefore been

vague, inaccurate, and wanting in precision. Mr. Thompson points out on p. 292 that Baker's itinerary of this journey is by far the most complete to be found anywhere, though the uncouth form which the place names assume in it, distorted still more, as they were, by Stow's additional blunders in his translation, has prevented it hitherto from receiving proper attention. Mr. Thompson's reconstruction of the route seems very successful, though he has not been able to avail himself of the expenses roll of the prince's controller, which is preserved among the archives of the duchy of Cornwall. This route is also illustrated by a good map.

The most interesting and important notes of Mr. Thompson are those bearing on the battle of Poitiers. A generation ago French antiquaries were in doubt whether the battle was fought two leagues to the north or two leagues to the south of Poitiers town, and the general belief inclined to a northern site. It is now, however, generally recognised that the battle-field was to the south of the city, near Beauvoir, and that a farm called La Cardinerie represents the Maupertuis near which the fight was fought. But the extreme meagreness of most of the contemporary chroniclers has left Froissart practically the sole authority for the details of the battle, and it has been inferred from his account that the main fighting took place in a narrow lane running up a valley and surrounded on both sides by woods and hedges which were lined by English archers. Mr. Thompson does good service by laying stress on Baker's clear and precise description of the battle, which is almost altogether different from Froissart's, though many of Froissart's incidents can be easily adjusted to Baker's general outline. Instead of the fight taking place in the narrow lane at the bottom of the valley of Maupertuis, the bulk of the fighting took place on the level ground to the west of the valley and on its adjoining slopes. A long hedge separated the English and French, and it was from this safe cover that the archers used their bows with such deadly effect, though some were also stationed in the marshy bottom of the valley, where the French cavalry could not reach them. The battle began by an attack on the English, or rather Gascon, rear guard through a gap in the upper part of the hedge, through which a cart road apparently ran, and which seems to have been the original of the lane in the valley of which the ordinary accounts are so full. But the attack on the rear guard was due not so much to the English being in retreat as to the accident of a change of position, caused by the dexterous march of the Black Prince with the main body through the valley to the hill beyond, whence he took the French on their left flank, gaining thus an advantage in position which made up for his inferiority in numbers. Most of the French fought so stubbornly that the day was for a time doubtful, though they were new to the English way of fighting on foot, that they had now for almost the first time adopted. At last the attack of the captal de Buch, who had been sent round to their rear, decided the fate of a well-contested battle, in which the vanquished were outgeneralled even more than outfought. Mr. Thompson's commentary on Baker's account of the battle puts the whole fight in a clearer and more intelligible light than any other account with which I am acquainted, and fits in wonderfully well with the nature of the ground as laid down in the plan of the

battle which is appended to it. It is unlucky that the plans of the battle given in all the widely circulated English school histories should be entirely erroneous. T. F. Tout.

Catalogus van de Pamfletten-verzameling, berustende in de Koninklijke Bibliotheek, bewerkt met aanteekeningen en een register der schrijvers voorzien door Dr. W. P. C. Knuttel. *Ambtenaar aan de Koninklijke Bibliotheek.* Eerste deel: 1486–1648. The Hague. 1889.

This catalogue of the collection of pamphlets in the Royal Library at the Hague should be of great value and convenience to students of Netherland history. The two volumes under notice, forming the first part of the compilation, cover the whole period of the Habsburg régime and the War of Independence, i.e. from the time of Maximilian of Austria to the peace of Münster, and Dr. Knuttel gives the assurance in his preface that the second part is already more than half complete. The system of the catalogue is chronological; the pamphlets of any given year, though grouped as far as possible according to their subject matter, being arranged in a separate section under their date. At the head of each page stands the date and a short heading indicating the contents. The annotations are clear and careful, and bear marks of laborious research and critical insight. Dr. Knuttel acknowledges in his preface his obligations to the general catalogues of pamphlets relating to Dutch history made by P. A. Thiele [1] and J. K. v. Wulp,[2] and has made free use of them in the present compilation, whenever they throw light upon the documents in the Royal Library Collection. A useful index of the various writers is given at the end of the catalogue. The following excerpt (vol. i. p. 80) is a good specimen of Dr. Knuttel's work:—

No. 406. *Verhandelinghe vande Vnie, Eeuvvich Verbondt ende Eendracth* (sic) *Tusschen die Landen, Prouincien, Steden ende Leden van dien hier naer benoempt, binnen der Stadt Vtrecht gheslooten, ende ghepubliceert van den Stadt-huyse den xxix Januarie, Anno* MDLXXIX *Ghedruct tVtrecht. Zonder n. v. dr. en z. jaar.* In 4to. 12 blz.

'Extremely rare copy of the first edition; differing in this from all other known editions, that the declaration of the thirteenth article (the point of religion) is here wanting. This edition must have been printed between 4 Feb. and 5 March 1579, as the accession of Ghent (4 Feb.) is noted, while the other accessions (the first is that of the district of Nijmegen, 5 March) are wanting. This edition was unknown to various writers upon the Union. Mr. P. Paulus ('Verklaring der Unie van Utrecht') made use of a copy of 1580 (after 15 April), while P. Bondam ('Redevaering over de Unie van Utrecht,' blz. 148–151), who made diligent search for the earliest copy, knew no other edition than that of Conraet Henriksz (published between 29 July and 13 Sept. 1579).'

The second volume contains a large number of pamphlets (many of them translations from the English) bearing upon the parliamentary troubles and the civil war in England. George Edmundson.

[1] *Bibliotheek van pamfletten, traktaten, plakkaten, enz. over Nederl. geschiedenis (tot 1702) Beschreven en naar tijdsorde gerangschikt.* Amsterdam, 1856–61. 3 vols. 4to.

[2] *Catalogus van de traktaten, pamfletten enz. over de geschiedenis van Nederland in de Bibliotheek van Is. Meulman.* Amsterdam, 1866–68. 3 vols. 4to.

Medieval Researches from Eastern Asiatic Sources: Fragments towards the knowledge of the Geography and History of Central Western Asia from the 13th to the 17th century. By E. Bretschneider, M.D., late physician to the Russian legation at Peking, correspondant de l'Institut de France. 2 vols. (London: Trübner's Oriental Series) 1888.

Dr. Bretschneider has in great measure accomplished for the history and geography of central and western Asia from the Chinese point of view what the late Sir Henry Yule accomplished from that of Mohammedan and European writers and travellers. The present volumes are in the main a reprint of three essays published in 1875–7 and founded upon researches in the libraries of Peking, but these have been supplemented by assiduous study of the facts and documents brought to light by the scientific explorations which succeeded the Russian occupation of central Asia. The first part consists of the narratives of five Chinese travellers of the 13th century; one of whom was the great Chinghiz Kaan's minister, and accompanied the conqueror on his westward march; while another, and far the most interesting and important of all, was a Taoist monk, Chang Chun, who journeyed from China to Samerkand in 1220–4. The notes of this observant traveller are full of information on the places and people he visited. The second part contains notices of the medieval geography and history of central and western Asia from Chinese and Mongol writers, compared with the records of western authors, and opens with a useful bibliographical introduction. Essays on the Kitan and Kara Khitai, the Uigurs, the Mohammedans, and the Mongol expeditions to the west, including the invasion of Russia, Poland, and Hungary in 1240–2, complete this part, in which the author has drawn from Persian as well as more eastern sources, though he shows himself here and elsewhere less familiar with the Mohammedan than with the Chinese authorities. Part III. (vol. ii.) consists of an invaluable commentary on a curious Chinese map of central and western Asia published in 1331, and here reprinted. Dr. Bretschneider examines and identifies the various names of countries and cities, and illustrates them by copious extracts from medieval, Chinese, and other notices. Some of his identifications may be open to criticism; for example Dan-ya, stated to be north of Constantinople (which, by the way, was never called 'Konstantineh' by the Turks), is more probably Edrina (Adrianople) than Damietta: but the general value of his exhaustive comments is beyond all question. The fourth part deals with Chinese intercourse with the countries of central and western Asia during the 15th and 16th centuries, and is replete with geographical and historical data which will be of great assistance to the student of the highways of commerce between East and West. Dr. Bretschneider does not claim for his Chinese records the same supreme importance that attaches to the works of the contemporary Persian historians, such as Reshid-ed-din, but their statements are of considerable service in bearing out and supplementing those of the Mohammedan writers, and even when they are meagre the detailed and luminous observations which the learned editor has appended to every peg on which one could hang a note form a treasury of

recondite information which perhaps no other scholar could adequately supply, or at least which none other has hitherto collected. With Yule supplemented by Dr. Bretschneider and Mr. Howorth the student of the complicated problems of medieval Asiatic ethnology and geography has his path cleared before him, and is now in a position to explore the country with full knowledge of the tracks of his predecessors. S. LANE-POOLE.

Histoire de la Constitution de la Ville de Dinant au Moyen Age. Par H. PIRENNE. (Université de Gand. Recueil de Travaux publiés par la Faculté de Philosophie et Lettres. 2e fascicule.) (Gand: Librairie Clemm. 1889.)

THIS is a very careful and useful monograph on the constitutional history of a small yet important and historical Walloon town, made possible by the recent publication of its cartulary by M. Bormans and worth doing, not only from its own interest, but because Dinant is a type of the development of municipal institutions in the imperial bishopric of Liège, a subject not hitherto worked out with any fulness even in the case of Liège itself. In the earliest recorded times Dinant was subject partly to the count of Namur and partly to the bishop of Liège. The count ruled the town not as feudal *seigneur* but as the delegate of the emperor. He governed, however, in the eleventh century very much as a *seigneur* would have done, acting through an official called *ministerialis comitis*, who had as assessors a number of *monetarii*. In 1070 Henry IV transferred the count's rights to the bishop of Liège, as a part of the general imperial policy of backing up the ecclesiastical magnates, as the best way of counterbalancing the secular aristocracy. As time went on the *ministerialis* and his *monetarii* became *maire* and *échevins*, but all through the middle ages the appointment to these offices depended upon the bishop, a state of things in remarkable contrast to the institutions of the Flemish towns. After 1196 the beginnings of municipal liberty appear in the institution of a body of *jurés*, who formed an independent *commune* that soon made a league with the neighbouring towns. Abolished formally in 1231 by a diet at Worms, the *jurés* still continued to maintain their existence, and before long formed the mass of the town council and began to encroach on the mayor and *èchevins*. In the thirteenth century a fierce internal struggle was waged between the old aristocratic burgesses, the leading trade corporation of the coppersmiths, and the amalgamated lesser crafts of the town. In 1348 a constitution was accepted which established an equilibrium between the three rival bodies. It remained in operation until the revolutionary movement at the end of the eighteenth century. But after the fifteenth century Dinant loses its importance. Famous in earlier times for its brass and copper wares, which were called *dinanderie*, it carried on active commercial relations with Cologne, Bruges, England, and France, and was the only French-speaking member of the Hansa, though rather as an ally than as an integral part of the confederacy. But even in its prime it suffered from the commercial and political rivalry of its neighbour, the count of Namur's commune of Bouvignes. The union of Namur and Burgundy resulted in the fatal sack of Dinant in 1466, well known from the

description in Comines. It never regained its trading importance, and to-day remains a small tourist-haunted country town.

The leading points of the history of Dinant stand out clearly and well in M. Pirenne's narrative. It is hard, however, to see why he speaks of the *ministerialis* and *monetarii* as *maire* and *échevins* in the eleventh century (pp. 7-8). It is surely a very loose use of what are essentially technical terms. There are more printer's errors than are desirable, including a bad transposition of a whole line on p. 13, where line 1 should follow line 12. The phrase 'secular abbeys' on p. 16 needs explanation for some readers. On p. 31 M. Pirenne runs a tilt against Von Maurer. On p. 35 he inaccurately compares the contest of the patrician burgesses with the commons of the town to the modern conflicts of capital and labour. T. F. Tout.

Geschichte der Päpste seit dem Ausgang des Mittelalters, mit Benützung des päpstlichen Geheim-Archives und vieler anderer Archive bearbeitet von Dr. Ludwig Pastor, ordent. Professor der Geschichte an der Universität zu Innsbruck. Bd. II. *Geschichte der Päpste im Zeitalter der Renaissance bis zum Tode Sixtus IV.* (Freiburg-im-Breisgau: Herder. 1889.)

Professor Pastor continues to write the history of the medieval papacy, without, notwithstanding his access to contemporary documents, any remarkable additions to our previous knowledge, but with abundant illustration and confirmation of it from the copious references which form the leading feature of his work. The period comprised in his second volume includes the pontificates of Pius II, Paul II, and Sixtus IV—a time equally trying to the blind antagonists of the papacy and its blind defenders. The former will hardly resist the temptation to turn history into a libel; the latter can only make out a case by falsifying history altogether. Professor Pastor endeavours to steer a middle course, and flatters himself that he is impartial while he is only cautious. Of direct misrepresentation, or even disingenuous suppression, he is indeed incapable; but he cannot resist the temptation, even more subtly destructive of the truth, to minimise the picturesqueness and the moral teaching of history. Compare, for example, his account of the conclave of Pius II at the beginning of this volume with Pius's own narrative, and it will be seen into what a *caput mortuum* the latter has shrivelled, and how much more decorous the historian is than the pope. Professor Pastor never falsifies history; but he leaves the significance of its more pregnant passages unrecognised, as the Alpine traveller hastens in silence by the suspended avalanche which might be loosened by a breath. The conspiracy of the Pazzi, for instance, is fairly related, but suggests no further comment than that the pope should not have mixed himself up in such a business; and the Florentines' contemptuous disregard of his spiritual censures is mentioned as if it were a thing which might have occurred at any period of the middle age. The higher we estimate Professor Pastor's superiority to the Audins and Artauds—and it would be difficult to overrate it—the more evident it becomes that philosophical history is not to be expected from devout Roman catholics. Professor Pastor gives no indication of any of

the historian's special gifts of picturesque narrative or lively delineation of character; his great merits are his industry, the extent of his research, and his opulence in references and citations. It is a pity that he has not given Cardinal Borgia's account of the storm that so nearly shipwrecked him, which he has found at Florence. There are some indications that this representative of a paganised and secularised church is to enact the character of its scapegoat, usually allotted him by reputable Roman catholic historians. Whatever might happen to the church, popes and cardinals would generally fare better with historians who did not regard them as beings detached in theory from humanity While as little of a party history as could possibly be expected, Professor Pastor's work is still too much of one to rank among examples of genuine scientific research, or to achieve any special distinction save that of a most useful guide to the contemporary literature of its subject, published and unpublished.

R. GARNETT.

The Dictionary of National Biography. Edited by LESLIE STEPHEN and S. L. LEE. Vols. I—XXII. (London: Smith and Elder. 1885–90.)

IT is impossible to enter upon the detailed criticism of such a colossal work as the 'Dictionary of National Biography' has already become; but some meed of recognition is due in these pages to the progress of an undertaking which is of such special usefulness to historical students. The mere fact that it should have been projected upon so large a scale is a testimony to the increasing interest taken in history, and to the thoroughness of investigation which historical studies have been seen to demand. The plan of the Dictionary recognises the necessity of grappling with the mass of material which the industry of explorers has in our own day made accessible, but which is bewildering through its vastness. Some sort of arrangement, some form of index was clearly necessary; and the framework of biography was perhaps the simplest and the most readily available. Mr. Stephen's scheme was not merely to give information about the chief personages whom England has produced, but also to provide an index to English history and literature. It was a bold undertaking; but it can claim to be justified by a large measure of success. The thoroughness of the work is such that the Dictionary has become an indispensable book of reference, and when it is completed its influence will be strongly felt on the scholarship of the next generation. Future writers will be able to avail themselves of the full knowledge of those of the present day. They will have a definite starting point for their own investigations: they will have in their hands a codification of the results of previous research, and their own labours will be proportionately lightened.

One of the objections sometimes raised against the Dictionary is the hugeness of its scale, and the excessive number of unimportant persons with whom it deals. To the historian, at all events, this will not be a drawback. It is precisely the less known men whom he wishes to trace. Kings and statesmen have hitherto occupied his attention too exclusively. He has had so much to do in following out the structure of national life that he has had little time or energy left to penetrate himself fully with the private life of the people or the changing phases of current thought.

What a new sense of the meaning of an age comes to any one who follows out the fortunes of a few families who never rose to any commanding position! The historian of England, when Mr. Stephen's dictionary is finished, will be able to command a mass of information which gives at least an outline of the lives and careers of most of the men whose names have been recorded. He will have a background for his work whatever it may be. His heroes will no longer be projected upon empty space—perhaps this fact may rob many of their old heroic proportions—but will stand out in the complicated relationships of real life. It will be in the power of a novice to check rash generalisations, to point out little things that have been omitted, to pursue general tendencies into the domain of private life, and to insist upon that higher standard of moral judgment which it is the great function of history, as a handmaid of social progress, to demand.

But while we fully admit that the usefulness of the Dictionary of National Biography depends on its completeness, and that no one who had a name in his own day can be regarded as insignificant, we still think that compression would have been possible in some directions. The bibliographical lists are too ambitious. They cannot possibly be complete, and might with advantage be considerably curtailed. A general account of a man's writings, a statement of the number of his published works, and of the libraries where manuscripts were known to exist, would suffice for direction to a student. It is true that a dictionary must have manifold uses, and that the needs of the librarian and bibliographer must be considered as well as those of historians; but we doubt if the Dictionary will supply their needs, and they have other manuals at hand.

The truth is that the editor's rule making the addition of a bibliographical notice optional has been variously construed by his staff, and the reader can never be sure whether he will find a complete list or not. We do not deny that there is a fair argument in favour of an attempt at completeness. The Dictionary is to take its place in private libraries, and to do duty for a multiplicity of dictionaries, catalogues, and annals which can only be found in public libraries. The reader, it may be urged, has a right to be dispensed from a hunt through Tanner and Lowndes or the British Museum Catalogue; in regard to medieval writers he may fairly expect to find the contradictions, the duplications of titles, the wrong assignments of authorship, which have been repeated through a whole series of bibliographical textbooks, sifted and corrected after a fresh and independent study. But we think, in view especially of the huge pamphlet literature which sprang up with the Reformation, that some limitation is desirable in the interest of space; and the nature of this limitation appears to us not to have been sufficiently appreciated or uniformly understood by the contributors to the Dictionary. Where a full list of works is given it is certainly a pity that it is not distinguished, as is done in Sir George Grove's 'Dictionary of Music and Musicians,' by the use of a smaller type.

Again, the historian could dispense with long articles on kings and prime ministers, which, in spite of their length, cannot be satisfactory. It may be urged that a dictionary must give information to the general reader; but nowadays any reader can command a history of England

sufficient for the purpose of general reference. It would have been possible to have devised a new form of articles on kings, dealing only with their private and personal history, and giving a table of events with full references to sources of information under each heading.

