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THE ENGLISH HISTORICAL REVIEW

EDITED BY

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THE ENGLISH HISTORICAL REVIEW

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The Early History of Babylonia

IV. THE EARLIEST SEMITES.

THE earliest history of Babylonia at present attainable presents us with a more or less continuous struggle between three or four principalities occupying the delta of the Euphrates and Tigris. The underlying factor in this struggle was no doubt in essence a racial one; it meant the continual friction between the mountaineers and steppe men of the north and the cultivators and townsmen of the south, and is typified in the Bible by the struggle between Cain and Abel, between the agriculturist and the shepherd. The shepherds and nomads in the present case were, for the most part, the people whom we collectively name Semites, a race whose annals fill such a notable place not merely in the secular history of the world, but also in the development of its religious ideas, and which has maintained a force and vitality throughout the ages quite unexampled elsewhere. Schlözer, in Eichhorn's 'Repertorium,' viii. 161, published in 1781, first gave the name Semitic to a group of languages which are united together by very close ties, and of which Hebrew is a type. Eber, the eponymos of the Hebrews in the Bible story, is there made the son of Shem, who is styled 'the father of all the children of Eber,' and the term Semitic is therefore not inappropriate so long as we remember that we are not connoting by it the various peoples who are made descendants of Shem in the genealogical table in Genesis. That table is based rather on geographical and political than on ethnographic or linguistic affinities. We must also beware of confusing language with physical

qualities. While the various races who speak dialects of the so-called Semitic speech are closely allied linguistically, they differ very much in physical character. This is obvious when we remember that the class includes such diverse elements as the Abyssinians and the peasants of Syria.

While the languages of the Semitic class agree together closely, they are sharply separated from other divisions of human speech in structure and grammar, and form a natural group. Their most striking feature, perhaps, apart from their phonology and various grammatical idiosyncrasies, is the fact that they consist entirely, or almost entirely, of words formed of trilateral roots.

The original homeland of this sharply defined group of speech has been a good deal debated and is still the subject matter of controversy, but it seems to me that the great balance of evidence and authority is in favour of Arabia. Those who have derived the Semitic languages from Africa or Central Asia respectively have done so on insufficient grounds. In regard to Africa, which Salt and partially also Ritter made the primitive homeland of the Abyssinians, they have mistaken an utterly corrupt form of Semitic speech for a primitive form of the language. Those who have gone to Central Asia have done so on the unsafe ground that a number of very characteristic objects, indigenous to Arabia, have not common names among the scattered members of Semitic speech—a fact which has, it seems to me, a simpler explanation. Tentatively, at all events, it seems best to treat Arabia, which is now the great focus of Semitic speech, as its original homeland.

The best authorities divide the Semitic languages into two groups, a northern and a southern group, the former comprising, almost entirely, languages which are extinct, and the latter chiefly living forms. The northern section comprises ancient Babylonian, Assyrian, Phœnician, Hebrew, Canaanitish, and Aramaic, all now extinct except the last, which is represented by a mere fragment in Syriac. The southern section comprises Arabic and Abyssinian among the living tongues, and Minæan and Sabæan, or Himyaritic, among the extinct ones. It is a curious fact that among all these languages Arabic still preserves the most primitive type of Semitic, a fact due, no doubt, to the unmixed character of the people who speak it, who continue to occupy the same almost inaccessible deserts which their earliest forefathers did, virtually unmolested and unchangeable in speech as in habits and physique. Sprenger, Schrader, Wright, and De Goeje are agreed that the oldest and most unsophisticated form of Semitic speech which we can examine is Arabic, and that Arabic is more like the mother form from which all the other Semitic languages have separated than any of the other Semitic tongues. This is more especially the

view of De Goeje and Schrader.¹ Sprenger argues that 'all Semites are successive layers of Arabs who deposited themselves layer upon layer.'² I would rather argue that the Arabs are the largely unsophisticated and unaltered kernel of a race which probably once occupied all northern and western Arabia, and which has been altered on its borders by contact with other races. This has been chiefly in two directions, one in the south and east and the other in the north.

We will first consider the former district. Modern students are at one with Arabic tradition in making a strong distinction between the true Arabia where true Arabic was spoken, Hejaz and Nejd, and what the Arabs call Yemen or the south of Arabia. All the Arab writers speak of the languages of the two districts as having been for the most part mutually unintelligible, while the physique of the two races was also markedly different.

The district of Yemen was itself for a long time an unknown land, and it is only since Fresnel in 1837 began his researches that it has been known that the old language of Yemen still virtually survives in the country between Hadramaut and Oman, and especially in the country of Mahrah, Mirbat and Zhefar. More recent and careful studies of the inscriptions which have been found in various parts of South Arabia have shown that in the small corner of Mahrah we, in fact, have a remnant of the Himyaritic race which was driven from so much of its old quarters by the early Muhammadan Arabs. They have further shown that this old language of Yemen was, apart from dialectal forms, in essence the same as the Gheez of Abyssinia, and both represented the ancient Himyaritic or Ethiopic, the language spoken by the queen of Sheba, and, it seems to me, spoken also along the seaboard of Arabia facing the Persian Gulf. This language differed from Arabic in several respects, as in the character of the vowels; whence, says Renan, we have in many words, otherwise like those of true Semitic origin, a change analogous to that which Latin words went through when spoken by Celtic lips, as *paume*, French for the Latin *palma*, besides a number of elisions of consonants. A marked tie between Mahri and Gheez, as against Arabic, is the use of *k* instead of *t* in some cases in parts of the conjugation of the verb.³ Again, remarks Renan, 'among the people of Yemen we meet with articulations contrary to all the rules of Arabic pronunciation, and a mass of words of apparently other than Semitic origin.' Speaking of these and other differences, Renan, referring to the dialects of Mahri and Gheez, sums up: *On dirait de part et d'autre une langue sémitique articulée par un organe non sémitique.*⁴ The old Abyssinian language called Gheez is in fact a mere dialectal form of the primitive language of Southern Arabia generally called

¹ Wright's *Comp. Grammar*, p. 8.

² *Alte Geogr. Arab.* p. 293.

³ Renan, *Hist. gén. des Langues Sémitiques*, i. 313.

⁴ *Ibid.* p. 327.

Himyaritic. It is now universally held that it was introduced into Africa by an emigration from Arabia, and the various dialects and forms into which it has broken up are proofs partially of isolation and proofs also that the invaders mixed in different ways and in different proportions with the original inhabitants, who, as I stated in a previous paper, form sections of the primitive Cushite race.

The old form of the language Gheez, which is now virtually extinct, was originally the language of Tigré whose capital was Axum, and it is well preserved in the inscriptions at Axum. When, about the year 1300, the royal family at Axum was displaced by another, living at Séwa where the dialect called Amharic was spoken, Gheez was gradually displaced as the spoken tongue by Amharic, and Gheez remained merely as the language of the church, and, in a more or less corrupt form, as the language of literature also. Besides Amharic, other dialects of Abyssinia exist, such as that of Tigré, very like Gheez, that of Guragueh, Afar, Saho, the two dialects of Gafat, &c.⁵ All these forms, however, are ultimately derived from the primitive Himyaritic dialects imported from Arabia and mixed with Cushite and other elements. When this migration began we have no means of knowing, but it was possibly later than some writers suppose, and it was gradual. What it is important to remember is that in primitive times the population of Abyssinia was not Semitic but Cushite or Hamitic, and that it is now probably represented by the Somalis, Gallas, &c. on the one side and the Nubians on the other.

This is precisely the conclusion we arrived at on other grounds in a previous paper, and it means that the population of the eastern and southern seaboard of Arabia was a people covered with a veneer of Semitic culture and speaking a corrupt Semitic speech, but in blood and in essence a population of Cushite or Hamitic descent. Renan enforces the same conclusion by certain ethnographic considerations which I had overlooked. He says all we know of the Cushite civilisation accords perfectly with the relics of that of Yemen. The immenseruins of Mareb and of Sana do not in any way correspond to Semitic ways, and the Arabs who now live among the ruins, feeling they have nothing in common with them, attribute them to the gigantic and impious race of the *Adits*, and the Ehkili language of Mahrâh is looked upon by them as that of *Ad* and *Thamud*. Lassen long ago noticed the singular analogies between the constitution of the ancient Sabæan kingdom and that of the Nârikas (who are Dravidians) of Malabar, and enlarges on the existence of castes in both cases, caste being unknown to the Arabs. The same organisation is presented by the Somalis of the African coast, who probably represent the Arabic Cushites in their original form. Bohlen and Lassen have shown what close ties there were be-

⁵ Renan, *Hist. gén. des Langues Sémitiques*, i. 337.

tween Arabia and Dravidian India in early times, and Weber on philological grounds admits a common element in the population of India and Arabia. M. Arnaud argues for a similar community of origin from the manner of life and caste system still prevailing among the Akhdain, a vagabond class of southern Arabia. Lastly, says Renan, the ancient manners and customs of Yemen have nothing in common with those of the Semites. The Himyaritic code drawn up by Gregentius, bishop of Zhafar, is based on ideas foreign to Semitic notions in the way it deals with the sexes, in its savage and complicated penal enactments, &c. Circumcision, with some other pagan customs, existed in Yemen from very early times. Lokman, the mythical representative of Adite wisdom, recalls Aesop, whose name, according to D'Herbelot and Welcker, points to an Ethiopian origin: *Ἀἴσωπος Αἰθίοψ*; and in India the literature of fables (in which animals play a prominent rôle) is essentially that of the Sudras or *Kausikas*, i.e., according to Eckstein, the Kushites. From these considerations Renan draws the conclusion which I think unanswerable:

Ce serait par des émigrations, relativement modernes, que la race Juktanide (Sémite) se serait superposée en Arabie et en Afrique à la race couschite, et nous aurions, par l'hymiarite et le malri, non des langues couschites, mais des langues sémitiques altérées par une influence couschite.⁶

The black race which I have here referred to as Cushite, and which occupied the seaboard of Arabia and North-Eastern Africa, was almost certainly, as Dr. Glaser has pointed out, the people of Punt, living in the land of Punt, which represented to the primitive Egyptians the source of culture and the centre of light. The rôle of the civilisers of the world belongs no doubt in the earliest times neither to the white nor to the brown races, but to these black folk whom we group together as Hamites or Cushites. Punt is word for word the same as Punic or Phœnician.

The Semites had occupied the steppes of Mesopotamia from the earliest times. They are found there dwelling not only on the watershed of the two rivers Euphrates and Tigris, but also on the flanks of the mountains of Kurdistan and Luristan, and they also apparently largely occupied the country of Canaan and of Syria. Unlike the Arabs, however, whose wastes and steppes were an undisputed and an undivided heritage, these Northern Semites divided the land with those of another stock altogether. The true and typical Semite was in early times what he still is, a pastoral herdsman and nomad, represented at his best by the Bedawis of our day; and so he remained where he was unmixed and unsophisticated. On the other hand, the rich alluvial plains were tilled, the mines were worked, and the towns were built, and occupied

⁶ See Renan, *Hist. gén. des Langues Sémitiques*, i. 322.

apparently all over the districts occupied by the Northern Semites by the settled and sedentary race of tillers of the soil, miners, and traffickers, whom we have called Cushites. The extent, in fact, to which these Cushite colonies were planted in the West is an unsolved mystery. It is, at all events, rather curious that Abram (Abraham), the Hebrew patriarch, with his people, should in the Bible story be so persistently brought from Ur of the Chaldees. If by Ur of the Chaldees is to be understood the city of Ur now represented by Mugheir, as is generally argued, then it would seem that Abraham and his following are treated in the biblical account not as Semites but as Cushites, a view which the difficulty of finding an etymology for Abraham in Semitic makes possible. If this view be tenable, then it would appear as if the Hebrews derived their language from the Canaanites among whom they afterwards dwelt.

A parallel difficulty exists in the case of the Phenicians. Herodotus tells us (i. 1) that the Phenicians once lived on the shores of the Erythrean Sea, whence they migrated to the Mediterranean and settled where they afterwards inhabited. Again he says (vii. 88): 'This nation (*i.e.* the Phenicians), according to their own account, dwelt anciently upon the Erythrean Sea, whence they crossed over and planted themselves on the Syrian coast.' On the other hand, Eratosthenes, as quoted by Strabo,⁷ speaks of two islands in the Persian Gulf, one called Tyros (which is named Tylos by Pliny and Ptolemy) and the other Arados (the modern Arad, one of the Bahrein islands), which had temples resembling those of the Phenicians. The inhabitants of these islands reported that the islands and cities bearing the same names among the Phenicians were their own colonies. These islands, he adds, were ten days' sail from Teredon, and one day's sail from the promontory of Makae. Eratosthenes refers to Androstenes, an admiral of Alexander the Great, as his authority. Troglus Pompeius goes a step further and says that the Phenicians who founded Tyre left their former country in consequence of an earthquake, and first lived near the Assyrian lake, and presently settled near the sea.⁸ Pliny, Dionysius Periegetes, and Solinus all refer to the migration of the Phenicians from the borders of the Erythrean Sea, but they doubtless, as Rawlinson says, copied the authorities already cited.⁹

These traditions are certainly curious, and in them the tradition of the Phenicians themselves agrees with that of the islanders in the Persian Gulf. Although Bochart, Voltaire, Heeren, and Movers all questioned the story, it was accepted by Kenrick, and in later times by Rawlinson. The latter argues for a conclusion which now has

⁷ xvi. ch. 3, par. 4.

⁸ See Justin, xv. i. 3, 2.

⁹ See Rawlinson, *Herodotus*, iv. 242, note 13; Pliny, v. 14; Solinus, xxxiv. 1.

greater probability than even when he wrote: namely, that the emigrants were not of Semitic but, as he calls them, of Hamitic race; that is to say, were Cushites. While the later historical Phenicians apparently spoke the language of Canaan, and were largely of the same blood as the Canaanites, there was a real difference between their customs and tendencies, which, as Rawlinson says, points to a mixture with a foreign graft. The Canaanites were fierce and intractable warriors, rejoicing in their prancing steeds and chariots of iron, neither given to commerce nor to any of the arts of peace. The Phenicians, on the other hand, were quiet and peaceable, a nation of traffickers, skilled in navigation and in the arts, both useful and ornamental, unwarlike except at sea, and wholly devoted to commerce and manufactures. Rawlinson¹⁰ also compares the close affinity and friendship between the Phenicians and the Jews with the strife and hatred existing between the latter and the Canaanites, and he explains the fact apparently by both Jews and Phenicians having been originally Cushite colonies, who planted themselves amongst and were absorbed by the Semitic Canaanites. He compares the name of the Phenician town Marathus with the word meaning 'the West' in the language of the primitive Babylonians—namely, Martu—and argues forcibly that unless they had come from the east the Phenicians would hardly have called one of their chief cities by such a name. Beth-Shan again is a name apparently compounded of a Semitic and a Cushite word. Professor Sayce reminds us that Joppa boasted of having been founded before the Deluge, and of having been the seat of Kepheus, the king of the Ethiopians, the name by which the pre-Aryan and pre-Semitic populations of Asia and Europe were known to the Greeks. Pliny says¹¹ that the empire of Ethiopia extended over Syria and the shores of Italy in the days of King Kepheus, as is shown by the legend of Andromeda. Dicaearchus tells us the Chaldeans were called Kephenes from King Kepheus.¹² These traditions are supported by a comparison of the early cosmology and mythology of the Phenicians and the peoples of Palestine with those of the Cushites of Lower Mesopotamia.

This intermixture of more or less pure Semites with Cushite elements in very primitive times in the countries north and north-west of Arabia doubtless accounts for certain features of the North Semitic languages, in which they resemble the Sabæan form of speech rather than the Arabic, and accounts also probably for certain features of the mythology of the same race, such as the worship of the god Sin, to which we shall refer presently.

Apart from this sophistication, however, the Northern Semites

¹⁰ *Herodotus*, iv. Essay ii. 241-9.

¹¹ *Hist. Nat.* vi. 35.

¹² Sayce, *Trans. Soc. Bibl. Arch.* i. 302, 303.

were affected by another and perhaps a more important graft and mixture. The speech of Chaldea in primitive times was not Cushite, whatever the blood of the local race may have been. As we have seen, it belonged neither to the so-called Hamitic (or Cushite) nor to the Semitic family of languages, but to that sometimes called Turanian, including those of the modern Mongols and Turks. Similar languages were spoken in the mountain country north of the lower Tigris—namely, in Elam—and it would seem very probable that the primitive people of Mesopotamia and of the delta of the Euphrates and Tigris was partially a Cushite stock and partially a more or less sophisticated Semitic race which was conquered by invaders from Elam, who imposed their language upon it and also brought in the use of the cuneiform writing and syllabary. This is also the view of Mr. de Morgan, who is now digging in Elam, and the results of whose excavations are so anxiously awaited. It would seem that the Cushites, however otherwise gifted, had not the use of letters. At least we have no trace of their having used them either in Africa or in Arabia, or on the north or east of the Indian Ocean, and they were apparently the heritage of the Turanian highlanders of Elam, who at all events introduced them into the delta and its borders. What seems plain, again, is that in the very earliest records from Lower Babylonia we have traces of the presence of Semites there. How much influence they exercised we do not know.

It is the ideographic character of the script here referred to which makes it so difficult to trace the beginning of Semitic influence upon the speech of Lower Babylonia, but the occurrence of certain words written phonetically in some of the very earliest inscriptions from Babylonia enables us to postulate the presence of a Semitic tongue in close proximity to the delta-lands of the Euphrates and Tigris at the earliest point to which we can carry back our research. M. Thureau Danguin has collected some of these proofs. Thus:—*Dam ha ra* or *Damka* = *Tam ha ru* (Hilprecht, plate 60, and on the cone of Entemena, col. i. 26);¹³ *Nagid*, a shepherd (compare the Hebrew *Noked*), in inscriptions of Ur Ninib and Gudea. *Um ma an*: this word, says M. Thureau Danguin, occurs on an inedited cone of Urukagina and probably corresponds to *ummanu*. *Mash ga na*, which is equivalent to *Mashkanu*, and was used in the very earliest times at Shirpula to designate inhabited places.¹⁴ *U rig*, the equivalent of *urqitu*. The word apparently occurs in col. iii. line 25 of the inscription of Lugal zaggizi. *Da er*, or *Da ur*, the equivalent of *daru* (Lugal zaggizi, 6 B 1 87 iii. 33, and Eannadu, 'Descouvertes,' pl. 4^{bis}, F 2 iv. 3). *Ulla*, the equivalent of *ullu* (Urukagina, De Clercq, v. 3, cone of Entemena, vi. 5, &c.) *Gi na*, the equivalent

¹³ See on this word Hilprecht, *Old Babyl. Inscr.* ii. 48.

¹⁴ See *Rev. Sem.* April 1897, p. 168.

of ki nu (inedited cone of Urukagina and cone of Entemena, i. 4). Ab-ba, the equivalent of abu (cone of Entemena, i. 3). Ha lam, the equivalent of halâqu (on the stone known as Galet A of Entemena, iv. 19, and cone of Entemena, vi. 20). Sadug, the equivalent of Sattuku (inedited cone of Urukagina, and inscription of the same king in De Clercq, iv. 3).¹⁵

In addition to such words we have certain syllabic sounds clearly of Semitic origin occurring in phonetically written words at a very early date, as Kalam, in Kamma (=Kalamu);¹⁶ Il, in the proper name Il li on the cone of Entemena, iii. 34; Zig, in Zig ga (=zaqu), on the so-called Galet A of Entemena, &c.¹⁷ In addition to these direct words and sounds, which are merely a sample, are a number of expressions having turns of phrase and construction modelled on Semitic phrases and all pointing to a familiarity with Semitic speech. It is plain, therefore, that at the very earliest time to which we can carry back our researches, Semites and Turanians were living side by side in Babylonia. It is equally plain that both the Babylonians and the Assyrians borrowed a very large number of words from their Turanian neighbours, and their vocabularies are steeped with the influence of the latter. 'The Semitic vocabulary,' says Professor Sayce, 'examined in the light of cuneiform revelations, shows much borrowing from the Akkadian, and will enable us to gauge to some extent the amount of civilisation possessed by the primitive Semite before his intercourse with Akkad. A considerable portion of Assyrian words, as well as the Assyrian mythology, are immediately derived from an Akkadian source.' Mr. Sayce goes on to urge that most of the so-called biliteral roots and words relating to civilised life are taken from Turanian Babylonian. He cites the names for city, fortress or stronghold, enclosure, palace, seat or throne, floor, king, lord, crown, judge, copper or bronze, silver, iron, value, hour, number or measure, the weight maneh, weighing or measuring; the larger numbers, as one hundred; speech; astrological terms, as unlucky, &c.; a tablet, writing, a style, a plough, a yoke, to dig, field, corn, &c.¹⁸ These facts are suggestive in themselves, since they show how the northern Semites borrowed the terms of civilisation very largely from their Turanian neighbours.

The focus and centre of Semitic aggression in the earliest times was apparently Kish, which had been taken possession of, or was controlled, by the Semites. These Semites were apparently also settled at the place formerly called Gishbanki, but now known as Gish ukhe or Ukhe simply. Which of the two places was the earlier seat of Semitic influence we do not at present know,

¹⁵ See Thureau Dangin, *Rev. d'Assyr.* iv. 74.

¹⁶ Hilprecht, *Old Babyl. Inscr.* ii. 87 *passim*.

¹⁷ *Rev. d'Assyr.* iv. 74.

¹⁸ *Ibid.* pp. 304-8.

but in any case the two towns were probably originally of Cushite foundation and conquered by the Semitic nomads. These latter are probably to be identified with the Suti of the later inscriptions, who wandered about on the lands of the lower Tigris. Hommel says that the Suti words which have survived, such as Zalkhu=tin and Namalu=bed, have a Semitic sound.¹⁹ These early nomads occur under the same name in the Egyptian inscriptions, and they were probably very like in every respect to the modern Bedawis of the delta.

It is not quite clear whether, as Mr. Pinches suggests, there was not more than one place named Kish in Babylonia, one situated at the mound of Haimar, near Babylon itself, and the other lower down the country. At all events the name is written in several ways by the later Semitic Babylonians and Assyrians as Kishu, Kie ish, and Kish sha tu. Until we get further light, however, it will be safer to treat the names as those of the same place. Its great importance in very early times is shown not only by the inscriptions of its kings, but also by the fact that the title, 'Shar Kishatu,' or king of Kish, became the prototype of Shar Kishshati, *i.e.* the king of the world.

I have already collected some facts about Kish in previous papers, but in view of the more considerable position which the place is now seen to have occupied in very early times it will be well to add such further information as is within our reach. Ramman Nirari, king of Assyria, father of Shalmaneser I, defeated the king of Babylon, Nazi Maruttash, and in an inscription of his son he is styled Shar Kishshati, a title which was also used by more than one of his successors, and was also used by Merodach Baladan I, king of Babylon. This title was apparently revived in the case of these later kings of Assyria and Babylon, with the special meaning of king of the world or universal ruler, but its original meaning, as Hilprecht urges, was most probably simply king of Kish, and it was apparently a revival of the Shar Kishshatu used, as we shall see presently, by more than one early Babylonian king, and derived from the time before Babylon had become the principal city of Babylonia and when that distinction belonged to Kish.²⁰

The principal god of Kish, in later times at all events, was Zamama, or, as the name is written in the dialectal form, Zagaga. He was a form of the sun-god, Ninip. In a tablet published by Pinches he is identified with Marduk sā takhaji, Marduk of battle. Associated with him was his consort, the goddess Ninni, or the Lady. The House of the Great Mountain,²¹

¹⁹ *Gesch. Bab.* p. 275.

²⁰ See Hilprecht, *Old Babylonian Inscriptions*, i. 23, &c.

²¹ In a text H. R. 50 ob. 13, E Kur Magh.

which was the usual name for the great temple at Kish, is said to have been an equivalent for E Kharsag Kalama, *i.e.* the House of the Mountain of the World. This 'mountain of the world,' the great temple at Kish, was, says Mr. Sayce, the mountain of Sabu, to which the storm-bird god, Zu, took his flight in the famous legend, a legend²² which seems to me to show the very high antiquity of Kish. In regard to the epithets applied to Kish in some of the early inscriptions, pointing to its bad reputation, it is noteworthy that, in a table of omens published by Dr. Scheil, the omen of Kish is said to be 'want within thee and burning by the enemy.' Jastrof tells us that the temple of Ninni at Kish was known as the tower, or ziggurat, of the great dwelling (E-igi-e-nir-kidur-makh).²³ The great temple of Zamama apparently bore more than one name. It was called Kharsag Kalama, or the mountain of the world, and also E me te ur zagga, the house of the warrior's glory.²⁴ It is curious that, attached to the great temple of Bel at Babylon, there was a second court devoted to the worship of Ishtar and Zamama.²⁵ A lesser god worshipped at Kish of whom we know only the name was Tug.²⁶ Bahu, or Bau, was also worshipped there,²⁷ and she was called the Ruler of Kish. On a contract stone Zamama, the god of Kish, is symbolised by an eagle, which is said to be 'the image of the southern sun of Kish.' The symbolisation of Zamama by an eagle is also mentioned in 'W. A. I.' ii. 57, 53.²⁸

Kish, although it ceased to be the metropolis of Babylonia, continued to exist as a town. In a tablet of the Kassite king, Nazi Marruttash, found at Nuffar, he calls himself 'king of Kish.'²⁹ Tiglath Pileser III offered sacrifices to the gods at Kish,³⁰ and among the evil deeds of Nabonidus, which are supposed to have brought upon him his troubles, was the removal of the gods of Kish to Babylon.

In regard to the partially semitised character of the people of Kish, Hilprecht says of the king of Kish whose name he provisionally read as Enne Ugun, 'he was apparently a Semite.'³¹ Of Lugal Zaggizi, son of Ukush, the famous conquering king of Kish, he says the name is possibly to be read as Semitic,³² and he describes his conquests as 'the first signal success of the invading Semites from the north.'³³ He further quotes certain phrases from his inscriptions, which, he says, look very suspicious in an ancient Shumerian inscription, *e.g.*: 'From the lower sea of the Tigris and Euphrates to the upper sea;' 'From the rising of the sun to the setting of the sun;' and others which remind us

²² Sayce, *Hibbert Lectures*, p. 295.

²³ Jastrof, p. 639.

²⁴ *Ibid.* p. 640.

²⁵ Sayce, *Lectures*, p. 438.

²⁶ See *ibid.* p. 217.

²⁷ *Ibid.* p. 262.

²⁸ *Ibid.* pp. 261, 262, note.

²⁹ Boscauwen, *Babyl. and Orient Rec.* viii. 161.

³⁰ *ibid.* R. 67, 11.

³¹ *Old Babyl. Inscr.* ii. 50, note 2.

³² *Ibid.* p. 51, note 4.

³³ *Ibid.* p. 54.

forcibly of the phraseology of the latest Assyrian kings. Another similar fact is his use of the ideogram *da ur*, doubtless of Semitic origin (= *dâ rû*), for 'eternal;' see col. iii. 36, *da urgě me*, 'he may pronounce (speak) for ever.'³⁴ He says the character for Lugal on an inscribed object from Tell Loh, presented by a king of Ukhe, or Gish-uhke, has so far only been found in such cuneiform inscriptions as contain Semitic words written phonetically, or in other texts which are written ideographically but, on the basis of strong arguments, must be read as Semitic. 'We are forced,' he says, 'to the conclusion that this character, while doubtless derived from the well-known Shumerian form, was invented and employed by a Semitic nation.'

The first king of Kish hitherto recorded occurs in a difficult inscription published by Hilprecht (ii. 50). He makes it read that a certain Enne Ugun (whose name is read *In bil Ugun* by Hommel and Winckler), king of Kish and leader of the hordes of Gishbanki,³⁵ was defeated and captured, his city burnt, and his silver statue and other booty dedicated to the god Inlil, at Nippur, by some king unknown. Winckler points out that a ruler of Erech, in the reign of Sargon I, to be presently mentioned, was called *In bil Ugun*, and he translates the inscription as if *In bil Ugun*, an Erechthite, was appointed king of Kish by its conqueror, whoever he was.

The conquering prince, of whose long inscription I gave an abstract in a previous paper, and whose name reads in Shumerian Lugal Zaggizi, would in Semitic be styled *Sharru mali emu ki keni*, *i.e.* 'the king is full of eternal strength.'³⁶ He styles himself king of Erech, and *son of Ukush*,³⁷ *patesi of Ukhé*.

We have seen how Mesilim himself was acknowledged as overlord both of Ukhé and of Shirpurla, and have described the victorious struggle of Eannadu, king of Shirpurla, against Kish and Ukhé, and we have seen how on his death the star of Kish again became ascendant.

I would provisionally place here some rulers who are known to us by their inscriptions. One of them is mentioned in a dedicatory inscription to Mu or *Ā Malkatu* by a king named *Ma an ish tu irba*, or, as Hilprecht reads the name, *Ma an ish tu su*. Winckler puts this king at a much later date, but Hilprecht, who is clearly right, says of him that palaeographic reasons, the Semitic language

³⁴ *Old Babyl. Inscr.* ii. 54, 55.

³⁵ The phrase 'leader of the hordes of Gishbanki' I cannot find in the inscription, which simply reads 'king,' not of Gishbanki, but 'of *Ud banki*,' or rather king of *Ud Ukhé*, 'ban' being no longer tenable as a reading.

³⁶ Hilprecht, ii. 55, note 1.

³⁷ The name of the *patesi* of Ukhé, the contemporary of Mesilim, king of Kish, who made an aggressive attack upon Shirpurla, was Ush. Is it possible that this is another form of the same name, and that the Ush and Ukush just mentioned were in fact the same person?

of the inscription, and the title he gives himself, namely, Shar Kishshatu, establish for him a very early date. The inscription was found at Sippar, and in it the king who dedicates it styles himself Shar Kishshatu. By Mu or Ā Malkatu an appellation of the sun-god at Sippar is thought by some to be meant. Jastrof, however, who says that the ideograms mean the Lady or the Mistress, makes her the wife of the sun-god.³⁸

Father Scheil, in one of his recent papers,³⁹ has an interesting statement which makes us wish to see the original documents. There are two discs which, he tells us, are inscribed with the name of Uru Kagina, king of Shirpurla, who on them styles himself *vassal of Ma an ish tu su*. If this is the same Uru Kagina whom we have discussed in a previous paper, and the inscription is correctly interpreted, of neither of which facts we have reason to doubt, it would make that ruler a subordinate of the king of Kish and not an independent prince, and it confirms the views of those who put Uru Kagina after instead of before the dynasty of Ur Nina. Another monument of this king has recently been found by Mr. de Morgan in his excavations at Susa. It is by far the most important inscription of the earliest Chaldean times which has yet been discovered, and extends to 900 lines. Its publication is anxiously awaited.

On a marble weight in the shape of a duck in the British Museum there is an inscription which reads: 'A weight of thirty minas belonging to Nabu-shum-libur, *Shar Kishshatu*.' He was doubtless one of the early kings of Kish. I have already, in the previous paper of this series (*ante*, vol. xiv. p. 636), given inscriptions of two other rulers of Kish, namely, Nin Innanara, king of Kish and of Tur se, and Udug, patesi of Kish. These rulers we cannot at present definitely place.

We now come to a more important person, whose monuments were first unearthed by the American explorers at Nuffar. Hommel reads his name Alu Musharshid, and Hilprecht Al usharshid. This is the Semitic rendering of the characters, otherwise taken as Ur u mu ush, which may also be a Semitic reading. Not less than sixty-one fragments of vases dedicated by him have been found at Nuffar. They are made of white marble or dolomite. The name has been explained as meaning 'Hé' (some deity) 'founded the city.' The form Ur u mu ush has been compared with the Orchamus of Ovid.⁴⁰ His principal inscription describes him as king of Kish, and tells us how he dedicated the vases on which his name occurs to Bel from the spoil of Elam (namrak Elamtu) when he subjugated Elam, and Ba ra sé. This conquest of Elam and Ba ra se or Pa ra sé, which was probably another form of the name Parsua, a province neighbouring on Elam, is an important and memorable fact. The vases were partially dedicated

³⁸ *Bab. Rec.* p. 74.³⁹ *Recueil*, xxi. 125.⁴⁰ *Metam.* iv. 212.

to Inlil or Bel at Nippur, and partially probably to Shamash at Sippar, for inscriptions of his have been found at Sippar.⁴¹ These inscriptions of Al usharshid are beautifully cut. They testify to his supremacy in the south and in the east and north-east of Babylonia, and are the first inscriptions unmistakably written in the Semitic language. A vase of Al usharshid has been found at Shirpurla, showing he had authority there.

It is possible, also, that a remarkable object found at Tell Loh belongs to his reign. The characters, at all events, in the inscription upon it resemble those used by him. This object is a colossal lance-head of bronze or copper, 80 mm. in length, and 14 mm. in breadth. On one side is represented part of a lion rampant. It is figured in the *Revue d'Assyriologie*, iii. 53. The object bears a royal inscription, which has not however been hitherto read, but which seems to be followed by the characters 'king of Kish.' The lance-head was originally hafted, and the tang with four holes still remains. It has been suggested that a long tube of copper three metres long, having a projecting hook on one side and terminated by a ball of hard bitumen, also discovered by M. de Sarzec, belongs to it. It is made of plaques of copper which have been apparently riveted on a wooden handle. This portentous lance was apparently dedicated to some god, or perhaps it belonged to some equally gigantic figure of Gilgamish, the Chaldean Hercules, who is frequently figured on terra-cottas, and on two reliefs in the British Museum, associated with a similar lance, which he does not carry, but merely touches with his hand. On two cylinders in the Louvre, one of which came from Tell Loh, Gilgamish is figured carrying such a lance, which in these cases has attached to it a kind of hook on the side, as in the *amentum* of the Romans. The attitude of the lion, as also the mode in which the inscription occurs, shows that the lance was meant to be stood up on its point, and perhaps pushed into the ground.

Al usharshid is placed by Hilprecht in close connexion with the famous rulers, Sargon and his son, to be presently mentioned. He argues from the facts that his remains are found close to the monuments of Sargon, and, like them, are written in Semitic, that the phraseology of his inscriptions is very similar, and that palæographically they are the same.⁴² He puts him, however, before Sargon and Naram Sin, on the ground that the broken vases of Al usharshid were found lying close by the comparatively well-preserved monuments of Sargon, but not by those of Naram Sin, the latter's son, whence it is probable that he reigned before Sargon, and not after Naram Sin.

Down to this point we have to trust altogether to the story which

⁴¹ See *Acad.* 5 Sept. 1891, p. 199.

⁴² *Old Babyl. Inscr.* i. 19, 20.

has been recovered from the fragmentary inscriptions, and the archæological details which have been recovered for us by the spade in the most recent diggings in Babylonia. These kings and dynasties were unknown to the pioneers of Assyrian discovery. They and their doings had passed long before into oblivion, and were apparently as unknown to the great rulers and conquerors of the later Babylonian and Assyrian empires as they were to the classical writers; and what we know of them has virtually been recovered during the last decade. We now have to do with rulers the memory of some of whom lingered much longer, and whose history, having passed partially into the twilight of romance, has been treated by some modern writers, and notably by Winckler and Niebuhr, as very largely a myth. Professor Sayce and others have maintained with undeviating constancy that the most important of them, Sargon, was no myth, but a very real personage, and now the actual monuments of his reign are turning up in numbers, and there can be no longer a doubt not only that he existed, but was preceded by the line of rulers we have discussed. This view as to the relative position of Sargon and his family has been maintained by Heuzey and Hommel. After the excavations of the American expedition, and the dissection of their results by Hilprecht, there can no longer be any doubt that the kings whose broken story we have tried to tell in previous papers preceded the reign of Sargon and his son Naram Sin, a conclusion which the riper and more developed art of the latter rulers' remains would in itself make clear, but which is now proved not merely by the evidence of the writing and the language, but also by the order of superposition of the remains.

The relative position of Sargon in regard to other rulers whose remains have been found at Nuffar is established in a measure by a number of unhewn masses of diorite and calcite inscribed with a dedication to the god Inlil by Lugal-Kigub-nidudu, of whom we have already written in a former paper. This inscription is rudely scratched upon the stones, and is well preserved on the diorite blocks, but a good deal decayed in those of calcite. The same rude inscription is scratched upon the back of a door-socket of Sargon, proving that he had used the stone which had been imported by Lugal-Kigub-nidudu,⁴³ and consequently reigned after him. On the other hand, the American excavators at Nuffar have shown that the famous king of Ur whose name has been variously read as Uruk, Urgur, Urbau, &c., lived after the time of Sargon, since a platform built of bricks bearing his name has been found at Nuffar overlying constructions of Sargon and his son.

In 1881 Mr. Hormuzd Rassam discovered in the mound of Abu Habbah, on the Euphrates south-west of Baghdad, two terra-cotta cylinders of Nabonidus, the last king of Babylon. On one of these

⁴³ See Hilprecht, i. 29, sect. 1; Table of Contents, p. 47; and ii. 46.

cylinders Nabonidus tells us that he had discovered the foundation-stone of the temple of the sun god at Sippara (*i.e.* the modern Abu Habbah), which had been deposited there by Naram Sin, its founder, and adds the remarkable phrase that no king who had gone before him had seen this foundation-stone for 3,200 years. As Nabonidus reigned about 550 B.C., this means, if the figures are right, that he put the reign of Naram Sin (who was the son of Sargon) about 3750 B.C. This famous inscription was first published by Mr. Pinches.⁴⁴ The date has been made the subject of much contention. It has been accepted by several prominent authorities, including Professor Sayce, Hilprecht, and others. On the other hand M. Thureau Danguin urges very strongly that there could not have been an interval of 1,000 years between Sargon and Gudea, the patesi of Shirpurla who reigned some time after him, or their form of writing would differ very much more than it does, and he therefore insists that we must lower the dates of Sargon and Naram Sin to the end of the fourth millennium B.C.⁴⁵ Meyer suggests the possibility of the date having been an artificial one made up conjecturally in later times.⁴⁶ Winckler is also strongly of opinion that Naram Sin reigned shortly before the so-called first dynasty of Ur, and that his date must be considerably lowered.⁴⁷ On this subject I am tempted to quote a passage from Dr. Peters. He says of this date: 'If such a number occurred in the Bible we should certainly refuse to regard it as accurate.' Why not here also? We treat the number 480 in 1 Kings vi. 1 as meaning nothing more than twelve generations. The number 3,200 is likewise a multiple of forty. Why do we not explain it as meaning merely eighty generations? I suppose Nabonidus was able to count up about eighty kings' names between himself and Naram Sin. Reckoning forty years to each king, we obtain the number 3,200, which, translated into our methods of speech, means nothing more than eighty generations. But a generation, especially where generations are reckoned by the reigns of kings, is not really forty years. Supposing that Nabonidus had good authority for counting eighty royal generations between himself and Naram Sin, eighty generations can scarcely be more at the outside than 2,000 years, and is probably less. Assuming 2,000 years in place of 3,200, we should date Naram Sin and Sargon about 2600 B.C., which, or even a later date, would accord better than 3800 B.C. with the other information we possess.⁴⁸

Since these sentences were written Lehmann has subjected the question to a critical examination. He raises no issue about the possibility of continuous records having existed in Babylonia at

⁴⁴ *Proceedings Soc. Bibl. Arch.* v. 8-12.

⁴⁵ *Rev. d'Assyr.* iv. 72.

⁴⁶ *Gesch., &c.*, p. 162.

⁴⁷ Winckler, *Forsch.* vi. 549.

⁴⁸ *Proceedings Soc. Bibl. Arch.* viii. 142.

least as far back as the reign of Sargon, which seems more probable now than it formerly did, but he emphasises the fact that if we are to accept the date as it stands in the inscription of Nabonidus it means that we have an hiatus in the monuments equivalent to at least 1,000 years. A thousand years are an enormous period for the arts to remain almost stationary. It seems perfectly incredible to any one who judges by the archæological data that 1,000 years intervened between Sargon and his son Naram Sin, on the one hand, and the kings and patesis of Ur and Shirpurla, Gudea and Urbau, whose remains, so far as our present lights go, are the next to follow them. This thousand years is at present archæologically represented, to use Lehmann's phrase, by 'an absolute vacuum.' He accordingly rejects the date and proceeds to argue that the scribe who recorded it made, in fact, a mistake of a thousand years. He shows how very easy this was. The date is represented in the cuneiform script by first three upright wedges, followed by the well-known ideograph for a thousand, then by two upright wedges. Lehmann urges at some length that the original scribe put three wedges instead of two when writing the initial character in the inscription, and that the mistake, which is very easy to make in writing the tablets, was afterwards copied by others; and he shows how similar mistakes have occurred in other inscriptions. His arguments seem to me to be conclusive; they also seem conclusive to a better judge than myself—namely, Professor Tiele⁴⁹—and they completely bear out what I had on *a priori* and other grounds long ago concluded. As corrected by the deduction of 1,000 years I see no reason whatever for doubting the general accuracy of the figures in the inscription of Nabonidus above quoted; and this fits in very well with our archæological evidence. That Sargon succeeded the rulers of Shirpurla, who occupied us in a former paper, seems pretty well established, but it would also seem that there was no great gap between them, and that far from there having been a gap of 1,000 years between Sargon and Urbau and Gudea, as Hilprecht has argued, these rulers succeeded each other at no long interval. From this it follows that at present we have no monuments in Babylonia which we are justified in dating much, if at all, earlier than 3000 B.C. This is important, since it affects various synchronisms and connexions between Mesopotamian and Egyptian history, in very early times, which have been pressed much too far.

In regard to the authorities for the reign of Sargon, the first document we have is a copy in Assyrian, made from a Babylonian original for the library of Assurbanipal at Nineveh, and now preserved in the British Museum. It is unfortunately only a

⁴⁹ See *Zeitschrift für Assyriologie*, xiv. 390, &c.

fragment and is written autobiographically, the king being supposed to tell the story of his own life, and it would seem to have been originally inscribed on a statue of Sargon himself. The next authority is the so-called omen tablet, also in the British Museum, the colophon of which says it was a copy made by order of some king of Assyria, whose name is lost, but who was doubtless Asshurbanipal. It consists of a narrative divided into fourteen paragraphs by lines drawn across the tablet, each paragraph containing the account of some war or other famous event in which Sargon took part, and each preceded by the description of certain phases of the moon, used as an omen, which was supposed to make the adventure a fortunate one. These two inscriptions have been translated by Sayce and Hommel. For a long time, as I have said, a controversy has existed whether all this story was not mythical and Sargon himself a mythical personage; but quite lately a large collection of original documents dating from his reign has been found at Tell Loh, completely establishing not only his existence as an historical person, but the truth also of the various events mentioned in the omen tablet.

On the older monuments the king's name is written Shargani Sharali. In the documents of the reign of Nabonidus the name is written Shargina. Shargani and Shargina were corrupted by the later Assyrians into Sharru kinu, 'the true or legitimate king.' In the earlier documents he is always called Shargani Sharali, and Oppert and Hilprecht treat the shorter name—Shargani or Sargon—as an abbreviation of the full name, which, according to Oppert, means 'mighty is the king of the city.' Others, including Mr. Pinches and Hommel, treat the words Shar Ali = king of the city, as a title.

From an inscription on a door socket dedicated by Sargon we learn that his father was called Itti Bel (*i.e.* With Bel), perhaps a contraction of Itti Bel balatu (With Bel is life). Inasmuch as this name is not qualified with the title of king it seems clear that he did not reign, and from the account which follows it would seem possible that he was not of royal blood, but perhaps of humble origin, and that Sargon owed his fortune to his mother, who would seem to have been a princess and probably the sister of the reigning king, who is styled Sargon's uncle. The story of Sargon is preserved in the autobiography already mentioned, first published by George Smith in the first volume of the *Transactions of the Society of Biblical Archaeology*, p. 46, &c. In it Sargon is made to speak in the first person, and to tell us that his mother was a princess (*enitu*), while in regard to his father it has the enigmatical phrase, 'My father I knew not, but the brother of my father inhabits the mountain.' His mother was apparently delivered in secret, and the child was abandoned. This story con-

firms some statements about the customs of the Babylonians made by Herodotus. A similar story is also alluded to in the book of Baruch, and Smith compares it to the story of Rhea Sylvia, who was also a king's daughter, and who, having had the twins Romulus and Remus by an unknown father, also abandoned them. The stories of Bacchus, Herakles, Moses, and Cyrus also suggest themselves for comparison. Sargon was born, we are told, at *Azu pirani*, on the banks of the Euphrates. *Azu pirani* has been translated as 'Azu of the elephant' by Hommel, but it would rather seem that Talbot's older idea was correct, and that *piranu* is the same as *biranu*, meaning citadel or fortress. A town of Az was conquered by Eannadu, as we have seen, and may well have been the very town in question.

Sargon in telling his own story says his mother put him in a basket or box of bulrushes and closed its door with bitumen, and seems to imply, as Dr. Tiele suggests, that it was through dread of his uncle that she concealed him thus. She put the basket on the river, which, we are told, did not enter or flow over it, but carried it down until presently it was seen by Akki the *Abal*, i.e., according to Hommel, the water-carrier, or perhaps, as Winckler reads it, the person in charge of the canals. Talbot long ago pointed out that we may gather from Josh. ix. 2 that a water-carrier was among the meanest of occupations. This man took him home and treated him kindly, adopted him as his son, and brought him up as a husbandman or gardener; and the goddess Ishtar, we are told, was also kind to him and prospered him. All this reminds us of the story of Moses. At this point there is a break in the story, but presently it goes on to say that he became king and reigned for forty-five years, and ruled over 'the black-headed people,' by which some understand the dark-complexioned Cushites and others mankind in general. After this exordium the inscription becomes very fragmentary, and we can only read detached words.

Fortunately there have been recently discovered at Tell Loh several tablets referring to various transactions of civil life no doubt contemporary with Sargon, and dated by reference to different events in his life, which enable us in some measure to complete the story. In line 14 Sargon talks of riding over the country in chariots of bronze. In the next he speaks of the upper and lower countries. In line 17 he speaks of the sea of Dilmun. Dilmun, as we have seen, was an island in the Persian Gulf, and it is in the direction of that gulf that he seems to have had a successful campaign, for he tells us in the next line that he marched against the city of Dur-ilu, which bears a Semitic name. This was a fortress near Elam. Here the inscription ends abruptly. Now in the first paragraph of the omen tablet already referred to we are told that the crescent moon at

its setting was seen filled with a dust-like cloud, which being a favourable omen Sargon marched against and subdued the country of Elam. One of the clay tablets from Tell Loh tells us that Lugal ushum gal was *patesi* of Shirpurla when Sargon conquered Elam and the country of Zahara, opposite or over against Ud ukhé, and imposed a tribute. Zahara we know nothing more of, but Ud ukhé occurs, as we have seen, in the inscriptions of the rulers of Shirpurla. In the next paragraph of the omen tablet, the omen from the moon being again favourable, we are told Sargon subdued the land of Martu, or the West Land (*i.e.* the country of the Amorites and of Northern Syria), and conquered Kibrat arba (*i.e.* the Four Races). In connexion with this phrase, which Smith understood as meaning Aram, or Syria, he reminds us that in Genesis Aram had four sons, Uz, Hul, Gether, and Mash.⁵⁰ A clay tablet found at Tell Loh confirms this statement, since it is dated in the year when Sargon conquered the land of *Amurra*, in the mountains.

The next paragraph is much mutilated. 'When the moon was favourable in that lying on its back there was a span length between the horns, Sargon, who under this omen brought sorrow upon Kish and Babylon, tore away the earth of . . . and built a city in the vicinity or after the pattern of Agadé, called it City of the World, and caused the inhabitants of Kish and Babylon to dwell there,' and he implies that he overthrew Kish and its dominion. The city which he here claims to have built was identified by Winckler with Kutha, now represented by Tell Ibrahim, but Hilprecht suggests that it may have been Ursagkalama, near Kish, whose temple, as we have seen, was called 'the mountain of the world.' Maspero suggests it was Dur Sargina, whose site is still unknown. It is possible, however, as George Smith and Mr. Sayce have urged, that the city referred to was really Agadé itself, and that from this time Sargon styled himself king of Agadé.

The fourth and fifth paragraphs, which are very fragmentary, speak of favourable omens having been followed by fresh successful campaigns in the land of Martu, or the West.

The sixth paragraph is also much mutilated, and we learn from it merely that Ishtar helped Sargon in some enterprise otherwise unknown. One of the tablets recently found at Tell Loh is dated in the year when Sargon imposed his yoke on *the Guti*, which may contain the missing information. 'The Guti' will occupy us again presently. It is possible that their country is mentioned in another tablet dated in the year when Sargon took Sharlak, the king of *Kuta*, prisoner.

The seventh paragraph tells us that while he prospered at home, the moon appearing like a lion (a favourable omen), Sargon

⁵⁰ Gen. x. 23.

marched to the sea of the setting sun (*i.e.* the Mediterranean Sea), which he is said to have crossed (*i.e.* he apparently went to Cyprus, and perhaps elsewhere also), and for three years pursued his victorious career, and having left behind memorial statues of himself he returned home with much spoil. In connexion with and as confirming this expedition to Cyprus it is curious that General Cesnola should have found a cylinder dating from the time of Sargon's son there, as we shall see presently.

The eighth paragraph recalls another favourable omen of the moon, and describes how consequently Sargon enlarged his palace and put his chiefs in it, and called it E kiam i-ni-lik, 'shall we not also seek it?'⁵¹

The ninth paragraph tells us that Kastubilla, of the country of Kazalla, rebelled, whereupon Sargon marched against and overwhelmed him and reduced Kazalla to dust and ruin and a resting-place for birds. The name Kastubilla, says Hommel, is Semitic. Kashtu means a bow. Kazalla is mentioned by Gudea as a mountain of Martu, or the West.

The next paragraph speaks of a general revolt and of Sargon having been besieged in the city of Agadé, and of his having smitten the forces of the enemy, slain their soldiers, and captured booty from them and called it the booty of Ishtar. The enemy is called Mak kaka bi by Smith, who conjectures that it means 'all countries.'

In the eleventh paragraph we again read of favourable omens presented by the moon, and of Sargon having conquered the plain of the Suti, *i.e.* of the nomads who occupied the deserts of the lower Tigris, and who played the part which the modern Bedawis still do in Syria and Palestine.

This completes the story as far as it refers to Sargon, the remaining paragraphs relating to his son and successor. The record is assuredly a remarkable one and presents us with a remarkable personage, a king who, at the verge of history, conquered an empire extending from the Persian Gulf as far as and including Cyprus, and laid his heavy foot on the various neighbours of Mesopotamia and subdued them, Elam being the most powerful. It was doubtless from Elam that came many of those cups of calcite and other fine stone of which fragments remain; they were probably plunder from Elam. He also overthrew the marauding plunderers, the Suti, who were like gadflies on the flanks of the weak and decaying communities which so often intervene between the strong empires of the east. But Sargon also put down rivals nearer home, for one of his clay tablets is dated in the year when Erech and a place whose name ended in *sie* were conquered. This points to an independent dynasty having at this

⁵¹ Hommel, p. 305.

time reigned at Erech. We now know that one similar ruler at least reigned under the suzerainty of Sargon at Shirpurla. He is definitely called Lugal ushum gal and styled patesi, and is made a contemporary of Sargon. Letters are actually extant which passed between Sargon and the prince just named, and it is curious to note that at this time some of the functionaries at Shirpurla were Semites by race and worshipped Anunit at Girsu.

The town of Agadé, whence Sargon took his chief title, was apparently one of the twin towns of Sippara, the Sepharvaim of the Bible. Hilprecht, following the lead of Mr. Sayce, seems to have no hesitation in deriving the name Akkad, by which northern Babylonia was afterwards known, from this town of Agadé. In his inscriptions Sargon calls himself son of Inlil, *i.e.* of Bel, 'king of Agadé,' 'king of Agadé and the dominion,' and 'ruler of the city.' Nabonidus, in the inscription in which he refers to him, styles him Shar Babili, and it is clear from the omen tablet already referred to that Babylon then existed. In fact one of the clay tablets recently found is dated in the year when Sargon founded the temples of Anunit and of Amal at Babylon. A vase of Naram Sin, his son, was actually found at Babylon by the French. An inscription of Sargon's found at Nuffar and published by Hilprecht, reads, 'To the god Bel, the great lord, Shargani sharali, the powerful king of Agadé, the builder of the House of the Celestial Ocean, of the temple of Bel at Nippur. If any one removes this inscription may Bel, Shamas, and Ishtar uproot the ground on which he stands and destroy his seed.'

A very interesting object with an inscription of Sargon has been for some years in the British Museum. It was found by Mr. Rassam at Abu Habbeh, by which name the ruins of Sippara are known, and it thus came from Sargon's own capital of Agadé. It consists of an egg-shaped object of beautifully veined pink and white marble, pierced lengthwise with a rather large hole, and engraved with an inscription in seven lines, two of which are double. This reads, 'Shargani, the king of the city, king of Agadé, to Shamas'—*i.e.* the sun god—'in Sippara I have dedicated it.'⁵² This object is supposed to have formed the head of a mace. It would seem from the inscription that there was a shrine or temple to Shamas, or the sun god, at Sippar before the reign of Naram Sin. This temple of the sun god at Sippar was specially named E bara, as we learn from later inscriptions.

Another remarkable object dating from this reign is a magnificent cylinder seal made of porphyry, in the collection of M. de Clercq. The inscription states that it belonged to Ibni Sharra, the servant of Sargon, king of the city, king of Agadé.

The lines of the inscription are written lengthwise, in columns, near

⁵² Hommel, p. 302.

the edge and almost resting on the hinder parts of two bulls, who stand, as it were, back to back. The heads of the bulls, which carry huge crescent-shaped horns, are thrown back, showing the broad span of the wide-reaching horns; and they thus drink from the twofold stream from the vases which the hero Gilgamesh (known from the curling locks which fall from his shoulders) holds out to them. The hero is represented naked, kneeling on one knee, holding the vase by the neck in one hand and supporting it beneath with the other. Underneath is a wavy border ornament, representing either the sea or a river or the sky.⁵³ The twofold stream may symbolise the two great rivers of Babylonia.

Maspero truly says of this object: 'Everything in this little specimen is equally worthy of admiration, the purity of outline, the skilful and delicate cutting of the intaglio, the fidelity of the action, and the accuracy of the form.'

The preservation from these very early times of a mace head and of a cylinder seal of hard stone so beautifully designed and cut shows us how conservative everything in Babylonia is, and also shows us how far off we still are from having reached the beginnings of culture and art there, for these objects, cut in very hard stone, not only show remarkable artistic taste but also great skill in the handicraftsmen who made them. Herodotus tells us that in Babylonia each man carried a baton, or stick, and a seal. The former, he says, was carved at the top into the form of an apple, a rose, a lily, an eagle, &c. By these batons he apparently means the maces whose heads have been found in considerable numbers.⁵⁴

In regard to the cylinder seals, they have been preserved in very large numbers to our day, as have the impressions made by rolling them on the clay tablets. They are from an inch to three inches in length, and their diameter is generally about half of their length, and they are pierced either in order to string them on a cord or in order to insert some metal or other axis on which they were rolled on the damp clay. The oldest cylinders seem to have been the largest. In early times they were often fastened round the wrist by a cord, and they are still found in the tombs on the old sites of Warka and Mugheir, resting close to the bones of the dead. They are all engraved in intaglio. The oldest ones are for the most part made of porphyry, basalt, ferruginous marbles, serpentine, syenite, and hematite. In later times they also occur

⁵³ *Trans. Soc. Bibl. Arch.* viii. 349.

⁵⁴ I ought to say here that a big votive mace head of white limestone, professing to be dedicated by Enannadu, a patesi of Shirpurla, which was recently bought for the British Museum, and to which I referred in my previous paper (*ante*, vol. xiv. 650), seems to me now to be false. I have always suspected the inscription, for various reasons, while the style and handling of the material seem to me to be distinctly wrong. It has been modelled on sculptures of the time of Ur Nina. My view is strengthened by that of a very acute and experienced archæologist, Dr. Furtwängler, who examined it with me.

made of lapis lazuli, amethyst, carnelian, rock crystal, agate, blood-stone, chalcedony, onyx, jasper, pyrites, &c. In the case of most of them, according to Sir Henry Rawlinson even the Assyrian ones, the inscriptions are written in Shumerian, or, as he calls the language, Chaldean Scythic, and contain the name of the owner, with that of his father and an epithet signifying that he was the servant of such or such a god. These cylinders, whose proximate and first object was to be used as seals, were also, no doubt, used as talismans. M. de Sarzec found many of them actually built into the walls, and enclosed in the binding mortar or other material; he argues that they were in such cases used as charms and preservatives against demons, evil spirits, &c., and he quotes an Homeric hymn where such demons are supposed to have haunted houses and potteries.

One of the few points of contact between Egypt and Babylonia in very early times is the occurrence in both areas of these cylinders of hard stone, fashioned in the same way, only that in one case they are inscribed with cuneiform writing or with ideographs, and in the other with regular hieroglyphs. While, however, the seals are universally used and very common in Babylonia they occur only sporadically and comparatively rarely in Egypt, where the scarab is the native form of seal, and it would seem not improbable that the use of such cylinder seals in Egypt was, in fact, a foreign custom imported from Babylonia, perhaps as the result of Sargon's western campaigns.

Like the other early kings of Chaldea, Sargon cultivated the gods and their priests. Thus one clay tablet from Tell Loh is dated in the year when he laid the foundations of the temple of Bel (Inlil) at Nippur. On three stone sockets for gates the inscriptions refer to the same event, and in connexion with this it is well to remember that, as we have seen, his father was called Itti-Bel. This great temple of Inlil or Bel at Nippur was called E kur—not E shar, as the name has been read by Delitzsch.⁵⁵ E kur means the Great House. A specimen of these stone sockets is given by Hilprecht, who also figures one of three terra cotta or brick stamps bearing Sargon's name, and used for stamping that name on some soft material. These stamps do not seem to have been used, but to have been dedicated when new and fresh to Bel.⁵⁶

In their later diggings at Nuffar the Americans have found several more brick stamps with the name of Sargon, eighteen in all (several of them had their handles broken off, apparently by those who used them), a fragment of a calcite vase inscribed with his name, and several bricks of the same king inscribed 'Shargani Sharali.' Hilprecht suggests that a floor at Nuffar which was originally laid by Sargon was relaid by his son, for it is curious

⁵⁵ *Gesch.* p. 33.

⁵⁶ Hilprecht, i. 15.

that no independent buildings of Sargon have been found intact. They possibly exist under some other parts of the vast mounds at Nuffar.

The most valuable remains from the time of Sargon are comprised in the collection of clay tablets from his reign and that of his son quite recently found by the French excavators at Tell Loh. These consist of a great variety of documents, contracts and accounts, lists of animals, of grain, of oil, of cloth, of metals, &c., reports on the state of the magazines, accounts of receipts and payments, plans, lists of the furniture and of the offerings in the temples, lists of slaves, of functionaries and employés—in fact, a regular record chamber of the commercial and agricultural, the civil and religious affairs of the community of Shirpurla at this very early date. They contain plenty of evidence of the intercourse which was then frequent between Agadé and Shirpurla, and a correspondence between the two towns is actually extant. Among the tablets are pieces of pierced clay which had been used as labels for bales of merchandise, which, in addition to the king's name, also contain the name of the place of destination of the goods. From Agadé were exported stuffs, and from Shirpurla cattle, fowls, cheese, butter, &c. The goods were carried by water, and boats laden with grain are mentioned as having been sent to Shirpurla. Some of the contracts mention the patesi of Shirpurla as a contracting party. One refers to a whole family of slaves purchased by him from a certain Gimil ilisu, judge at Agadé, whose brother it is specially stipulated was to escort the slaves to Shirpurla. Some documents are dated by the day of the month, thus enabling us to recover the names of the months at this very early time in Lower Chaldea. Some of these names are the same as those used further up the country at a later date. A few tablets mention the year of the reign, but the great mass of them are simply dated by some famous occurrence, some victory, the founding of a temple, &c. It is not possible to overvalue the mine of materials of every kind of interest—archæological, linguistic, and other—contained in these tablets, which it is to be hoped the authorities of the museum at Constantinople will speedily make available for study.

Agadé was not the only town with which Sargon's name is closely connected. A second town, which was called Dur Sargina, was probably founded by him. It is named in later inscriptions, and notably on the so-called Michaux stone, col. 1, line 14. Its site is still unknown. Sargon's palace at Babylon, according to George Smith and Tiele, became the royal burying-place. At all events we have it stated several times in a mutilated inscription published by Smith of more than one Babylonian king that he was buried

(*kibir*) in the palace (*ina e kal*) of Sargon.⁵⁷ Sargon also built the great temple of E ulbar, dedicated to the goddess Anunit.⁵⁸

We do not know how long Sargon reigned, but he was apparently succeeded by his son Naram Sin (*i.e.* Beloved of the Moon God), who is mentioned with him in the inscription of Nabonidus already quoted.

In the omen tablet above referred to, the three last paragraphs refer to him. The first of them tells us he marched against the king of Apirak (whose name is read Rish Ramman by Hommel) and subdued him. Smith suggests that Apirak may be the correct reading of the name otherwise read Karrak, a synonym for Isin. Hilprecht suggests that the termination *ak* points to a district on the borders of Elam, which seems probable. The name Rish Ramman is Semitic. The next paragraph of the tablet tells us that Naram Sin marched against Magan—that is, as we have seen, eastern Arabia. The concluding paragraph of the tablet is too mutilated to be read.

The statements here quoted from the omen tablet about Naram Sin are curiously corroborated by an inscription on an alabaster vase discovered by M. Fresnel at Babylon, and since lost in the Tigris, and which read, 'Naram Sin, king of the Four Regions, conqueror of Apirak and Magān.'

Another very curious relic from his reign, confirming remarkably the statement in the omen tablet about the expedition of Sargon to Cyprus, was discovered by General Cesnola at Kurium, in Cyprus. It is a cylinder seal made of hematite.

It represents a priest with the usual flounced dress, holding up his hands in adoration of a deified hero behind whom stands Ramman, the air god, with the forked thunderbolt in one hand and the mace or scimitar in the other. Three symbolical animals, together with the sun and groups of stars, are interspersed among the figures, and a kneeling suppliant, the original possessor of the cylinder probably, is placed between the priest and the figure he is worshipping.⁵⁹

The inscription on this cylinder, which is figured by Sayce and also by Hommel (p. 308), reads, 'Abil Ishtar, son of Ilubalid, the servant of Naram Sin.' We cannot doubt that this was a contemporary document, and it seems to go far to prove that not only did Sargon go to Cyprus, but that he conquered it, and that it formed part of his son's dominion.

The most interesting document of Naram Sin, however, is a bas-relief on a block of basalt, now preserved at Constantinople. It was found at Diarbekr, on the Upper Tigris, and is thus good evidence of his far-reaching authority. It consists of a single

⁵⁷ See *Trans. Soc. Bibl. Arch.* iii. 367, &c.

⁵⁸ Inscription of Nabonidus translated by Peiser, *Keil. Bibl.* iii. pt. 2, p. 85.

⁵⁹ Sayce, *op. cit.* pp. 441-2.

figure, which represents either a god or the king himself. He is standing to the right, wearing a conical cap, and a dress made of the hairy stuff called *kaunakis* by the Greeks; it is fastened over the left shoulder, leaving the right arm and the breast bare. The left arm is broken off, as are the legs. There are bracelets on the two arms. The figure holds a baton or mace on its left shoulder, and some other object, which is broken, in the other hand. The face is heavy and strong, and wears a long beard.

Its distinguishing character (says Maspero) is a subtlety of workmanship which is lacking in the products of a later age. The outline stands out from the background with a rare delicacy, the details of the muscles being in no sense exaggerated.

The carving is well figured by Maspero in his 'Origins' (Engl. ed.), p. 602. The relief is low, and the technique is very like that of the early Egyptian bas-reliefs, and shows great technical skill in cutting so hard a stone. The style of the monuments of Sargon and his son, which is so superior to that of the earlier kings, seems to point to Egyptian workmen having been introduced at this time, or to the former's western campaigns having brought them into contact with a higher form of art. This view has also commended itself to Maspero, who, however, contrary to the opinion now generally held, and, as it seems to me, contrary to the evidence, places Sargon and his son before the kings of Shirpurla. The finding of this monument at Diarbekr is a fresh proof of the extent of the dominion of these early Semitic kings. The mutilated inscription on the bas-relief preserves portions of the name of Naram Sin.

During the French excavations of 1894 some interesting fragments of a new bas-relief were found, dating from this time, and representing a number of figures fighting, but more in the Homeric way, where single heroes engaged each other, than as in the so-called stele of the vultures, described in a former paper. The fragments each contain three rows of episodes, separated by lines. The first represents three figures following each other, two of whom are certainly archers, with great quivers on their backs. The second row represents an archer drawing his bow, dressed in a long striped robe. At his feet lies the figure of an enemy, naked and on his back, raising his hand in supplication. In front of the archer stands a warrior in a helmet, with a fringed robe girdled round his waist, who is about to strike an enemy (whom he has seized by the beard) with his weapon, probably a mace. In front of him, again, are the remains of a third warrior walking towards the right. In the third row is a warrior striking at some one or something on the ground. In front of him are remains of a building.

On the reverse there seem to be three scenes, more or less com-

plementary to these. In the first are two warriors, much mutilated, one carrying an axe, who advance towards the figures in the first episode above mentioned. In the second there are remains of a conical mound; in front a warrior with a horned helmet, and carrying a mace in one hand and a bow in the other, plants his foot on the stomach of a fallen bearded enemy. He is bearded, and the figure is no doubt that of the king himself. A second figure, who has been struck on the head with a lance, sits up, while a third makes with his hands the well-known oriental gesture of aman. Another soldier, who holds his lance in his left hand at what soldiers call the carry, drives before him a naked captive with a shorter beard, who has his hands tied behind him. Of the remaining episode only a mere fragment remains, representing the upper part of an archer. These figures are carved with spirit and force, and with much more artistic skill than those in the so-called stele of the vultures, and thus recall the sculptures already named from the time of Sargon and his son, Naram Sin. The inscription on these fragments also recalls the inscriptions of these later kings. It is terribly mutilated, but fortunately among the characters remaining on it are those which go to form the names of Shirpurla and of Agadé, thus bringing these famous towns into juxtaposition.⁶⁰

Another remarkable monument of Naram Sin has been recently found at Susa by Mr. de Morgan. The inscriptions on it are not yet published in detail, and we only know them at second hand. This bas-relief was figured in the *Revue Archéologique* for January and February 1899, and is described in the subsequent number. It is a large stele, 2 metres high by 1·05 wide, but much injured by fire. At the top are three figures of the sun, one represented on the apex of a pyramid or mountain. In front of this pyramid stands the king, helmeted, carrying a mace in his right hand and a bow in his left. He wears sandals, and a costume not reaching to his feet; a dagger is in his girdle. His beard is long. He tramples on a number of the fallen foe, who are represented, with artistic force, falling down in various attitudes. The rest of the victorious army is represented by soldiers, naked and close-shaven, and holding long lances; and the steep and hilly country is figured conventionally by rocks and tall trees. Altogether the monument is a most remarkable one, and represents, probably, a victorious campaign in Elam. An Elamite king has subsequently inscribed on it a secondary inscription, in which he tells us how he carried the stone away to Elam when he made an incursion into Babylonia. As we have seen in his inscriptions found at Nuffar, Sargon claims to have built the temple of Inlil, or Bel, there. The same claim is advanced by Naram Sin for himself on two brick stamps found

⁶⁰ See *Revue d'Assyriologie*, iv. 113, &c.

there, reading, 'Naram Sin, builder of the temple of Bel,'⁶¹ and it would seem, in fact, that every Babylonian king who repaired a temple found it easy to claim to be its founder.

The discrepancy here referred to is repeated at Sippara, where on some of Sargon's bricks the foundation of the temple of the Sun at Sippara, known as Bit ulmas, is claimed for himself, while Nabonidus, in his inscription, assigns it to his son and successor, Naram Sin. Perhaps in these cases each founded a separate part of the temple or a separate shrine.

A calcite vase found at Tell Loh is inscribed, 'Naram Sin, king of the Four Regions' (shar 'kibratim arbaim), and shows from its *provenance* that his authority extended as far as Shirpurla. Traces of the same name and title have occurred on other pieces of calcite, &c., at Tell Loh, but the most numerous remains of him have been found at Nuffar.⁶² Thus the Americans have come across considerable remains of the actual buildings put up by him there. His bricks, like those of his father, Sargon, are of an enormous size, and are burnt and stamped with his name. No bricks of the same size occur in later times. They are laid in courses, so as to form a kind of platform, upon which a ziggurat, or tower, was built by a later king. A gigantic wall of the same kind of bricks, forming part of the outer wall of the city of Nippur, was also built by him, and bore his stamped inscription in three lines. There, however, the bricks were unbaked. They are described by the excavator as

dark grey in colour, firm in texture, and of regular form, and in quality unsurpassed by the work of any later king, constituting by far the most solid and tenacious mass of unbaked bricks that we have ever attempted to cut through. . . . A large number of solid and hollow terra-cotta cones, in great variety of form and colour (black and red ones being very abundant), and many fragments of water-spouts, were found in the *débris* at the bottom of the decaying wall. The former, as at Erech, were used for decoration, the latter for the drainage of the rampart.

Mr. Haynes says that all the stamped bricks of Naram Sin found at Nuffar 'show evident traces of red colouring on their under or inscribed face.'

M. Thureau Danguin argues that during the domination of the Sargonid dynasty at Shirpurla the phonetic method of writing partially displaced the ideographic, and that the latter was again resumed when the Sargonids were displaced. He urges, further, that the conquest of the country by Sargon led to a considerable settlement of strangers in the land, who divided it among them. Hence a new class of names which occur in the tablets of the period, names of scribes, priests, artisans, and slaves. *Inter alia* we have in the museums of the Louvre and of

⁶¹ Hilprecht, i. 18.

⁶² *Revue d'Assyriologie*, iv. 117, &c.

Constantinople, on tablets still unpublished, such Semitic names as I-li-alu-usarshid, Adamu, Sar ru ba ni, I li ish ma ni, A mur ru um, Ra im Bel, Na bi um, I li is da gal, I mi Shamas, Da num, Bel a si ra ni, Shamash il la at, &c.⁶³

M. Thureau Danguin holds that among the grantees of property at Shirpurla were certain beneficiaries of Sargon living at Agadé. This seems to follow from the notices of remittances in metal or kind sent to different persons qualified as judge, *Sabru* or *Sakkanatu*. Thus tablet no. 39 mentions the sending of certain ingots of gold as well as cattle, sheep, lambs, and kids. The people to whom they are sent are Ud du-lu-me ir, Shah ru tâbu, Be li qarradu, &c. At the head the king and queen are named. Again on tablet 40 it is mentioned that birds (game) are sent to the king and queen. In other tablets the king's slaves and the king's cattle are named. Thus on one at Constantinople eleven cows are named as having been sent to the king under the charge of a certain Uruk. On the other hand numerous documents are despatches sent from certain personages at Agadé to Shirpurla. Many of these retain the mark of the cord by which they were fastened as labels to bales of merchandise, &c. It would seem from these documents that the exports from Agadé to Shirpurla consisted of grain and of dates, and perhaps also of tissues. These products were sent by water, and the arrival of the grain boats is mentioned on tablet 43. Another tablet, no. 35, mentions the transport by boat of two cows and seven asses, and how provision was made for feeding the latter. Among the witnesses to this agreement appear a scribe, a jeweller, a musician, &c. One of the documents contains an agreement made between Lugal ushumgal, patesi of Shirpurla, and Gimil e-li-su, judge of Agadé, and refers to the sale of some slaves by the latter to the former. Among the interesting names on these tablets may be mentioned that of Be li (Ilu) Ma ar, 'My lord is Mar.' Another name with a very biblical sound is that of Da da, which has occurred on more than one tablet.

Among the countries mentioned as having relations with Shirpurla at this time we read of slaves from Guti and Amurru. Magan and the copper of Magan, Milukha, Elam, the towns of Az, of Kish, of Nippur, and of Ur are also named. Nearer home we have mention of Urukh and Ukhé (formerly read Gishbanki). An example of a document relating to this foreign trade runs as follows: '1,540 sheep, 854 rams: altogether 2,394 sheep, of the country of Ukhé (Gishbanki), Ur sid has sent to Uruk.' Other towns close to Shirpurla are also named, as Ninni ab, Ud nun (= Adab), Ninni Erin, Girsu, Nina, Ki nu nir, Erim, &c.⁶⁴

A very interesting feature in the documents of Naram Sin's reign recently published by M. Thureau Danguin is that in several

⁶³ *Revue d'Assyriologie*, iv. 75.

⁶⁴ *Ibid.* 78.

cases the king is distinctly qualified as *Il Agadé*—i.e. *the god of Agadé*—while in others he is styled *Shar Agadé*, or king of Agadé, a style which is more rare than the others. On a broken tablet published in the *Comptes Rendus de l'Académie des Inscriptions* for 1899, p. 348, Naram Sin, who styles himself king of the four countries, describes himself as the conqueror of the country of Armanu (?).

A recent discovery has set at rest a controversy which has been carried on for a long time in regard to another king whose name reads distinctly Bingani Shar ali. Dr. Oppert has always stoutly maintained that this is a different name from Shargani Shar ali, while others have maintained the contrary. The particular monument which gave rise to the discussion is a most beautifully worked seal cylinder, on which the hero Gilgamish is struggling with a bull, which stands upright on its hind legs, while a calf, or perhaps an antelope, stands behind it. Standing with his back to the hero is a human-headed horned figure with the hind quarters of a bull, struggling with a lion. The inscription on the seal, which is written in Semitic, reads, 'To Bingani, the king of the city (? of Agadé), the son of *the king*, this is dedicated—by his servant Izilum, the tablet writer' (or scribe). The cylinder is beautifully engraved in Hommel's history, where the inscription is also given.⁶⁵ An inscription recently found at Tell Loh (?) and preserved in Paris calls Bingani definitely the son of *Naram Sin*. It reads,

Naram Sin, God of Agadé,
Bingani Sharali, thy son,
Abi i Sir Scribe, thy servant.

It follows, says M. Heuzey, that the prince Bingani, already known from a seal cylinder on which he is simply styled son of the king, was the actual son of Naram Sin. Bingani's seals are later in style than those of Sargon.⁶⁶

A more recent discovery proves that Bingani was not the only son of Naram Sin. In an inscription on a tablet published by M. Heuzey, and translated by Thureau Danguin, we have a kind of invocation, worded thus: 'O son of Naram Sin, of the hero, O Nabi—(?)—mash, patesi of the town of Tutu (?), Li push li' num ? ni, (? priestess) of the Sun God, is thy daughter.'⁶⁷ This gives us an additional name in the family of Sargon in the person of Nabi . . . Mash, the son of Naram Sin.

This completes what we at present know directly of the dynasty of Sargon I, unless, indeed, the kings of Isin, to be mentioned later, were his descendants, which is not impossible.

To this period, however, according to Hilprecht, belongs an inscription published by Winckler,⁶⁸ but assigned by him

⁶⁵ See Hommel, *Gesch.* pp. 299-300.

⁶⁷ *Ibid.* xxvii. 348.

⁶⁶ *Comptes Rendus*, 1897, pp. 189-90.

⁶⁸ *Zeitschr. für Assyriol.* iv. 406.

to a much later date. The former says the archaic line-shaped characters, their marked agreement with a whole series of characters on his plates 1 to 5, the Semitic speech and its whole phraseology, together with the peculiarities to be observed in the sibilants, which are the same as in the inscription of Sargon I from Nuffar, the facts that it was discovered at Abu Habba and that a perforated stone has been used as a votive object for an inscription, the mineralogical character of the stone, and lastly the beautifully cut character of the letters, all combine in assigning this inscription to the times of the oldest Semitic cuneiform inscriptions. Hilprecht tells us it is written in pure Semitic Babylonian. He translates it for the first time thus: 'Lasirat' (the name is read doubtfully), 'the mighty king of Guti . . . has made and presented' (it). 'Whosoever removes this inscribed stone, and writes his name thereupon, his foundation may Guti, Ninna, and Sin tear up and exterminate his seed, and may whatsoever he undertakes not prosper.'⁶⁹

Hilprecht argues that this object was carried off by one of the early Babylonian kings from the land of Guti.⁷⁰ He argues, further, that this land of Guti probably took its name from the god Guti, named in the inscription, and that, as Hommel had already argued,⁷¹ the people of Guti spoke a Semitic language. Guti was situated, according to Delitzsch, on the east of the lower Zab, in the upper section of the region through which the Adhem and the Dijala rivers flow.⁷² In addition to the people of Guti speaking good Semitic we further learn, from this inscription, that they worshipped the Babylonian gods Ninna and Sin. We ought to add that Oppert has an entirely different theory about these Guti. He distinctly claims, and quite recently, to have found tablets relating to the sale of slaves of the *blond race* of the Guti.⁷³ He apparently places the Guti on the Oxus and connects them with the Germanic Goths!

Hilprecht also assigns to this period one of the inscriptions discovered by Messrs. J. de Morgan and V. Scheil, and published by them. The district where these inscriptions were found is that of Zohab, on the frontier between Kurdistan and Turkey, and the place is Ser i

⁶⁹ *Op. cit.* pp. 13, 14.

⁷⁰ The land of Guti answers in substance, and perhaps also in name, to the modern Kurdistan. According to Sayce the name Kurd is derived from the Babylonian *quradu*, 'a warrior,' a word which was borrowed by the people of Van. In the forms of 'khuradi' and 'quradu' it is given as the equivalent of 'gut' in an inscription published by Rawlinson. 'Gut' or 'Guti,' we are told, means a 'bull' in the primitive language of Chaldea, and the name Gutium, used by this early people, was borrowed from a Semitic language (probably Babylonian) which possessed the case-ending in 'um.'

⁷¹ *Gesch.* p. 306, note 2.

⁷² *Wo lag das Paradies?* pp. 233-7.

⁷³ See *Comptes Rendus*, 1895, p. 383.

pul, a small fort defending the bridge over the Rud Khané i Holwan, which flows from Mount Zagros (Kuh i Ahughéran) through the only defile in these parts by which an army can pass in going from Kirmanshahan to Baghdad. The place is one, therefore, of great strategical importance, and is marked by ruins of various dates.

Inter alia there are between Hassanabad and Ser i pul four stelae engraved on the rocks, apparently in the very early times we are discussing. This is the opinion of Hilprecht, who judges by the character of the writing, &c. Three of these stelae have been virtually weathered away, and only one remains tolerably perfect. Copies and squeezes of this have been made at considerable risk, since the fanatical Kurds look upon it as a talisman and threatened to maltreat any one who touched it. The stele contains a very curious and interesting representation in bas-relief, accompanied by an inscription. It is divided into an upper and a lower part. In the upper part the king Anubanni is represented wearing a kind of flat turban and bearded. He is bare to the waist and has bare legs, while round his waist is girdled a fringed petticoat of the stuff called kaunakis; his feet are shod with sandals, fastened with thongs; one foot is planted on the stomach of a naked enemy, who wears a kind of fez and lies on his back. In his right hand the king carries a staff with a crook at one end, and in his left, according to Rawlinson's drawing, a bow and arrow. The goddess Ninni faces him. She wears a kind of mitre, like that of the Parthian kings of later times, on her head. Her arms are bare; otherwise she is dressed in a long gown composed of overlapping frills. From behind her head on either side project three arrows, which are no doubt intended to be represented as in a quiver. Above her is a kind of floral ornament. With her left hand she holds a cord, which is fastened to a ring inserted in the nose of a prisoner, who is naked and pinioned, and kneels on one knee; behind him is a similar prisoner, pinioned, and, according to Rawlinson's drawing, also being dragged along by a cord and a nose-ring. In the lower part of the bas-relief a file of pinioned prisoners, tied to each other at the neck by a rope, is seen advancing up an inclined road, all naked, and headed by a figure with a tiara. The scene no doubt represents a triumphal battle in which Ninni is supposed to have assisted.

The phraseology of this inscription is very like that of the kings of Guti. The language in which it is written is Semitic. The inscription runs as follows: 'Anu banni' (*i.e.* Anu is our creator). 'The powerful king, king of Lulubi, has carved his figure and that of the goddess Ninni in the mountain of Badir' (or Padir). 'If any one injures this tablet may Anum and Anat, Enkit and Belkit, Adad and Ninni, Sin and Shamas . . . (bring about) his death and

curse him.' The latter part is a good deal mutilated. It is curious to find not only that the inscription is written in Semitic, but that the gods worshipped are those which then formed the Chaldean pantheon. The country of Lulubi is referred to in other inscriptions. In later times it is written Lulumé, and is always associated with the various districts of the Kurdish and Armenian mountains, and there seems no reason to doubt that Lulubi was really equivalent to the modern district of Zohab. In Badir or Padir we apparently have the name by which Mount Zagros was known at these early times. It is the same name as the Paddir referred to by the Assyrian king Samsi Ramman IV as the limit of Assyria. Two other mountains of Lulubi are named in later inscriptions, namely, Ki us bu ra and Si kur ra bi.

The smaller stele is at a considerable distance—18 fersakhs—from the first, and is situated near a village called Shukh Khan, to the north of Zohab, and, like the former, is engraved on a very hard and fine limestone. It is hidden in a ravine. On it the king is represented bare to the waist, and having a round talisman about his neck. His legs are also bare, while a fringed robe is girdled about his loins. In his girdle is an axe. In his left hand he carries a bow, and in his left a curious object like a double axe, held in the middle; and his quiver stands on end behind him. Two naked prisoners are in front of him. The inscription tells us the bas-relief was carved by a certain Tar dumni, the prefect (?), son of Sinipsah, and invokes the vengeance of Shamas and Adad on whoever should deface it. We owe this description to the two gifted travellers Messrs. de Morgan and Scheil, the former of whom is now excavating at Susa, while the latter has charge of the cuneiform collections at Constantinople.

HENRY H. HOWORTH.

Canon Law in England

A REPLY TO DR. MACCOLL

SOME opinions which were stated in a book of mine touching the nature of the law that was administered in the English ecclesiastical courts have lately been disputed by Canon MacColl.¹ As those opinions originally appeared in this Review, I crave leave to make in these pages a brief reply to a courteous critic.

1. One of my sentences, when detached from its context, has enabled him to represent my main thesis as being less definite than I meant it to be. 'In all probability,' so I wrote, 'large portions (to say the least) of "the canon law of Rome" were regarded by the courts Christian in this country as absolutely binding statute law.' Had no more than this been said I should certainly have laid myself open to the charge of preaching a vague doctrine, and of allowing a judge 'to pick and choose *ad libitum* among the decrees of a code.'² I thought, however, that some immediately subsequent sentences would sufficiently show what was in my mind when I used a phrase so feeble as 'large portions (to say the least).' For reasons that I gave, and think adequate, I proposed to speak of those three law-books which (whatever else we may think of them) were unquestionably issued by popes—namely, the Liber Extra, the Sext, and the Clementines. I did not propose to discuss 'the exact measure of authority that was attributed to the Decretum Gratiani' or the number of those post-Clementine extravagants that made their way into England.³ Neither of these matters seemed to be of first-rate importance. On the other hand I hoped to have made it clear that within the three codes there was, in my view, to be no picking and choosing whatsoever, except such as might be involved in the harmonisation of texts that were apparently discrepant or in the rejection of a passage in an older code if a newer code had expressly or impliedly repealed it. An opinion may be definite although it is diffidently held and deferentially stated.

¹ Maitland, *Roman Canon Law in the Church of England*, 1898; MacColl, *The Reformation Settlement*, ed. 8, 1900.

² MacColl, p. 760.

³ Maitland, pp. 3, 9.

2. Then I wrote the two following sentences :—

But if we turn [from the 'Decretum'] to the three collections of decretals that were issued by Gregory IX, Boniface VIII, and John XXII, there can surely be no doubt as to the character that they were meant to bear by those who issued them, or as to the character that they bore in the eyes of those who commented upon them. Each of them was a statute book deriving its force from the pope who published it, and who, being pope, was competent to ordain binding statutes for the catholic church and every part thereof, at all events within those spacious limits that were set even to papal power by the *ius divinum et naturale*.⁴

Perhaps a colon and break should have stood where a full stop stands. I believed that I was attributing a certain doctrine to three popes and to the principal commentators on their decretals, and I was about to argue that the same doctrine prevailed during the later middle ages in the courts of the English church. Canon MacColl, however, having transcribed only the second of these two sentences, makes the following remark :—

Professor Maitland seems here to exclude the Orthodox Church from 'the Catholic Church,' for in none of the Oriental Churches was the supremacy of the Pope ever allowed. But his statement does not apply in its integrity even to Catholic countries on the Continent, like France and Austria.⁵

I thought and think it evident that my words about the pope's power were an attempt to express an opinion held not by me (it is not like my opinions), but by certain persons, who lived long ago and who knew nothing of modern France or modern Austria. Certainly, however, I did not intend to exclude the Greeks or any other baptised persons either from the catholic church or from the scope of my sentence. My statement might have been bolder than it was. The papal claim to obedience, when at its widest, comprised the whole human race. It comprised Jews, Saracens, and other infidels, and in practice the popes took upon themselves to make laws for Jews, though only among the members of the church could the decrees of these spiritual legislators be directly enforced by what were supposed to be 'spiritual' pains and penalties.⁶ As to the eastern Christians, let it be admitted that 'in none of the oriental churches was the supremacy of the pope ever allowed.' Considering what happened at Lyons and at Florence, this seems to me somewhat too large a statement; but, albeit I will concede its substantial truth, I cannot perceive its relevance. Dr. MacColl does

⁴ Maitland, p. 3.

⁵ MacColl, p. 755.

⁶ See the title *De Iudaeis, Sarracenis et eorum servis*, X. 5, 6, and Langton's Constitutions, in the appendix to Lyndwood's *Provinciale* (ed. 1679), p. 6. As the ecclesiastical legislator had no direct hold upon the Jew, he was compelled at this point to look for aid to the temporal prince, but seems to have regarded such aid as a matter of right.

not, I should suppose, suggest that in the eyes of the popes and the leading canonists of the Latin world during the later middle ages (might we not even say from the year 1054 onwards?) the *de facto* independence of the Greek church was anything else than sinful and unlawful schism. Am I called upon to say what Gregory IX⁷ or what Raymond of Pennaforte⁸ thought about this matter? 'According to the emergencies of the church and state' (I quote from Gibbon), 'a friendly correspondence was sometimes renewed; the language of charity and concord was sometimes affected; but the Greeks have never recanted their errors; the popes have never repealed their sentence.'⁹ True it is that there could be no serious project of bringing all the Greeks to trial as notorious criminals. A temporal ruler may be negotiating with insurgents in a remote part of the lands that he thinks to be his while he is hanging rebels at home. So the Roman church. Mr. Lea has told us that the inquisitors of the West were accustomed to lay hold of any unlucky Greek who might be found in the Mediterranean ports of France. Their fate (he adds) was doubtless the same in Aragon, for Eymereich does not hesitate to qualify them as heretics. . . . In 1407 Gregory XII defined that any Greek who reverted to schism after participating in orthodox sacraments was a relapsed, and he ordered the inquisitor Elias Petit to punish him as such, calling in, if necessary, the aid of the secular arm.¹⁰ What was the lawful fate of the 'relapsed' we know.

Now if Canon MacColl had shown that in the thirteenth century or the two next following centuries the opinion of the English church, or even the opinions of prominent English divines or prelates, about the canonical position of the Greeks differed in principle from that which I am not unwarrantably ascribing to the issuers of and commentators upon the decretals, then, so I think, he would have made a good point against my book, and, what is more important, a valuable contribution to the discussion of the subject that lies before us. And far be it from me to say in my unfeigned ignorance that this point and contribution will not be made. Meanwhile I observe that Matthew Paris (to whom I turn because he hated, and, as I think, righteously hated, many of the doings of his contemporary popes, and because he thought that the Greeks were being repelled by the vices of the court of Rome) could not find short of Lucifer's a rebellious pride comparable to that of the schismatics of Constantinople who would make the Greek not a daughter but a sister of the Roman church.¹¹

⁷ See the two letters in Matthew Paris, *Chron. Maiora*, iii. 460, 466.

⁸ Lea, *History of the Inquisition*, iii. 616: 'The Greeks were not only schismatics but heretics, for, as St. Raymond of Pennaforte proved, schism was heresy.'

⁹ *Decline and Fall*, ch. lx., speaking of the year 1054.

¹⁰ Lea, iii. 620.

¹¹ *Mat. Par. Chron. Mai.* iii. 446-7, ann. 1237: 'Visa igitur tanta malitia et oppressione, erigitur Graeca ecclesia contra Romanam, imperatorem suum expellendo, et soli archiepiscopo suo Constantinopolitano, nomine Germano, obediendo. Qui

3. I gladly pass to a definite issue that has been tendered to me by my critic. Of the case of Nicholas Hereford he writes thus :¹²—

The soundness of a conclusion, like that of a chain, may sometimes be tested by the soundness of a single link. Let us apply this test to the alleged unquestioned acknowledgment of the Pope's unlimited supremacy in the ecclesiastical courts in England. One of Professor Maitland's panegyrists—himself, too,¹³ claiming to be an expert on this subject—has cited what he considers a decisive proof of the accuracy of Professor Maitland's views as against Dr. Stubbs's. It happens, however, that this test case proves the exact opposite of what the panegyrist intended. It is the case of Nicholas Hereford, who was condemned for heresy by the Archbishop of Canterbury (A.D. 1382). He appealed to Rome, and managed to escape to the Holy City and lodge his appeal in person. The Pope received the appeal; which proves nothing. Every appeal was ostensibly a proof of his universal jurisdiction. So he heard Hereford's appeal and confirmed the English Primate's sentence. But the question is not whether the Pope received Hereford's appeal and reheard his case, but whether the Archbishop of Canterbury admitted Hereford's right of appeal. Any tyro knows that when a right of appeal is recognised the appeal suspends *ad interim* the execution of the judgment of the inferior court.¹⁴ Did it do so in Hereford's case? On the contrary the Archbishop denounced the appeal as 'frivolous and pretended' (*frivola et pretensa*), and manifestly illegal in addition (*necnon errorem iuris in se*

procaciter Graecorum errores, non tantum veteres, immo novos et adinventos defendens, enormiter a religione catholica delirat. Eorum enim haec est desipientia: asserunt Spiritum Sanctum . . . Praeterea conficiunt de fermentato . . . Constituit igitur sedem suam, quasi alter Lucifer, in Aquilone, scilicet in Constanti-nopoli, Graecorum civitate metropolitana, filius scilicet degener et Antipapa, vocans ecclesiam suam et asserens digniorem, et ecclesiam Romanam sororem eius dicens esse, non matrem.' See also *ibid.* vi. 336: an error of the abbot Joachim. Also the account of the council of Lyons given by Wykes (*Ann. Monast.* iv. 258): 'Graeci . . . spreta superstitione schismatica qua usque hactenus utebantur . . .' Walsingham, ii. 230, ann. 1399: the pope orders a collection to be made in England for the defence of Constantinople, 'attendens quod licet imperator esset schismaticus, Christianus tamen esset.' That Manuel in England and elsewhere was suffered to hear mass according to the Greek rite is, I fear, but poor testimony to the prevalence of tolerant opinions. Compare the privileges that Roman catholic ambassadors enjoyed in later times.

¹² MacColl, p. 755.

¹³ I feel fairly sure, from what Mr. MacColl is good enough to say elsewhere, that this 'too' does not imply that I claimed to be an expert. My 'panegyrist' is, I believe, Mr. Round. His opinions are always weighty with me whether they agree with mine or no. But it will be understood that I am not presuming to undertake his defence against Dr. MacColl.

¹⁴ It is more than possible that what is known to tyros is unknown to me, but I fancy that at this point the tyro should have a list of exceptions ready. See, for instance, Gul. Durandi, *Speculum Iuris*, 2, 3, de appell. § 11 [ed. Basil. 1574, p. 865]: 'De effectu appellationis est videndum. Et quidem effectus is est, ut ea pendente nil innovetur sed omnia in eo statu permaneant in quo erant tempore appellationis emissae. . . . Excipiuntur tamen quidam casus in quibus aliquod innovatur . . . Primus . . . Secundus . . . Tertius . . . Quartus . . . Quintus est: nam si excommunicatus appellat a sententia excommunicationis, post appellationem potest denunciari excommunicatus: Extra, de appell. *pastoralis. de hoc.* [c. 53, X. 2, 28] . . . Sextus . . . Decimussexthus. . . .'

manifestum continentem). The Pope was too acute to reverse Archbishop Courtney's sentence, and thereby invite a rebuff. But the Archbishop of Canterbury not only denounced Hereford's appeal as 'frivolous,' 'pretensed' (to use the old word), and illegal; he proceeded forthwith to execute his own sentence, and excommunicated Hereford for his pains at St. Paul's Cathedral on the first day on which 'a very large congregation' could be present to witness it. And this striking repudiation of the pope's authority in English ecclesiastical courts is made all the more emphatic by the fact that Archbishop Courtney was in other matters what might be called an Ultramontrane. . . . This case alone, it seems to me, suffices to overthrow Professor Maitland's thesis.

If Dr. MacColl had said not 'overthrow,' but 'illustrate,' I could have agreed with him, for to me it seems that Courtenay did precisely what an archbishop who 'was in other matters what might be called an ultramontane' was not merely entitled but bound to do by the canon law of Rome.

First let us set straight the facts.¹⁵ Hereford was not 'condemned for heresy.' He was sentenced and excommunicated for an utterly different offence—namely, for contumacy, or, in other words, for failing to appear in court. For popular purposes it might be sufficiently true to speak of him as a condemned heretic. The case was going against him: no choice was left to him save that between condemnation for heresy and an acceptance of (among other things) the three decretals which the archbishop had been employing as a standard of eucharistic doctrine.¹⁶ Then he failed to keep his day in court, and was sentenced for his contumacy, and for nothing else. Then he tendered an appeal.¹⁷

Next we ought to set straight the law. That I cannot profess to do. The only advantage that I should at this point claim over Canon MacColl is that, having wetted the soles of my feet on the shore of the medieval *oceanus iuris*, I know a little of the profundity and immensity of a flood that exceeds my depth and my gaze. Also I may remark that, so far as I am aware, Hereford's 'appeal' (a written document) has not come down to us, and that he may have had more to say for himself—for example, about the fact of contumacy—than we are apt to suppose. But I am well content

¹⁵ The materials known to me consist of the documents printed by Wilkins, *Concilia*, iii. 158 ff., and the story told by Knighton, *Chron.* ii. 172-4. See also *Fascic. Zizan.* pp. 319-29.

¹⁶ Namely, *Firmiter credimus*, c. 1, X. 1, 1; *Quum Marthae*, c. 6, X. 3, 41; and *Si Dominum*, c. un. Clem. 3, 16.

¹⁷ *Concilia*, iii. 165: 'Nos W. . . archiepiscopus . . . primas . . . legatus . . . inquisitor . . . magistros N. H. et P. R. sacrae paginae professores, habentes hos diem et locum ex praefixione nostra ad audiendum decretum nostrum in negotio haereticae pravitatis, praekonizatos, diutius expectatos, et nullo modo comparentes, pronunciamus contumaces: et in poenam huiusmodi contumaciae ipsos et eorum utrumque excommunicamus in hiis scriptis.' This sentence is the act of excommunication. What followed some days after in St. Paul's Cathedral was a 'denunciation' of an excommunicate.

to accept the archbishop's statement of the case, and to submit to the judgment of those whose judgment is worth having that Archbishop Courtenay (the *index a quo*) did what was required of him by the canon law of Rome if he declined to 'defer to' but 'refuted' as vain, frivolous, and manifestly contrary to law an appeal tendered by a *contumax* from the sentence passed upon him for his contumacy. It may be sufficient for the present if at this point I vouch as my warrantors the Code,¹⁸ the Decretum,¹⁹ Speculator,²⁰ William Lyndwood,²¹ and Dr. Paul Hinschius.²²

If any one has said that the *index a quo* (or 'judge of the court below') was always bound to defer to an appeal or to 'stay execution,' I am not he, and I think that he has made a considerable mistake. I see that the Speculator, by jumbling together matters of form and matters of substance, contrives to make above thirty exceptions to the general rule. I see that Dr. Hinschius, speaking of criminal causes, mentions four exceptions of great importance: these are the case of the *contumax*, the case of one who has been condemned on his own confession, the case of one who has been condemned on the ground of 'notoriety,' and the case of a definitive sentence against a heretic.²³ Had a Lollard appealed from a definitive sentence against him, he would have found that a decretal of Boniface VIII forbade any deference to his appeal,²⁴ and in accordance with the canon law of Rome that appeal might have been stigmatised as frivolous.²⁵ The pope, so I understand, was regarded as

¹⁸ l. 1, C. 7, 65: 'Eius qui per contumaciam absens, cum ad agendam causam vocatus esset, condemnatus est negotio prius summatim perscrutato, appellatio recipi non potest.'

¹⁹ c. 41, § 11, C. 2, qu. 6: 'Sunt etiam quorum appellationes non recipiuntur. Non enim potest recipi eius appellatio qui per contumaciam absens cum ad agendam causam negotio prius summatim perscrutato vocatus esset, condemnatus est.' See also c. 6, C. 24, qu. 3.

²⁰ *Spec.* 2, 3, de appell. § 2 [ed. Basil 1574, p. 830]: 'In quibus autem casibus et ex quibus causis appellari possit, et quando appellatio teneat vel non, est videndum. Et quidem in omni causa et ex omni gravamine appellari potest nisi ubi sit prohibita appellatio . . . Videamus ergo ubi sit prohibita . . . Primo igitur prohibita est appellatio, quia contumax non auditur appellans . . . quod verum est in vero contumace, secus in ficto seu praesumptivo. . . .'

²¹ Lyndwood, de appell. c. *frequens*, gl. ad v. *appellatum* [ed. Oxon. 1679, p. 114]: 'Nam vere contumax non auditur appellans, et intelligo verum contumacem illum qui inventus et personaliter citatus, cessante impedimento legitimo, non comparet in termino.'

²² Hinschius, *Kirchenrecht*, vi. 130 [sub tit. 'Die Strafgewalt—Geltendes Recht—Appellation—Der Ausschluss der Appellation']: 'Die an sich statthafte Appellation wird demjenigen versagt, welcher in der früheren Instanz trotz ordnungsmässiger Ladung *contumax* gewesen ist.' This is a statement of the existing law, but the authorities cited in its support (besides references to Schmalzgrueber, Hergenröther, and a decree of Clement VIII) are medieval. ²³ Hinschius, *l. c.*

²⁴ c. 18 in Sexto, 5, 2: 'Non obstantibus appellationibus seu proclamationibus praedictorum nequitiae filiorum, quum . . . appellationis et proclamationis beneficium expresse sit haereticis . . . interdictum.'

²⁵ When Canon MacColl (p. 757) urges that 'an appeal on a question of heresy cannot be described as frivolous' I cannot agree with him. This was the right word

being competent to decide appeals in all causes, and, if he heard the appeal of Nicholas Hereford,²⁶ he did not exceed the powers which were attributed to him; ²⁷ but none the less there were important cases in which the duty of the inferior judge was to 'refute' or refuse the appeal, and to proceed to execution. In the case of an appeal against a definitive condemnation for obdurate heresy he would forthwith deliver the appellant to the secular arm, and death by fire would follow before the pope heard anything about the matter. The procedure against the suspects was in the highest degree stringent and summary; the condemned was allowed no second chance. If the pope seldom or never revised an English sentence in a case of heresy, that, so I think, was due to a cause of which no church should boast—a deadly determination to root out heresy *sine strepitu et figura iusticiae*. I see no reason for accusing the English bishops of inhumanity; but the weapons which they wielded when they sat as 'inquisitors of heretical pravity' were masterpieces of cruelty.

The medieval situation is illustrated by what Ayliffe understood to be the law of the English church in the eighteenth century. In a cause of heresy the archbishop was competent to revise the sentence of the bishop, but an appeal did not suspend the bishop's power: he could proceed, unless an inhibition came to him from above.²⁸ However, as already said, it was not for heresy that Hereford was condemned by Courtenay. His, to all appearance, was a perfectly plain case falling under an elementary rule of law.

Substantially in the right as I think that the archbishop must have been in declining to defer to the appeal of the contumacious, he proceeded to put himself formally in the right by issuing the document upon which Canon MacColl has commented. That document, as I understand it, is an example of what were known

to use in any case in which the law bade the judge disregard the appeal. See Lyndwood's gloss on the word 'frivole,' on p. 115: 'Vel potest dici appellatio *frivola* quando nulla causa est expressa, vel non legitima, dato quod sit vera, vel, licet sit legitima, est tamen manifeste falsa.' The 'contumax' and the condemned heretic have no legitimate causes of appeal.

²⁶ Knighton's account of the matter is hardly precise enough to warrant a decision as to the exact nature of the proceedings at Rome.

²⁷ Hinschius, *Kirchenrecht*, v. 467, vi. 130, 363, 381. I understand that from an acquittal and from an interlocutory sentence an appeal was possible. Occasionally even Spanish inquisitors were deprived of their prey by the pope. See also Lea, *History of the Inquisition*, i. 361, 451; Tanon, *Histoire des tribunaux de l'inquisition*, 1893, pp. 434-8.

²⁸ Ayliffe, *Parergon*, 1726, p. 77: 'In a cause of heresy by the Canon Law every judge proceeds *appellations remota*; but if the person condemn'd of heresy may (on a pretence of an unjust sentence) appeal from the sentence of the bishop, who is the ordinary in this case, unto the archbishop, such archbishop may examine the matter and see whether the sentence of heresy be unjust or not. Yet this appeal does not suspend the jurisdiction of the judge *a quo*, unless it be from the time that the judge *ad quem* receiv'd the appeal and sent his inhibition to the judge *a quo*.'

as 'refutatory' apostoli.²⁹ Apostoli of one sort or another the *iudex a quo* was bound to give. If he was deferring to the appeal in the ordinary way, he issued 'dimissory' apostoli; he would issue 'reverential' apostoli if he deferred merely out of reverence for the *iudex ad quem*, while 'refutatory' apostoli were in place if the inferior judge was declining to defer at all.³⁰ Canon MacColl presses me with another case: ³¹ a case in which Archbishop Islip 'refuted' an appeal made by his suffragan the bishop of Lincoln, and issued refutatory apostoli. Now which of these two English prelates was in the wrong I do not know, nor, so far as I am aware, have we in printed books nearly sufficient material for deciding that question. Certainly we must not condemn the bishop unheard. Also we may notice that this was one of those cases, common in the middle ages, in which an ecclesiastical judge had a personal interest in the validity of his own sentence, and that even impartial judges sometimes make mistakes and sometimes become irritable when there is talk of an appeal. However, as I read the documents, the archbishop by his commissary had pronounced the bishop contumacious, and the bishop in his appeal declared that he had not been contumacious, as he had never been properly summoned. Thereupon the archbishop did what the law required of him: he issued apostoli. His apostoli were of the refutatory kind, and this was the proper and, as I understand, the only proper kind if he was still of opinion that the bishop had been summoned and was *contumax*.³² To stop the bishop's appeal he was utterly powerless, unless he resorted to lawless force. Professor Tout says that Clement VI decided in Islip's favour,³³ and before Canon MacColl suggests the dread of 'a rebuff' as a ground for the decision he should consider whether, had the supreme pontiff's judgment been favourable to the bishop, there would have been no room for a hint that the popes were at their old policy of humbling the metropolitan in the eyes of his suffragans. Be this as it may, the appearance of

²⁹ Wilkins, *Concilia*, iii. 165. Observe the attestatory clause, 'In cuius dationis apostolorum testimonium . . .'

³⁰ For the practice in this matter see *Spec. Iuris*, 4, 2, de appell. § 3 [ed. cit. p. 195 ff.] It will be remembered that apostoli, and indeed the whole scheme of appeals, had been transferred to the ecclesiastical field from the Roman imperial system, in which the 'iudex a quo' would be very distinctly the inferior of the 'iudex ad quem,' and all judges would be the officials of the princeps. ³¹ MacColl, p. 757.

³² For this case see the documents in Wilkins, *Concilia*, iii. 3-8, noting (p. 4) the commissary's judgment that the bishop is 'contumax,' and the bishop's (p. 6) declaration that he was never summoned: 'ad hoc non vocato aequaliter vel prae-munito, sed absente non per contumaciam.' The archbishop's judgment would not prevent the bishop contesting the fact of contumacy in the court above. Hinschius, *Kirchenrecht*, vi. 130, n. 5: 'Wohl aber kann deswegen appellirt werden, weil das Vorhandensein der *contumacia* zu Unrecht vom Richter angenommen worden ist.' See also Lyndwood, c. *frequens*, tit. de appell. (2, 7), gl. ad v. 'appellatum' (p. 114). For more of this quarrel over the election and confirmation of a chancellor at Oxford see Wood, *Historia et Antiquitates*, i. 172; Lyte, *Hist. Univ. Oxford*, p. 169; Rashdall, *Universities*, ii. (2), 446.

³³ *Dict. Nat. Biogr.* xxix. 76.

refutatory apostoli will do nothing whatever towards proving the non-Roman character of the law administered by the court of Canterbury unless we see appeals refuted, and systematically refuted, in cases in which 'the canon law of Rome,' or, as I prefer to say, the *ius commune* of the catholic church, commanded their acceptance. As it is, I cannot think that Canon MacColl's efforts have been felicitous.

4. 'In the year 1414 the University of Oxford,' so Dr. MacColl says,³⁴ 'presented to King Henry V certain articles for the reformation of the universal church.'³⁵ He is right in adding that the seventh of these articles protested 'against the reservation of firstfruits, *authorised by no written law*,' and he may be right in giving to a remarkable phrase the prominence of italic type. But when without argument he assumes that by the term *ius scriptum* the university meant some 'national law' of England he seems to me to be hasty. Why, we may ask, did these learned doctors and masters use this phrase of one of those many grievances proceeding from Rome of which they complained? Was it not because in the set of books which already had gained the name of 'Corpus Iuris Canonici' there was no law reserving the firstfruits, or, in other words, no law prescribing the payment of annates?³⁶ It seems to me that this was the point that they desired to make, and in 1414, when the council of Constance was meeting, it was an effective point that others were making. This petition proceeded, as we may see if we read it, from reformers of a very moderate kind, and in the matter of papal 'reservations' a return to the *ius scriptum* or *corpus iuris* had become the project of a moderate party which would be content with changes that were not radical.³⁷ No doubt, as has been remarked by historians, this use of the term *ius scriptum* implied an opinion that uncodified extravagants did not stand upon one level with the three old codes. I hope that I have said nothing implying that such an opinion was not entertained by many Englishmen in the early years of the fifteenth century, when the conciliar movement was strong and hopeful, though I believe that a short time afterwards Lyndwood would have rejected the distinction. Indeed I feel in no way concerned to dispute the interpretation that Dr. MacColl has put upon the text, for the whole scheme of papal 'reservations' was opposed not only to the unwritten law of the Eng-

³⁴ MacColl, p. 758.

³⁵ Wilkins, *Concilia*, iii. 360-5.

³⁶ Besides art. 7 the term '*ius scriptum*' occurs in art. 24 (relating to the excessive fees demanded by bishops) and in art. 25 (relating to the excessive retinues of archdeacons). In the last of these instances I see an allusion to c. 6, X. 3, 39, which was treated as law in one of Langton's constitutions: Lyndwood, p. 220, gl. ad v. '*evectionis numerum*.' I admit, however, that neither of these two instances is decisive. For a contemporary use of the term by Archbishop Arundel see Lyndwood, p. 289, and the gloss ad v. '*limitata in eo*.'

³⁷ Hübler, *Die Constanzer Reformation*, 1867, pp. 49 ff. 82 ff.; Schulte, *Geschichte der Quellen und Literatur des canonischen Rechts*, ii. 56.

lish temporal courts, but to written statutes of the English parliament; ³⁸ nevertheless I venture to think that not this but something else was in the minds of the petitioners at Oxford who desired a conciliar reformation of the universal church. The way in which they thought of ecclesiastical law may be illustrated by their expressed desire for a settlement of the controversy between the seculars and the friars as to whether 'the statute of the lord Clement, cap. "Dudum," or the statute of the lord John, cap. "Vas electionis," had derogated from the ancient statute "Omnis utriusque sexus." ' ³⁹

5. 'And how would Professor Maitland reconcile the deposing power claimed and exercised by the popes with his theory?' ⁴⁰ Very easily. As the deposition of a king was not, at least obviously, a spiritual punishment, and as the substitution of one prince for another was not, at least obviously, an act of ecclesiastical jurisdiction, even those men who made the pope a monarch within the church were logically free to say that neither by laws nor by judgments could popes or ecclesiastical councils dispose of temporal lordships. Those two questions should be kept apart: the question touching the delimitation of the fields of worldly and spiritual affairs, and the question touching the pope's power within the spiritual domain. Then I am challenged to say what I think of those famous words in what Lyndwood knew and often cited as the canon 'Excommunicamus,' ⁴¹ those words, translated by Canon MacColl, which threaten that the pope will discharge from their oath of fealty the subjects of a prince who does not purge his land of heresy. Surely (so my adversary seems to argue) the English church was never committed to this nonsense. My answer can be short. I am not persuaded that the words in question would have been regarded by the generality of Englishmen in the fourteenth and fifteenth centuries as a valid part of the law of the church. It is even possible that some Englishmen, without risk of condemnation, would have said that this clause infringed the law of God, since the *regnum* proceeded *immediate a Deo*. The question lay outside the domain of practicable law, and even beyond the limit of easily imaginable events. But at the same time we ought to be very cautious at this point. If the low-church theory (so we might call it) which co-ordinates the state with the church was known in England, the high-church theory ⁴² which concedes to the pope *utrumque gladium* was also known in a country which had given to the world not only William of Ockham, but

³⁸ Maitland, *Roman Canon Law*, pp. 62-73.

³⁹ In other words, what is the relation between c. 12, X. 5, 38 (a decree of Conc. Lat. IV.), and c. 2, Clem. 3, 7 (a decree of the Council of Vienne), and c. 2, Extrav. Comm. 5, 3 (an extravagant of John XXII)? Compare the heretical opinions of Henry Cromepe, *Fascic. Zizan.* 343 ff.

⁴⁰ MacColl, p. 759.

⁴¹ c. 13, X. 5, 7.

⁴² For the two theories see Gierke, *Genossenschaftsrecht*, iii. 519 ff.

John of Salisbury. And heresy was still hideous. I do not feel sure of Lyndwood, who was very familiar with the useful parts of 'Excommunicamus;' I do not feel sure of Arundel.⁴³ And, turning from the clergy to the laity, I fear that Chief Justice Sir John Fortescue, that apostle of English constitutionalism, held extravagantly papalistic opinions concerning the subservience of temporal princes, and would have allowed that if (*per impossibile*) the English king failed to deal faithfully with heretics the pope might punish him and legitimately declare that the contract of fealty was dissolved.⁴⁴

Nor must it be forgotten that the canon 'Excommunicamus' was not merely a chapter in the decretals of Gregory IX. A professional canonist might perhaps say that when once it stood in that statute book its earlier history became unimportant. But we, if we wish to know whether its issue shocked mankind, must remember that it was a decree of the Lateran council of 1215. Not only were hundreds of patriarchs, primates, archbishops, bishops, and other prelates assembled, some from England, some even from the orient, but an eastern emperor, a western emperor elect, and the kings of France, England, Hungary, Aragon, Sicily, Cyprus, and Jerusalem were represented. I fear that 'Excommunicamus' when it appeared did not shock the short-sighted princes of the world. Perhaps by that time nothing that the church could have done would have shocked Count Raymond or the hunted heretics.

F. W. MAITLAND.

⁴³ Surely it were difficult to find in the middle ages a much stronger statement of the papal supremacy over the church than the following: 'Christ ordained St. Peter the apostle to be his vicar here in earth; whose see is the church of Rome; ordaining and granting the same power that he gave to Peter should succeed to all Peter's successors, the which we call now popes of Rome. By whose power in churches particular, special been ordained prelates, as archbishops, bishops, curates, and other degrees, to whom Christian men ought to obey after the laws of the church of Rome. This is the determination of holy church.' Yet this comes in writing from Archbishop Arundel on a solemn occasion when he is trying Oldecastle (*Fascic. Zizan.* p. 442, spelling modernised). See also Lyndwood, p. 292, gl. ad v. 'declarentur: 'Nam omnino censetur haereticus qui non tenet id quod docet Sancta Romana Ecclesia. . . . Dicitur etiam haereticus qui ex contemptu Romanae Ecclesiae contemnit servare ea quae Romana Ecclesia statuit.'

⁴⁴ Fortescue, *Works*, ed. Clermont, p. 535: 'All kings and princes are subjects to the pope in their persons as in their temporalities. He ought to punish them for their negligence and defaults. Thus have popes punished emperors and kings when they have misruled their subjects, as we read in the chronicles of old days. Christ is King of all kings, and Lord of all the world, having in the hands of the pope, his vicar, both swords, for which he is called "Rex et Sacerdos," and compelleth all princes, as well spiritual as temporal, to come to his great councils.—See also Mr. Plummer's remarks in his edition of Fortescue's *Governance of England*, p. 103. Fortescue seems to have held in germ that combination of opinions which, so I am told, is characteristic of some of the great Jesuits: the king derives his power from the people; the pope derives from God a power which in principle hardly falls short of omnipotence, though in temporal matters it should only be exercised upon extraordinary occasions.

A Spanish Account of Drake's Voyages

WITHIN the last few years a great deal has been said concerning Sir Francis Drake's career, both as a naval commander and as an explorer. Nevertheless it appears to me that a certain amount of interest may still attach to a summary of a life of the great admiral from the point of view of Fray Pedro Simon, who wrote not very many years after Drake's successful attacks on Santo Domingo and Cartagena, in 1585 and 1586.

Fray Pedro Simon was born at Parrilla, near Cuenca, in Spain, in the year 1574. He received his education in the convent of the Franciscan friars at Cartagena, in Spain, and having gained remarkable distinction in his theological studies he was selected for the duties of professor of that branch of learning in the convent of his order in Santa Fé de Bogotá, whither he proceeded in the year 1604. In 1623 Fray Simon, as he is usually called, began to write his 'Noticias Historiales de las Conquistas de Tierra Firme,'¹ concerning the conquest of the Spanish main, the materials for which voluminous work he began collecting soon after his arrival at Santa Fé. The first part of his history was printed at Cuenca in 1627, but until 1892 the remainder was only known to the students of manuscripts in Spanish and Spanish American collections. Bollaert's 'Expedition of Urssea and Aguirre in Search of El Dorado,' which was reproduced by the Hakluyt Society in 1871, is chiefly founded upon data extracted from Fray Simon's manuscripts, and Sir Clement Markham's interesting introduction contains a short account of Fray Simon.

The few preceding remarks are necessary to show that Fray Simon was well qualified to give an authentic account of that portion of Drake's career which affected Spanish America. He was personally acquainted with many witnesses of his exploits in the West Indian Islands and on the Spanish main, and the important position he held enabled him to obtain information from the most

¹ Drake's biography is the seventh *Noticia Historial*, first published at Bogota in 1892.

trustworthy sources. A complete translation of Fray Simon's biography of Drake would, in my opinion, not have sufficient interest to make up for its length and tediousness. He appears to have been well informed as to the details of the sieges of Santo Domingo and Cartagena, but his work contains but little, if anything, that is new concerning Drake's earlier adventures on the Spanish main, and only alludes to a few incidents of his celebrated expedition to the Pacific.

Fray Simon begins as follows :—

In the year 1585 the king's governor of the city of Cartagena was Pedro Fernandez de Busto, more distinguished for the esteem he enjoyed with all his neighbours and subordinates than for the success of his undertakings. Although he strove with all his might to attend to the duties of his government, and especially to the defence of the city from the perils that threatened it, nevertheless by the divine will it befell in his time that the Englishman Drake attacked and took it. This history cannot avoid describing that Englishman's doings from the time when he first came to plunder these coasts until he died, a thing which I think has been undertaken by no writer, save in fragments here and there. For instance, Avila, the archbishop of Santo Domingo, wrote briefly of the taking of that town and of Cartagena by that pirate. I know not for what purpose, as his history dealt with events of Mexico, whose coast that Englishman never saw. (?) Thus also the phoenix of Spain, and even of the world, in poetry, Lope de Vega, devoted his 'Dracontea' to the last coming and the end of that protestant heretic on these same northern coasts. As I have to describe all his doings it is necessary for me, in order to take up the thread properly, to go a few steps backwards from the year of which we are writing, and others forward as well, without which divergences, as we have said elsewhere, it is impossible to treat history in proper order, or to deal with consecutive events which must be considered jointly although they took place at different times.

Drake was of English birth, a native of London,² below the middle height, but well made, handsome, fresh-coloured, of jovial disposition, discreet and able in every kind of business, especially the military. As a boy he visited Spain as a page of the duchess of Feria, who was his countrywoman, which led to his being well versed in our Castilian. He is said to have been a nephew of John Hawkins,³ who made an attempt to take Cartagena under the governorship of Martin de las Alas. From his very youth his thoughts led him to soar, ever aiming at higher and greater things than fortune had given him, which induced him to seek improvement at the expense of others. Thus having contrived to equip a single vessel, with a couple of pinnaces, with the help of his friends he armed and manned his ships with a goodly company of soldiers and navigators, and, guided by his covetousness, he set out for these western Indies, leaving his island home for the salt waves. After a few days'

² According to Mr. Julian Corbett, Drake's latest biographer, he was born at Crowndale, near Tavistock.

³ A kinsman.

sail he encountered on the high seas a French vessel with like purpose to his own. Before declaring themselves, however, the two corsairs poured cannon-shot into one another. After some damage had been inflicted on either side the fight ended in a friendly understanding that, since they both had the same objects in view, they should agree to share risks for loss and for gain. They anchored off the mouth of the Chagres River, some eighteen leagues north of Nombre de Dios, where they concealed the vessels in a secret inlet.

The wondrous story of Drake's nearly successful attack on Nombre de Dios with fourscore men, the splendid audacity of his offensive return upon Venta de las Cruces, the capture of the treasure trains, and the daring ingenuity with which he conveyed the plunder to his vessels do not seem to have come to the knowledge of Fray Simon, who speaks lightly of Drake's robbing the mule trains with the help of the maroons and a French corsair.

The following paragraph contains all that he has to say upon the subject; probably nothing more was allowed to reach him:—

The first step taken by them [the French corsair and Drake] was to embark well-armed men in two pinnaces and move up the river Chagres. Leaving their boats in a secret place on shore, they advanced to the station of Las Cruces, where they robbed a good quantity of silver bars, with which they returned to the pinnaces, and having embarked the plunder on their vessels they sailed on towards Nombre de Dios, until they reached a hidden point between the islands to the east of that port, on the Cartagena side. Leaving the vessels behind them, they landed and made friends with certain maroon negroes who had fled from Panama and Nombre de Dios, committing a thousand outrages upon everything that came within their reach. Having thus collected full information concerning Nombre de Dios and Panama, whither the maroons led them by hidden tracks, the English, under their guidance, were enabled to plunder the mule trains which carried silver from Panama to Nombre de Dios, of which metal there was an immense quantity brought from Peru, to be embarked on the galleons for Spain.

Having thus briefly disposed of one of the most daring exploits that ever fell to the lot of an adventurer, Fray Simon goes on to describe with lavish details the capture of an unarmed frigate by the five seamen left in charge of the vessels, which windfall he talks of as a 'very considerable adventure.'

The next chapter deals with Drake's defiance of the Cartagena forces, and relates how on one occasion he is said to have entered Panama under the name of Don Diego, to have remained there forty days, even going so far as to act as witness to a deed, and how, after having collected all the information he required, he left the town, having obtained permission to do so in the form usual with Spaniards. After his exploits before Cartagena, says Fray Simon,

Drake returned to London, where he arrived with much plunder after a prosperous voyage. He was received there with the applause that com-

monly gratifies wealth, and even the queen favoured him with excessive demonstrations and greater courtesy than became her royal person. After all, however, that was womanlike and due somewhat to her covetousness, and to the desire of putting her arms up to the elbows into the great plunder brought home by the protestant. Indeed, she was so much excited by those great gains that she at once planned a fresh voyage with vessels, men, and provisions to be paid for out of what had been robbed from our coasts.

Fray Simon then jumps to the year 1579, which he gives as the date of Drake's expedition to the Pacific. Naturally enough he knows nothing of the Doughty episode, but his account of Drake's proceedings is not wanting in interest. The energy and resourcefulness of Drake's character are shown in bright contrast to the supineness and unreadiness of his Spanish adversaries. Full testimony is borne to the humanity and chivalrous courtesy with which he treats his victims, and the friar seems to derive special enjoyment from the grim humour that the 'pirate' displays in his dealings with the amazed Spaniards, to whom his sudden appearance on the Pacific preserves appears little short of miraculous.

In 1579 (says the Spanish biographer) Drake started again for our coasts at the head of a squadron of four well-armed and well-equipped ships, manned by expert mariners, attracted by the hope of plunder. Knowing that the northern shores, aroused by his recent raid, would be well guarded and watched, he steered for the south, where, after losing three of his vessels in violent and frequent storms, he sailed round the coast of Chile, the first navigator since Magellan, and to the universal astonishment appeared at Coquimbo, a port not far from the Straits.

The inhabitants having escaped to the interior with their property, Drake lost no time in making for Arica, the port of the rich province of Potosi, where, however, the governor presented so bold a front to him that he continued on his course towards Lima without attempting to land. Although messengers had been sent on to give notice of Drake's approach, he found Callao quite unprepared, and was able to cut out several vessels lying in the port, from which he took a goodly store of silver bars. But when he attempted to attack a galleon, newly arrived from Panama, he found the crew ready to receive him and had to withdraw his boats to where his ship lay outside.

Meanwhile the dismay and confusion of the people of Callao knew no bounds; such silver as had not fallen into Drake's hands, and especially the great store in the custom house, was rapidly moved to the city of Lima, six miles inland, on horses and in carts. Without caring for defence the people, pale and disturbed, only thought of saving their lives by a precipitate flight to Lima, until

a valiant woman, filled with indignation, gave vent to her anger in the following terms :—

Where go ye, ye cowards and recreants unworthy of the name of men, much less of Spaniards? You fly without knowing from whom, leaving your wives and children to bear the brunt of the danger alone.

Then certain youths excused themselves on the plea that they had no match for their arquebuses, whereupon the same woman tore off her head-dress and distributed it amongst them in strips to make match, which heartened a few of the bravest to keep watch until daylight, as the night was already upon them.

In the meantime Lima was no less a scene of confusion and terror, but the viceroy, who felt neither emotion, hastily collected a force of five hundred men and sent them off to arrange an attack upon Drake. When they reached Callao, full of valour, his vessel had already sailed in the direction of Paita, taking advantage of the first favourable wind. The men of Lima, courageous and high-spirited as they were, might well have caught him up, had they not changed their minds after reflecting that they had no artillery to match the heavy guns carried by the corsair in such numbers that they lay one upon the other.

On his way Drake overtook a vessel that had sailed from Callao three days before, laden with a million ducats (equal to about 2,000,000*l.* of our money) in gold and silver for the king. Making all sail as soon as he caught sight of her, he soon ran alongside, meeting with no resistance from her small and badly armed crew. Drake leaped on board, shouting to the chief officer (*piloto*)—

Give me what is mine, as the laws of war permit the strongest to bear off the plunder.

His crew at once began to ransack the vessel, and full of glee transferred her great wealth to their own hold,

speaking kindly and courteously to our people, consoling them in their deep affliction with gay speeches, and giving them a few pieces of stuffs, which the sailors had to accept, concealing their chagrin lest worse should befall them. To console them yet further the Englishman assumed a bright and jovial demeanour, not sparing facetious pleasantries. ‘ We come from distant regions to take our share of the gold and silver you have in great plenty, to which we are entitled, for we are, like you, descendants of Adam and Eve. Can you show me any clause in Adam’s will by which he left these countries to the Spaniards alone? If you can I will confess that I have no right here, but if not I will take all I get hold of.’

San Juan, the captain of the galleon, listened to Drake’s merry jests with a very doleful expression of countenance, thinking of

the blame that would fall upon him for the loss of the royal and private property under his charge. But Drake, reading his thoughts, still strove to console him by a fresh jest.

Do not mourn (he said), because for what I have taken you shall have my receipt in full, which will not only satisfy the king's officers but lead to your being praised for having avoided bloodshed; it is well known that Philip is my debtor for what was taken from my uncle, John Hawkins, and I have now something on account for which, small as it is, I am grateful, and we will henceforward keep your saint's day once a year, as you are called St. John. Take your ship and sailors and go with God's blessing to Panama, and tell them that what they call Magellan's Strait is open sea, through which I shall return to visit them at my pleasure.

San Juan required no second permission, but made all haste to Panama, leaving warning everywhere of the unwelcome visitor he had met. Drake continued quietly sailing northward, and shortly afterwards there fell into his clutches another frigate, laden with provisions, gunpowder, and ships' stores that had left Guayaquil for Callao.

So opportune was this encounter that some have alleged that Drake was led by a familiar demon, but rather let us say that his good fortune was due to the sagacity and diligence opposed by him to the negligence of our people.

When Drake reached the coast of New Spain (Mexico) another piece of good luck befell him in the shape of a vessel, which had left Panama for Nicaragua, laden with merchandise and a good store of wines. When he had taken possession he called the master and told him that he now had all he wanted, and would leave those waters on his way home, but that if any one wished to seek him they would find him at the Isla de Piñas, where he was going to careen his vessel, as her bottom was getting foul. With that he restored the frigate and a small portion of the merchandise to the master, who made all haste to return to Panama to bring the news of Drake's movements. Great were the confusion and alarm created by the constant success of the corsair. The whole coast was searched for him, but in vain; every available soldier was put under arms to resist his landing, whilst armed vessels were kept cruising in every direction to give notice of his approach.

Meanwhile Drake was quietly sailing northward along the Mexican coast, and soon his luck brought him a fresh prize in the shape of a vessel that had just left the port of Acapulco, which was the great centre of the China trade. Not only was his prize laden with the richest stuffs, the poorest of which were satin and damask, but he found on board a most correct and accurate map of all those seas, ports, capes, and bays, which he thought as much of as all the great wealth of her cargo. It is said that the Indians of those parts addressed letters to Drake, begging him to land and visit

them, which is far from unlikely, as even the natives of New Granada, in spite of the great distance, showed many signs of commotion and disturbance at the news of the doings of the corsair. Growing as they went, the tidings spread far and wide amongst them of the coming of another people, more valiant than the Spaniards, that heard no mass and went not to confession, nor had amongst them priests or friars; who would let the Indians live as they pleased, which was what they most desired, all of which notions, spread by the evil-intentioned, did much to prevent the conversion of the Indians.

Drake, meeting with no further opposition, arrived in due course at Plymouth, where he was received with much applause by the queen and the nobles, for the sake of his rich booty. He bought estates and established himself on a rich scale;

but all was like drinking salt water, for, as we shall see, the thirst of his covetousness was in no way quenched.

Considering the condition of man degraded by sin and incapable of resisting the temptations of greed, we need not wonder that the acquisition of goods should lead to the desire to add to them, especially amongst those who know neither law nor God. I say that people have no law when they fail to respect their own code, as has befallen them in the kingdom of England, owing to their malice and the judgment of God. Thus it happened with Drake and Queen Elizabeth, who, not satisfied with the gains of their two previous adventures, now formed a company for a fresh invasion of those coasts with a great armament.

The profits of the undertaking were to be divided into six parts, one for the queen and one for Francis Drake as commander, and the other four for his followers according to their ranks. Thirty great vessels, with twenty strong pinnaces, were fully equipped for the expedition, with arms and supplies of every sort for seven thousand men, at the head of whom were quite six hundred gentlemen of high lineage, and the greater part of the remainder were practised soldiers of all kinds. The ages of the adventurers ranged from thirty to fifty years, the oldest, it was said, being the general, who was not over forty-five; Christopher Carleile was his lieutenant-general, Colonel Martin Frobisher his vice-admiral, and Anthony Powell his major-general.

The first object the corsair had in view was the capture of the treasure fleet that sailed from these parts in 1585, and for that purpose he stationed his fleet in the latitude of 45 degrees, extended in the shape of a crescent, to await the passage of the galleons sailing from Cartagena and the Havana. In fact the fleet was almost within sight of its English enemies, when a great storm arose which drove it out of its course and safely into the harbour of Santa Lucar. So opportune and sudden was the tempest that the fleet was called the 'fleet of the miracle.'