While we have expressed a doubt about complete lists of writings, we must not be taken as objecting that the Dictionary is projected on too complete a scale. On the contrary we wish that the list of names were fuller than it is. In estimating the value of the book one is apt at first to dwell almost exclusively on the long articles. These strike the eye and are to a large extent the work of well-known writers; they can be praised without risk to the reviewer's credit. It is only long practice and constant use of the book that enables us to find out the mass of hard work and solid learning that has gone to make up the shorter notices; but after we have made this discovery, we come almost to feel that it is the shorter articles that give the book its chief and most enduring value. If we want information about Burke or Canning we can get it—not so shortly and possibly not always so accurately—elsewhere; but for the minor names the Dictionary will continually be found the only available authority, unless one has access to a public library. It is for this reason that we regret that Mr. Stephen has not seen his way to admitting a larger proportion than he has done of the medieval names included, let us say, in Tanner's 'Bibliotheca.' No doubt there is much to be urged in favour of Mr. Stephen's principle of excluding 'names that are mere names,' if only we could be sure that they are mere names. But this cannot in most cases be determined until a contributor has been set to work for the purpose of discovering the actual facts. Nor again is it possible to carry out the principle consistently. There is at least one instance in the book of an article written to prove not only that its subject did not bear the name under which he appears but that he was the mere transcriber of a particular manuscript. We do not dispute the value of this work; it performs at least the service of detecting an error and removing a source of future error; but, allowing the propriety of the inclusion of the article, it is hard to see why the writers, not transcribers, of other books are to be omitted simply because Leland and Bale and their followers knew nothing beyond the fact of such authorship. Besides, Leland is altogether insufficient, and Bale rarely comes into the market; Tanner is exceedingly expensive when a copy is for sale: so that it is the more necessary that all their entries should be found in the 'Dictionary of National Biography,' which takes its place, we hope, on the shelves of every well-furnished private library. It is satisfactory to notice that the later volumes of the Dictionary approach far more nearly to completeness in this respect than do the earlier ones. The book was projected on a particular scale, and at the outset it was no doubt more difficult to keep contributors within bounds than experience has shown to be possible. Thus the question of space seems to have decided itself naturally as time went on. The work has hardly—we are not sure if it has at all—exceeded the measure planned for it; and there is a reasonable prospect of its being completed in not many more than twice its present number of volumes.

On the other hand, it cannot be disputed that, as indeed lies in the

nature of things, a good many articles are much too long. We have already referred to the memoirs of kings, which are apt to resolve themselves into virtual histories of their reigns. But the criticism admits of a wider range, and touches probably the greatest of the many difficulties with which an editor has to contend. He engages a writer of reputation to write an article on a subject with which he is specially, perhaps uniquely, conversant. The writer pours forth the stores of his knowledge, and the editor, knowing the matter to be good, has hardly the heart to make any substantial abridgment in it. If he does there is a risk of gaining space at the expense of clearness and even coherence. We have no doubt that the process of pruning is indeed, as it should be, extensively applied; but we think it might with advantage have been in many cases carried further. What is to be said, for instance, of a writer who incorporates a minute account of a local custom, taken straight from a county history, simply because it obtained in a parish of which the subject of the notice was rector?[1] Such cases of mere surplusage are, happily, rare; but many writers seem to misconceive the object of a biographical dictionary and admit a class of details which, if all followed the practice, would swell the Dictionary into several times its size. Thus a most valuable contributor, Mr. Laughton, is apt to give minute narratives of unimportant sea-fights. It is quite right that he should devote half a column to the tactics employed by Lord Graves in his battle with Admiral de Grasse, September, 1781;[2] but he ought not to have spent sixteen lines in the next article over the capture of a small schooner 'with an armament of four two-pounders.'[3] Similarly in an article on Sir Edmund Fortescue, Mr. G. F. Fortescue fills nearly a column with an account of the siege of the little fort of Salcombe in the Civil War, including an exact enumeration of the provisions of the garrison. These notices of 'twenty pots with sweetmeats, and a good box of all sorts of especially good dry preserves,' 'two cases of bottles filled with rare and good strong waters,' &c., have their interest, but they were already printed by Lord Clermont, whose book, though privately issued, is tolerably accessible, and in a dictionary they simply cumber the ground.[4] In the able article on Graham of Claverhouse an entire page is taken up with a narrative of the battle of Drumclog and the attack of the Covenanters on Glasgow.[5]

If uniformity of scale has not been always successfully attained, there is less complaint to make about uniformity of arrangement. But even here there are some surprising caprices. John of Gaunt is rightly deferred to the Johns, but Edmund of Langley is to be treated under Langley. One can never be sure whether to look for married women under their maiden names, or those of their husbands. The former is the safest rule because of the possibility of a woman marrying more than once; but in the Dictionary the idea seems to be to insert her under that which is best known. For example, Penelope Devereux is to appear as Lady Rich. But on this showing ought not the beautiful Lady Coventry to come under Gunning? Some wives appear only in their husband's biographies. Even the life of the first Duchess of Marlborough, who had, one would

[1] Art. 'Fenwicke, George,' xviii. 332.
[2] *Ib.* xxii. 439. [3] *Ib.* 441. [4] *Ib.* xx. 38, 39. [5] *Ib.* xxii. 338, 339.

have thought, a sufficiently individual history of her own, is to be gleaned only from notices scattered through Mr. Stephen's article on John Churchill.

These, however, are matters of detail in arrangement, and do not affect the value of the work as a whole. It is better to have too much than too little; and we may be thankful that we have so much from which to choose. Important omissions are few, and we are concerned with the worth of what we have. Uniformity of scale and method of treatment is impossible to maintain throughout so large a work, and there has been a steady advance in brevity and conciseness. Fine writing has dropped out, and there has been a diminution of disputable criticism. On the whole the aim of the writers has been to give full information and to avoid discussion of matters of opinion. There is a high average of methodical and scholarly treatment.

This is a gratifying fact and shows a great progress in the methods of research within recent years. It is obvious to compare the 'Dictionary of National Biography' with the corresponding German work 'Allgemeine deutsche Biographie.' England had neither so large a body of trained workers to draw from nor so large a literature of modern monographs. But it must be admitted that in clearness of arrangement, in uniformity of method and treatment, and in fulness of reference the English book is superior to its German contemporary. The mere fact that there was not much opportunity to condense an existing monograph has produced work which is both fresher and more interesting than the German work of the corresponding kind. Indeed it is not too much to say that the 'Dictionary of National Biography' has provided a training school and has rapidly developed the powers of its contributors. A considerable number of writers have been directed towards systematic research, and the example of some has raised the standard of all. The most useful work in the pages of the Dictionary is not that of writers of assured reputation, but of men who have chosen to work special lines, and have mapped out definite spheres for themselves.

There is one omission in the Dictionary which deserves notice, not so much by way of criticism, but because it calls attention to a pressing want in our historical literature. Mr. Stephen has naturally found a difficulty in deciding the limits of *national* biography. Apparently he has decided that the tenure of any English office constitutes a claim upon attention. Thus room has been found for Adrian de Castello, Bucer, and Isaac Casaubon, while so important a writer as Erasmus is omitted. Doubtless the line must be drawn somewhere; but it has been drawn to exclude foreign ambassadors, even when their share in English affairs was considerable, and their value as sources of information is supreme. We look in vain, for instance, for the names of Barillon and Chapuys. It is certainly desirable, in the interests of historical study, that an attempt should be made to gather information about the men whose despatches have become a primary source of reference. The beginning of any criticism of this mass of material, which sometimes receives credit far beyond its deserts, must be founded on some knowledge of the previous life and personal character of the writer.

We have said that the 'Dictionary of National Biography' is superior

in arrangement to the 'Allgemeine deutsche Biographie.' This is due to the fact that its various writers have adopted a uniform method of classifying their information. Bibliographical information and personal characteristics are almost regularly distinguished from the connected narrative; while, on the whole, the scale of information given is fairly uniform. In the German work the reader does not know whether he will find a literary essay or a bald biography, dates are given or omitted regardless of system, and bibliography is scattered through the whole article. But though the English work has followed a more definite course, it is not in all points free from exception. Some writers give references to volumes and pages, others give only the titles of the works referred to. Again, some writers multiply references without due regard to their authority or importance. It is disappointing to find a long array of authors quoted, and then discover that half of them repeat one another without adding to the original source from which all alike have drawn. It is fair to add that this practice is in defiance of the rule laid down by the editor, that 'it is not desirable, as a rule, to give references to authorities which merely repeat the original statements.'

We have dealt with the general character of this work, for on that its permanent value depends. It is not a series of suggestive monographs, but a mass of trustworthy information, drawn from original sources, which the student needs, and which Mr. Stephen has endeavoured to supply. It is not our object to discuss the merits of different contributors, or to appreciate the amount of original investigation which their articles exhibit. Indeed, very often it is, as we have said, the short articles, dealing with comparatively obscure men, which contain the most learning, and meet with the least recognition. But it is impossible not to feel the value of the work done by Mr. Stephen himself, and to see that he has succeeded in gathering round him a staff of workers who have shown conspicuous industry. The 'Dictionary of National Biography' has become a training school of historical research, and we may hope for many fruits of the labours of those whom it is encouraging to devote their energies to studies that are not immediately profitable.

Clarendon's History of the Rebellion. Edited by the Rev. W. D. Macray. 6 vols. (Oxford: Clarendon Press. 1888.)

Clarendon has waited a long time for a competent editor, but has been fortunate in finding at last one so admirably qualified for the task as Mr. Macray. In his preface Mr. Macray tells us how early his interest in Clarendon began, and how long ago he formed the purpose he has now fulfilled. The experience he has in the meantime acquired by the laborious work of calendaring Clarendon's papers has equipped him better than any other man for the task of editing the 'History of the Rebellion.' One of the difficulties of Clarendon's editors consists in the peculiarly crabbed character of his handwriting, which the facsimile given at the beginning of Book I. enables the reader to realise. Another is caused by the fact that the received text is a narrative patched together from different manuscripts, from Clarendon's original unfinished account of the rebellion and

from his later account of his own life. The superiority of Mr. Macray's edition to all previous ones is shown by the manner in which he deals with these two difficulties. This edition far more faithfully reproduces the text of the original than either that of 1826, or that of 1849, which were themselves an advance on earlier editions. At the end of vol. vi. pp. 237–292, Mr. Macray gives a table of readings corrected in his edition from the manuscript, compared by parallel columns with the readings of the edition of 1849. The earlier editors took the liberty of altering words or expressions which they deemed obsolete or incorrect. These are now restored to their old place in the text. For instance, they changed words such as 'dispassioned' and 'exemplar,' into 'dispassionate' and 'exemplary,' and turned 'amating' into 'amazing.' Sometimes they failed altogether to read what Clarendon had written. In a celebrated passage in the first book he was made to say of the early period of the reign of Charles I that 'many wise men thought it a time when those two miserable adjuncts, which Nerva was deified for uniting, *imperium et libertas*, were as well reconciled as possible.' What he really wrote was 'those two unsociable adjuncts.'

Mr. Macray is careful to point out whether the narrative in the text is derived from the 'History' or the 'Life,' and gives references to facilitate the examination of the manuscripts. It frequently happens that Clarendon wrote two accounts of the same event—one in the 'Life' and one in the 'History'—and, in putting together his narrative as we now have it, struck out one and preferred to preserve the other. In this edition these rejected passages, instead of being omitted altogether, or relegated to an appendix at the end of vol. vi., are printed as footnotes, and the comparison of the two versions is made easy. A number of passages which Clarendon, for various reasons, chose to strike out, are now printed for the first time; some of which are of considerable interest. In speaking of himself he frequently substituted a vague periphrasis for a more direct personal reference. For instance, writing of the end of the year 1643, he says, 'In these straits the king considered two expedients which were proposed to him, and which his majesty directed should be both consulted in the council' (bk. vii. § 323). Originally Clarendon had written, 'the Chancellor of the Exchequer proposed two expedients to the king, which the king liked well, and wished they both might be consulted.' One of these expedients was a letter to the council in Scotland from the lords at Oxford, conjuring them to abandon the design of sending an army into England. The other was the summoning of the Oxford parliament. Here and in many other places Clarendon's own share in events is made clearer and more certain by the light of these hitherto suppressed passages. Specimens of longer passages thus added by the editor from the manuscript may be found in vol. i. preface p. xv, p. 355, iii. 408. Another improvement in the text consists in the removal of sections, before misplaced, to their proper position.

In addition to this careful reproduction of the text of his author, the editor has supplied a number of extremely useful notes of his own. In the margins he has inserted some three or four thousand dates, derived from sources such as the journals of parliament, and the newspapers and correspondence of the time. Only those who have attempted to perform the

same ungrateful task for themselves can appreciate the amount of labour this must have cost Mr. Macray, and the amount of trouble it will save his readers. One of the greatest defects of Clarendon is his confused and careless chronology, due in part to a faithless memory, in part to the fact that he wrote much of his history far from the papers which would have enabled him to be more exact, and long after the events he was relating. The full extent of this inaccuracy is for the first time shown by Mr. Macray's annotations, but the disclosure can hardly be considered a disservice to Clarendon's reputation. It proves that the source of most of his misstatements was rather the causes mentioned above than the desire to misrepresent the facts, which Godwin and some hostile critics have attributed to him.

Besides these corrections of Clarendon's dates, the editor, whilst modestly professing merely to point out errors or to supply information needful for the better understanding of the text, has added a large number of very brief but extremely useful notes giving references to the Calendars of State Papers, Rushworth, Clarendon's own papers, and similar sources. He has also verified Clarendon's numerous classical quotations. Lastly, he has entirely recast and greatly improved the extremely incorrect and confused index of earlier editions. In all these points the new edition of Clarendon is infinitely superior to all preceding ones, and its merits have hardly been sufficiently recognised by most of its critics. It is a piece of work very creditable to the University Press, and one for which all students of seventeenth century history should be extremely grateful to Mr. Macray. It is to be hoped that the authorities of the press will commission him to undertake a corresponding edition of Clarendon's 'Life.' There are still a few passages of interest in the 'Life,' which have not been printed in any edition of it. One such passage containing an interesting anecdote of Falkland and Hampden is given in Seward's 'Anecdotes' (ed. 1796, vol. iv. p. 381).

Though the notes are extremely accurate, one or two errors may be pointed out. In book iii. § 3, Clarendon describing Stafford's impeachment remarks, 'The very first day they met together in which they could enter upon business Mr. Pimm, in a long formed discourse, lamented the miserable state of the kingdom,' &c., and concluded by moving the impeachment of Strafford. In the margin Mr. Macray gives 11 November, 1640, as the date of this event, and the impeachment certainly took place on that date. Clarendon, however, mixes up the transactions of several days, and describes them as all happening on one day. The speech he refers to was delivered on November 7, and the impeachment took place on November 11. A note pointing out this confusion is required. In book iii. § 246, Mr. Macray describes the militia bill as thrown out by 158 to 125 votes, and refers to Commons Journals, ii. 334. The division, however, took place on the question whether the bill should be rejected at once or not, and it was that proposal which was rejected. The bill passed its first reading on 21 December, and the second on 24 December, 1641.

In book viii. § 240, Clarendon mentions at some length an intercepted letter which proved very useful to the royalist negotiators at Uxbridge. A reference should have been given to the letter itself which is printed in 'Mercurius Aulicus,' 27 February, 1644–5. In book viii. § 285,

Clarendon mentions a letter signed by Prince Rupert, but in reality written by himself. It will be found in the 'Journals of the House of Lords,' vii. 329. C. H. Firth.

Calendar of the Proceedings of the Committee for Advance of Money, 1642–1656. Edited by Mary Anne Everett Green. 3 vols. (London: H.M. Stationery Office. 1888.)

Mrs. Green's three volumes are a very valuable addition to the records of the Long Parliament and the Commonwealth. The committee for advance of money for the service of the parliament was instituted on 26 Nov. 1642, and empowered to raise assessments in London and the neighbourhood, to the amount of one-twentieth of the real and one-fifth of the personal estate of the residents within its jurisdiction. These assessments were at first levied without distinction of party, except that those who had voluntarily and liberally contributed to parliament funds were exempted. As the parliamentary party grew stronger, royalists were more and more frequently subject to this taxation, and on 5 June 1648 an order was passed limiting the tax to those delinquents who were within the ordinance of sequestration. In April 1650 the committee for advance of money was practically amalgamated with the committee for compounding, and renamed 'the Committee for Sequestration and Advance of Money.' From the commencement of the Protectorate it ceased to be active or important, and the latest entry of its proceedings is dated 14 May 1656.

A useful list of the books and records of the committee is given at the end of the preface. The calendar commences with a summary of the proceedings of the committee, and the cases of individuals which came before it are then given in order of date. The task of collecting particulars relating to so many persons, from so many volumes of papers, mus have been extremely laborious, and the assistance which the calendar gives to inquirers is proportionately great.

In addition to their primary value as financial records, these volumes contain a mine of information for the biographer and genealogist. 'All the leading families of the country,' says Mrs. Green, 'will be able to ascertain directly or indirectly the side taken by their ancestry in the great civil war. If they took the parliament side, they will not be found here, unless falsely accused; but if they were royalists, details often curious and interesting will be found relating to them, their families and their estates' (p. xvii). The cases of the Duke of Buckingham (pp. 528–541), Lord Coventry (pp. 1363–1369), and the Countess of Derby (pp. 1295–1298), may be cited as good illustrations. Attached to the cases are sometimes brief elucidatory pedigrees (p. 1276) and often the cases themselves and the informations appended supply pretty detailed accounts of the adventures or sufferings of the persons with whom they deal. See for instance the cases of Serjeant Glanville (p. 408), of John Warner, Bishop of Rochester (p. 261), of Sir David Hasteville (p. 960), and many others. There is much, too, relating to parliamentarians. There is the history of Colonel Hutchinson's attempts to obtain his arrears of pay, and a letter from him on behalf of the earl of Clare, all elucidating

matters mentioned in the life of him written by his wife (pp. 214, 627, 881). There are two brief letters of Oliver Cromwell on behalf of petitioners, one for a soldier who had served under him at Marston Moor (p. 855), the other for an old schoolfellow: 'I have known him twenty years, we having had much of our education together; and he is a most religious, honest man, but his modesty and integrity have kept him from preferment' (p. 685). Many of the entries relate to persons of literary note; for instance, Henry King, bishop of Chichester (p. 597), Elias Ashmole (p. 1230), Andrew Yarranton (p. 1454), Sir Francis Wortley (p. 887), Robert Gomersall (p. 1127), and others. Edmund Waller, 'lodger near Charing Cross tavern,' is assessed at 300*l.*, but contrives to compound for 150*l.* (p. 241). Lady Margaret Hobson, Milton's 'honoured Margaret,' assessed at the same sum, escapes altogether, 'not having 100*l.* besides her excepted estates.' Aubrey states that George Wither begged Sir John Denham's estate of the parliament; what he actually did obtain and how he got it is shown on p. 872.

The documents calendared often throw considerable light on the details of the civil war. In connexion with the cases of several persons charged with joining Charles II at Worcester appear the two proclamations of that king, which were printed in the January number of this review (Calendar, pp. 1368, 1391). The cases of the subscribers of the Oxford, Yorkshire, and Newark engagements, show the expedients by which Charles I contrived to raise loans, and the consequences which subscription entailed on his friends (pp. 881, 895, 977). College historians will find the cases of Wadham and Jesus colleges, Oxford, and of King's, Cambridge, of some interest (pp. 888, 1029, 1062, 1066). For the theatrical historian the case of the Alleynes and the note it contains about the Fortune play house may perhaps yield some new facts (p. 1143). There are, also, many illustrations of the manners and customs of the time. On p. 585 the custom of burning hats on drinking a health is mentioned; on p. 961 digging for treasure to be discovered by means of magic is referred to; on p. 780 is a case of extracting information from a prisoner by torturing him with a piece of burning match; notices of the sale of goods by candle are frequent (p. 129).

C. H. Firth.

Recueil des Instructions données aux Ambassadeurs et Ministres de France depuis les Traités de Westphalie jusqu'à la Révolution Française. Publié sous les auspices de la Commission des Archives Diplomatiques au Ministère des Affaires Etrangères. Bavière, Palatinat, Deux-Ponts. Avec une introduction et des notes par André Lebon. (Paris: Alcan. 1889.)