Thus frustrated in his intent, after waiting until 4 Oct.

Drake determined to change his plans, and falling upon the city of Vigo, that he found quite unprepared, he secured a fair amount of booty, especially a vessel laden with the chief wealth of the inhabitants and with the ecclesiastical ornaments, including a very precious cross, which they vainly thought to save from his clutches. Forty thousand ducats was about the value of his plunder, which would have been far greater but for the arrival of a large number of soldiers from the interior, who forced him to re-embark in haste, though not without some loss. He then made sail for Palma, in the Fortunate Islands (Canaries), where he found so gallant a resistance that he had to withdraw with the loss of two of his vessels and several pinnaces.

He met with equal ill-luck at the Terceras Islands (Azores?), but found the Cape de Verde Island undefended, and sacked the city so ruthlessly that he left nothing but a heap of ruins, after which exploit he set sail for Santo Domingo. His arrival at Hispaniola was forestalled by a Portuguese vessel that, making all sail from Cape de Verde, reached the former island three days before Drake; but the warning had so little effect that, suspecting the master of trickery, the president of the audience threw him into prison and sequestered all his property.

Nevertheless, in consequence of that advice, and of a message from the king sent to all the islands and to the mainland, the governor of Santo Domingo did what he could for the defence, collecting about 1,000 men, armed with pikes and a few arquebuses only, as no attack had before been anticipated. Indeed, since the foundation of the city in 1493 no one had ever threatened it, and even now the report of Drake's audacity met with scant belief; so much so that the preparations for the wedding of the president's niece with a gentleman of the place went on as if nothing were to be apprehended, more being thought of the parties, feasts, and bull fights than of preparations to meet the threatened attack of the terrible heretic. Hardly was the feasting over when some fishermen who had run out to cast their nets came flying back with the terrifying notice of the approach of a great hostile fleet. Something was then done by the audience, but neither arms nor ammunition were forthcoming, nor were there any expert captains or engineers to erect bastions and entrenchments. Most of the youth consisted of gay gallants untried and untrained, whose greatest efforts were confined to boasts of how they would meet the enemy, of men cut down, of vessels sunk, and of spoil to be divided, which discourses so exhausted their energy that they had none left for deeds.

With such vain occupations, or rather confusions, the whole time of the defenders of Santo Domingo was taken up until on Friday, 10 Jan. 1586, the dreaded enemy appeared off the point

of Caucedo. All the efforts of the president of the audience and his lieutenants only served to collect enough men to form three companies, badly armed and worse trained, but still with a sufficiency of the old Spanish blood in their veins to incline them for defence rather than flight. That scanty force advanced to endeavour to prevent the foe from landing, but Sir Francis Drake caused his vessels to manœuvre so as to entertain them, whilst he prepared to disembark eight hundred soldiers in pinnaces close to the Jaina River, three leagues from the port of the town, which is formed by another river, named Ozama.

The townsmen could not discover the movements of the pinnaces, but soon began to suspect something when they saw that those vessels of whose coming with the squadron they had received notice were not with the large vessels off the town. Thereupon a certain Captain Mendez, with a few soldiers, was sent out to reconnoitre along the shore, but, whether from malice or from negligence, that officer reported that no enemy was approaching. Drake himself superintended the landing of his troops, and then departed with the pinnaces, telling the men that they would be able to re-embark in Santo Domingo when they had captured the town. They would have to cover the three leagues of road in good order, and at a slow pace, not to suffer from the heat; but they would surely take the enemy unawares, as his whole thoughts would be occupied in following the movements of the thirty great ships before the town. When they found themselves taken in the rear, being chiefly traders, better skilled in the use of the pen than of the sword and lance, they would prefer to seek safety in flight rather than show a bold front to their assailants.

With his plans clearly laid and explained to his officers Drake went on landing his troops, although less rapidly than was his desire, owing to the loss of one of the pinnaces, so that it was nearly daylight before the march on the city could begin. Meanwhile, seeing that there were still no pinnaces amongst the ships manœuvring in the bay, although the arrival off the coast of twenty such vessels had been positively reported to him, the president again began to suspect something, and sent out a certain Tristan de Leguizamon to reconnoitre. That emissary soon discovered the 800 men who were marching upon the town, and hastened to give the alarm to the three companies that had been organised for its defence. Under the command of Captain Melchor de Ochoa de Villanueva, although but eighty of them were fully armed, they marched boldly out along the beach to meet the superior forces of the enemy. When they arrived at the end of the road known as the Carrera de los Caballos they halted, and Don Juan de Villandrando, who commanded the cavalry, advanced with twenty horsemen, but soon returned with such assurance as to the order and numbers of the

invaders as to induce Captain Ochoa to retire. Although no active resistance was made to the heretics, this demonstration was not without useful effects, as the English, becoming aware of the presence of troops, and fearing an ambuscade on the unknown ground which they had to traverse, used greater caution in advancing, and thus gave time to the inhabitants of Santo Domingo to evacuate the town.

The religious from the three convents of San Francisco, Santo Domingo, and La Merced joined the archbishop with his priests, all determined to lay down their lives for Christ and suffer martyrdom at the hands of the excommunicated heretics, although later on necessity compelled them to run away like the other inhabitants. The whole flock of women and children, snatching up such goods as they could carry, sought refuge in the thickets, whilst those who were better off rowed up the river, which is navigable for some seven or eight leagues. There was no invalid so feeble or so broken down but that he made shift to fly with the rest, only to encounter untold evils owing to the want of sufficient dwellings in the woods, and especially of food, most of the fugitives being reduced to live on wild fruits. The confusion and hurry of their flight cannot be exaggerated, and gave rise to scenes that beggar all description. Two convents of nuns of the orders of St. Clara and St. Francis had also to seek shelter in the woods, which shows clearly to what degree of misery the town was reduced by the arrival of the enemy. The greater part of the men, to the dishonour of their Spanish blood, followed their womankind, and those whom shame kept back until the enemy was at hand were then fain to do likewise.

The eight hundred invaders were magnified into two or even three and four thousand; for fear, as we know, multiplies things both in number and size. The eight hundred approached the city, marching leisurely to the sound of their fifes and drums, firing off their muskets and affecting in every way more security than they felt, in order to hasten the flight of our people, a needless precaution indeed. Had the inhabitants taken heart, and if the judgment of God had not been against them, they would easily have repulsed that scum of the earth, whose advance spoke rather of exhaustion than spirit. The hurry and scurry of the disembarkation had kept the English from sleep; their muscles were stiffened with struggling through the sand on the road; the fearful heat when they reached the town at midday was consuming them; they felt the want of water—of which there is none to be had on those three leagues of march—more than at other times that of wine; they were in a foreign land, not knowing when their foes might be upon them. All those advantages favoured our people, who had, moreover, the sun at their backs, whilst its scorching rays struck full in the eyes of the advancing English.

Nevertheless the defenders of the island threw away all their

chances through very fear and cowardice, and the invaders marched in, meeting with no further opposition, save the discharge of a few pieces of artillery planted at the entrance of the city and in the fort, which did no harm for want of a sufficient charge of powder. As the eight hundred who came by land approached the port, Drake disembarked an equal force to meet them, advancing cautiously, as he believed that the city swarmed with trained soldiers, and feared that he might fall into some carefully planned ambush. But, as no living soul appeared to resist him, he soon got rid of all apprehension and occupied the palace and audience buildings, deserted by the president and the *oidores*, who had all fled into the bush.

Archbishop Avila says that Drake fortified the buildings seized by placing on the outer walls images of our Redeemer Christ, of his most holy Mother, and of other saints, in order that the catholics might not fire at them, counting that they would hold it a lesser evil that he should destroy the city than that they should show irreverence to the holy images. Nor did the astute corsair neglect to make use of another stratagem, for taking advantage of the fact that all the streets ran straight towards the sea, he anchored his larger vessels across their outlets and swept them with artillery fire. The cannon-balls flying swiftly from one end of the city to the other allowed no one to pass without losing his life, as in fact it befell the bachelor Tostado, who had lingered behind the other fugitives and was caught in the ribs by one of those balls. I believe the unfortunate bachelor was the only one who perished in this taking of the city, owing to the rapid departure of the inhabitants, and to the practice of those protestants, who openly avow that they seek not for blood but for gold and silver and other wealth. This they showed plainly, when they had made sure of the town, by entering all the best houses and rapidly stripping them of their contents. They found the coffers and cupboards crammed with innumerable riches in the shape of bars of gold, silver worked and unworked, precious emeralds mounted in rich gold settings, huge strings of large pearls, besides many other articles of value, for, as the city was the first in importance and the metropolis both of the islands and of the mainland, it had served as the store-house for all that the Spaniards found when they discovered the Americas.

Many of the inhabitants when they fled had sunk their most valuable possessions to the bottom of their wells, such as boxes full of precious stones, gold and silver ewers and basins, bracelets and necklaces, &c.; but the English found means to get at them all, together with a vast provision of sugar, ginger, leather, madder, and cinnamon, as well as quantities of Spanish stuffs made up, or in the piece, to say nothing of a number of bronze cannon. After robbing the laymen they laid their daring and sacrilegious hands on the goods of the church, carrying off all the bells and everything they could find in the churches. Not content with this, they bitterly offended our catholic piety by their insults to the most revered images of our Lord and the Holy Virgin, cutting off arms and legs, using them for seats or burning them to cook their food, all of which it is said was done by order of Francis Drake. Two old

and infirm monks, who, not having the strength to run away, had remained in the convent of our father Santo Domingo, were taken out and hanged in the public square for their holy protest against such acts.¹

The church of the aforesaid Santo Domingo, which is of great size and is looked upon as the finest in the Indies, was converted into a slaughterhouse for the cattle they consumed, and the same fate befell the cathedral, an edifice of great merit. In short, as I have seen with my own eyes, the heretics destroyed by fire all the notable buildings that had escaped their cannon shot, venting their spite with especial fury upon the convents and monasteries, the sanctity and chastity of whose inmates they most abominated. They moreover burnt all the small vessels lying in the port or in the river, reserving only for their own purposes a great and stately galleon said to have come from Seville. They indeed spared the buildings in which they dwelt, but did not refrain from using the doors and window frames to cook their food, to spare themselves the trouble of bringing fuel from the bush.

When they had wearied of their work of destruction Francis Drake sent word to the fugitives in the bush that unless they would pay 100,000 ducats to ransom the town he would deal with the little that remained of it as he had dealt with the rest. After much bargaining on the part of the authorities the amount of the ransom was reduced to 25,000 ducats, a sum that could only be made up by the surrender of the necklaces, bracelets, and other trinkets that the women had managed to carry away when they fled at the approach of the invaders. The whole loss suffered by the taking of Santo Domingo cannot be estimated at less than 3,000,000 ducats [6,000,000*l.*] Without temerity we may say that God allowed this judgment to fall upon the inhabitants as a just punishment for their atrocious cruelty to the natives. What the treatment of those unfortunate wretches has been may be inferred from the fact that for more than forty years there has not been an Indian left, although when the Spaniards took possession of the island they found there 1,600,000 full-grown men, to say nothing of the swarms of women and children.

For thirty days the heretical pirate held the city, his Lutheran ministers preaching their creed, and constant festivities going on. The protestant would send from time to time for some of the fugitives, with whom he conversed in jovial and conceited tones, jeering at the fear of our people, who had allowed his fatigued and harassed soldiers to take possession of their town without resistance, and attacking our Christian religion to justify his heresies and robberies. He even ventured to announce his contemplated attack on Cartagena, of which boast advantage was taken to send a warning to the governor of that city.

After tarrying upwards of a month at Santo Domingo, and having executed the necessary repairs to his ships, which were richly victualled at the expense of the island, Drake moved leisurely on to Cartagena.

The news of his coming had preceded him by many days, thanks

¹ See Corbett, p. 106, where the execution of the friars is described as a reprisal for the murder of the bearer of a flag of truce sent by Drake to the fugitives.

to messages sent from Spain as well as from Santo Domingo, and the governor, Don Pedro Fernandez de Busto, had ample time to prepare for the defence of the city. The forts commanding the approaches to Cartagena and the entrance to the bay were furnished with artillery and ammunition, of which a good quantity was available, and the ablest leaders, with the pick of the armed men, were posted in the most advantageous positions to arrest the advance of the hated and dreaded heretics. The whole force at the disposal of the governor did not exceed some 450 Spaniards, but 500 Indians, all expert archers, were collected from the neighbouring villages. With the assistance of those Indians a mass of thorns was strewn along the paths leading from the beach, the poison in which they were dipped being so virulent that a single prick from one of them would produce death in less than six hours.

At the narrowest part of La Caleta, the spit of land that separates the bay from the open sea on the east side, entrenchments were thrown up, reaching from shore to shore, a distance of about sixty paces. A stone parapet, breast high, was built across this narrow causeway, in which a door was left to enable mounted scouts to move in and out with facility, and four heavy guns were placed in position for the defence of the breastwork. The ground in front was moreover completely commanded by the guns of the galleys 'Capitana' and 'Ocasión,' and another vessel known as 'La Napolitana,' all of which were anchored in the bay close to the town. In all other directions the then existing forts were strengthened and armed with guns, as well as the mouths of all the streets leading into the town. In short, says Fray Simon, nothing was neglected that human foresight could provide, but all is in vain without divine support. Providence had chosen the heretic Drake to scourge his children who, living on these coasts in wealth and power, slept soundly, neglecting the commonest precautions. They were destined to awake beneath the buffets of their Father, recognising their sinfulness and amending their lives.

All the women, excepting those needed to cook for the soldiers, together with the children and less able-bodied men, took refuge in the bushes and hills about the town. Everything of value was removed, and all the images in the churches were hidden, to preserve them from the 'bestial fury of the heretics.'

On 9 Feb. 1586, on Ash Wednesday, at the moment when the thoughts of all the inhabitants were engaged in forming schemes for the defence of Cartagena, the third warning of Drake's approach was brought to the city by a vessel from Spain, which also brought intelligence of the arrival within eight days at the latest of the galleons to which was confided the protection of the Indies. Hardly was this news made known when the approach of twenty-five hostile ships was

announced. Of the thirty-five that originally accompanied the corsair ten had been sent home with the plunder of Santo Domingo. On their arrival at Calais, which at the time of Drake's sailing was in friendly hands, they entered the port in full security, only to fall into the clutches of Captain Tejada,⁵ who had been appointed governor for the Spaniards after the capture of the town by the prince-cardinal. The efforts of the corsairs, therefore, only served to convey the goods in safety to the Spaniards. As to the crews of the ten galleons, they were probably disposed of in the manner their crimes deserved.

The defenders of Cartagena, having made sure of the hostile character of the twenty-five galleons approaching the town, marched out upon the beach full of ardour and courage to lose their lives in the defence of the faith of Christ. With drums and fifes, flying colours, and burnished weapons, the soldiers prepared to repel the attack; supported by the bishop, Don Fray Juan de Montalvo, the great preacher and senior prelate of the order of Santo Domingo, accompanied by all his prebendaries and priests; together with Fray Bartolomé de Sierra, prior of the convent of Santo Domingo, with all his monks, and Fray Sebastian de Garibay, guardian of San Francisco, at the head of his friars.

At the stroke of midday on Ash Wednesday the enemy's fleet approached the shore to reconnoitre. The 'astute tyrant' displayed no fear of the thousand Spaniards, negroes, and Indians arrayed against him on the beach, but leading the way in a small boat, guided by an expert, he advanced along the coast in the most fearless manner, utterly regardless of two shots fired at him from the great guns. Behind him came his whole fleet, banners and pennants flying, but all jet black, as well as the dress of the general, to the great marvel of the beholders.

At the mouth of the port they laid hands upon two negro fishermen, to the great damage of our people, for by threats they forced them to disclose all the stratagems of the defence, the poisoned thorns amongst others. The English protestant glided undisturbed along the shores of the bay, thanks to the carelessness of our people, who had neglected to plant guns at the point where the fort of San Matias now stands. Without resistance Drake advanced until he anchored his vessels that same night at the Jew's Cape, where a fort is now half built. At once 9,000 soldiers leaped ashore and prepared for the advance, which they determined should be by night, although nothing would induce our people to believe in such temerity.

The Lutherans having disembarked, as we have said, being chiefly musketeers and pikemen, preserved so profound a silence that they heard not one another. Then Francis Drake, who accompanied them, spoke a few suitable words, warning them of the poisoned thorns on the road, and ordering them to let advance first thirty of the boldest to show the way, a musket-shot ahead; they and the rest of the troops were to walk in the sea knee-deep, with their lighted matches held high above their heads, so that if the Spaniards should aim at the fire they would shoot without damage to the men. He warned them all that any man who turned back would be hanged from the yardarm of his vessel. As

⁵ Elsewhere designated as Don Diego de Sejada.

for himself, he must keep with the fleet, in obedience to the orders of his lady, the queen, until supper, which he intended to take quietly in the city.

Although the advance through the sea, avoiding the poisoned thorns and out of range of the cannon shot on the parapet, quite disconcerted the plans of the defenders, nevertheless the heretics did not reach the lines undiscovered, nor did they carry them without some resistance. Their success was greatly facilitated by the cowardly behaviour of the Indians, who, instead of overwhelming them with poisonous arrows, fled like vile scum before the blast at the mere sight of the pikes and partisans. Thus, following in the track of the Indian flight, the heretics had no longer any dread of the poisoned thorns, until coming out of the sea they rushed at the trenches, where they were met by the cross fire of the guns placed there and that of the galleys with such effect that fully two hundred of them were killed. The rear-guard hesitated a moment, and would have retired to the ships, but the vanguard, shouting that they had gone too far to draw back, rushed the parapet by the waterside where it was open, upon which most of the defenders took to their heels. Only Cosme de Alas stood boldly to the last for the honour of Spain; covered with wounds, received at the first onslaught, with the spear-head of the banner he carried he killed two of the Englishmen, falling himself beneath a partisan stroke given by a certain Don Duardo,⁶ who took the flag from his hand. In this encounter our loss amounted only to seven killed and many wounded.

Don Pedro Vique, the commander of the galleys, finding himself nearly alone against the whole of the English troops, which were constantly reinforced from the ships, rode forward to meet the heretics with the aid of some twenty Spaniards and a small body of negroes. Incited by his appeal to fight for their Spanish blood and for the catholic faith, they stood gallantly for a time, inflicting severe losses upon the invaders; but seeing that further resistance was hopeless, Don Pedro retired to his galleys, which after their first discharges, with the good effect related, had been of no use to the defenders. He ordered their removal to a place of safety, but, owing to the carelessness of a soldier who was giving out powder, a barrel exploded and set fire to one of the galleys. In the confusion the slaves all escaped, the Turks flying to the English and the Christians whither they could best enjoy their liberty. Seeing this, Don Pedro Vique, to save the other galley from falling into the hands of the English, ordered it to be unloaded and then set fire to.

The might of man is in vain against the divine scourge. Therefore, in spite of the deeds of valour already noticed, and other feats of arms in which Captain Martin Polo and his men especially distinguished themselves, the thousand heretics kept on their way, without retreating a step, until the whole city was at their mercy.

The governor, seeing that further resistance would be vain, retired to the village of Turbaco, whilst the remainder of the garrison sought refuge in the thickets surrounding the town. The

⁶ Edward ?

news of the success of the landing party having reached Drake, he embarked in a pinnace and advanced rapidly as far as the little fort of La Caleta, where he was stopped by the chain and the valour of Pedro Mejia. Although the latter was prepared to hold out for many days, he had to obey the governor's orders and retire. Thereupon Drake, accompanied by his admiral and other captains, entered the city, which he fortified as if he intended to establish himself there for many weeks. On the following day, 10 Feb., the pillage commenced, and a good quantity of provisions, wine and oil, and other goods, pointed out by the negroes who had not fled, fell into the hands of the invaders. Amongst other things Drake came upon the royal letters giving notice of his approach, in which he was described as a corsair, a designation that so enraged him that when Bishop Tristan de Oribe, Pedro Lopez Tribiño, and Doctor Mendez, with other notables, approached him to treat for the ransom of the city, he would listen to nothing until the bishop had made sufficient apology. He then demanded 600,000 ducats, which demand having been rejected by the commissioners, who only offered 100,000, he caused several buildings to be burnt and threatened to raze the town to the ground.

Meanwhile the images painted on the walls of the churches were exposed to pitiful insults, and the tenets of Luther were preached on the terraces of Government House and other public places. Seeing the outrages committed, and the worst outrages threatened,

the commissioners increased their previous offer by 10,000 ducats, which Drake accepted. Part payment having been offered in jewels, he accepted a discount of 3,000 ducats for good money, and as the ransom came in he gave formal receipts, 'of which I have seen the originals in the archives of Cartagena,' says Fray Simon. The final receipt runs as follows:—

Agnosco me centenos & septiesmille connatos a Gubernatore civibusque Carthagenae recepisse 20 dies Marthi 1586.

FRANCISCO DRAKE;

and after the receipt come the signatures of the witnesses, four in number, and of the notary Francisco de Alva.

But this was not the whole of the amount of the ransom extracted, 'owing to the various tricks of the English pirate,' who insisted upon separate payment for the slaughterhouse and the convent of San Francisco, which were situated outside the town. For the latter the friars paid 1,000 dollars, and something was given for the slaughterhouse. Captain Bravo Hidalgo had to pay 5,000 dollars for his own ransom, and altogether the booty came to at least 400,000 ducats, to say nothing of the pieces of artillery, very numerous and very good, of which Drake would not allow a single one to be ransomed.

On 10 April, after having been two months in the town, and having repaired his vessels, Drake sailed away from Cartagena, and as he left the port the inhabitants came flocking in. Hardly, however, had they resumed possession and begun to repair their dwellings when they saw the whole fleet returning, which so disturbed the city that, in the greatest haste, the poor people prepared for a fresh flight. But Drake sent a friend of his, named 'Jonas,' well versed in the Spanish language, to reassure them and beg them to remain undisturbed in their homes, as he would keep his word and not re-enter the city, alleging as the object of his return the necessity of defending himself, which he could do best in the port, against the galleons sent from Spain. In truth he came back to repair the valuable vessel taken at Santo Domingo, that had nearly sunk under the weight of the artillery with which he had loaded her. The repairs lasted some days, during which the inhabitants suffered annoyance on the part of the English, who landed wanting salt meat, cassaba, and biscuits. On 24 April the Englishman made sail finally for London, which he reached in safety, having given up his plans concerning *Nombre de Dios* and Panama, at first the principal objects of his expedition.

Plenty of time had been given by Drake to enable the Spanish galleons to arrive to the rescue of the city, but they only appeared several days after his departure; 'twas in verity what is called Spanish succour, an old ass laden with lances without steel heads.'

Fray Simon in all that he has hitherto said of Drake has shown an amount of fairness and good faith that has not always distinguished Spanish chroniclers, especially those belonging to the religious orders. With the exception of a few commonplace phrases, such as 'Lutheran heretic' or 'English pirate,' his language concerning our hero has shown no unfair animus against him. He has made no pretence that the disasters of his countrymen were due to Drake's powers as a sorcerer, or to any other form of intervention of the devil in his favour. but has boldly asserted that the Englishman's successes were the result of the incapacity of the Spaniards, and of their atrocious treatment of the Indians, which had induced the Almighty Ruler to send 'his scourge' to chastise them. In fact it is evident that Fray Simon had a sincere admiration of Drake's skill and readiness.

When, therefore, in the chapter immediately succeeding that which deals with the sack of Cartagena we find the chronicler describing the very important and successful adventure known as 'the singeing of the king of Spain's beard' as a serious defeat suffered by Drake in an attempt to take Cadiz, it is at once evident

that he is no longer writing of facts within his personal knowledge, but is misled by evidence derived from others.

So valiant was the resistance made by Don Pedro de Acuña⁷ (says Fray Simon) that not only did the heretic fail to take Cadiz, but he lost many of his ships and a large number of Englishmen were killed. Thus were the thresholds of the gate of Spain watered with the blood of those wolves, in order that the scent might keep their fellows away from our doors; for it is said of that animal that on smelling the blood shed by one of his race he will go no further but will rather retreat. So also is it done with crows, where there is a plague of them, for if one be hanged to a post all the others will take flight for fear of a similar fate.

From 1587, the year of the Cadiz expedition, to 1595 Fray Simon has nothing to relate concerning Drake; the prominent part he played in the discomfiture of the Invincible Armada and the glorious though unsuccessful attempt upon Lisbon remain alike unnoticed. Fray Simon takes up the thread of his history with Drake's last voyage to the West Indies.

After his reverse at Cadiz (says the friar) Drake fell into disgrace with the queen. Nor did he recover the royal favour for some years, when the news that Sancho Pardo de Osorio, the general of the mainland forces, had been forced to take refuge in Porto Rico, with a treasure ship laden with a million and a half of silver, gave him the opportunity he had been watching for. Playing upon Elizabeth's greed for gold, he succeeded in persuading her not only that he could get possession of the disabled treasure ship, but also that he would bring back to her all the stores of gold and silver lying at Panama, Nombre de Dios, and Portobelo.

So convincing were his arguments that he at length induced the queen to allow him to fit out the desired expedition, which consisted of twenty-seven vessels, of which six were furnished by her majesty and the remainder by a company of merchants and himself. The two largest were of from six to seven hundred tons; there were two of four hundred tons, five of three hundred, and the remainder were of one hundred and fifty to two hundred tons, excepting three of about fifty tons. They carried a force of about three thousand men, between sailors and soldiers, the greater part of whom were raw recruits and badly armed. The supreme command was assigned to John Hawkins, Drake being nominated as his successor in case of his death. The fleet sailed from Plymouth on 5 or 6 Sept. 1595, with so little regard for secrecy that the council of the Indies was able to send notice of their departure to Porto Rico and Nombre de Dios, where preparations were at once set on foot to give them a warm reception.

The first attack was made upon the Great Canary Island, where Drake landed one thousand men, but such resistance was met with

⁷ There is no mention of the duke of Medina Sidonia.

that he had to retire with the loss of forty soldiers. After running along the coast for a distance of about five leagues Drake sent twenty men ashore to get water; but they were all slain by the cowherds, who attacked them with their slings and goads. Enraged at this reception, Drake sailed for Porto Rico, stopping on his way at Guadeloupe, where he remained long enough to build seven pinnaces to replace those he had lost on the road, and to sink three of his provision vessels, whose speed was insufficient to enable them to keep up with the rest of the fleet. In the meanwhile Don Pedro Tello, who had been sent out from Spain with five frigates, to take over the treasure from the disabled galleon lying at Porto Rico, had the good fortune to come across two English vessels that had strayed from the fleet. One of them escaped, but out of the other he took eighteen seamen, whom he tortured until they revealed to him the whole plan of campaign. Don Pedro then made all haste to Porto Rico, where everything was done to strengthen the defences.

Captain Juan Fernandez Coronel was in command of the city; the artillery was carefully disposed in three batteries commanding the port, the entrance of which was closed by three sunken frigates, whilst three others were so posted as to add their guns to the defence. Drake, after setting fire to two frigates, in order to see his way, attempted to effect a landing with twenty pinnaces, carrying one thousand men, but the light he had kindled to assist him betrayed him to the Spanish gunners, who opened fire with such effect that he was driven to retire after covering the sea with the corpses of his men. When he was at supper that night on board his flagship, an artilleryman from the eminence above the town, firing upon the light that fell upon the supper table, sent a round shot through the cabin, that killed the acting lieutenant-general (Sir Nicholas Clifford) and fifteen others, 'who went to meet a worse fate in hell, as did also General John Hawkins, who died with sorrow at these reverses.' Drake then assumed the official as well as the actual command of the fleet, and made sail for the mainland.

The news of his arrival preceded him at Cartagena, where it aroused the activity of the governor, Don Pedro de Acuña, the same who had repulsed Drake from Cadiz. A huge palisade was built right round the town with the assistance of all the able-bodied citizens, an example being set by the bishop elect, Don Pedro Duque de Ribera, who was seen carrying faggots with the rest of the population. After taking Rio Hacha, which he burnt, owing to the failure to pay the ransom agreed upon, on 30 Dec. 1595 Drake entered Santa Marta, which he also sacked and set fire to, 'after carrying off the ornaments of the church and insulting the holy images.' On the 31st he sailed for the mouth of the Rio Grande, where,

however, the meeting of the fresh and salt waters gave rise to such turbulent movements of the waves that eight of his boats were lost in an attempt to approach the shore.

Contrary to the universal apprehension, Drake made no attempt upon Cartagena, Fray Simon says 'because, remembering what had happened to him at Cadiz when opposed to the same Don Pedro de Acuña, he did not dare to attack the town.' The next place touched at was Nombre de Dios, which fell into the hands of the English with scarcely an attempt at resistance, although an attack led by Baskerville upon the garrison, who had entrenched themselves in the woods, where they received reinforcements from Panama, was repulsed with great loss.

Fray Simon relates that before the news of the defeat of Baskerville's detachment had reached the main body Drake fell into a profound melancholy, saying—

'Yesterday morning our colonel was defeated by the Spaniards.' This anticipated knowledge of what was going on confirmed many in the opinion held in his own country and elsewhere that the admiral had a familiar demon, to whom he had sold his soul.

When the news of the disaster reached the vessels, in spite of the painful feeling aroused by that failure and by the loss of many of his men, who fell victims to the pestilential fevers of the coast, Sir Francis Drake at once gave orders for an attack upon Panama by the Rio Chagres. He then set fire to Nombre de Dios and to all the canoes and boats he found in the port, only sparing two small skiffs at the prayer of a negro woman, who fell on her knees before him. 'Of all his wickedness the one he indulged in with especial satisfaction was the use of fire, as if he were preparing himself for the flames that would torture him in hell.'

Shortly afterwards Drake was rejoined by Colonel Baskerville, with the remnants of his defeated force, composed of worn-out and disheartened men, driven to despair by privation and sickness, so that there was scarcely one of them with sufficient energy to care for the preservation of his own life. Every day the number of those who succumbed grew greater, so that the survivors had scarcely the heart to place sufficient weights on the corpses they cast into the sea, which element, says the friar, 'could not tolerate those excommunicated bodies, but cast them up in numbers or beat them to pieces against the rocks, where their fragments were devoured by beasts of prey.'

Drake alone maintained his courage to the last, although so stricken down by dysentery, aggravated by mental suffering, that he could scarcely leave his bed. His determination once more to lead his worn-out soldiers against the Spaniards at Panama, or wherever he saw a chance, so exasperated his followers that, according to Fray Simon, they went so far as to endeavour to

persuade his confidential servant to poison his food. This purpose having reached Drake's ears, he refused to touch anything that had not been tried an hour previously by some one else. But the conspirators were determined to carry out their plot, and the poison, according to the chronicler, was finally administered to the unfortunate admiral in a clyster.

So violent was the poison (says Fray Simon) that it instantly rushed upwards to his heart, and caused such infernal spasms and agony that his life was nothing but torments; evidently he must have seen something in the midst of his tortures, for in a terrible voice he cried out twice, 'I come, I come, O fearful shades!' Then his tongue became congealed; his mouth scarlet and distorted, giving issue (if that be the road) to that lost soul that hastened direct to hell.

There is more in the same style, but I think I have quoted enough to show that Fray Simon was not able to maintain to the end the attitude of impartiality he affected when he commenced his biography of the 'English Pirate.'

Fray Simon goes on to give some account of Drake's burial, and of the public rejoicings of the Spaniards at Panama when the news of the death of the 'terrible monster' became known. He then says something of the disputes that preceded the nomination of Thomas Baskerville as his successor, and of the departure of the fleet, reduced to eighteen vessels, of which only five arrived at Plymouth. 'Thus terminated an expedition begun under very different auspices, for it is certain in this world that after prosperity comes adversity, like its shadow.'

G. JENNER.

The Foreign Policy of England under Walpole

PART IV.

IN the spring of 1727 the emperor's strategic position in Germany was very strong. His plan of campaign was imagined to be to combine forces with Prussia, Russia, and perhaps the Poles in an attack on Holland, Hanover, and Schleswig. Prussia and Russia would march in from the east on Schleswig, while he would advance troops from his camp in Silesia¹ on Holland and Hanover through Lower Saxony and Westphalia. He had obtained permission from the elector of Mainz to garrison Erfurt, which made him master of Upper Saxony, while his treaty with the duke of Brunswick-Wolfenbüttel gave him command over Lower Saxony, on the direct road to Hanover. If he could have obtained the right of garrisoning the town of Brunswick also, he would have had Westphalia at his mercy, and then nothing could have saved Holland from him, while Russian troops could easily have been brought into Germany, and the kings of Denmark and Sweden would have had to stay at home to guard their own dominions. At the same time his alliances with the elector palatine and the electors of Cologne, Mainz, and Treves gave him the command of the Rhine and a strong position for resisting any flank attacks by the French, and finally the permission to use Mainz as a place of arms allowed him to secure his rear against any attempt by the French to get round into Suabia and Franconia.² The plan of operations proposed by England to meet this attack was that the English and Hessian troops should take up a position in Lower Germany against the emperor and elector of Cologne's attack on Hanover, and that the Dutch should make a camp of observation at Nimeguen to protect their own country against invasion, and be able to render assistance to the English and Hessians if necessary. At the same time the French should send one army to occupy the Maas and keep in touch with the Dutch, while another should be

¹ Add. MS. (Brit. Mus.) 32746, f. 250.

² See Public Record Office, Treaty Papers, 116 (paper entitled 'Observations on the Abstract of Treaties, 1725-7').

sent by them across the Rhine at Rheinfeld, near Basel. There were two objections to this scheme, the first being suggested by Horace Walpole, that the Dutch at Nimeguen would be cut off from communication with the English and Hessians in Germany and with the army on the Maas by the king of Prussia's slice of territory on the Rhine about Wesel, and though it would have been possible, as the French first suggested, to take Wesel by storm, it was not thought wise to come to hostilities with Frederick William before he had actually entered the field on the emperor's side. On their side the French objected to crossing the Rhine at Rheinfeld, as the country was hilly and ill adapted for military operations, and there was no bridge to give them a retreat if necessary. Accordingly they proposed marching 68,000 men across the Rhine below Strassburg, in order to take up a position near Heilbronn, between the Neckar and the Main. In touch with this army the allies were to post one composed of 12,000 Hessians, 24,000 Danes, 12,000 English, 20,000 Dutch, and 20,000 Hanoverians between the Elbe and the Main. This plan was approved of by the English commissary, Colonel Armstrong, as it would quite cut off the emperor and take away all fear of Prussia; and even if the 30,000 Russians came into Germany they could be dealt with by the allies.³

But the strength of these alliances and the success of these carefully elaborated plans of campaign were not put to the test, for so far the emperor was concerned hostilities were never begun. The emperor had not from the first entered in a very hearty fashion into the alliance with Spain, which separated him definitely from his old friends the maritime powers, and he had only been induced to accede to it by a desire to secure the Ostend trade. But when he saw that the maritime powers were not frightened by his new engagements, and were perfectly determined to put a stop to this undertaking, he began seriously to consider whether he would be justified in maintaining a commerce which the superiority of the English fleet would always render precarious, in view of the enormous expense and the difficulty of a war against so strong a combination which his enterprise would entail. He had also miscalculated the state of feeling in England, and had been so far mistaken as to expect support from the nation against the government. But he was undeceived on this point by the result of an ill-advised move which he ordered his envoy Count Palm to make. In the speech from the throne of January 1727 the king had drawn attention to the dangerous character of the engagements between the emperor and the king of Spain, with an especial reference to the emperor's 'usurped and extended exercise of trade and commerce' and the king of Spain's 'engagements to support the

³ Add. MS. 32750, ff. 6 and 229 (April and May 1727); P.R.O., Foreign Office, Dunkirk, 6 (27 May 1727, Armstrong and Walpole to Duke of Newcastle).

Ostend Company.' In answer to this Count Palm on 2 March presented a memorial to the king traversing in the most insulting language the accuracy of the king's statements, and on the following day printed and published a translation of this memorial, together with a covering letter from Count Sinzendorf ordering him 'to present the said memorial first to the king of Great Britain, and afterwards to publish it to the whole nation.' At that time such a proceeding was not merely a gross breach of diplomatic and international courtesy, but it was evidently intended as an appeal to the nation against the king. However, both houses of parliament showed their appreciation of the action without a moment's delay by unanimously voting an address to the king, in which they expressed the highest resentment at this insulting attempt 'to instil into the minds of any of the king's faithful subjects the least distrust or diffidence in his majesty's most sacred royal word, or to make a distinction between his majesty and his people.'⁴ Palm was forthwith ordered out of the country, and though the emperor could do no less than order our envoy out of Vienna he no doubt learned the lesson, which seemed so hard for foreign nations to understand, that the English would stand no interference from foreigners, at any rate with the dynasty they had chosen.

Another circumstance which made for peace was that our most important allies, the French, were far from being convinced that the chief question in dispute with the emperor, the Ostend Company, was of sufficient interest for them to risk a European war about; and an important change which had taken place in the French ministry in June 1726 added more weight to their views. The duc de Bourbon's credit had been seriously weakened by his tactless manner of getting rid of the infanta, and by the failure of his blundering request for the hand of an English princess.⁵ Ever since the rupture with Spain he had been trying by means of underhand negotiations to recover his ground at that court, but the absolute refusal of Philip and Elizabeth to listen to his overtures made him only more dependent on England, whose policy he appeared to follow without loyally seconding it. Finally, without warning, the king summarily dismissed him, and put the management of affairs into the hands of Fleury, formerly bishop of Fréjus. This ecclesiastic, better known by his later title of Cardinal Fleury, though already well advanced in years when he succeeded to power, maintained his ascendancy over the king until his death at the beginning of 1743.

By the side of his predecessor and his successors in the direction of French policy the cardinal stands out in a favourable light as a

⁴ Chandler, vol. vi. 372, 390, 392.

⁵ Cf. Baudrillart, *Philippe V et la Cour de France*, iii. 168.

minister. France suffered no disasters during his term of office ; he even gained for her one great diplomatic victory, and he certainly made France more prosperous internally than he found her. Perhaps his most striking merit both as a man and as a statesman was his extraordinary patience. With a self-control all the more remarkable in a man who already seemed so near the grave he did not, on the death of the duke of Orleans, take the ministry, as he might well have done from the king's dependence on him, but advised his pupil to give it to the duke of Bourbon. Again, when in 1725 he was sent into banishment by the duke, who was jealous of his influence, he made no remonstrance, but simply waited calmly till the king recalled him ; and his final summons to the ministry in 1726 was due to no intrigues on his part, but to his capacity of waiting till he became indispensable. As a minister he displayed the same quality : constantly in his steadfast policy of peace he remained unruffled before the impatient demands of allies or the angry expostulations of his own countrymen. He never showed exasperation, even when he must have been conscious that his *protégé* Chauvelin was trying to supplant him in the ministry ; he gave the man full rope, and then when the time was ripe quietly let him go. It was the same in his conduct of negotiations, whether with the emperor or the king of Spain ; if he had made up his mind to effect a reconciliation he would be turned back by no rebuffs, but doggedly persisted until he had attained his object. Similarly with the English ambassadors when they had some cause of complaint : his inexhaustible patience and good humour in listening to their representations, and his equally dogged inaction, often left him master of the situation, as he really was in the affairs of Dunkirk.

But when full credit has been given to him for this statesman-like gift of patience it must be admitted that he cannot lay claim to being called a great minister. His patience, indeed, had much in it akin to the wiliness of an old miser, who bends and creeps and twists and turns to avoid the detection of his wealth, and with all his contortions still keeps its preservation and increase in view. With Fleury power stood for wealth, and as he grew older he grew more avaricious of it, until he would hardly allow the king, to whom it belonged, a share in it.⁶ Occasionally indeed to preserve the whole he had to yield part, as when he gave in to the king's wish for war in Poland, or to the martial ardour of the people in the war of the Austrian succession, which were both contrary to his judgment that peace should be preserved at all costs. But although his policy of peace and rest for France was on the whole attained, and he managed to limit the Polish war within very narrow bounds,

⁶ It is said that when he died the populace cried, 'Le cardinal est mort, vive le roi !' in recognition of this fact. Cf. D'Argenson, *Mémoires*, iv. 49, note.

it cannot be said that his political foresight was very great. France needed the peace and the financial equilibrium which he gave her, but she needed far more. The financial resources which he had amassed were all used up in the first serious war which he could not prevent, and then France was in as bad a state as before; for he had created no method by which she could automatically recuperate. On the contrary commercial enterprise had suffered and the fleet had been almost reduced to nothing during his rule, and it was by those two things alone that France could hope to maintain her place at the head of the nations. Nor did he leave any system of policy as a guide and tradition to his successors, for the desire of peace in the abstract can hardly be called a policy. He lived very much from hand to mouth in his foreign politics, and he left nothing but a hand-to-mouth policy to his incompetent successors, who had not even his capacity to judge of the best expedient for the moment. Even as to his power of overcoming opposition it is apparent from the diplomatic correspondence of the time that this was largely due to an inexhaustible gift of talking, and wheedling more by a vast flow of words than by any distinction of phrase or directness of argument. One is inclined to suspect that his interlocutors often gave up their point for very weariness of listening to his untiring gush of talk rather than because they were persuaded of the justness of his reasoning. His ministry was not a period of great glory for France, in spite even of the acquisition of Lorraine; it was, however, a ministry on which his contemporaries could rely, for when he came into power it was obvious that he meant to stay and would not be disturbed in the enjoyment of it as long as he lived.

Fleury's love of peace was well known, and when he came into office, although the duke of Newcastle expressed satisfaction at the prospect of some firmness being introduced into French counsels,⁷ there was some fear in England and considerable hope in Spain and at Vienna that this change might turn to the advantage of the Vienna allies.⁸ This apprehension had appeared to have some foundation when in the course of Fleury's first month of office a letter from Schönborn to Count Palm was intercepted, in which Fleury was stated to be making overtures to the emperor for the adjustment of the differences between France and Spain.⁹ However it soon appeared that there was no foundation for the suggestion,¹⁰ and all suspicion was disarmed by the cardinal's candid behaviour to Horace Walpole, whose visit to him during his short banishment to Issy he never forgot. The cardinal admitted to Walpole that he was anxious to renew friendly relations with Spain, but showed him the letter which he wrote to Philip expressing the hope that the two

⁷ Add. MS. 32746, f. 220.

⁸ Baudrillart, iii. 256, 257.

⁹ Add. MS. 32746, ff. 367, 409.

¹⁰ *Ibid.* f. 436.

crowns would again become reconciled,¹¹ and as the English ministry saw no reason to object to such an overture England had no cause of complaint. But though Fleury proved that he had no intention of leaving England in the lurch, he showed just as little disposition as the duc de Bourbon to enter heartily into warlike measures. Quite apart from Spain, to which special ties bound France, Fleury saw that there would be little to gain by a war with the emperor. Any operations against him would be more in England's interests than those of France, as their object would be chiefly to defend against attack Hanover and Schleswig, with which France had no concern, while the Ostend trade, the chief point at issue with him, was much more of a grievance to the English and Dutch merchants than to the French. The *maréchal d'Huxelles*, an influential member of the French council of state, only echoed views very prevalent in France when he complained bitterly of the way in which France was doing England's work in the matter of securing allies: the duke of Newcastle, it is true, had very little difficulty in showing that England had really borne the brunt of the negotiations;¹² but he could not remove the impression that France had of being England's cat's-paw. Fleury himself was convinced that for the present at least, as long as Spain was estranged and the emperor strong in the Spanish alliance, the English alliance was the best security for France; he also saw very clearly that the English were quite determined to put an end to the emperor's usurped traffic, and that he could not keep their friendship unless he helped them to realise that object. At the same time, both from his knowledge of French feeling and from his personal predilections, he was anxious at all costs to avoid war for such an object. Consequently he interposed every excuse he could think of to England for delay in declaring war or even in forming a plan of campaign.¹³ And these delays were not merely in regard to the land operations, in which the French were directly concerned, but even in naval measures. In November 1726 the duke of Newcastle proposed to Fleury that a detachment of five ships from the English fleet should be sent to cruise off Ostend, so as to stop the Ostend East India Company's ships sailing out: such a measure, he said, would please the English merchants and make the Anglo-French alliance more popular in the country; at the same time it would drive the emperor to declare war first, whereby he would only obtain the half-hearted support of Spain, whereas if Spain began hostilities on a quarrel of her own she would exert her strength much more effectively.¹⁴ However, Fleury, who meant if possible to have no war at all, showed so strong an objection to the scheme that it had to be dropped.¹⁵

¹¹ Add. MS. 32746, f. 242.

¹² Add. MS. 32747, f. 253.

¹³ Add. MSS. 32749, ff. 340, 380; 32750, f. 156.

¹⁴ Add. MS. 32748, f. 205.

¹⁵ *Ibid.* f. 306.

With such ample dispositions on the part of the emperor and the cardinal towards a peace the war in Germany, which seemed at one time inevitable, was averted. It is true that in May 1727 the French had at last agreed to a plan of operations against the emperor,¹⁶ and the duke of Newcastle heard that the emperor was already marching an army of 42,000 men on the Rhine to attack Hesse and Hanover;¹⁷ but these were only the precautionary measures of both sides to guard against the failure of the peace negotiations, which were already nearing completion. These negotiations, indeed, had been carried on for some six months or more. In November of the preceding year rumours had been current in England that the emperor was becoming alarmed and anxious to back out of a war,¹⁸ and they were so far true that immediately after the duke of Bourbon's fall the emperor had made suggestions for a reconciliation between France and Spain under his mediation both at Paris and at Madrid.¹⁹ In December the cardinal, convinced that for the moment nothing could be got from Spain, made overtures for a congress and a general settlement of disputes to the emperor,²⁰ proposals which in principle met the emperor's views.²¹ In February the emperor's proposal to France that the Ostend trade should be suspended for two years, that a congress should be held, and that he should mediate on the differences between France and Spain,²² was submitted to England. The English government rejected this scheme, and on $\frac{1}{2}$ February proposed instead of it that the following heads of preliminaries should be agreed to by England, France, Holland, the emperor, and Spain, and that a final settlement should be arrived at in a congress of the powers:—

i. The Ostend trade was to be nominally suspended, but really abolished.

ii. That trade privileges with Spain and the Indies should be restored as they were before the treaty of Vienna of 30 April 1725, and that the special privileges granted to imperial subjects should be withdrawn.

iii. That a state of *uti possidetis* should be declared.

iv. That no disturbances should be allowed in the north.

v. That when these stipulations were fulfilled the Spanish galleons and the Ostend ships belonging to the emperor should be allowed to return to Europe.

vi. That the treaties of Vienna and of Hanover should be maintained.²³

To these proposals France agreed, with the slight alteration of making the suspension of the Ostend trade to be for seven years

¹⁶ See above, p. 69.

¹⁷ Add. MS. 32750, f. 267.

¹⁸ Add. MS. 32748, f. 356.

¹⁹ Baudrillart, iii. 259.

²⁰ Syveton, *Une Cour*, &c., p. 243.

²¹ Add. MS. 32748, f. 448.

²² Baudrillart, iii. 330.

²³ Add. MS. 32749, f. 161.

instead of indefinitely.²⁴ The emperor, however, more from an obstinate sense of punctilio than from any objection to these terms, allowed negotiations to drift on for some time. The incident of Count Palm intervened, military preparations were continued on both sides, and on 2 May the cardinal addressed an ultimatum to the emperor that unless the terms were agreed to within a month war would be declared.²⁵ The cardinal was well aware that it would not be necessary to carry his threat into operation; and so it proved, for on 31 May the plenipotentiaries of England, France, Holland, and the emperor in Paris affixed their seals to preliminaries of peace almost exactly similar to those proposed by the duke of Newcastle in February, with an additional provision to regulate the meeting of a congress to settle minor differences.²⁶ A fortnight later the Spanish ambassador in Vienna, now that Spain was thus left in the lurch by the emperor, grudgingly gave in his adhesion to these terms.

When the preliminaries of peace were signed Spain found herself isolated in Europe. She was at war with England; she was holding France, who was only too anxious for a reconciliation, at arm's length; and now her ally, on whom she had already squandered much treasure, was deserting her. It must be admitted that this unfortunate predicament was chiefly due to the obstinacy of the king and queen, and to the extravagant behaviour of Ripperda, although it is also to a certain extent attributable to the engagement into which Spain had entered to provide the emperor with a subsidy. England indeed, who had no cause for quarrel with Spain, but was anxious for the sake of her commerce to preserve good relations, was, on the contrary, almost forced into war by Spain in spite of continued efforts in concert with France to bring the Spanish government to an understanding.²⁷

The first result, as we have stated, of the news of the treaty of Vienna was that in July 1725 the king and queen of Spain demanded with menaces the surrender of Gibraltar, and though subsequently their tone became less arrogant, when they found that threats had no effect on England,²⁸ they by no means lost sight of the subject.²⁹ Meanwhile the English government, especially Sir Robert Walpole, though not blind to the danger of a sudden attack on Gibraltar or on the British Isles for the sake of the Pretender,³⁰ showed an almost exaggerated anxiety not to provoke hostilities by any action of their own. In November, for

²⁴ Add. MS. 32749, f. 203.

²⁵ Baudrillart, iii. 332.

²⁶ *Ibid.* p. 337.

²⁷ Syveton, p. 124.

²⁸ Add. MS. 32744, f. 140 (September 1725).

²⁹ *Ibid.* f. 498 (Nov. 1725).

³⁰ Cf. Add. MS. 32687, f. 101 (June 1725) and f. 155 (Sept. 1725), duke of Newcastle to Lord Townshend.

example, intelligence was brought that Spain had sent some ships to Ireland, probably with a cargo of arms for the disaffected, and orders were sent from Hanover, where the court was, to have the ships seized ; but Sir Robert objected to any such drastic measures. ' I hate the word " seizing," ' he wrote³¹ to the duke of Newcastle, and suggested that the order to Lord Carteret should be so worded that he should only search instead of seizing the vessels.

But the proceedings in Spain were fast driving matters to a rupture. Ripperda after completing the second treaty of Vienna returned to Madrid on 11 Dec. 1725. Already in Vienna his boastful and menacing language against England and France had shown pretty plainly what his intentions were, and as soon as he landed in Barcelona his language became even more outrageous ; he talked of pillaging and breaking up France, of turning George I out of his German dominions, and of putting the Pretender on the throne of England. There is very little doubt that at this time he wanted war, and used this provocative language advisedly, since he knew that the chief object of his policy, the marriage of Don Carlos with the eldest archduchess, could never be brought about unless the emperor were forced by a war to buy Spain's active assistance in that way. As long as he was only the Spanish ambassador to Vienna his threats might be ignored as coming from an agent without any great sense of responsibility ; but the highest significance became attached to his talk by his being on his return immediately invested with the functions of the whole Spanish ministry. But he had no plan of action of any kind. One of his first preoccupations was to replace Spain on a footing which would enable her to carry on a war ; so he put schemes on paper for repairing the fortifications of the country, for increasing the army and navy, and for putting some order into the finances ; but the schemes never got beyond the paper they were written on, as he had not the application even if he had had the time to carry them out. In his attitude to England, France, and Holland he alternately used the language of bluster and of cajolery. At one moment he would threaten the Dutch with an ultimatum if they joined the treaty of Hanover, at another he would think to frighten England by revealing the secret articles of the treaty of Vienna ; then with a sudden veer round he would go to the English and Dutch ambassadors and send secret messages to France, telling each power separately that his quarrel was only with the others, and confiding to each in turn what his plans were against the others, in the absurd attempt to sow dissension among them and divide them. Stanhope, whose despatches give an excellent picture of the man,³² showed considerable ability in extracting from him a good deal of information,

³¹ Add. MS. 32687, f. 184.

³² See Coxe, *Walpole*, ii. 572 *sqq.*, and cf. Syveton, pp. 161 *sqq.*

without giving him any encouragement. Very soon Ripperda began to see that Spain was quite unprepared for a war, and, far from being in a position to pay the subsidies agreed to by treaty, for which the emperor was pressing, was not even able to pay her own way; so he became wilder in his confidences and more anxious to avert the outbreak of hostilities. He proposed mediâtion or a congress to settle the question of the Ostend trade, and made every effort to get either France or England on his side. But the effect of his wild conduct was totally different from what he now wished; the Hanover powers, looking only to his menaces and paying no attention to his treacherous confidences, drew closer together. England especially was alarmed, and forthwith took energetic measures to safeguard her interests. In April 1726 a fleet was sent under Admiral Hosier to the West Indies, with instructions to waylay and stop the Spanish treasure fleet. The effect of this move was paralysing to Spain, for in her bankrupt condition her sole hope of being able to meet her engagements to the emperor or of improving her own defences was in the treasure to be brought back in the galleons.³³

Another effect of this step, which was, perhaps, not so much to the advantage of England, was that it brought to an abrupt termination Ripperda's ridiculous career in Spain.³⁴ The emperor, who had hitherto borne patiently with his vagaries, now instructed his ambassador, Königseck, to press vigorously for the payment of the subsidy which was becoming necessary to satisfy German princes who had made engagements with him, and which Ripperda had hoped to pay when the galleons arrived. Königseck soon obtained such a position of influence at the Spanish court that he succeeded in everything but name to the confidential post of *ministre de famille*, which the French ambassadors had previously held since the accession of the Bourbon line. He had private audiences of the king and queen whenever he liked, and gradually became their chief adviser. He had at first kept on as close terms of intimacy with Ripperda as the latter's erratic nature would allow him, but becoming convinced that his professions were absolutely untrustworthy, and his capacity for sustained action of the meanest, he now brought about his ruin. In this he had no great difficulty, for he found the king seriously alarmed at the state into which Ripperda was getting the finances, and the queen, who had hitherto supported him as the author of her favourite treaty, just as dissatisfied with his inexplicable conduct. On 14 May 1726 Ripperda was dismissed from all his employments, and though no ignominy was attached to him, and he was gratified with a pension, he became so much alarmed at what his numerous enemies might do that he fled to the house of the English ambassador.

³³ Add. MS. 32745, f. 461.

³⁴ Add. MS. 32746, f. 111.

Stanhope made no difficulty about giving him asylum, and in return extracted from him a full confession of all the provisions of the treaties of Vienna and of the plans designed against England and her allies. These plans included all the stipulations to be found in these treaties, as well as some wild schemes for the invasion of England by the Pretender and for the partition of France and the succession of Don Philip, Philip and Elizabeth's second son, to that crown if Louis XV died, and a design on the part of the emperor and the king of Spain to extirpate the protestant religion from Europe. According to Ripperda the king of Spain held this last object so much at heart that he proposed to sell grandeeships of Spain, all the offices he could dispose of, and even to his shirt to obtain money for the purpose. Much of all this confession no doubt originated solely in Ripperda's disordered imagination and in a laudable desire to pay Stanhope well for his lodging; but what was undoubtedly true was so inextricably mixed up with the false that there was every reason to justify England's energetic action against Spain, all the more as the exact purport of the secret articles in the Vienna treaties was never known at the time, and has, in fact, only recently been brought to light by M. Syveton's researches in the Vienna archives. At any rate Stanhope himself attached so much importance to these confidences that he would not trust them even to cipher at first, but sent his subordinate, Keene, to deliver them by word of mouth in England.³⁵ But Ripperda found that even this treachery was no defence to him, for Philip V became so alarmed at the possibility of Ripperda's blabbing that, after ineffectual attempts to entice him out, he went so far as to violate the right of ambassadors by sending an armed force to extract him from Stanhope's house. Ripperda, to complete his history, was thence taken to the Alcazar of Segovia, and after an imprisonment there for more than two years he succeeded in escaping by the help of a servant girl. He then fled to England, where he seems to have had some vague hope of entering the service of the king of England as he had that of the king of Spain, so little knowledge had he of English methods of government. However, an interview with Townshend, arranged with extraordinary precautions for secrecy at Dr. Bland's at Eton, probably convinced him that he would waste his time here, and he finally retired to Morocco, where, according to some accounts, after having been a protestant in Holland and a catholic in Spain, he is said to have embraced Mohammedanism; but his latest historian, M. Syveton, gives reasons for discrediting the story of this last change of religion, though there is no doubt of the fact that he died at Tetuan in 1737.³⁶

³⁵ See Coxe, *Walpole*, ii. 606 (B. Keene to the duke of Newcastle), and Add. MS. 32747, f. 35 (Stanhope to the same, 30 July 1726).

³⁶ Cf. Syveton, pp. 214 *sqq.*

The disgrace of Ripperda had no appreciable effect on the course of affairs in Europe. The duke of Newcastle, on receipt of the news, wrote off on ^{28 May}_{3 June} to France that there should be no change in the arrangements already made, lest an impression should gain ground that the allies were disconcerted by the event.³⁷ The fleet sent under admiral Hosier had, though ostensibly directed against Spanish commerce, been really intended more as a blow against the emperor than against Spain, since it was known that the money to be brought back by the fleet would go very largely in helping the emperor to complete his combinations in Germany. But Ripperda had already answered this demonstration by sending a force of 12,000 troops into Galicia, nominally to protect the Spanish coast, but really, it was suspected, to support a descent on England by the Pretender; and the South Sea Company's ship the 'Prince Frederick' was kept as a hostage at Vera Cruz in retaliation for Hosier's blockade of Porto Bello. In view of such a contingency the English government decided to send out another fleet, under Sir John Jennings, to cruise off the coasts of Spain,³⁸ and act as a more direct menace to that power against engaging in hostilities. Nevertheless England was still anxious to act strictly on the defensive and not undertake a war with Spain unless it were provoked. This fleet was not sent out until France had been consulted on the subject, and when, after nearly a month's interchange of views, Fleury asked that it should be delayed another fifteen days the English government acquiesced.³⁹ It was just at this time that Fleury had entered into office, and he was making renewed efforts to settle the differences with Spain. The duke of Newcastle not only favoured these efforts, but declared that England would rejoice at the renewal of friendly relations between the two countries.⁴⁰ This conciliatory attitude of England was still further proved by her conduct in reference to an incident which might well have provoked stronger measures. The gross violation of international right involved in the king of Spain's seizing the duke of Ripperda in the house of the English ambassador could not be passed over in silence by the king of England, and might have been an excuse for breaking off all diplomatic relations if he had been so minded. But so anxious were the English government not to put any difficulties in the way of the reconciliation which France was trying to bring about that at Fleury's request they considerably toned down the despatch sent to Stanhope on the subject,⁴¹ and finally appear to have allowed the matter to drop entirely out of sight. Direct attempts were even made by the English government to draw Philip away from his engagements to

³⁷ Add. MS. 32746, f. 129.³⁸ *Ibid.*³⁹ *Ibid.* f. 285 ($\frac{13}{24}$ June 1726).⁴⁰ *Ibid.* f. 242.⁴¹ *Ibid.* ff. 220, 301.

the emperor and to make a separate peace. In August Stanhope, who, as France was not officially represented at Madrid since the infanta's return, had to represent French interests as well as English, was instructed to present a joint despatch on behalf of the two countries, urging Philip to adopt this course, and pointing out to him that by the provisions of the treaty of Vienna the states appropriated to the infants in Italy would fall into the emperor's hands; ⁴² and Horace Walpole revised and approved of a letter sent by Fleury to the king of Spain's confessor, containing an urgent request to renew the alliance. ⁴³

However, these representations had no weight with the king and queen of Spain, not unnaturally, considering that Hosier was blockading Porto Bello and Jennings's fleet was coasting about Spain in a menacing fashion. Means were found, in spite of the detention of the galleons, to send over large sums to the emperor for his military preparations; ⁴⁴ already, under the energetic direction of Don José Patiño, the Spanish coast towns had been put in a state of defence; stringent orders had been sent to the West Indies, and troops had been moved to the frontiers; and in August an explanation was demanded of England for the presence of the fleets. ⁴⁵ A memorial justifying the despatch of the fleets was immediately sent by the duke of Newcastle, ⁴⁶ and in answer to further complaints about the stopping of the galleons ⁴⁷ he set forth at length the grievances which had necessitated this act in self-defence. They were—

- i. Ripperda's insolent boasts.
- ii. The demand for Gibraltar.
- iii. The open support of the Pretender and his agents.
- iv. The secret treaty with the emperor.
- v. The support given to the Ostend East India Company.
- vi. Various minor acts of hostility and piracy. ⁴⁸

Spain indeed seemed quite determined on a rupture with England, and deliberately set to work embittering matters by various petty acts of annoyance. When sending their own demands to England they stopped Stanhope's courier, who was taking necessary explanations to his court, and in November they adopted the excuse of a plague in the Levant to exclude English, French, and Dutch ships from the Spanish ports. ⁴⁹ In face of all these provocations the English ministry had at last reluctantly to come to the view, which Stanhope had expressed more than a year before, ⁵⁰ that war was inevitable, and when they had come to this view they showed no disposition to be taken unprepared. A scheme was

⁴² Add. MS. 32747, ff. 177, 214.

⁴³ *Ibid.* f. 218. ⁴⁴ Add. MS. 32746, f. 326.

⁴⁵ Add. MS. 32747, f. 265.

⁴⁶ *Ibid.* f. 338.

⁴⁷ Add. MS. 32748, f. 67.

⁴⁸ *Ibid.* f. 142 (October 1726).

⁴⁹ *Ibid.* f. 356.

⁵⁰ Add. MS. 32743, f. 414 (July 1725).

made for assembling troops in our American colonies to threaten the Spanish possessions,⁵¹ and though at first it was difficult to persuade the French that this was not an insidious design of England to annex more territory in America⁵² their suspicions were allayed and the plan agreed to in December.⁵³ These preparations were moreover amply justified by the news, which arrived in the same month, that the Spaniards were making trenches before Gibraltar, with the object of attacking that place;⁵⁴ and on 1 Jan. the Spanish ambassador in London broke off diplomatic relations by presenting an ultimatum to England wherein the immediate surrender of Gibraltar and the recall of the English fleets were demanded,⁵⁵ and then leaving the country. On 22 Feb. 1727 the Spanish army opened the trenches at Gibraltar, and war broke out between the two countries.

The English were thus forced into a war with Spain which they had never sought. At the congress of Cambray they had favoured the Spanish claims against the emperor, and even after the treaty of Vienna they showed no intention of withdrawing their support of Don Carlos's pretensions. They had every interest in keeping the peace with Spain, for though the license to indulge in contraband trade which the state of war gave to individual merchants was not unprofitable to them, the South Sea Company's trade suffered severely. But, as the duke of Newcastle expressed it, 'what has inflamed the nation is the repeated indignities and injuries put upon us by the Spaniards'⁵⁶—the plans meditated in favour of the Pretender, the petty annoyances recapitulated above, and the support given to the emperor in his campaign on behalf of the Ostend traffic. These circumstances rendered absolutely necessary the despatch of the fleets by England to Spain to stop any armaments for the Pretender, and to the Indies to prevent supplies being sent to the emperor. These fleets, it is true, formed part of the excuse which Spain made for war, but the continued demand for Gibraltar, followed by the attack on it, showed that the war could never have been avoided by England.

Although it thus appears that England was involved in a war with Spain directly in consequence of the treaty of Vienna, France was even more difficult to move to action against Spain in support of her ally than she was against the emperor. Fleury, apart altogether from any community of political interests between France and Spain, seems to have been anxious to effect a reconciliation between the courts for the more sentimental reason of relationship. For more than a year after he came into power, in spite of many discouragements, he carried on a secret correspondence with the king and queen of Spain to attain his object. The great

⁵¹ Add. MS. 32748, f. 306.

⁵² *Ibid.* f. 319.

⁵³ *Ibid.* f. 403.

⁵⁴ *Ibid.* ff. 403, 457.

⁵⁵ *Ibid.* f. 491.

⁵⁶ Add. MS. 32749, f. 120.

difficulty was that the sentiment by which, under ordinary circumstances, Fleury could best hope to move the king—his loyalty to France—had been deeply wounded by the insult to the infant; while the queen had no wish to be on good terms with France as long as there was a chance of the Austrian marriages. There was, however, one piece of self-interest by which the cardinal could appeal to Philip. The life of Louis XV was still rather precarious, and there were as yet no direct heirs to the French throne; so that in case of Louis's death Philip was still the nearest in the line of succession. It is true that Philip had made the most solemn renunciations possible of his claim, but, bigoted as he was in religion and ostensibly punctilious on his point of honour, he showed singularly little regard for the most solemn engagements when it suited him to break them. He preferred, of course, to be released in form by the ecclesiastical authorities, and it appears that he even went so far as to ask the pope for a dispensation from this oath; ⁵⁷ whether he obtained it is not known, but he acted as if he had, and until Louis XV had a son he kept up active relations with the party in France who favoured his pretensions. Of this party it seems clear now that Fleury, unknown to the English ministry, became one, and during most of the year 1727 he carried on a subterranean intrigue with Philip by the intermediary of the Abbé Montgon, a creature who could easily be disavowed.⁵⁸ Whether Fleury was using this particular negotiation merely as a bait to Philip or quite seriously, it is evident that it was impossible for him to belie his friendly professions by an active co-operation with England, or his labour would have been entirely wasted.