In the treaty of Westphalia Maximilian of Bavaria, the chief German ally of the Hapsburgs in the thirty years' war, was compelled by the successes of France and Sweden to resign the Rhenish Palatinate, which he had held since 1623. At that moment no one could have foreseen that Bavaria was to be the ally, and almost the vassal, of France during the wars of the Spanish and the Austrian succession, as later during the great wars of Napoleon. Yet the alliance with Austria was one that

could hardly last long. The two states lay too close together not to quarrel, and the Bavarian territories necessarily attracted the covetous glances of the Hapsburg rulers. Moreover the electors of Bavaria were the only catholic princes who could aspire to the empire, if ever the quasi-hereditary elections of the Hapsburgs were interrupted. It was the obvious policy of France, as Richelieu had already perceived, to stimulate the differences between the two states, in order to attract the lesser to an alliance with France. This was clearly expressed in the instructions given in 1704 to the president Rouillé (v. p. 122). 'It is to the interest of France to aggrandise in Germany an elector of Bavaria, and to oppose to the house of Austria a power sufficiently considerable to check its enterprises.' These words are a summary of the French attitude towards Bavaria from the moment that peace was signed at Münster and Osnabrück.

Yet for some years after 1648 the overtures made by France were unsuccessful, and the relations between the courts of Versailles and Munich were extremely scanty and cold. It was not until 1670, at a time when Louis XIV was on comparatively good terms with the emperor Leopold, that a treaty was concluded with the elector Ferdinand Maria, a secret article of which stipulated that he would support Louis's candidature for the empire at the next vacancy. Leopold's prolonged reign postponed this contingency till the project was more than hopeless, and the treaty of 1670 brought France little advantage in the war which followed the invasion of Holland. Greed for French subsidies induced Ferdinand to promise his co-operation to the Swedes in 1675, but their ill-success soon terrified the elector into an inactivity which he retained till the peace of Nymegen.

The death of Ferdinand Maria in 1679, and the accession of his young son, Maximilian Emmanuel, seemed to give a more favourable opening for French diplomacy. Charles Colbert, afterwards marquis de Croissy, and brother of the more famous minister, was sent to Munich to arrange an alliance with Bavaria on the basis of a double marriage. The dauphin was to marry the daughter of Ferdinand Maria, while the young elector was to be betrothed to Louis's niece, the daughter of the duke of Orleans. The first marriage, which had been proposed some years before, was speedily concluded, but the second was postponed, and ultimately abandoned. Colbert found it impossible to resist the Austrian party at Munich, which was headed by the elector's uncle. In 1683 Maximilian took part in the campaign which saved Vienna from the Turks; in 1685 he married Maria Antonia, daughter of Leopold and heiress apparent of the Spanish monarchy; in 1686 he joined the league of Augsburg, which was formed to resist the aggression of Louis XIV. The Austrian marriage, however, was not a happy union, and in 1687 the marquis de Villars was sent to Munich in the hope of detaching Bavaria from the enemies of France. But the failure of this attempt was assured beforehand by Louis's high-handed action in the Palatinate, and by his opposition to the election of Joseph Clement, Maximilian's brother, to the archbishopric of Cologne, which was regarded as a sort of appanage for cadets of the Bavarian house. The alliance with the emperor became closer than ever. In 1690 Maximilian commanded the Austrian army against

the Turks, and in 1691, to the intense indignation of France, he was appointed governor of the Netherlands by Charles II of Spain.

The peace of Ryswick gave Europe a short breathing-space to consider the great question of the Spanish succession, the elector's interest in which had been recognised by his appointment in the Netherlands. His first wife, Maria Antonia, had died in 1694, but she had left behind her a son, Joseph Ferdinand. This boy had not only the best legal claim to the throne of Spain, but he was the candidate who was least likely to excite the jealousy of the other powers. Everything seemed to favour Bavaria in 1698, when the first treaty of partition secured the bulk and Charles II's will the whole of the Spanish territories to the electoral prince. But these great prospects were suddenly annihilated by the death of Joseph Ferdinand on 6 Feb. 1699. This event deprived the elector of all personal interest in the succession question ; at the same time it took away his chief motives for a close alliance with the Hapsburgs, and henceforth his support was to be purchased by the highest bidder. Louis XIV and Torcy hastened to avail themselves of the opportunity thus offered. In a series of treaties and conventions, from 1701 to 1704, ever-increasing bribes were promised by France, in proportion as it was necessary to outbid the emperor. Not only was the elector to receive subsidies and troops, but he was to be hereditary governor of the Netherlands, with the sovereignty of Limburg and Gelderland, and if in the course of the war he were deprived of Bavaria he was to be compensated with the full sovereignty of the Netherlands. This last contingency actually came about after the battle of Blenheim, when the allies made themselves masters of Bavaria. Maximilian now applied to France for the fulfilment of the treaty. But at this juncture the archduke Charles was attacking Spain, and the Spaniards would be completely alienated by any scheme of partition. With some difficulty the elector was persuaded to postpone his demand for compensation, and he continued to command French armies in the Netherlands as vicar-general for Philip V. In 1709 the defeat of Malplaquet compelled him to seek refuge in France, but he recovered his government in 1711, and in the next year he was formally invested with the sovereignty by Philip. Meanwhile the emperor Joseph I. had completely confiscated Bavaria, and had distributed it among his German supporters. In the negotiations which preceded the treaty of Utrecht it seemed extremely unlikely that the elector would recover his hereditary dominions. But the Dutch were resolutely opposed to the rule of a French vassal in the Netherlands, and insisted that they should be transferred to Austria. Charles VI, who had succeeded his elder brother in 1711, refused at first to accept these terms, but the desertion of his allies forced him to give way, and by the treaty of Rastadt Bavaria and the upper Palatinate were restored to Maximilian Emmanuel.

On the conclusion of the war the elector returned to Munich as the subsidised ally of France. But for the next few years the old French hostility to Austria was allowed to subside, and in 1718 the regent and Charles VI were actually allied together against the Bourbon king of Spain. In these circumstances Bavaria lost its importance, and Maximilian was even urged by France to renew a good understanding with

the court of Vienna, and to marry his son, Charles Albert, to one of the daughters of Joseph I. This marriage strengthened the claim to the Austrian succession, which the house of Bavaria put forward on other grounds. Meanwhile the diplomacy of Ripperda effected a new breach between Austria and France, and the support of Bavaria became once more of importance to the latter. An embassy was despatched to induce the elector to join the league of Hanover, concluded in 1726 between France and the maritime powers. But Charles Albert, who in this year succeeded his father, was unwilling to tax his exhausted exchequer by risking another war, and France was contented to secure his neutrality in the diplomatic struggle which resulted from Ripperda's intrigues, and in the subsequent war of the Polish succession. In the treaty of Vienna, which ultimately closed this war, Fleury seemed to have abandoned the Bavarian alliance, as France formally confirmed the pragmatic sanction by which Charles VI sought to secure the succession to all his territories for his daughter, Maria Theresa.

The death of Charles VI in 1740 gave the signal for a great European struggle. Not only did Bavaria and other states advance claims to the Austrian territories, but Charles Albert came forward as a candidate for the imperial crown, and a more formidable enemy, Frederick the Great, suddenly commenced the war by his invasion of Silesia. The worthlessness of the pragmatic sanction was speedily demonstrated. Whether Fleury had ever intended to observe the treaty of Vienna is doubtful, but if he had entertained such a purpose he would have been unable to carry it out in opposition to the militant party under Belleisle, which clamoured for the annihilation of the house of Hapsburg. France entered upon the war as the ally of Bavaria and the champion of its claims. The policy was not fortunate in its results. The king of Prussia, the most formidable opponent of Maria Theresa, thought only of Silesia and cared nothing for France and other allies so long as he could secure his prey. Charles Albert was elected emperor as Charles VII, but he paid dearly for the dignity by the loss of his own electorate, and the instructions of this date show how little France was satisfied with her nominee. After his death in 1745 his son and successor, Maximilian Joseph, withdrew from the war by the treaty of Füssen, and in 1746 actually sent assistance to Austria. At the peace of Aix-la-Chapelle the Wittelsbachs had to abandon all their claims upon Austria, while France had reaped nothing from the war beyond the barren glory of the victories of Marshal Saxe. Maximilian Joseph, the last of his line and as impecunious as any of his predecessors, made no attempt to free himself from Austrian influences. And the final termination of the long struggle between Austria and the Bourbons by the peace of Versailles deprived Bavaria, as it deprived another middle state—Savoy—of its essential importance. The electorate only figures again in diplomatic history when the approaching extinction of the ruling line excited the ambitious greed of Joseph II.

The elder or Palatine branch of the house of Wittelsbach, which recovered a portion of its lost territories and received an eighth electoral vote in the peace of Westphalia, played a less prominent part in history than its Bavarian relatives and rivals. Gratitude for French support and hostility to Bavaria made Charles Lewis (1649–1680) a natural ally of France. He

was a member of the league of the Rhine, though in 1658 he gave his vote for the empire to Leopold of Hapsburg. In 1671 his daughter Charlotte Elizabeth was married to Louis XIV's brother, Philip of Orleans. But the Palatinate lay so near to France that causes of quarrel naturally arose between them, which Austria hastened to utilise. At the time when the electors of Bavaria first began to be on good terms with France Charles Lewis turned towards the emperor. In 1674 he joined the coalition against Louis XIV, who retaliated by sending Turenne to devastate the Palatinate. In 1685 the death of Charles, the only son of Charles Lewis, extinguished the male line of Simmern, and the electorate passed to Philip William of Neuburg, a Roman catholic. The new elector was a notorious partisan of Austria, and Louis XIV at once brought forward the claims of the duchess of Orleans as the last representative of the house of Simmern. In the war which followed the Palatinate was again ruthlessly devastated by the French troops, but the league of Augsburg prevented Louis from retaining any of his conquests. By the treaty of Ryswick the disputed succession was submitted to papal arbitration, and in 1702 Clement XI awarded the electoral territories to the house of Neuburg, which was to buy off the duchess of Orleans by a payment of 300,000 crowns. In the war of the Spanish succession the elector palatine naturally supported the opponents of France, and in 1708 was rewarded with the grant of the upper Palatinate, which Joseph I had confiscated from the elector of Bavaria. But the latter recovered his territories by the peace of Rastadt, and the two hostile families returned to the conditions arranged in 1648.

Philip William was succeeded in the Palatinate by his two sons, John William (1690–1716) and Charles Philip (1716–1742). As both were childless it was evident that the death of the latter would reopen the question of the succession. In the Palatinate the nearest heir was to be found in the collateral line of Sulzbach. But the house of Neuburg had divided the territories of the duke of Cleves with the electors of Brandenburg, and had received as their share Jülich and Berg. The treaty of partition had provided that on the extinction of either family the whole inheritance was to pass to the other. This contingency was now approaching, and Frederick William I of Prussia was prepared to assert his claims. The dominant aim of Charles Philip, on the other hand, was to evade the treaty and to transmit his undivided possessions to the count of Sulzbach. It was this which finally broke off the alliance between Austria and the Palatinate, which had lasted since 1672. In 1726 Charles VI succeeded in detaching the Prussian king from the league of Hanover, by promising to guarantee his claims to Jülich and Berg, and this treaty was confirmed in 1728. Charles Philip was so alienated by this that he turned to France, with which state diplomatic relations had for some years almost entirely ceased. In the wars of the Polish succession the two Wittelsbach electors of the Palatinate and Bavaria, who had closed their long quarrel by a family compact in 1724, remained obstinately neutral, and refused to join in the war which the imperial diet in 1734 declared against France. After the conclusion of peace Charles VI tried to recover the support of Charles Philip by an agreement that the count of Sulzbach should have provisional possession of Jülich and Berg for two years, till a final solution

of the question could be arranged. But the only result of this was to alienate Prussia and to increase the subsequent difficulties of Maria Theresa. In the war which followed Charles Philip joined the league formed by France, and he gave his vote for the emperor Charles VII. He was rewarded by success in the great object of his life. Frederick the Great, intent only upon Silesia, renounced his claim upon Jülich and Berg, which in 1743 passed with the Palatinate to Charles Theodore of Sulzbach. The new elector remained devoted to the French alliance, even after Maximilian Joseph of Bavaria had abandoned it. In the seven years' war he took an active part in supporting Austria and France against Prussia.

The last subject of importance with which this volume is concerned is the Bavarian succession. Maximilian Joseph had no children, and on his death the often-confirmed family compact assured the succession to Charles Theodore. The union of Bavaria with the Palatinate promised to restore to the house of Wittelsbach some of the power and prominence which it had conspicuously lost since the treaty of Westphalia. Its territories would make it a worthy rival to Austria and Prussia and might enable it to play a great part in German, if not in European affairs. Richelieu or Louis XIV would have welcomed such a prospect, and would have done all in their power to secure French control over the joint electorates. But since 1756 France had been the ally, and almost the subservient ally, of Austria. The succession in Bavaria was a matter in which the Hapsburgs were vitally interested. As Vergennes says in his instructions to the chevalier de la Luzerne (p. 366), 'the court of Vienna has always considered Bavaria as an object of cupidity or of jealousy. This vast province separates the ancient hereditary states of the house of Austria from its acquisitions in Swabia and from upper Germany in general; it dominates the Danube and the Inn, which are looked upon at Vienna as domestic rivers; it holds the keys of the Alps and of the Bohemian mountains; and the situation of the province makes it a primary object of the desire to round off the Austrian dominions.' Joseph II was resolved not to let slip the opportunity offered by the approaching vacancy in the Bavarian electorate. He himself as emperor, and his mother as archduchess of Austria and queen of Bohemia, were prepared to bring forward sweeping territorial claims, worthless perhaps from a legal point of view, but sufficient to terrify a timid prince like Charles Theodore. Luckily there was another person with a voice in the matter. The elector palatine was himself childless, and the family compacts prohibited any arrangement about the succession without the consent of his heir, Charles Augustus of Zweibrücken-Birkenfeld. France was vitally interested in a matter concerning two states with which her relations had at one time or another been extremely close. In 1776 three envoys were despatched to the respective courts of Munich, Mannheim, and Zweibrücken, but their instructions illustrate the fatal feebleness of French diplomacy at this time. Vergennes, the greatest French foreign minister since Torcy, saw clearly enough the evils which the Austrian alliance had brought upon France, but he could not altogether free himself from the trammels of his predecessors' policy. The envoys hold mere watching briefs. They are to note and report on the designs of Austria, to encou-

rage the elector palatine and the count of Zweibrücken, but they are not to commit France in any way. At the right moment the wisdom of Louis XVI would decide on the right course of action to be followed. If Joseph II had had nothing but this wisdom to deal with he would have easily had his own way in Bavaria.

Maximilian Joseph died on 30 Dec. 1777, and in the following January Charles Theodore arrived in Munich. He had already been terrified into concluding a treaty by which the Austrian claims were recognised. At this juncture the opposition to Austrian aggrandisement was undertaken, not by the vacillating Louis XVI, but by the resolute Frederick the Great. He encouraged Charles of Zweibrücken to refuse his assent to the treaty, and by his bloodless invasion of Bohemia forced the acceptance of the treaty of Teschen. The treaty with Charles Theodore was annulled, and Austria had to content itself with the district between the Danube, the Inn, and the Salza. A few years later Joseph II, left independent by the death of Maria Theresa, endeavoured to evade the treaty of Teschen by inducing Charles Theodore to exchange Bavaria for the Austrian Netherlands, with the exception of Namur and Luxemburg. France, though Vergennes had succeeded by this time in emancipating the court from Austrian influence and had been careful to cultivate friendly relations with Zweibrücken, played no more decisive a part than before. Joseph was again checkmated by Frederick II, who in 1785 formed the *Fürstenbund*, for the maintenance of the *status quo* in the empire.

This volume takes us into the by-ways rather than the highroads of French diplomacy, but it is none the less interesting on that account. The editor has done his work with great care and accuracy. He has necessarily been compelled to make selections from the materials at his command, but the brief introductions to each set of instructions preserve the thread of the narrative, and the notes are plentiful and precise.

R. Lodge.

The Federal Government of Switzerland. By Bernard Moses, Ph.D. Small 8vo. pp. 256. (Oakland, California: Pacific Press Publishing Company. 1889.)

We may or may not agree with Mr. Moses in his belief that the establishment of federal institutions is 'the most important achievement in the political history of Switzerland,' but no one can deny that he has written a very interesting and valuable book on one portion of the existing Swiss constitution. The main title as well as the sub-title ('An Essay on the Constitution') of the volume explain precisely what Mr. Moses has aimed at and what he has very successfully accomplished. He has no intention of going into the whole subject of Swiss political institutions, past and present, or of giving an account of the present religious, social, agricultural, and commercial condition of the confederation. He confines himself rigorously to the federal institutions of the country—that is, what may roughly though inaccurately be called its central government—touching on other matters only in so far as is necessary to make clear in what relation they stand to the federal government. It is important to state

quite distinctly what is the subject of this book, for many persons may hastily come to the conclusion that it deals with all Swiss political institutions. This would be a gross error, though not an uncommon one, for Mr. Moses is one of the few people outside Switzerland who are aware that, save certain defined powers handed over to the federal government, all political authority rests with the cantons, and ultimately with the communes, the real political as well as economical units in Switzerland. Bearing in mind, then, the fact that Mr. Moses's treatise deals with one side only of Swiss political life, I have no hesitation in saying that it is by far and away the best work on English or Swiss federalism that I have ever met with and quite worthy to stand alongside of Stanyan's notable treatise 'An Account of Switzerland in 1714.'

Mr. Moses has some special advantages for writing a book on Swiss matters. His title page tells us that he is professor of history and political economy in the university of California. He is thus as an American resident, and probably an American citizen, well versed in the actual working of federal institutions. More than this: he lives nearer than most of us to certain little-known states which boast of a perhaps not always uninterrupted enjoyment of federal institutions—the republics of Mexico, Colombia, and Venezuela, and the Argentine republic—and hence he is able to illustrate Swiss matters by extracts—sometimes very curious ones—from the constitutions of these states. He is also well acquainted with the constitutional arrangements of Canada and the German empire, while he has made good use of the most accredited commentators on the Swiss constitution. Hence his chapters on the machinery of the Swiss federal government form in reality a study in comparative federalism which fills a distinct gap in English political literature. His work is thus much more than a mere commentary on and summary of the Swiss constitution of 1874, though he naturally takes that document as his text.

Another merit of Mr. Moses's book is that he has thoroughly grasped the fact that the Swiss constitution can only be understood when the history of the Swiss confederation is taken into consideration. He does not tell us what history books he has made use of (apart from the constitutional histories of Blumer, Bluntschli, Dubs, Orelli, and Rüttimann), but I can honestly say that I know of no fuller and more accurate account in English of the origin and growth of the Swiss federal system than that given by Mr. Moses, which, if here and there a little disfigured by sweeping generalisations and tall talk, becomes very sober and detailed when describing the state of things since 1798. Besides these two introductory chapters, and four on the federal machinery in Switzerland, there are five others dealing with foreign and internal relations, the army and the finances, rights and privileges, and the common prosperity. In each the provisions of the constitution affecting the given subject are admirably summarised, with brief notes as to how and why they came into existence.

Space will not allow me to speak at length of the subject matter of any of Mr. Moses's chapters, but I cannot refrain from calling attention to the fact that he rightly dwells on the political drawbacks as well as the obvious advantages of the Swiss referendum, now so often written about

in England, though generally without any clear notion of its history. I must, however, quote two sentences which show that Mr. Moses has grasped the true nature of the Swiss polity, though, owing to the limits he has imposed on himself, he is not called upon to describe it in detail. 'Citizenship in Switzerland is primarily an affair of the commune, from which is developed citizenship in the canton. Through this latter we reach the broader conception of citizenship in the federation' (pp. 207–8).

That there are shortcomings and slips in this work is simply to say that Mr. Moses is a mortal and therefore fallible. But they are none of them of very great moment and may easily be corrected in a second edition. The great blot on the book is, I think, the irrelevant and lengthy forecast of the political future of England which fills pp. 63–86, or nearly one-tenth of the whole volume. Mr. Moses is of opinion that England will soon be called upon to face the problem of the redistribution of her political power, and that this will lead to some form of representative republic (probably the federal form), as aristocracy and monarchy are practically impossible. These speculations are worked out in a not uninteresting manner, but are sadly out of place in a book on Swiss matters, and should be transferred to some other of Mr. Moses's writings. One is amused to find that Mr. Moses never gives the actual names (Ständerath, and Nationalrath) of the two houses of the federal legislature, while he makes a sad slip on p. 110 as to the former. Having rightly stated on a previous page that all details as to the manner of election to the Ständerath are left to the cantons, he here lays down that in *both* houses the elected members hold office for three years. As a matter of fact the cantons are at present, I believe, equally divided on this matter, many electing for one year, many for three, and only one for two years. Then too, when describing the early courts of arbitration which preceded the establishment of a federal tribunal, he should not translate *Obermann* by the word 'foreman' (pp. 154, 156). This official is really the 'umpire' or 'referee' who decides finally when the one or two arbitrators chosen by each party differed in opinion, and is thus far more than the foreman of a rudimentary kind of jury. Mr. Moses has also forgotten to note the fact that article 107 of the constitution of 1874 requires that each of the three 'natural languages' of Switzerland shall be represented among the members of the federal tribunal. It is more excusable when we find in the irrelevant dissertation on the English constitution that 'the counties in the beginning could be represented only by members of the nobility' (p. 65), though I fear that Mr. Moses cannot be personally acquainted with Switzerland, since he holds that the Alps (in contrast to the Jura) 'are made up of one great ridge supported by far-reaching buttresses' (p. 2). Various strange words and spellings must, I suppose, be attributed to the transatlantic origin of the book—*e.g.* 'impassible' (applied to mountains), 'to libertate,' 'prog-ress,' 'monarchial' (twice). Ordinary misprints are rare, though 'Näfles' (for Näfels), 'Thun and Taxis' (twice for Thurn and Taxis), and 'Gerson' (for Gersau) are amusing. But as a whole the book is the very best on its subject in the English language so far as my knowledge goes, and can be heartily recommended to any one interested in Swiss politics.

W. A. B. Coolidge.

The Constitution of Canada. By J. E. C. MUNRO, Professor of Law, Owen's College, Victoria University. (Cambridge: University Press. 1889.)

Johns Hopkins University Studies in Historical and Political Science. Seventh Series, X. XI. XII. *Federal Government in Canada.* By JOHN G. BOURINOT, Hon. LL.D., D.C.L., Clerk of the House of Commons of Canada. (Baltimore: Universal Publication Agency. 1889.)

Toronto University Studies in Political Science. First Series, No. 1. *The Ontario Township.* By J. M. MCEVOY, with an Introduction by W. J. ASHLEY, M.A., Professor of Political Economy and Constitutional History. (Toronto: Warwick and Sons. 1889.)

IN the various constitutions of the self-governing British colonies a series of political experiments are being carried on for the benefit, it is to be hoped, of the persons more immediately concerned, but undoubtedly for the benefit of the student of political science and constitutional history. Materials are becoming more abundant and more accessible for a comparative study of the political institutions of the English-speaking world. Here are two admirable books on the specially interesting and complex constitution of Canada, each of a different character. Professor Munro's work is a legal commentary of the same type as Sir William Anson's 'Law and Custom of the Constitution.' As that deals with the constitution of Great Britain and Ireland, Mr. Munro intends to restrict himself to the constitutions of our colonies; and of these he has 'selected Canada for treatment first, not merely because a special interest has of recent years been taken in its constitution, but for the further reason that some recent Canadian statutes have given a completeness to the Dominion system of government it did not previously possess.' Mr. Munro has restricted himself in the main to an exposition of what German writers would call the *Staatsrecht* of Canada, as distinct from questions of *Politik*. After giving a brief but lucid summary of the constitutional history of the provinces (chap. ii.) and an account of the legislative, administrative, and judicial arrangements in each of them, Mr. Munro goes on to describe the constitutional structure of the Dominion, and concludes with a chapter on 'Dominion Control of the Provinces,' and one on 'Imperial Control of the Dominion,' proceeding thus from part to whole by a method which is unusual but has much to recommend it in the treatment of a federal government, which, in its turn, is not completely sovereign.

Dr. Bourinot's work appeals to a wider circle of readers. It consists of four lectures, originally delivered before Trinity University, Toronto. Questions are not treated from a mere technical or legal point of view, but from that of one who has many opportunities of observing the practical working of the Canadian constitution—and, we may add, from the point of view of the constitutional historian. Dr. Bourinot is not only clerk of the Dominion House of Commons, but the author of important works on Canadian history and parliamentary procedure. The first lecture gives an historical outline of the political development of Canada, especially of French Canada, before and after the capitulation of Quebec and Montreal. Dr. Bourinot calls the period from 1760 to 1791 a transi-

tion stage, 'because it illustrates the development from the state of complete political ignorance that existed at the time of the conquest to the state of larger political freedom that the constitutional act of 1791 gave to the people of Canada' (p. 13). In the succeeding hundred years the political relations of Lower and Upper Canada (Ontario) have gone through three distinct phases—(1) complete separation for fifty years, 1791–1841; (2) complete union for twenty-six years, 1841–1867; and (3) since that time federation, the reconciliation of autonomy and union. In explaining the federal system of Canada Dr. Bourinot brings out in a luminous and interesting fashion the way in which the Canadian constitution combines elements suggested by the United States of America and elements of directly English origin. The preamble of the British North America Act, 1867,[1] really seems to contain a true description of the constitution when it declares that 'the provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to be federally united into one dominion under the crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom.' The federal union is American, but the details of the constitution, and still more the working of it, are English and not American. The same question apparently has arisen in Canada as in the United States—whether the federal authority has created the provincial powers or whether the provincial powers ceded to the federal government a portion of their rights, property, and revenues (p. 124). As a matter of history it is, of course, true, as Dr. Bourinot holds, that the provinces are prior to the federal government; nor need the fact that the act of 1867 divided Canada (in the old sense) affect this opinion, for the division was a restoration of what had existed before 1841. Yet, from the point of view of law, does not the opinion of Mr. Justice Strong (cited by Dr. Bourinot, p. 124), which regards the provinces as created by the Dominion, seem a perfectly sound one, especially since the Canadian constitution (unlike that of the United States) gives only certain explicit powers to the provincial governments, leaving all the residue of power to the federal government? The Dominion executive can, moreover, disallow acts of the provincial legislatures—a conspicuous mark of sovereignty.

In view of present controversies about the use of the French language in the north-west provinces of Canada it is interesting to note what Dr. Bourinot says about the debates in the Dominion parliament. 'Some of the French members speak English with remarkable accuracy, and it is but rarely now that any other language is heard in important debates, since the minority feel themselves compelled to speak so as to be understood by the great majority of which the house is composed' (p. 117). Dr. Bourinot does not refer to a little detail in Canadian parliamentary procedure of which Sir Charles Dilke tells us ('Problems of Greater Britain,' vol. i. p. 73): 'It seems incredible, but it is the case that, in the interval after the division bell has rung, the Canadian members not unfrequently

[1] It is worth noting that sect. 17 of the act gives the lawyer's theory of the English constitution, 'There shall be one parliament for Canada, *consisting of the queen*, an upper house styled the senate, and the house of commons,' whereas the preamble of this, as of every act, gives the historical theory which distinguishes the queen from the estates 'in parliament assembled.'

call on some one with a good voice to sing a song with a rousing chorus, in which the other members join, and the Frenchmen, being musical, are first asked, and often, though "clerical" in feeling, start the "Marseillaise" for fun.'

'On an effective system of local self-government rests in a very considerable degree the satisfactory working of our whole provincial organisation.' In the work before us Dr. Bourinot speaks very briefly on the municipal system of Canada; Mr. Munro expressly omits it altogether. We can the more gladly welcome a minute and careful study of 'The Ontario Township,' by Mr. McEvoy. Professor Ashley, in a short but interesting introduction, points out that 'it was not the example of New England that was directly before the eyes of the first settlers in Upper Canada, but the example of the neighbouring state of New York. It was from thence that most of the United Empire loyalists came. . . . Now the township has never occupied the same position in New York and the middle states of the union as in the more northern states. It was not there the original basis of local government; the country was that; but it had been introduced by New England influence: so that the middle states presented a compromise between the township system of the north and the county system of the south.' Mr. McEvoy holds, indeed, that it is less accurate to say that Ontario is divided into counties, and that these counties are subdivided into townships, than that it is divided into townships and that these townships are grouped into counties. 'The name *reeve* for the presiding officer of the township council,' says Professor Ashley, 'is peculiar, as far as I know, to Canada, and was possibly the result of the revived interest in early English institutions that marked the period [1849]. It may be noticed that Kemble's "Saxons in England," with its chapter on the "Gerefa," had appeared in the preceding year.' Was it not the same year, viz. 1849? DAVID G. RITCHIE.

Un Corsaire Malouin: Robert Surcouf, d'après des documents authentiques. Par ROBERT SURCOUF, Ancien Sous-Préfet. (Paris: Plon. 1889.)

THE modern novelist or dramatist is assuredly no respecter of persons; we have seen the prophet Jeremiah turned into a hero of romance, and the duke of Wellington described as an amorous sexagenarian; how, then, should Surcouf—the compeer of Napoleon, as we are told—escape the common lot of greatness? For nearly three years he has figured on the boards as the *jeune premier* of a comic opera. M. Robert Surcouf, his grand-nephew, claims for him the greatness, but is righteously indignant at the travesty, and has written his life in a stout octavo volume, to show what manner of man he really was and what an impudent pack of lies the libretto of the opera is. We do not feel at all sure that the author's aim will be successful. Those who merely want to be amused care little whether the hero is called Surcouf or Jones, and attach no historical meaning to the burlesque; those, on the other hand, who are interested in the career of the celebrated corsair have long had every opportunity of acquainting themselves with it in the fairly accurate biography by M. Cunat. M. Robert Surcouf's book, now published, adds

nothing of importance to the older work; and though it is unquestionably written in a more pleasant and readable style it may be feared that the advantage is not obtained without the sacrifice of strict accuracy. The new life professes only to be based on 'authentic documents;' but it appears, on examination, that the matter of fact is for the most part taken from the pages of Cunat, and that what is not taken from Cunat is, for the most part, not matter of fact. A great deal of it is lifted bodily from the 'Scènes Maritimes' of Louis Garneray. Now Garneray is a very pleasant and amusing writer, but is scarcely more of a naval historian than our own Captain Marryat; and though he pretends to have sailed with Surcouf in the 'Confiance,' it neither follows that he did nor that his stories of the 'Confiance's' cruises have any relation to the truth. M. Robert Surcouf, however, accepts Garneray's narrative, in simple faith, as the testimony of an eye or ear witness, and relies on him as an important authority for the life of Surcouf whilst fitting out the ship at Mauritius, and for some of the incidents of the cruise. These latter, at any rate, he might have tested by the log of the 'Confiance,' supposing it to be still in existence; here in England we have not that opportunity, but some little we can do to compensate for the omission.

Amongst other adventures of the voyage, Garneray describes in a lively and amusing, though withal—to any one acquainted with the usages of the English navy—in a very ridiculous manner how the 'Confiance' was chased by the English frigate 'Sibylle' off Sadras on or about 7 Aug. 1800. M. Robert Surcouf has reproduced the story, though rejecting the exact date and assigning the incident vaguely to the latter part of September, shortly before the celebrated capture of the 'Kent,' East Indiaman, on 7 October. He tells, in minute detail, how Surcouf lamented that being short-handed—so many of his men being away in prizes—he was not in a condition to revenge the 'Forte' by attacking and capturing the 'Sibylle' off-hand; how finding his ship under the 'Sibylle's' guns, and being unable to attack her, he entered into a long conversation with her captain, whom he succeeded in utterly bamboozling, and so parted from her, chuckling at the innocence or thickheadedness of the *goddems*. We might expose some of the numerous absurdities and impossibilities in the narrative; we might dwell on the fact that, while the 'Confiance' carried only eighteen guns and left Mauritius with about 200 men on board, the 'Sibylle' was a forty-gun frigate and had, eighteen months before, captured the 'Forte,' the largest and most heavily armed frigate then afloat. All this, however, is unnecessary in face of the categorical evidence of the 'Sibylle's' log, that from July to October, 1800, that frigate was at Batavia or along the north coast of Java; that during that time she was never near the Coromandel coast, and never either brought to or even chased any French vessel. It is probable enough that some English frigate did chase the 'Confiance,' which must have passed up the Coromandel coast about that time; but if so she cannot be identified; and the whole pith of Garneray's story rests on the alleged fact of her being the 'Sibylle.' It may be added that Cunat, whose evidence, one way or the other, is far from contemptible, knows nothing of any incident on which this absurd story can be based.

The result of all this, then, is, that the matter which M. Robert Surcouf

has imported from Garneray may be considered as pure romance, either with, or more probably without the very slightest foundation of fact; but that the matter imported from Cunat, which includes all or nearly all that pretends to be history, is fairly accurate. It has, indeed, a strong, an exaggerated, a purposely offensive French colouring; but it was meant for truth by an honourable though narrow-minded man. The capture of the 'Triton' by nineteen men in the 'Cartier' brig, the capture of the 'Jane'—miscalled the 'James'—by the 'Clarisse,' and above all the capture of the 'Kent' by the 'Confiance,' are all matters of fact, fully substantiated even in their details by our own journals and records. It is a certain fact that in the 'Clarisse,' in the 'Confiance,' and afterwards in the 'Revenant,' Surcouf did inflict an almost inconceivable amount of damage on English commerce. Others there were indeed second only to Surcouf, but one by one they were captured or destroyed. Surcouf alone kept himself clear; and though in doing so he was assisted by the excellence of the ships he commanded, all famed for speed, the personal factor in his success is shown by the circumstance that both the 'Clarisse' and 'Revenant' were picked up by English cruisers almost as soon as they were no longer commanded by Surcouf. The 'Confiance' Surcouf himself took safely to France.

It is, then, not only his extraordinary success in preying on English commerce, but the immunity with which he cruised off the Sandheads and on the Coromandel coast that forms his claim to distinction. That he was a man of singular daring and cool courage is evident; but more than that, he must have been a man of extraordinary judgment, prudence, skill, and decision. But all these remarkable qualities are sunk by his biographers in their desire to represent him as a man of the most eager courage, hating the English with a burning hatred and at all times 'spoiling for a fight.' The examination of his career distinctly disproves this view of his character; the bellicose speeches seem all to rest on the authority of Garneray; but even if they were most fully substantiated they mean nothing, unless—sometimes at least—translated into action. This they never were; on every possible occasion Surcouf avoided engaging even much smaller and inferior ships of war. It was the part of a good and prudent privateersman to do so. If he had been the hot-headed bully and braggart that M. Robert Surcouf has loved to portray him, he would have been consigned to the English *pontons* long before he became the scourge of English commerce.

J. K. Laughton.

Le Divorce de Napoléon. Par Henri Welschinger. (Paris: E. Plon, Nourrit et Cie. 1889.)

Charles II declined to divorce the childless Catherine of Braganza and to take a wife whose offspring might have given to England the much-desired protestant heir. From this refusal might be traced the barbarous death of his son the duke of Monmouth, the troubles which distracted this kingdom for three generations, and the extinction of the Stuart dynasty. The opposite alternative adopted by Napoleon in analogous circumstances led to almost the same fatal consequences. This comparison seems to

have escaped moralists, who, like our author, regard the fall of the empire and the untimely fate of the king of Rome as judgments whereby an unerring fate avenged the wrongs of Josephine. That similar retribution awaits King Milan is the fervent hope of Queen Nathalie's champion, M. Welschinger.

The second empire refused Comte d'Haussonville access to those legal documents touching Napoleon's divorce which a preceding government had permitted M. Thiers to inspect, but which we are told he did not sufficiently utilise. Admission to the archives is now more easy, and M. Welschinger has profited by the occasion. It may be doubted, however, whether he does not over-estimate the historical value of certain legal subtilities. Why these were resorted to M. Thiers explains when he observes, *Pour le lien spirituel, ainsi que pour le lien civil, l'annulation du mariage, fondée sur une raison de forme ou sur une raison de grand intérêt public, avait été préferée au divorce ordinaire, comme plus honorable pour Joséphine et plus conforme aux idées religieuses qui dominaient.*[1]

In 1804, tormented by the prospect of a divorce, Josephine on the eve of her coronation told Pius VII in a private audience that her civil marriage with Napoleon had never been ratified by the church. As she had anticipated, the pope made the immediate ecclesiastical legalisation of her union the condition of his presence at the impending function. Napoleon was thus compelled to submit, whilst stipulating that the marriage should be performed in secret and without witnesses. To this end Cardinal Fesch obtained from the pontiff 'all those dispensatory powers that might at any time be necessary to him as grand almoner.' Thus endowed he pronounced the nuptial benediction on Napoleon and Josephine on the afternoon preceding the coronation. On 15 Dec. 1809, Napoleon having extorted his wife's consent to a separation, the civil tie was annulled on the plea that the interests of the empire were at stake. Even in this instance the emperor had to show himself in some points superior to the laws he had passed. To win the hand of a catholic princess, however, an ecclesiastical dissolution of the religious marriage was needful. The pontiff, a captive at Savona, was smarting under recent outrages; to apply to him was impossible; besides he had long before refused a similar request from Jerome Bonaparte. But Cambacérès was equal to the occasion. A regular marriage could only be dissolved by the pope, but an irregular one might be dealt with by the diocesan and metropolitan ecclesiastical courts. Thus, said he to the emperor, *comme il dépendra de vos gens d'affaires de dire à ce sujet tout ce qu'il vous plaira, l'officialité, sur le vu des pièces régulières et sur la déposition des témoins, vous déclarera libre.* In vain did the diocesan court protest its incompetency, exclaiming, *En nous chargeant de cette affaire nous devenons un spectacle au monde, aux anges et aux hommes.* Cambacérès replied, *Mais nous ne voulons pas que cette affaire soit publique et que les journaux anglais s'en saisissent. Toutes les pièces en seront déposées dans la cassette de sa majesté, et nous vous demandons le plus profond secret.* In vain during the progress of the case did the court demand certain documents. Cambacérès could not produce them, but he 'had seen them.' Was the request insisted upon? *Il me semble,* said the

[1] *Histoire du Consulat et de l'Empire*, vol. xi. p. 352.

arch chancellor with indignation, *que la parole d'un prince doit vous suffire ! . . . 'Quoi, vous voulez suivre les formes ? Tout cela va traîner en longueur ! J'ai été jurisconsulte. Elles tuent le fond.'* To prove to the court the irregularity of the marriage, Cardinal Fesch adduced the fact that neither the parish priest nor any witnesses had been present. To anticipate the argument that such informalities were covered by the dispensatory powers given him by the pope, the cardinal, Berthier, Duroc, and Talleyrand bore evidence that the mutual consent requisite to legalise either a civil or religious union was wanting. Napoleon, they averred, had often assured them that he had merely gone through the ceremony in order to pacify Josephine, that he had not wished it, and that he had never considered himself bound by a proceeding that lacked the prescribed forms and solemnities. A few days after the nuptial benediction, said the cardinal, *l'empereur me déclara qu'au moment où il fondait un empire il ne pouvait pas renoncer à une descendance en ligne directe.* But whilst this ecclesiastic admitted that he had given Josephine a certificate of the marriage Talleyrand declared that none existed. Had it been destroyed? Neither M. Thiers nor M. Welschinger tells us, though both allude vaguely to the previous surrender of the document by Josephine at the instance of her children. Short time did the emperor allow the *promoteur général* to argue *si l'intention formelle de ne point se lier irrévocablement était un obstacle invincible à la formation du lien, ou si le consentement donné à la célébration suffisait pour en produire les effets essentiels, nonobstant toute intention contraire.* On 9 Jan. 1810 the diocesan court found the marriage null on the ground that neither parish priest nor witnesses had been present thereat. On the 11th of the same month the metropolitan court confirmed that judgment. The dispensation purposely obtained from Pius VII by the cardinal was held to have been insufficient. *Le pape n'a pu lui accorder que ce qu'il lui demandait. Or, il ne lui a demandé que les pouvoirs nécessaires pour exercer les fonctions de sa place de grand aumônier, qui ne paraissent pas s'étendre aux fonctions curiales.* In the case of informal marriages the courts had been accustomed to advise the parties to correct the defect by a prompt and legal renewal of their union. Hence a doubt arose whether a similar act was not to be recommended to their majesties: but in the third and final court the Abbé Lejeas, vicar-general (*vicaire général capitulaire*), decided that, as the civil contract had been dissolved in the *sénatus-consulte* for unalterable reasons of the highest importance, *il devient désormais impossible dans l'espèce actuelle de fonder la réhabilitation du lien religieux sur l'existence préalable d'un contrat civil qui ne peut plus avoir lieu.* On 14 Jan. the *Moniteur* announced that the diocesan court had declared the imperial marriage to be invalid as a religious union, and that this sentence had been confirmed by the metropolitan court.