Even politically and apart altogether from these sentimental considerations France had no real cause for quarrelling with Spain. There was, no doubt, the question of the marriages between the infants and the archduchesses, which might have been prejudicial to French interests; but the French government were soon reassured on this point by the knowledge they gained that on the emperor's side these marriages were not seriously contemplated, but that his daughters had been secretly promised to the sons of the duke of Lorraine and the elector of Bavaria.⁵⁹ The French merchants also had more serious cause for dissatisfaction with the action of the English fleet when they found that, unlike the English merchants, they were actually the losers by the stoppage of Spanish trade. Whereas the English merchants, who used their own ships, found that the presence of an English fleet gave them impunity for an increased contraband trade, the French merchants, who were obliged to carry on their trade with the West Indies in

⁵⁷ Baudrillart, iii. 285-8.

⁵⁸ *Ibid.* iii. 276 *sqq.*

⁵⁹ *Recueil, &c.*, Espagne, iii. 116 (Fleury to Père Bermudez, Sept. 1726).

Spanish ships, soon discovered that when the Spanish treasure ships were detained their own goods were detained in them.⁶⁰ For the moment Horace Walpole succeeded in quieting the outcry and persuaded the French ministers that the grievance was not a genuine one, but got up by the intrigues of the party opposed to Fleury; ⁶¹ but when in March 1727 the English ministry urged France to join them in a declaration of war against Spain, as a proof of the vigour of the alliance and of the uselessness of the emperor to Spain,⁶² the complaints against England's action became even louder. The French declared that England had provoked hostilities by sending out a squadron to the West Indies, and that it had even been useless, as some of the treasure ships had returned; that the blockade of the Spanish coast was hurting French trade; and that the abrupt dismissal of Count Palm showed that England's intentions were not pacific. The duke of Newcastle dealt with the first point by showing that the French themselves had approved of the step, and though he admitted that some treasure ships had got through they had brought over only eight instead of thirty millions, and care should be taken that the rest of the treasure should not return. The provocation which Palm had given was easily shown to be amply sufficient, while as to the losses sustained by French merchants the duke did not hesitate to say that the English had suffered more.⁶³ Fleury must have been rather credulous if he attached much weight to the last assertion, but the general effect of these arguments was at last successful in bringing Fleury to announce that if the preliminaries were not promptly accepted he would declare war against Spain; ⁶⁴ and among the plans which Colonel Armstrong was instructed in April to press upon France was a diversion by a French army into Catalonia ⁶⁵ and the Biscayan coast.

But, as in the case of the emperor, the prosecution of these plans was not necessary. The war between England and Spain, which had been going on since February, did not result in very much. Admiral Hosier, who already in September 1726 had blockaded Portobello, contented himself with that measure, and was not entirely successful in stopping the whole of the trade fleet returning to Spain, as several ships eluded his vigilance. However most of them were kept back, as well as the galleons with treasure. In reprisal the Spaniards had detained and confiscated the South Sea Company's ship 'Prince Frederick' at Vera Cruz; and besides these actions there were various small acts of hostility by contra-band vessels on one side and *guardacostas* on the other. In Europe the English fleet maintained its blockade of the Spanish

⁶⁰ Add. MS. 32748, f. 156 (Oct. 1726).

⁶¹ *Ibid.* ff. 168, 194.

⁶² Add. MS. 32749, f. 265.

⁶³ *Ibid.* ff. 340, 380.

⁶⁴ *Ibid.* f. 416.

⁶⁵ Add. MS. 32750, ff. 6, 229.

ports, and the Spaniards carried on the siege of Gibraltar. But the siege made no impression on the garrison, who had been reinforced and were amply provisioned, and from the first there had been little hope of taking the place by storm. Indeed the first soldier to whom Philip had entrusted the task, the marquis de Villadarias, a brave and capable general, had had the courage plainly to tell the king that Gibraltar could not be taken and to refuse the command, which was accepted by the conde de las Torres, who was ignorant and had no such qualms about his own ability.⁶⁶

Thus when the preliminaries were signed by the emperor on 31 May 1727 Philip and Elizabeth, however much they felt inclined to pursue the war, had no choice but to bow to the inevitable and sign also. Gibraltar was evidently impregnable, their trade in the West Indies was stopped, their only sources of supply were cut off, and their last ally in Europe, the emperor, had made his peace. But though they allowed their ambassador at Vienna to sign for them it was soon apparent that the final settlement of European difficulties was by no means assured. The last two years of negotiation and combination had not been wasted, for they had given prudent statesmen a better insight into the aims and capacities of the various states, and shown what were the broad lines of policy on which one could rely in dealing with each. England notably, by her imposing display of naval strength and the ease with which she could equip no less than three fleets at a time, had learned more of her own strength and of the essential national unity which underlay even her dynastic divisions; and by this and the vast confederation which she had called to her banner she taught Europe also to respect her power. But the demonstration had its disadvantages, for France also saw what it meant and gradually began to break loose from the alliance which was beginning to menace her security. The emperor likewise was taught his lesson, for, though he was not immediately quite reconciled to England, he gave up his dream of becoming a maritime power, and saw that his only policy was to consolidate his strength in central Europe. The Spanish court was the only one still impenitent and untaught. After these two years she remained with the same aims and with the same obstinacy as at the congress of Cambray; with the additional delusion of still hoping for the Austrian marriages. She had to be shown that a great change had taken place since her glorious days of almost world-wide supremacy; and the lesson was taught her with extraordinary indulgence by England and France during the next two years.

BASIL WILLIAMS.

⁶⁶ Mahon, vol. ii. ch. xiv. p. 105.

Notes and Documents

BYZANTINES AND ARABS IN THE TIME OF THE EARLY ABBASIDS.

II. EXTRACTS FROM AL BALADHURI.

The Frontier of Al Sham.

AND, when Abu'l 'Abbas became Caliph, he assigned pay and lands to 400 men in Mopsouestia as an addition to its garrison. Then, when Al Mansur became Caliph, he assigned pay to 400 men in Mopsouestia. Then in the year 139 he ordered the city of Mopsouestia to be restored; and its wall had been thrown down by the earthquake, and its people within the city were few. And he built the wall of the city and settled its people in it in the year 140 and named it Al Ma'mura.¹⁸² And he built a great mosque there on the site of a temple which was in the city and made it many times the size of 'Umar's mosque.¹⁸³

And Al Mansur assigned pay to 1000 men in it. Then he removed the men of the booths¹⁸⁴ (Persians and Slavonians and Nabataean Christians whom Marwan had settled in it) and gave them land in the city instead of their dwellings in proportion to their size; and he pulled down their dwellings and helped them to build. And he allotted to the garrison lands and houses. And, when Al Mahdi became Caliph, he assigned pay to 2000 men in Mopsouestia, but not lands, for it was garrisoned by regulars and volunteers, and a garrison used always to come from Antioch every year until Salim the Barallusi became wali of it; and instead of land he assigned to 500 soldiers additional pay of 10 denarii each. And those in it were many and powerful; and that was in the caliphate of Al Mahdi. And I was told by Mahomet the son of Sahn on the authority of the old men of the frontier: they said: The Romans pressed Mopsouestia hard in the first days of the beneficent dynasty,¹⁸⁵ until they evacuated it. And Salih the son of 'Ali sent Gabriel the son of Yahya, the Bagali, to it, and he restored it and settled the men in it in the year 140.¹⁸⁶ And Al Rashid built Kafarbayya; and it is said, No, it was begun in Al Mahdi's caliphate; then Al Rashid built it on a better plan and fortified it with a trench.

¹⁸² *I.e.* 'the colonised' or 'restored.'

¹⁸³ See *Journ. Hellenic Soc.* xviii. 205.

¹⁸⁴ *Ibid.*

¹⁸⁵ *I.e.* the Abbasids.

¹⁸⁶ It would appear from Theoph., A.M. 6264, that it was in the possession of the Romans in A.D. 772.

And Abu'l Nu'man the Antaki and others say: Adana was built in the year 141 or 142, and forces taken from the men of Khurasan were encamped on the spot with Maslama the son of Yahya, the Bagali, and of the men of Al Sham with Malik the son of Adham, the Bahli, who were sent by Salih the son of 'Ali. They say: And in the year 165 Al Mahdi sent his son Aaron Al Rashid to raid the land of the Romans, and he reached the Khalig. Then he went out and restored Mopsouestia and its mosque, and increased its garrison and supplied arms and provisions to its people. And he built the fort by the bridge of Adana¹⁸⁷ on the Saihan [Saros]; and Al Mansur had sent Salih the son of 'Ali to raid the land of the Romans, and he sent Hilal the son of Dhaigham with a force taken from the men of Damascus and Jordan and others and built that fort; but it was not strongly built, and Al Rashid pulled it down and rebuilt it. Then in the year 194 Abu Sulaim Farag, the slave, built Adana, and he built it strongly and fortified it; and he sent to it men taken from the inhabitants of Khurasan and others with increase of pay, and that by order of Mahomet the son of Al Rashid; and he restored the fort of Saihan.¹⁸⁸ Now Al Rashid had died in the year 193, and Abu Sulaim was his commissioner of tithes in the frontier district, and Mahomet confirmed him in his post. . . . And I was told by Mahomet the son of Sa'd on the authority of Al Wakidi: he said: Al Hasan the son of Kahtaba, the Tai, raided the Roman territory in the year 162 with the men of Khurasan and the men of Al Mausil and Al Sham and auxiliaries from Al Yaman and volunteers from Al 'Irak [Babylonia] and Al Hagaz, starting from over against Tarsos; and he spoke to Al Mahdi about building and fortifying and garrisoning it. . . . And in that raid Al Hasan had shown conspicuous prowess and subjugated the land of the Romans, until they called him 'Satan' . . . And I was told by Mahomet the son of Sa'd: he said: I was told by Sa'd the son of Al Hasan: he said: When Al Hasan came out of the Roman territory, he came to the meadows of Tarsos and rode to the city, which was in ruins; and he looked at it and went all round it and counted the numbers of its inhabitants and found them to be 100,000. And, when he came to Al Mahdi, he told him of its condition and spoke to him about building and garrisoning it. . . . And he informed him about Adana also, saying that he wished to build the city. And he ordered him to build Tarsos and to begin the city of Adana; and it was built. And Al Mahdi ordered the building of Tarsos: and in the year 171¹⁸⁹ Al Rashid heard that the Romans had thought of marching to Tarsos to fortify it and post soldiers in it; and he sent Harthama the son of A'yan on the raid in the year 171 or the year 191 and told him to restore Tarsos and rebuild it and make it a great city. And he did so, committing the affair to the hands of Farag the son of Sulaim,¹⁹⁰ the slave, by Al Rashid's order. And he appointed Farag to superintend the building, and Abu Sulaim sent to the City of Peace and fetched the first occupying force from the men of Khurasan, 3,000 men,

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Cf. p. 740

¹⁸⁷ See *J. H. S.* xviii. p. 205.

¹⁸⁸ This must mean the fort at the bridge of Adana mentioned above, not the town of Saihan, which according to Al Mas'udi (*Tanbih*, p. 58) was at the source of the Saros near Melitene.

¹⁸⁹ *V.l.* 191.

¹⁹⁰ An error for Abu Sulaim.

and they came to Tarsos. Then he brought the second force, 2,000 men, 1,000 of the men of Mopsouestia and 1,000 of the men of Antioch, with an addition of ten denarii to each man's pay beyond the usual rate. And they encamped with the first force at Al Madain¹⁹¹ by the gate of holy war on Al Muharram 1 in the year 172 [11 June 788]¹⁹² until the building and fortifying of Tarsos was finished and the building of its mosque. And Farag measured the distance from river to river, and it was 4,000 plots of land, each plot being about twenty cubits. And he allotted the lands to the men of Tarsos and established the two forces there in the month of Rabi' II in the year 172 [8 Sept.-6 Oct.]¹⁹³

Mahomet the son of Sa'd said: I was told by Al Wakidi: he said: The men of Sision migrated and reached the high land of the Romans in the year 194 or 193, and Sision is the city on the hill of Anazarbos.

They say: And the fort called Dhu'l Kila' is really the fort of Dhu'l Kila',¹⁹⁴ because it is on three rocks, and its name has been wrongly written: and the meaning of its name in Roman is 'the fort that is with the stars.'¹⁹⁵ And they say: Kanisat Al Sulh¹⁹⁶ was so called because the Romans, when they brought their peace-tribute to Al Rashid, took up their quarters there. . . They said: And Al Mahdi sent his son Aaron Al Rashid on a raid in the year 163, and he besieged the people of Dhamalu (and that is the place which most men call Samalu); and they asked him for security for the lives of ten of the inhabitants of the houses, including the count;¹⁹⁷ and he agreed to this. And it was stated in their treaty that he should not separate them; and he settled them in Bagdad by the gate of Al Shammasiyya, and they called their quarters Samalu, and by that name the place is known. And it is said: No, they surrendered at Al Mahdi's discretion, and he gave them their lives and

¹⁹¹ Clearly not the city on the Tigris, but apparently a quarter of Tarsos.

¹⁹² If, as seems probable, the year was not 172 but 192, the date is 6 Nov. 807. A Tabari puts the building by Farag in 170, but the mention of Harthama points to the later date, as does the fact that Al Baladhuri himself makes Farag build Adana in 194. Ibn Al Athir, who seems to follow Al Baladhuri, places it in 192. There seems to be a confusion between the two rebuildings. Al Mas'udi, however (*Tanbih*, p. 189), places Farag's rebuilding in 171.

¹⁹³ Or, in 192, 3 Feb. to 2 March 808.

¹⁹⁴ *I.e.* possessing rocks.

¹⁹⁵ So Ibn Khurdadbah (p. 108), who gives the name as Gusastaron (*ἐγγὺς ἀστέρων*), and Al Mas'udi (*Tanbih*, p. 178), who gives it as Khiyustra or Khisutra. If this is, as De Goeje thinks, Kybistra, it is the same as Herakleia, the capture of which is then recorded twice (*ante*, vol. xv. 745); but, if Kybistra and Kyzistra are different places (Ramsay, *H. G.* pp. 306, 357 note), it may be the latter, which is very near *ἐγγὺς ἀστέρων*. In any case Professor Ramsay's identification with Andrasos (*H. G.* pp. 340, 445, 448) must be given up. Sideropalos, however (from *σίδηρος*), fairly represents Dhu'l Kila' (Dhu'l Kila' seems to be only a guess), and may have been the official name. Andrasos, if identified with any of the places mentioned by the Arabs, must be Al Safsaf, though Ibn Khurdadbah (p. 100) seems to place Al Safsaf by the Cilician Gates.

¹⁹⁶ *I.e.* church of the peace.

¹⁹⁷ For the military counts see Const. Porph. *de Caer.* 2. 52. This passage, which is at variance with Al Tabari, can hardly be right. It seems clear that more than ten were taken to Bagdad.

gathered them together in that place and ordered it to be called Samalu. And Al Rashid gave orders, and those that remained in the fort were put up to auction and sold; and an Abyssinian who had been insulting Al Rashid and the Moslems was taken and crucified on one of the towers. And I was told by Ahmad the son of Al Harith, the Wasiti, on the authority of Mahomet the son of Sa'd, who had it from Al Wakidi: he said: In the year 180 Al Rashid ordered the city of Anazarbos to be built and fortified; and he sent a military force to it of the men of Khurasan and others and assigned them quarters in it. Then in the year 183 he ordered Al Haruniyya to be built, and it was built; and it also was supplied with soldiers and such volunteers as came ¹⁹⁸ to it; and it was named after him. And it is said that he built it in Al Mahdi's caliphate, and then it was finished in his own. They say: And the black church ¹⁹⁹ was made of black stones, having been built by the Romans after the manner of the time; and there was an old fort there which was destroyed with what was destroyed: and Al Rashid ordered the city of Al Kanisa Al Saudaa to be built and fortified and sent soldiers to it with extra pay. And I was told by a man of the frontier, 'Azzun the son of Sa'd, that the Romans attacked it while Al Kasim the son of Al Rashid was stationed at Dabik; and they drove before them such of its inhabitants as were on foot and took many of them prisoners. And the men of Mopsouestia and the volunteers came out against them and recovered all that had fallen into their power; and they killed some of them, and the rest returned discomfited and routed. And Al Kasim sent a man who fortified and restored the city, and he added to its garrison.

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The Frontier of Al Gazira.

They say: And Constantine the Emperor had besieged it [Arsamosata] after his stay at Melitene in the year 133, but could not do anything there. And he attacked the surrounding country and then returned.²⁰⁰

And in the year 149 Al Mansur . . . sent . . . Al Hasan the son of Kahtaba on a raid, and after him Mahomet the son of Al Ash'ath, and over them he set Al 'Abbas the son of Mahomet, and he ordered him to make a raid on Kamachon ²⁰¹ with them. And Mahomet the son of Al Ash'ath died at Amida, and Al 'Abbas and Al Hasan marched till they reached Melitene and took provisions from it. Then they besieged Kamachon, and Al 'Abbas ordered the engines to be set up against it: and for their fortifications they used cypress-wood that the stones from the engines might not hurt them; and they hurled at the Moslems and

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¹⁹⁸ Reading *naza'a* for *nazaha* (De Goeje in Addenda).

¹⁹⁹ *Al Kanisa al Saudaa*.

²⁰⁰ 'Dion.' states that Arsamosata was taken by the Romans some time after 768, but recovered before he wrote in 775. The capture by the Romans was probably in 770, in which Theophanes places an invasion of Armenia IV. Michael mentions a removal of the inhabitants to Al Ramla in Palestine some time after 769.

²⁰¹ It appears from Ibn Wadhih (*ante*, note 28) that in 141 Kamachon was in the power of the Arabs. It must therefore have been taken by the Romans at some time between 141 and 149. Possibly, however, the Khamkh which was built in 141 was another place, since the context suggests a site further north and east than Kamachon.

killed 200 of them with the stones. And the Moslems prepared pent-houses and fought bravely till they took it.²⁰²

Then, indeed, the Romans occupied Kamachon; and in the year 177 Mahomet the son of 'Abd Allah the son of 'Abd Al Rahman the son of Abu 'Amra, the Ansari, who was governor of Arsamosata for 'Abd Al Malik the son of Salih, made a raid and took it; and he entered it on the 14th of Rabi' II in this year [29 July, 793].²⁰³ And it continued in subjection till the confusion of the time of Mahomet the son of Al Rashid, when its people fled from it and the Romans took possession of it. And it is said that 'Ubaid Allah the son of Al Akta' surrendered it to them and delivered his son, who was a prisoner with them.

Al Wakidi says: In the year 133 Constantine the emperor advanced towards Melitene; and Kamachon was then in the hands of the Moslems, and its governor was one of the sons of Sulaim. And the men of Kamachon sent a man to the men of Melitene to ask aid; and 800 horse-men from among them went out against the Romans, and the Roman cavalry met them and routed them. And the Roman turned aside and besieged Melitene and blockaded those in it. And Al Gazira was then in disturbance, and its governor, Moses the son of Ka'b, was in Harran.²⁰⁴ And they sent a messenger to him on their own behalf, but he could not help them. And Constantine heard this and said to them, 'Men of Melitene, I have not come to you except because I know your condition, and that your Sultan is occupied elsewhere. Surrender on security for your lives and leave the city for me to dismantle, and I will retire from you.' And they refused. And he set up the engines against it; and, when they were in sore straits and the siege pressed them hard, they asked him to make a compact with them, and he did so. Then they prepared to depart; and they carried such things as they could carry easily, and many things which were too heavy for them they threw into the wells and river-beds.²⁰⁵ Then they came out; and the Romans stood to receive them in two lines from the city-gate as far as their force reached, with their swords drawn and each man's sword-point touching the sword-point of the man opposite, so that it was like the arch of a bridge. Then they escorted them until they reached a place of safety; and they turned

²⁰² According to Theoph. and 'Dion.' they failed to take it. 'Dion.' agrees with Al Baladhuri as to the date, but Theophanes places it in 769 and calls the general 'Abd Allah.

²⁰³ It was betrayed by some Armenians because they had not been rewarded by the emperor for their treachery to their comrades of the disaffected Armeniae theme (Theoph.).

²⁰⁴ Al Tabari places the revolt of Mesopotamia in 132, and, since the siege of Karrhai, with which it began, lasted only two months, the siege of Melitene must, if this date is right, have been at latest in the autumn of 750; and with this agrees 'Dion.,' who places it in A.S. 1062. Ibn Wadhih indeed places the revolt of Mesopotamia in 133, but the siege of Melitene cannot have been in the summer of 751, for Constantine was at Constantinople at Whitsuntide (Theoph., A.M. 6241). Theophanes and Michael can hardly be right in placing the capture in 751/2, for the revolt of Mesopotamia lasted at least nine months, and ended on the receipt of the news of Marwan's death (25 July 751; see *Byz. Zeitschr.* viii. 96). Nikephoros, however, makes Constantine go to Melitene immediately after Leo's coronation (6 June 751).

²⁰⁵ For *makhabi* (hiding-places) I read with Ibn Al Athir *magari*.

towards Al Gazira and were scattered over it. And the Romans demolished Melitene and left none of it except a granary, and of that they destroyed a small part. And they demolished the fort of Klaudias.²⁰⁶ And in the year 139 Al Mansur wrote to Salih the son of 'Ali telling him to build and fortify Melitene. Then he decided to send 'Abd Al Wahhab, the son of Abraham the Imam, as wali of Al Gazira and its frontier. And he sent him in the year 140, and with him Al Hasan the son of Kahtaba with forces taken from the men of Khurasan; and he levied contingents from the men of Al Sham and Al Gazira, and the full number with him was 70,000; and he encamped by Melitene (and he had collected workmen from every country) and set himself to build it. . . .

P. 743

'Dion.'
A.S. 1072

And the men worked hard until they finished building Melitene and its mosque in six months; and for the force which was quartered in it there were built for each *'irafa* two two-storied houses and a stable (and a *'irafa* is from 10 to 15 men). And an outpost was built for it 30 miles from it, and an outpost on the river called Kubakib²⁰⁷ which flows into the Euphrates. And Al Mansur quartered 4,000 soldiers in Melitene of the men of Al Gazira, because it is on their frontier, with an addition of 10 denarii to each man's pay, and a money-supply of 100 denarii besides the pay which the tribes fixed among themselves:²⁰⁸ and he stored in it the due supply of arms and distributed sowing-lands among the army. And he built the fort of Klaudias. And Constantine the emperor advanced with more than 100,000 men and encamped on the Gaihan; and he heard of the large numbers of the Arabs and was afraid to attack them. . . . And in the year 141 Mahomet the son of Abraham was sent on a raid to Melitene with a force of the men of Khurasan, and over his guard was Al Musayyab the son of Zuhair. And he watched the frontier there lest the enemy should seek to seize it; and all that remained of its inhabitants returned to it. And the Romans came to Melitene in the caliphate of Al Rashid but could not take it: and Al Rashid made a raid upon them and inflicted hurt and damage upon them. . . .

P. 733

And it [Mar'ash] was built and fortified by Salih the son of 'Ali in the caliphate of Abu Ga'far Al Mansur: and he sent men to it with extra pay.²⁰⁹ And Al Mahdi became Caliph and increased its garrison and supplied its people with arms and provisions. I was told by Mahomet the son of Sa'd on the authority of Al Wakidi: he said: Michael went out by the pass of Adata with 80,000 men and came to the Vale of Mar'ash²¹⁰ and slew and burnt and carried captive many Moslems and came to the gate of the city of Mar'ash;²¹¹ and in it was 'Isa the son of

P. 735

Theoph.
A.M. 6270

²⁰⁶ Michael makes them overrun Armenia IV.

²⁰⁷ *I.e.* loquacious, now the Tokhma Su. The Greek name is uncertain.

²⁰⁸ *I.e.* as pay for substitutes.

²⁰⁹ Probably on the occasion on which, according to Michael, the people of 'Germanikeia, which is Mar'ash, were removed to Al Ramla (*μετεποικήθη εις Παλαιστίνην*, Theoph.) on suspicion of being Roman spies. Theophanes places this in A.M. 6262 (770), Michael in A.S. 1080 (769).

²¹⁰ Also known as Al A'mak (the valleys). Syriac writers call it the Vale of Antioch (see *J.H.S.* xviii. 189).

²¹¹ *Ἡμελλον παραλαμβάνειν καὶ τὴν Γερμανίειαν.*—Theoph.

'Ali, who had made the raid that year. And the maulas of 'Isa and the inhabitants and soldiers of the city went out against him and shot arrows at him. And he pretended to flee from them until, having drawn them away from the city, he turned round upon them and slew eight of 'Isa's maulas, and the rest sought refuge in the city and shut the gates, and he besieged them in it. Then he retreated till he reached the Gaihan.²¹² And the news came to Thumama the son of Al Walid, the 'Absi, who was at Dabik and had led the summer-raid in the year 161; and he sent against him a large force of cavalry, and they were struck down except such as escaped.²¹³ And this irritated Al Mahdi, and he made vigorous preparations to send Al Hasan the son of Kahtaba²¹⁴ on a raid in the following year, *i.e.* the year 162.

Theoph.
A.M. 6271

P. 735

Then in the year 161 Michael went out to the Vale of Mar'ash; and Al Mahdi sent Al Hasan the son of Kahtaba, who marched into the country of the Romans, and his attacks pressed heavily upon its inhabitants until they made pictures of him in their churches;²¹⁵ and he came in by the pass of Adata. And he looked at the site of the city and was told that Michael came out that way; and Al Hasan wished to fix his city there, and on his return he spoke to Al Mahdi about building it and Tarsos; and he ordered the city of Adata to be built first. . . . And it was begun by 'Ali the son of Solomon the son of 'Ali, who was over Al Gazira and Kinnasrin; and it was named Al Muhammadiyya. And Al Mahdi died at the time when they finished building it; and it is called Al Mahdiyya and Al Muhammadiyya.²¹⁶

P. 736

And it was built of brick, and his death was in the year 169. And Moses Al Hadi, his son, became Caliph and deposed 'Ali the son of Solomon, and made Mahomet the son of Abraham the son of Mahomet the son of 'Ali wali of Al Gazira and Kinnasrin. And 'Ali the son of Solomon had finished building the city of Adata, and Mahomet stationed troops in it of the men of Al Sham and Al Gazira and Khurasan, to be paid at the rate of 40 denarii. And he assigned them dwellings and gave all the amirs 300 drachmai. And its completion was in the year 169. And Abu'l Khattab says: 'Ali the son of Solomon assigned pay to 4,000 men in the city of Adata and settled them in it; and he transferred to it 2,000 men from Melitene and Arsamosata and Samosata and Kaisum²¹⁷

²¹² Theophanes says he was bribed.

²¹³ Πέμψας Θ. στρατὸν ἐκ τοῦ Δαβέκου καὶ ἀμυράδας ἐπολέμησαν μετὰ τῶν 'Ρ., καὶ ἔπεσαν πέντε ἀμυράδες καὶ δύο χιλιάδες Ἄραβες. Theoph.

²¹⁴ Θουμωθὲς . . . Μαδί πέμπει τὸν Ἄσαν μετὰ δυνάμεως πολλῆς. Theoph.

²¹⁵ We should probably connect this with the statement above (vol. xv. 736) that they called him Satan: *cf. ante*, p. 85.

²¹⁶ If this account is right, it would seem that this is not the same as the Al Mahdiyya mentioned by Al Tabari under A.H. 163, since the site of that was chosen by the Caliph.

²¹⁷ Syr. *Khishum*. Yakut places it in the district of Samosata, and, according to Greg. *H. E.* ii. 479, Samosata was on the road from it to Edessa. This seems to identify it with the modern Kesun. It must have been an episcopal city, for Michael says that Al Rashid pulled down its great church and 15 other churches in it to rebuild Adata. Among the sees near the Euphrates, however (Gelzer, *Jahrb. für prot. Theol.* xii. 563), the only places of which the sites are not known are Neokaisareia and Marianopolis, and of these the former was on the Euphrates (Theodoret, *H. E.* i. 6), and of the

and Dulul and Rab'an.²¹⁸ And Al Wakidi says: And when the city of Adata had been built, the winter and the snow came on, and there was much rain; and the building was not done securely or carefully, and the city was broken to pieces and overthrown, and the Romans established themselves in it,²¹⁹ and the troops and others that were in it left it and dispersed. And the news reached Moses, and he levied a force under Al Musayyab the son of Zuhair, and one under Rauh the son of Hatim, and one under Hamza the son of Malik; and he died before they finished it. Then Al Rashid became Caliph and ordered it to be built and fortified and garrisoned, and dwellings and lands to be assigned to the soldiers. And others besides Al Wakidi say: One of the great Roman patricians besieged the city of Adata with a large force, when it was built; and it was built of bricks, one laid upon another: and the snow damaged it, and its governor and those who were in it fled, and the enemy entered it and burnt the mosque and destroyed the city and carried off the furniture of the inhabitants: and Al Rashid built it when he became Caliph. .

Mich.
A.S. 1094

Mich.

And Al Mansur built it [Zibatra].²²⁰ Then the Romans came out against it and overthrew it; and Al Rashid built it by the hands of Mahomet the son of Abraham and garrisoned it.

Mich.

And I was told by Abu 'Amr the Bahli and others: they said: Hisn Mansur [Perrhe] was called after Mansur the son of Ga'wana the son of Al Harith, the 'Amiri of Kais, and that because he was appointed to build and restore it and was posted in it in the days of Marwan to repulse the enemy, and with him was a large force of the men of Al Sham and Al Gazira.

And Al Rashid built and garrisoned Hisn Mansur in Al Mahdi's caliphate.

The Conquest of Armenia.

The Emperor went out in the year 133 and besieged the people of Melitene and destroyed its wall and removed the Moslems in it to Al Gazira. Then he encamped at Marg Al Hasi²²¹ and sent Kushan²²² the Armenian, until he laid siege to Kalikala and blockaded it; and its population was then small, and its governor was Abu Kharima. And two brothers, Armenians, among the men of the city of Kalikala removed

Theoph.
A.M. 6243;
El. Nis.
A.H. 140;
Mich.
A.S. 1066;
Leont. p. 126

latter there is no trace after 451. Assemani (*Bibl. Or.* ii. lxxv.) gives no authority for his statement (at variance with Gregory) that Khishum lay between Berrhoia and Edessa.

²¹⁸ Corrected by De Goeje to Dulukh (Doliche) and Ra'ban.

²¹⁹ Michael (Arab.) places the capture of Adata in A.S. 1094, Greg. in 1097. The order and the fact that it is placed in the year of Al Hadi's death show the latter to be right.

²²⁰ See article of Mr. J. G. C. Anderson the in *Classical Review*, x. 136 ff.

²²¹ *I.e.* the eunuch's meadow.

²²² So Ibn Al Athir. Both MSS. of Al Baladhuri have here Kusan while below they vary. Al Tabari mentions a 'Kushan, patrician of Armenia IV,' a subject of the Arabs, who was killed in Karrhai after the battle of the Zabatos (January 750). 'Dion.' on the other hand speaks of a Khushan, a native of Armenia IV, who after the battle entered the Roman service, ravaged the north in 754, and in 755 invaded Anzetene and defeated the Arabs.

a barrier in the wall and went out to Kushan and brought him into the city; and he took it and slew and made captives and demolished the city. And he brought those whom he had taken to the emperor; and he divided the captives among his friends.²²³

And in the year 139 Al Mansur ransomed those of the captives among the inhabitants of Kalikala whose life had been preserved; and he built and restored Kalikala and restored those whom he had ransomed to it. And he sent into it a force taken from the men of Al Gazira and others.

THE LAWS OF BRETEUIL.

PART IV. BURGHEAL COLONISATION.

Low Amercements in the Boroughs.—In the charters of many seignorial boroughs where no direct or derivative connexion with Breteuil can be traced we find certain privileges identical with those which have been noted as belonging to boroughs of that model. Chief among these are the low, or perhaps we should rather say the moderate, amercement and the allotment of a definite building area at a low, at least a moderate, rent; less regularly appear the limited *equitatio* and the limited period of the lord's credit. For the privileges which had been found useful to draw men to the poorest, most disturbed, and least civilised portions of the realm were the privileges which other lords offered when they proposed to develop their estates, and to suggest additional attractions was wise if the lord's object was to gather about his castle a population that could feed and clothe his garrison and draw trade to his market-place.

The charters of this type have never been collected, as they well deserve to be. Phrases that in one charter are difficult to understand are explained when the various forms in which they occur are brought together. As an example we may take the phrases touching the low amercement. What exactly does this rule mean that the 'mercy' shall not exceed twelvenpence? Does it really mean that the old idea of the borough as a place where the peace is protected by a specially severe penalty for its breach has been entirely reversed; that the borough which of old was an asylum from the blood feud for offenders who had committed crimes elsewhere has become an asylum in which crime committed within its own bounds is to be but laxly punished? Not so, though in some of its shorter forms the phrase might be so read. The earliest state-

²²³ Michael places the capture in A.S. 1066; so apparently Leontius, who places it about the time of the death of Abu'l 'Abbas.

Postscript.—Vol. xv. 735, l. 8: Professor de Goeje points out to me that with an easy emendation this may be rendered, 'And he did not give Al 'Abbas authority over Al Hasan the slave to depose or anything else.'—E. W. Brooks.

ment, that of Domesday on the rules of Hereford and Rhuddlan, is the most explicit, for it brings to notice the great exception, the king's pleas. In the one case these are described as breach of the king's peace, hámfare or hamsoen, and foresteal or ambush, in the other as homicide, theft, precogitated hámfare. For these, at Hereford at least, the forfeiture is the royal fine of 100s. For all other forfeitures the French burgesses give only tweldepence. That is the extreme fine which the lord of the borough has power to take for offences done by them within the borough which are less grave than the king's pleas. The tweldepenny amercement must likewise be distinguished from the amends which an offender may have to pay to the offended for the damage he has done, a penalty fixed of old by customary law. The twelve pence are amends made to the lord, who stands in the place of the public officer of justice, for the disturbance of the peace; twelve pence purchase reconciliation and restoration to peace.¹ There is abundant evidence that the risk of unlimited amercement was one of the crying grievances of the Norman period. We have seen William Fitzosbern giving to his Hereford burgesses that protection from his exactions which they had enjoyed in their Norman home, and doing more than this, for he amerced his knights at 7s. only, when other lords were taking 20s. or 25s. for trifling offences.² The chroniclers' groans at the cruel amercements of Ranulf Flambard work up to the clause of Henry I's charter which orders that for misdemeanours the gravity of the offence and not the amount of a man's chattels shall determine the amount of the amends.³ The irregularity of the amercements in the English and Danish portions of the country, the sudden rise in the value of the shilling that followed the introduction of the Norman coinage, the dislocation caused by fitting on the feudal *misericordia* to the English *wite* and *bót* all tended to make the amercement a question of special difficulty between lord and man. Becket, when threatened with forfeiture of all his movable goods, complained of being treated unfairly, for all counties, he said, have *summam unam pecunie* for those condemned in a pecuniary penalty; in London it is 100s., in Kent 40s. only, by reason of the dangers the men of Kent incur on account of their geographical position.⁴ We might expect rather 50s. if Ethelbert's laws lay behind this claim. The Winchester maximum, according to the Scottish 'Leges Quatuor Burgorum,' was 50s., and so too at Hastings. London's charter from

¹ The distinction comes out clearly in the *Très Anc. Coutume de Bretagne*, ed. Plainiol, c. 54, which gives an elaborate statement on the amends which the lords ought to have for ill deeds, and the amends which the parties injured should have. Cf. G. L. von Maurer, *Städteverfassung*, iii. 635 sqq., on the nature of the lord's claim.

² See *ante*, vol. xv. 305.

³ Cf. *Hist. Engl. Law*, ii. 331, on this clause.

⁴ *Materials for the History of Thomas Becket*, iii. 62. See the reference in *H. E. L.* ii. 513.

Henry I ordered that no man of London should be judged in *miseri-cordia pecuniae* except according to his *wer*,⁵ 100s. The 'Quadripartitus' gives the *burh brece* of the royal city as 5*l.*, and the citizens claimed an additional 30s. as the price of the recovery of the city's friendship, if the king would allow it.⁶ The London rule, 100s., was copied by many towns, as, for example, Colechester. John's charter to Bristol, based largely on the London laws, fixed the maximum at 40s., and this was reduced to 20s. by Henry III. In France the conception of a 'lawful amercement' as peculiarly burghal comes out in the often quoted words of Guibert de Nogent:—

Sic se habet ut capite censi omnes solitum servitutis debitum dominis semel in anno solvant, et si quid contra iura deliquerint, *pensione legali emendent*. Caeterae censuum exactiones quae servis infligi solent, omnimodis vacant.⁷

Any concession that relieved the man of the lord's power to claim a forfeiture of his chattels by reason of any false step that had brought him within the lord's mercy was a concession of the highest value, particularly to men whose trade was a trade in chattels. The 12*d.* is not a mere trifle to the burgesses of the late eleventh and early twelfth centuries, but it is a payment less ruinous than that which might have fallen upon them, less ruinous than the fine which is measured by a man's power to pay. On the other hand if the lord might not take more than 12*d.* it is likely that he would not take less. The number of twelvepenny fines which appear in borough court rolls of many times and places point to the fact that 12*d.* was destined to become the reasonable fine for a great variety of the smaller offences.

It is well known that a characteristic feature of the French boroughs is the regular system of reduced amercements; the *amende* of 60s., or royal ban, is reduced to 5s., and the 5s. *amende* to 1s.; the latter abatement is for such offences as not answering a summons, quitting the assize without paying the *clamor*, not delivering pledge at the time fixed, injuries and blows not amounting to wounds or bloodshed.⁸ Less attention has been paid to the evidence of a similar system found in the English charters. The plan was very generally adopted in Ireland, and, as this abatement is one of the threads by which the scheme of burghal colonisation there may be easily detected, it will be well to deal with the evidence at this point.

IRELAND.—Commonly the Bristol maximum amercement of

⁵ *Laws of Edgar*, iii. 2. For no emendable crime shall a man pay more than his wer-gild.

⁶ Ed. Liebermann, 4, § 1 and § 2. *Gesetze der Angelsachsen*, p. 235.

⁷ *De Vita Sua*, iii. c. 7; Migne, *Patrol.* 156, col. 922.

⁸ Prou's Lorris in *Nouvelle Revue Historique*, 1884, p. 201. The proportions vary in different places.

40s. was granted and reduced by a half, and the 2s. 6d. penalty on breaches of the assize of bread and beer, and neglect of the watch, was also reduced by a half. This is found at Dublin, Waterford, Cork, Limerick. Another system, similar in general character, prevailed in a group of boroughs founded by a certain Geoffrey Fitzrobert, the first William Marshal's principal agent in the government of his Irish estates, who seems to have escaped the attention of historians.⁹ It was he who first gave charters to *Kells* (co. Kilkenny), to *Carlow, Kilkenny, Ross* or *Rossponte* (co. Wexford), and the borough opposite to it on the other side of the Barrow, *Rossercon*; and likewise to *Wexford* itself. It was he who founded the priory of Kells and fetched the first prior, Alured, from Bodmin, who when sent by Thomas Fitzanthy, Geoffrey's successor in the Marshal stewardship, to *Inistioge*, founded the borough there about 1206. Thomas Fitzanthy in his turn founded *Thomastown*. In all these charters the low amercement appears, among other features of importance to the present inquiry. At Kells (co. Kilkenny), Kilkenny, Carlow, Ross, and Rossercon the amercement is 10s. for high offences, reduced to 5s., and the 12d. amercement for minor pleas is made 6d. on the first offence, 12d. on the second, and 5s. on the third (but at Carlow and Rossercon 6s. 8d.) At Wexford the Breteuil maximum of 12d. appears. At Inistioge¹⁰ Prior Alured orders no burgess to be amerced in money except by the consideration of the 'hundred' (of the town); if amerced they shall wage to the prior 12d., 6d. thereof to be paid to him, the other 6d. to be pardoned *absque plaga et effusione sanguinis nisi forte aliquis eorum talis sit quod ad delinquendum consuetus sit*. In this group of charters (excepting Wexford) twenty feet of land was the burgage frontage, and all have the forty days' period of credit; but this last clause had entered most of the Irish charters now, just in the same way as many of the London-Bristol-Dublin franchises enter the charters of the Marshal group. The boroughs of this group have also the twelpenny rent in lieu of service, and Kells has the twelpenny relief. Kilkenny, Carlow, and Rossercon have the free multure clause; Kilkenny has a clause concerning the duel, which is to be required only for grave causes; Wexford, Kells, and Kilkenny specially exempt the burgess from entering the gate of the castle for trial or for imprisonment; at Kells a certain *libera custodia* in the castle is sanctioned.¹¹

⁹ *Cartae Hibern.* passim; Dugdale's *Mon. Angl.* vi. 1143 (and the 1673 edition, pp. 1033, 1041); *Hist. de Guil. le Maréchal*, ed. P. Mayer, ll. 13505, 14325, 14459 (his death at Hereford, 1210), 14484; and Sweetman's *Cal. of Doc. relating to Ireland*.

¹⁰ Gale, *Corporate System*, app. p. xi.

¹¹ Cf. *ante*, vol. xv. 755, note 6, and to that note add a reference to *Dial. de Scacc.* ii. xxi. (*Select Charters*, p. 241), 'miles infra septa domus carceralis liberè custodiatur.'

At *Thomastown*¹² Thomas Fitzanthy fixed the fine for his burgesses of 'Grenan' at 10s. in great pleas, 2s. in the lesser pleas of bread, beer, and watch, and he offered burgages at twelvepenny rents. At *Dundalk*¹³ in Theobald de Verdon's charter we have the twelvepenny burgage and twelvepenny amercement in a charter otherwise founded on that of Dublin. Theobald de Verdon got market franchises for several of his Irish boroughs, 12 Ed. I,¹⁴ and it is to this Theobald probably that the charter is due.¹⁵

ENGLAND AND WALES.—In England similar influences were at work; the boroughs fall into groups, as in Ireland, a main group standing out as the work of the *earls of Chester*. And first the curious charter of Ralph de Blundeville (1180–1231) to his barons of Cheshire, by which he granted that if any judge or suitor of the hundred or of the county should fall into mercy in the court of the earl of Chester the judge is quit for 2s. and the suitor for 12d.,¹⁶ calls for attention. Reference to this privilege of the *iudices* and the *sectarii* was made at the time of the fourteenth-century *quo warranto* inquiry against Henry, duke of Lancaster. Possibly the amercement alluded to may be that for default of court, or it may have a wider bearing. The contrast in the double fine on the *iudex* and the lesser charge on the *sectarius* seems to point to a distinction between the lawmen and small men who have sunk from judges to mere suitors.

The borough charters of the earls of Chester are nearly all characterised by the twelvepenny amercement, and the phraseology is in some cases explanatory.

At *Chipping Campden* (Gloucestershire) the king (33 Hen. III) confirms a grant from *Hugh de Gonneville*, one of Henry II's justices, who died about 1189, and a grant of a certain Ralph, earl of Chester, probably Ralph de Blundeville. Chipping Campden was at the time of Domesday under Earl Hugh of Chester, and after Hugh de Gonneville's time it passed back to the earl of Chester.¹⁷ The terms of the grant are these:—

Rex archiepiscopis etc. salutem. Concessionem quam *Hugo de Gundevill* fecit burgensibus de Campden de burgagiis in burgo de Campden et concessionem quam *Ranulfus* quondam comes Cestrie fecit eisdem burgensibus de eo quod ipsi et omnes qui venient ad forum

¹² *Mun. Corp. Comm.* 1835, Ireland, p. 573; *Kilkenny Archæol. Soc.* n.s. i. 84.

¹³ *Mun. Comm. Rep.* p. 891; Gale, app. p. clxxvii. D'Alton and O'Callaghan (p. 22) are of opinion that Dundalk was founded by Bertram de Verdon (see *ante*, p. 313).

¹⁴ Called Cart. 12 Ed. I, n. 2, in Dugdale, *Baronage*, p. 473.

¹⁵ Lewis dates it 1338 (12 Ed. III), but no Theobald de Verdon was then living.

¹⁶ Leycester, *Antiq.* p. 282. From a Gray's Inn manuscript, records of the Duchy Office.

¹⁷ Some account of the borough is given in *Bristol and Glouc. Archæol. Soc.* vol. ix.

suum de Campeden sint quieti de theloneo et quod si aliquis liberorum burgensium suorum de Campeden inciderit in misericordiam suam quietus sit pro xii d. nisi fecerit sanguinem aut feloniam, et concessionem quam Rogerus de Sumery fecit predictis burgensibus de eo quod ipsi et eorum heredes et omnes illi qui venient ad mercatum et feriam de Campeden quieti sint imperpetuum de omnimodo theloneo et consuetudine ad dictum mercatum et predictam feriam pertinentibus, et quod habeant imperpetuum eandem libertatem de thelonio et consuetudine in predictis mercato et feria quam habuerunt tempore predicti comitis.¹⁸

The story of the founding of *Macclesfield* is that Ralph de Blundeville made it a free borough, and willed that it should consist of 120 burgages, each paying 12d. yearly to the earl.¹⁹ Edward, afterwards Edward I, gave a charter in 1261, which does not refer to the Blundeville charter, but makes the vill a free borough and confers this privilege:—

Si aliquis eorum in misericordia nostra inciderit in aliquo forisfacto non det nisi xii d. ante iudicium et post iudicium rationabilem misericordiam secundum quantitatem delicti nisi forisfactum illud pertinet ad gladium nostrum.

The saving clause covering the pleas of the sword saves such pleas as were saved at Hereford and Rhuddlan, the king's pleas by this time covering all grave crimes.

The same phrase as touching the 12d. before judgment, and the fine after judgment according to the amount of the offence, recurs at *Congleton* (Cheshire) in Henry de Lacy, earl of Lincoln's charter, c. 1272.²⁰ Also at *Knutsford*²¹ (which in Domesday is held under Hugh Lupus by William Fitznigel of Halton) the phrase, with the saving clause, occurs c. 1292 in a charter from William de Tabley to his burgesses there. In both cases the borough may well date back to a time antecedent to the first extant charter.

Leek (Staffordshire), a borough of Ralph de Blundeville's founding, has a fine charter from him, and from the first abbot of Dieulacres, Richard,²² c. 1214. The abbey of Dieulacres had been moved from Pulton, in Cheshire, on account of the frequent Welsh incursions, and special facilities were offered by its founder, Ralph de Blundeville, to draw burgesses to the new borough. The burgesses were provided with timber to build on their plots, and were free of rent for the first three years, after which they were to pay the usual 12d. The abbot gives to each burgage a half-acre

¹⁸ From Rot. Cart. 33 Hen. III, no. 4.

¹⁹ Earwaker, i. 459, cites Williamson's *Villare Cestriense* in the British Museum from one of Randle Holmes's manuscripts. The Blundeville charter appears to have been lost.

²⁰ Ormerod, iii. 36, gives the charter with several misreadings, e.g. 'meremia' for 'misericordia.' Head's *Congleton*, p. 33, gives a translation and suggests the date, before 1272.

²¹ Ormerod, i. 488, gives the charter.

²² Sleight's *Leek*, p. 16, 2nd ed.

for the dwelling-place, and one acre in the fields at a rent of 12*l.* for all service and custom, and the burgess is quit of all the mercy which pertains to the said vill (*i.e.* excluding the crown pleas) for 12*l.* The burgesses (as also at Macclesfield) may elect their reeve themselves with the consent of the abbot and his bailiffs. The *lods et ventes* are fixed at 4*d.*

At *Coventry* Ralph de Blundeville offered privileges of the same sort, possibly to counterbalance the influence of the prior there. We have two important records of his work: one is accessible in a transcript given by Dr. Cunningham in his 'Growth of English Industry and Commerce,' i. 541, as also in facsimile in Miss Dormer Harris's 'Life in an Old English Town;' the other is a confirmation from Henry II of another charter of Ralph's, which is even more interesting. Miss Dormer Harris has kindly provided me with a copy of this last, which has not, I believe, appeared in print before. Both charters are given in translation only in Whitley's *Coventry charters*.

Henricus dei gracia rex Anglie et Dux Normannie et Aquitannie et comes Andegavie archiepiscopis, episcopis, abbatibus, comitibus, baronibus, iusticiariis, vicecomitibus et omnibus ministris et fidelibus suis totius Anglie salutem.

1. Sciatis me concessisse et presenti carta mea confirmasse burgensibus de Covintre omnes libertates et liberas consuetudines quas Ranulfus comes Cestrie racionabiliter eis concessit et carta sua confirmavit, scilicet ut ipsi burgenses bene et in pace et honorifice in libero burgagio teneant sicut unquam in tempore patris prefati comitis vel aliorum antecessorum suorum melius et firmiter tenuerunt et habeant omnes leges et consuetudines quas cives Lincolnie meliores et liberiores habent.

2. Et ne constabularii predicti comitis eos aliqua causa in castellum ad placitum ducant, sed portimot suum liberi habeant in quo omnia placita ad ipsum comitem et ad illos pertinencia iuste tractentur.

3. Quemlibet autem ex semetipsis pro comite eligant qui sub comite super eos iusticia sit, qui leges et consuetudines suas sciat et eos consilio comitis in omnibus racionabiliter, omni causa remota, custodiat, et ipsi comiti iura sua fideliter faciat.

4.²³ *Et si forte aliquis in forisfactum comitis incidit pro xii denariis quietus sit.*

5.²³ Si vero xii nummos testimonio vicinorum suorum dare non potuerit eorundem consideracione ita admensuretur quod persolvere valeat.

6.²⁴ Et preterea cum aliis quietacionibus quod nec ipsi burgenses prefato comiti nec suis aliquid in corredio vel in alio accomodent, nisi ea condicione quod de reddicione catalli sui tuti sint.

²³ For § 4 and § 5 the charter printed by Dr. Cunningham has, 'Si forte aliquis in misericordiam meam incidit, merciatu sit racionabiliter per ballivum meum et fideles burgenses curie.'

²⁴ This clause is not in the charter printed by Dr. Cunningham. It is an unusual form of the lord's credit and lord's caption clauses common to many charters.

7. Quoscumque autem mercatores secum ad ville emendacionem adduxerint, pacem habeant, et nullus eis iniuriam faciat vel iniuste eos in causam mittat.

8. Si vero aliquis extraneus mercator aliquod inconueniens in villa fecerit in portimot coram iusticia supradicta sine causa illud emendet.²⁵

9. Et illi qui in villam venturi sunt ex illa die qua in villa edificare ceperint per biennium de omnibus quieti sint.

Quare volo et firmiter precipio quod prenominati burgenses de Covintre omnes predictas libertates et liberas consuetudines habeant et teneant bene et in pace, libere et honorifice, sicut carta sepedicti comitis Ranulfi racionabiliter testatur. Testibus Ranulfo de Glanvill, Rogero le Bigot, Roberto filio Bernardi, Ricardo de Luci, Patrichio de Chaurciis, Ranulfo de Geddeng, apud Merlebergam.

The date of this charter must be 1181-8. The difference between the confirmation and the earl's charter as we know it from the other versions shows that the twelpenny amercement may sometimes be alluded to in very vague terms.²⁶

Ralph de Blundeville's charter to *Frodsham*²⁷ (Cheshire) granted to all dwelling, or about to dwell, in Frodsham a free burgage and an acre in the fields at an annual rent of 12*d.*²⁸ for all service, and all pleas except those of the earl's sword were to be tried by his reeve.

Et si aliquis eorum incidere in misericordiam meam pro aliquo forisfacto inter illos iudicato, quietus erit de misericordia illa per xii d. excepta forisfactura a nona die Sabbati usque ad horam primam diei Lunae, de qua scilicet forisfactura michi contingunt lx s. et obolus aureus.

This passage recalls the description of the pre-Conquest customs of Chester in Domesday, which protected the week-day peace with a fine of 10*s.* for bloodshed, and the peace of Saturday afternoon, Sunday, and certain holy days with one of 20*s.*

The *Manchester* rule on the peace of Saturday afternoon and Sunday serves as another example. For wounding on a week-day the burgess forfeits twelpence to the lord of the borough, but a burgess who wounds another burgess on Sunday, or from noon on Saturday till Monday, forfeits 20*s.* The three charters of *Salford*, *Manchester*, and *Stockport*, which are very closely related, all contain prescribed amercements of twelpence and trace back to Ralph de Blundeville, who granted the *Salford* charter. They give the amercements in some detail. Thus at *Salford* —

²⁵ For 'emendet' the other charter has 'dirigat.' It is further to be noted that it contains none of the concluding clauses printed above.

²⁶ There is no explicit mention in Hamund de Massey's *Altrincham* (Cheshire) charter (c. 1290, modelled on Macclesfield), where we should expect it (*Mun. Corp. Comm.* 1835, p. 2573, gives the charter in Latin): 'Si aliquis eorum in misericordiam pro aliquo forisfacto incidere, amercietur per pares suos et hoc secundum quantitatem delicti.'

²⁷ Ormerod, ii. 46.

²⁸ An extent of 1283 shows 110 burgages rented at 110*s.* (Beaumont's *Frodsham*).

Si vero prepositus ville aliquem burgensem calumpniaverit de aliquo placito et calumpniatus non venerit ad diem nec aliquis pro eo infra Laghemote in forisfactura mea de xii d.²⁹

So at Stockport,³⁰ which reads *le Portmanmote* for *Laghemote*, and Manchester,³¹ which reads—

in forisfactura est de xii d. predicto domino, et predictus dominus habeat placitum suum super eum in Portmanmot.

Stockport was founded by Robert de Stockport about 1225, who made it a free borough *secundum cartam quam impetravi a domino Cestreshire*.

The charter of Manchester is dated 1301, and comes from one Thomas Gresley, descended from a favourite of Roger le Poitevin. The Gresley charter need not be regarded as necessarily the first Manchester charter; it may be a confirmation.

Nor do these charters name only the lord's fine for default. Salford and Stockport have the following—

Si aliquis burgensis aliquem burgensem implacitaverit de aliquo debito et ipse cognoverit debitum, prepositus ponat ei diem scilicet octavum, et si non venerit ad diem reddat mihi xii d. pro forisfactura diei et debitum reddat et preposito iii d.

The Stockport charter omits the important word *mihi*; in the Manchester charter, § 3, § 4, the clause concludes—

reddat xii d. pro forisfactura diei predicto domino et reddat debitum et perfectio viii d. Et si aliquis faciat clamorem de aliqua re et non invenerit vadium et plegios et postea velit dimittere clamorem, sine forisfactura erit.

The next clause deals with blows. Salford and Stockport have—

Si aliquis burgensis in burgo aliquem burgensem per iram percusserit vel verberaverit absque sanguinis effusione per visum burgensium, pacem suam faciet salvo iure meo scilicet xii d.

The Manchester rule, § 5, is much more elaborate, and contains the higher fine for blows on Sunday. At Salford and Stockport the reeve attaches the burgess appealed of larceny to stand to judgment in the Portmanmoot, *salvo iure meo*, probably another allusion to the lord's twelvepenny fine. This phrase the Manchester charter omits. The Manchester charter, § 19, on the other hand allows no essoin without forfeiture to men impleaded before the day of the Laghemot. All three have the lord's twelvepenny amerement for breaches of the assize of bread and beer; Stockport and Salford allow the amerement three times; at the fourth offence comes in

²⁹ T. Baines, *Lancashire*, ii. 170.

³⁰ Watson's *Earls of Warren*, ii. 203.

³¹ Harland's *Mamecestre*, ii. 212.

the *assisa ville*.³² Manchester gives no limit to the *forisfactura xii d. ad opus domini*.

Possibly the *Gainsborough* charter³³ of Aymer de Valence, a confirmation of one from a certain John Talbot,³⁴ should be added to this Cheshire group, for Gainsborough was for a time in the hands of Ralph Gernons of Chester. Here again we find an amercement before and another after judgment; the lord's amercement in cases where there has not been bloodshed, before judgment is *6d.*, after judgment *12d.*; a special claim is entered for *12d.* to the lord from one who slanders his neighbour.

So far our notices of the *Welsh* boroughs have been confined to those in which direct or indirect connexion with Breteuil could be traced. By aid of the twelpenny amercement we can track out two important cases, Pembroke and Tenby, whose charters illustrate not only this point but others, such as the *equitatio* and the period of credit. At *Pembroke*, so far as the charters will carry us, it is possible to take back the foundation of the borough to Henry I, but the language of the charter is so unlike that of a royal borough charter, and so like that of the charters of the Breteuil type, that it seems more reasonable to ascribe the foundation to Arnulph, the son of Roger of Shrewsbury, who was its first castellan. The charter, printed in the first volume of the 'Calendar of Patent Rolls' for Richard II,³⁵ consists of Richard II's confirmation of the charter of Adam, bishop of St. David's, dated 7 March, 1369, who confirms Henry II's charter, wherein are confirmed the customs as under Henry I. The charter has the year and day period of limitation, the clause freeing the villains by year and day; by whatsoever death and in whatsoever place, on land or sea, the burgess may die, testate or intestate, his heir shall have all his things (*omnes res suas*) by giving *12d.* of relief. If need arises so that the burgesses ought to go to the army, they must go, saving the ward (*custodia*) of the town *per esgardiam ipsorum*, so that they may return the same night. If goods are bought by a burgess and afterwards claimed as stolen the burgess can defend himself by oath and by witnesses, and he loses the chattel and the price he gave for it. The burgesses do not plead outside their hundred except for matters touching the king's crown. *Their forfeiture in the hundred and county is 12d.* If a burgess's heir is a minor who cannot hold or 'defend' land, and the burgess dies testate, the wardship lies with them into whose ward the burgess placed him. If he die without a will, then the wardship of the heir and his inheritance is placed by consent of the burgesses

³² With cucking-stool or pillory.

³³ Translated from a late exemplification in Stark's *Gainsborough*, p. 73.

³⁴ Living, 27 Hen. III, *Cal. Rot. Cart.* p. 58.

³⁵ P. 106.

in the hands of one of the nearest friends. This seems to be the earliest mention of a borough law which had a long and interesting history before it.

The *Tenby* charter, which seems to have escaped notice hitherto, is found in the Patent Roll of 49 Edward III, pt. 1, m. 11. William de Valence, to whom it dates back, died about 1265.³⁶

Inspeximus cartam bone memorie Laurencij de Hastynges nuper comitis Pembrochie domini Weysefordie et de Bergeveny factam burgensibus suis de Tenebia in hec verba. . . .

Inspeximus cartam bone memorie domini Adomari de Valencia nuper comitis Pembrochie in hec verba.

Omnibus Christi fidelibus ad quos presentes littere pervenerint, Adomarus de Valencia comes Pembrochie dominus Weysefordie et Monciniaci salutem in Domino.

Inspeximus cartam bone memorie domini et patris mei domini Willelmi de Valencia comitis Pembrochie et domine matris mee domine Iohanne comitisse uxoris eius in hec verba.

1. Sciant presentes et futuri quod nos Willelmus de Valencia dominus Pembrochie ex assensu et voluntate Iohanne uxoris nostre dedimus, concessimus, et hac presenti carta nostra confirmavimus pro nobis et heredibus nostris dilectis et fidelibus burgensibus nostris de Tenebia quietanciam stallagii, passagii, tollonei, lastagii, muragii, et pontagii ad nos vel heredes nostros vel ad terras nostras pertinencium in perpetuum.

2. Concessimus eciam eisdem et confirmavimus quietanciam cariagii messionis et ligacionis colleccionis[que] tam de terris nostris quam de pratis et omnium aliorum laborum molendinis vel domibus vel terris nostris pertinencium.³⁷

3. Similiter concessimus eisdem quietanciam omnium custodiarum tam castrorum quam molendinorum nostrorum nisi ex mera et libera voluntate eorum facere voluerint.

4. Concessimus eciam eisdem quod non exeant villam Tenebie ad exercitum seu equitatum nisi tam procul sicut comode ire possint in die et sole lucente redire.

5. Similiter concessimus communam pecoribus eorundem super terras nostras et prata nostra in tenemento de Tenebia post messionem segetum et feni colleccionem usque ad tempus defensionis viz. usque ad purificationem beate Marie.

6. Similiter concessimus eisdem licenciam namiandi pro debitis suis claris super plegios vel principales debitores ita procul sicut terre burgagiorum suorum se extendunt.

7. Concessimus eciam eisdem licenciam duo paria prepositorum in anno eligendi ad opus nostrum vel heredum nostrorum idoneorum ex communi consilio eorundem absque alicuius alterius ballivi eleccione qui nullis aliis laboribus erunt subditi nisi ad hundredum tenendum *et ad misericordiam xii d. si quis in eam ceciderit taxandam* sine alterius ballivi taxatione et ad redditum domini de burgagiis et tollonei in villa et in portu colligendum.

³⁶ G. E. C[okayne], *Peerage*, vi. 204.

³⁷ A phrase follows which cannot be read: 'nisi p de nro vel hered' nostror'.

8. Similiter dicti prepositi colligent prisam de pandexatoribus, scilicet de xii bussellis brasei frumenti et avenarum pertinentis iv d. et de medietate ii d. et de uno dolio mellis iiii d. et de medietate vnius dolii ii d.

9. Similiter concedimus quod si quis burgensium predictorum morte subita, quod absit, moriatur, omnia catalla sua sibi fore salva et heredem suum in hereditatem suam per relevium xij d. libere introire.

10. Volumus eciam quod predicti burgenses nullam sectam Pembrochie faciant nisi contingat eos per breve implacitari.

11. Volumus eciam quod si contingat aliquem burgensium predictorum aliqua occasione attachiari quod longius non ducatur nisi ad portam Castelli Tenebie si plegios competentes de stando iudicio et legi possit ibidem invenire nisi pro feloniam unde debeat vitam vel membra amittere.

12. Inhibemus eciam quod nullus ballivorum nostrorum ad aliqua predicta facienda contra concessionem nostram predictam compulsionem in eos facere presumat. Salvis et retentis nobis et heredibus nostris racionalibus prisas vini de qualibet naue illuc applicante et aliis prisas debitis et consuetis.

13. (Fair appointed.³⁸)

Testibus: Fratre Rogero de Woldesef, tunc magistro Slebechie, Domino Stephano de Edworth seneschallo Pembrochie, Roberto de Valle, Ingeramo de Vilers, Randulfo Gacelyn, Edmundo Gacelyn, Gilberto de Rupe, militibus, Waltero Malefant (etc.)

In concluding his confirmation Laurence de Hastings makes some important additions (16 Ed. III); that which is to be noted here is—

Et preterea concessimus eisdem burgensibus nostris ville Tenebie heredibus et successoribus suis *quod nullus eorum amercietur in hundredo nostro Tenebie ultra xij d.* et quod prepositi dicte ville possint dictum amerciamentum taxare infra xij d. secundum quantitatem demande seu secundum quantitatem transgressionis.

The founding of Tenby as a borough may reasonably be carried back to the time of Henry I and the planting of Flemings in Pembroke under Gerald de Windsor, Arnulph's successor as castellan of Pembroke.

Another case, known only from a poor and late copy, is that of *Kidwelly* (co. Carmarthen), which may be traced to the creation of William of London and his ancestor Maurice, one of Fitzhamon's twelve knights who conquered Glamorgan. The charter from Henry, duke of Lancaster, mentions the tweldepenny burgage and tweldepenny amercement, and excepts foresteal, hamsoen, felony, pountbruche (bridge-breaking), disseisin, raising the hue and cry, and spilling of blood.³⁹ If any commit a trespass in the duke's forest or lands, the offender makes amends at the porch of the castle, but may not be detained within the porch if he can find mainprise. In an account of the customs of the borough *temp.* Henry V the limit

³⁸ To last three days at the feast of the Assumption of the Virgin.

³⁹ *Camb. Arch. Soc.* 3rd ser. ii. 274.

of military duty in time of war in Wales is a day between sunrise and sunset at the burgess's own cost, but longer at the lord's.⁴⁰

For two large districts of Wales, *Kemmes* and *Gower*, there are charters determining the amount of the lord's amercement. William de Breose, 1306, lays down the Gower rule that amercement in the court of the manor shall be, as of old, 1s. 6*d.* in every case, and in the county 3*s.*, except for felony and novel disseisin, in which the disseisor pays sixty shillings and one penny. No plaintiff is to be amerced over 3*s.* in any case, except an appellant who, if he fails in appeal, pays sixty shillings and one penny.⁴¹

The charter of the men of Kemmes from Nicholas Fitzmartin is curiously burghal in its form. If a free man of Kemmes dies intestate the lord is to have nothing of his goods; in the 'hundred' of Newborough he gives only 12*d.* for mercy. The men of Kemmes may buy and sell freely among themselves outside the market without toll; the lord will take no mercy except by the judgment of his court of Kemmes. The charter is granted to the whole 'commune' of the land of Kemmes, and is sealed by a number of freemen of Kemmes from the different fees, *i.e.* some from the new castle, some from the Welsh and some from the English 'carucates.' A grant of this kind serves to show that quasi-burghal liberties may be profitably offered with no view to borough-making, but with a view to inviting population to a large area of land which the lord wishes to develop.

The name of Henry I is connected with the early privileges of Haverfordwest and Pembroke, but it seems unlikely that they are boroughs of his making. In the rare cases in which the king plants a new borough on his own estate with a view to its enrichment, he does not, it would seem, offer the low amercement. The account of the foundation of *Dunstable* and its subsequent history is instructive. The story told by the priory is that Henry had two manors in demesne in that neighbourhood, and he found the place where Watling Street met the Icknield way to be densely wooded and full of thieves. He ordered the spot to be cleared, and built a dwelling-place for himself called Kingsbury, which contained nine acres. Wishing further to create a 'vill' there, he caused it to be proclaimed throughout his realm that all persons going thither to dwell should pay yearly 12*d.* for each acre, and that they should have all the liberties that the city of London or any other English borough had. And so, by such people, the place was built through the length and breadth of the aforesaid ways, and the new borough took its name from a celebrated thief called Dunning. The king

⁴⁰ App. to Rep. of Comm. on Land in Wales and Monmouthshire, xxxv; *Parliamentary Papers*, 1896, p. 647.

⁴¹ G. T. Clark, *Glamorgan Charters*, iv. 26. On the sixty shillings and one penny cf. *Hist. Eng. Law*, ii. 457.

held the town of Dunstable as his free borough for seventeen years and a half, and by the oath of twelve sworn men of the burgesses, without the association of any stranger, all the pleas were ended.⁴² There, after the death of his son William, he founded the priory, and granted to it all the manor and borough of Dunstable, with the lands of that vill, *i.e.* four *culture* round the vill, and the market and the school, retaining in his demesne 'his houses of the town' and the garden where he was wont to lodge. This reservation was omitted in Henry II's confirmation,⁴³ and this may have been one of the causes of the burgesses' litigation with the prior, who claimed that he could tallage *all* the burgesses. It is in 1228, and in connexion with this litigation, that the mention of the low amercement, a fourpenny amercement, first occurs.⁴⁴ The burgesses claim that in no plea that the prior can hold ought he to have more than fourpence for mercy. The first award was that if forfeit were incurred to the person of the prior or of the canons, or of their bailiffs, then amends should be made to them according to the amount of the offence, as usual to a lord or bailiff, but that the 'mercy,' apart from the amends, was to be 4*d.*; likewise in the case of a burgess offending against a burgess or another, and this is said to be the custom of the men of the neighbouring vills. Trouble began again, and a second award was made in similar terms, the pleas of the crown being excepted. In the first award it was added that for breach of the assize of bread and beer 4*d.* should be the penalty for the first default, and for the second; at the third the prior's bailiff might seize all the bread and beer for the prior's use; at the fourth the offender suffered the punishment of tumbrel or pillory, and at the same time the prior got his general forfeiture of all the bread and beer. The careful distinction drawn here between the mercy and the amends gives indication that burgesses were seeking to take advantage of the loose phraseology of their charters to limit their liabilities in both directions. As the borough charters, whether of king or prior, are lost, it is not possible to say who first offered this privilege at Dunstable. On the whole it would seem to have come from the prior, for the annalist's account of what Henry did is a full one and it contains no mention of this privilege.

In *Devon and Cornwall* there is a group of boroughs which deserve to be compared with the Irish and the Welsh group. They are formed on like principles, and have the low amercement. Perhaps the oldest case is that of *Okehampton*, which may date back to the Domesday holder, Baldwin the sheriff. Domesday speaks of the castle, market, and four burgesses there.⁴⁵ But the first charter

⁴² *Mon. Ang.* vi. 239.

⁴³ It is the confirmation which is printed in the *Mon. Ang.*; the original charter is among the 'Cartae Antiquae,' SS.

⁴⁴ *Ann. Dunst.* pp. 105-23, and cf. *Rot. Claus.* 13 Hen. III, p. 1, m. 19.

⁴⁵ D. B. i. 105 *b.*

is from Robert de Courtenay ;⁴⁶ he with his wife, Mary, confirmed the burgesses of his free borough in all the tenements and free customs which they had in the time of Richard, son of Baldwin the sheriff, and from Robert of Gloucester, son of Henry I, and his wife, Maud of Avranches ; the yearly rent for each burgage is twelvenpence in lieu of all services, the burgages to be held by hereditary right. The burgesses may elect yearly and depose a reeve or *preco*, who shall be quit of 'gable' for 6*d.* If a plea touching the lord arise in the borough it shall be ended there. If any of the borough forfeit *de manerio domini*⁴⁷ he is quit for twelvenpence ; but if he be an old offender then by the judgment and counsel of the burgesses and the lord's steward he is to be punished according to the amount of the offence. Any one taking a new burgage shall have 'aid of his house' in the lord's wood, *i.e.* timber for building. The right of free marriage and pannage for four pigs follow in succession. The reeve collects the toll, and has twelvenpence of toll and quittance of his 'gables'⁴⁸ for this service. The tolls on horses, plough beasts, sheep, pigs are stated ; on wheat there is to be no toll. The fines for neglecting toll are for $\frac{1}{4}d.$ 5*s.*, for $\frac{1}{2}d.$ 10*s.*, and so on in proportion.⁴⁹ If a burgess sell his burgage he may do so to whom he will except to religious houses, giving twelvenpence to the lord, fourpence to the reeve, and fourpence to the borough. If a burgess die his wife and heirs receive his tenements quit of charge. If any one desires the liberty of the borough, and is such a one as may receive it, the first year he pays 4*d.* to the lord and 4*d.* to the borough, the second year 4*d.* only to the lord, and the third year he takes his burgage or renders his 'gable' and withdraws.⁵⁰ The burgess may distrain for debts owed by one who has left the town leaving chattels behind. None but freemen may 'stand in law' against the burgesses. All rents and all ameracements and all the issues of the borough shall be paid to the lord by the hand of the reeve. This charter has no doubt been elaborated since Richard Fitzbaldwin's time, and perhaps since Robert earl of Gloucester's time, but the main characters of the French borough charter are not obscured.

The charter of *Bradninch*⁵¹ (Devon), *c.* 1140, granted by Henry I's son Reginald, is of the same type. He grants to his burgesses their 'burgery' and their plots, to be held hereditarily for sixpence rendered *pro omni servicio, querela, et seculari actione*. This probably

⁴⁶ S. Fraser's *Elections*, ii. 82.

⁴⁷ Probably a misreading for 'de misericordia domini.' I have not been able to see the original.

⁴⁸ Cf. *ante*, vol. xv. 511.

⁴⁹ Cf. the Leeds-Pontefract-Grimsby group of customs.

⁵⁰ For withdraws quit, perhaps.

⁵¹ App. (S) to *Rep. of Comm. on Publ. Records*, 1837, p. 434, from a sixteenth-century copy.

means a *misericordia* of 6*d.*, the amount of the rent, as happens so regularly in the tweldepenny cases.

At *Lostwithiel*⁵² probably in the time of Richard I⁵³ Robert of Cardinham confirmed the grants of his ancestors 'given on the day when they founded the town,' to wit, every burgess to hold his burgage tenement or tenements hereditarily by rendering for each burgage sixpence yearly in discharge of all services and demands. At the burgess's death his will shall hold, but his heir pays tweldepence for a relief. A burgess impleaded shall answer before the lord or his bailiffs in the town, and if he incurs a fine he shall be quit for sixpence. And if he shall be convicted of blood and wounds he shall give security for twenty pence. If the lord wish to make a reeve the burgesses shall elect him from among the residents. I have not succeeded in tracing the ancestry of Robert de Cardinham, but the terms of the charter show that the date of the foundation may be thrown back to a time antecedent to that of Robert.

The charter of *Saltash*⁵⁴ (Cornwall) probably comes from the time of Henry III. It is known from an *inspeximus* of Henry IV⁵⁵ and of Richard II.⁵⁶ It is a confirmation of liberties granted by his ancestors.⁵⁷ The rent of a full burgage is sixpence, and of half a burgage threepence. The burgess shall not be impleaded except in the 'hundred' of the town, before his peers. Suit to the hundred is triennial, with certain exceptions, *e.g.* for the precept of the king or for the afforcement of the judgment, or if the suitor be concerned in a plea. If any royal summons comes from the king or his bailiffs it shall be made known from the castle to the reeve, and by the reeve to the burgesses. The burgesses may elect their reeve, and he is paid by toll and has his rent free. Nothing shall be taken in the town for the lord's use except by the free will of the 'merchants.' If a burgess fall into the lord's mercy he is quit for 6*d.* at most. If a burgess die, no matter by what death,⁵⁸ his heir shall have his chattels in peace, and his land shall pay a relief of 30*d.* at most. The owner of a half-burgage shall emend and pay relief as the owner of a full burgage. The burgesses are quit of tallage, aid, and custom, except the aids for knighting the lord's eldest son and for the marriage of his eldest daughter. They shall have the lord's pasture quit of charge from Michaelmas to Candlemas. After that time each horse or plough beast pays 1*d.*, ten sheep 1*d.*, saving the lord's corn lands and meadows and his reasonable 'defences.' No burgess shall be taken

⁵² *Parochial Hist. of Cornwall*, iii. 173 (in English only).

⁵³ Robert's name appears in the *Red Book of the Exchequer*.

⁵⁴ Quoted in Luder's *Elections*, ii. 117.

⁵⁵ Pat. Roll 370, 4 Hen. IV, pt. 1, m. 23.

⁵⁶ 5 Ric. II, pt. 1, m. 10.

⁵⁷ Dugdale's *Baronage* traces them back to the time of William Rufus.

⁵⁸ *I.e.* whether intestate by reason of sudden death or not.

and brought to the castle if he can find pledges for his trespass from among his peers.

At *Penrhyn*⁵⁹ the borough can be traced back to William Brewer, bishop of Exeter, 1236, who granted the burgages free of all service for 12*d.* rent for each acre. The relief for each whole acre was 12*d.* and the *misericordia* 6*d.* by judgment of the court, unless a bailiff of the lord's had been injured. This William Brewer was connected with the William Brewer⁶⁰ who founded the borough of *Chesterfield*,⁶¹ where the burgage acres were held at a rent of 3*d.*, and no burgess was amerced for any plea except for 3*d.* (brewers, bakers, shedders of blood, contemners of the lord excepted, these paying an amercement assessed by their peers according to the amount of the offence). The fee for entry of seisin was 4*d.*, and 1*d.* to the beadle and 1*d.* to the clerk for putting the burgess's name on the roll. The lord's court must be attended twice a year.

A considerable group of boroughs was chartered by Baldwin de Redvers and Isabella de Fortibus, but in none of these does the low amercement appear except in Isabella's charter to *Newborough*, in the Isle of Wight.

Omne placitum quod in predicto burgo ortum fuit quod ad me pertinet in ipso burgo inter ipsos et per ipsos placitetur et amerciamentum inde proveniens per ipsos amercietur et taxetur. Et volo et concedo pro me et heredibus meis quod nullus eorum cum amerciarum debeat de amerciamiento quod ad me pertinet ad plus quam ad xxx d. amercietur et hoc iudicio et consideratione ipsorum burgensium.⁶²

This goes back to a charter of Richard de Redvers in the time of Henry II.⁶³ The very brief period of William Fitzosbern's dominion in the Isle of Wight seems to forbid the idea that he had influence in this matter.

The very interesting charter of *Egremont*⁶⁴ (Westmorland), from Richard de Lucy, c. 1200, contains a number of explicit statements as to the amount of the lord's amercement for particular offences—for example, for not coming to the borough pleas, 6*d.*; for neglect of the watch, 6*d.*; and this important clause:—

Si burgensis ceciderit in placito pro defectu responsi dabit iiii d. domino de forisfacto et recuperabit placitum suum.

For slander the lord gets 3*s.* on conviction;⁶⁵ whoever strikes his *vicinus*, without bloodshed, pays 3*s.* to the lord on conviction, but for drawing blood with arms 18*s.* For striking the reeve, 6*s.* 8*d.* to the lord; with bloodshed, 18*s.* The wife of a burgess who

⁵⁹ *Parochial Hist. of Cornwall*, ii. 90.

⁶⁰ Godwin, *De Praesulibus*, p. 404; Dugdale, *Baronage*, p. 702.

⁶¹ Pym-Yeatman, p. 33.

⁶² Worsley's *Isle of Wight*, app. p. xlvii.

⁶³ *Mun. Comm. Rep.* 1835, p. 773.

⁶⁴ Hutchinson's *Cumberland and Westmoreland*, ii. 23, corrected by the facsimile version in *Cumb. and Westm. Ant. and Arch. Soc.* i. 282.

⁶⁵ Cf. Freiburg-im-Breisgau, § 51.

slanders her neighbour and is convicted pays the lord 4*d.* A burgess who does not build his burgage within the time appointed—namely, within a year—gives the lord 12*d.* for forfeiture.

Assessum tinctorii, textorii, fullonii debet fieri per visum xii burgensium et si quis statutum eorum transgressus fuerit dabit domino pro forisfacto xii d. si inde convictus fuerit.

The regular addition of the phrase *si inde convictus fuerit* hints that where it is absent the exaction of a custom for merely pleading in court had become a usual source of profit for the lord; after judgment follows another fine on the offender, for recovery of the right to plead again.⁶⁶

At *Chard*⁶⁷ the charter of Jocelin, bishop of Wells (1208–1242), has a noticeable phrase.

Si lis aliquis forte damnosa infra ambitum mesuagii alicuius eorum emergerit liberam habeat potestatem ad invicem concordandi, iusticia nostra nullam exigente inde consuetudinem vel emendationem donec burgenses in iustitia defecerint, nisi mortale vulnus vel dampnum corpori intercurrerit vel eciam nisi alter burgensium iusticie querimoniam fecerit, salva in omnibus iusticia regia et dignitate.⁶⁸

The difference in the fines for offences in the English and French borough at *Nottingham* has been named by Mr. Stevenson⁶⁹ as one of the reasons that kept the two apart to a late date. The French borough, on the western side of the town, seems to have been the work of Hugh Fitzbaldric, sheriff of Yorkshire.⁷⁰ At *Shrewsbury* the distinctions between the French and English boroughs have never been worked out, but they may be discoverable, for the inheritance of the youngest son was lingering in the English borough (as at *Nottingham*), a tenure which at *Shrewsbury* was called *tenura de hokeday*.⁷¹ Perhaps the English burgages paid their rent on the English festival, and not at three or four terms, as the French may have done. Ralph Guader's *novum burgum*, Mancroft, at *Norwich*, ought perhaps to yield some evidence of this kind.⁷²

In SCOTLAND, where, as William of Newburgh says,⁷³ the fortified towns and burghs are well known to have been inhabited by Englishmen, the reduction of forfeitures reappears as the privilege of

⁶⁶ Cf. Egremont, above, and Leeds-Pontefract: 'qui negaverit iniuriam vel non-rationem et non fuerit inculpatus de aliqua istarum iudicabitur in misericordia pretoris et per forisfactum responsum suum recuperabit.'

⁶⁷ Summarised in *Cal. Pat. Rolls*, 14 Ed. I, p. 216.

⁶⁸ *Rot. Pat.* 14 Ed. I, m. 24.

⁶⁹ *Nottingham Records*, ii. xv. 46. An affray with bloodshed in the French borough 1407: 'Ideo in misericordia xii d.'

⁷⁰ D.B. i. 280.

⁷¹ *Shrewsbury Borough Court Roll*, no. 775, 13 Ed. III.

⁷² D.B. ii. 118, and Mr. Hudson's paper in the *Archæological Journal*, xlv. 293.

⁷³ Bk. ii. c. 34.

burghesses. William the Lion allowed to the burghesses of *Inverness* exemption from the duel, and the oath of compurgation was reduced one half, and the forfeiture was to be one half the forfeiture in the other boroughs of his realm.⁷⁴ In the 'Leges Quatuor Burgorum' there are somewhat conflicting statements; thus no burghess is to be condemned in amercement of his goods but after the custom of Winchester, and that is not above 50s.; but, again, elsewhere the burghess's forfeit shall not exceed 8s. for conviction in plea, 'and that is rarely taken in full.' The laws of the Four Burghs have much in common with the English seignorial boroughs of this type, having not only the low mercy but also the fixed burgage rent, fivepence for a borough rood, with a frontage of one perch. The borough perch in Scotland is said to have been 20 feet.⁷⁵ The burgage, consisting of a 'burgh rood,' and the fivepenny 'mail' or rent, are widely spread among the Scotch borough records, both of royal and baronial boroughs.⁷⁶ The Four Burghs have the credit rule; no burghess shall lend to the bailiff of the castle more than 40 pence, nor need he lend for more than 40 days. He need not lend again until he is paid back.

MARY BATESON.

(To be continued.)

ON THE DATE AND AUTHORSHIP OF THE 'SPECULUM REGIS
EDWARDI'

THE interesting admonition to Edward III entitled in most of the manuscripts 'Speculum Regis' is best known in this country by Bishop Stubbs's quotations from its assault upon purveyance in his 'Constitutional History.'¹ In most of the manuscripts the author of the tract is said to be Simon Islip, archbishop of Canterbury. Islip became archbishop in 1349, and Dr. Stubbs, assuming this as a superior limit of date, comes to the conclusion from internal evidence that, in the form known to him,² it was written in that very year. The writer speaks of the *maledictum prerogativum* of purveyance as having been in existence for forty years, and exactly that length of time before Islip's elevation the abuses of purveyance were placed in the forefront of the complaints of the parliament of 1309. It is singular, however, that Dr. Stubbs should not have observed that in the passage in question (which he quotes) the origin of the evil custom is referred not to 'Edward II and his

⁷⁴ *Mun. Comm. Rep. Scotland, Parliamentary Papers*, 1836, xxiii. 97.

⁷⁵ Fraser-Mackintosh, *Invernessiana*, p. 8.

⁷⁶ Cf. Ayr, in the *Ayr and Wigton Arch. Ass.* 1883; Hawick (J. Edgar); Abernethy, *Parliamentary Papers*, 1836, xxiii. app. p. 176.

¹ Vol. ii. pp. 375, 404, 536.

² MS. Bodl. 624.

courtiers,' but to Edward I.³ M. Joseph Moisant, who has since collated all the manuscripts of the 'Speculum' and published a critical edition,⁴ does equal violence to his author's meaning. He has the credit, indeed, of distinguishing two forms of the tract which differ somewhat widely in scope and character. The earlier of the two, in his view, is represented by MS. Digby 172 in the Bodleian library and by four manuscripts derived from it. This he calls Recension A, and dates about 1337. It does not seem to have been used by Dr. Stubbs. MS. Bodl. 624 he regards as the archetype of a later recension (B). Dr. Stubbs's date for this is rejected on the ground that it contains no allusion to the black death. It cannot, says M. Moisant (p. 24), be later than 1347, because the writer speaks of forty years having elapsed from the death of Edward I. Surely a strange misconception of the passages referred to above! M. Moisant proceeds to treat the forty years as a round number, and to date the second recension from other internal indications of a vague kind at about 1345. But his whole treatment of the internal evidence in both forms of the tract is extremely superficial, and I hope to prove (1) that 'Recension B' belongs to a date thirteen or fourteen years before that he assigns to it, (2) that 'Recension A' is still earlier but not many months prior to B, (3) that some doubt is cast upon Islip's authorship of the 'Speculum.'

1. It is surprising that M. Moisant, with both recensions before him, should have overlooked an important passage in A which dates B by supplying the exact year from which its writer reckoned the forty years during which he supposed purveyance to have existed. The passage in question contains a distinct assertion that Edward I commenced the evil practice of requisitioning goods at a lower price than the seller was willing to take in the eighteenth year of his reign (*i.e.* 1289-90), a practice to which the author attributes the wars which filled its remaining years.⁵ As there seems no reason for supposing that the writer of B had a different date in his mind for Edward I's new departure, we are led to infer that this form of the 'Speculum' was written about 1330. With this conclusion the other indications of time it contains are in perfect agreement. It is subsequent to Edward III's emancipation from the control of his mother and Mortimer (October 1330),⁶ but he is still so young

³ 'Sed modo est tantum induratum et usitatum in tua curia et tempore patris tui et avi tui, quod iam duravit per xl annos' (*Const. Hist.* ii. 537). In a later chapter (lii.) this is even more distinctly stated: 'Iam quadraginta annis elapsis, scilicet ab illo tempore, quo ille nobilis rex Edwardus, avus tuus, incepit uti illo predicto prerogativo.'

⁴ *De Speculo Regis Edwardi III.* Paris, 1891.

⁵ Moisant, p. 115. Until then, it is alleged, neither he nor his father had taken anything without the consent of the owner. The writer's history was, of course, at fault here.

⁶ Moisant, p. 128.

(Edward was born in 1312) that confident hopes that he will sweep away the abuse of purveyance are entertained.⁷ The mention of his *innocentia* is quite inconsistent with so late a date as 1345. The instances of God's goodness to him, of which he is reminded at the outset,⁸ are all prior to the close of 1330—his welcome by the English people from over sea (September 1326), the earl of Lancaster's submission at Bedford (January 1329), and the fall of Isabella and Mortimer. On the other hand the wars with Scotland and France had not yet broken out.⁹ The king of France's wise administration of his household is held up for Edward's imitation.¹⁰ For forty years since his grandfather introduced the *maledictum prerogativum* there has been no such peace in the land *sicut nunc et iam fuit anno lapso*.¹¹ All this would seem to point to a date towards the close of 1331 or early in 1332, the forty years being taken as a round number. Edward had apparently settled his differences with Philip of France in April 1331.¹² The author's appeal to him to pay his father's debts and reinstate the rightful owners of lands which had unjustly escheated to the crown under Edward II¹³ also points to the early years of the reign. The same may be said of the frequent reminders of his father's fate. The writer does not consider it necessary to apologise for touching upon this delicate subject, as Archbishop Stratford thought it well to do in his remonstrance of 1340.¹⁴ Finally there is independent evidence that the abuses of purveyance were a burning question in the twelve months following Edward's emancipation. In the parliament of November 1330 the inhabitants of Somerset and Dorset complained of exactions of this kind, and an attempt was made to limit abuse of the prerogative in the parliament which met in September 1331.¹⁵ Assuming then that the form of the 'Speculum' found in MS. Bodl. 624 really belongs not to 1345, much less 1349, but to 1331 or 1332, will M. Moisant's explanation of its relation to that contained in MS. Digby 172 continue to hold good? The latter (A) cannot in that case be more than a few months earlier than the former (B) at the outside, since it mentions the fall of Mortimer.

2. M. Moisant was led to class the Bodleian MS. and its derivatives as a second recension, by the occurrence in its early chapters of two apparent references to the text given in the Digby MS. The first of these comes at the end of chapter i. The king is urged to amend the errors of his court. *Et qui sint illi errores, vide in quadam summa modica, que sic incipit: O Domine mi rex.*

⁷ 'Propter tuam innocentiam, quia, ut communiter dicitur, ductilis es ad bonum' Moisant, p. 137).

⁸ *Op. cit.* p. 128.

⁹ *Ibid.* p. 132.

¹⁰ *Ibid.* p. 158.

¹¹ *Ibid.* p. 167.

¹² *Foedera*, iv. 481-3.

¹³ Moisant, pp. 138-9.

¹⁴ Avesbury, p. 325.

¹⁵ *Rot. Parl.* ii. 40, 62.

Yet B itself enumerates a greater variety of such errors than A, which sticks closely to the abuses of purveyance, and their length is almost exactly the same. Most of its chapters too begin, as A does, with the above *incipit*. The second reference gives a stronger support to M. Moisant's view. Chapter iii., after mentioning various reasons why the king's approach is dreaded by his people, adds in conclusion, *Multe sunt alie cause de quibus tractatur in modica summa que incipit: O Domine mi rex ex quo, etc.* On this subject A does give fuller information, and while these are the exact words with which it begins they do not occur in B. Unless, therefore, we assume that these references were inserted by a copyist—for neither the Digby nor the Bodleian manuscript seems to be an original—they apparently point to A having been written very shortly before or simultaneously with B. This last is a possibility which naturally did not occur to M. Moisant, inasmuch as he saw nothing in B inconsistent with the date 1345, but could not put A much later than 1337 in view of the very tender age of the king's son which its language implies.¹⁶ He excluded an earlier date on the ground that Islip was in too humble a position before that year (when he became vicar-general of the bishop of Lincoln) to give his advice to the king in such outspoken terms as are here used, a point to which we shall have to return if A proves to be several years earlier than M. Moisant supposed. So far as the contents of A and B go there is nothing which requires us to suppose a considerable interval between the dates of their composition. They hardly strike one as two recensions of the same tract, but rather as two tracts of different scope on the same subject. Despite a general likeness in thought and illustration they have scarcely a single passage in common. In B purveyance is only the chief of a number of things which the king is admonished to reform; in A the writer confines himself exclusively to this *maledictum prerogativum* and supplies far fuller details of its working. B alone is called 'Speculum' in the text itself.¹⁷ At the end of A we read, *Explicit epistola edita ad dominum E[dwardum] regem Anglie.*¹⁸

The most precise indications of time to be found in A are the mention of the extreme youth of the Black Prince and the complaint that it was not only the households of the king and his son who billeted themselves upon the unfortunate people, but those of the queen and the king's sister. Edward III had, of course, two sisters, but Joan can hardly be meant, for she went to Scotland as wife of David Bruce in 1328 and did not revisit England until the autumn of 1348. It does not seem possible that two years after Cressy the hero of that famous victory should be considered too young to be

¹⁶ 'Quamvis adhuc sit innocens.' 'Nec ignorantia excusat eum a delicto patris' (Moisant, pp. 103-4). The Black Prince was born in June 1330.

¹⁷ Moisant, p. 129.

¹⁸ *Ibid.* p. 123.

aware of his father's guilt in permitting the abuse of purveyance to go on. If this be admitted the date of A must be prior to May 1332, when the king's elder sister, Eleanor, was married to the count of Guelders.¹⁹ With this early date agree the allusions to Edward's emancipation in 1330²⁰ and the fate of Mortimer,²¹ as well as the warning to the *ductores regis* that they should guide him wisely and well.²²

Supposing A, then, to have been written somewhere between October 1330 and May 1332, have we any means of determining its date more narrowly with a special view to its relation to B? An indication of slightly earlier date may perhaps be found in the absence of those reiterated assertions of the unusual peace the country was enjoying at the time of writing, which, as we have seen, are a marked feature of B. While the latter insists that a state of peace had prevailed for more than a year such as England had not known for forty years, since Edward I began to use the 'accursed prerogative,'²³ A declares that there has been no peace in the land since that unhappy innovation.²⁴ If I am right in assigning so early a date to A as is done above, this points to its having been written soon after Edward III's assumption of real power—that is, late in 1330 or early in 1331—a supposition which finds some support in its opening words :

Domine, mi rex, ex quo respublica tibi committitur gubernanda, debes multis modis et viis cogitare qualiter melius et discrecius de ea poteris ordinare ad honorem Dei et utilitatem regni, et etiam ad amorem populi acquirendum. Ad hoc faciendum, viam tibi trado, videlicet ut unicuique facias justiciam.²⁵

The conclusion which has thus been reached that both forms of the 'Speculum Regis' are prior to 1333 and many years earlier than has hitherto been supposed raises a further question. Could Islip have been their author at so early a date?

3. The ascription of the 'Speculum' to Islip rests entirely upon the titles prefixed to some of the manuscripts. There is no confirmatory evidence in the text itself, and it is noteworthy that the two oldest manuscripts, Digby 172 and Bodl. 624, give no author's name in the title. The three others assigned by Moisant to the fourteenth century are clearly later than 1349, since they entitle Islip archbishop of

¹⁹ *Foedera*, ii. 836, Record edition.

²⁰ 'O domine mi rex, ex quo nunc benedictus Deus miraculose liberatus es a custodia illorum qui talia permiserunt' (Moisant, p. 99).

²¹ 'Nunc etiam ultimo iste magnus dominus Roger le Mortimer captus et interceptus est' (*ibid.* p. 120).

²² *Ibid.*

²³ *Ibid.* p. 167.

²⁴ 'In xviii anno regni sui, incepit uti illo prerogativo diabolico . . . et tunc contra ipsum orta fuit guerra in Vasconia, Vallia, et Scotia, et usque ad mortem utebatur illo prerogativo maledicto, et ab eo tempore, nunquam fuit bona pax in terra ista' (*ibid.* p. 115).

²⁵ *Ibid.* p. 83.

Canterbury. In 1331 Islip was an obscure beneficed clergyman in Lincolnshire, and a most unlikely person to administer so bold and outspoken a warning to the young king as that contained in the 'Speculum.' Whoever the author was, he spoke with authority, and must have been an ecclesiastic of high standing. Is it too rash to suggest that the real author may have been Simon Meopham, who was archbishop of Canterbury from 1327 to 1333, and that Islip's name came to be attached to the 'Speculum' by a later confusion between two archbishops of the same Christian name? Its tone would be quite in keeping with the character of the man, who was so particular in selecting the officers of his own household that he was said to be looking for angels rather than men.²⁶ The allusion to Lancaster's submission at Bedford, which was largely due to Meopham's mediation, might be a personal touch, though the author vaguely gives the credit to 'the prayers of holy men.'²⁷ It is, perhaps, also worth mentioning that Edward and Meopham both spent the Christmas of 1331-2 in Somerset, the king at Wells and the archbishop at Wiveliscombe,²⁸ and the latter might have seized this opportunity of saying a word in season. But all this is, of course, mere conjecture. In the preceding demonstration of the early date of the 'Speculum' I feel myself upon firmer ground. Unless I have misinterpreted the evidences of time they contain, the A form can hardly be placed later than 1331, while the B form is certainly not later than 1332.

JAMES TAIT.

CHARLES I AND ALEXANDER LESLIE.

IN my 'Life and Campaigns of Alexander Leslie, First Earl of Leven,' I found myself unable to determine the motive underlying Leslie's retirement from the service of Sweden in August 1638. Sir William Fraser emphatically states that he did so at the express entreaty of the Covenanters;¹ but he offers no evidence in proof of his assertion, nor could I find any. In the absence of any evidence confirming Sir William Fraser's statement, the view suggested by Spalding,² that Leslie was returning to Scotland for rest and retirement, seemed the more probable, the more so since he was then approaching his sixtieth year and had already a full generation of campaigning behind him. The following letters,³ however, prove that Leslie in 1638 was far from contemplating the termination of his military activities, and at least suggest that his withdrawal from the service of Sweden was not due to the

²⁶ *Anglia Sacra*, i. 368. ²⁷ *Moisant*, p. 128. ²⁸ *Murimuth*, p. 65.

¹ *Melvilles, Earls of Melville*.

² *Memorialls*, i. 130.

³ See Gardiner's *History*, cabinet edit. viii. 388. I am indebted to the writer of the article 'Alexander Leslie and Prince Rupert' in the *Edinburgh Review*, April 1900, for drawing my attention to Leslie's visit to London in 1638.

entreaties of the Covenanters, but to his engagement to place himself at the disposal of Charles I and his nephew, the son of Frederick of Bohemia, in a further period of European service. I shall endeavour to show that for some years before 1638 Leslie's mind had bent in that direction.

In the early part of 1638 Charles I, who seven years before had sent the marquis of Hamilton to co-operate with Gustavus Adolphus, was disposed to encourage his nephew's resolution to strike a blow for his and the protestant cause. On 22 March Sir Thomas Roe wrote to the prince elector ⁴—

May it please yo^r High:—There is not a man of honour, nor sense, if envye blind him not, that doth not approue and applaud yo^r generous resolutions. From less beginings then y^r High: hath proposed, even in unjust causes, wee have seene the foundations of great Empires and kingdomes layd. This is the generall sense, that of his Ma^{tie} S^r Richard Cave, as his proper dutye will most fittly relate, and I will only Co^ment upon it, that though at the first his tone to you made it doubtfull, and his wisdomed stood upon guards, not to be engaged without a ground fitt for his Counsell, yett honour hath so prevayled, that he could not but allow yt in you w^{ch} was not fitt for him to advise nor advow; for there are consilia quae non laudantur nisi peracta. His Ma^{tie} hath given a good answere, and of free bountye will give you that ayd w^{ch} he promised formerly; and I doubt not his assistance will grow as you encrease in glorie. If there were some caution in this required, w^{ch} was done upon great reason and wth my consent, I beseech your High: not to esteeme it a barr to yo^r future hopes, nor a binding up of my M^{rs} care and bountye to you, but to consider the Coniuncture, that if his Ma^{tie} should have more openly avowed, or engaged himself by any promise or declaration, it might have hindered the treatye, w^{ch} is now in a way of conclusion and perfection; for wee have cause to feare that the French lye at ye lurch, and if the king should be engaged before they were bound, they perhaps had their ends for nothing and would keepe themselves loose, and gayne another yeare to accomodate their owne affayres, and leave both you & us entangled in the briars. This I suppose is his Ma^{ties} wisdomed, to strengthen and not to retyre his care & protection of you. Begin then most noble Prince, and wth happie auspices pursue yo^r owne glorie. One gallant and prosperous day will add unto you a reputation above access of men—tantus exercitus, quantus Imperator. And give me leave to prophceye that there doe many things concurre w^{ch} doe almost assure us of great successes. First, that in the lowest of hopes you should rise with the noyse of an Army, a thing not expected here. And at the same tyme that it was moved to his Ma^{tie}, Generall Lesly, being opportunely arrived at Court, did not only second the hopes, but in my house offer to yo^r High: another Towne not far from Meppen,⁵ called, if I mistake not, Fite, wth the garrison and munition in it free, as the King of Suede gave it him; and hath vowed, that if the prosperitie of Duke Bernard doe give Bannier any Libertye, that he will wayt upon you with 15

⁴ *State Papers, Foreign, Germany (States), No. 44.*

⁵ On the Ems.

Regiments. The noble Earle of Northumberland is made Ld. Admirall, and as I doubt not but himsele will give you assurance, as he doth highly valed yo^r virtue and approve of yo^r gallant declaration to enter into action, so he will in all occasions serve you. If there be any spiritt left among us, you hall see some fruit of our manly heat, w^{ch} you only have infused. For all o^r young men begin to thinke themselves upbrayded of Lachete by yo^r undertaking, and wee have consulted to make up a troope of voluntarye Cavaleirs for a noble guard, and I, yo^r High: lame servant, am almost transported to promise things seemingly impossible, from beginings last moneth to me so improbable. What the king hath done I beseech you to receive with alacrity principia rerum ardua, and to oblige both him and good fortune by trust and confidence. All things concurre to reputation, and reputation is the vantguard of the best army. If yo^r High: found me to flagg in my last Letters, beleve it, S^r, it was the style of the tyme, not of my genius, w^{ch} is semper tentare semper sperate (*sic*). Not that I recant the thought of the Indyces, of w^{ch} wee have as much need for our safetie as you for recovery; but that I could not hope for nor foresee an army, and wthout it Meppen were but a cage, w^{ch} courage & spiritt hath miraculously raysed, as Beucalion (*sic*) did men out of stones. There is a last resort in every action; wee will reserve a kingdome for you there, if Germany be unworthy of you. This discourse I will leave to M^r de Laet, by whom I have written, and it is no Chimæra, if it may be undertaken. There is no way to humble the house of Austria but at the roote of their ambition. His Ma^{tie} will send an Amb^r to Hamburgh, whom I know not, but this principall service he may doe yo^r High:—of w^{ch} I conferred with Generall Lesly—to procure you the posts and strengths the Suedes possess in Munster, and they will give you a great interest in a treatye; for being Ecclesiasticus lands, the Church hath the prevalent voyce in a generall Dyett, & will give any thing to have their owne. I shall omitt no Dutye, no paines, no danger, to serve yo^r High:, and shall have this advantage, y^t you cannott studye to employ me, but I shall as readely obey you as subscribe

Yo^r High: most humble, etc.

London, 22 March 1637.

The good offices of M^r Taylor are here disavowed, only the truth of the accusation doubted. If yo^r High: bring the testemony to S^r Wiffm Boswell, that he doe examine and certefye it, it may start a fox, and he will receive a iust punishment. But in this yo^r High: will spare my name.

The prince's reply to Roe's letter is not among the German papers in the Record Office. His mother answered as follows: ⁶—

Honest Thom:—There goeth with this to you severall papers concerning some plantations intended partlie for the Benefitt of my Sonne. I pray you peruse them thoroughlie & consider them, and if you find no good cause to the contrarie, I intreat you to acquaint the King my deare Brother with them, and if he doth approve of them, beseech him that he woulde be pleased gratuslie to pass his grant and signifie his

⁶ *State Papers, Foreign, Germany (States), No. 44.*

pleasure in it either by you or S^r Will: Boswell. I pray doe it as Soone as you can. I hope before this you have received mine by Nicoll, because the winde has bene faire these two Days. You will see by it that I was a little in paine, not knowing how my Brother woulde like of my Sonns resolution. But by M^r Hinkes I ame cleered of that doubt to my great comfort by my Brothers owne letter. You cannot imagine how much every body here is joyed with it; and though my sonne have the profit, yett the King has the honour; for now they begin to beleeeve he will doe something for us, which before was a hard matter to putt into there mindes. Since Ferentz went from hence we have not heard from him. I saw the letter you writt to my sonne, and find you in King Cambyses vaine in your Expression of your aproving his actions, which, coming from so true a friend as you are, doth not a little incourage him. By his owne Letter you will know it better, & what answer you shall give generall Lesley to his offer, which is so honourable & free as shews him what he is. And though I have commanded Honeywood to see him from me and thank him for his affection to my son, yet, I pray, do you so too, and assure him I will never be unthankfull to him for it. I hope you will hear it as soon as I, that Duke Bernard has taken in Reinfeldt, and is gone towards the Danube. Yesterday it was written from Frankford that he has taken in Stutgard, the chief house of the Duke of Wertemberg, and soe goes toward Ulme.

Now I must acquaint you with news that I have received before yesterday, that the Landgrave John, brother to him of Darmstat, has been with the Landgravine at Groning to persuade her to a peace, and is gone to Amsterdam, from thence to pass into England with offers from the King of Hongarie to my brother of new Conditions of peace, and under hand find how the King is inclined to assist us, and do his best to hinder it. I know not whether he goes as Ambassadour or of himself. I thought good to acquaint you with this, that you might be provided for him, to hinder what harm he may do. He did once serve the King of Suede, but since has turned, and his Brother was a professed, malicious, base enemie to my dear husband. Therefore I hope his intertainment will not deserve too much respect. I will say no more at this time, but ame ever

Your most constant loving friend

ELIZABETH.

Robin Anstruther can tell you the base Hatred of the Landgrave of Darmstat to the King my husband. I writt in such hast to you last time, as I forgot to give you thanks for the Queens Maske. I pray thank Inigo Johns for it. Tell him I find [it] extream good.

The Hagh, this $\frac{1}{2}$ of April [1638].

That Leslie was contemplating a further period of European service, and at a time when Scotland was already arming for war, is obvious from his interview with Roe and his offer of aid to the prince elector. That he had, since the death of Gustavus Adolphus in 1632, hoped for a more active participation in the European war on the part of Charles, and had made offers incompatible with his continued employment in the service of

Sweden, is clear from his meagre correspondence. Three weeks after Lützen Leslie had suggested Frederick of Bohemia as Gustavus's possible successor in the leadership of the protestant cause.⁷ Frederick died shortly after, however, and Leslie's hopes seem to have centred themselves in Charles I as the monarch in whose service he might best realise the object for which he had so long been fighting. On 16 April 1636 he had written to Hamilton to assure him of his desire

to give testimonie of my natural and obliged affectione by doing his Majestie [Charles] by my weak labours some acceptable service.⁸

On 9 May 1636 he again wrote to Hamilton—

My lord, if it be that the restitutione of the Palatine can come no vther way bot by way of armes, the neirest and most convenient way for his Majesties projectis towardis the advancement of that interest is be Westphalia, wher I sould think myself happie to attend his Majesties commandementis, and to doe his Majestie service with these people committed to my charge.⁹

On the same date he wrote to Charles himself expressing his desire

to the performing of some acceptable service to your Majestie, or those hes relatione to your Majestie, whiche I should accompt my cheifest earthlie happines.¹⁰

Lastly there is a letter of his written from Stockholm, 15 Sept. 1637, in which the purpose of his visit to Charles a few months later is clearly revealed.

It were to be wished (he wrote to Hamilton) that such as haue a mind to helpe us would steppe in whiles it is tyme, before all bee lost, for then it may proove too late.¹¹

It cannot be doubted that a covert hint to Charles was intended, and its connexion with Leslie's visit to the king so shortly after appears obvious.

Unfortunately neither in the German Miscellaneous Correspondence in the Record Office nor in the Domestic State Papers are there any documents which throw any light upon Leslie and his offer of service to Charles in March 1638. There is, however, among the Venetian Transcripts¹² a letter of Zonca to the doge, dated London, $\frac{6}{16}$ April 1638, which contains the following passage:—

Il Colonello Lesle fù a licentiarsi dalla Maestà Sua, et sù le poste parti per Iscotia, dove tiene in pronto una Nave, sopra la quale deve imbarcarsi con la sua famiglia, et alcuni soldati, per ripassare in Pomerania al comando delle sue truppe, in servizio del Regno di Svetia.

⁷ *Life and Campaigns of Alexander Leslie*, p. 31.

⁸ *Ibid.* p. 33.

⁹ *Ibid.* p. 36.

¹⁰ *Ibid.* p. 37.

¹¹ *Ibid.* p. 39.

¹² 1637-8, p. 125

It is not possible to suppose that Leslie in March–April 1638 was wholly ignorant of the relations of Charles with his Scottish subjects. At the time of his visit to London his chief, the earl of Rothes, Montrose, and others were organising their party and forming a fund¹³ for the war which appeared imminent. Save for the improbable hypothesis that Leslie was in ignorance of these preparations, it must appear from Roe's account of his offer to Charles and the prince palatine that he by no means recognised in them a call to himself. Zonca's letter to the doge suggests, by inference merely, that Leslie's visit to Scotland after his interview with Roe had caused no alteration in his plans. That he was returning to the continent not merely with recruits but also *con la sua famiglia* may or may not be significant as indicating Leslie's expectation of a further lengthened period of European service. It would be unfair to press Zonca's statement too far. But this at least is clear, that his return to Sweden must have been followed by an almost immediate request to be released from Queen Christina's service, since on the following 14 Aug. 1638 he received his letters of demission.¹⁴

Between August and October 1638, when Leslie returned to Scotland to model the Scottish army of the Covenant, there is no record of any negotiations between him and its leaders. Baillie, however, supposes that Leslie's motive in returning was known to Charles, and that English men-of-war were watching the coast to intercept him.¹⁵ Roe, also, in a letter to Windebank of 26 Sept. 1640, asserts that Leslie on quitting the Swedish service received munitions of war in part payment of his stipend.¹⁶ But in the light of his visit to London in March 1638, and in the absence, so far, of any evidence to show when and why his then attitude underwent a change,¹⁷ there is room at least for the suggestion that had Charles been in a position to intervene in the European war in 1638, as in 1631, the Scottish army of the Covenant might have served under another general.

C. SANFORD TERRY.

A FRANCO-IRISH SPY IN 1796.

GENERAL HOCHÉ, while preparing for his expedition to Ireland, secretly sent over one of his staff officers, Captain Bernard Mac

¹³ Rothes, *Relation*, pp. 72, 80, 81, 127.

¹⁴ Fraser, *Melvilles*, i. 391.

¹⁵ *Letters*, i. 111.

¹⁶ *Cal. State Papers*, 1640–1, p. 101. Leslie, however, need not necessarily have at first designed them for employment in Scotland.

¹⁷ I had hoped that the State Papers in the Swedish archives might have provided materials towards the elucidation of this point, but so far I have failed to gain any light from them.

Sheehy. Born in Ireland in 1774, and probably a nephew of John Baptist Mac Sheehy, physician to the French court, Bernard Mac Sheehy studied at the Irish College in Paris. In November 1792 he attended the dinner of British residents of which I gave an account in this Review in October 1898. Arrested in September 1793, in common with all British subjects in France, he offered to join the French army. In May 1794 he was appointed interpreter on the staff of General Félix for the contemplated expedition to India. In 1796 he joined General Hoche's staff, and I have found in the French National Archives (A. F. iii. 186 b) his report on the mission entrusted to him. Translated from the French text it reads thus :—

Brest : 29 Frimaire, year V [19 Nov. 1796].

Directed by General Hoche to go to Ireland, in order to confer with the patriots of that country on the present situation, and at the same time to announce to them the desire of the French people and government to free them from the English yoke, I started from Brest on the 17 Brumaire [7 Nov.] in the American vessel 'Washington.' After undergoing for eleven days all the sufferings that the sea can produce, and the vessel leaking on all sides, we were forced to cast anchor off the Isle of Wight, whence a pilot boat took us to Portsmouth, as also the two Americans directed to accompany me. The 'Washington' was taken to Cowes, where it was seized by the king's lieutenant, Stewart, for having landed passengers without previous examination. It was even stated that the pilot boat which had taken us to Portsmouth had been seized and the captain thrown into prison.

We started next morning for London, knowing that it would there be much easier than elsewhere to remain unknown. After staying some days I resolved to continue my journey to Dublin. A king's messenger was my sole travelling companion. By my apparent attachment for royalty I insinuated myself into his confidence to such a degree that he made me the confidant of his mission. He was the bearer of instructions from the cabinet of St. James's to Lord Camden, viceroy of Ireland, to take every possible means of bringing before the Board of Admiralty a man called Bryan, who had come from Brest to Portsmouth in the American ship 'Washington.' He was strictly enjoined in future to search any vessel from abroad, especially from France. My name was already known in London on account of my former conduct in Paris, and I had thought it necessary to change it. Fancy my astonishment on finding myself thus designated! I succeeded so well, however, in playing my rôle of royalist that on reaching Dublin the king's messenger invited me to spend the night at the viceroy's castle. It was very late when we landed. I declined as politely as possible, and lodged at the Marine Hotel. I called next day on ——. It was more difficult for me to gain their confidence than that of the messenger. The rigour of the government forces them to be more than ever on their guard. Here are the general notes which they gave me on the state of the country.

The military force of Ireland amounts to 45,000 men, 20,000 of whom consist of Scottish Fencibles and 25,000 of the militia of the country. The

latter are for the most part inclined to shake off the yoke. Special vexations have already spread an almost general disaffection among them. A trusty agent was sent the same day to the north. He brought back news that there are already 50,000 men trained to the use of arms, and ready to second the French, and that they had weapons for 15,000 men, and twenty guns at their disposal. They assured me that the disaffection against the government was general, and that the United Irishmen's Association daily increases in strength and extends over the whole surface of Ireland. They are all pledged to bring about a reform. This is the ostensible pretext, but the real aim is to sever the union with England. They are sworn never to abandon one another, to sacrifice all those who may be base enough to deceive them, and to have entire confidence in their chiefs. Several of them are already appointed and known. I was assured that most of them are celebrated for their talents and that all had large properties.

If we consider the civil and political state of the Irish people, there is no doubt that its unfortunate condition inclines it to resort to any means of emerging from it. Already several partial insurrections, fomented by the government, have failed to reveal the general plan concerted by the leaders of the insurrection. They are doing their utmost to restrain the passions of a constantly embittered people, in order to await the moment when they can display an imposing force, capable of destroying all that there is of English in the island. This is at last decided on. If General Hoche effects a landing Ireland is free, France has a faithful ally, and her natural enemy, the enemy of all nations, is struck off the list of nations. The English government, suspecting this, is circulating the following reflexions:—

‘If the French invade Ireland will they respect property, they who have never known how to respect their own? They are short of money and food. If they appear in this country they will leave nothing but famine and distress behind them.’

Such is what the adherents of royalty parade before the eyes of the people, but the firm conduct of the officers and generals satisfies me that property will be respected, and I hope that the means which have been furnished them will sufficiently vouch in the eyes of the Irish people for the good intentions of the French people and government. The persons with whom I have conferred tell me that with money alone they would be able to free themselves, and they have urged me to assure you that if the French troops could only subsist for two months without requiring anything from the inhabitants their efforts would not fail to be crowned with prompt and complete success.

CAPITAINE-ADJOINT MAC SHEEHY.

General Hédouville in forwarding this report stated that Mac Sheehy had landed the previous night near Paimpol, and that he was intelligent and educated, and seemed to have perfectly accomplished his mission. Mac Sheehy also drew up a journal, which is mostly a repetition of his report, but which contains the following passages:—

During the four days in London I remarked that all the women, even

in the highest ranks, were thorough democrats. Out of party spirit they wear their hair *à la Jacobine*. They openly exclaim against the measures of the king and the ministry. The Militia Bill is a great source of discontent in England. It obliges a great portion of the farmers and tradesmen to devote themselves to the handling of arms, and thus affects their dearest interests, rendering it impossible for them to make money, which is their sole idol. The yeomanry called out in the various counties are very numerous. Those quartered in the towns are lodged and fed, as also their horses, at the expense of the rich. This measure turns people against the government. The avarice of the king and queen, the fearful prodigality of their children, and the licentious conduct of all the members of the government have forfeited the confidence even of the most loyal. I conversed with several London merchants. All acknowledge that reform is necessary. Democratic pamphlets are just now read with greater eagerness than ever, and their teaching will not fail to be soon acted upon. The more the government tries to prevent their circulation the more they are read and meditated upon. The high price of provisions and the heavy taxes make the people cry out more than ever. Persons living in London have assured me that the taxes swallow up 90 per cent. of their income. The new taxes imposed since the budget were not yet known. Everywhere I heard praises heaped on the bravery of the French and the cause defended by them. Being one night at Covent Garden Theatre, and some persons having called for 'God save the King,' several voices exclaimed 'God save the people!' Their cries seemed the more significant as the king and royal family were present. . . . I remarked on the road [to Holyhead] that everything was as dear as in London, and that in Wales, where all was very cheap, the people are comparatively more distressed than elsewhere. . . . They [the United Irishmen] urged me to inform the French government that if it could induce the Spanish government to advance the money necessary for the first rising they would engage to repay it at a fixed date. . . . I left the same evening to rejoin Lewis in London, where I arrived on 4 Dec. I remarked nothing worth notice on the journey. During my absence Lewis had done his utmost in order to start with me as soon as I returned, but to no avail. For some months people have been unable to leave England, especially Ireland, without a passport from the duke of Portland or the lord-lieutenant of Ireland. The Guernsey route alone remained. Reilly had lived there at one time, and advised us to go, assuring us that we should find means of crossing [to France] without being examined.

An American vessel landed Mac Sheehy on 17 Dec. 1796 on the isle of Bréhat. He rose in the French army to the rank of general, and was killed at Eylau in 1807. . J. G. ALGER.

Reviews of Books

Catalogue of the Greek Coins of Lycaonia, Isauria, and Cilicia. By G. F. HILL. (London: Printed by order of the Trustees of the British Museum. 1900.)

It is hardly necessary to say more than that this is the latest addition to a numismatic series whose sustained excellence is notorious throughout Europe. Mr. Hill, who produces this volume under the general editorship of the Keeper of the Coins, has to deal with a geographical region among the most obscure in the classical world. Neither is its ancient history too clear nor are its actual remains known but very superficially. Lycaonian coins are still excessively scarce. Of three out of only eleven towns, known to have had the privilege of minting in imperial times—viz. Derbe, Hyde, and Laodicea Combusta—the British Museum is at present without a single coin, and Mr. Hill has to quote solitary specimens in Paris. Cilicia is hardly in better case. There is a large district of the western country, lying to south of Ermenek, very imperfectly explored as yet, and in this must be sought evidence to determine the Claudiopolis problem. Mr. Hill subscribes to Professor Ramsay's view that a Greek Claudiopolis must be placed at Mut, and ascribes to it the unique coin acquired from that explorer in 1892; and he looks for the Roman colony of Ninica-Claudiopolis up the valley to north-west. The site of the latter town, whose coins were formerly ascribed, by one of the most extraordinary of historical mistakes, to a non-existent and impossible *colonia* at Nineveh, in Assyria, has not been identified, unless it be one with Juliosebaste, and that again be correctly placed by Heberdey at Siwasti. Mr. Hill properly demurs at present to accept all these identifications, since, on the one hand, Siwasti is not in the region which we naturally identify with Lalassis, wherein Ptolemy fixes Ninica; on the other, ingenious as was Professor Ramsay's resolution¹ of the various topographical and historical difficulties, which attend the assumption that there were two towns called Claudiopolis minting coins within so short a distance of each other, it involves too many conjectures to be quite convincing. As is usual, where city mints are mainly in question, the introduction is devoted to topographical matters. In the main Mr. Hill follows Professor Ramsay's identifications, and when he departs from that great authority he might sometimes be more explicit as to his grounds of difference. For example, it is not, on the face of it, satisfying to those who know that

¹ *Rev. Num.* 1894, pp. 164 ff.

Professor Ramsay placed *Mallus* at Karatash in his 'Historical Geography,' published in 1890, to find that city relegated to an unknown site inland, and Karatash identified with *Magarsus* on the strength of articles written by Imhoof-Blumer in 1883-4. The latter scholar is possibly right. An inscription, wherein the priests of Athena of Magarsus honour a fellow citizen, is published in 'R. G. S. Suppl. Papers,' iii. 72, and this inscription, now at Adana, was said to have been brought from Karatash. But we should like a more detailed statement from Mr. Hill.

The great Tarsian series is the most important and interesting that comes within the scope of this volume. Tarsus is the point at which Hellenic and Semitic influences most conspicuously meet and are fused. The fact is reflected by the city's coinage, and perpetuated in the present condition of eastern Cilicia, where a medley of races professes a score of various heresies of Christianity and Islam. Mr. Hill's Tarsian section is an excellent commentary on the varied history of the city. In concluding our notice of a piece of scholarly work we call attention to the service which, in Mr. Hill's hands, numismatics render to the topographer. The judicious comparison of city types leads to most valuable inferences as to the relative positions of certain sites, and indicates to the explorer where to look. Good examples are to be found in this volume in the notes on the positions of Diocæsarea, Cibyra Minor, and Colybrassus. Our only general objection must be taken to the orthography of Turkish names, adopted in a volume intended for European circulation, e.g. to the introduction of a redundant *c* into *Tash*. Who but a German would divine the pronunciation intended to be indicated by *Taschudschu* ?

D. G. HOGARTH.

The Decline and Fall of the Roman Empire. By EDWARD GIBBON.
 Edited by J. B. BURY. Vols. VI. VII. (London: Methuen. 1898, 1900.)

In congratulating Professor Bury on the completion of the task which he undertook a few years ago we cannot but be struck by both the rapidity and the thoroughness of his work. We doubt whether any other living historian could have treated the vast field of facts included by Gibbon in his survey with equal versatility and equal sureness of touch. In the volumes before us the width of the editor's range is brought home to us on the one hand by the notes on the crusades, and on the other by those on Slavonic and Russian affairs. But, over and above the intrinsic merits of his editorial work, Professor Bury must be congratulated on the association of his name with an event in literature to which the much-abused epithet 'epoch-making' may truly be applied. For the first time, if we are not mistaken, we have the spectacle of a modern historian whose work has not been rewritten in the light of nineteenth-century criticism and research, but presented again to the world intact (we may almost say like an ancient classic), and only supplemented by a commentary. It is possible that in course of time other historians may be thought worthy of similar treatment. But Gibbon has the distinction of being the first to be raised to the position of a classic in the proper sense. This is not the place to enlarge on the merits of that great writer, but this edition is certainly the highest tribute which they have yet received. Though

it is improbable that our knowledge of the period covered by the 'Decline and Fall' can ever now be substantially increased, there will, no doubt, be plenty of room for minor additions and corrections in future editions. One point may be mentioned here. Gibbon was rather fond of introducing allusions to modern events and persons, sometimes by way of illustration, sometimes for the purpose of comparing a former with a present state of affairs. These allusions are far from being always obvious to the reader of our own day, while others have in their turn become antiquated. Professor Bury has been rather arbitrary in selecting some for explanation and leaving others alone. It would be well if at some future time notes could be appended to all save the most obvious of such allusions.

G. MCN. RUSHFORTH.

Geschichte Italiens im Mittelalter. Von L. M. HARTMANN. II. Band, 1. Hälfte. 'Römer und Langobarden bis zur Theilung Italiens.' (Leipzig: Wigand. 1900.)

WE have here a further instalment of Hartmann's great book on the history of Italy, a book which, commencing with the fall of the empire in the west, is meant to comprise in seven volumes the story of the Italian peninsula down to the beginning of the period of the Renaissance.

In the first volume Odovakar, Theodoric, Belisarius, and Totila were the leading figures. In this first portion of the second volume we have the history of the Lombard invaders and their antagonists, imperial and papal, down to the year 680, at which date the author places 'the division of Italy.' Obviously such a process as the Lombard conquest of the larger part of Italy, a process continued with varying degrees of success for three or four generations, is not one which can be easily confined within precise limits of time. Its beginning we know, and can refer it without doubt to the year 568; but its end may be placed almost anywhere between Agilulf's peace in 599 and Aistulf's capture of Ravenna in 752. Professor Hartmann's reasons for fixing not the conquest but the partition of Italy in 680 seem to be satisfactory. By that time the Lombards had renounced Arianism, and accordingly, though the scribes in the papal chancery still, from the mere force of habit, called them *nefandissimi Langobardi*, peace was possible between them and the Roman church. The emperor Constans had struck his great stroke for the recovery of Italy, and had failed. His son Constantine Pogonatus, sore beset by the Saracen besiegers of Constantinople, had definitely renounced both the western-tending schemes of Constans and the monotheletism of Heraclius. There was thus peace once more between the papacy and the empire, and peace on the basis of the recognition of accomplished facts between the empire and its Lombard invaders. But Professor Hartmann shall sum up the results of the period now under discussion in his own words.

The acceptance by the Lombards of the catholic faith, the overthrow of Arianism, which was vanquished by the victory of the Bavarian dynasty, and above all the establishment and recognition of the Roman catholic hierarchy in the Lombard kingdom, are by no means isolated phenomena, to be explained solely by the development of religious belief, but rather stages in the

general development of the Lombard state, taking place gradually over a period of a hundred years from the time of the irruption of the barbarians and tending towards its incorporation in the political system of Roman Christianity. For Maurice (582-602) as for Constans (641-668) there did not as yet exist any Lombard state, but only a horde of hostile barbarians who, temporarily and against all right, had obtained possession of a piece of Roman territory. The jurisprudence of the *Respublica Romana* excluded these barbarians from its cognisance; and as, in the case of individuals, a robber may be in actual possession of stolen goods, and exercise over them certain compulsory powers, but cannot make any contract about them, because it belongs to criminal law to deal with his case, so with this Lombard foe, war was the normal relation, and though there might be a temporary armistice, there was no possible recognition of his rights. But as the Lombard on Roman soil had *qua* Lombard no rights and no claim to legal protection, so too the Roman, just because he was an enemy, had among the enemies of the empire no rights at all. The necessary consequence was the consistent refusal to recognise Roman citizens and Roman law, practised as far as it lay in their power by an Alboin or a Rothari; and therewith also a refusal to recognise the Roman church, which was an institution of the Roman empire. Many emperors had, like Phocas, supported by popes like Gregory I, contemplated a relation of mutual recognition, such as existed between the empire and many barbarian states; and the Bavarian dynasty [of the Lombards] had on its side pursued the same policy. The internal changes which the Lombard state underwent, resulting from its settlement in the country and the influence of the subject Roman population—changes which often brought the actual relations of the parties into striking contrast with their theoretical position towards one another—called imperatively for this development on the side of the Lombards, while the increasing weakness of the empire, and its increasing need to concentrate its forces towards the east, produced the same effect on the side of the Romans. Grimwald (662-671) and Constans are the last representatives of war, Perctarit (672-688) and Constantine Pogonatus the representatives of the new, peaceful state of mutual recognition. This condition of things meant for the Roman empire only the permanent surrender of territory already hopelessly lost, but for the Lombard state it implied a complete transformation of its internal condition.¹

Again—

Thus was the world-historical partition of Italy accomplished. Although in the twelve centuries that followed some slight shifting of boundaries might take place, though one set of heirs might be succeeded by another entirely different set, yet from the emperor Constantine to Pio Nono, from the Lombard king Perctarit to Victor Emanuel, from Romwald, duke of Benevento, to King Bomba, the division of the inheritance remained essentially the same, ever since the process of abandonment of imperial rights in Italy had been begun, through the peace between the Lombards and the empire. The litical opposition between Lombard and non-Lombard Italy was not yet removed even in our own century, and moreover, within the Lombard portion itself, the separation of feeling between south and north may be distinctly traced back to the isolated position of the duchy of Benevento.²

This then is the chief object which Professor Hartmann proposes to himself in recounting the history of an age which he truly calls a *quellenarme aber höchst wichtige Periode*; to trace the successive stages of the gradual process by which the Lombard invaders crystallised into a regular settled state, holding the same form of Christianity that was professed among the civilised nations of Europe, and recognised as a

¹ Pp. 270-1.

² P. 273.

state by the great world-empire at Constantinople. Having set this object before him he pursues it with much singleness of purpose and great thoroughness of method. The main narrative is flowing and comparatively popular in its character. In the notes at the end of each chapter some critical questions are discussed, and the authorities for each assertion in the text are duly marshalled.

Professor Hartmann is exceptionally well qualified for his office as historian of this period by the fact that he was selected on the death of Paul Ewald to edit the letters of Pope Gregory I for the 'Monumenta Germaniae Historica.' How thoroughly his mind was steeped in facts derived from this important collection is shown not only by this volume, but by his valuable 'Untersuchungen zur Geschichte der byzantinischen Verwaltung in Italien' (a work which I personally regret not having studied before I ventured to treat of the same subject), and though no uncompromising champion of the papacy he seems naturally to assume the attitude of one who contemplates passing events from the windows of the Roman Curia. In fact if one must find any fault with so good a piece of work it would be that the matters discussed are too predominantly Roman and ecclesiastical. One longs to be brought more often in touch with the spirit of the Lombard invaders (a longing which one would certainly not have felt while they were still in the flesh); especially one would like to have it explained why, even after their conversion to orthodoxy, it was still impossible to discover any *modus vivendi* between them and the occupants of the papal throne. This deficiency, however, will probably be supplied in the second part of the volume.

In conclusion I briefly indicate a few points which may be especially interesting to students.

P. 10. A suggestion that the overthrow of the Heruli by the Lombards, which was nearly coincident in time with Clovis's overthrow of the Visigoths (A.D. 507), may have been connected politically therewith.

P. 19. A contrast between Alboin's invasion and that of Theodoric.

P. 40. A very good account of the nature of the power of the Lombard dukes.

P. 53. An interesting list of survivals of the word *fara* (the Lombard equivalent for *gens*) in the Italy of to-day.

P. 114. The probable connexion of the armistice between the empire and the Lombards in 598 with the Avar attack on Singidunum.

P. 122. A suggestion that the remarks injurious to St. Peter, made by King Agilulf to Basilius,³ may have been connected with the Istrian schism.

P. 192. A caution against reading into Gregory I's position towards the empire in 604 the aspirations after sovereignty entertained by the popes contemporary with Pippin and Charles the Great. At the earlier date all was in a state of flux, and imposing as was the pope's position, and great, even from an economic point of view, as were the resources which he wielded, there was still no idea of 'States of the Church' detached from the empire.

Pp. 198-9. Some useful remarks on the length of time required for correspondence between Rome and Constantinople.

³ Greg. *Ep.* ix. 44.