In the remaining portion of his book M. Welschinger discourses tritely enough on such well-known topics as Napoleon's matrimonial negotiations first with Russia and then with Austria, the difficulties raised by the archbishop of Vienna as to the validity of the divorce, the refusal of the thirteen cardinals to attend the marriage of Marie Louise, and the imperial vengeance that pursued them. One gleam of humour alone brightens these pages in the speech of the préfet du Pas-de-Calais, who exclaims,

Pour assurer le bonheur et la gloire de la France, pour rendre à tous les peuples la liberté du commerce et des mers, pour humilier les audacieux perturbateurs du repos des deux mondes et fixer enfin la paix sur la terre Dieu créa Bonaparte et se reposa ! E. BLANCHE HAMILTON.

The Barons of Pulford in the Eleventh and Twelfth Centuries, and their Descendants, by Sir George Sitwell, Bart. Scarborough. 1889. This is a work of considerable care and research on a number of difficult genealogical points connected with early Lincolnshire and Cheshire families, from one of which the author is himself descended. There are several parts of the book which concern the historian as well as the regular genealogist—the story of St. Leonard, the Dakins forgeries (where, p. vii, Wolmottue and Marcary stand for Wolvnothe and Morcar), fragments from Sir John Reresby's papers and diaries, a new theory of the county palatine (for which full evidence is promised in another volume), curious heraldic notes which help to show the origin of regular heraldry in England, and interesting examples of names—e.g. Ysorius and Alexander at early dates, the occurrence of Helto, the northern Hjalte=Sholto (brought in, one doubts not, from Scotland), the curious name Tezso or Tezson, and others worth remark. There are a number of charters cited, and the dates of some of these are fixed for the first time. Some of the author's genealogical hypotheses are vitiated by his identification of Osbern and Osbert. Now it is perfectly possible for scribes to mistake one form for another, but it is impossible for any one in the eleventh or, I believe, twelfth century to imagine the two distinct names to be 'identical.' Dugdale's entry merely notes his difficulty; it certainly does not imply that he confounded the two. There must be some other solution for the difficulties which the author feels, for this one is quite inadmissible; he may possibly hit upon the right one before his promised 'Normans in Cheshire' is printed, for he is both a patient and ingenious worker.

Messrs. Swan Sonnenschein & Co. publish (1890) a one-volume edition of the late Mr. Middlemore's well-known translation of Burckhardt's *Civilisation of the Renaissance in Italy*, originally issued by Messrs. Kegan Paul & Co. in 1878. It is to be regretted that no indication is given that it is a reprint, and that the date of the preface (April 1878) has been expunged, so as to give the work the appearance of a new book.

Marie Stuart: 1585–1587: par le Baron Kervyn de Lettenhove. 2 vols. (Paris: Perrin. 1889.) This book is a contribution to hagiology rather than to history. If not exactly written to advocate the canonisation of Mary Stuart, it certainly has an eye to that result. Baron Kervyn de Lettenhove wisely keeps clear of any attempt to appreciate the historical importance of Mary Stuart, her relation to Elizabeth's government, or the dangers to which Elizabeth was exposed on her account. The life of Mary is left to other investigators—he is only concerned with her death; in fact, his book is an essay in martyrology. The general principle laid down is very simple. Mary was the victim of a long series

of plots on the part of the puritans, which were carried out with great dexterity by Burleigh and Walsingham. Mary was skilfully entrapped, and forgery was a powerful instrument in the process of her destruction. Such a presentation of the facts ought to rest upon a careful definition of puritanism, an appreciation of its influence as a political party, and of its attitude towards Elizabeth's government. But Baron Kervyn de Lettenhove assumes all these things, and takes religious parties apart from their political relations. Most students of the period see in the religious aspect of Elizabeth's reign the influence of political events; but Baron Kervyn de Lettenhove reverses the process without vouchsafing any explanation. It may be that he does not care to go into the details of the religious history of England, and uses the term 'Puritan' to denote all who were not adherents of the papacy. If this is his meaning, we have no difficulty in agreeing with his conclusion; though he would still have to convince us that Mary was put to death on account of her religion. The antagonism of Elizabeth and Mary was partly personal and partly political; so far as religion entered into the matter, it was owing to the action of the pope, who, by his excommunication of Elizabeth, contrived to entangle English politics with religion in a way that was equally cruel to the English Romanists and embarrassing to Elizabeth's government. However, in spite of his preconceptions, Baron Kervyn de Lettenhove has gleaned a good deal of information about the events which brought Mary to the scaffold, and his narrative may usefully be compared with that of Mr. Froude. Though we cannot believe that Babington's plot was entirely devised by Walsingham, it is interesting to see how the story can be told from that point of view. The newest part of the book is the account of the failure of the French and Scottish embassies in Mary's favour. It may be added that if Baron Kervyn de Lettenhove does less than justice to Walsingham and Burleigh, he does more than justice to Elizabeth. The book hardly rises to the level of a plausible piece of special pleading, because it is so obviously based on a careful selection of facts and a suppression of everything that does not fit in with the writer's view.

Characters and Episodes of the Great Rebellion. Selected from the History and Autobiography of Edward, Earl of Clarendon, and edited, with short notes, by the Very Rev. G. D. Boyle, M.A. (Oxford: Clarendon Press. 1889.) The dean of Salisbury has here collected the most famous of Clarendon's characters of the great persons of the civil war, and the best known among these inimitable studies will all be found in his beautifully printed volume. The narrative additions, whether from the 'History' or the 'Life,' are comparatively few in number. Why the account of the bull-fight in Spain (pp. 232-236) is included, while the Cornish campaign is hardly touched upon, it is hard to guess; but, generally speaking, the selection offers little opening for criticism. The work of editing, on the other hand, is carelessly done. In a popular book like this dates and other explanations are indispensable, but neither in the text nor in the notes is any real help afforded. On p. 130 an extract begins, 'Mr. St. John, who was in a firm and entire conjunction with the other two,' but there is not a word to say who 'the other two' were. The battle of Cropredy Bridge, described pp. 178-180, has no note even to mention its date. The extract headed

'Foreigners in England and their Treatment' (pp. 124–127) should have been noticed as referring solely to foreign protestant refugees. The notes as a rule contain general observations which would more properly appear as introductions to the several extracts. There is no attempt to give the biographical summaries which such a work as this requires. The references are few and of the vaguest description. Where is the general reader to find 'Mr. Green's account' (p. 347), or 'an interesting essay by Lord Lytton, reprinted from the "Quarterly Review"' (p. 351)? 'Mr. Matthew Arnold has given us, in one of his essays, a most interesting picture of Falkland' (p. 358), 'Dr. Plumptre, in a very complete study of Chillingworth' (p. 366), are other instances of a loose habit of citation. When the dean quotes exactly—it is almost a solitary specimen in the book—he does it after this fashion: 'Vide p. 315, vol. iv., Boswell's "Life of Johnson," edited by G. B. Hill.' A very little pains is needed to make this book satisfactorily serve the useful purpose for which it is intended.

Historic Towns, Winchester, by G. W. Kitchin (Longmans: 1890). Winchester is singularly fortunate in finding its historian in one who is so closely connected with it as its Dean, and further in possessing a Dean so well prepared for his task as Dr. Kitchin. The temptation of the local antiquary is to magnify out of all due proportion the importance of the field of his own labours; but Dean Kitchin is above such temptation, and has written a sketch of the history of Winchester which, for sobriety and discrimination of essential points, leaves nothing to be desired. This is the more praiseworthy as Winchester ceased to be the seat of great events after the thirteenth century, and it is difficult to bridge over the gulf between the old capital of England and the little county town of to-day. Perhaps Dean Kitchin has rather overdone the avoidance of provincial and ecclesiastical bias, and scarcely gives enough weight to the monastic revival of the ninth century or to the good qualities of Edward the Confessor. But throughout his volume he holds to a clear conception, and traces the development of the civil and ecclesiastical buildings in their relations to the various changes which affected English life. On one point he makes a suggestion which is ingenious. He associates the architectural form of the apse with the development of the political power of the bishop, and regards the substitution of the square east end to the cathedral as a political protest. 'No wonder that the English disliked these characteristic apses, symbols of Norman dominance, and, when they had the power, replaced them by a square east end' (p. 55). This theory seems to carry historical considerations unduly far, and it is better to rest upon the safe ground that the Norman form of the basilica was not in accordance with the architectural traditions of the English, to which they went back when their own skill again enabled them to become designers. After Winchester ceased to be of political importance in itself, its see provided revenues for a series of state officials, to whose services Dean Kitchin does full justice; nor does William of Wykeham's educational foundation palliate in Dean Kitchin's eyes his introduction of 'the malign thought of class, and of rich and poor in education.' The old grammar school, he points out, was open to all; Wykeham converted it into a training ground for his college at Oxford. It was the beginning of a process which

was continued afterwards, and has only been partially redressed in our own time. In municipal institutions and in civic life Winchester does not display much novelty, but the account of St. Giles' fair amply compensates for the lack of other elements of social life.

Henry VIII and the English Monasteries, by FRANCIS AIDAN GASQUET. Vol. ii. (Hodges: 1889.) The second volume of Father Gasquet's book shows a marked advance upon the first. It is less controversial in tone, has less special pleading, and recognises more frankly the results of previous work. One result of the first volume was to establish the fact that before we were in a position to judge of the veracity of the reports on the monasteries made by Henry VIII's commissioners we must have a large mass of episcopal visitations with which to compare them. Till this has been done we must suspend our judgment on the justice of the method pursued for their suppression. But every fair-minded man must agree that such a sweeping measure could not be carried out without a good deal of violence, and Father Gasquet, Canon Dixon, and Mr. Gairdner are all agreed about the actual details of the process. It is with this that the volume before us is chiefly concerned, and Father Gasquet has traced out the details with such thoroughness that his book is likely to be the standard authority on the subject for some time to come. The general impression produced by his narrative is that when the crisis came the majority of the abbeys felt that they could show no adequate reason why they should continue to exist, and surrendered on easy terms. Cromwell displayed marvellous dexterity in dealing with each of them separately, and Henry VIII supplied a splendid background of vague hopes of great advantages to the church and to society at large which were to be brought about by a better application of the monastic revenues. One thing seems clear—that if any considerable body of the monks had believed in monasticism public opinion would not have supported a series of acts of violence. It is from this point of view that Father Gasquet's work at the Pension Book is valuable. It shows that the suppression was carried out on the basis that vested interests were to be respected. How far this was really done is a matter which requires detailed investigation; it is not a question which can be settled by a few instances. Thus as Father Gasquet suggested in his first volume further research into the actual condition of the monasteries before the suppression, he suggests in his second volume further research into the actual fate of the dispossessed monks. For one thing he deserves great credit, his attempt to supply a series of monastic maps of England.

Ibn-Khordâdhbeh, Kitâb al-Masâlik wa'l-Mamâlik; accedunt excerpta e Kitâb al-Kharâdj, auctore Kodâma ibn Dja'far: cum versione Gallicâ, indicibus, et glossario. Edidit M. J. DE GOEJE. (Bibliotheca Geographorum Arabicorum, pars sexta.) Leyden: Brill, 1889.) Ibn-Khordâdhbeh's itineraries, written in the tenth century, are so well known to students, from the version of M. Barbier de Meynard and the extracts given by Sprenger, that it is only necessary to state that Professor de Goeje has been able to amend and supplement the hitherto unique but

very faulty Bodleian manuscript by means of a new codex discovered by Count von Landberg. The result is a really satisfactory edition and translation of a singularly valuable work, absolutely essential to the study of medieval trade routes between east and west. The extracts from Kodâma's Kitâb al-Kharâdj which are appended, in spite of the difficulties of a bad text to work upon, form a useful supplement to Ibn-Khordâdhbeh's statistics. M. Barbier de Meynard has lent his mature scholarship for the revision of the proof sheets, and a glossary and indexes are supplied.

Dr. A. Philippson's paper, *Zur Ethnographie des Peloponnes* (reissued from *Petermann's Mittheilungen* for this year), is a valuable summary of information on the question of modern Greek nationality. The conclusion at which he arrives is practically the same as that of Hopf and Hertzberg, viz., that this nationality is the result of the combination of the ancient Greek element with other elements contributed by various, especially Slavonic, races, the physical characteristics being derived in larger measure from the latter source, those of mind and character from the former; and that this process of assimilation is still going on. The paper is divided into two portions, the former of which gives a sketch of the immigrations of non-Hellenic races into the Peloponnese during the middle ages, and of their relation to the earlier inhabitants; while the latter deals with the ethnographical distribution of the inhabitants of that country at the present time. This section is illustrated by an excellent ethnographical map. Dr. Philippson notices the scantiness of the historical evidence respecting the extension and relative position of the various nationalities during many centuries, though he points out that the Greeks appear chiefly to have inhabited the towns, while the immigrants occupied the country districts. In default of direct sources of information, he lays stress on the evidence which may be derived from local names; and he draws attention to the remarkable permanence of Slavonic names, which have maintained themselves in great numbers long after the disappearance of the Slavonic languages from the country—a phenomenon to which he adduces a parallel in the Slavonic names of places in Germany. At the time of the Frankish conquest of the Morea, in 1205, he finds four separate ethnographical elements in the peninsula; viz. (1) remains of ancient Greek races, in the Tænarian peninsula (Maina) and the district of Tzakonia, on the confines of Argolis and Laconia; (2) Byzantine Greeks, in the cities, especially those on the sea coast; (3) a Greek-speaking population of mixed Greek and Slavonic blood, occupying the level districts; (4) almost pure Slavonic races, in the district of Skorta in western Arcadia, and on the slopes of Taygetus. The period of Frank occupation, from the confusion and devastation which characterised it, prepared the way for the subsequent extensive immigration of the Albanians.

The second part of Dr. Philippson's paper—that which relates to the present population of the Morea – is the more valuable of the two, because of the original information which it contains. The map which accompanies it, and the statistics on which that map is based, rest on the inquiries made on the spot by the writer, who spent twelve months in the course of the years 1887–9 in the country, and visited every

portion of it; indeed, the details here given form the only trustworthy authority on the subject. From this it results that thirteen per cent. of the inhabitants at the present time are Albanians. As characteristics of that race he mentions absence of national feeling, which causes them to be easily hellenised, and violence, so that in his judgment the brigandage, which until lately was rife in the Peloponnese, is mostly to be ascribed to the Albanians. His remarks on the physical types and differences of character found in different parts of the peninsula are also exceedingly valuable.

The Diary of William Hedges, Esq., afterwards Sir William Hedges, during his agency in Bengal, as well as on his voyage out and return overland. (1681–1687.) Transcribed for the press, with introductory notes, &c., by R. Barlow, Esq., and illustrated by copious extracts from unpublished records, &c., by Colonel Henry Yule, R.E., C.B., LL.D. (Three volumes, 1889. Hakluyt Society.) The diary of William Hedges, the first agent of the East India company in Bengal who received the title of governor, is neither interesting nor important, though it presents a tolerably clear picture of the state of the Húglí factories, their management, and the relations of the agents and merchants with the Indian princes, in the early days of the company's establishment. In the hands of the late Sir Henry Yule, however, nothing can be regarded as 'common or unclean,' for his learning and industry in research enabled him to surround the most ordinary records with a wealth of historical and topographical illustration and to turn a meagre summary into, if not exactly a history, at least a valuable collection of *matériaux pour servir*. This is what he has done with Hedges' rather dreary journals: the diary serves as a peg whereon to hang a detailed account of the chief, and indeed also the insignificant, actors in the early proceedings of the East India company's establishments in India. The first of these three volumes contains the original diary, the manuscript of which was picked up by Mr. Barlow in a bookshop at Canterbury. In the second volume Colonel Yule's share of the work really begins. We have first a biography of Hedges, extracted from the Indian and other records, manuscripts in the British Museum, county registers, and every probable source, together with genealogies, churchyard memorials, &c. Then Colonel Yule turns to the much abused Job Charnock, the founder of Calcutta, and in fifty pages gives an interesting and entertaining narrative, supported by letters and other documents, of the career of this energetic agent, concerning whom several unfounded legends are still current. Charnock, by the way, is shown not to have been the eponymous hero of Chanuck (Chának). But Colonel Yule has resolutely pursued the diarist into the mazes of early Anglo-Indian biography. The careers of some ninety agents, or other officials, are laboriously treated, including Elihu Yale, sometime governor of Fort St. George, whose memory is kept green at Yale College, Connecticut, U.S.A. Various miscellaneous papers—appropriately named 'Kedgeree'—succeed these biographies, all bearing upon the history and social condition of the East India company's establishments in the seventeenth century, but dealing with subjects of the widest range, from Indian policy and factory morals, to the maintenance of a tiger and the packing of tea. The third

volume is, however, by far the most important. It consists mainly of an elaborate and exceedingly interesting life of Thomas Pitt, at one time a turbulent and offensive 'interloper,' then governor of Fort St. George, and last, but not least, grandfather of the great earl of Chatham, to say nothing of his connexion with the Stanhope, Londonderry, Camelford, Rivers, Romney, and Delamere titles, or his acquisition of the famous Pitt or *Régence* diamond, the whole adventurous history of which is here faithfully narrated. Thomas Pitt's correspondence throws a singularly vivid light upon the state of British India (if the term be not an anachronism) in the seventeenth and early eighteenth centuries. The volume ends with a sketch of the early history of the Bengal establishment, and a commentary on a chart of the Húglí river. Various portraits, facsimile letters and signatures, and other illustrations add to the attractions of a remarkably interesting work.

Bengal, its Chiefs, Agents, and Governors, is the title of a pamphlet by Mr. F. C. Danvers, registrar and superintendent of records, in which various errors in the official list of Governors of Bengal are pointed out. The first two 'governors' in that list were never governors at all, but there had been governors long before the date (1733) which is officially assumed for the beginning of the title. The first to enjoy this rank was William Hedges, who was appointed 'agent and governor for the affairs of the East India company in the bay of Bengal,' as early as 1681. Next came William Gyfford, 1683, after whom no more governors were appointed, but only 'agents and chiefs' (as in the days before Hedges), until Sir Charles Eyre, 1699, who was at once 'president and governor of Fort William in Bengal;' since which time the presidency always had a governor, down to Warren Hastings, who was the last to bear the title. From 1833 to 1854, however, the governor-general of India was also styled governor of Bengal. Mr. Danvers supplements a complete list of the governors by extracts from the records and despatches; fuller details, however, are given in Sir H. Yule's notes to Hedges's 'Diary' which is noticed above.

List of Historical Books recently published

I. GENERAL HISTORY

(Including works relating to the allied branches of knowledge and works of miscellaneous contents)

Antoniades (B.) Entstehung und Verfassung des Staates nach Thomas von Aquin. Pp. 37. Leipzig: Robolsky. 80 pf.