Pp. 201-2 and 204. The strengthening of the local militias in Italy prepared the way for its separation from the empire, and accounts for the increasing tone of independence assumed by the Exarchs. In fact Eleutherius the Exarch (A.D. 619) by his armed revolt against Heraclius anticipated, however unsuccessfully, the action of Charlemagne.

Pp. 219 and 238. The opposition to the monothelete emperors *in Italy* was really a struggle for Italian independence, while the westward-tending policy of Constans II (663-668) was more statesmanlike than its critics generally suppose.

Pp. 268-269 and 272. An elaborate account of the ecclesiastical geography of Italy, founded on the signatures of the bishops at various synods.

Pp. 272-279. A valuable hint derived from a passage in Theophanes (A.M. 6169). He mentions ῥήγες ξεαρχοι καὶ κάσταλδοι coming with gifts to arrange terms of peace at Constantinople. Are not these κάσταλδοι Lombard gastalds, and if so may we not confidently affirm that about the same time when Constantine IV made peace with the caliph Moawiyah (677), he made peace with the Lombard king through the intervention of gastald emissaries of the latter?

I venture, in conclusion, to call attention to the frequent references made by Dr. Hartmann to the series of 'Studi Storici' commenced by Professor Crivellucci in 1892. I have found Crivellucci's volumes very helpful, and his researches are not confined to the Lombard period. I think they ought to find a place in every good library of historical reference in this country.

THOS. HODGKIN.

A Review of Irish History in relation to the Social Development of Ireland. By JOHN PATRICK GANNON. (London: T. Fisher Unwin, 1900.)

It is pleasant to read a book on Irish history which is not replete with party recrimination, which points out the sequence of events and the conditions determining them without dwelling in righteous indignation on acts of injustice on the one side, or on crimes and outrages on the other, without attributing all misfortunes and failures either to the innate malignity of the rulers or to the original sin of those they were trying to rule. Mr. Gannon's book, consistently with its name, is a rapid review and not a detailed narrative. It attempts 'to explain historically some of the difficulties suggested by the present state of Ireland,' and the author's opinion, as stated by himself, is that, 'given the peculiar combination of circumstances to which Ireland has been exposed, and allowing on all sides for the weaknesses of human nature, the actual development of Irish society has been very much what might have been expected.' Such a view perhaps savours of fatalism, but it has at least the merit of keeping before the writer the importance of understanding actions and events and of rendering them intelligible, rather than of passing judgment upon them. As Mr. Gannon points out, one of the dominating factors in the production of modern Ireland has been the persistence of tribalism—a social system based on kinship, real or fictitious—down to the sixteenth century, and, we may add, the continued persistence of the tribal spirit long after its actual body was a thing of the past. This was at first due to the fact that Ireland was never under the

direct dominion of Rome, had never imbibed the spirit of Roman laws or of Roman institutions. Thus when Christianity was introduced the church found no system of centralised government, such as she met with elsewhere, but had to build upon a Celtic basis. The Christian settlement became in fact 'a religious oasis in the heart of the wild tribe,' and made no structural change in the social system. The scourge of the Northmen left the church bleeding, and only increased the turmoil among the warring septa. When the Anglo-Normans came, and for centuries afterwards, 'the crown, which was the direct focus of the feudal system in England, had little direct power in Ireland.' Thus Ireland was never welded into one homogeneous whole for peaceful progress—nay, not even for revolt. The final abolition of Celtic customs and formal tribalism under the first Scottish king of England was absolutely necessary to set her free from a system which paralysed her energies, and even the confiscations and plantation of Ulster, however ruthless they may have been, wrought a wholesome change over parts of the northern province.

When judging an action Mr. Gannon has the merit of always keeping before him the point of view of the doer of the action and the conditions with which he had to deal, while in a question of morals never ignoring historical perspective. His judgments are therefore charitable, but in our opinion none the less sound. Even for the protestant episcopalians in the days of their supremacy, while not ignoring the methods by which they held in check the catholic majority, he has a good word to say. They had 'a tremendous task before them,' and 'at the end of their rule they could point to a record of work done, at least among the upper and middle classes, of which they had no reason to be ashamed.' An occasional slip may be noticed. Hugh O'Neill's victory at the Yellow Ford (p. 126) and Owen Roe's at Benburb (p. 159) are both characterised, in almost the same words, as the greatest Irish victory since Clontarf. It is a misnomer too to speak of Anglo-Normans in Ireland down to the time of Charles I. The class thus designated were not even all of Anglo-Norman descent. But these are slight blemishes. The book is well written and evinces a sober judgment throughout.

GODDARD H. ORPEN.

Die Entstehung des Kirchenstaates und der curiale Begriff 'Res publica Romanorum': ein Beitrag zum fränkischen Kirchen- und Staatsrecht.
 Von Dr. W. GUNDLACH. (Gierke's *Untersuchungen zur deutschen Staats- und Rechtsgeschichte*. Heft 59.) (Breslau: M. & H. Marcus, 1899.)

OF the writing of books upon the rise of the temporal power of the popes there is indeed no end, and on many of the questions connected with it we can scarcely hope that any theory will ever command general assent. Dr. Gundlach, however, as the latest editor of the 'Codex Carolinus,' has undeniable qualifications for assaying the task, and in this monograph has certainly thrown interesting light upon many doubtful and obscure matters. The work is written mainly from the legal point of view, the author's object being to explain the basis of the papal government and the legal position of the pope in regard to the emperor and to the Frankish king. The common idea that the temporal power was a creation of Pippin Dr.

Gundlach rejects as baseless, representing it as a gradual growth originating in imperial ordinances which conferred a certain judicial and administrative authority upon bishops, and in the rights of immunity which the pope, in common with many other bishops and monasteries, possessed over his vast estates. The popes were, therefore, in possession of temporal power long before the time of Pippin, and, as far as the duchy of Rome was concerned, the events of 754-6 made no difference in their legal position. This is, of course, no new theory; indeed it may almost be called an obvious truth, but much loose language has been used about the matter, and Dr. Gundlach has the merit of having placed the facts in a clear light. In the Exarchate also Dr. Gundlach believes that, owing to the weakness of the exarchs, the popes, by means of their territorial immunities and their ecclesiastical supremacy,¹ had for some time exercised a controlling influence upon the government, so that Pippin's grant of the greater part of the Exarchate to Stephen II was regarded by the pope as a restitution.

Of any sovereignty of the pope, however, Dr. Gundlach will not hear. According to him the pope was merely *Immunitätsherr*, his sovereign in the duchy of Rome being the emperor, and in the Exarchate the Frankish king. On the latter point, however, I cannot think that the case is proved, since, if the king was sovereign of the Exarchate, it can only have been as patrician, and yet this title was not officially used till 774; moreover the patriciate undoubtedly extended to Rome also, and it is hard to see how it can have meant one thing in one place and another in another. Dr. Gundlach hardly seems to allow enough for the fact that powerful men often exercise authority for which it would be hard to find any legal ground. Still harder is it to follow him when he maintains that in 781 Irene formally ceded the duchy of Rome to Charles, who thereupon granted the pope the immunity rights in it in his own name. The argument from coins and the method of dating (pp. 112-5) is inconclusive, since, even if they prove any such change, they are equally consistent with the date 774; indeed, as Leo III dates the years of Charles from that time, they point more naturally to it. Even weaker is the inference from the expression *patriciatum beati Petri . . . a vobis amplius confirmatum* (p. 65), which Dr. Gundlach says cannot refer to the donation of 774, since that was only a confirmation of that of Pippin; for surely *amplius* only means 'further,' not 'with additions.' As to the event of 774, Dr. Gundlach, while holding the section containing the donation to be a genuine part of the 'Vita Hadriani,' and to have been written in 774, denies its authenticity.² It is impossible to discuss this question at length here, but it is hard to get over the confirmation derived from Hadrian's reference to the grant of Spoleto and Stephen III's reference to the grant of Istria and Venetia,³ and I cannot

¹ Dr. Gundlach calls this metropolitan power. The metropolitan power of the pope, however, did not cover the Exarchate proper, which was under the archbishop of Ravenna, though the pope would naturally exercise greater authority in the Exarchate than in the Lombard provinces of Milan and Aquileia.

² He points out that the northern boundary is that of the metropolitan jurisdiction of the pope.

³ To these must be added Leo III's allusion to the grant of Corsica (Dove, *Sitzungsb. der Münch. Akad.* 1894, pp. 213 ff.), to which Dr. Gundlach does not refer.

think that enough allowance has ever been made for the fact that the biographer does not profess to give the text of the donation, but only its substance, and the various grants may therefore have differed in their terms, as we may perhaps infer from a comparison with the 'Ludovicianum';⁴ moreover it hardly seems necessary to take the writer so literally as to suppose that the donation was identical with that of Pippin.

In conclusion it appears to me that Dr. Gundlach is too much inclined to look at matters from the modern juristic point of view, and attributes to the men of the eighth century a respect for legal form with which it is difficult to credit them; but his work, though it is often obscure and certainly is not the last word on the subject, will be indispensable for every one who wishes to study the matters with which it deals.

E. W. BROOKS.

Charlemagne (Charles the Great): the Hero of Two Nations. By H. W. CARLESS DAVIS, M.A. ('Heroes of the Nations.') (London; G. P. Putnam's Sons. 1900.)

THE system of publishing books in a popular series necessarily leads to a considerable amount of overlapping, and therefore, though a series of 'Heroes of the Nations' would not be complete without a life of Charles the Great, it is unfortunate that this book appears so soon after Mr. Hodgkin's life of Charles in the 'Foreign Statesmen' series. Mr. Davis's work was, however, completed before the appearance of Mr. Hodgkin's, and is therefore an independent study of the same subject. After a short account of the rise of the Franks Mr. Davis narrates the wars of Charles, after which he explains the character of his legislation, his ecclesiastical policy, and his literary tastes. The origin of the empire is then discussed in two chapters, which are followed by a chapter on the court of Charles, largely drawn from the anecdotes of the monk of St. Gall, while the book ends with an account of the legendary Charles of the middle ages. Mr. Davis, while admiring the energy and sincerity of Charles, points out that he failed to provide any lasting remedy for the decay of the empire, and that its fall was largely due to the territorial power which he granted to the church. In a book of this kind assumptions must sometimes be made without discussion, but the identification of the *Hunaldus quidam* of 769 with Waifar's father passes permissible limits, and his relationship to Lupus depends only on the Alaon forgery. Again, the statement that Angilbert and Bertha were married is directly contrary to Einhard. In pre-Caroline history Mr. Davis is somewhat at sea; thus his account of Ebroin and Pippin is wholly wrong, and the statement that the throne was left vacant from 720 to 742 ignores the reign of Theodoric IV. And when did the Visigoths conquer Africa (p. 4)? I may also point out that on pp. 260 and 301 inconsistent dates, both wrong, are given for the death of the younger Charles, and that the statements on pp. 188 and 196 as to the relation of Rome to Constantinople can hardly be reconciled. On p. xvi Lewis the Child is wrongly placed among the emperors, and on p. 297 Hemming is called son instead of nephew of Godfrey. On p. 63 the numeral should be

⁴ Dr. Gundlach, however, contrary to recent opinion on the subject, regards the 'Ludovicianum' as largely falsified.

added to the name Stephen, and the note on p. 89 is scarcely intelligible. I do not know what authority there is for the assertion that the duke of Beneventum paid homage to the pope (p. 87). The condemnation of the church on the ground of the barrenness of its baptismal formula (p. 105) seems somewhat unreasonable, and I must protest against calling Desiderius Didier, and against such expressions as 'the Sabbath' (p. 156), 'Armenian princess' (p. 196), and 'English kinsmen' (p. 281), where Welsh are meant. 'Ætius' on p. 212 may be ascribed to the printer.

E. W. BROOKS.

Studies in John the Scot. By ALICE GARDNER. (London: Henry Frowde. 1900.)

MISS GARDNER has written an excellent little book on the most ancient of British philosophers, John the Scot. Without pretending to be a work of historical research or philosophical science it succeeds admirably in accomplishing the authoress's aim of telling the 'reading public' who her hero was, and entering just so far into the consideration of his teaching as may induce many who find such speculations as his congenial to seek a closer acquaintance with them in his own works. Nothing could be clearer or more satisfactory than the passages at the end of ch. iv. and the beginning of ch. v., in which Miss Gardner shows the significance which the treatment of points of theological controversy by John the Scot may have for men of our own day, despite the unfamiliarity of the language and method which he employs. Some of the theological and philosophical expressions used are open to criticism. No one who knows anything of Plato regards the 'idea of a transcendent God' as 'specially characteristic of him' (p. 27). To describe John the Scot as a 'subjective idealist' (p. 124) seems to me quite misleading. 'Soul,' again, is not the right translation for *animus* on p. 125; 'spirit' would have been better. *Animus* is here (as *spiritus* elsewhere) used by John as equivalent to *intellectus*, the *voûs* or 'understanding,' considered not (as by Kant) as the inferior, but (as was usual before Kant) as superior to *ratio* or 'reason.' The 'soul' or *anima* is indeed sometimes distinguished by John from the *intellectus*, as including the *motus vitalis*, *sensus*, and *ratio*, which intervene between the body and the *intellectus* on the scale of being.

Although they in no way affect the value of the work for the general reader, it is to be regretted that Miss Gardner has admitted certain passages which recent investigations into the early history of medieval universities should have rendered impossible. Thus on p. 135 she speaks of John without question as having been 'head of the Studium of Paris,' though on p. 3 she admits that the authority for this statement is 'not undoubted.' Miss Gardner seems to have had before her Mr. Poole's 'Illustrations of Medieval Thought,' in which he indeed mentions his suspicion that the passage so describing the philosopher in a letter of Pope Nicolas I has been inserted by a forger, in order to support the claims of the university of Paris to a mythical antiquity, but does not reject it so decidedly as he does in his article on John the Scot in the 'Dictionary of National Biography,' written after the publication of the researches of Father Denifle and Mr. Rashdall. In the

same way Miss Gardner speaks on p. 14 of the story bringing John into connexion with the foundation of the university of Oxford in terms which would not suggest that the attribution of that work to King Alfred was as baseless a legend as it is now admitted to be. Miss Gardner's strictures on the 'bad Latin' of Martinus Polonus (on p. 127) would probably have been less severe had she quoted his account of the condemnation of Amalric of Bène from any other source than the extract in Huber's 'Joannes Scotus Erigena,' in which the title (*Damnamus*) of the decretal with the mention of which the preceding sentence ends is incorrectly printed as the first word of the sentence *Qui Amalric*. And it was scarcely necessary to call attention to the spelling *ydeas* in a thirteenth-century writer.

CLEMENT C. J. WEBB.

Ueber die Anfänge der Signorie in Oberitalien: ein Beitrag zur italienischen Verfassungsgeschichte. Von Dr. ERNST SALZER. (Berlin: Verlag von E. Ebering. 1900.)

THE rise of the North Italian signories presents to the student some of the most curious and interesting of political phenomena. The stubborn passion for independence and freedom which inspired the communes to resist to the uttermost and to repel the determined attacks of the Hohenstaufen, with all the empire behind them, and all rural feudal Italy at their side, was not yet sufficiently strong to prevent these very communes, but a few years later, from giving themselves up, an easy prey, to a number of petty native tyrants, who ruled them with a severe unmitigated absolutism of which the distant emperors would never have dreamed. The explanation of this extraordinary change, together with an analysis of the processes by which it was accomplished, is the object of Dr. Salzer's careful and scholarly book. It is based on an exhaustive study of all available sources of information, particularly on the statutes of the Lombard towns. All the fragmentary scraps of evidence derived from chronicles have been carefully weighed and sorted; and what has been hitherto a chaotic, almost indecipherable mass of unconnected facts and traditions has been arranged, analysed, and classified into an ordered and intelligible chapter of history.

Dr. Salzer's essay conclusively proves that, in the majority of cases, the signory was a development of one of the principal offices of the commune, that of the podestà, the captain or podestà of the people or the podestà of the Mercadanza. The old theory that the signor was originally a military captain, who had gradually annexed civil functions, is as a rule quite incorrect. Military authority was usually one of the last functions of government to be given over to the signor. Only once was an important dominion acquired by a military captain, the marquis Guglielmo of Montferrat; nor was his signory permanent, but collapsed at once on his captivity and death. The signor was indeed seldom chosen to protect the town against external attacks, but rather against its own citizens, who were after all its worst enemies. The smallest commune in North and Central Italy had its parties and its fierce party fights, nominally political between Guelphs and Ghibellines, but more truly personal between the factious aristocratic families who struggled for predominance amongst themselves. The appointment of a foreign

podestà was an early attempt to stop these contests by imposing a superior and disinterested official over the combatants. At first the podestà's powers were strictly limited, and his period of office was not to exceed one year; but by degrees the necessity for a more powerful executive led to an increase in his authority. He was given an *arbitrium* in criminal affairs, in order to be able to punish peace-breakers; his tenure of office was increased, first for five or ten years, then for life; finally the office became hereditary. The signory of the Este of Ferrara is an example of this process; indeed, theirs was the only one of the four chief northern signories whose origin lay in the office of podestà, which they made a stepping-stone to supreme power. In the early part of the thirteenth century Azzo VI and Aldobrandino d'Este were frequently podestàs of Ferrara. Azzo VII, after expelling Salinguerra Torelli, held the office of podestà almost uninterruptedly for many years. On this foundation he built up his power so strongly that, on his death, his nephew Obizzo was chosen *gubernator et rector et generalis et perpetuus dominus*, and thus an hereditary signory was established by the Este family. It is noticeable, however, that one normal stage in the process is here missing, since Azzo VII is not known to have been elected podestà for a term of years or for life. This intermediate step is, however, found in many other cases, especially in that of the signory of Charles of Anjou, which began with his election as podestà for five or six years in various Tuscan, and for life in some Lombard, towns.

In Lombardy it was, however, more frequently the case that the captain of the people developed into the signor. The *popolo* was often strong enough to put an end to the supremacy of the *grandi*, and to raise its own organisation, founded upon that of the guilds, to an equality with the older organisation of the commune, its officials acting partly as assistants to, and as checks upon, the officials of the commune, partly as agents or representatives of the people in the communal magistracies. Of this dual organisation and the interrelations of the two authorities Dr. Salzer makes a skilful analysis (pp. 145-69). The result was, however, that the people, while holding the aristocrats in check, were not strong enough alone to rule them, and hence were led to place enough power in the hands of their principal officer, the captain, to enable him to master the turbulent noble families and to restore internal quiet to the town. The captain was usually one of the *grandi*, who placed himself at the head of the popular party in order to further his own ambitions, or else he was a noble from the neighbouring country or the signor of another town, called in by the people as arbiter between them and the aristocratic party. Here again his period of office was at first short and his powers limited. His development into a signor followed on the same lines as that of the podestà; he got himself elected, first for a term of years, then for life, and by degrees, in order to enable him to deal with internal anarchy and to restore peace, the whole of the functions of government were passed over into his hands. *Sine principe impossibile est esse civitates, omniaque sine principe confusa sunt*, ran the prologue to the statutes of Cremona, in 1387.

The other principal signories of North Italy, those of the Visconti, the

Della Scala, the Carrara, and the Gonzaga, all had their origin in the office of captain of the people, combined in some cases with that of the podestà of the Mercadanza, who, as head of the guild organisation, had much influence on the commercial side of town life. In Verona Mastino della Scala was first captain—or podestà, as it was then called—of the people, and afterwards podestà of the Mercadanza. On his death his brother Alberto was chosen captain of the people and podestà of the Mercadanza for life (1277), and from this time forward these two offices remained hereditary in the Della Scala family as long as it ruled Verona. In Milan the struggle between *grandi* and *popolani* was particularly fierce and ended in the victory of the latter. Martino and Filippo della Torre, ruling Milan from 1259 to 1277, held in succession the office of podestà of the people. Archbishop Otto Visconti had his nephew Matteo, during his own lifetime, nominated captain of the people, and, after Otto's death, Matteo obtained this office for life. When the Della Torre again ruled Milan (1302–1311) their leader, Guido, was chosen to the same office, first for a year, then for life. Matteo returned as an imperial vicar, and, discarding the title of captain of the people, was henceforth known as *dominus generalis*, this change of title representing exactly the change which had taken place in the character of the office.

Dr. Salzer's book contains much discussion of various points subsidiary to the subject, but none the less very important; such, for example, as the influence of feudal traditions upon the foundation and character of the signory, especially in Piedmont, where it took a distinctly feudal form, the burghers paying homage to the lord and receiving back their towns from him as fiefs. There is also a chapter on later developments in the character of the signors, the growth of a new official aristocracy in their courts, the introduction of the right of primogeniture, the territorial extension of their dominions, the futile attempts after centralisation, and the ambition shown by some of them to unite Lombardy into one kingdom and to claim the much-coveted iron crown. But, though they succeeded, where the Hohenstaufen had failed, in crushing the free life out of the North Italian communes, they had no better success than had the German imperial house in checking the separatist tendencies at work in Italy and in establishing a strong centralised government.

K. D. VERNON.

Fratriſ Franciſci Bartholi de Aſſiſio Tractatus de Indulgentia S. Mariæ de Portiuncula. Nunc primum integre edidit PAUL SABATIER. (Paris: Fischbacher. 1900.)

THIS book is the second volume of the 'Collection d'Etudes et de Documents sur l'Histoire Religieuse et Littéraire du Moyen Age,' and consists of (1) an introduction, tracing first the 'official tradition' of the indulgence of the Portiuncula down to about 1330, secondly the 'popular tradition,' thirdly the fusion of these two traditions, together with elaborate descriptions of the manuscripts; (2) the text of the treatise of Friar Francis Bartholi; (3) an appendix containing some unpublished letters of St. Francis and other matter.

In his 'Vie de Saint François' M. Sabatier rejected the whole story of

the indulgence. He has already retracted his opinion in 'Un Nouveau Chapitre de la Vie,' &c. (1896), and in the present work he gives an interesting criticism of the grounds of his original opinion. These were the absolute silence of the early biographers on the subject, the improbability of St. Francis demanding such a privilege from the holy see, the contradictions and absurdities in the legends of the indulgence in the fourteenth century. He now replies very justly that the last is no evidence against the grant of an indulgence to St. Francis. Further the indulgence was not a privilege, as it was not intended to bring profit either to the Portiuncula or to the friars.

A tous saint François distribuait gratuitement les trésors de son cœur et ceux de l'Évangile; comment lui, simple et fervent catholique, n'aurait-il pas cherché à faire ouvrir gratuitement les trésors de l'église ?

Lastly, the silence of the early biographers is not so conclusive as it seems. Thomas of Celano, writing under the influence of Gregory IX and Friar Elias, had obvious reasons for not exalting the Portiuncula, while the 'Legend of the Three Companions' is a fragment. The silence indeed of the early biographers has been broken, and the 'Legend of the Three Companions' as reconstructed by the fathers Marcellino da Civezza and Teofilo Domenichelli (Rome, 1899) gives the earliest account of the granting of the indulgence and puts the authenticity of it beyond a doubt. M. Sabatier's book is really a study of the development of a tradition, and it is probably very rarely that a medieval tradition has been or can be traced so completely. M. Sabatier has done his work with the thoroughness we are accustomed to expect from him, and his pages abound in acute and convincing criticisms.¹ But one cannot help asking whether the subject is worth the pains bestowed on it; how much more welcome would have been a critical edition of Celano than these *miracula* and testimonies of Dominicans and devils, which Brother Francis Bartholi adduces to prove the truth and power of the indulgence!

The appendix contains two documents of first-rate importance. One is a letter from St. Francis to Elias from a Florentine manuscript, the date of which, however, is not given. The letter has been published in 1899 at Rome from a Vatican MS., but will be new to most English readers. It refers, among other things, to a redrafting of the rule which was to take place at the next chapter—either in 1222 or 1223—and St. Francis proposes the following alterations in the rule (of 1221):—

De omnibus autem capitulis quae sunt in regula quae loquuntur de mortalibus peccatis, Domino adiuvente, in capitulo Pentecostes cum consilio fratrum faciemus istud tale capitulum:—' Si quis fratrum instigante inimico mortaliter peccaverit pro obedientiam teneatur recurrere ad gardianum suum. Et omnes fratres qui scirent eum peccasse non faciant ei verecundiam nec detractionem sed magnam misericordiam habeant circa ipsum et teneant multum privatum peccatum fratris sui, quia non est opus sanis medicus sed male habentibus. Similiter pro obedientiam teneantur eum mittere custodi suo cum socio, ipse custos misericorditer provideat ei sicut ipse vellet provideri sibi si in simili casu esset. Et si in alio peccato veniali ceciderit confiteatur fratri suo donec habeat sacerdotem qui eum absolvat canonice sicut dictum est. *Et isti penitus non habeant potestatem iniungendi aliam paenitentiam nisi istam: "Vade et amplius noli peccare."*'

¹ See e.g. pp. cxlvii, clvi, 129.

Hoc scriptum ut melius debeat observari habeas tecum usque ad Pentecosten. Ibi eriscum fratribus tuis et ista et omnia alia quae minus sunt in regula, Domino Deo adiuvante, procurabis adimplere.

We have here clearly the complete version of a letter which appears in a fragmentary state in the 'Liber Conformitatum' and in Wadding's edition of the works of St. Francis; but the omission in these versions of all reference to the rule deprives the letter of its special significance. The very characteristic limitation of the powers of the authorities does not appear in the rule of 1223. It should be noted that the letter occurs in Melchiorri's old Italian version of the 'Legenda Trium Sociorum' (and consequently in the edition of Marcellino and Teofilo) in an incomplete form, though somewhat less incomplete than in Bartholomew of Pisa. This suggests a doubt whether the Italian translator had before him the original legend as written by the three companions, or the legend after it had undergone some official revision.

The other document referred to is the treatise on the third order by Friar Mariano of Florence. Friar Mariano (*fl.* 1500) had access to authorities now lost, notably to the original rule of the third order, which he compares with the constitution of Nicholas IV. From the extracts which M. Sabatier quotes from the manuscript at Florence it is clear that we have here some materials towards a reconstruction of the original rule, and an indication of the direction in which further discoveries are to be looked for.

A. G. LITTLE.

Essai de Restitution des plus anciens Mémoires de la Chambre des Comptes de Paris. Par MM. JOSEPH PETIT et GAVRILOVITCH, MAURY, et TEODORU, avec une Préface de C. V. LANGLOIS. (Université de Paris, 'Bibliothèque de la Faculté des Lettres,' VII.) (Paris: Félix Alcan. 1899.)

THIS useful and well-executed piece of work contains a syllabus of a number of documents and memoranda of extraordinary variety, some lost, it is true, but many printed in various collections and most of them of high interest to the historian. The *mémoires* proper, as distinct from the *registres officiels*, were a kind of manuals or commonplace books, compiled for the use of the officers of the Chambre des Comptes in the transaction of their business, and containing every kind of memoranda, from treaties and papal privileges to lists of wages and prices. They came before the end of the fourteenth century to be considered as the primordial and constitutive title-deeds of the chamber. When, therefore, in 1737 the building in which they were deposited was burnt down, immediate efforts were made to reconstitute them by recourse to extracts and copies. Only officially authenticated copies were admitted, however, and thus the whole of the labours of the scholars who had used the archives were neglected, and the work was still far from finished when the Revolution put a stop to it. What we have before us is an attempt to reconstitute, at least in outline, six of these *mémoires*. In all cases in which a document is known to exist, either in print or in manuscript, a reference is given to the place in which it is to be found. One

at least of the *mémoriaux*, styled Noster¹, has been discovered to be identical with the MS. Lat. 12814 of the Bibliothèque Nationale, which went astray from the archives of the Chambre des Comptes and came at last to the library of the Abbey of St. Germain des Prés, where it lay in safety, whilst the rest of the *libri memoriales* were burnt. The MS. Fr. 2833 of the Bibliothèque Nationale is almost identical with Noster², another Noster compiled during a temporary loss of Noster¹ and given the vacant name. Of the others extracts, more or less copious, and tables remain, so that by collating the various sources a list of which is given in the introduction a pretty complete calendar or syllabus of the six oldest and most important of the *libri memoriales*, styled respectively Pater, Noster¹, Noster², Qui es in coelis, Croix, and A¹, has been constructed. The summaries derived from the documents themselves are distinguished from those taken from tables in the absence of the documents by a difference of type. At the end in an appendix are printed *in extenso* a few of the more interesting unpublished documents belonging to the reconstituted *libri memoriales*. The *mémoriaux* are grouped in families, and the analyses numbered consecutively with cross references to the number which is assigned to the same document when it recurs, as it frequently does, in the restitutions of the other *mémoriaux*, while the folio of the original manuscript is given at the end so far as it is known either by table or directly, as in the case of Noster¹.

In this way a good basis is laid for a complete restitution of the missing collections, and we are provided with an analysis or an *in extenso* publication of a number of interesting documents. A few examples will show how wide is the range of the subjects with which they deal. Many of them are ordinances which specially interested the officers of the Chambre des Comptes. Such are those for the suppression of pensions on the proceeds of the royal domain (no. 469); the interdiction of the manufacture of objects in precious metals (no. 512); against the Italian usurers (no. 516); on the enfranchisement of serfs as a means of raising money (nos. 598, 599); on the revocation of gifts made at the expense of the royal domain (no. 650); or an ordinance charging the Chambre des Comptes with the administration of the College of Navarre (no. 279, not in the ordinances). Others are more in the nature of general memoranda, such as lists of *bailliages* and *sénéchaussées*; an agreement between the master moneyers and their workmen (no. 257), the will of Jeanne of Navarre, the statutes of the College of Navarre, a list of Cistercian abbeys (no. 335), instructions of St. Louis to Philip III (no. 365), a list of wages in the king's household (no. 381), calculations of what certain sums *per diem* come to *per annum* (no. 450), cloth manufacture and trade regulations (p. 213), lists of vassals owing military service, compositions paid by towns in lieu of military service, prophecies, treaties, papal privileges to the French king, a citation to the English king, a definition of the rights of William des Roches as seneschal of Anjou, Touraine, and Maine. Others again are minutes of administrative projects, such as a proposal for drawing great profits from the royal salt works (p. 133), and an estimate for the cost of sending 1,200 men to Scotland (p. 204) in 1336-38. The book, which is completed by a useful index, is altogether a good

example of what can be done by intelligent and well-directed co-operation in the way of producing the kind of work which smooths the path of the historian.

W. E. RHODES.

Year Books of the Reign of King Edward III. Year XVI. (2nd Part.)

Edited and translated by LUKE OWEN PIKE. (London: Published under the direction of the Master of the Rolls. 1900.)

MR. PIKE is proceeding with his most useful work in his careful and illustrative way, and he promises us to follow the present volume with the Year Books of the 17th, 18th, 19th, and 20th years of Edward III, which will 'fill in the last gap in the printed Year Books before the 31st Edward III, and there will then be a complete modern edition from the 11th to the 20th inclusive.'

In the preface, where we have learnt to look for new bits of legal history, we are not disappointed to find an important stage in the history of the royal courts elucidated.

In the early days of levying fines the court before the king's justices at Westminster (the style of the Court of Common Pleas) is indistinguishable, so far as the persons composing it are concerned, from the court before the king's barons, whether described as sitting at the exchequer or not. As in the first two or three reigns after the Conquest the functions of treasurer were commonly exercised by the chief justiciary, so, when the exchequer begins for a time to absorb the treasury, the functions of its barons are executed by the justices of the *Capitalis Curia Regis*. Except in so far as revenue matters were concerned it must have been extremely difficult to separate the two jurisdictions exercised by the same persons. The process of separation, indeed, could hardly have commenced at this period, and so the Court of Common Pleas would seem to have been justified in regarding a fine levied in due form at Westminster as being levied in the same court, though the justices were barons as well, and though the place of sitting may have been that in which exchequer matters were also transacted.

In Glanvill 'a distinction is drawn throughout between the *Capitalis Curia Regis* and the *Curia Regis*, in which the justices in eyre sat with a delegated authority,' and in the title occur the words *et illas solum leges continet et consuetudines secundum quas placitatur in Curia Regis ad Scaccarium, et coram Iusticiis ubicunque fuerint*, the writer of which must have regarded the exchequer as the ordinary place of sitting of the *Capitalis Curia Regis* as distinguished from the *Curia Regis* of the justices in eyre. . . The separation of the Court of Exchequer from the *Capitalis Curia Regis* was so very gradual that it had not been completed when Henry III ascended the throne, though the principles on which it was effected were then beginning to be recognised. Hence a 'fine levied in the reign of Henry II at the exchequer was held in the reign of Edward III to have been levied in the Court of Common Pleas.'

As to the contents of the Year Book itself, it contains many cases of legal interest, illustrating the development of the common law, and touches a number of well-known persons and places. There are earls, bishops, priors, abbesses (the religious houses apparently had plenty of law business), knights, ladies, towns, colleges, parsons, craftsmen, among plaintiffs and defendants; and the families of Percy, Neville, Pole, Ros, Russell, Butler, Ralegh, Power, Basset, Bohun, Breuse, Dacre, Despenser,

Mansel, Morton, Plunket, Mowbray, Mortimer, York, Riddell, and many more beside the humbler surnames of Smith, Brown, Thorp, Clerk, Dodd, East, Fowler, Forester, Hunt, Ward, Lock, Lee or Atley, Grove or Atgrove, Park, Parker, Parrot, Pratt, Wylde, Archer appear in the index.

Alice of Dencombe was carried off by force from Stepney, and finally married to Thomas of Middleton at Shenley, Herts, *per minas ac per metum mortis encontre le gree et la volonte la dite Alice*, an offence for the like of which Robin Og suffered centuries after. Local customs, such as those of Tendring, Essex, and of Otford, Kent, are illustrated. The usage of Horncastle Soke is noticed. The question of the employment of wager of law is discussed in the preface, as also that of proof *per testes* (in the curious case of William Oky). What the King's Roll was is also discussed, and description given of the examples still extant; and let us remember that Master Thomas Brown kept a king's roll of the exchequer, as the author of the 'Dialogus' testifies. The chancellor's name is settled as Sir Robert Parving (not Parning, as Coke and his followers have it).

The sooner Mr. Pike is able to finish these excellent and helpful editions the better will it be for all that are bound or pleased to study the history of English law.

F. YORK POWELL.

Histoire de la Représentation Diplomatique de la France auprès des Cantons Suisses, de leurs Alliés et de leurs Confédérés. PAR EDOUARD ROTT. Vol. I: 1430-1559. (Berne: Benteli. 1900.)

M. ROTT, of Neuchâtel, who was for many years the secretary of the Swiss legation in Paris, has taken for the special subject of his historical researches the relations between France and the Swiss confederation. In this vast field we are already indebted to him for the publication (in 1881) of the despatches of Méry de Vic, the French ambassador who negotiated in 1602 the renewal of the Franco-Swiss alliance, which was the first phase of the 'Lutte pour les Alpes,' a capital monograph (1882), 'Henri IV, les Suisses et la Haute-Italie: la Lutte pour les Alpes, 1598-1610,' 5 vols. (1891-4), of a most minute 'Inventaire Sommaire des Documents relatifs à l'Histoire de la Suisse conservés dans les Archives et Bibliothèques de Paris, et spécialement de la Correspondance échangée entre les Ambassadeurs de France aux Liges et leur Gouvernement, 1444-1700,' and also a most interesting volume (1899) entitled 'Perrochel et Masséna et l'Occupation Française en Helvétie, 1798-9.' No one, therefore, is better qualified than M. Rott to undertake the extensive work the title of the first volume of which stands at the head of this notice. It is to contain no fewer than nine volumes, so M. Rott informs us in his preface. Of these six will contain the history of the negotiations of the French ambassadors in Switzerland from the earliest times to the present day. The next two will give biographies of all the agents (of whatever degree) of the French government in Switzerland, while another volume will be specially devoted to the personal history of the French embassy in Switzerland. Like the 'Inventaire Sommaire' the 'Histoire' is issued at the expense of the Swiss federal government, which thus honours itself as well as M. Rott. The diplomatic relations of France and the Swiss league are commonly said to take their origin in 1444, but M. Rott auspiciously starts his

first volume by the mention of a little-known incident in 1480, when the most Christian king sought aid from the league against the duke of Burgundy and the king of England. M. Rott's work is in the strict sense a history, and not the publication of original documents, but this history is very detailed and most lavishly supplied with notes, while of the 608 pages of the present volume no fewer than 85 are given over to indexes of names of persons and of places. The extraordinary diligence and learning displayed by M. Rott in executing his somewhat dry and repulsive task can only be fully appreciated by specialists who will hail this new publication with great rejoicing. In the *ENGLISH HISTORICAL REVIEW* it may suffice to have indicated the existence of this remarkable work. It is to be hoped that M. Rott will hereafter publish in full the despatches of the French ambassadors to the Swiss league, and the French Government would do well to entrust to him the preparation of one or more volumes in the 'Recueil des Instructions données aux Ambassadeurs et Ministres de France,' although that series is limited to the period between 1648 and 1789.

W. A. B. COOLIDGE.

Calendar of the Patent Rolls preserved in the Public Record Office.

Prepared under the superintendence of the Deputy Keeper of the Records. Edward IV, Henry VI: 1467-1477. (London: H.M. Stationery Office. 1900.)

THIS is the second volume of the 'Calendar of Patent Rolls' for the reign of Edward IV, and includes within its range the half-year of the 're-adeption' of Henry VI and one half of the period of Edward's recovered power. But the first impression one receives on merely glancing over the contents is that it really did not very much matter who was king. Business went on much the same whether it was Edward or Henry—at least under Henry during his 're-adeption.' The recipients of royal bounty were different. The character of the grants was much the same; and even the names on the commissions of the peace remained to a large extent unaltered. The matter contained in this calendar seems to concern in the first place the county historian and the genealogist. The general historian cannot be expected to make quite so much of it now as he will when these have done their work. No particular pains indeed have been taken to make things easy for him. There is no preface—at least there is a preface so called, of exactly nine lines, which appeared *literatim et verbatim* in the previous volume. The compilers have worked under precise rules which allowed no scope for originality. There is an admirable index, but no other aid whatever to the student. It is enough that whoever has any question, historical, genealogical, or other, on which the patent rolls of Edward IV can throw light, can be directed to it at once by the index without having to unroll, one after another, the very rolls themselves.

But how shall a reviewer who has himself no special antiquarian or genealogical object to dilate upon set forth the interest of such a work to general students of history like the readers of this Review? I have already touched upon one feature which, though negative, is not insignificant. The changes made by the Kingmaker and by Edward himself did not disorganise things much; perhaps they tended rather to better administration. The judicial changes seem really to have been very few.

On 9 Oct. 1470 the restored king renewed the appointments of Chief Justice Billing, and of the other judges of the king's bench, common pleas, and exchequer. The only changes seem to have been that Sir John Nedeham and Richard Neell exchanged places in the common pleas and king's bench next year. In almost every case these appointments were again renewed by Edward on 17 June, when he had once more secured himself upon the throne. But there were some exceptions. Sir Robert Danby, chief justice of the common pleas, disappears and Thomas Bryan is appointed in his place on 29 May 1471, nearly three weeks earlier than the other judicial appointments on Edward's restoration. This goes some way to confirm the conjecture of Foss that Danby was the judge misnamed by Holinshed Haukesford, who in this year by an artifice procured his own death; for it was, no doubt, felt that his place could not be allowed to remain unfilled longer than need be. The name of Sir William Yelverton also disappears as a justice of the king's bench, but we know that he lived some time after Edward's recovery of his throne. The readers of the Paston Letters will probably be disposed to think that his removal from the judicial bench (by not being reappointed) was pretty much in accordance with justice, for he certainly made himself too much of a party in some matters—to say nothing more. His family too seems to have been under a cloud after Edward came in again, for there is one William Yelverton, 'gentleman,' not knight, who is particularly 'wanted' by the authorities in the early part of 1473, when there are two commissions out for his arrest.

The least interesting part of the patent rolls, generally speaking, is undoubtedly the long array of pardons of outlawry always enrolled at the top of part i. of each particular year. In this volume they are more numerous than usual—perhaps owing to the uncertainty of the government—the earlier ones extending to about ten pages in each year. But these are pure business proceedings, indicative chiefly of the state of trade. A debtor fails to appear when sued (though it may be now and then that it is a man sued for trespass); he is outlawed for non-appearance, but on surrendering to prison his outlawry is reversed. The collective instances are curious as illustrations of obsolete processes; but little else, we fancy, can be made of them, except (what is really important) to show how regularly the business of the law went on even in the most unquiet times. For the rest there are, as in the last volume, interesting commissions of many kinds: commissions of array and commissions to take musters, the dates of which are significant; commissions to take mariners to resist the king's enemies at sea, commissions to inquire into acts of piracy, and, not least interesting to the local student, commissions *de wallis et fossatis*, from which something may be gathered about marsh lands and drainage. There is also a commission of *oyer and terminer* for counterfeiting and clipping of money, besides other special commissions.

As regards the index the names of places have been rightly set down under the modern spelling, and really this part of the work leaves nothing to be desired. But in one instance Mr. Fowler, the maker of the index, has failed to identify a place. 'Hese,' in Middlesex, should have appeared under 'Hayes.'

JAMES GAIRDNER.

Fra Girolamo Savonarola. A Biographical Study based on Contemporary Documents. By HERBERT LUCAS, S.J. (London: Sands & Co. 1899.)

THIS volume had its origin in the fiery controversy which the fourth centenary of Savonarola's death revived. Its first appearance was in the form of articles in the *Tablet*, representing what may be called the Jesuit point of view, while simultaneously the very divergent view of the Dominicans found expression in a series of papers in the *Irish Rosary*. Since that time Father Lucas has revised and in great measure rewritten his work, frankly accepting some necessary corrections and substantially strengthening portions of it. Nevertheless it still smells of fire. It is less, in fact, a biography in form than a controversial pamphlet. Many readers who do not altogether disagree with the general conclusions of the author will perhaps regret, and sometimes resent, the manner of their presentation. Fair as he strives to be to Savonarola, he presses to the uttermost every point against him, while giving somewhat formal and frigid praise to the undisputed merits of the preacher and reformer. When the volume is finished the impression is left that the writer's first object was to justify the papacy for Savonarola's punishment, and to close the door upon an official rehabilitation of one whom the friar's own Dominican order would fain see recognised as a saint. In its literary form also the volume still bears traces of its origin. It is most carefully derived from the original sources, which are scattered through numerous periodicals and monographs, not easy for the English reader to obtain. The extracts from these, however, are in certain chapters shot out pell-mell upon the page, instead of being welded into the narrative or consigned to an appendix. Savonarola's own writings may be fairly allowed to tell their own story, and the long extracts from these form not the least interesting portion of the book; but this license does not apply to condensed despatches of Milanese ambassadors. Moreover when the author does throw such materials into his own language this takes the form of somewhat rough notes, in which the historic present claims an objectionable monopoly.

Father Lucas has less interest in the political than in the ecclesiastical aspects of Savonarola's career. He thinks that the friar would have done well to give up politics at an earlier date, before parties had formed themselves. We are disposed to go yet further. Religious influence might have been more permanent if the preacher had altogether stood aloof from politics, and this notwithstanding his unquestionable service in saving Florence from a moment of blood-letting. At Florence it was impossible at once to enter into politics and to escape from parties. The author is not so well equipped for the political portion of his work, and his description of the changes in the constitution effected by Savonarola's influence is faulty. In stating that the Ten of War were abolished he is confusing the Ten with the Medicean *Otto della Pratica*, for the former body, so far from being abolished, was expressly revived. The *Collegio* is wrongly described as consisting of the *Signoria* and the *Buonumini*. He omits the abolition of the two old councils of the people and the commune, which was by far the most fundamental change in the new constitution. Nor is he entirely correct in his statements

as to the electoral system. We fancy also that he is wrong in saying that Savonarola's visit to Charles VIII at Poggibonsi was an official mission; Savonarola, at all events, states the contrary. Such slips occur only on the fringe of the subject, and this criticism must not be taken as impugning the care and accuracy with which the bulk of the book is written.

On the ecclesiastical side Father Lucas lays stress on the question of obedience to the papacy, and above all on the alleged prophetic gift of Savonarola. These are precisely the points with which any honest critic, on whichever side his sympathies may be, must faithfully deal. It is their extreme importance which makes us feel with the author that, until the last act opened, the pope treated Savonarola with temper and consideration. The provocation was, without question, very great; but the general force of the author's argument appears to us to be weakened by the last chapter. It is possible to sympathise with the protestant justification of Savonarola, with the chivalrous personal hero-worship of Professor Villari, and with the *esprit de corps* of the Dominican. We find it, however, difficult to follow that school which at once claims Savonarola as a light of the Roman church, on the ground of his faultless orthodoxy, and in the same breath justifies his cruel death at the hands of the head of the church.

Father Lucas is put to desperate shifts to reconcile the doctrinal orthodoxy of Savonarola with the results of his trial. He uses for all and a great deal more than it is worth Pius II's bull 'Execrabilis,' and shows that the heresy which was one of the three counts, the others being schism and contempt of the papacy, on which Savonarola was condemned was constructive heresy only, consisting in the instigation of lay powers to summon a council in defiance of this bull. This very modern bull was from one end of Europe to another scarcely valued at the cost of its engrossment; the author produces no evidence that the bull was relied on for procuring a condemnation. The letter from the judges, Torriano and Romolino, to the pope, giving the official explanation of their sentence, goes far beyond any such limitation to the charge of heresy. Father Lucas is therefore compelled to discard this letter, which is, after all, the only evidence which we possess of the views of the court, apart from the cross-examination which is in close accordance with it, on the theory that it is the work of Romolino alone, and that the excellent Torriano had no share in it. For this we can see no possible justification. There is no reasonable doubt that the judges did regard Savonarola as holding heretical views on subjects with which the bull 'Execrabilis' had no concern.

The limitation of Savonarola's heresy to insistence on a council lands the author in the difficulty that on this score Cardinal Giuliano della Rovere, afterwards Julius II, was equally guilty of heresy, as he undoubtedly was of schism. To elude this his own bull on the invalidity of simoniacal election is dragged in. This draws a distinction between an appeal to a council by a cardinal and by a private individual, and this, it is urged, is the difference between Giuliano and Savonarola. Surely this is the trail of the herring! The bull had absolutely nothing to do

with Savonarola's case, except as being the climax of a growing feeling against simony; it did not exist when either Savonarola or Giuliano appealed to a council. The friar therefore deserved as much leniency as the cardinal. Both had recognised Alexander VI as pope, both had received favours at his hands, both compassed his deposition. The only difference is that Giuliano's motives were infinitely less worthy than those of Savonarola.

Father Lucas fortifies his view as to Savonarola's orthodoxy in matters of doctrine by the official examination of his works under Paul IV. Yet elsewhere he is forced to admit that the Jesuits would never allow one of his writings in their establishments, and from their very approval under Paul IV were excepted some dozen sermons and the 'Dialogus de Veritate Prophetica,' which were placed on the index. Now the 'Dialogus' is the very gist of the whole question. It substituted for authority a subjective system which might be applied equally well to doctrine or to discipline. The papacy had every reason to resist the claim to divine inspiration when pressed by Savonarola in the fifteenth century, or by the less dangerous Fraticelli in the fourteenth. This the author, of course, fully admits when examining Savonarola's claim to prophecy. Elsewhere also he allows that he was led into the belief in private judgment. This was in fact the inevitable conclusion from Savonarola's premises, but, if this be true, it is impossible to reckon him among the champions of Roman orthodoxy. It is the fashion now to ridicule the idea that Savonarola was a reformer before the Reformation; yet from a practical point of view the claim to the exercise of private judgment is of more vital importance than divergence of opinion on justification, or even on the nature of the sacraments. If we admit that Savonarola combined with this claim practical resistance to the pope's authority and an almost puritanical dislike to the existing character of the church's ceremonial, it must be confessed that Reform has at least an equal claim with Romanism to the possession of Savonarola. There is no escape from the dilemma that either Savonarola was not orthodox or that he was unjustly condemned.

E. ARMSTRONG.

Anna von Hessen, die Mutter Philipps des Grossmütigen (1485-1525): eine Vorkämpferin landesherrlichen Macht. Von Dr. HANS GLAGAU. (Marburg: N. G. Elwert'sche Verlagsbuchhandlung. 1899.)

PHILIP of Hesse is sufficiently important to make his mother interesting, even if she had had no other claims to recognition. From her, indeed, he inherited his restless, autocratic, intriguing character. Her sister, another daughter of Duke Magnus of Mecklenburg, was the mother of Maurice of Saxony, another hero or villain of the protestant party; her brother, Albert, notorious for his militant catholicism and vaulting ambition, leaped at a Scandinavian throne, and, after falling heavily, challenged his peaceable and protestant senior, Henry, to a partition of the Mecklenburg inheritance. The estates of Hesse early recognised the masterful temperament of their young mistress. Her sickly husband in his will of 1506 provided for a council of regency of Hessian knights

during the minority of his son. Two years later, and one year before his death, he revoked this will and left the guardianship to Anna. The result was a short sharp fight between the monarchical and the parliamentary principles. The estates of Hesse set Anna aside and elected a council of regency. The oligarchy quarrelled, with the result that the guardianship of Philip was entrusted to the nearly related house of Ernestine Saxony. Anna saw and seized her opportunity. She discredited and overthrew the national constitutional party which had displaced her. She then directed her efforts against the Saxon guardianship, which had proved unpopular to the Hessians; to give herself a constitutional sanction she appealed to the emperor Maximilian, well aware that he was undergoing a fit of jealousy against the powerful Saxon elector. The two currents of imperial favour and popular support combined to float the Mecklenburg princess to the summit of the Hessian state. The knights, unable, like Anna, to bend the higher powers, stirred the Acheron of German anarchy. Their unpatriotic collusion in the raid of Franz von Sickingen only served to emphasise the landgravine's success, while her son made the great freebooter pay dearly in after years.

Thus the interest of this monograph is not merely personal, although it depends upon a personality. In a small number of pages, confined to a very few years, the reader obtains a succinct account of the dualism between the monarchical and parliamentary systems, which agitated in turn every state in Germany. In Hesse the strength of the estates and the capacity of the dowager brought the conflict rapidly to the boiling point, whereas elsewhere it was kept simmering for half a century or more. Anna was wilful in love, as in ambition. She insisted on a second marriage with a youthful noble of secondary rank, braving the indelicate criticism of the court and of her son, who did not foresee his future bigamy; yet this son owed much to his mother. Philip of Hesse is a standing contradiction to the well-worn generalisation that there is an indissoluble connexion between protestant principles and parliamentary liberties. Philip was confessedly the most protestant and the least parliamentary prince of his age. Protestants may, however, fairly argue that his despotism was an hereditary taint derived from his very catholic mother. It was she who had broken the power of the Hessian estates for her son's benefit. Anna's ambition was concentrated, and therefore successful. Her last two letters show a prophetic insight into the dangers of her son's craving for ubiquity, which was to bring ruin upon Hesse and himself. She implored him in 1525 to stay at home and be a good ruler to his people, instead of taking horse to chastise the alien anabaptist peasants of Thuringia in another's cause.

The author deserves all praise for his careful researches in the archives of Marburg, Weimar, Dresden, Schwerin, Darmstadt, and Vienna. But all these treasures combined would not, unaided, give so much interest to a subject so unfamiliar and so concisely treated. Dr. Glagau is to be congratulated at once upon his theme and upon its treatment.

E. ARMSTRONG.

Des kursächsischen Rathes Hans von der Planitz Berichte aus dem Reichsregiment in Nürnberg, 1521-1523, gesammelt von ERNST WÜLCKER, nebst ergänzenden Aktenstücken bearbeitet von HANS VIRCK. Aus den Schriften der königlich sächsischen Kommission für Geschichte. (Leipzig: Teubner. 1899.)

AT the famous diet of Worms in 1521 the estates of the empire carried the appointment of an imperial governing body, or *Reichsregiment*. It was to be composed of representatives of the emperor, the estates, and the circles of the empire, while one of the electors and two other princes were to attend in person; and it was to govern the *Reich* during the emperor's absence and reform all grievances. The representative of the elector Frederick the Wise of Saxony, Luther's protector, on this body was Hans von der Planitz, whose reports to his master are printed in the present volume. Planitz was a nobleman of experience and learning. He had studied law at Leipzig, Ingolstadt, and Bologna, had twice served the elector as envoy to the court of Denmark, and had undertaken a pilgrimage to the Holy Land. At Nürnberg, the seat of the *Regiment*, he fully justified his master's choice, although he soon found himself in a peculiarly difficult position, owing to the course the elector took in the matter of Luther and the reform of the church. If it was Frederick's intention to allow Luther and his followers free scope within his dominions, there existed those who were fully resolved to thwart him. Foremost among these stood the elector's cousin, Duke George, and Joachim I, elector of Brandenburg, who by-and-by found vigorous support on the part of the emperor's lieutenant, the young Archduke Ferdinand, the papal nuncio Chierigati, and others. Frederick's and his envoy's position was all the more awkward as the former had been among the chief promoters of the *Regiment*, and therefore could not very well give the example of disobedience to its mandates. A direct mandate, moreover, to seize Luther and put a forcible end to all heretical preaching and practices would have been in perfect accordance with the resolutions of the diet that had set up the *Regiment*. It was Planitz's business, therefore, to prevent any such mandate being issued, and this he accomplished with the greatest skill. Almost the only answer the elector found to the *Regiment's* unofficial demands was that he had no power to deal with matters ecclesiastical; it was for the bishops to impose on the offenders such punishments as the church prescribed. But this subterfuge could hardly find acceptance, as the very essence of the matter was that the delinquents no longer respected canonical penalties, wherefore it was for the worldly power to lend the church her arm. Nevertheless Planitz displayed such resource, presence of mind, and fearlessness that before long the *grossen Hansen* on the *Regiment* hardly dared to broach the subject while he was by. There can be no doubt that it was mainly due to Planitz that Frederick was able to carry through his policy, all the more so as this was made anything but easy for him by Luther himself, who unexpectedly returned from the Wartburg to Wittenberg, and in spite of his protector's repeated requests to omit all irritating matter from his writings, if he could not be silent altogether, published a series of violent pamphlets, and among them one which might

by Frederick's enemies be construed to involve a direct attack on the princes of the empire themselves and all constituted authority.

If in the main lines much of this was known, since Ranke first consulted Planitz's reports for his 'Deutsche Geschichte,' yet great thanks are due on the part of all interested in the history of the Reformation to those who have now made the full clear spring itself accessible. The main persons in the drama now stand out much more vividly. We learn to appreciate the elector's patient faithfulness and trust in the final victory of the true Word of God, and in him who had brought it to light. On the other hand Duke George appears as one of those angry restless men who will listen to no reason. Joachim of Brandenburg, if no less determined, is more diplomatic. Of Planitz I have already spoken; and if Luther himself only appears, as it were, in the background, yet no reader of those letters can but be strongly impressed with his marvellous personality and the extraordinary power he exercised over all capable of receiving his message.

One of Planitz's points was that there were other, more pressing matters calling for the *Regiment's* attention, and that it could not afford to have all its time occupied with cases of runaway nuns and utraquist priests, which the duke incessantly laid before it. And certainly the general state of the empire was such as to demand immediate action. Brigandage in the near neighbourhood of Nürnberg, private wars in various parts, notably that of Sickingen with the electors of Trier, Mainz, and the Palatinate, and outside the empire the Turk's attacks on Hungary—all these matters take up a large space in the Planitz correspondence. But the *Regiment* proved next to powerless. It was practically without means to enforce its mandates. Funds had been provided; but the contributions came in so irregularly that often it was scarcely possible to pay the councillors' salaries. Among the most backward contributors was the emperor himself, who had no wish to see the new institution take root, and the princes engaged in the Sickingen feud openly defied its authority. At the crisis the correspondence, as published in this volume, breaks off (November 1523). Planitz remained in office till April in the following year, but the remainder of his reports had already been printed by Förstemann in his 'Neues Urkundenbuch zur Geschichte der evangelischen Kirchen-Reformation' (Hamburg, 1842), and have not now been republished. There is, however, an appendix, containing some additional letters relating to this period.

Wülcker, who had collected the great mass of the documents now printed, died before their publication. His task has been completed by Dr. Virck, who has added an introduction giving a full digest of their contents, preceded by a sketch of the remaining portions of Planitz's life. In this the account given of his interminable difficulties about mining rights, when silver had been discovered on his estate of Schneeberg, is worthy of the attention of students of economic and social conditions. It need hardly be repeated that the whole book is of great historical value, but I may add that seldom will an edition of documents be found such enjoyable reading. The execution is all that could be desired.

F. KEUTGEN.

Michel de l'Hospital. By C. T. ATKINSON. (London : Longmans, Green, & Co. 1900.)

THIS Lothian prize essay is an excellent piece of work, well planned and well executed. The writer has an eye for the important points, and he does not waste time in flourishes and salutes. A statesman who in the middle of the sixteenth century could say that a man may be a citizen without being a Christian was no ordinary man, and his policy well deserves a careful study. It is true that he failed; but was success possible? Mr. Atkinson is probably right in pointing out that he was unconciliatory and deficient in the power of managing men. But he was fatally hampered by the want of proper support from Catherine de Médicis. It is true, as Languet says, that her chief care was to rule; but she would have attained this object far better by forming a strong middle party than by her policy of seesaw between the two extreme parties. She had, by the way, one great merit, which Mr. Atkinson, I think, overlooks. Italian though she was by birth, she was a good Frenchwoman; and in spite of her natural timidity she never truckled to Spain, presenting a bold front to the studied insolence of Chantonnay. Mr. Atkinson does well to quote an important passage from one of her letters to the queen of Spain, in which she says of the Guises, 'You know how they treated me when the king, your brother, was alive.'

Mr. Atkinson does not profess to have opened up unpublished sources of information, but he has used the published material with care and judgment. He would have learnt something from the 'Commentaires de l'Estat' of Pierre de la Place, and he might have made more use of Languet's 'Arcana Saeculi.' His account of the adjourned meeting of the estates at Pontoise in 1561 needs correction. The session opened on 1 Aug., and it was on 27 Aug. that the *Viery* of Autun made his speech on behalf of the third estate. Except on that day the deputies of the clergy were not present, being already in session of their own at Poissy. The cardinal of Ferrara, Ippolito d'Este, cannot be said to have represented the catholics at the Colloquy. He did not arrive at St. Germain till 19 Sept., and the object of his special mission—he was *legatus a latere*—was to hinder its operations. An incident in L'Hospital's career which has often been the subject of discussion is whether or not he was responsible for the edict of Romorantin (18 May 1560). 'No,' say Professor Baird and others, 'because he was not formally appointed chancellor till 30 June.' But it is clear that he acted as chancellor immediately on his arrival at Paris, and he must have reached Paris, as Taillandier says, early in May. For if he took twelve days (11-23 April) to go from Nice to St. Vallier—about 315 miles by the railway—he would not have taken more than fourteen or fifteen to go from St. Vallier to Paris, a distance of 365 miles. As Mr. Atkinson points out, the new edict was less severe than the edict of Compiègne, of which it took the place. It also stopped the introduction of the Inquisition, which the cardinal of Lorraine had been trying to introduce since 1556, though, as Mr. Atkinson says, he had probably no wish to do so at this particular moment. But 'statesmanlike' is not an epithet I should apply to the cardinal. A statesman cares for the welfare of the state;

the cardinal's constant aim was the aggrandisement of himself and his family. In L'Hospital's early career Mr. Atkinson has made good use of his Latin poems, but he has been misled by the one addressed to Pierre du Chastel into antedating his services to L'Hospital. Du Chastel was quite unknown until he became the king's reader in 1536; and I might add that he was not head of the royal library till 1540, nor bishop of Mâcon till 1544. The most complete edition of the poems is that of Amsterdam, 1732.

A. TILLEY.

England under Protector Somerset. An Essay. By A. F. POLLARD.
(London: Kegan Paul, Trench, Trübner, & Co. 1900.)

A CAREFUL study of the Protector Somerset was a thing both to be desired and expected in these days of research. The attempt, however, has its difficulties. Mr. Pollard does not profess to write a history or a biography, but modestly calls his work 'an essay.' He is quite right; for we must still look for a history some day, not only of Somerset's protectorate but of the whole reign of Edward VI. In the meanwhile, however, he has done much to prepare the way for such a work, and has certainly made the first three years of the reign more lucid than they have been hitherto. Yet there are matters in which it seems to me his views are not quite satisfactory. The most distinctive feature in the book is its exposure of one great error—

the treatment of Edward VI's reign as one period marked throughout by the same characteristics, methods, and aims. This view (Mr. Pollard adds) originated in the superficial appearance of continuity in religious policy; it has been perpetuated by historians who have written with theological bias, and frequently with an ulterior motive beyond that of faithfully presenting and interpreting the facts.

In this latter remark Mr. Pollard may be right; but while I agree with him that there was a very evil change of policy on the overthrow of Somerset I am afraid he glides over the 'superficial appearance of continuity' in a rather superficial manner. The current was setting towards Niagara before the waters broke over the precipice; and though Somerset no doubt aimed at moderation it certainly cannot be said that he rowed against the stream.

Mr. Pollard does not wish to extenuate the Protector's faults, and admits that he was ambitious. Some charges, indeed, under this head disappear. The suspicion does not seem justified that he helped to procure the ruin of the Howards before Henry VIII's death. Nor is the supposed tampering with Henry's will more likely, seeing that the document was in itself rather a bar to Somerset's ambition. But it is evident that at the time of Henry's death there was a close alliance between Somerset, then earl of Hertford, and Secretary Paget, and that Paget, who, of course, knew a number of the dead king's secrets, had very considerable influence with the council in the primary disposition of honours and offices. Moreover, although it is probably true that Henry really intended to exclude Gardiner from the list of his executors, it is quite clear that Gardiner was dangerous only from his strong sense of legality and his objection to arbitrary government. Indeed, the

voluminous examinations taken with regard to Gardiner's conduct show plainly that he was by no means the turbulent prelate that Foxe represented him to be, but that he was the victim of a conspiracy because, though anxious to give complete satisfaction to an established government, he had some sense of his own duties as a bishop.

Mr. Pollard admits that some of the stories against Gardiner, based mainly upon Paget's statements, are fabrications; but he does not seem to see how much this admission involves. Paget was above all things plausible, and, it must be added, unscrupulous. And whether Henry VIII did or did not say of Gardiner that he could rule him, but that nobody else could, and therefore he should not be a councillor about his son, the statement suited exactly the interests of the cabal, and had a great look of truth about it. Gardiner was a man whose services Henry VIII valued highly, even to the very last. He was almost the only man—at least after Wolsey's day—who could argue a point with the king; and a man of independent judgment was really useful to a sovereign who, with all his faults, valued wise and politic counsel, which he could follow or not as he pleased. It might have been that in his last days the old king foresaw that Gardiner's sense of principle would be very inconvenient to the council about his son, and desired that he should be excluded. There is no question that this was the feeling of Somerset and Paget. And even when they had to deal with Gardiner as merely a bishop they were unable to carry out their unconstitutional church policy except by putting him in prison.

For it is a simple fact that, whatever we may think of it otherwise, Somerset's church policy at the outset had no justification in law or precedent. This is a point that Mr. Pollard does not take account of, but it should be noted. I agree with him fully in commending the tolerant spirit of Somerset's government and legislation, in which the most tyrannical acts of the previous reign were abolished and the whole code of penal legislation against heresy besides. But this must not blind us to the fact that before images in churches were abolished, even by proclamation, the Protector encouraged, underhand, those who were mutilating them at Portsmouth, and when Gardiner, as bishop of the diocese, wrote to complain, gave him a most unsatisfactory answer. Moreover, it was surely rather a strong thing to put Gardiner in prison merely for objecting to the validity of injunctions issued during the king's minority, when he was quite willing to accept them if his objections could be met in conference. Mr. Pollard says it was 'perhaps quite natural' that Gardiner and Bonner should take up the position that there was no authority to make changes in religion till Edward's riper years; 'but it was quite untenable.' No doubt it was untenable practically, for the new spirit of unrest in religious matters could not put up with conference. It insisted upon revolution. Moreover, though Mr. Pollard ignores the fact, Somerset himself helped on this revolution. He only desired to make it a gentle one and avoid the inhumanity of persecution. The religious toleration which he established for a time may win our hearts in these days, but it was practically one-sided; in fact, it was toleration for lawlessness. For, while the old school were muzzled by acts of parliament and proclamations and inhibitions to preach, the fanatics of the new school went in

advance of the government, violated the proclamations, created disturbances, and were bound over in vain to obedience, because they could get their recognisances cancelled on special application to the Protector. Not a word about this will be found in Mr. Pollard's pages; but the case of Hancock, the minister of Poole, leaves no doubt upon the subject.

Yet we must not blame Somerset too severely. It requires a strong man to be completely just, and it is not even a strong statesman, generally speaking, that can be just to different schools in religion. Somerset, indeed, had his own theological leanings; he hated what was left of episcopal authority, and he had to wield, for good or evil, that royal supremacy established by Henry VIII in order to displace the pope. In matters of state also he could only govern on the old lines of despotism, for the power placed in his hands was despotic. Although he repealed Henry's Act of Proclamations, no king governed by proclamations half so much as he did, who was only a protector. Mr. Pollard has been unable to find the proclamation by which sowers of false rumours were to be committed to the galleys to work in chains; but there it is, under the very date quoted from Strype, in the collection of Edward VI's proclamations published in 1550. The Protector did not—in fact, could not—relinquish one jot of the despotic power to which the nation had been accustomed; but the spirit in which he exercised it was clearly conciliatory, and he won the hearts of the people by his efforts to relieve them from injustice.

I have dwelt too long, I fear, upon the deficiencies of a really valuable book; but one further criticism is invited by a footnote at p. 239. Touching the grievances of the Western insurgents Mr. Pollard remarks, 'There was some inconsistency in these articles, as they demanded the restoration of Cardinal Pole at the same time as the Act of Six Articles, by which Pole would have been executed as a traitor.' This is really an extraordinary mistake. Pole was indeed attainted as a traitor by an act of the very same parliament that passed the Act of the Six Articles; but it was certainly not under the Six Articles that he could have been executed, for he himself emphatically approved of that act, quite as much as the Western insurgents did. It was an act to secure the old religion from that kind of molestation which had now become so common, and in point of fact the terror of it was so effectual that it did not require to be put in force very frequently in Henry's days.

But having said so much in the way of criticism let me now repeat that this book is really a very valuable contribution to historical literature. It fully justifies its title of 'an essay'; it is even more than that. It is a work of much careful research and study. It gives a very true insight into the spirit of Somerset's policy. It shows us a man of large and noble ideas, somewhat quixotic, perhaps, in certain of his views and not untainted with the greed and rapacity everywhere prevalent, anxious nevertheless to redress the wrongs of the people, and, even after his relentless invasions of Scotland, not so much bent on subduing a vanquished enemy as on forming a united 'empire of Great Britain.' Thanks to Mr. Pollard we understand Somerset now much better than we did, and we are grateful for this clearer view of him.

JAMES GAIRDNER.

The Scottish Reformation. Being the Baird Lectures for 1899. By the late Very Reverend ALEXANDER F. MITCHELL, D.D., Professor Emeritus of Ecclesiastical History in the University of St. Andrews. (Edinburgh : Blackwood. 1900.)

DR. MITCHELL'S second course of Baird Lectures is, like his earlier series on the Westminster assembly, a contribution rather to historical theology than to ecclesiastical history. So far is it from dealing with political history that it contains only two references to Queen Mary, and these are merely incidental. His book is a statement of the doctrinal principles which guided the ecclesiastical polity of the church of Scotland, with an estimate of the men who moulded the new system. Much of his book is familiar ground—the need of reformation, the martyrdom of Hamilton and Wishart, and so forth ;—and it is written from the familiar point of view, which Stevenson has described in 'Weir of Hermiston'—'a design in snow and ink ; upon the one side tender innocents with psalms on their lips ; upon the other the persecutors, bloody-minded, flushed with wine.' Yet, while Dr. Mitchell tells the old story in the old way, and while he is scarcely fair to the sixteenth-century church (at least in the north of Scotland), or, in some respects, to Cardinal Beaton and Mary of Guise, his book is, none the less, a notable contribution to its subject. He has described for us the progress of the presbyterian system in Scotland, from the first vague aspirations after reform evidenced by Patrick Hamilton to the rigid system of Andrew Melville. One heresy he has, we hope, finally destroyed—the myth that Knox's 'superintendents' were in any sense bishops. He points out that a superintendent was not specially ordained, and did not specially ordain ; that his chief duty was preaching, and his main ecclesiastical function merely the office of permanent moderator of his provincial synod. Dr. Mitchell's view of the system established in 1560, and elaborated by Melville, is affected by his sympathy with those efforts after a covenanted uniformity which led seventeenth-century Scotland into strange paths, and whose effects it has reserved for modern 'innovators' to undo. He is of opinion that 'Scottish presbyterianism gained quite as much as, nay, more than, it lost by being brought into contact with the broader, richer, and decidedly more catholic spirit of the south.' It was this 'decidedly more catholic spirit' which crowned the work of Laud by making moderate presbyterians irreconcilably opposed even to the modified episcopacy which, under wise leaders like Patrick Forbes, might have united Christian Scotland in one church. It was this 'decidedly more catholic spirit' that succeeded in divesting Scottish presbyterianism of all traces of its sympathy with the English Reformation, and in making it more bitter in its treatment of opponents than ever before. But Dr. Mitchell's Westminster affinities have not in any degree prejudiced his account of the work of Knox and Melville. Dr. Mitchell's last chapter is devoted to the story of Alesius, the forgotten Scotsman who filled a considerable place among sixteenth-century reformers. The book is valuable for the history of the Calvinistic reformation in Germany as well as in Scotland ; its lamented author was a man whose honest and careful research has won for him a distinguished place among recent his-

torians of Scotland, and although, unfortunately, it has seen the light as a posthumous work, the editor, Mr. D. Hay Fleming, has done all that pious care and great learning can do to publish the lectures as Dr. Mitchell would have liked to see them go forth to the world.

ROBERT S. RAIT.

De Regno Italico Libri XX von Carlo Sigonio: eine quellenkritische Untersuchung. Von ALFRED HESSEL. (Berlin: Ebering. 1900.)

DR. HESSEL deals with the personality of Sigonius and discusses the value of his book 'De Regno Italiae;' but the great bulk of the author's space is devoted to the verification, on each of the thousand and odd pages of the 'De Regno,' of the authorities used on that page. The assignation is more or less conjectural: and so perhaps is its value. Two appendices are given to discussions of Sigonius's connexion with the then electoral prince of Brandenburg, and of his biography of Cardinal Campeggio.

Sigonius was a scholar of the later Renaissance, and lived from 1528 to 1584. He was a professor of eloquence—famous even in Poland in his day—at the university of Bologna for twenty years. He wrote history to display the principles of style which he taught, much as Ephorus wrote in order to practise the lessons he had received from Isocrates. His writing was very much better than his professorial teaching; a German who attended his classes said, *Sigonius, ut nihil nisi optime et diligentissime scripsit ita tali est in docendo infantia, qualem schola facile respuit.* He wrote on Greek and Roman history: his treatise 'De antiquo Iure Civium Romanorum' served as the Mommsen and Marquardt of Rousseau (see the 'Contrat Social,' bk. iv. c. 4, in the edition of Dreyfus-Brisac). In 1570 he began his medieval studies, and produced two works, 'Historiarum de Occidentali Imperio Libri XX,' which extends from A.D. 284 to 568, and the 'De Regno Italico,' which narrates Italian history from 568 to 1200 in fifteen books, and from 1200 to 1286 in five books, of far inferior quality, which were only published after his death.

The first fifteen books of the 'De Regno' are very interesting. The first point of interest is Sigonius's anticipation of the modern science of diplomatic. He searched cloisters and archives for chronicles and original documents, especially the latter, 'for in them are to be found more trustworthy accounts than in chronicles.' He used papal letters and acts of councils by preference as his authorities; and, like a modern student, he got dates of time and place from his documents. On the other hand he only consulted registers, and did not know the difference of originals and copies; and he had not the modern sense of verbal accuracy, for in quoting an important document like the 'Pactum Venetum' of 1177 he turns the original Latin into a more classical form. A second point is his use of chronicles. He based his narrative on the best of medieval annalists; but he was unacquainted with what the Germans call the *innere Kritik*; he did not discount for the partiality of, e.g., Lambert of Hersfeld, or distinguish the difference of veracity between, e.g., Flodoard and Richer. On the contrary he followed his authorities with servile fidelity; and the amusing result is that his tone is imperialist when he writes of the Ottos, and papalist when he talks of the

Franconian Henries. Indeed, he incorporated whole paragraphs of his original, if only the original, like Radevic (Rahewin), had a tolerable style. The value of his use of original authorities is further lessened by the fact that he did not quote them at the foot of each page (a stylist could hardly have done so), but merely gave their names in an index; and it is this which has given Dr. Hessel room for his conjectural verification. A third point is the general excellence of his chronology. His whole work is chronologically arranged; but this leads to the natural result of a jejune narrative, which separates connected facts because they happened in different years, and which seldom attempts to trace causes and results. Sigonius's attempts to trace causation seem to be modelled on the style which attributes the treaty of Utrecht to the spilling of a jug of water, or some such event of a purely personal and particular, and in no wise abstract or general, character. He makes speeches for his characters to utter, says Dr. Hessel; and it may be that, like Thucydides, he introduces general reflexions in them. A fourth point is his attempt to sketch the development of constitutional history. Here, however, he makes the mistake of attributing the foundation of Italian municipalities to Otto I, a mistake which Sismondi followed and of which Karl Hegel has disposed. This is perhaps the natural mistake in constitutional history—to neglect the slow and hidden development of institutions, and to insist on their creation at some definite point of time—and it is a mistake which Sigonius repeats when he comes to Frederick Barbarossa's reign.

It is interesting to see that Sigonius felt the difficulty which anybody who attempts to deal with the *Regnum Italicum* must feel—whether to include the south of Italy under that designation. He varies in his practice, as one naturally does unless one is stern with oneself. It is interesting, too, to notice how Sigonius's narrative expands or contracts with the fulness or meagreness of his authorities; and here again anybody who has dealt with Italian—or perhaps any mediæval—history will readily sympathise, and, in some cases at any rate, confess to having made the same mistake with Sigonius in, *e.g.*, giving a disproportionate treatment to Frederick Barbarossa.

Dr. Hessel raises a question of some importance when he asks if the 'De Regno' is a *Tendenzschrift*, like the annals of Baronius. Its author lived at the time of the catholic counter-reformation, and he was treading debatable ground in his narrative. The answer to the question is easily found when one remembers that Sigonius was a pure scholar, who varied in tone with his authorities, and who, far from writing for a party, wrote for no object save the amassing of knowledge and the practice of style. His real parallel is not the polemical cardinal, nor even the didactic Machiavelli, but a scholar like Polydore Vergil, who, like Sigonius, not only wrote a good style, but also consulted original authorities, even printing as an appendix excerpts from Anglo-Saxon laws.

E. BARKER.

Documents concernant les Relations entre le Duc d'Anjou et les Pays-Bas, 1576-1584. V. : Avril 1583-Juin 1584. Publiés par P. L. MULLER et A. DIEGERICK. ('Werken van het Historisch Genootschap gevestigd te Utrecht.') (Amsterdam : Johannes Muller. 1899.)

THE editors rightly close this, which is, save for the forthcoming index, their last volume, with the announcement in the Netherlands of the duke of Anjou's death. This date, 23 June 1584, is preferable to that of his actual decease, because to the interval of thirteen days belong documents of high importance relating to his sovereignty. The chief events of this period are the capture of Dunkirk, Ypres, and Bruges by the Spaniards, and the occupation of Cambrai on Anjou's behalf. It roughly divides itself into two parts. In the first of these the duke urgently but vainly presses for the definitive treaty which shall restore to him the effective sovereignty forfeited by his attempt on Antwerp ; in the second the Estates throw themselves into his arms, when he can impose such conditions as he pleases. The Estates long held back in the faint hope that 'something might turn up' to relieve them of the necessity of delivering themselves over to the disreputable, incompetent sovereign whom William of Orange was imploring them to restore. The provinces were deeply scored by divisions, and were subject in very different degrees to Orange influence. Almost to the end Utrecht, Guelders, and Friesland opposed the treaty with Anjou. After the loss of Dunkirk the Flemish cities refused to admit a Frenchman within their walls, in the belief that the French garrison had sold the town. The Calvinists of Ghent never gave in their adhesion to Anjou, and clearly preferred the certainty of capitulation to the duke of Parma. Even Holland and Zealand, the provinces most under the direct control of Orange, begged him to have nothing more to do with Anjou. Biron describes both Antwerp and the Zealanders as being ill-affected towards the French. John of Nassau entreated his brother to abandon the negotiations with Anjou ; even St. Aldegonde, who had been the life and soul of the earlier connexion, now refused to act as envoy to the duke. Meanwhile the Estates acted as though Anjou's sovereignty had legally ceased to exist ; they completely ignored his authority, preparing to re-establish the council of state, and, much to his annoyance, making military appointments without reference to himself or Biron.

In strong contrast with this attitude of resistance was the complete surrender which culminated in the signature of the treaty without formal opposition. The Estates consented to annexation by the French crown after Anjou's death ; the sovereignty of Flanders was at once admitted, and the province declared subject to the jurisdiction of the parliament of Paris. Ostend and Sluys were granted to Anjou for occupation by French garrisons ; he was suffered to place a garrison in any town in which he might be present, and to set aside a church for his own worship. Yet even after these concessions the Estates were obliged to recede from the vital demand that the king should be pledged to declare war against Spain. The abortive treaty forms, indeed, a fitting climax to the most unheroic period of resistance to Spain, if resistance it can be called. The surrender to France was due partly to the patient persuasion of the prince

of Orange, partly to the panic caused by the loss of Ypres and Bruges, and by the knowledge that Ghent and Antwerp, in which towns there was always a strong Spanish party, would soon follow. There was no trace of courage, competence, or self-sacrifice. The Estates relied for their protection upon the motley force of French, Swiss, English, and Scots, which mutinied and deserted from want of pay and food, or quarrelled from international jealousy. This army, such as it was, was totally disabled from the neglect of the provinces to provide the promised transport and supplies. There was, after all, some reason in Anjou's expression that the Netherlanders were like children, who must be benefited against their will; he significantly added that if he had the power he would enforce his benefits. When Des Pruneaux preached to him patience and forbearance he replied that, while the provinces slumbered, the king of Spain never slept. On the other hand the Navarrese chancellor, Pibrac, who accompanied Anjou, assured Des Pruneaux that the fault lay mainly with his master's court, which by its mismanagement had lost all its reputation, and, what was worse, the friendship of the people; it had irritated the king, so that there was no hope that he would aid his brother in his Netherland enterprise, or indeed in any other. The chancellor concluded by inveighing against Anjou's ingratitude towards Des Pruneaux, whose devotion and skill form the one bright spot in this dreary history of selfishness and incompetence.

Biron seems to have played his difficult part with honesty, if not with success. He was at once general of the Estates and of the king of France, who was officially denouncing the aid given by his brother to the rebels against his own ally, king of Spain. Biron's bugbear was Sir John Norris, who would insist on the best quarters for his English troops, and grumbled when he got them. The following passage (4 May 1583) is but one of several comments on the celebrated English general's behaviour, of which Colonel Morgan and other compatriots complained:—

As for Monsieur Norris, it would be well that he should remain for some time at Antwerp on sick leave; for in his absence all the army will be quite at harmony, but in his presence in a perpetual state of combustion. I do not complain of his disobedience, but of his manners, so that even some of his countrymen cannot help casually dropping a word or two on the subject. If it were possible to make him stay at Antwerp for some time longer we should get on very well.

The English mercenaries also received a bad character from their French commander, and this too on Morgan's authority: the veterans had gone home from lack of pay, while those who remained were effeminate and cowardly, knowing nothing of military obedience, deserting their colours for the women whom they had taken from their homes.

The army of the Estates could not have kept the field but for the destitution in which Parma was left by his government. But the talent of the Farnese prince was on a very different level from that of Biron. Des Pruneaux bears witness that the provinces were shaken in their opposition to Spain by Parma's patience with the people of Artois and Hainault, by his condescension to their wishes, by the discipline of his troops, who, in spite of their sufferings, did not cease to work wonders, a crying contrast to the deserting, grumbling, do-nothing forces of the Estates. The

Spaniards, he adds, knew how to gain their neighbours, how to lull to sleep those whom they meant to trap, how to take full advantage of local factions. Parma, indeed, from the moment of his assuming the command was the master of the situation, the hero of the hour; Catherine de Médicis knew it, and even Anjou had some inkling of it.

William of Orange was fighting Parma with equal courage, but with very different weapons. The final agreement of the Estates to accept Anjou as their sovereign is a proof of his marvellous parliamentary skill. Biron, Des Pruneaux, and Anjou himself realised that he was their solitary resource; on this ground the latter wished that Orange could secure more absolute authority. Any contribution to our knowledge of Orange's history is welcome, and we owe to the editors an interesting justification of his conduct in renewing relations with Anjou, hitherto unpublished, and dated 6 Sept. 1583. The prince had never cherished any illusions as to the possibilities of unaided patriotism. He now realised that the choice lay between Spanish and French domination, that if the Estates spurned Anjou they might have to fight both Spain and France. He cared nothing for Anjou in person; the duke would only be useful as the formally recognised representative of France. This subject leads to two obscure questions which are liberally treated in the editor's footnotes, if they receive no definite answer. That of Anjou's intrigues with Parma and the Spanish court leads the explorer into the subterranean workings of mole-like agents, and there leaves him. The subject of the responsibility of Henry III and his mother for Anjou's movements is more interesting, but the official *démenti* and the incriminating information of Spanish spies and local correspondents may be equally misleading. The Spaniards believed that the interviews of Anjou with Catherine, and the massing of French troops upon the border, were intended not to disarm but to support the duke's unauthorised levies. The evidence seems rather in favour of the king's genuine, if not quite consistent, disapproval; the editors believe that the queen mother, in concert with the French catholics, was fundamentally antagonistic to the support of heretic rebels against a power which, after her defeat at the Azores, she had every reason to respect.

There can be no doubt as to Orange's skill; as to his wisdom there may well be two opinions. Had he had his will the Netherlands would have been for ever united to France, or else must have undergone another war of independence, far more perilous than that with Spain, for France was not an under-peopled nation, fighting, with infinite difficulties, from a base hundreds of miles removed from the scene of operations. The independence of the Netherlands was saved by Anjou's death before the actual execution of the treaty of surrender. The vacillation of Henry III and the conflict of French parties prevented the acceptance of the direct offer to the crown. Before the king could repent the Spanish king had fired the Netherlands' neighbour's house. On the other hand Spain became involved in a conflict with France and England, which loosened her hold upon the Netherlands. Orange may claim this result as due in part to his ceaseless endeavour to drag the French crown into war with Spain. His success was posthumous; at the time of his death failure was apparently complete. Anjou's premature death must be regarded as a relief to him-

self, to his brother and mother, to the king of Spain, and to the Netherlands, and not least to the indefatigable editors whose labours it has limited. If the Estates were negligent, and if Anjou were dishonest, neither of these faults has infected the two historians who have handled their remains, and to whose industry and impartiality every student of Netherlands history is under the deepest obligation. E. ARMSTRONG.

Calendar of State Papers, Ireland, April 1599–February 1600. Edited by E. G. ATKINSON. (London: H.M. Stationery Office. 1899.)

EXCEPT for paper and printing the present volume is a very satisfactory piece of work. The preface is still, perhaps, a little too prolix, and we should have been thankful for less index and more calendar; but these are small matters so long as the present rate of progress is maintained. Of actual mistakes, attributable to the editor, there are remarkably few, the worst being in connexion with document 217 on p. 193, which has led to a series of misidentifications in the index. Clonagh, from which Captain John Lye addresses his letter, is situated in the King's County, and the 'Carberry' referred to is Carbury in county Kildare, not Carbery in county Cork. Surely the last line of the document should read 'there be *no* market to use here'? We would suggest that the 'advertisement' from the attorney-general of Connaught, described as *wanting* on p. 153, is to be found on pp. 132–6. Mr. Atkinson will observe that both are endorsed, 'Received at Richmond the 25 of October.' Document 74, pp. 51–8, headed 'Portion of Manuscript History,' seems to belong more properly to May 1600 than May 1599: cf. p. 52 'For the earl (*i.e.* the earl of Essex) was no sooner gone for England than Donnell fell to his old vomit.' There is a curious cross-reference in the index from Connor Roe to McDermott, and from McDermott to McCarthy, Cormack McDermott, which we fail to understand. Annaly is, of course, now county Longford and not county Wexford; and is not Doffren (p. 368), county Wexford, a misreading for Doffrey, the modern Duffry? The seneschal of Imokilly was, we believe, a Fitzgerald and not, as Mr. Atkinson conjectures, a Burke. Meelick or 'Mylycke,' referred to on p. 138, is in county Galway and not county Roscommon, and surely Slieve Gallion, with which Mr. Atkinson identifies Sleouge Gallaine, is in county Londonderry, not county Armagh; or ought we, perhaps, to read Slieve Gullion? Glynmalyrie is hardly to be described as King's and Queen's Counties: it comprised the district round Portarlinton, north, south, and east of the river Barrow, known as the O'Dempsey's country. By the river Ranelagh (preface, p. xxi), or more correctly, as in Captain Mallory's account (p. 87), 'the river of Ranelagh,' is intended, we presume, the Avonmore. The Ranelagh was the district of Gabhal Raghnaill, a branch of the O'Byrne clan, viz. that of which Fiagh MacHugh was chief. 'Maigherye's country' (p. 473) is incorrectly identified as the Maghery or O'Conor Don's country: it is evident that what is intended is O'Meachair or O'Meagher's country, now the barony of Ikerrin, in county Tipperary.

The interest of the present volume centres chiefly round Robert

Devereux, earl of Essex; but the documents add little to our previous knowledge regarding his campaign in Ireland. Mr. Atkinson, as in duty bound, once more narrates the whole course of his proceedings there, taking as fairly impartial a view of his conduct as it is possible for one who, though not blind to his incapacity, is still not without sympathy for the object of his censure. For ourselves we have no manner of sympathy whatever with Essex, and think that he richly deserved the rebuke and punishment administered to him by Elizabeth for his incompetence, vanity, and arrogance. Let it only be remembered that Ireland was in a more critical situation than it ever was since Henry VIII began the work of its reconquest, that the eyes of all Europe were fixed on the struggle, that Essex in his capacity of critic had spared neither his predecessors nor the Irish council, insisting that unless garrisons were planted at Derry and Ballyshannon, and the 'arch-traitor' boldly assailed in his stronghold, all the rest was nothing, that his powers and the resources at his disposal were greater than any viceroy had ever enjoyed, that the malice of his enemies was unable to injure him in the opinion of his sovereign; and then compare the results of his five months' campaign—a treaty with Tyrone, the terms of which were evidently too disgraceful to be openly divulged. It is useless to throw the responsibility of his failure on the council. The man who disobeyed the express commands of his sovereign was not likely to be influenced by men the value of whose opinions his criticisms had already discounted, had not the sudden revelation of his own incapacity deprived him of all reliance on himself and forced him to clutch at every straw of excuse. Nor is it quite fair to say, as Mr. Atkinson does, that Elizabeth 'had allowed of his distribution of the forces, and of his resolve to pass first into Leinster,' without making it clear that her permission was only asked after the expedition had been resolved upon, and only granted on the supposition that it was merely to fill up the time till the season permitted the main enterprise to be undertaken. Indeed, the reasons dictating the expedition were sound enough; the fault lay in the absurd way in which it was carried out and the fact that the original plan was not adhered to. For this Essex's inexperience of the methods of Irish warfare was responsible. One would think, to read his letters dilating on the difficulties of his task, and on the bold and hardy nature of the inhabitants, that he had heard of Ireland and Irishmen for the first time after his arrival in the country. Small wonder, then, that his soldiers, perceiving his irresolution, lost all confidence in him and deserted in shoals. One can easily believe that it was in no enviable frame of mind that he returned to Dublin on 11 July with an army utterly demoralised by failure, far below its original strength, and as ill prepared to attack Tyrone as it was on his arrival. 'To do or die' was not in Essex's nature—rather, as Elizabeth ironically hinted, to find excuses for not doing. Well might his enemies charge him with treasonably conniving at Tyrone's rebellion when, after concluding a treaty with the 'arch-traitor,' the conditions of which 'I was fain to give my word that I would only verbally deliver . . . his fear being that they should be sent into Spain, as he saith the letter with which he trusted Sir John Norrys was,' he dispersed his army and deserted his post. That

he was guilty of actual treason we do not believe ; but if imperilling the kingdom, disgracing his sovereign in the eyes of Europe, and disobeying her express commands are offences worthy of punishment that allotted to high treason may seem not a whit too severe. That he should have thought there was any analogy between transmitting Tyrone's demands in writing to Elizabeth and Russell's conduct in revealing Tyrone's double-dealing to Philip speaks volumes for his ignorance of Irish politics or his contempt of other people's intelligence.

During the interval that elapsed between the departure of Essex and the arrival of the new deputy, Lord Mountjoy, a period of five months, the civil government of Ireland was entrusted to the lords justices Adam Loftus, archbishop of Dublin, and Sir George Carey, treasurer-at-war ; the military to the earl of Ormonde. Between the civil and military authorities there was little unanimity, the former charging Ormonde with sacrificing the general interests of the kingdom in order to preserve his own property intact, the latter blaming the lords justices with meddling in matters they did not understand and with being horribly concerned for their own safety. That in the interval the kingdom was not wholly lost was less due to the exertions of either than to the determination of Tyrone not to strike until the promised assistance from Spain had arrived. His reasons for delaying are easy to understand ; but it is doubtful whether in his own interests he would not have done better to have followed the advice and example of O'Donnell. As it was his inactivity afforded Elizabeth opportunity to repair the mischief committed by Essex. This time there was to be no mistake as to her intentions, her instructions to Lord Mountjoy being, as she said, so precise 'that if we should have employed at this time a man of never so common and vulgar a judgment it would be hard for him to fall into many errors.'

R. DUNLOP.

History of the English Factory at Hirado (1613-1622), with an Introductory Chapter on the Origin of English Enterprise in the Far East.

By Dr. LUDWIG RIESS. (Reprinted from the 'Transactions of the Asiatic Society of Japan.')

ENGLISH enterprise in the far east—indeed, in the middle east also—is directly traceable to Alexander VI's famous bull of 4 May 1493, by which all the newly discovered and pagan portions of our globe were divided by a fixed meridian between Spain and Portugal. But the document was ill drawn ; it was not read as dealing with tracts to be discovered in the future by nations other than Spain and Portugal, nor indeed with tracts which those countries had not already, in a manner, appropriated as 'spheres of influence.' Hence the Dutch and the English, prompted by their maritime position, soon appeared as commercial rivals first upon the fringe, and ere long within the limits, of the spheres of Portuguese and Spanish missionary and mercantile enterprise.

For a long time, however, the delusions of sixteenth-century navigators rendered vain the efforts of Dutch and English alike. The notion of a north-west passage to India, and of a north-east passage to Cathay, prevented either of those vast territories being reached by the only

practicable route, which Vasco da Gama had revealed to the western world. But after Holland had achieved success in her terrible struggle with Philip II, after England had removed the Spanish danger by the annihilation of the Armada, a definite attack became possible upon the pope-bestowed monopoly of the Peninsular powers. Drake threaded the Straits of Magalhoens, and in 1579 the English flag fluttered in the archipelago of the Moluccas. In 1598 the keels of a Dutch mercantile squadron of three ships furrowed in succession the waters of three oceans, the Atlantic, the Indian, and the Pacific. In 1598 a great Dutch fleet of twenty-two ships sailed for the East Indies 'to attack and overpower all merchants of the dominion of the king of Spain.' One of these, the 'De Liefde,' carried William Adams on board as pilot-major of the fleet, and arrived, half-wrecked, off the coast of Bungo, in Japan, three hundred years ago (in April 1600). Some nine months earlier the first chartered company endowed with quasi-sovereign rights in non-Christian lands, the East India Company, came into existence. The beginnings of the company were not fortunate, and in December 1604 Sir Edward Michelborne, brushing aside chartered privileges, sailed to open up commercial relations with those ports of the far east, from Cochin China to Japan, which were supposed to lie beyond Spanish or Portuguese control. Michelborne's expedition was attended with no result beyond that of adding to the nautical experience of its pilot-major, John Davys, as the hero of Davis's Strait seems to have spelt his surname. Meanwhile Adams had perforce remained an exile in Japan, and had found favour with a western Daimyo, and with the great Gongensama, Iyeyasu, himself, who, at the Englishman's request, gave the Dutch license to trade in Japan. There accordingly a Dutch factory was established at Hirado (on an island off Hizen, in the extreme west) in July 1609, under the cape or head merchant, Specx. Twenty-one months later (April 1611) General John Saris sailed with three ships to found *inter alia* an English commercial settlement or factory at Hirado, where his flagship, the 'Clove,' cast anchor on 11 June 1613. Of the voyage of Saris, and of his doings in Japan, Dr. Riess gives an interesting summary, but the whole story will, it may be hoped, be ere long told at full length by Sir Ernest Satow in the volume he is preparing for the Hakluyt Society. Here it must suffice to say that between Saris and Adams little friendly feeling seems to have existed. Adams was thought to be unpatriotic and untrustworthy, but for this judgment there appears to have been no real justification. The pilot-major knew the country and people, and no doubt his wiser counsels were listened to with the impatience of ignorance, while the choice he recommended for Yedo as the main emporium was unpalatable, for reasons which are not very evident; one, perhaps, was the extent and the difficult navigation of the waterways that intervened between the Bakufu capital and the western coast, so well adapted for trade (or piracy) in the China seas.

Saris quitted Japan in December 1613, leaving Richard Cocks in charge of the factory as cape merchant. The diary of Cocks, 1615-1622, has been edited for the Hakluyt Society by Sir. E. Maunde Thompson, but Dr. Riess's researches in the archives of the East India Company have

enabled him to make various interesting and illustrative additions to the narrative, including a facsimile of Saris's petition to the Shogun. With these this is not the place to deal; it must suffice to say that the factory proved a failure, and was abandoned in 1623. Adams had died in 1620. A description of his tomb at Hemimura, a small fief bestowed on him by Iyeyasu, situate near Yokosuka, a few hours from Yokohama, will be found in Satow and Hawes's 'Handbook for Japan' (second edition). Adams is by far the most interesting figure on Dr. Riess's canvas, and the five letters, out of the nine extant, printed as an appendix to this monograph (four of them not previously published) reveal him as an able and straightforward 'adventurer,' endowed with not a little of the peculiarly Japanese quality, *nasaké* or kindly feeling for others. Cocks himself died at sea on his way home on 27 March 1624. Of the settlement nothing remains but a low wall 'on the top of a hill a little way out of Hirado town.'

The disappointment of the East India Company vented itself upon the cape merchant and pursued his memory after his death. His 'evil service' was declared to have cost the company 40,000*l.*, 'never returning anything . . . but consuming whatsoever came to his hands in wasteful unnecessary expenses.' This seems an altogether unjust judgment. The causes of the failure were mainly three—the neglect of Adams's advice to make Yedo the emporium, the change of Japanese policy after the death of Iyeyasu, and the inferiority of English to Dutch enterprise in the far east during the seventeenth century. There is nothing to show that Cocks did not do his best, and Dr. Riess is of opinion that the total loss to the East India Company could not have exceeded and was probably much below 10,000*l.* It sounds odd in these days, when Japan is a great silk-exporting country, to say that in the seventeenth century the most profitable trade was the importation of silk (manufactured) from China, but such was the case. Next came the local trade between Japan and the countries bordering on the China Sea; the direct trade with England was of a very miscellaneous character and of quite secondary importance. At more or less distant intervals attempts were made to reopen trade relations with Japan, but the Dawnland maintained its isolation with extraordinary obstinacy for nearly two centuries and a half, and it was not until 1858 that England, in the wake of Commodore Perry's expedition of 1854, renewed the long interrupted intercourse.

Dr. Riess has made a skilful use of the materials at his command, and all who care about the origin of English enterprise in the far east will be deeply interested in his lucid and on the whole judicious narrative. What is wanted to complete the story will perhaps be found in Sir Ernest Satow's promised volume—an account of what the Japanese thought of the Namban (southern barbarian) traders and sailors and their wares and doings in the earlier years of the seventeenth century. In the course of the discussion which followed the reading of a summary of the present history before the Asiatic Society of Japan Sir Ernest Satow showed that the much-abused system of extra-territoriality was a recognised institution in Old Japan, as exemplified in the jurisdiction over his nationals conceded to the cape merchant, and that its embodiment in the treaties of 1854 and 1858 was perfectly in accord with Japanese ideas. He likewise

showed that the power of negotiating with foreign countries was exercised by the Shogun, and by him alone, from the seventeenth century down to some period in the nineteenth, when the practice began of communicating foreign matters to the imperial court at Kyoto. As to the visits of Japanese to Europe, the sailors who formed part of the crew of the 'Clove' on her return to England were not the first natives of Dai Nippon to reach the western continent. In a letter of Loyola, dated 21 March 1555, mention is made of the presence of a Japanese convert in the Eternal City.

F. VICTOR DICKINS.

Abhandlungen, Vorträge und Reden. Von FELIX STIEVE. (Leipzig: Duncker & Humblot. 1900.)

THIS collection of essays and articles, and of lectures and speeches, by the late Professor Felix Stieve, whose premature death in June 1898 was widely regretted by students of sixteenth and seventeenth century history, follows much the same lines as the historical remains, published not long since, of his honoured teacher, Cornelius. As we learn from the brief prefatory remarks of Professor von Zwiedeneck, it had been Stieve's intention, after completing his labours for the Bavarian Historical Commission on the documentary materials for the history of the Thirty Years' War, to devote himself to creative historical composition, and, besides shaping his Wallenstein researches into a comprehensive monograph, to write a history of civilisation on the basis of the lectures annually delivered by him at the Munich Technical University. With the exception of one or two papers in the present collection, among which the first (on the 'periods' of universal history) displays considerable argumentative power, so much of his historical work as is here first published or reprinted chiefly attests his rare qualifications for the former of these important tasks. We gather from it quite unmistakably that the Thirty Years' War has once more missed an opportunity of meeting with a thoroughly competent historian. The Wallenstein papers themselves cover only the earlier portion of the future duke of Friedland's career—during which he was to all intents and purposes unknown outside Bohemia, but which they show to have been with consistent perversity misrepresented by the generality of writers, intent upon antedating his military and political importance, and allowing it to colour their view of particular incidents in his earlier progress. But while these essays show a perfect mastery of the special literature for the assimilation of which Ranke had no time, and Gindely apparently no taste, the imperial biographies reprinted side by side with them from the great German Dictionary, and the admirable summaries of leading characters of the Thirty Years' War, such as Gustavus Adolphus, and of critical transactions in its course, such as the fall of Magdeburg, prove that Stieve would have commanded every aspect of his theme. His familiarity with the history of the period preceding that of the war is shown by a very notable paper on the last action of Henry IV in the Juliers question, which is illustrated in its earlier stage by the lecture on the unhappy (younger) Jacobaea. To an ampler treatment of the Thirty Years' War Stieve would, as an original historian, have addressed himself with the impartiality born not of

indifference but of its reverse ; for he was personally connected with both the north and the south, albeit in his unlucky experience at Paris in June 1869 his Prussian passport was of no more use to him than his appeal to the Bavarian legislature. What is of even greater significance, his religious experiences must have stood him in good stead in a complete narrative of the great struggle, since these had gradually led him, like others of the Munich school to which he belonged, from devoted membership of the church of Rome towards self-contained independence. These developments in his own life find interesting literary expression in a series of patriotic speeches, which, though not particularly remarkable in themselves, duly brought upon him his share of vituperation, and in the interesting papers bearing, more or less, upon the Old Catholic movement and its *genesis*. With Stieve recollections and reflexions alike tend to take an orderly biographical form ; and the personal sketches in the latter part of this volume, among which that of Döllinger will, of course, command the widest general interest, will be read with instruction as well as pleasure. They include a very curious account of Stieve's own father and colleagues in the so-called catholic section of the Prussian ministry of education and worship before the outbreak of the ill-fated *Culturkampf*. The biographies of Max Lossen, who achieved a very definite piece of historical work, and of the gifted August Klückhohn, whose unremitting labours were not to be crowned by the accomplishment of his greater designs, show how deeply the religious struggle entered, for better and for worse, into the academical life of Bavaria, with which Stieve's own professional career and historical labours were so closely associated. That he should not have lived to fulfil their whole promise was the result of an adverse fate rather than of any want of insight into his powers and opportunities, and will be more than ever regretted by those who take note of this last interesting monument of his intellectual activity and thoroughness.

A. W. WARD.

The Protestant Interest in Cromwell's Foreign Relations. By JACOB N. BOWMAN. (Heidelberg : C. Winter. 1900.)

Sverige och England 1655-Aug. 1657. Af Fil. Lic. J. LEVIN CARLBOM. (Göteborg : Zachrisson. 1900.)

Friherre Frans Paul von Lisola. Af Fil. Lic. J. LEVIN CARLBOM. (Göteborg : Bonnier. 1898.)

THESE three pamphlets are of special interest to English students of the foreign policy of the Protectorate in connexion with the Baltic question. The first, the work of an American scholar, has placed under contribution not only printed matter but the manuscript collections in the archives of Stockholm. It contains some errors due to the difficulty of obtaining all the necessary materials in Germany, such as the reference to an imaginary secret article in Cromwell's French treaty of 1655 and the supposition that a fresh treaty was made with Portugal in 1656, whereas as a matter of fact the old one of 1654 was then ratified. These mistakes, however, are of slight importance to the main object of the book, which is to show what a large place the promotion of the protestant interest occupied in Cromwell's mind, and how it gradually took the shape of an

attempt to bind together all protestant states in an alliance against the two Habsburg families. Such a policy, as Mr. Bowman sees, was a sheer anachronism. He says (p. 2) of Cromwell—

He saw the papal politics directed against protestantism, and feared the nullification of the treaty of Westphalia by the house of Habsburg. His thoughts on the relations between the protestants on the one hand and Rome and the Habsburgs on the other belonged to the age of the Thirty Years' War, but his means of defence belonged to another.

In summing up his conclusions (p. 84) Mr. Bowman rightly draws a distinction between 'the protestant policy in relation to protestants in catholic states' and the proposed 'union of protestants,' which was to face the danger, real or supposed, from the union of catholic states. He does not, however, proceed to investigate the merits or demerits of these policies, a question which lies outside the field of his inquiry. For that we must go to the despatches of foreign ambassadors, and more especially to those of the Swedish ministers. Of these Herr Carlbom, in the second of the three pamphlets named above, gives a sufficient account, except that he has purposely omitted so much of Bonde's story as has already been set forth in Kalling's 'Riksrådet Frih. Christer Bondes Ambassad till England 1655,' now unfortunately out of print. What we gather from this work, and from the despatches left unnoticed, is that Cromwell, like some modern writers in this country, made no distinction between the two policies referred to above, an omission which at once shows his ignorance of continental feeling. The truth is that, so far as the protestant subjects of Roman catholic powers were concerned, it was possible for him to use his influence, as in the case of the Vaudois, when he had something to offer in return; it was not possible for him to hinder Ferdinand III from persecuting protestants in Silesia or Philip William from persecuting them in Juliers, simply because he could neither send his own armies against those potentates nor induce any continental government to take up their cause. The principle of *Cuius regio, eius religio* was accepted not merely by the diplomacy but by the political conscience of the continent, and against that conviction Cromwell's diplomacy could avail nothing. Cromwell, however, wanted more than this. In his despatch of 23 Aug. 1655—before the Spanish war had openly broken out—Bonde shows Cromwell urging him to advise his master to join him in an anti-Habsburg war, declaring his hope that Charles X would take up the design, which the Most High God had seemed to have intended to accomplish by Gustavus Adolphus in Germany, but which that king had only begun. In that case he would himself be willing to contribute his assistance. The phraseology may not be literally Cromwell's, but the thought is evidently his, and it was the thought which underlay all Cromwell's dealings with the Swedish ambassador.

What chance had such a policy of being carried out? Absolutely none. Whatever else they might design, the German princes had made up their minds that they would have no renewal of the Thirty Years' War. Charles X himself would hear nothing of it, and if he had been otherwise minded Germany, protestant and catholic, would have banded itself against him. More than this, the policy which Cromwell was following was based on false conclusions. It rested on the idea

that the Roman catholic governments were about to confederate together to oppress the independent protestant states. How pure an hallucination this was may be gathered with certainty from Herr Carlbom's criticism of Dr. Pribram's attempt to rank Lisola, the Austrian diplomatist of the third quarter of the seventeenth century, with the greatest men of the period. Lisola's policy was, in fact, a counterpart to Cromwell's. As the English Protector believed that all catholic powers were about to combine against protestants the Austrian diplomatists believed that all protestant powers were about to combine against catholics. Not only has Herr Carlbom no difficulty in showing the absurdity of this conclusion, but he shows as undeniably that, except in one unguarded moment, even Lisola did not suggest offensive action, and that the emperor lagged far behind Lisola. Ferdinand III, in short, was impoverished and unadventurous. He had the greatest horror of war, founded on his experiences of the past, and the anti-Habsburg policy was therefore based on no conceivable motive in the world of fact, except, indeed, that in 1656 Ferdinand was guilty of sending some troops to help the Spaniards in their war against France. The difference between Lisola and Cromwell lay in this, that whereas the former did his utmost to put his false principles in action, and to some extent succeeded in so doing, the latter drew back whenever his folly stared him in the face. As Mr. Bowman says (p. 88) 'in speeches and conversation the former' (*i.e.* the protestant interest) 'has the first place. . . . But the protestant interest loses this foremost place when looked at from the standpoint of his action and diplomacy.'

SAMUEL R. GARDINER.

Essai sur le Règne du Prince-Evêque de Liège Maximilien-Henri de Bavière. Par M. HUISMAN. (Brussels: H. Lamertin. 1899.)

THIS able dissertation is full of matter and illustrated with a fulness which once more does credit to the activity of Belgian historical research. That it seems in some measure to lack unity of treatment is partly due to the fact that Liège in truth played only a passive part in the great current of European affairs in the midst of which (in 1684) her communal liberties were, as it were, incidentally dashed to pieces; partly to the very shadowy personality of the prince-bishop, whose misrule of apathy and malevolence extended over a period of nearly twoscore years (1650-1688). Maximilian Henry, who also succeeded his uncle Ferdinand in the arch-bishopric and electorate of Cologne, as well as in a vast plurality of benefices on the Rhine and the Moselle—the two Westphalian dioceses of Münster and Paderborn being, however, secured by Bernard von Galen, the future active tool of France—had been brought up to look upon Liège as an hereditary possession of his family. For eighty years it had been occupied by Bavarian princes, the support of the holy see never failing the house of Wittelsbach in return for its unshaken fidelity to the church. Mazarin too had good reasons in 1649 for favouring the prince's preliminary candidature for the coadjutorship, and the only obstacles which he had to overcome were the ill-will of the chapter and the determined hostility of the city of Liège. The latter he broke by a *coup de main*

which terrorised the citizens into submission, and by proclaiming an electoral reform which overthrew the liberties approved by Bishop Ernest in 1603 and acknowledged by Bishop Ferdinand in 1631. The vote of the chapter was gained by promises and menaces. But the rule of which he thus laid the foundations, and which he secured tyrant-wise by the erection of a citadel (St. Walburga), he allowed to pass out of his hands into those of his favourite counsellors so soon as, after his uncle's death, he had himself succeeded to the see. From his visit to Liège as bishop-elect, when the revolt excited by his early administrative measures was quenched in blood, to his last and longest sojourn there (extending over two whole months), when, after pitiless acts of vengeance, an end was made of the self-government of the city, the government of the principality and the policy of its ruler were alike directed by his favourites, the Fürstenbergs. It was only after the arrest in 1674 of William Egon, when acting as plenipotentiary of the elector at Cologne, that his master showed himself disposed to friendly relations with the united princes and the emperor; but though the elder brother, Francis Egon, died without recovering his influence, the younger on his return contrived to reknit the alliance between France and Cologne, and through it to become more powerful than ever. Thus the history of the prince-bishop's foreign policy is that of the Fürstenbergs, and in particular of the ambition of the younger brother, which, though it missed its end at the last, lit the flames of a great European war. As for Maximilian Henry himself, his life was mainly spent in ascetic devotions, and in the study of alchemy, which he pursued in his laboratories at Brühl and afterwards at St. Pantaleon. Of the 'two Egons'—*imperii ab incunabilis hostes*, as they are designated by the graphic pen of the episcopal chaplain Trips—Dr. Huisman has accordingly much to say, although the final efforts of the younger and more notable of the pair, the Cardinal William Egon, lie just outside the range of his theme. The transactions connected with the imperial election of 1658, and with the almost concomitant signing of the confederation of the Rhine, are brought into clear relief, and William Egon's share in the general progress of the policy of Lewis XIV, from the secret partition treaty of 1668 onwards, is effectively delineated. Liège must in any case have been drawn into the complications of Lewis XIV's attack upon the United Provinces in 1672; for he regarded the principality, in Dr. Huisman's words, 'as a fief of his crown.' It was, therefore, a singular illustration of the narrowing of his designs that in 1676, when master of the city, he should have professed his wish to respect its neutrality, and withdrawn his troops after ordering them to blow up the citadel, which was detested by the inhabitants.

The citizens of Liège now seemed at last to have their destinies in their own hands, and then began that curious period of revolutionary government which lasted for eight years (1676-1684), and which forms so singular an episode in the reign of the alien ecclesiastic. Hardly one of the characteristic features of the communal struggles at Liège itself and in the great Flemish towns in the Burgundian days is (*mutatis mutandis*) wanting to the picture: neither the factions and their *sobriquets* nor the triumphant restoration of the old liberties, nor the meetings of the *métiers*, followed by a gradual loss of interest in what had been previously so highly

prized. (Dr. Huisman here directs particular attention to the efforts of the higher clergy, for whom he generally has a good word, and whose constitutional protest at an earlier date (1673) he prints in an appendix. Yet their adhesion to the *règlement* of 1684 seems to have been purchased by a transaction.) Towards the close, after an attempted settlement has proved unenduring, we once more have, as of old, the change of leaders, the beginnings of despair, the approach of the prince at the head of his mercenaries (with French auxiliaries behind him), the popular revulsion, the sudden submission, the rigorous chastisement, and in spirit at least the tearing of the charters. Dr. Huisman, who in an introductory chapter, which adds greatly to the value of his essay, has given a lucid sketch of the Liège institution shortly before the accession of Maximilian Henry, and of its electoral system in particular, shows with precision what was left of them by the 'reform' of 1684. Although, as the prince bishop declared, he might have altogether reserved to himself the annual election of the city magistrature, *nous avons néanmoins bien voulu en accorder révocablement à la généralité de la bourgeoisie quelque participation*. This is guarded enough; but the point of the new code lay in the provision that the *généralité de la bourgeoisie*—the new *corps de la cité*—was henceforth to consist of an oligarchy of 576 citizens named by the bishop, from which all the *métiers* and all the ancient municipal organisations were to be excluded. The changes introduced into the Liège constitution were, in accordance with historical precedent, speedily extended to the other towns of the principality, and the counter-revolution was complete. Once more in the history of the great Walloon city the truth of Dr. Huisman's proposition had been proved, that the quarrel between princely prerogative and popular sovereignty is the pivot of her history; but this time there was to be no recovery. The diocese of Liège was again to see native bishops on its episcopal throne; but the course of the later history of the principality, though deficient neither in importance nor in interest, was to render the boast that here was to be found *une nationalité, presque une patrie*, a mere remembrance of the past.

A. W. WARD.

Briefwisseling tusschen de Gebroeders van der Goes. (1659–1673.)
 Uitgegeven door C. J. GONNET. I. (Amsterdam: Johannes Muller.
 1899.)

THE correspondence between Willem van der Goes and his brothers, Martinus and Adriaan, arose out of an unfortunate and dramatic incident, which happened in 1653. The three brothers belonged to the Roman catholic branch of a well known Delft family. Their father, Adriaan van der Goes, became advocate of the Court of Holland, and also councillor and accountant to the Princes Maurice and Frederick Henry of Orange. He left his native town and settled at the Hague, and died there, at his residence in the Molenstraat, in 1692. After his death the two sons Martinus and Adriaan, both of them advocates, lived on, as bachelors, in the paternal mansion, and Willem too, who was an engineer by profession, but spent most of his time in travelling; also had his quarters in the Molenstraat house, when he visited the Hague. Of the three

Martinus, born in 1609, was the eldest. He became early celebrated for his legal knowledge and acumen, and soon acquired a large practice in the courts, not only at the Hague but throughout the United Provinces. He left the management of the household to the youngest brother, Adriaan, born in 1619, who also was entrusted with the management of the large family estates, which lay in various parts of South Holland. Martinus was thus able to give the whole of his time to his professional duties, and became the trusted legal adviser of many of the leading families. His high position as a lawyer may be gathered from the fact of his being named as one of the two executors to Amalia von Solms, dowager princess of Orange, the widow of Frederick Henry. Adriaan was also an advocate with a considerable practice, but, as has already been stated, he gave himself up largely to the task of being land agent to the Van der Goes family, whose property appears to have been held in common, for he was a keen agriculturist, and found plenty of congenial occupation in attending to the cultivation of the farms, the rotation of crops, the rearing of cattle, and, what was always a serious care in the low-lying lands bordering the Maas, the indykeing and canalising of the polders. Willem, born in 1613, had very different tastes from either of his brothers. He was educated, as has been said, for an engineer, but he preferred a wandering life to the duties of a scientific profession, and appears to have been a man of wide acquaintance with men and things, even before an untoward accident compelled him for two decades (1653-1673) to live in exile from his native country.

This accident happened in the following manner : An elder half-sister of our three brothers, Anna van der Goes, had married a certain advocate named Pieter de Bye. This man in 1653 had an action before the Court of Holland against a nobleman from Zierikzee, in Zeeland, François van Oudewerve, lord of Adrichem. The matter in dispute related to certain tithes on some land in which both plaintiff and defendant had an interest. The case went in favour of De Bye, who, however, in consequence of the threatening attitude of his adversary, thought it well to call in the assistance of his brother-in-law, Martinus van der Goes, when on 20 Sept. the suit for recovering the debt was finally served before a commissary of the High Court. Now this lord of Adrichem, though the scion of a noble family, had not been born in wedlock. His mother, Agatha van Hillegom, was a maidservant, and François was already grown up when, in default of an heir, his father, Jonker Anthonis van Oudewerve, legitimatised his birth by marrying Agatha in 1641. In the course of the proceedings at the session-court a dispute had arisen as to the origin of community in the property, and Van Adrichem had let fall some scornful remarks on the difference of position between a burgher like De Bye and a noble of the stock of Oudewerve, like himself. This led the commissary, perhaps with a view to smooth matters, to innocently ask whether Van Adrichem sprang from Zierikzee. On this Martinus van der Goes rejoined, 'No, my lord was born out of the house of Adrichem; his father had him of his sister's maid; he has small cause to boast of his nobility.' Oudewerve was deeply offended, but for the moment contented himself with the quiet reply, 'My father married my mother.' Once outside the court, how-

ever, his rage knew no bounds. He followed Van der Goes on foot, reviled him in the grossest terms, and demanded satisfaction for the insult. With difficulty was the advocate able to make good his escape to his house without bodily injury. A few days afterwards, at nine o'clock at night, Van Adrichem, accompanied by some friends and servants, made his way forcibly into the vestibule of the house in the Molenstraat, and demanded to see Martinus van der Goes. It chanced that the traveller Willem was spending this night with his brother. Hearing the tumult he went downstairs in Martinus's place to face the infuriated intruder. He was received with the coarsest and most virulent abuse. In order to get rid of him Willem agreed that a meeting should take place between the disputants with swords on the following morning at 6 A.M. at the North Mill, but with the secret intention of going himself to the rendezvous in the advocate's place, and trying to arrange the matter peaceably. Van Adrichem, however, would hear of no accommodation, and at once fell upon his adversary's substitute with wild fury, aiming at him stroke upon stroke. Willem van der Goes was compelled to defend himself, and in doing so had the misfortune inadvertently to pierce his assailant in the breast below the right shoulder. The wound proved to be a mortal one. Oudewerve at once fell to the ground, and shortly afterwards expired. Van der Goes no sooner saw what he had done than he fled the country. He was wise in so doing, for, urged on by the relatives of the dead man, the procurator-general brought the matter before the Court of Holland, and Willem was condemned to perpetual banishment from Holland, Zeeland, Friesland, and Utrecht on pain of death, and his property was confiscated.

Thus in the prime of life, for an act for which he was entirely blameless, Willem van der Goes found himself an exile. It was to him, no doubt, a less hard fate than it would have been to most men. He first betook himself to Liège, then to England, and we find him afterwards at Antwerp, Rome, Alicante, Frankfort-on-the-Main, and Gratz. Finally, in 1664, after repeated efforts had been made by his brothers to procure a remission of his sentence, finding that all was ineffectual, he settled in Vienna, which he henceforth made his regular residence, until at length in 1673 the prince of Orange accorded him that pardon which had so long been refused by the government of De Witt.

It was during this banishment, and especially during the Vienna residence, that the correspondence between Willem van der Goes and his brothers at the Hague took place. There are not many letters in the collection from Martinus, but a regular interchange of lengthy epistles went on between Willem and Adriaan, most of which have been preserved, and are now in the episcopal archives at Haarlem, whence they were removed from St. Jacobus parish church at the Hague. The value of these letters consists in their containing a systematic account of the course of events at the two important political centres, the Hague and Vienna, during a considerable number of years. It is impossible in a notice like this to enter into any detailed account of their contents. It must suffice to say that in the correspondence from the Hague one gets many glimpses into the condition of the catholics under the De Witt régime; there is much about the state of parties in the estates of

Holland, about foreign politics, about the wars with England (notably about the four days' battle and the Chatham expedition), and much interesting information about William of Orange and the efforts and intrigues of his partisans and opponents. The letters of Willem are of a more general character, and the survey is wider. Placed at such a post of observation as Vienna, and being himself in intimate intercourse with many people of influence amongst the highest circles, he is able to throw much light on the life and policy of the imperial court about such thorny questions as the succession to the Polish throne, the wars with the Turks, and the affairs of eastern quite as much as of western Europe.

The great lack in the present volume is a summary of contents. This probably will be supplied when the edition is completed. The introductory chapter is excellent in the manner in which it relates the history of the three brothers, and the headings to the several letters leave nothing to be desired. It would, however, have been a great help to the student had another section been added, pointing out more clearly and fully the value of the correspondence to the historian, and to what extent the information it contains adds to our knowledge of the times in which it was written.

GEORGE EDMUNDSON.

Le Drame des Poisons : Etudes sur la Société du XVII^e Siècle, et plus particulièrement la Cour de Louis XIV, d'après les Archives de la Bastille. Par F. FUNCK-BRENTANO. (Paris: Hachette et Cie. 1899.)

THE prologue to Dryden's comedy of 'The Spanish Friar,' acted early in 1682, after contrasting the frivolity of the new generation of Englishmen with the 'conquering' tendencies of contemporary France, ends with an allusion to the seamy side of the grandeur illuminating the further shores of the narrow seas. Of late, the stage moralist observes, we have had a stirring assassination or so at home; but

When murder's out what vice can we advance,
Unless the new-found poisoning-trick of France?
And when their art of rat's bane we have got,
By way of thanks we'll send 'em o'er our Plot.

Other references are, however, rare in the English literature of the age to the awful revelations of superstitious folly and monstrous guilt which, when these lines were written, agitated the sphere of French society surrounding the court of Louis XIV; and we shall scarcely err in supposing that at Whitehall too there was no desire to have these discoveries widely discussed. On the occasion, some twelve years earlier, of the sudden death of Charles II's sister, Henrietta, duchess of Orleans, the king had spared no effort towards ascertaining the truth as to the suspicions aroused by this melancholy event, which had so widely engaged public attention in England. At a rather earlier date an ugly story of 'mortal chocolate' had excited the very *mobile*. Perhaps the comparative reticence as to the crop of scandals which sprang up after the trial of Madame de Brinvilliers in 1676 may have, in part, been due to the alchemistic tastes of the English monarch. He appears to have

shown great favour to an empiric connected with Louis de Vanens, himself 'the link between the alchemists and the sorceresses;' and the Portuguese count de Castelmelhor, who was so intimately associated with the mysterious last passages of Charles II's personal history, was another companion of Vanens's researches. But it is probable that broader considerations determined the unwillingness of Louis XIV's vassal to encourage, on this side of the Straits of Dover, too ample a freedom of comment on events and transactions which had gone far to dim the lustre of the most splendid period of a famous reign. It was (to alter but slightly the words of the author of the volume under review) at the very time when France was producing the most renowned of her captains and her statesmen, and the most eminent of her magistrates, under the old *régime*; it was at a time when French literature, art, philosophy, and learning were adorned by some of their most illustrious names; it was in an age which knew and valued the devotion of the *filles de charité* and the saintly piety of Madame de Chantal, that the awful crimes of a marquise de Brinvilliers were perpetrated, and that an Abbé Guibourg celebrated his blasphemous and murderous rites for the nefarious purposes of a marquise de Montespan. Such is the extraordinary problem on which M. Funck-Brentano has undertaken to throw light, and the narrative, at once tragic and grotesque, which he here retells, chiefly with the aid of those Bastille archives with which he is so signally familiar and of the manuscript notes of La Reynie—the guiding spirit, not less capable than conscientious, of the *Chambre Ardente*—but also with that of other unprinted sources as well as of secondary authorities. M. Funck-Brentano is an accomplished writer besides being a specially trained historical scholar; and it is well that such should be the case, for never were tact and good taste more necessary for the achievement of a difficult historical task. He has succeeded in producing a volume which, repulsive as much of the matter dealt with in it is and must remain, the learned and high-minded Johannes Wierns himself need not have blushed to own, and which tells the story of Louis XIV's shame with a quiet force as impressive as the eloquence and the cynicism of Michelet.

The account of Madame de Brinvilliers, of her extraordinary crimes—not, it should be observed, extraordinary because of any deep artfulness, still less because of any novelty from a scientific point of view in their contrivance—and of her not less extraordinary self-control when placed on her trial and when brought, a converted sinner, to her punishment (1676), serves as an introduction to the portion of this volume which possesses the widest historical significance. It is concerned with the institution by Louis XIV of a special judicial commission under the name of the *Chambre Ardente*, for the sifting of the scandals and the trying of the charges arising out of the arrest, towards the close of 1677, of the alchemist Vanens, in 1678 of the *devineresse* Bosse, and in 1679 of the arch-criminal of all, Catherine Deshayes, wife of Antoine Monvoisin, and hence known by the name of La Voisin. This *chambre*—so called for no more pregnant reason than that which gave its name to our own Star Chamber—first met on 10 April 1679, and from the outset summoned its culprits by means of royal *lettres de cachet*, issued on the advice of La Reynie as 'judge of instruction.' Between this date and that of its closing

on 21 July 1682 it held not less than 110 sittings, and deliberated on the cases of not less than 442 accused persons; but its proceedings were by no means continuous. La Voisin, the organiser-in-chief of the system of black magic and black mail, which for a short time seemed to make everything possible to passion or retrievable by baffled feminine power, had paid the penalty common to most forms of crime which overreaches itself, when the continued interrogatories of the court into the proceedings of her accomplices led to a sudden intervention on the part of the king. On 2 August 1680 Louis XIV, writing from Lille, ordered special reports to the *Chambre Royale* at the Arsenal concerning the depositions of particular witnesses, and on 1 October of the same year he commanded the suspension of the sittings of the special commission.

The miserable story of Madame de Montespan—for it is to be qualified by no other epithet—connects itself with the documentary evidence discovered by the *Chambre Ardente* from the early date of 1666. In other words, during the whole course of her relations with Louis XIV, down to her last spasm of jealousy against his fancy for Mademoiselle de Fontanges in 1679, she resorted to the pretended influences of a nest of criminal impostors, in order at any and every risk to gain, retain, or recover the affection of the king. The tenacity of her ambition explains what it cannot palliate, the ruthlessness of her purpose, which in the end paradoxically turned against the life of the king himself. She was, in a sense, a master spirit of the great age to which she belonged; and if it is lamentable that in an early phase of her history the genius of Molière should have pandered to her triumph there seems at least a probability that the coequal poetic activity of Racine collapsed under the catastrophe in which hers was in truth the principal part. The *Chambre Ardente* resumed its sittings at the Arsenal in May 1681, on the understanding prescribed by the king that no depositions involving the name of Madame de Montespan should be followed up by the commission. Its later proceedings were of secondary importance; but La Reynie had the satisfaction of drafting the edict registered by the parliament of Paris in August 1682, which expelled all practitioners of magic from France and formulated regulations as to the sale of poisons that remain in force after the lapse of two centuries.

M. Funck-Brentano's supplementary chapters contain much information of literary as well as historical value; his reprint of the excellent paper on 'the death of Madame' by himself and his medical associates once more recalls the marvellous penetration of Littré, to which on such a subject no English writer except Dr. Norman Moore could render complete justice.

A. W. WARD.

Prince Charles Edward. By ANDREW LANG. (London: Goupil & Co. 1900.)

IN his knowledge of Jacobite history Mr. Lang holds a unique position. People may differ with his judgment upon some of those who played their part in that strangely romantic period; but of his own pre-eminent claim to a respectful hearing there can be no question. The literature of the subject is so vast, its traditions are so numerous, yet in the one as in the

other Mr. Lang displays a mosaic of information, the extent of which is indeed in danger of being obscured by the easy deftness with which his pen constructs it. The doors of many jealously guarded muniment rooms have been opened to him, notably the Stuart manuscripts at Windsor, from which Mr. Lang in this volume quotes a large number of documents hitherto unpublished. From the same source Mr. Lang has already constructed the history of the prince's life after his expulsion from France, a period which, so far as it was known at all before his researches, was but imperfectly understood. In this volume Mr. Lang has used the same collection to illuminate those portions of the prince's career which were not dealt with in 'Pickle' and the 'Companions of Pickle,' and with equally satisfying result.

Apart from Mr. Lang's obvious claim to act as the prince's biographer, whether on the score of his knowledge, his interest in the period, or the appropriateness of its incidents and characteristics to his graceful style, there was a very real need for an authoritative life of the Stuart *prétendant*. It is curious that, while the literature of the '45 is so enormous, biographies of the prince are astonishingly few in number. Pichot's work in 1830, Klose's in 1845, Jesse's 'Memoirs' in 1849, and Ewald's in 1879 practically exhaust the biographies of the prince. All of them save the last had the disadvantage of being comparatively inaccessible. Ewald's 'Life,' valuable for the fact that it for the first time laid the state papers under contribution, is unsatisfactory in its temper and balance, while, on some not unimportant points, Mr. Lang shows that it is in need of correction. The gorgeous splendour of Mr. Lang's volume must unfortunately confine its circulation very much to the favoured few, but it will assuredly take its position as the ultimate authority upon its subject. Its value, too, is considerably enhanced by the judicious and sensible attitude which Mr. Lang assumes towards his hero. There is no attempt on his part to create that sentimental, mawkish atmosphere with which writers on the subject are prone to surround the prince. Charles in fact, as Mr. Lang points out, lacked some of the finer and more sturdy characteristics which had distinguished the earlier members of his hapless house. 'His figure,' says Mr. Lang (p. 3), 'is beheld in a lustre not its own.' Yet in that episode in his career from which romance can never be wholly divorced, Prince Charles is a lovable, almost a capable character. He could command and retain a loyalty such as his father could not inspire. Endless touches in the affectionate records of him speak to a character that was gentle, courteous, and above all, winning. In Mr. Lang's pages the chief impression which we gain of the prince is that of one who was high-spirited, ambitious, confident, chafing at inaction, impatient of disappointment, self-willed. Hence, as Mr. Lang suggests, the tedious inactivity of years when he was still active, to one who doubtless believed with Sir Robert Strange that he had been *eversò missus succurrere seculo*, induced the *débâcle* of his degraded middle and old age.