Ertel (P.) Die Quellen des römischen-gemeinen, kirchlichen, und deutschen Rechtes. Pp. 171. Berlin: Pasch. 3·60 m.

Jorissen (T.) Historische bladen. Nieuwe bundel. Pp. 376. Haarlem: Tjeenk Willink. 3·75 fl.

Pflugk-Harttung (J. von) Geschichtsbetrachtungen. Pp. 47. Gotha: Perthes. 1·20 m.

Schrader (O.) Prehistoric antiquities of the Aryan peoples: a manual of comparative philology and the earliest culture. Transl. by F. B. Jevons from the second revised German edition. Pp. 496. London: Griffin. 21/.

Schvarcz (J.) Kritik der Staatsformen des Aristoteles; mit einem Anhang, enthaltend die Anfänge einer politischen Literatur bei den Griechen. Enlarged edition. Pp. 138. Eisenach: Bacmeister. 3·60 m.

Stokvis (A. M. H. J.) Manuel d'histoire, de généalogie, et de chronologie de tous les états du globe. II: Les états de l'Europe et leurs colonies. Pp. 548, 82, plates. Leyden: Brill.

Zalla (A.) Studî storici. Pp. 328. Florence: tip. cooperativa. 16mo. 4 l.

II. ORIENTAL HISTORY

Achämenideninschriften, Die, zweiter Art, herausgegeben und bearbeitet von F. H. Weisbach. (Delitzsch & Haupt's Assyriologische Bibliothek. IX, 4.) Pp. 126, 16 plates. Leipzig: Hinrichs. 4to. 30 m.

Amda Syôn, roi d'Ethiopie, Histoire des guerres de. Trad. de l'éthiopien par J. Perruchon. Pp. 209. Paris: impr. nationale.

Arbuthnot (F. F.) Arabic authors: a manual of Arabian history and literature. Pp. 256. London: Heinemann. 10/.

Archinard (E.) Israël et ses voisins asiatiques. La Phénicie, l'Aram, et l'Assyrie de l'époque de Salomon à celle de Sanchérib. Pp. 456, 2 maps. Geneva: Beroud. 8 f.

Brockelmann (C.) Das Verhältnis von Ibn-el-Atîrs Kâmil fit-Ta'rih zu Tabaris Ahbâr Errusul wal Mulûk. Pp. 58. Strassburg: Trübner. 1·80 m.

Chijs (J. A. van der). Nederlandsch-Indisch plakaatboek [1602-1811]. VI: [1750-1754]. Pp. 873. The Hague: Nijhoff. 5 fl.

Glaser (E.) Skizze der Geschichte und Geographie Arabiens von den ältesten Zeiten bis zum Propheten Muhammad, nebst einem Anhang zur Beleuchtung der Geschichte Abessyniens im dritten und vierten Jahrhundert nach Chr. II: Geographie. Pp. 575. Berlin: Weidmann. 18 m.

Kremer (A., baron von.) Studien zur vergleichenden Culturgeschichte, vorzüglich nach arabischen Quellen. III, IV. Pp. 92. Vienna: Tempsky. 1·60 m.

Lefmann (S.) Geschichte des alten Indiens. (Oncken's Allgemeine Geschichte in Einzeldarstellungen.) Pp. 845, illustr. Berlin: Grote.

Malleson (colonel G. B.) Akbar. (Rulers of India.) Pp. 204, map. Oxford: Clarendon Press. 2/6.

Mar Kardaghi.—Mar Kardaghi Assyriae praefecti qui sub Şapore II martyr occubuit, Acta, syriace iuxta manuscriptum Amidense una cum versione Latina edidit nunc primum J. B. Abbeloos. Pp. 106. Brussels: Société belge de librairie. 3·50 f.

Mendels (J.) Herman Willem Daendels, vóór zijne benoeming tot gouverneur-

general van Oost-Indie [1762-1807]. Pp. 304, 210. The Hague: Nijhoff. 5·50 fl.

SCHÜRER (E.) A history of the Jewish people in the time of Jesus Christ. Second and revised edition. I: Political history of Palestine [B.C. 175-A.D. 135]. Transl. by J. Macpherson. I. Pp. 468. Edinburgh: Clark. 10/6.

III. GREEK AND ROMAN HISTORY

CICERO (M. Tullius.) Correspondence, arranged according to its chronological order, with a revision of the text, a commentary, and introductory essays, by R. Y. Tyrrell and L. C. Purser. III: Cicero's provincial governorship. Pp. 362. London: Longmans. 12/.

FABRICIUS (E.) Theben; eine Untersuchung über die Topographie und Geschichte der Hauptstadt Boeotiens. Pp. 32, plate. Freiburg: Mohr. 4to. 1·60 m.

FRÖHLICH (F.) Das Kriegswesen Cäsars. II: Ausbildung und Erhaltung der Kriegsmittel. III: Gebrauch und Führgang der Kriegsmittel, I. Zürich: Schulthess. 1·60 f.

GILBERT (O.) Geschichte und Topographie der Stadt Rom im Altertum. III. Pp. 479. Leipzig: Teubner. 10 m.

HANKEL (F.) Die Ernennung und die soziale Stellung der römischen Kriegstribunen. Pp. 34. Leipzig: Fock. 4to. 1·20 m.

IHNE (W.) Römische Geschichte. VIII: Das Triumvirat bis zum Kaiserthum. Pp. 457. Leipzig: Engelmann. 5 m.

IMHOOF-BLUMER (F.) Griechische Münzen: neue Beiträge und Untersuchungen. Pp. 525-798, 378 illustr. and 14 plates. Munich: Franz. 4to. 40 m.

LEEMANS (C.) Grieksche opschriften uit Klein-Azië. Pp. 24. Amsterdam. 1·20 fl.

LEHR (A.) Contributo alla storia romana dalla morte di Giulio Cesare alla morte di Cicerone. Pp. 103. Grosseto: tip. dell' Ombroni. 16mo.

LIEBENAM (W.) Zur Geschichte und Organisation des römischen Vereinswesens. Drei Untersuchungen. Pp. 334. Leipzig: Teubner. 10 m.

LUEBECK (E.) Das Seewesen der Griechen und Römer. Pp. 56, plate. Hamburg: Herold. 4to. 3 m.

SÉRULLAZ (G.) Droit romain: essai sur la religion romaine et sur les rapports de l'état romain avec quelques religions étrangères. Pp. 423. Lyons: imp. Pitrat aîné.

SVORONOS (J. N.) Numismatique de la Crète ancienne. I: Description des monnaies, histoire, et géographie. Pp. 364, 35 plates. Mâcon: imp. Protat. 4to. 50 f.

WACHSMUTH (C.) Die Stadt Athen im Alterthum. II, 1. Pp. 527. Leipzig: Teubner. 12 m.

WIEGANDT (L.) C. Julius Caesar und die tribunizische Gewalt. Pp. 53. Leipzig: Fock. 1·20 m.

XENOPHON. Historia Graeca. Recensuit Otto Keller. Ed. maior cum apparatu critico. Pp. 427. Leipzig: Teubner. 10 m.

IV. ECCLESIASTICAL HISTORY

ALLARD (P.) La persécution de Dioclétien et le triomphe de l'Église. 2 vol. Paris: Lecoffre. 12 f.

AMÉLINEAU (E.) Histoire du patriarche copte Isaac: étude critique. Texte et traduction. Pp. xxxvii, 84. Paris: Leroux. 5 f.

AUVRAY (L.) Les registres de Grégoire IX. Recueil des bulles de ce pape, publiées ou analysées d'après les manuscrits originaux du Vatican. I. Pp. 128. Paris: Thorin. 4to. 9·60 f.

BERSELLI (G.) Vita del beato Edmondo Campion e memorie dei beati Alessandro Briant, Tommaso Cottam, Tommaso Woodhouse, Giovanni Nelson, martiri della compagnia di Gesù. Pp. 242. Rome: tip. dei Lincei. 3 l.

BLUMENSTOK (A.) Der päpstliche Schutz im Mittelalter Pp. 169. Innsbruck: Wagner. 3·20 m.

CAVANAGH (P.) The life of St. Thomas Aquinas. Pp. 254, illustr. London: Burns & Oates. 4/6.

DUHAMEL (L.) Les exécutions capitales à Avignon au dix-huitième siècle. Pp. 71. Avignon: imp. Seguin.

EALES (S. J.) St. Bernard, abbot of Clairvaux. (The Fathers, for English Readers.) Pp. 258. London: Society for promoting Christian knowledge. 2/6.

EBNER (A.) Die klösterlichen Gebets-Verbrüderungen bis zum Ausgange des karolingischen Zeitalters: eine kirchengeschichtliche Studie. Pp. 158. Regensburg: Pustet. 2 m.

FOURNIER (M.) L'Église et le droit romain au treizième siècle, à propos de l'interprétation de la bulle *Super speculam* d'Honorius III, qui interdit l'enseignement du droit romain à Paris. Pp. 44. Paris: Larose & Forcel.

HEFELE (C. J. von). Conciliengeschichte, nach den Quellen bearbeitet. Fortgesetzt von J., Cardinal Hergenröther. VIII, IX. Pp. 896, 972. Freiburg: Herder. 19·60 m.

Hofmeister (G.) Bernhard von Clairvaux. II. Pp. 28. Berlin: Gaertner. 4to. 1 m.

Mazon (A.) Les cardinaux du Vivarais et le grand schisme d'occident; les cardinaux Pierre et Jean Flandin. Pierre de Sortenac, et Jean de Brogny, Pp. 76. Tournon: imp. Parnin. 16mo.

Melk.—Catalogus codicum manu scriptorum qui in bibliotheca monasterii Mellicensis O. S. B. servantur. I. Pp. 362. Vienna: Hölder. 14 m.

Müntz (E.) Les constructions du pape Urbain V à Montpellier [1364–1370], d'après les archives secrètes du Vatican. Pp. 23. Paris: Leroux. 2 f.

Planudis (Maximi) monachi epistulae: ed. M. Treu. Pp. 275. Breslau: Koebner. 6 m.

Witten (M.) Der selige Wilhelm, Abt von Hirschau: ein Lebensbild aus dem Investiturstreit. Pp. 66. Bonn: Hanstein. 1 m.

V. MEDIEVAL HISTORY

Bahrfeldt (E.) Der Münzfund von Aschersleben: ein Beitrag zur Denarkunde der dreizehnten und vierzehnten Jahrhunderte. Pp. 66, plates &c. Berlin: Weyl. 3 m.

Buettner-Wobst (T.) Studia Byzantina. I. Pp. 21. Dresden: Zahn & Jaensch. 4to. 1·20 m.

Delisle (L.) Littérature latine et histoire du moyen âge. (Instructions adressées par le comité des travaux historiques et scientifiques aux correspondants du ministère de l'instruction publique et des beaux-arts.) Pp. 120, plate. Paris: Leroux. 3·50 f.

Fustel de Coulanges. Histoire des institutions de l'ancienne France: les origines du système féodal, le bénéfice et le patronat pendant l'époque mérovingienne. Ouvrage revu et complété sur le manuscrit et d'après les notes de l'auteur par C. Jullian. Paris: Hachette. 7·50 f.

Giesebrecht (Wilhelm von). Geschichte der deutschen Kaiserzeit. III: 1. Gregor VII. und Heinrich IV. 2. Heinrich V. 5te Aufl. Pp. xxxi, 1323. Leipzig: Duncker & Humblot. 24·60 m.

Glasson (E.) Les communaux et le domaine rural à l'époque franque: réponse à M. Fustel de Coulanges. Pp. 189. Paris: imp. Pichon. 18mo. 4 f.

Havet (J.) Questions mérovingiennes. V: Les origines de Saint-Denis. Pp. 62. Paris: Champion. 5 f.

Lanéry d'Arc (P.) Du franc-alleu. Pp. 461. Paris: Rousseau. 9 f.

Menzel (V.) Die Entstehung des Lehnswesen. Pp. 103. Berlin: Wiegandt & Schotte. 2 m.

Meyer von Knonau (G.) Jahrbücher des deutschen Reiches unter Heinrich IV und Heinrich V. I: [1056–1069]. Pp. 703. Leipzig: Duncker & Humblot. 16·80 m.

Pulszky (F. von). Die Goldfunde von Szilágy-Somlyó; Denkmäler der Völkerwanderung. Pp. 32, illustr. Budapest: Kilián. 1·50 m.

Richter (O. C. T.) Wizo und Bruun, zwei Gelehrte im Zeitalter Karls des Grossen, und die ihren gemeinsamen Namen 'Candidus' tragenden Schriften. Pp. 39. Leipzig: Hinrichs. 4to. 1 m.

Röhricht (R.) Kleine Studien zur Geschichte der Kreuzzüge. Pp. 28. Berlin: Gaertner. 4to. 1 m.

VI. MODERN HISTORY

Bruzzo (G.) Francesco Morosini nella guerra di Candia e nella conquista della Morea: saggio storico. Pp. 32. Forli: Bordandini.

Dansk-tydske Krig (Den), 1864, udgivet af Generalstaben. I. Pp. 464, 5 maps. Nyborg. 5 kr.

Druffel (A. v.) Kaiser Karl V und die römische Curie [1544–1546]. IV: Von der Eröffnung des Trienter Concils bis zur Begegnung des Kaisers mit dem hessischen Landgrafen in Speier. Pp. 98. Munich: Franz. 3·30 m.

Kervyn de Lettenhove (baron). Relations politiques des Pays-Bas et de l'Angleterre sous le règne de Philippe II. IX: Gouvernement de don Juan. I: [3 novembre 1576–8 octobre 1577]. Pp. 580. Brussels: Hayez. 4to.

Key-Åberg (K. V.) De diplomatiska förbindelserna under Gustav IV Adolfs krig emot Napoleon intill konventionen i Stralsund [7 Sept. 1807]. Pp. 125. Upsala. 1·75 kr.

Kunz (major H.). Die Feldzüge des Feldmarschalls Radetzky in Oberitalien [1848–1849]. Pp. 144, plans. Berlin; Wilhelmi. 3 m.

Lubomirski (prince). Histoire contemporaine; transformation politique et sociale de l'Europe [1850–1878]. II. Paris: C. Lévy. 7·50 f.

Mahan (A. T.) The influence of sea power upon history [1660–1783]. Pp. 557. Boston: Little, Brown, & Co. $4.

Müller (W.) Politische Geschichte der Gegenwart. XXIII: Das Jahr 1889. Pp. 313. Berlin: Springer. 4 m.

Pozzo di Borgo (comte) & Nesselrode

(comte de). Correspondance diplomatique depuis la restauration des Bourbons jusqu'au congrès d'Aix-la-Chapelle [1814–1818]; publiée avec une introduction et des notes par le comte C. Pozzo di Borgo. I. Pp. xliii, 512. Paris: C. Lévy. 7·50 f.

Russia.—Recueil des instructions données aux ambassadeurs et ministres de France depuis les traités de Westphalie jusqu'à la révolution française. VIII: Russie (depuis les origines jusqu'à 1748), avec notes et introduction par A. Rambaud. Pp. lx, 500. Paris: Alcan. 20 f.

Saxe-Coburg-Gotha (Ernest II, duke of). Memoirs. III, IV: [1850–1870]. Transl. by P. Andreae. Pp. 644. London: Remington. 25/.

Salomon (F.) Frankreichs Beziehungen zu dem schottischen Aufstand [1637–1640]; mit einem Exkurs über die Fälschung der Briefe des Grafen d'Estrades. Pp. 58. Berlin: Speyer & Peters. 1·80 m.

Sorel (A.) Madame de Stael. Pp. 216. Paris: Hachette. 2 f.

Teicher (Hauptmann F.) General Kleber: ein Lebensbild. (Beiträge zur Landes- und Volkeskunde von Elsass-Lothringen, XIII.) Pp. 48. Strassburg: Heitz. 1·20 m.

Waddington (A.) La France et les protestants allemands sous Charles IX et Henri III: Hubert Languet et Gaspard de Schomberg. Pp. 37. Nogent-le-Rotrou: imp. Daupeley-Gouverneur.

Wibling (C.) Sveriges förhållande till Siebenbürgen [1623–1648]. Pp. 211. Lund. 2·50 kr.

VII. FRENCH HISTORY

Arbois de Jubainville (H. d'). Recherches sur l'origine de la propriété foncière et des noms de lieux habités en France: Période celtique et période romaine. Paris: Thorin. 16 f.

Berleux (J.) La caricature politique en France pendant la guerre, le siège de Paris, et la commune [1870–1871]. Illustr. Paris: Labitte. 25 f.

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XIII. SLAVONIAN AND LITHUANIAN HISTORY

(Together with Roumania)

Kunz (major H.) Der polnisch-russische Krieg von 1831. Pp. 223, 5 plans. Berlin: Luckhardt. 4 m.

Liv-, est-, und curländisches Urkundenbuch. Begründet von F. G. v. Bunge, fortgesetzt von H. Hildebrand. IX: [1436–1443]. Pp. 722. Riga: Deubner. 4to. 20 m.

Pierling (père). Un arbitrage pontifical au seizième siècle entre la Pologne et la Russie; mission diplomatique du père Possevino [1581–1584]. Pp. 274. Brussels: Société belge de librairie. 3 f.

Stcherbatow (général prince). Le feld-maréchal prince Paskévitsch, sa vie politique et militaire, d'après des documents inédits. Traduit par une Russe. II: [août 1826–octobre 1827]. St. Petersburg: Reinwald.

Transehe-Roseneck (A. von). Gutsherr und Bauer in Livland im siebzehnten und achtzehnten Jahrhundert. (Knapp's Abhandlungen aus dem staatswissenschaftlichen Seminar zu Strassburg. VII.) Pp. 265, maps. Strassburg: Trübner. 7 m.

Wickenhauser (F. A.) Molda, oder Beiträge zur Geschichte der Moldau und Bukowina. IV. Pp. 192. Czernowitz: Pardini. 2·70 m.

XIV. HISTORY OF SPAIN AND PORTUGAL

Beazley (C. R.) James the First of Aragon. Pp. 98. Oxford: Blackwell. 2/6.

Colección de documentos inéditos relativos al descubrimiento, conquista, y organización de las antiguas posesiones españolas de Ultramar. 2nd series. V: De los documentos legislativos, con una introducción por A. M. Fabié. I. Pp. cxxix, 359. Madrid: Murillo. 4to. 13·50 pes.

Colección de documentos inéditos para la historia de España. XCVI: Cartas de D. Pedro de Toledo y Osorio, marqués de Villafranca, al Rey Felipe III [1616 à 1618]. Cartas de Felipe IV de 1644 à 1647 relativas á la guerra de Cataluña. Pp. 521. Madrid: Murillo. 4to. 13 pes.

Fernández (L.) Historia de Costa-Rica durante la dominación española [1502–1821]. Pp. 640, plates. Madrid: Murillo. 16 pes.

Houghton (A.) Les origines de la restauration des Bourbons en Espagne. Pp. 411. Paris: Plon. 7·50 f.

Landau (M.) Geschichte Kaiser Karls VI als König von Spanien. Stuttgart: Cotta. 14 m.

Lara (H.) Crónica de la Araucania; descubrimiento y conquista; pacificación definitiva y campaña de Villa-

Rica. Pp. 474. Santiago de Chile: imprenta de El Progreso. 4to. 17·50 pes.

Moret (J. de). Anales del reino de Navarra. I. Pp. 383. Tolosa: López. 4to. 5 pes.

Ovalle (A. de). Histórica relación del reino de Chile y de las misiones y ministerios que ejercita en el la compañía de Jesús. Reimpresa con una introducción por J. T. Medina. 2 vol. Santiago de Chile: Ercilla. 4to. 41 pes.

Professione (A.) Giulio Alberoni dal 1708 al 1714. Pp. 82. Verona: Drucker. 2·50 l.

Tettau (W., Freiherr von). Ueber des Grafen Don Frances von Viamonte handschriftliche Chronik von Spanien [1516–1528]. Vortrag. Pp. 52. Erfurt: Villaret. 60 pf.

Villahermosa.—Memoria de los accidentes más notables sucedidos en la guerra pasada durante el gobierno del duque de [1675–1678]. (Colección de documentos inéditos para la historia de España. XCV.) Pp. 521. Madrid: Murillo. 4to. 13 pes.

XV. SWISS HISTORY

Bern.—Fontes rerum Bernensium. Bern's Geschichtsquellen. V: [1323–1331]. Pp. 846. Bern: Schmid, Francke, & Co.

Fazy (H.) Les constitutions de la république de Genève: étude historique. Pp. 335. Geneva: Georg. 3·50 f.

Oechsli (W.) Bausteine zur Schweizergeschichte. Pp. 142. Zürich: Schulthess. 2·50 f.

Vögelin (S.) Das alte Zürich. II: Beiträge zur Geschichte der Stadt Zürich und ihrer Nachbargemeinden. Pp. 752. Zürich: Orell, Füssli, & Co. 15 f.

Zürich, Urkundenbuch der Stadt und Landschaft. Bearbeitet von J. Escher und P. Schweizer. I, 2. Pp. 177–412, 3 plates. Zürich: Höhr. 4to. 7·70 f.

XVI. HISTORY OF THE UNITED STATES OF AMERICA

(With Mexico)

Brown (J. Mason). The political beginnings of Kentucky: a narrative of events bearing on the history of that state up to the time of its admission into the American union. Pp. 260. Louisville (Kentucky). 4to. $2·50.

Davis (Jefferson). A short history of the confederate states of America. New York: Belford Company. 4to. $2·50.

Davis (Mrs. Jefferson). Jefferson Davis, ex-president of the confederate states: a memoir. Illustr. New York: Belford Company. $5.

Garcia Icazbalceta (J.) Nueva colección de documentos para la historia de México. II: Códice Franciscano. Pp. lii, 307. Mexico: Díaz de Leon. 4to. 13 f.

Giménez de Flaquer (C.) Civilización de los antiguos pueblos mexicanos. Pp. 108. Madrid: Murillo. 2·50 pes.

Jay (John), first chief justice of the United States, The writings and correspondence of. Ed. by H. P. Johnston. I. New York: Putnams. $5.

Mason (G. C.) Annals of Trinity Church, Newport, R.I. [1698–1821]. Pp. 358. Newport, R.I.: Carr. $3.

Pellew (G.) John Jay. Pp. 374. Boston. 12mo.

Steinach (A.) Geschichte und Leben der schweizer Kolonien in den vereinigten Staaten von Nord-Amerika. Pp. 375. Zürich: Müller.

Contents of Periodical Publications

I. FRANCE

Revue Historique, xliii. 2. *July*—A. Baudrillart: *The intrigues of the duke of Orleans in Spain* [1708–1709], concluded.——B. de Mandrot: *Jacques d'Armagnac, duke of Nemours* [1433–1477], first article.——P. Marais publishes extracts from the *correspondence of César and Constantin Faucher and Laffon de Ladébat*, illustrating the history of the revolution in the department of the Gironde.——C. Molinier discusses *father Ehrle's* important contributions to the *history of the Spiritual Franciscans.*

Revue des Questions Historiques, xlviii. 1.—A. Lecoy de la Marche: *The preaching of the crusade in the thirteenth century* [describing a manuscript treatise of Humbert de Romans 'de Praedicatione sanctae Crucis,' written between 1266 and 1274].——J. Delaville le Roulx: *The suppression of the templars* [urging that, while some of its members were guilty, the order as a whole did not deserve condemnation].——L. Bourgain: *On the contribution of the clergy to taxation under the French monarchy* [tracing the change from freewill offerings to money grants, and the conditions by which these grants weie fixed down to the confiscation of ecclesiastical property in 1789].——L. Le Grand: *The Hospice National under the revolution* [the archbishop's palace at Paris].——P. Piolin: *Queen Berengaria of Navarre, wife of Richard I of England* [giving details of the transaction by which, after the death of her mother-in-law, Eleanor of Guyenne, she obtained the lordship of Le Mans by an exchange with Philip Augustus of some towns in Normandy].——G. Kurth: *Fustel de Coulanges, E. Glasson, and P. Viollet on Frankish institutions.*——E. Jarriand: *The growth of written law in the south of France*, from the ninth century until 1789.——L. Pingaud: *France and the Algerine government* [from E. Plantet's edition of the 'Correspondance des Deys'].——G. Gandy: *The memoirs of the comte de Villèle.*

Revue d'Histoire Diplomatique, iv. 3.—R. de Maulde: *Report of the Société d'Histoire Diplomatique*, with obituary notices of deceased members.——Greppi: *Notes of count Grandemaria, envoy of the duke of Parma to Louis XIV* [1680, containing a description of Paris and of the court of Louis XIV].——C. de Barante: *The arrival of the baron de Barante at St. Petersburg* [December 1835; on the relations between Russia and France, with a curious account of an interview with the emperor Nicholas].——P. M. Perret: *The first Venetian embassy to Louis XI* [October 1461–May 1462; sent to sound his designs with regard to Naples and Genoa and to solicit his aid against the Turks; it succeeded only in the first object].——Vandal: *The court of Russia in* 1807–8 [giving notes written by general Savary in December 1807 on the state of feeling in the Russian court and in society with respect to France].——The same: *Documents relating to the partition of the east negotiated between Napoleon and Alexander I* [January–June 1808; containing reports of the conversations between Caulaincourt and Alexander I on the projected partition of Turkey, the shares to be assigned respectively to Austria, France, and Russia. On the question of the possession of Constantinople no agreement could be arrived at].——Amongst the criticisms of books is a detailed analysis of the three volumes of documents on the relations of France and Poland from 1674 to 1683, edited by M. Waliszewski, and published by the Academy of Cracow.

Annales de l'Ecole Libre des Sciences Politiques, v. 3.—Capperon: *Lamartine in parliament* [sketching his career and influence as a member of the chamber of deputies from 1834 to 1840].——P. de Quirielle: *Pius IX and the church of France* [on Galli canism at the accession of Pius IX, with an account of the chief champions of ultramontanism in France].——L. Poinsard: *Introduction to the study of rural economy* [defining the meaning

of the term, and giving a bibliographical introduction to the subject].

Bibliothèque de l'Ecole des Chartes, li. 1, 2.—J. Havet: *The foundation of Saint Denis* [the writer maintains the credit of the account in the 'Gesta Dagoberti II,' according to which the abbey was founded by this king (not, as Mabillon held, in the sixth or even the fifth century), but corrects it in so far as the date of the foundation fell, 623-625, during the time that Dagobert reigned in his father Chlotar II's lifetime; he argues in favour of the chronicler's record of the translation of the saint's body, which he places in 626, and urges that the previous site of his tomb was at L'Etrée in the eastern part of the present town of Saint Denis, not at Montmartre]; with notes on the *date of St. Denis' episcopate* [probably under the emperor Decius], on *SS. Rusticus and Eleutherius*, and on the '*Passio' of the three saints*, and an appendix giving the *text of the earliest grants to the abbey* [625-724].——H. Moranvillé: *The schemes of Charles of Valois upon the empire of Constantinople*, printing an *account of his expenses* [4 Aug. 1305-29 April 1310] and *three Greek letters* [1308].——L. Delisle exposes a *spurious letter of Charles VI* [dated 15 March 1403], with a note on *the king's signatures*. ——H. L. Delaborde: *The true chronicle of the monk of Saint Denis* [showing (1) that under Charles VI as under Charles VII there was an official chronicler attached to the court, whose work, being preserved in the abbey, has come down to us as that of the monk of Saint Denis, although the chronicler was not necessarily or regularly a member of that house; (2) that his duty was to write a history of the reigning sovereign in Latin, not to continue the 'Chroniques de France' in the vernacular, which were in fact derived from the Latin history; (3) that in the reigns mentioned, if not earlier, this history was written in the more ambitious form of a universal history, the earlier part of which (from 768-1270) is preserved in the Mazarine MSS. 553, 554, and the later in the published chronicle of Charles VII attributed to the monk of Saint Denis, whose name therefore properly belongs equally to the whole compilation relating to earlier times]. ——P. M. Perret: *The peace between Louis XI and the republic of Venice* [9 Jan. 1478].——*Unpublished letter of Innocent II to the church of Nice* [1138-1143].

Bulletin de la Société de l'Histoire du Protestantisme Français, xxxix. 6. *June*—J. Bonnet: *The first persecutions at the court of Ferrara* [1536], second article.——O. Cuvier & N. Weiss: Notes and documents on the *churches of Champagne, Pfalzburg, and Mannheim, and the college of Sedan* [chiefly in the sixteenth century].—— L. Delisle corrects the *date of admiral Coligny's birth* [Wednesday, 16 Feb. 1519].==7. *July*—A. Lods: *Pasteur Kilg and the protestant churches of Montbéliard* [1789-1802].——A. J. Enschedé translates from a Haarlem newspaper the *French news of* 1691-1697.==8. *August*—C. Read prints *Madame de Maintenon's answer to a mémoire on the best way of converting the huguenots* [1697, maintaining that the *mémoire* in question was not by Vauban].——N. Weiss prints a *letter of Charles IX* on the treatment of huguenot officials [30 Sept. 1572].—— G. Fagniez prints a *memorial addressed to Richelieu by the minister Codur* [1624].——Baron F. de Schickler: *Jean Véron and his coöperation in the English reformation* [1548-1562].

Revue Critique d'Histoire et de Littérature. 26 *May*.—A. Barth: *Romesh Chunder Dutt's 'History of civilisation in ancient India.'*==23 *June*.—J. Halévy: *Recent publications in Assyriology*.==30.—S. Reinach: *Schlumberger's work on Nicephorus Phocas*.

Revue des Etudes Juives. *April*—J. Halévy: *The correspondence of Amenophis IV and the Bible* [based on the Tell-el-Amarna tablets].——L. Duchesne: *Note on the massacre of the Himyarite Christians in the time of the emperor Justin* [arguing against J. Halévy's exculpation of the Jews from the charge of having committed the massacre].——H. Graetz: *The inquisitionary police in Spain at its establishment*.——A. Neubauer: *Yedaya of Béziers*, with a new document concerning the Jews of Béziers in the thirteenth century.——S. Reinach: *The arch of Titus*.

II. GERMANY AND AUSTRIA

Sybel & Lehmann's Historische Zeitschrift (Munich), **lxiv. 1.**—H. von Holst: *The American democracy* [a criticism of Bryce's 'American Commonwealth'].——K. Hartfelder: *The condition of the German universities at the end of the middle ages* [illustrating the prevalence of non-residence of professors, partly due to poor pay; their idleness and incompetence; jealousy between faculties; favouritism in examinations and elections, and

general official laxity; the manners and customs of students: the curriculum and method of teaching; and the increasing dependence of the universities upon the civil power].——L. VON HEINEMANN gives an account of the chief contents of the *Monumenta Germaniae Historica*, xiii. xiv.——O. HARTWIG: *Villari's 'Savonarola'* (nuova edizione) [accepting on the whole his estimate, as against Ranke's, of the relative value of the materials for the friar's biography].═══2.—H. VON SYBEL: *Obituary notice of Julius Weizsäcker.*——H. VON FRIEDBERG: *The conflict between Frederick William I and Charles VI on the allodification of the fiefs in the Marches*, with three documents [3 Jan. 1717–21 Feb. 1719].——H. WASSERSCHLEBEN: *On the place of composition of the false Decretals* [arguing against B. von Simson's contention in favour of Le Mans].——M. L. prints *ten letters of marshal York to Frederick II and Frederick William II* [1782 and 1786–1787], throwing light on the circumstances of his return to the Prussian service.——X. LISKE gives an account of *fifty-two works dealing chiefly with Polish history.*

Historisches Jahrbuch der Görres-Gesellschaft (Munich), xi. 3.—G. SCHNÜRER: *The authorship of the 'Vita Stephani II'* in the 'Liber pontificalis' [assigning it to the papal primicerius Christopher and to the years 764–767].——P. ALBERT: *The 'Confutatio Primatus Papae'* [accepting B. Gebhart's attribution of the work (printed by Goldast, &c., under the name of Gregory of Heimburg) to Matthias Döring, provincial of the Saxon province of the Franciscan order, and showing it to be a mosaic made up out of the 'Defensor Pacis' of Marsiglio of Padua and the chronicle of Dietrich Engelhus, and compiled in the second half of the year 1443].——H. FINKE: *The Vemegericht and the inquisition* [against F. Thudichum's view that the former was nothing less than a secular court for the trial of heretics].——J. P. KIRSCH: *J. B. de Rossi's 'Inscriptiones Christianae Urbis Romae,'* ii. 1.——K. WERNER: *The book of Weinsberg* [on K. Höhlbaum's edition of this important collection of materials for the history of Cologne and the lower Rhine, 1518–1597].——H. GRAUERT: *Lavisse's 'Vue générale de l'histoire politique de l'Europe.'*

Quidde's Deutsche Zeitschrift für Geschichtswissenschaft (Freiburg), **iii. 1.**—R. PÖHLMANN: *George Grote and his 'History of Greece'* [criticising the limitations of his political perception and grasp].——M. RITTER: *William of Orange and the Pacification of Ghent* [1576].——R. FESTER: *Schopenhauer's view of history* [maintaining that it was not based on competent knowledge].——T. LINDNER: *The proceedings by the Veme against Henry the Rich, duke of Bavaria-Landshut* [a narrative of the antecedents and course of the trial from 1416–1436].——A. STERN: *The letters and diaries of Konrad Engelbert Oelsner* [illustrating the history of the French revolution, and recording the observations of an eyewitness from October 1790 to July 1792. They are contained in an anonymous volume of 'Bruchstücke aus den Papieren eines Augenzeugen und unparteiischen Beobachters der französischen Revolution,' *s. l.* 1794, the authorship of which is now first pointed out].——O. FISCHER: *The date of the first Austrasian synod* [arguing against Loofs for the old date, 742, and suggesting that the delay in pope Zachary's answer to Boniface's letter 42 was due to the illness of the deacon Gemmulus, to whose charge this was apparently addressed].——L. QUIDDE prints a posthumous note by J. WEIZSÄCKER on *the position of Saxony at the diet of Mentz* [1399] in connexion with the deposition of king Wenzel.——A. MOLINIER: *Recent literature on medieval French history.*——L. FARGES: *The publications of* 1889 *on modern French history.*——F. LIEBERMANN: *Recent literature on medieval English history* [very full and detailed].——*Bibliography of German history.*

K. B. Akademie der Wissenschaften zu München, 1890. 1.—J. FRIEDRICH: *The origin of the Liber Diurnus* [dealing with the date of composition of particular sections].

Archiv für Oesterreichische Geschichte (Vienna), **lxxv. 2.**—J. LOSERTH: *Contributions to the history of the Hussite movement*, IV: The controversial writings and negotiations for union between the catholics and the Hussites [1412–1413]; printing tracts by Stephen of Palecz, Stanislaus of Znaim, Andrew of Brod, &c.——A. F. PRIBRAM: *The Austrian policy of mediation in the Russo-Polish war* [1654–1660].——A. HUBER: *The acquisition of Transylvania by king Ferdinand I* [1551] *and cardinal Georg Utissenich's end* [murdered 17 Dec. 1551. The writer vindicates him from the charge of treason].

Mittheilungen des Instituts für Oesterreichische Geschichtsforschung (Innsbruck), **xi. 2.**—V. KRAUSE: *History of the institution of missi dominici* [an elaborate dissertation on the origin and functions of the royal commissioners in the Carolingian time; tracing the change from 'missi discurrentes' to stationary officers as a sign of the weakening of the king's authority, 825], with *chronological tables of missi from* 771–922 *and of commissioners on special occasions* [750-1–840], in France [before 859-

899], Italy [841–945], and Germany [845–893].——J. Loserth: *The oldest catalogue of the university library at Prague* [fifteenth century], with extracts.——J. Ficker: *On the question as to the place of composition of the Schwabenspiegel* [giving arguments for its Swabian origin].——E. von Ottenthal prints *a report of Michael Alvarez to Gregory XIII* [20 May 1579, on his visitation of the convents of the Franciscans observant in the territories of the house of Habsburg].

Delbrück's Preussische Jahrbücher (Berlin), **lxvi. 1.** *July*—H. Delbrück: *Sybel's 'Begründung des deutschen Reiches,'* iv. v. [chiefly concerned with the Austrian war of 1866].==**2.** *August*—H. Prutz: *Albert of Brandenburg, first duke of Prussia.*

Ermisch's Neues Archiv für Sächsische Geschichte und Alterthumskunde (Dresden), **xi. 1, 2.**—G. Hey: *The fortress of Gvozdec near Meissen.*——H. Knothe: *The provosts of St. Peter's, Bautzen* [1221–1562].——E. Fabian: *Melanchthon's relations with the town of Zwickau.*——P. Hassel: *The policy of Saxony in the time between the peace of Westfalia and the death of Johann Georg II.*——H. Ermisch: *The population of the Saxon cities in* 1474.

Magazin für die Wissenschaft des Judenthums, xvii. 1.—M. Stern: *History of the German Jews* from the earliest times to the end of the twelfth century; first article [on the Jews in Gallia and Germania under the Roman dominion].

Zeitschrift für die Geschichte der Juden in Deutschland. iv. 2, 3.—G. Wolf: *On the history of the Jews in Silesia.*

CHURCH HISTORY

Brieger's Zeitschrift für Kirchengeschichte (Gotha), **xii. 1.**—The late Hermann Reuter: *Count Zinzendorf and the foundation of the* [Moravian] *brotherhood.*——C. A. Wilkens: *Survey of the literature* [1848–1888] *on the history of protestantism in Spain*; third article.——E. Bodemann prints the '*Vita sancti Feliciani*' from a new text, with three hymns.——H. Haupt describes *two tracts against beguins and beghards*, and gives the text of one of them.——J. Dräseke: *On Marcus Eugenicus of Ephesus* [†1443] and his writings.——Dr. Joachin: *Albert of Prussia's first approaches towards Luther.*——T. Brieger: *Contributions to the history of the diet of Augsburg* [1530], with documents.——K. Hartfelder prints *letters to Melanchthon* [1531–1557].——*A letter of Ignaz von Döllinger* [2 April 1887] is printed [showing that he arrived independently at B. von Simson's conclusion that the pseudo-Isidorian decretals were written in the diocese of Le Mans].

Denifle and Ehrle's Archiv für Literatur- und Kirchengeschichte des Mittelalters (Freiburg), **v. 4.**——H. Denifle: *The memorials of the Colonna against Boniface VIII* [10 May, 11–16 May, and 15 June 1297] *and of the cardinals against the Colonna* [end of June], printing the text of the four documents.——The Same: *The constitutions of the order of preachers in the redaction of Raymund of Peñafort* [1238–1240. The original is lost, but a copy of the Dominican liturgy, begun in 1254, presents an early form of the text which is here printed].——F. Ehrle: *On the history of the ceremonial of the papal court in the fourteenth century.* I: The memoranda of cardinal James Caetani Stefaneschi on the ceremonial in the fourteenth century. II: His memoranda on the three public sessions of the council of Vienne [16 Oct. 1311, 3 April and 6 May 1312]. III: His account of the last moments of Benedict XI [7 July 1304]. IV: On the records of the master of the ceremonies [only preserved, to our knowledge, for more modern times, or in recent copies of known documents].——F. Ehrle: *Contributions to the history of medieval scholasticism.* II: Augustinianism and Aristotelianism in scholasticism towards the end of the thirteenth century; with a *paper of archbishop Kilwardby* justifying his condemnation of certain articles taught at Oxford [18 March 1277].

Theologische Quartalschrift (Tübingen), **lxxii. 2**—A. Ehrhard: *On Christian epigraphy.*——F. X. Funk: *On the date of the first synod of Arles* [maintaining the accepted date, 314, as preferable to the later one suggested by O. Seeck].

Theologische Studien und Kritiken (Gotha), **1890. 4.**——F. Loofs: *The primitive organisation of the Christian church*, with special reference to Loening and Harnack.

Zeitschrift für Katholische Theologie (Innsbruck), **xiv. 3.**—A. Arndt: *The rise of sects in the Russian church.*——H. Grisar: *Rome and the Frankish church*, particularly in the sixth century [maintaining that the authority and jurisdiction of the papacy was fully and continuously recognised in Gaul].——J. Heller prints *the constitutions of the synod of Passau* [1437].

Hilgenfeld's Zeitschrift für Wissenschaftliche Theologie (Leipzig), **xxxiii. 3.**—A. Hilgenfeld: *The constitution of the Christian community in the formative period of the catholic church.*——F. Görres: *Further contributions to the history of the age of Diocletian and Constantine.*==**4.**—F. Görres: *On the history of the persecution of the Christians under Diocletian.*

III. GREAT BRITAIN AND IRELAND

Archæological Journal, No. 185.—A. Hartshorne: *Castle Acre* [a study of its Roman, Saxon, and Norman defences].——J. J. Raven: *Antonine's Itinerary.* Route ix.: Britain [on Roman roads in eastern Britain].——W. G. Fretton: *The monastic institutions of Coventry.*——F. C. J. Spurrell: On the *first passage of the Thames by Aulus Plautius,* and on *Shoebury camp,* Essex.——J. Bain prints *memoranda on the borders by the earl of Hertford,* afterwards the protector Somerset [1542].═══**186.**—J. L. André: *Burton church,* Sussex.——The late H. M. Scarth: *Discoveries at the Roman baths in Bath.*——W. H. St. J. Hope: *The Whitefriars of Hulne,* Northumberland; illustrated.——W. Rye: *The unpublished material for a history of the county of Norfolk.*——J. Bain prints *orders for the watch at the Scottish marches* [1542].

Church Quarterly Review, No. 60. *July.*—*Hampton Court.*——*The Quakers* [in the seventeenth century].——*Saxon or Scandinavian?* [an adverse criticism of P. B. du Chaillu's 'Viking Age'].——*Disendowment* [on the origin of church property in England].

Dublin Review. 3rd Series. No. 47. *July*—J. R. Gasquet: *The early history of the mass*; second article.——Miss J. M. Stone: *Philip and Mary.*

Edinburgh Review, No. 351. *July*—*Sir William Fraser's 'Memorials of the House of Haddington.'*——*Montchrestien's 'Traicté de l'Oeconomie politique'* [1615].——*Religious persecution in Russia.*——*Charles, prince de Ligne* [on V. du Bled's memoir].——*The history of the campaign in the Sudan* [1884, from a military point of view].

Jewish Quarterly Review. *July*—M. Friedländer: *The late chief rabbi, Dr. N. M. Adler.*——A. H. Sayce: *Jewish tax-gatherers at Thebes in the age of the Ptolomies* [from an inscription on an ostraka in the writer's possession].——B. Bacher: *The Sabbatarians of Hungary.*——A. Neubauer: *Berechia Naqdan* [accepting J. Jacobs' date].——*Shtars in Merton College, Oxford.*——*A letter of pope Eugenius IV on the Jews.*

Quarterly Review, No. 341. *July*—*The history of Eton College.*——*The emperor Frederick,* from Gustav Freytag's 'Reminiscences.'——*The acropolis of Athens.*——*Sir Robert Walpole* [partly from the life by J. Morley].

Scottish Review, No. 31. *July*—J. G. Bourinot: *Canada and the United States* [a comparison of their constitutions].——J. Rhŷs: *Traces of a non-Aryan element in the Celtic family* [on the influence of the non-Aryan inhabitants of the British Islands upon their Goidelic invaders as shown in personal names, particularly those derived from totems].

IV. HOLLAND AND BELGIUM

Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde (The Hague). **3rd Series, vi. 1.**—P. J. Blok: *Friesland in the middle ages.* I: *The boundaries of the country* [showing how from at first extending from the Weser to the Sincfal, south of the Scheld, the land became gradually limited on east, and still more west, by the growth of separate territories (from the eleventh century) and above all by the formation of the Zuiderzee (from the twelfth to the sixteenth century)]. II: *The land and its cultivation; trade and commerce.* III: *The people* [ranks and classes of society; government and social condition; the church].——R. Fruin: *The exiles from the Netherlands in England during the war against Spain* [1568–1570]; extracts from the 'Ecclesiae Londino-Batavae Archivum,' published by J. H. Hessels [with notes].——S. Muller, Fz.: *Patronage and appropriation of churches*; supplement to a contribution to the preceding number.——F. G. Slothouwer: *The extraordinary embassy to the Swedish court in* 1672.

Bulletin de la Commission de l'Histoire des Eglises Wallonnes (The Hague), **iv. 3.**—P. J. J. Mounier: *The fortunes of the Walloon churches of the Netherlands* [a survey, chiefly of their synodal history].——A. J. Enschedé: *Supplementary list of huguenot refugees.*——R. J. van Lennep: *The Dutch protestant church at Smyrna* [from 1660], with documents.

Messager des Sciences Historiques de Belgique (Ghent), **1890, 1.**—I. V. S.: *The college of St. Norbert at Rome.*——J. T. de Raadt: *The seignories of the country of Malines*: Keerbergen, continued [1524–1639].——*Notes on the topography of Ghent.*——P. Fredericq identifies the '*Rihoviae muliercula*' [mentioned by Camden as wife of John Daniel in connexion with the trial of the earl of Essex] *with Jeanne, daughter of François de la Kethulle, 'heer van Ryhove.'*

V. ITALY

Archivio Storico Italiano (Florence), **5th ser. v. 1.**—U. Pasqui: *A conspiracy for the liberation of Arezzo from subjection to Florence* [1431], with documents.——A. Rossi: *Guicciardini and the Florentine government* [1530–1534], and *Guicciardini's appointment as vice-legate of Bologna*: extracts from his unpublished letters to Bartolommeo Lanfredini.——G. Livi prints *nine letters of Pasquale de' Paoli* [1768], with an introduction.——A. Guasti argues against the *historical value of a passage in Villani relative to the origin of Prato*, with a document [1281].——L. Zdekauer illustrates the *comment of Jacopo della Lana on the 'Inferno' xxxiii. by a statute of Pistoia* [1330] *relating to party contests in that city.*——G. Rondoni: *Paruta's 'Legazione di Roma'* [1592-1595].——**2.**—C. Errera: *The 'Commentationes Florentinae de exilio' of Francesco Filelfo* [describing the oldest manuscript (in the Magliabechiana) and the contents of the work, its date (book i. 1440, books ii. & iii. probably not later than 1442), and its biographical value].——G. Livi prints *unpublished letters of Pasquale de' Paoli*, continued [1768–1773].——C. Paoli examines a *charter of* 1193 in which a fragment of a private deed in the vernacular is incorporated in a Latin notarial charter: the text is printed.——G. Sforza prints a *document on the conspiracy of Francesco Burlamacchi* [1546].——A. del Vecchio: *Survey of literature on medieval law* contained in periodical publications [1888–1889].——*Calendar of the Strozzi charters*, first series, continued [1647–1650, and of various dates].

Rivista Storica Italiana (Turin), **vii. 2.**—C. Manfroni: *Charles Emanuel I and the treaty of Lyons* [1601], with documents from the Turin archives.——V. Malamani: *The Austrian government in Lombardy and Venetia and the Bonapartists* [1815–1848], with documents.——G. Toniazzi: *Heisterbergk on the earliest history of Sicily.*——P. Orsi: *Tivaroni's 'Italia durante il dominio francese.'*

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Archivio Storico per le Province Napoletane, xv. 2.—N. Barone: *Historical notices extracted from the registers of the court in the Angevin chancery*, continued [25 Oct. 1496–30 Aug. 1497].——B. Croce: *The theatres of Naples* from the fifteenth to the eighteenth century, continued.——L. Correra prints a *contemporary account of the riots in Naples in* 1647.——B. Capasso: *The Vicaria vecchia* [or ancient law-court] *at Naples*, continued.

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Archivio Storico Siciliano. New Series, xiv. 3, 4.—V. di Giovanni: *The family of Paruta* [a noble house in Sicily] *from the fifteenth to the seventeenth century*; with two documents [1630 and 1648].——A. Guarneri prints a *grant of privileges* [1393] *from the counts of Peralta to the city of Calatafimi.*——G. M. Columba: *The maritime intercourse between Greece and Sicily in antiquity* [considering (1) the configuration of the Greek coast with reference to communications with the west; (2) the winds and conditions of navigation; (3) the divinities presiding over seafaring and the legends connected with them; (4) the colonising movement of the Greeks towards the west].——A. Sansone: *Sicily in* 1837 [an elaborate study, with a review of the condition of the island after 1814].

Archivio Veneto, xxxviii. 2.—C. Errera: *The Venetian crusades to the Holy*

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VI. RUSSIA

(Communicated by W. R. MORFILL)

The Antiquary (Starina).—*June-July*—*Memoirs of Vladimir Daehn*, continued. ═══*June*—*The twenty-fifth anniversary of the taking of Tashkent by M. Chernayev* [a description of this event, which was 'the foundation of Russian influence in central Asia'].——A. KARDINALOVSKI: *An incident in the life of the emperor Nicholas* [further details of the danger which he ran in crossing the Niemen in 1846].——*A letter from Prince Paskievich in the year* 1854; *with an account of his last days and death.*═══*July*—*Memoirs of Michael Kireyev* [recollections of the war of 1812; details are also given from his grandfather's recollections of the revolt of Pugachev]. ═══*July-August*—*Memoirs of Ivan Zhirkevich* [at one time governor of Simbirsk (with an account of the visit of Nicholas to Simbirsk in 1835–1836); afterwards governor of Vitebsk].═══*August*—Baron T. BÜHLER: *The empress Maria in her correspondence with Mesdames Lafond and Palmenbach* [1797–1802: on the education of the young ladies in the Smolnoi monastery, showing her character in an amiable light].

The Historical Messenger (Istoricheski Viestnik).—*June*—A. PETROV: *Russian diplomatists at the Vienna conferences in* 1855, concluded.——V. ZOTOV: *St. Petersburg in the forties* [the reaction in Europe after the French revolution; the Hungarian campaign, &c.].═══*June-July*—S. TERPIGOREV: *Echoes of Stenka Razin in the government of Tambov* [a study from the local archives of the rebellion of Stenka Razin, towards the close of the seventeenth century].═══*June*—V. NEDZVIETSKI: *The most important theatres of war in Europe. II: the west, or Franco-German. The statue of prince Poniatowski* [by Thorwaldsen, confiscated with the property of the Branicki family and given by Nicholas to prince Paskievich].═══*July*—A. TANKOV: *The affair of Shirkov* [a story of a murder in 1813, illustrating the domestic life of the landed proprietors].——*The attacks on Yermolov* [an account of the series of intrigues directed against this general during his wars in the Caucasus].═══*August*—A. BRÜCKNER: *Zelmira: an episode in the reign of the empress Catherine II.* 1782–1788 [the name given by the empress to the princess Augusta of Brunswick, who died mysteriously in Russia in 1788]. ——A. TANKOV: *Riots among the peasants in the government of Kursk in the year* 1862.——N. OGLOBLIN: *A bad time in the town of Olshansk* [sketches of the lives of official personages there at the beginning of the eighteenth century].

Journal of the Minister of Public Instruction (Zhurnal Ministerstva Narodnago Prosviestchenia).—*June*—M. KOYALOVICH: *The Russian Uniates in the reign of Alexander I.*——V. MILLER: *Materials to illustrate localities and races in the Caucasus.*═══*July*—A. GOLOMBIEVSKI: *The court of appointments in the years* 1668–1670 [this ancient court settled the functions of certain state officers, &c.].——*The conquest of Finland.*——*Protestantism in Russia before the time of Peter the Great.*——I. TIKHOMIROV: *The so-called chronicles of Avraamka* [important for the early church history of Novgorod].——A. BRAUDE: *The travels in Russia of the Danish ambassador Jacob Ulfeld in the sixteenth century* [the so-called 'Hodoeporicon Ruthenicum,' which was first published in 1608].——P. ROVINSKI: *Excavations in the ancient Dioclea, conducted at the expense of Nicholas, prince of Montenegro.*═══*August*—V. REGEL: *The chronicle of Cosmas of Prague* [an examination of the authorities upon which it is based].——G. FORSTEN: *Researches in the archives of Lübeck and Danzig on the question of the Baltic provinces.*——M. DIAKONOV: *Direct taxation in the Russian empire from the time of the troubles to that of Peter the Great* [the time of troubles is that connected with the appearance of the false Demetrius].——P. A. SIRKU: *The Greco-Bulgarian church question.*

VII. SPAIN

Boletin de la Real Academia de la Historia, xvi. 4. *April*—C. PUJOL: *Iberian numismatics.*——F. FITA: *A bull of Innocent VIII* [3 April 1487], enjoining upon foreign princes the arrest and extradition of fugitive

Spanish heretics.═══5.—*May*—A. S. MOGUEL: *The litigious archbishop Vaca de Castro and his opponent the abbot Gordillo.*——F. DE MÉLY: *The tabla de oro of Don Pedro* [cf. Boletin, xv. p. 52].——F. FITA: Documents relating to the *destruction of jewries in Catalonia in* 1391, and the *conspiracy of Jews against the Inquisition in Seville in* 1480.═══6.—*June*—F. CODERA discusses *A. Campaner's 'Historical sketch of Islamite rule in the Balearic islands.'*——A. S. MOGUEL: *Poems in the dialect of the Spanish Jews* who took refuge in the east.——C. PUJOL: *Iberian epigraphy.*——F. FITA: Documents relating to the *Inquisition and the Jews* in the reign of Ferdinand and Isabella.

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Anzeiger für Schweizerische Geschichte (Bern), **1889. 1, 2.**—H. WARTMANN: *The boundary between Thurgau and the Rheingau.*——G. VON WYSS: *The Tuggenersee* [on which Tuggen in canton Schwyz stood; shown to have been still in existence in 1322].——H. BOOS: *The monk of Basèle at the battle of Crécy* [mentioned by Froissart. The writer maintains that he came from Basle].——G. VON WYSS: *Notes on the battle of Sempach.*——T. VON LIEBENAU: *On Justinger's account of king Sigismund's projected campaign* [1413] *against Milan* [printing two documents, fixing the date of the proposal not to 24 August, but earlier than 29 June].——A. KÜCHLER: *Political movements in Unterwalden* [1550-1561].═══**3.**—O. RINGHOLZ: *The locality of the castle of Alt-Rapperswil.*——R. WACKERNAGEL: *Bishop Lütold I and Lütold II of Basle* [showing that their families have been confounded].——J. B. KÄLIN collects *later evidence of the existence of the Tuggenersee* [down to 1658].——T. VON LIEBENAU: *Notices of gipsies at Sursee* [1417-1586].═══**4, 5.**—G. MEYER VON KNONAU: *St. Fridolin* [arguing afresh against his historical existence].——T. VON LIEBENAU prints extracts from a manuscript at Basle [dated 1449], '*Chronica cuiusdam fratris Minorum Henrici*' [chiefly compiled from the 'Flores Temporum,' but containing independent notices].——W. GOLTHER prints from a Munich manuscrip [dated 1499] '*ain gedicht gesangs wie sich der pundt der schweitzer erhebet hat*' [a new text of the song of the origin of the confederation].

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Magazine of American History (New York).—*July*—Mrs. M. J. LAMB: *Colonial New York* [c. 1768].——A. McF. DAVIS: *The Indian college at Cambridge, Massachusetts* [1654].——P. C. STANDING: *General Burgoyne's defeat and surrender* [1777].═══*August*—Mrs. M. J. LAMB: *Major-general Ebenezer Stevens* [1751-1823].

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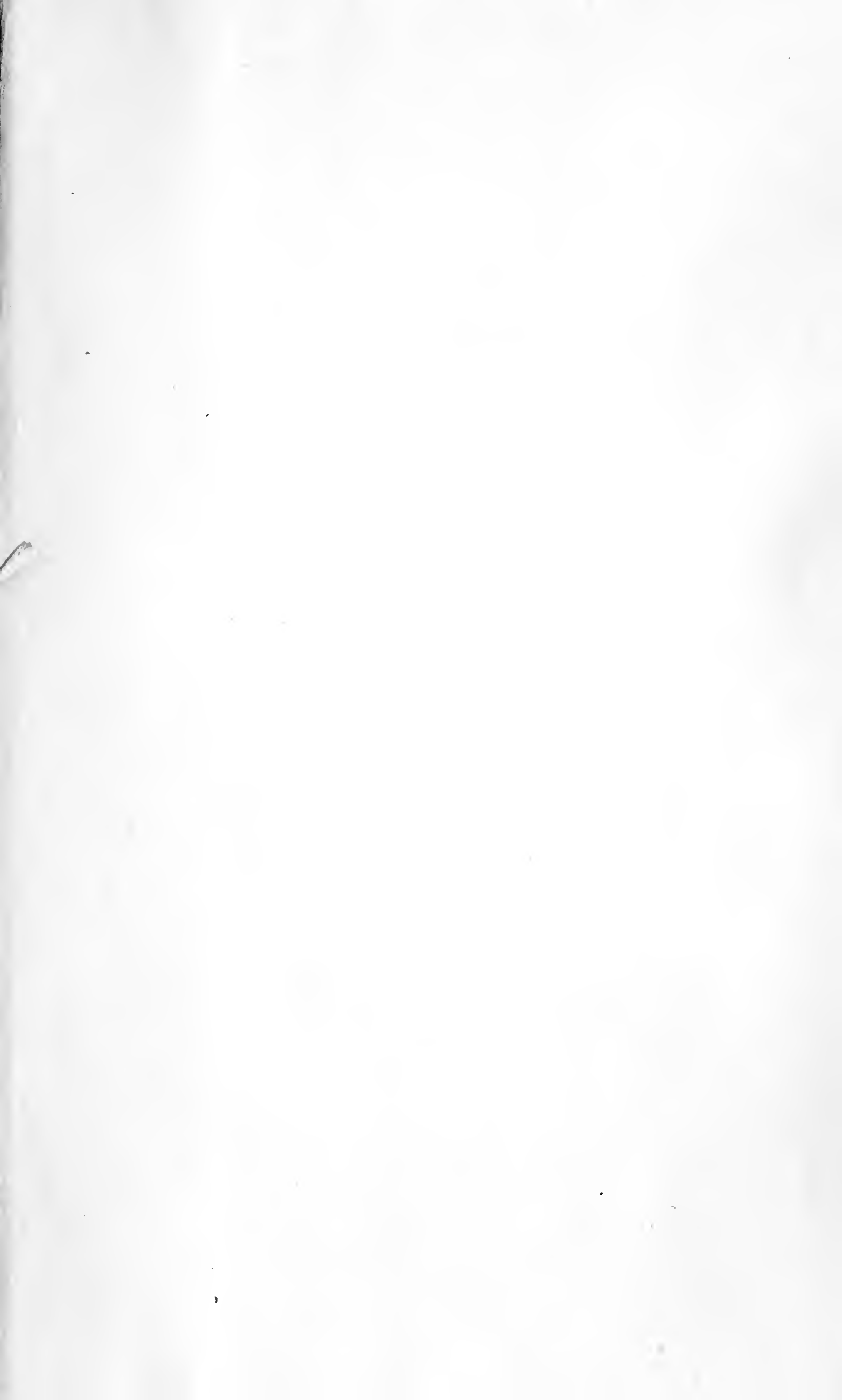

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