On some points Mr. Lang's volume invites criticism. He is, *more suo*, too prone to discuss matters in his text which had better have been relegated to his notes, and his very infrequent acknowledgment of the sources of his information must be distracting to any but those who

are fairly cognisant with Jacobite literature. Upon the various crises in the '45 he is sometimes disappointingly elusive, sometimes unconvincingly assertive. Upon the retreat from Derby his verdict is practically an open one. Upon the retreat from Falkirk and his condemnation of it we hardly think that he satisfactorily makes out his case. In such an army as the prince's it would have been in the last degree unwise to insist upon a course of action to which his chief supporters, Lochiel, Keppoch, Clanranald, the Stewarts, as well as Lord George Murray, were opposed. Indeed to Lord George Murray throughout we are inclined to hold that Mr. Lang does bare justice. Johnstone's testimony to Murray's military capability is very emphatic, and it is the more valuable in that he shows himself fully alive to those personal defects in Lord George's character to which Mr. Lang draws attention. Upon certain questions of fact Mr. Lang commits himself to statements which deserved closer examination. The date 26 Aug., which Mr. Lang (p. 73), following Mr. Blaikie, gives for the prince's arrival at Invergarry, is difficult to reconcile with the two narratives in the 'Lockhart Papers.' If the second of them is to be relied on, the 25th appears the more probable date. Surely the prince's guns before Carlisle in November 1745 were heavier than four-pounders (p. 133)? He had the guns captured from Cope at Prestonpans, and also, says Home, 'some pieces of a larger caliber brought over . . . from France' by Grante. Upon the prince's advance into Lancashire Mr. Lang makes the doubtful suggestion (p. 138) that he halted at Penrith 'probably to give Wade a chance of coming up and being beaten.' Not only do Murray of Broughton's and Johnstone's accounts suggest no such intention, but the latter shows that on the day when Mr. Lang supposes the prince to have been expecting an engagement, his cavalry, or a considerable part of it, was some miles from his main body. Murray of Broughton's account of the Council of War at Carlisle on November 18 clearly indicates the prince's desire to avoid an engagement until he was in touch with his adherents in Lancashire. As to the retreat from Derby, Mr. Lang infers that the asserted advent of Lord John Drummond was 'clearly a tale told to soothe the army' (p. 141) in its retreat. Maxwell distinctly says so, and adds that 'as soon as they [Drummond's force] had joined him' Charles gave out that 'he would resume his march to London.' Upon the retreat towards Clifton Charles, says Mr. Lang (p. 146), was pursued by Cumberland 'with all his cavalry and 1,000 mounted infantry.' Johnstone, who is trustworthy on such matters, describes them as '2,000 cavalry and as many foot soldiers mounted behind them.' The retreat from Carlisle commenced not 'on the dawn of 20 Dec.,' but, according to Lord George, 'very late' in the day. The motive for leaving a garrison behind in that city Mr. Lang (p. 150) conjectures to have been the prince's desire to guard the guns he left there. It was an unfortunate decision at the best, but it seems more probable that his chief object was to check Cumberland's pursuit. Mr. Lang's battle pictures are always picturesque and vivid, though not always coherent. In regard to the disposition of the clans at Culloden Mr. Lang might have endeavoured to reconcile or discriminate between the battle plans of Home and Finlayson and the narrative of Sir Robert Strange.

The artistic beauty of Mr. Lang's volume is greatly enhanced by the exquisite reproductions of contemporary portraits which it contains. Of Charles himself there are no less than ten portraits. His father, mother, wife, daughter, Clementina Walkinshaw, and Flora Macdonald are also represented in plates which worthily embellish the book.

C. SANFORD TERRY.

Les Paysans et la Question Paysanne en France dans le Dernier Quart du XVIII^e Siècle. Par N. KARÉIEW, Professeur d'Histoire à l'Université de Saint-Pétersbourg. Traduit du Russe par Mademoiselle C. W. WOYNAROWSKA. (Paris: V. Giard et E. Brière. 1899.)

WE have reason to be grateful to Mademoiselle Woynarowska for her translation of Professor Karéiew's useful book, published in Russian twenty years ago, although it is to be regretted that the pressure of other work has not permitted the author to reconsider some statements by the light of more recent investigations, and to revise his useful bibliographical chapter.

M. Karéiew believes that the condition of the peasantry tended to become more and more unsatisfactory down to 1789. Personal servitude had almost entirely disappeared, but the land was nowhere free. The feudal maxim *nulle terre sans seigneur* was more and more rigidly applied. Everywhere we find divided ownership. In proportion as the personal independence of the peasant increased the oppression of feudal dues and customs weighed more heavily on the cultivation of the soil. Owing to the subdivision of the land into plots quite insufficient to maintain a family, or even an individual, an increasing number of the peasant proprietors sank into the position of day labourers. This tendency was also accelerated by the enclosure of commons, and by the loss of common rights. While this process went on the government made no attempt to check the ingenuity of the feudists and the greed of the lords of manors. Economists in France, as in England, regarded peasant husbandry with small favour, applauded enclosures, and believed that the prosperity of agriculture depended on a plentiful supply of cheap labour. The greatest burden of taxation fell with ever increasing weight on those whose power to sustain it was least. M. Karéiew points out that not only did the mercantile theory in vogue during the earlier part of the eighteenth century lead to the relief of trade and manufactures at the expense of agriculture, but that also the influence of the opponents of Colbertism, of the physiocrats, was not favourable to the peasantry. For these economists, although anxious to encourage agriculture, saw with approval taxation thrown upon the land, and disliked small farms as less productive than great. They believed that statesmen and economists were only concerned to encourage production by removing the restrictions by which it was hampered, and that the distribution of wealth was best left to the beneficent operation of natural laws.

Such are some of the causes owing to which, according to M. Karéiew, the condition of the peasantry was one of greater suffering immediately before the Revolution than during the reigns of Louis XIV and Louis XV. That their condition was worse he assumes as a necessary consequence, but

does not prove. He shows, indeed, that there were want and suffering in abundance after the accession of Louis XVI; but he does not show that there was more want or more suffering than during any other like number of years in the seventeenth and eighteenth centuries.

It would be easy to pile passage upon passage, written by natives and foreigners, describing the miserable condition of the peasantry during the whole of this period. The country was, perhaps, more prosperous during the ministry of Colbert and towards the end of the administration of Fleury than at any other time between the wars of religion and the Revolution. Yet Locke, travelling in France in 1676, says that the rent of land has fallen one-third, by reason of the poverty of the people. In the spring of the previous year Lesdiguières, the governor of Dauphiné, wrote that during the winter the people had lived on bread made of acorns and roots, and were then eating grass and the bark of trees. In 1739 Argenson wrote, 'At this moment, in time of peace, with every promise of a fair harvest, the people all around us are dying of starvation like flies.' The bishop of Chartres told the king and queen that in his diocese men were living on grass. The duke of Orleans threw a loaf of bread made of bracken on the council table, exclaiming, 'Sire, this is the food on which your subjects feed.' In the autumn of the same year, as the king passed through the Faubourg St. Victor, the people crowded about him, crying, *Misère ! famine ! du pain !* Eleven years later, in 1750, the marquis of Mirabeau remarks that the very acme of public prosperity would be reached if the peasants, winter and summer, could have their fill of the coarsest bread. This ideal state of things certainly does not seem to have existed at any time before the Revolution, but there is little reason to suppose that the sufferings of the rural population were greater during the reign of Louis XVI than under his predecessor; on the contrary it may, I think, be argued with plausibility that they were less severe. This is the opinion of some of the most competent judges—of Tocqueville, for instance, and also of M. Gomel, one of the latest as well as one of the best informed and most judicious historians of this epoch, who maintains that public prosperity had never been more apparent than during the ministry of Calonne. The towns were adorned by new and stately buildings; trade, manufactures, and agriculture were flourishing; the wages of labour rose; taxation was more easily borne.¹ Every one, as Marmontel remarked, appeared to be content.

It must be allowed that the evidence on both sides is vague and conflicting. France is so large a country, and the conditions in different provinces were so dissimilar, that it is hazardous to generalise from the statements of travellers, whose observations were necessarily very partial, or even from what Frenchmen tell us about the districts with which they happened to be acquainted. Yet it would be difficult to find any foreigner visiting France before the latter part of the reign of Louis XV who speaks otherwise than with pity of the condition of the peasantry, while during the twenty-five years immediately preceding 1789 we find that the impressions made on those who pass through the country is not always so unfavourable. Horace Walpole writes in 1765, 'I find this country wonderfully enriched since I saw it twenty years ago.'

¹ Gomel, *Les Derniers Contrôleurs Généraux*, p. 237.

This, of course, applies to the country between Calais and Paris. In 1782 Madame d'Oberkirch thinks French Flanders a garden, the villages neat and clean, the country along the Loire a terrestrial paradise. Dr. Rigby, who travelled through the whole length of France, from Calais to Nice, in 1789, again and again remarks on the industry and apparent prosperity of the people. There was nowhere, he says, any sign of scarcity, though the extreme severity of the previous winter had caused suffering. When he crossed the frontier into Piedmont he found the peasantry much more wretched. At the end of his travels he exclaims, 'How every country and every people we have seen since we left France sinks in comparison with that animated country!' Professor Karéiew frequently quotes Arthur Young in support of his opinion that the condition of the rural population had deteriorated. But Young's laments and strictures prove no more than that the state of agriculture and of the labourers and small farmers in France fell far below his idea of what it ought to be, and even below what it actually was in England. He compares what is with what ought to be, but not with what had been. It is no fair inference from what he tells us to conclude that there had been no improvement during the last generation. Nor is it difficult to find passages where Young notices the apparent prosperity and good cultivation of the country, from which we might draw an opposite conclusion.² The fact is that we cannot rely upon the impressions of travellers, or the complaints of reformers and of others who are discontented with existing conditions, as evidence that the prosperity of a country is or is not diminishing.

It is easy to prove by statistics that the wealth of France grew steadily from the conclusion of the Seven Years' War to the Revolution; but we are not much helped by figures when we come to consider the condition of the agricultural population. Such statistics as we have are vague, partial, and inconclusive. M. Gomel is of opinion that on the average the money wage of agricultural labourers rose 25 per cent. during the twenty-five years before 1789. At that time it was about one livre for every working day, of which there were 250 in the year. Another eminent authority, M. d'Avenel, believes that the average wages of a labourer in the reign of Louis XVI—taking both the intrinsic value and the purchasing power of the money wage into account—would be represented by about 1 fr. 65 c. in 1785 as compared with 1 fr. 85 c. in 1775. These last figures would appear to bear out M. Karéiew's contention, but I venture to think that M. d'Avenel attaches too much weight to the rise in prices as depressing the real reward of labour. Bread was the only commodity largely consumed by the labourer, and the price of bread, though subject to great fluctuations, did not, on the whole, rise during the reign of Louis XVI. This, I am aware, cuts both ways. The peasantry were both farmers and day labourers, and while the cheapness of bread benefited the latter class it was by no means an unmixed blessing to the former, whose principal produce was corn. All generalisations must be accepted with caution; prices, wages, and every other circumstance differed not only from province to province, but even from parish to parish; so defective were the means of communication, so obstructive the tolls and

² See, e.g., *Travels in France*, pp. 114, 116, 141, 194, 254, ed. Bohn.

taxes, so various the local customs and conditions of tenure. Professor Karéiew thinks that the sufferings of the country people must have reached an unendurable pitch if land actually went out of cultivation during the reign of Louis XVI, because the share of the produce left to the cultivator did not suffice to keep him alive, deprived, as he then frequently was, of his common rights. But it would be difficult to show that many fields were uncultivated that had formerly been under the plough, while according to Necker 1,000,000 acres of waste had been reclaimed between 1760 and 1780. Even if we grant M. Karéiew's facts the opposite conclusion may be drawn from them. The undoubtedly greater prosperity of manufactures and trade and the growth of the towns would naturally tend to produce something like a real market for labour. So long as the rural population must find occupation on the land or starve, small cultivators will cling to their farms, although their landlord or the tax-gatherer may not leave them a share of the produce equivalent to that which the 'iron law of wages' is supposed to secure to the workman. But directly there is some competition among the purchasers of labour, directly labour has become a saleable commodity, the peasant cultivator, if not allowed to retain as much of what he produces as would represent the market value of his labour, will be tempted to abandon the land. Professor Karéiew would no doubt reply that this explanation is inconsistent with the increase of mendicity, with the greater number of tramps in the country and of paupers in the towns. But is there any proof that pauperism had increased, as he supposes, during the latter part of the eighteenth century? Such statistics as he gives (p. 237) apply to a few towns, and those not of much importance, which may have been decaying from exceptional and local causes. There is no reason to believe that the pauper class was relatively more numerous throughout the country than when Vauban estimated it at one-tenth of the nation. The number of the destitute in Paris and other great towns was certainly less in proportion to the population in 1780 than in 1750. As for the country, it is true that the rural *cahiers* of 1789 complain of the swarms of vagabonds and beggars, but on the other hand they also lament the greater scarcity of labour and the rise in wages.

Professor Karéiew is, perhaps, not sufficiently critical in the use he makes of these *cahiers*. No doubt it is from them that we can best learn what were the sufferings, the wants, the feelings, and the hopes of all classes of the community on the eve of the Revolution. For the first time the peasants found a voice—but their utterance too often is 'a tale of little meaning, though the words are strong.' They had been told that wrongs and oppressions, which in the past they had for the most part met with dumb endurance, as a part of the inevitable order of the universe, like the frosts and storms which destroyed the hopes of their harvest, could be and would be remedied if they bestirred themselves and denounced them vigorously to the king and the assembly. And denounce them they do, sometimes with vague generalities and turgid rhetoric borrowed from their new instructors, sometimes with details suggested by the circumstances of their own parish, but always with a natural tendency to exaggerate present sufferings and to think more lightly of

evils that are past. In consulting them we must, therefore, remember that although they are good evidence for what was at the time they rarely supply any trustworthy indication whether it was worse or better than what had been.

It is to be regretted that M. Karéiew has not described more fully the effect of the Revolution on the economical and social position of the rural population. Perhaps he may be induced to do so in a later edition, and at the same time to supply what would be of great use to his readers—an index, all the more needed as the table of contents is extremely meagre. Mademoiselle Woynarowska's careful and intelligent translation is much disfigured by numerous misprints, especially in the notes. P. F. WILLERT.

Hardenberg und die dritte Koalition. Von KARL HANSING, Ph.D.
(Berlin: Ebering. 1899.)

DR. HANSING opens his excellent monograph with a brief recital of the events that menaced Prussia's neutrality in 1803-4—the occupation of Hanover by the French and Napoleon's refusal to give satisfactory assurances against any further encroachments. It was Alexander's aim to bring Prussia completely into line with his own policy, which, in the spring of 1804, became almost openly hostile to the French emperor; but Frederick William III refused to do more than sign a purely defensive and conditional convention, which would remain inoperative unless Napoleon ventured further. On 13 August 1804 Hardenberg took the place of Haugwitz as foreign minister, though, as Seeley has vividly shown, the latter still had considerable influence through the informal council, or cabal. A Hanoverian by birth, Hardenberg yet looked on Prussia as the fitting possessor of the electorate; and, though he was far from opposed to the system of neutrality adopted by the king and Haugwitz, he soon began to show a firmer front to Napoleon than his predecessor had shown. The news that the French had seized the English *chargé d'affaires*, Sir George Rumbold, and carried him away from the circle of Lower Saxony, of which the king of Prussia was director, seemed an open defiance to the court of Berlin, and elicited from Hardenberg the trenchant utterance, made to the Austrian ambassador, *Es ist klar dieser Narr [Napoleon] strebt nach der Universalmonarchie*. Had Hardenberg had his way, Prussia would probably at once have joined Russia in an offensive alliance. But the king persisted in his hapless policy of forbearance until the events of a year later tore the veil from his eyes.

Hardenberg was, however, far from being the inveterate foe to France which Bonapartist writers have represented. Doubtless they here follow the lead of their master, who at Tilsit described Hardenberg as 'the foreigner' (*i.e.* to Prussia) 'educated at the side of the prince of Wales and thoroughly English in his sympathies.' But it was only by degrees that Hardenberg inclined to political sympathy with England and antipathy to Napoleon. Knowing, as he did, his monarch's leaning towards neutrality, he carefully considered all the possible alternatives then open to Prussia, and, in a long memoir (of March 1805) which he presented to Frederick William, set forth the advantages of a French alliance as being great, though, on the whole, less than those of an alliance with

Russia and Austria (pp. 23-5). Dr. Hansing also lets us see that Hardenberg lent some support to the French proposal of July 1805, to offer Hanover to Prussia, if the latter power would guarantee the *status quo* in Italy. But the tangles of this time cannot be fully unravelled; and the author confesses (pp. 40-1) that it is hard to say how far the minister, at that time, strove to persuade the king to give up his neutral system and take a decided course. The details of the secret council meetings will probably never be known; but the documents printed by the statesman himself in his memoirs, and the despatches published not long ago by Bailleu, along with the material here brought together by Dr. Hansing, afford proofs of the shabbiness and shallowness then characterising Prussian policy.

The mission of Duroc to Berlin, the endeavours of the tsar to force Prussia to an alliance with Russia, and the violation of Prussian neutrality by French troops at Ansbach, all these events are here set forth clearly and with all sobriety of judgment and expression. We could wish that more attention had been given to Novossiltzoff's mission to London in 1804 and to Berlin in 1805. It is impossible to understand the wider aims of Russian or British diplomacy without full reference to the most interesting and important events connected with those missions. It is difficult to see why Prussia should not have leant towards those powers rather than towards France, unless she knew that there was more hope of gaining Hanover from Napoleon than from its rightful owner. Probably also Frederick William and Hardenberg suspected the existence of a forward Polish policy planned by the Russian minister, Prince Czartoryski. There are grounds for believing that that ardent young Pole was seeking the dismemberment of Prussia's eastern provinces. Oncken has laid much stress on this Polish plot for the ruin of Prussia; and we should like to see Dr. Hansing's views on this topic, as well as more references to the Czartoryski memoirs and letters. If the letter printed by Mazade in his 'Alexandre I^{er} et Czartoryski' pp. 32 *seq.* be genuine (and I have never seen its genuineness disputed), Haugwitz and Lombard had every reason to strive against Russian influence and to support the French cause. Neither does Dr. Hansing indicate with sufficient clearness the influence which the sad news from Ulm had on the negotiations between the tsar and the Prussian government at Potsdam. In other respects the course of these negotiations is well traced; and, in a useful appendix, the author places side by side in parallel columns the terms of the Anglo-Russian treaty of 11 April 1805 and those of the treaty of Potsdam. From the European point of view the latter is, as Dr. Hansing says (p. 69), a step backwards in several respects. Even so Haugwitz and Lombard, in the temporary absence of Hardenberg, had worked to alter its terms in favour of France. The news of Austerlitz at once gave new vigour to their intrigues; but Hardenberg kept true to the Potsdam treaty until the news of the Franco-Austrian armistice, concluded after that battle, gave a valid excuse for Prussia withdrawing her armed mediation. Yet the chances were still far more favourable than when Prussia actually drew the sword in 1806. The author glances, though very briefly, at the events connected with Haugwitz's treaty of Schönbrunn. The conduct of that envoy was,

of course, contemptible; but the part played by Hardenberg is here shown to be far from strong or straightforward. We could wish that Dr. Hansing had paid more attention to the negotiations with Lord Harrowby at Berlin, to which Pitt in his last days clung with so pathetic a hope. The author's survey closes with the fatal demobilisation order of 24 Jan. 1806.

J. HOLLAND ROSE.

Letters of David Ricardo to Hutches Trower and others, 1811-1823.

Edited by JAMES BONAR and J. H. HOLLANDER. (Oxford: Clarendon Press. 1900.)

HUTCHES TROWER, like Ricardo, was a retired stockbroker and a shareholder in the bank of England. A man of scholarly tastes, of wide interests and reading, an active and philanthropic landlord, he was Ricardo's most intimate correspondent in the subjects which interested them both most deeply—economics and politics. Broadly speaking the friends were economically in agreement, politically dissentient. 'I know beforehand,' writes Ricardo, 'that I shall applaud everything you say on agricultural distress, but I shall condemn your opinions on reform.' Here, then, is the clue to the interest of these letters. Tending rather to confirm than to expand our knowledge of the theorist of value and distribution, they add materially to our appreciation of the man and the member for Portarlington. They should be read rather as a commentary on the 'Observations on Parliamentary Reform' than on the 'Principles.' Trower with some timidity shelters himself behind a convenient phrase of 'a mixed government.' Ricardo courteously but remorselessly pursues him from one position to another—of course without convincing him. To the attempt to convert his friend we owe an instructive group of letters on reform in the year 1818. Ricardo's argument is most succinctly stated in letter xxii. (pp. 62-63).

There is no such security for good government as having the choice of representatives to the *reasonable part* of the community, for they have every motive to wish to be well governed, none to be ill governed. This being *demonstrated*, we must extend the elective franchise to all *reasonable men*, who have no *particular interest* in opposition to the general interest, and the most you can require of the friends of reform is the right to challenge such electors as are *without the necessary qualifications*. Now this right I freely yield to you: show the *sinister interest*, or the probability of a bad choice, and I will consent to deprive the individual to whom they attach of the right of electing members.

Ricardo's frank and robust verdicts on contemporaries and contemporary topics are not the least interesting feature of these letters. Ireland, the persecuted queen, savings banks and provident institutions, the poor law and distressed agriculture, the Roman catholic and the Jewish claims elicit judgments which are equally honourable to his intellect and character. As for persons, Brougham 'is a very clever man, but will never rank very high as a politician, for there is no steadiness in his opinions;' Cobbett 'is a mischievous scoundrel.' The *Quarterly Reviewer* of Malthus, he regrets to learn, 'does not intend writing any more on political economy; his whole attention in future is to be devoted to the study of theology. Whether in this latter pursuit he will have an equal chance of benefiting

mankind I have great doubts, or rather I have no doubt at all.' Mr. Sumner became archbishop of Canterbury.

The editing of these letters by two experts in Ricardian literature is excellent. The notes are sufficient, the transcription has been executed with punctual observance, and the sins against orthography and grammar (they are not rare) reverently retained. There is also a good index.

W. G. POGSON SMITH.

Joseph de Maistre et la Politique de la Maison de Savoie. Par J. MANDOUL. (Paris: Alcan. 1900.)

L' Italia Moderna: storia degli ultimi 150 anni fino all' assunzione al trono di Vittorio Emanuele III. DA PIETRO ORSI. (Milano: Ulrico Hoepli. 1901.)

M. MANDOUL's monograph is more interesting for the side-lights which it throws on Vittorio Emanuele I, on his sojourn in Sardinia after the temporary loss of his continental possessions, and on court life in Russia during the same period, than for the account which it gives of Joseph de Maistre. Its hero was a brilliant failure as a politician, and never succeeded in getting other people to take him at his own valuation. A Savoyard, who left Savoy at the time of its first annexation to France in 1792, he chose to follow the fortunes of its princes, though at one moment he believed that Alexander I wished to make him Russian chancellor. His loyalty was undoubted, but his constant lectures were simply disregarded by the Sardinian court, and Vittorio Emanuele I was not the man to follow his advice, break with the traditional policy of oscillating between Austria and France, and, with the aid of the latter, boldly confront the former and become 'chief of the Italians.' That was reserved for the second of the name, and J. de Maistre was before his time. As the price of French aid for his plans he was willing even to give up Piedmont, regaining, however, Savoy and Nice, and claiming the annexation of Monaco as well as Genoa, Lombardy, and Parma. But, as he admitted, he was not a man of action; and his sovereign allowed him to pay diplomatic compliments in Russia and, after the restoration, to sign judicial documents at Turin, leaving him out of all the negotiations which led up to that event. He was evidently mistrusted; probably Carlo Felice was right in saying that he could not hold his tongue, and the style of his despatches gave offence to officialdom. M. Mandoul has marred his work by excessive indulgence in footnotes, which are often mere repetition of the text and interrupt the narrative. Nor will he persuade many Italians that France has always been their disinterested friend. Thus he constantly accuses Great Britain of egoism in her dealings with Sardinia, but has no word of blame for the French annexation of Nice and Savoy, *physiquement et moralement une région française*, in 1792 and 1860. Yet, while he says that in the former year the Savoyards were 'French at heart,' he admits that in 1814 the French party there was small. The bad state of Sardinia, the jealousy of the Sards and Piedmontese, the utter apathy of Vittorio Emanuele I, who said that he had 'been asleep fifteen years,' and the possibilities of the island under British administration are well brought out, and the picture

was almost true of its condition at the time of Umberto's visit in 1899. A sketch of J. de Maistre's political philosophy—the divine right of kings *plus* the headsman—completes the book, which needs a thorough revision, for the long list of *errata* does not include all the misprints.

Signor Orsi's book is the original of his 'Modern Italy,' which was published in the 'Story of the Nations' series last year, but is continued down to the first act of Vittorio Emanuele III and supplemented by a valuable bibliography and a genealogy of the house of Savoy. It is a misnomer to call the work a 'history of the last 150 years,' for the period from 1748 to 1789 is very lightly handled, and there is a great disproportion between the space accorded to the oft-told tale of the *Risorgimento* and the pages devoted to the last thirty years. The author gives the conventional account of the making of Italy and throws no fresh light on the subject, but writes pleasantly and sensibly. As for his views on controversial points, he agrees with Professor Villari's version of Nelson's actions at Naples, thinks that Carlo Alberto was weak rather than treacherous in his abandonment of the Piedmontese revolutionists in 1821, and emphasises the services rendered by the British to Garibaldi during his landing at Marsala. He notes the growth of political scepticism in Italy since 1870, points out the great future of electricity there, and, in his excellent chapter on literature and art—the best in the book—indicates the change that has come over journalism. It is interesting to learn that the *lotto* is derived from the selection of the officials of the Genoese republic by lot. Among defects we may mention that Lord Aberdeen was not *capo del governo inglese* in 1851, that the number of the combatants at Solferino is wrongly given, that Venice is not a great commercial centre, that the weakness of the Italians in the drama and the novel is ignored, and that there is no allusion to Carducci's change of views. Since Signor Orsi wrote Baron de Renzis is dead, thus falsifying the date on his title-page. There is need of a revision of some proper names, which are spelt in various ways; *e.g.* we have two variants of 'Della Margherita,' and the ancestor of the reigning dynasty of Monaco was not called 'Martignon.' The maps, illustrations, and index are good.

W. MILLER.

L'Évolution Constitutionnelle du Second Empire (Doctrines, Textes, Histoire). Par HENRI BERTON. (Paris: Alcan. 1900.)

THE second empire presents many striking points of comparison with the first, but the contrasts are not less striking. Both were the outcome of revolution; both pretended to restore order and to save society by substituting the rule of one for the unruly of many; both were founded, theoretically, on the sovereignty of the people; both fell through disastrous foreign war. But whereas the absolutism of the first Napoleon remained practically intact to the end, that of Napoleon III was gradually reduced, and he had almost abdicated before he fell. There is hardly another example in history of a despot divesting himself of almost all that made him despotic, not under the pressure of force, nor even under the weight of an overwhelming public opinion, but by free concessions to a comparatively small body of reformers. What makes this evolution still more remarkable is that during the first ten years of the reign there

was no change at all, and that after that the progress was so gradual, at any rate at first, as to be almost imperceptible. A parallel may be found in the reign of our Charles I between 1640 and 1642; but the differences are too obvious to require indication.

It is this extraordinary evolution which M. Berton has essayed to describe and analyse in a solid work of nearly 800 pages. It is a task which deserved to be done, and for which the author, a young advocate and evidently a personal friend of M. Ollivier's, appears to be well equipped. M. Berton has divided his work into three parts, the first dealing with the 'despotic empire' and the constitution of 1852, the second with the transitional period between 1860 and 1870, the third with the 'liberal empire' as constitutionalised by the changes of that period and especially of its last year. The third part is equal in length to the two others. Though the author includes 'Textes' in his sub-title, no complete texts are to be found, but many quotations and extracts. The book is already too long; otherwise some of the more important laws and constitutions, printed in full, would have formed a valuable appendix. The texts themselves, with notable speeches (when published) and pamphlets, M. Berton has studied carefully; and his book is evidently based on first-hand authorities. From later writers he seldom quotes. In discussing the imperial system and its modifications he is careful to analyse the views not only of the emperor and his supporters, but also those of the various sections of the opposition, and to indicate how far and in what manner the latter were satisfied by successive reforms; but abstract discussions of political questions, such as ministerial responsibility or the bi-cameral system, occupy a considerable space, and might perhaps have been spared. On the other hand the author might well have thrown some light on the constitutional problems of the empire by comparisons with the experience of other countries; but in illustrations of this sort he hardly ever indulges. The influence of contemporary events on domestic affairs—the semi-successful wars of the earlier periods, the futile diplomacy of later years, the union of Italy and Germany, the overthrow of the temporal power—is indicated rather than fully unravelled. The arrangement and order of presentation are on the whole clear and logical, but the plan is not always skilfully carried out in detail; for instance, in the third part, which purports to be a discussion of the 'liberal empire' in its final stage, the steps and phases through which it passed between 1860 and 1870, which are somewhat cursorily described in the second part, are again considered, and at greater length. The style is clear, but not brilliant. Indications, supplied by the author himself, which appear to show that the book, as we have it, was composed in about six months, give one the impression that it might have been better had it remained longer on the stocks. Perhaps its chief merits are its exhaustive fulness, its trustworthiness of statement, and the combination of scrupulous impartiality with a convincing disclosure of the evils of the absolutist *régime*.

M. Berton spends little time on the steps which led to the establishment of the empire, but proceeds almost at once to analyse the nature, machinery, and methods of Napoleonic Cæsarism. 'Cæsarism,' said Jules Simon, 'is democracy without liberty,' or, as M. Berton puts it,

‘power for the prince, the appearance of power for the people.’ In his revival of the empire Napoleon III followed closely the model of his great predecessor, but not in all details. The later sovereign, says M. Berton, ‘had lofty aims, and traced out fair designs: he had not the genius, but also he had not the savage egoism, of his uncle; and therein was his superior.’ He was ‘a conscientious Cæsar,’ who during the greater part of his reign worked hard to palliate his tyranny by care for the material welfare of his country. But the vice of despotism is in every part of the constitution of 1852. The constituent authority, ostensibly shared between senate and people, is really enjoyed by neither, for its exercise depends on Cæsar’s consent. The legislative body has no initiative in legislation, little right of amendment, and slight control of taxes; it cannot interpellate ministers, much less call them to account; it debates in secret, and therefore might as well not debate at all. The executive is entirely in the emperor’s hands: ministers are responsible to him alone, and have no connexion with the chambers; the prefects govern the districts according to imperial instructions. The press has its mouth closed by the *baïllon officiel*; rights of meeting and association hardly exist.

Such was the system which kept order and gave material prosperity to France for ten years. About 1859 it reached its zenith—what M. Berton calls its apogee—and Napoleon could still say, *Tout va bien*. So far so good; but *si tout va mal*? And things began to go badly after 1859. The Italian war produced insoluble complications; the church turned against its rescuer; the merchants condemned the free-trade treaty with England; Italy, united, looked coolly on the man who first helped, then hindered her union; the diplomatic blunders of 1864 and 1866 undermined confidence in the autocratic régime; the Mexican disaster and the Luxemburg fiasco completed its discomfiture. ‘The five’ in the chamber of 1859 had increased to thirty-five in 1863, and to about double that number in 1869; and Paris and other big towns were ominously hostile. Meanwhile the emperor had yielded point after point—always giving less than was asked, in order to keep up the appearance of free action. But *libertés octroyées* satisfy no one; *donner et retenir ne vaut*; and the surrender had to be made. The laws and edicts of 1868-9 laid the foundations; the constitution of 1870 ‘crowned the edifice,’ and the liberal empire stood forth, only to fall into ruins three months later under the shock of invasion. That it *was* a liberal empire M. Berton satisfactorily shows. Ministerial responsibility; a chamber initiating legislation, controlling the budget, publishing its debates; a senate sharing in the work of law-making; a free press, with extension of other liberties—such changes made a radical difference in the system, and opened the door to further reforms. The ‘sovereignty of the people’ was no longer a formula, masking a tyranny; it had become ‘effective.’ And this amazing revolution had been carried out by the sovereign; doubting himself and weary of solitary responsibility, he shuffled off the coil of empire; to save the dynasty he surrendered its possessions; he turned his back on the De Mornys, who bade him hold firm, and listened to the Olliviers, who warned him ‘to give, lest the people should take.’ What would have been the result of this curious

experiment in abdication, had time been allowed, it is, of course, impossible to tell. Probably nothing but the fall of the dynasty could have expiated the 2nd of December; but in any case Napoleonism perished by its inherent vices, for the *débâcle* of Sedan was the outcome of irresponsibility in internal administration as well as in foreign affairs.

G. W. PROTHERO.

A Bibliography of English Military Books up to 1642, and of Contemporary Foreign Works. By M. J. D. COCKLE. With an Introductory Note by C. OMAN. Edited by H. D. COCKLE. (London: Simpkin, Marshall, Hamilton, Kent, & Co. 1900.)

THIS is a very valuable and very carefully compiled list which fills a gap in English historical and bibliographical literature. Rather more than half the work consists of the titles of English military books arranged in chronological order; the other half contains the foreign books, 'arranged, like the English, in chronological order, but, unlike them, having this order subordinated to a classification according to subject, in order that the student, examining an English book, may see at a glance what was being written abroad, about the same time, on the same branch.' This is very necessary, because, as Captain Cockle observes, early English military literature is a parasitic growth, and most sixteenth-century writers on the subject either put together compendiums of foreign authors or filched freely without acknowledgment from foreign sources. Moreover the titles are frequently very misleading, and give no real clue to the contents of the treatise to which they are prefixed. Captain Cockle, therefore, has not contented himself with a full and accurate transcription of the title-page, but has added in most cases a note on the contents of the book catalogued and on its relation to other books on the subject. Besides this he has usually pointed out where copies of the books mentioned are to be found, which, as some of them are of great rarity, is no small service to the student. It should be observed, however, that so far as the Bodleian library is concerned these references are very incomplete: that library possesses copies of a larger number of these books than the reader might infer. Amongst others it contains one early drill-book which has escaped Captain Cockle's researches, 'Low-countrie Trayning or certain demonstrations wherein is represented the order how a company should march, and also how the same should be exercised, trayned or drilled. According to the method now perfected and practised by the great and expert generall of these times, Prince Maurice of Nassau. By John Waymouth, Gent. 1617.' This was dedicated by its author to Sir Edward Cecil, under whom he had served in the Netherlands (cf. Dalton, 'Life of Sir Edward Cecil,' i. 260). In a few instances also Captain Cockle's annotations might with advantage have been made fuller. Lupton's 'Warlike Treatise of the Pike' (no. 156) is interesting not only for its remarks about the relative virtues of the pike and the musket, but from the information it contains about the little-known campaign of the English auxiliaries under Sir Charles Morgan in Germany. Du Praissac's 'Art of War' (no. 146) contains some useful plans of early seventeenth-century sieges, and the illustrations and

diagrams given in Robert Ward's 'Animadversions of War' (no. 147) are so numerous and so serviceable that attention should have been drawn to them. The translation of Hugo's 'Siege of Breda' (no. 110), by C. H. G., was by Captain Henry Gage, who served during the siege in the earl of Argyle's regiment. See E. Walsingham's 'Alter Britanniae Heros, or the Life of Sir Henry Gage,' 1645, p. 3.

The book is printed with great care, and both type and paper are excellent. It contains about a dozen excellently reproduced portraits and facsimiles. The author's introduction consists of a sketch of previous military bibliographies, an explanation of the system on which he has drawn up his own, and a list of ancient technical writers on military affairs and of the editions of their works. Captain Cockle has done a very useful bit of work, which every student of English military history will find of the greatest value. It is to be hoped that he will continue it and perhaps a little widen its scope.

C. H. FIRTH.

A History of Surrey. By H. E. MALDEN, M.A. ('Popular County Histories.') (London: Elliot Stock. 1900.)

'If there is any life in the following pages,' says the author of this volume, 'it is partly owing to their having been begun under the shadow of the finest British camp in Surrey, and completed in view of her finest castle, and within a stone's throw of the Pilgrim's Way.' The modest 'if' may be made positive; for there is life in Mr. Malden's pages, the life that springs from local knowledge and interest. The author appreciates to the full the charm of rural Surrey. This charm is to a great extent owing to what was originally a disadvantage—namely, the poverty of much of the soil. Had the land been more fertile, it would, as the Warden of Merton College has remarked in his recently published 'Memories and Impressions,' have long ago all been parcelled out and enclosed. It is owing to that happy poverty that so much was left open, to furnish the traveller on horseback with that riding-ground of which the Warden writes so enthusiastically, or to give the Surrey boy scope for growing up a cricketer. Even in the age of Enclosure Acts, large tracts of Surrey did not seem worth enclosing. Mr. Malden quotes from Camden, or rather from the English version of Camden, the quaint comparison of Surrey to a coarse cloth with a green border, 'the inner part of the country being barren, the outer, or as it were the *hemme* [*limbus*], more fruitful.' Now the barren inner part, 'the region of the chalk and the sand hills, has become valuable as a residential country, full of highly rated houses, while though the *hemme* to the north has become more valuable it is from the growth of London, not from the richness of the soil. The *hemme* in the south shows derelict farms, and land let sometimes at five shillings an acre.'

Surrey, as Mr. Malden points out, never corresponded to the territory of a people or of a tribe. It is not a district distinctly marked out by natural boundaries (except on the north by the Thames, and in the west for about eight miles by the Blackwater); as a kingdom it was dependent and insignificant; its name suggests that those who gave it must have been people living north of the Thames. 'Surrey, as named, is an

appendage to something greater to the north of it.' Its position between that 'something greater'—London to wit—and the south coast gave it an importance in general history. 'Every army, for instance, which ever approached London from the south had to march through Surrey.' But though so mighty a neighbour as the city of London might give a reflected importance, it inevitably tended to absorb or depress the individuality of Surrey. Though Kingston was a crowning-place of kings, and Guildford became the county town, the real centre of town population in Surrey was at Southwark—the South Fort—and in the suburbs which, later on, grew up round the monastery at Bermondsey and the archbishop's seat at Lambeth. But London laid its grasp upon these, the process beginning when, in his first year, Edward III 'granted the vill of Southwark to the citizens of London.' And so, step by step, 'the great town of Surrey, upon her great river the Thames, has been taken from her.' Mr. Malden traces the steps of the process. One noteworthy effect of the long-continued conflict of jurisdictions on 'the Surrey side' was that 'the southern suburbs became famous as the home of the drama'—also 'infamous as an abode of disorder.' The two things were, indeed, apt to be pretty much the same in magisterial eyes. It was to escape the jurisdiction of the puritanically disposed City that the Elizabethan theatres, whether to the north or the south of the Thames, were built outside the limits of the city proper. Bear-baiting, too, flourished in the same doubtful regions. Macaulay's lively but rather too sweeping sarcasm that the puritan hated bear-baiting, not because it gave pain to the bear, but because it gave pleasure to the spectators, has been so often quoted that it need hardly have been served up again in a less crisp form; but at any rate there should have been some indication that it is not the present author's own.

As points of interest, attention may be directed to the account of the battle of Ockley against the Danes, c. 851 (a subject on which Mr. Malden has already written a monograph), and, at a much later stage in the volume, to the chapter on 'The Recusants and the Armada,' where, *inter alia*, the often-repeated assertion that Lord Howard of Effingham was a Romanist is examined and set aside. The chapter on 'Parliamentary History' of course includes a notice of that rottenest of rotten boroughs—for it never had a sound existence—Gatton. The borough of Haslemere too, though not so flagrant an impostor, was probably a deliberate Tudor invention.

Elizabeth, in her charter to the inhabitants in 1596, declares that they had sent burgesses at their own cost to Parliament since the days before the memory of man. Memory was short, or records are imperfect, for it cannot be shown that they had ever sent any before 1584. But the Queen meant to express her desire that they should be represented.

When mentioning the borough of Bletchingley, Mr. Malden might have recorded that its last representative was Lord Palmerston. Dwellers in the county, or wayfarers who have opportunity and inclination to explore its delightful byways, should find much to interest them in the chapter on 'Ancient Roads,' and students of 'social science' in that on 'Agriculture and the Poor.' The 'common field' is a thorny subject to

meddle with; but one may ask why Mr. Malden appears to consider it something strange that in the sixteenth century an individual owner granted an acre of the common field at Shalford to the grammar school at Guildford. One need only open Professor Maitland's 'Township and Borough' to see that acre-strips in the common fields of Cambridge were given to or otherwise acquired by hospitals, religious houses, and colleges, much earlier than the sixteenth century. It is not, however, made quite clear whether the field at Shalford was arable or pasture. On the subject of 'the elaborate cookery tenure at Addington,' where 'the tenant specially performed the service of making one mess in an earthen pot in the kitchen of our lord the King on the day of his coronation, called *diligrount*,' it might have been worth while to refer the reader to the 'New English Dictionary,' where it will be seen that the earlier form of the mysterious name was *mees de* (or *del*) *geroun* or *girunt*. It is true that, the meaning of the last word being unknown, the mystery is hardly diminished; but the combination is not quite as uncouth-looking as *diligrount*.

The amplification of the index, and the addition of a map, would greatly increase the value of the book.

EDITH THOMPSON.

Records of the Borough of Nottingham. Vol. V. 1625-1702. Published under the authority of the Corporation. (London: Quaritch. 1900.)

NOTTINGHAM, led on in the good work by the veteran town-clerk, Mr. S. G. Johnson, gives the historical world another volume of its records, not less rich in general interest than those of earlier date. Mr. W. T. Baker, the new editor, who prefaces the work with a too modest introduction, wisely follows faithfully in the way marked out by Mr. W. H. Stevenson in the earlier volumes. The bulk of merely formal matter which he has had to reject inclines Mr. Baker somewhat to underestimate the value of the residue. To the historian of the Stuart period the volume is indispensable. It is full of side-lights on such men as Dr. Plumptre, that 'horrible atheist,' Colonel James Chadwick, who 'kept up his credit with the godly by cutting his hair, taking up the form of godliness the better to deceive,' Alderman James, 'of no more than a burgher's discretion,' on Aldermen Nix, Drury, and Toplady, not to speak of Colonel John Hutchinson himself. It is curious to find the Nottingham burghers passing judgment on the colonel and his wife in terms as biting as Mrs. Hutchinson's own phrases. Mistress Anne has music in her house on the Sabbath day, and is 'presented' for the same; the governor's 'impious,' passionate, and violent carriage has led him to say that he did not care for the town, 'and therefore we humbly conceive him not fit to be trusted with the town, who so little regards it,' but the entry in a few years is ordered to be cancelled 'as altogether unfit to stand entered upon record as the act of this company.'

The present volume does not, like the preceding, contain much evidence of activity in constitutional experiment on the part of the common council, but the divisions of opinion that rent the town at the time of the civil war would seem to have forced upon the council, or 'company,' as it is generally called, a more formal treatment of business. A committee

was formed, over which there presides a 'Cheareman,' ten years earlier than the 'New English Dictionary' records that word; the 'question' is formally put and resolutions passed. After the motion is propounded, the company 'goes to voices,' when there is division of opinion, and the majority's numbers are recorded. Master Alderman Drury's motion that none of the company promise their 'voice' in the next election of a member of parliament is 'well liked of,' and the company in 1654 agree that they will not engage to any. It is not easy to detect at Nottingham any general purging of the council under the protectorate similar to that which Mr. Round has discovered at Colchester.

Very interesting in the light of recent developments is the slow but steady growth of 'adventures' undertaken by the council. The council in 1630 shared the expense of sinking coal mines in the town woods and wastes, and the co-operation of the 'common burgesses' was invited; every one adventuring 'upon the sale of coals so gotten' was to reap 500 per cent. In contracting for coal, the company sends one 'to tamper and deal with' a coal merchant privately, 'and not as from the house, how he would deal about it, to suffer the town to get coal.' We have the story of the seventeenth-century waterworks in these pages. It took three years to carry the scheme; the question being put (1696) whether a townsman or a 'foreigner' shall undertake the bringing of water by pipes, it was carried 'that a townsman, *nem. con.*' The corporation and the burgesses subscribed for shares. These things sound a modern note, but the medieval note is there too. Order is passed that every householder shall in person ward the town in daytime, 'by course,' 'as the watch goes.' Midsummer Even's watch, a watch of a more festive kind, was discontinued in 1637 in fear of the plague, 'but this not to be a "president" for discontinuance in future times.' Next year the holding of the watch 'with garlands' was carried by a majority of one. Possibly puritanism was using fear of the plague as an argument against a festival which was obnoxious for other reasons.

A royal visit was, in the seventeenth century as in medieval times, the one occasion on which the council turned zealously to the work of public improvements, such as the mending of ways and pavements and the beautifying of the streets through which the king would pass. Thus in 1634 the aldermen were directed to see that the outside of every house was either rough-cast or beautified by painting at the householder's cost, and to provide for the removing 'of blocks and clay heaps and other annoyances.' The chamberlains undertook to see to the pavements and market wall, 'and the crosses to be viewed and painted, and beautified in decent manner.' A committee, 'taking to them' the overseers of every parish, view the highways and passages. The mace is sent to Lincoln to be done up, 'as good cheap as may be.' Apparently there is no local goldsmith.

The council does not seem to have been guilty of any neglect of duty in administering the poor-law: the entries are far more numerous than those of the preceding volume. The poor children employed in spinning, hair-work, and wick-pulling were allowed the usual rate of wages after the first month of teaching; the chamberlains pay the indenture fees for apprenticing orphans, and there are sad stories of the sufferings of apprentices that come to the ears of the council. The fee for each child's

diet was one shilling a week, the parents to find them lodging. In 1700 the corporation complained of lack of parliamentary encouragement in poor-law administration, and directed a committee to draft a bill for parliament. The council frequently bought food to sell to the poor under cost price; the aldermen at Christmas beg alms for the poor, that the poor may be kept from begging. The town beadles, besides weighing butter and sealing cloth, 'walked the town for the ordering of the poor and keeping out rogues and vagabonds,' and likewise were the overseers of the house of correction. Each parish seems to have had, further, its own 'beadle of the beggars' as well as an overseer. The town defrays the weekly charge of madmen, levying for this a special 'sessment,' also the building of their cabins and payment of their watchmen, and other payments 'to them that are shut up.'

The anxious choice of schoolmasters for the grammar school, a choice made in co-operation with the more learned clergy of the town, took up the council's time on many occasions. The merits of Master Jeremiah Cudworth, 'preferred to a more considerable hiring,' are recorded in the leiger-book 'to remain to posterity.'

Such records as the present bring out in detail how full a control was exercised by the town council over the parishes and their officers the churchwardens, who were no doubt often aldermen also. The town chest and the town timber were continually drawn upon for repairs and for the beautifying and enlargement of the churches, and the common council directs the levy of sessments for these purposes. The town lecturer is paid weekly, first by one parish and then by another. Neither parochial nor sectarian jealousy prevented the council from administering the town property in the old way, harmonising, as far as might be, rival interests.

The entries relating to the 'burgess-parts,' or allotments of the common lands, the field-keepers, the commoning of sheep, are numerous and interesting. The payment of the field-keepers is supplied by a payment of '2*d.* an acre of corn and grass growing in the fields,' the rest to be made out by the town if it is not enough. 'Whosoever will not pay this small imposition (being intended for a general good) shall be prosecuted.' On the one hand, the town (1697) decides to discharge its 'mowdy-warp' as a useless officer, and orders that every person pay for the moles taken in his own ground; on the other, the corporation provides (1690) a piece of plate for the horse-race, at the request of the gentlemen of the county. Thus individualism and collectivism struggle for mastery in these pages.

We have left no space to deal with the story of Charles II's *quo warranto* proceedings, the surrender of the charters, the detailed evidence of bitter hostility excited among the burgesses. It is a pity that the correspondence which belongs to this subject is not given in full, or at least summarised. We could wish also for one complete rental and chamberlains' account, or a few epitomes of the totals of receipt and expenditure, to give an idea of the town economy as a whole. But there is no cause to complain of omissions when so much is included that is noteworthy.

The text is not wholly free from errors, especially in the Latin section. Mr. Stevenson's volumes might have helped the editor to render correctly

the forms *defendit vim et iniuriam, quando etc.*, and *ideo venit, inde iuratus*; the exemplification of that part of Domesday Book which relates to Nottingham is given in facsimile, and serves to check the printed text with its *Snotingham, scire*, rendered 'Snotingham, to wit,' and some other bad mistakes. To be corrected also are p. 18, *fideliorum* for *fidelium*; p. 20, *tentato* for *tento*; p. 78, *dignitatum* for *dignitatem*: p. 96, *scissor* is rendered 'carver'; p. 167, 'Clarke of the Markett *infra Virgam*' is translated 'under the wand.' The explanation of a cant window (p. 386), 'cant=jutting, inclining, or corner,' is not satisfactory. The 'New English Dictionary' definition is required here, as also in many places where no note is supplied, e.g. to the word *edige* (p. 264) and shop-bulk, *passim*. These, with a number of other rare words, are absent from the glossary. Some of the words explained in footnotes deserve indexing in the glossary, which is largely taken up with explanations derived either from Mr. Stevenson's earlier volumes, which purchasers of this volume will already possess, or from untrustworthy sources. The system on which the notes are made seems somewhat lacking in judgment. Every fragmentary Latin phrase is translated, but such a phrase as the 'Clause of Easter' stands unexplained. Notes that would elucidate the text have been too rigorously eschewed, while others of no value are admitted. Thus *coram Willelmo, Marchione Newcastle*, elicits a note on the Latin equivalent for the word Newcastle. Where letters are signed by great officers the signatures should be explained. One J. B. Manchester signs a privy council letter. Presumably this is Henry Montagu, earl of Manchester, and lord president, and the initials have been misread. Peers jostle burgesses in the index; 'E. Dorset' and 'Marlborough' are well-known persons and should not be indexed under these forms. It would seem that the editor has not had a sufficiently good library at hand for constant reference. Within the range offered by the records themselves it is, however, abundantly clear that the editor's part has been accomplished with great zeal and industry. It should be added that Colonel Hutchinson's orders to the Nottingham garrison are given in an appendix, and the text appears to be the best we have. The penalties are much heavier than those printed in Mr. Firth's edition of the Hutchinson memoirs.

MARY BATESON.

University of Oxford. College Histories.

Balliol College. By H. W. CARLESS DAVIS, Fellow of All Souls College.
(London: F. E. Robinson & Co. 1899.)

Magdalen College. By H. A. WILSON, M.A., Fellow of Magdalen College.
(London: F. E. Robinson & Co. 1899.)

Christ Church. By the Rev. HENRY L. THOMPSON, M.A., Vicar of St. Mary the Virgin, Oxford. (London: F. E. Robinson & Co. 1900.)

Jesus College. By E. G. HARDY, M.A., Vice-Principal of Jesus College.
(London: F. E. Robinson & Co. 1899.)

Pembroke College. By DOUGLAS MACLEANE, M.A., Rector of Codford St. Peter, Wilts. (London: F. E. Robinson & Co. 1900.)

MR. H. W. C. DAVIS has the advantage of writing upon a college which is at once one of the most ancient, if not *the* most ancient in Oxford,

a college whose later history abounded in curiosities and oddities, and which has been of late years intellectually the most distinguished in the place. And Mr. Davis has made the most of his opportunities; he has made a thorough study of his college documents and given us a careful and most interesting volume, and, though he has had learned predecessors, much that he tells us is new. Very occasionally we find him tripping in minor medieval matters. 'This was the character of such colleges as the Mendicant Order founded in Paris, and would have liked to found in Oxford.' But the Mendicants did found colleges in Oxford—exactly like the Mendicant colleges at Paris. It is too much to say that primitive Balliol was 'directed by the Franciscan Order': the simple fact is that one of the two external proctors was to be a friar. I doubt very much whether the bishop of Durham applied the scourge to John de Balliol 'with no gentle hand.' The flagellation was probably little more than symbolic; at all events there is no authority for this rhetorical detail. And to call that worthy a 'stout old obscurantist' is surely a quite anachronistic way of talking. When Mr. Davis speaks of Bishop Sutton's successors construing his confirmation of the statutes 'as implying a right on their part to visit the college when they pleased,' he seems to forget that *iure ordinario* the bishop was the visitor of all ecclesiastical foundations in his diocese in the absence of special privilege or dispensation, such as only the pope could give. It is certainly not accurate to say that 'Balliol, as Dervorguilla had left it, was a society entirely of undergraduates.' The scholars might certainly be bachelors or licentiates in arts. I regret that I have perhaps suggested, if not stated, the same thing by a slip in my own few pages upon Balliol in my 'Universities of the Middle Ages.' Mr. Davis still makes the great John Wycliffe a member of Queen's, though it is certain that *one* John Wycliffe of Queen's could not have been identical with the reformer, and John Wycliffes should not be multiplied *praeter necessitatem*. On the other hand it is scarcely fair in support of the identification of the Merton Wycliffe with the reformer and master of Balliol to say, 'He could hold Mayfield and Fillingham together,' since we have Wycliffe mentioned as holding Fillingham in a document in which it was incumbent upon him to mention *all* his benefices. It is not quite true to say that 'Bishop Fox was the first to enact that every scholar must have a tutor,' since Wykeham enacted the thing, if not the name. These are merest trifles, but they show how hard it is even for so scholarly a writer as Mr. Davis to live himself back into the middle ages and particularly into the medieval university.

Few non-Balliol men will be able to accept without qualification Mr. Davis's somewhat transcendental view of 'Modern Balliol,' and will be disposed to attribute the undoubted and of late years unapproached success of Balliol men in academical competitions and in after life rather to the fact that, owing to its being the first college to open the bulk of its scholarships to general competition, it has enjoyed the pick of the schools than to the exceptional virtues of a supposed 'Balliol system.' The use of such a phrase is really hardly just to the succession of great teachers which modern Balliol has enjoyed. But Mr. Davis's account of the evolution of a college whose members were wont 'by perpetual

bubbling to add art to their natural stupidity to make themselves perfect sots' into a position of intellectual primacy among Oxford colleges is well done and full of interest.

Mr. Wilson relates the history of a college which in a sense has played a larger part in English history than any other foundation in Oxford. Indeed, James II's attempt to introduce his popish president and the resistance with which he met is the one incident which reveals to the reader of ordinary English histories the fact that such institutions as colleges exist. It is singularly characteristic of the genius of English history that so large a part in our 'glorious revolution' should have been played by so conservative a representative of so conservative an institution. Fortunately the materials for a full and accurate account of this interesting episode are abundant, and Mr. Wilson has used them well. His account of the affair will probably be regarded as the classical account of the matter. And this is not the only point in which Mr. Wilson's history of Magdalen will be of use to the general historian. His account of the Reformation changes in Oxford is peculiarly careful and minute, and frequently corrects the loose statements of Wood. Altogether the volume is worthy of Mr. Wilson's high reputation as a scholar and an antiquary.

The constitution and traditions of Christ Church have made its fortunes to a unique degree dependent upon the ability and character of its head. Mr. Thompson has therefore naturally given great prominence to the lives of the deans, and an interesting and impressive portrait gallery they make in his skilful and discriminating hands. The records of the college contain much which throws light on the history of academic manners, and it is scarcely possible that a more judicious selection of the really interesting facts should have been made. There is no volume in the series which would be better worth reading from the point of view of one not specially interested in this particular foundation. Though Mr. Thompson's picture is not without shadow it is just possible that an external critic might have made the rosy tints just a trifle less rosy. He is certainly not over-laudatory in his brief notice of one of Christ Church's littlest deans, Dr. Smith; but we miss the story which earned him the sobriquet of 'Presence of Mind' Smith.

Mr. Hardy's task as the historian of Jesus College was not a very exciting one, though the *origines* of the foundation are curious. Many readers will be surprised to learn that the connexion with Wales is no part of the original legal constitution of the college. The very early and spontaneous development of the college into the college for the Principality first received a legal sanction (if indeed it was legal) from an indenture between the college and its second founder, Sir Leoline Jenkins, in 1686. Since so much light has been thrown upon the medieval grammar schools (a few of which Edward VI refounded) by Mr. Leach and others it is rather misleading to talk of the 'great stimulus . . . given to education by the foundation of grammar schools under Edward VI;' and a serious historian like Mr. Hardy should not let himself speak of a prebendary as a prebend, though the inaccuracy has perhaps some authority in common usage: the prebend is, of course, the name of the office, or rather of its endowment. Mr. Hardy's book is not less thorough or learned than other

works of the series, and he has done his best to interest himself and his readers in the careers of Welsh divines.

Mr. Maclean's learned and elaborate 'History of Pembroke College,' published by the Oxford Historical Society, has been so recently noticed in this Review that it will be hardly necessary to say much of his present work, which is necessarily for the most part a reproduction of the same material, though the author has endeavoured 'to avoid making it a mere compendium of the other' and larger work.

H. RASHDALL.

The portion of Dr. H. F. Helmolt's great *Weltgeschichte* (Leipzig : Verlag des Bibliographischen Instituts, 1899) which we have now before us (iii. Band, 1. Heft) consists of two treatises—that of Dr. Hugo Winckler on 'Das alte Westasien' and that of Dr. Heinrich Schurtz on 'Westasien im Zeichen des Islams.' In some ways this part of the 'Weltgeschichte' especially the work of Dr. Winckler, suffers less than those comprised in volumes i. and iv. from the peculiar method and order adopted by the editor, since the early history of Western Asia, if we do not reckon in the coast lands, is bound to have a treatise to itself, and there is not much danger of any overlapping of the tasks assigned to different contributors. The Graeco-Persian war and the early history of Carthage have already been treated of in another volume, but in this one they are regarded from another point of view. Dr. Winckler's 'History of Western Asia in Ancient Times' is in thirteen main divisions. He takes up in succession Babylon, the struggle between Babylon and Assyria, the civilisation of Babylon, Assyria, the Neo-Babylonian (Chaldaeian) empire, Elam, Syria, Armenia, Medes and Persians, Phoenicia, Carthage, Israel, and prae-Islamite Arabia. In discussing ethnic affinities and the elements of the various strata of civilisation, Dr. Winckler is generally very cautious, though perhaps this is hardly the case with his generalisations as to the beginnings of Judah and Israel. The story is told from the monuments, with very little reference to modern writers. It is generally the results, not the processes, of historical investigation that are put before us. The illustrations are well done. Dr. Schurtz, who writes on Arabia and Islam, has, it will be remembered, contributed to volume iv. the chapters on North Africa and on Spain. He gives a sketch of Arabia just before Mohammed, an account of the life and work of the Prophet, and a history of the caliphate and of the chief races and conquerors belonging to Islam, ending with a brief description of Western Asia at the present time.

A. G.

M. J. A. Brutails, the author of numerous monographs on the mediæval antiquities of south-western France, has collected, in a volume entitled *L'Archéologie du Moyen Age et ses Méthodes* (Paris : Picard, 1900), a number of essays on archæological methods. They contain much sound doctrine, for the writer is not only well versed in his subject but is also fully conscious of that common failing of archæologists which M. Duchesne has recently well described as 'never being at a loss for an explanation.' The first part, which deals with the origin of local styles and the exchange of influences, may be specially commended to the general reader. It is followed by a criticism on the various theories of the origin of French

architecture in the middle ages which have been put forward in recent years. The author is specially concerned to refute Courajod's view as to the importance of the Byzantine element, and rightly gives the first place to the Gallo-Roman tradition of architecture. He concludes with a dissertation on the dating of buildings, in which we may note some excellent suggestions on masons' marks.
G. McN. R.

Signor F. Clementi's substantial volume on *Il Carnevale Romano nelle Cronache contemporanee* (Rome: Loescher, 1899), after some introductory chapters devoted to a sketch of popular merry-makings at Rome in ancient and medieval times, gives year by year the story of the carnival, with its centre on the Corso, from its inauguration in the middle of the fifteenth century down to the end of the seventeenth. The subject is treated in an historical spirit; with copious reference to and quotation from original authorities, and the volume is a mine of information and incident to those who are interested in the social life of the city in post-medieval times. The reproductions of old engravings might have been more satisfactory. There is a good index of names.
G. McN. R.

In the first volume of *La Libertà Religiosa* (Torino: Fratelli Bocca, 1901) Professor Ruffini traces the history of the idea of religious liberty, as it developed itself, down to the close of the eighteenth century in European countries and America. The work is based on a wide accumulation of material and will serve as a bibliography of the subject as well as a careful account of the growth of opinion in the direction of freedom. S. R. G.

The third volume of *Forschungen zur Verfassungs- und Verwaltungsgeschichte der Steiermark* is devoted to an illustrated history of the growth of the armorial bearings of Styria from the pen of Alfred, Ritter von Siegenfeld (*Das Landeswappen der Steiermark*. Graz: Verlags-Buchhandlung Styria, 1900). It is accompanied by a portfolio of fifty-one plates.
C.

M. J. Marchand's work entitled *L'Université d'Avignon aux XVII^e et XVIII^e Siècles* (Paris: Picard, 1900) is a conscientious and valuable study of the history of a minor but not unimportant university during two centuries, based on the original documents, for the most part unpublished; and a very curious history it is—like the history of many other ancient institutions in the seventeenth and eighteenth centuries, very largely a history of accumulating abuses and rapid decay. These abuses in this instance included a close and partially hereditary corporation of doctors, membership of which conferred nobility. The examination appears to have become almost as ridiculous as the Oxford examinations of the end of the eighteenth century. The process of decay was only beginning in 1640, when a candidate was admitted to the doctorate *sub spe futuri studii*—a touching formula truly! Few universities on what is now French territory can boast so full a history during the two centuries covered by Dr. Marchand's interesting book.
H. R.

Mr. H. Whates's substantial volume on *The Third Salisbury Administration* (Westminster: Vacher, s.a.) belongs too much to the domain of current politics for it to be possible here to do more than simply record

its appearance. The maps, tables, and documents which it contains will be of service to the historian of the future; but it is strange that the author should suppose that a ministry comes to an end by the dissolution of parliament.

D.

Mr. E. M. Beloe's *Our Borough; Our Churches (King's Lynn, Norfolk)* (Cambridge: Macmillan & Bowes, 1899) consists of a reprint of his work *Our Borough* published in 1871, an appendix on the Lynn churches, and an 'after-work' on the art of the Renaissance in King's Lynn, dealing with the work of the Lynn architect, Henry Bell. The concluding essay is admirable, and the maps and excellent photographs of buildings and manuscripts which enrich the volume make it a valuable possession. It is well known that Mr. Beloe is endowed with much sound historical instinct, and that he has long done good service as a lecturer on antiquarian subjects who always charms his audience. This makes it the more surprising that he has not realised his limitations, and chief among these we must reckon his inability to read medieval manuscript. He has busied himself much among records, and yet imagines that in their interpretation Latin grammar can be wholly dispensed with. *Rogatum vero incepti* stands on one page for *Rogatu vestro incepti*. We have *pertinentibus* or *pertinentis* indifferently for *pertinenciis*; *cum hospitalis . . . et domi*, translated 'with the hospital . . . and houses'; the well-known medieval word for timber stands as *de merenio*, translated 'for materials'; *de nostro* stands for *de iure*, as a facsimile shows, with numerous other impossible forms scattered up and down the pages. A passage printed in record type shows, as usual, that an accurate rendering is not secured by this means if the editor cannot read his manuscript, and we have *comis* to represent *cuius*, five dots for *huiusmodi* (legible in the facsimile), and more of the like. In the English records also, words are represented as illegible which can be read without difficulty in Mr. Beloe's facsimile. The plates have been put into the book without any regard to cross references or plate numbers of the text. The plates marked to face a given page usually have no connexion with that page, and the list of illustrations is drawn up with the same disregard of the form which the pagination has ultimately taken. Though the work is in these respects exceedingly unsatisfactory, and though it is much to be regretted that Mr. Beloe did not obtain the services of a scholarly friend in the revision of the text, it still is valuable to any one who can correct its mistakes. The essay on the borough written some thirty years ago, and reprinted as it then stood, is worthy of all praise for the skill with which the broad outlines of the town's corporate history are made to stand forth. The extracts from the town records used to illustrate the history of the churches throw important light on the inter-relations of town and parochial officers, town and parish history, in the fifteenth century.

E.

Lieutenant-Colonel Fishwick's *History of the Parish of Preston* (Rochdale: Clegg, 1900) is a work of great industry and local knowledge, which is especially marked in the field of genealogical inquiry. But his 'General History' is extremely confused and uncritical. Some allowance ought, no doubt, to be made for the difficulties of the local antiquary in dealing with early English antiquities. But he ought at least to consult the more obvious modern works which throw light upon

them. The author's acquaintance with such aids may be judged from his translation of *hamsoken* by 'house toll' and his belief that places unnamed in Domesday Book 'had either not received their designations or had fallen back into their primitive uncultivated state.' His explanation of place-names shows that even so accessible a book as Canon Taylor's 'Names and their Histories' is unknown to him. Miss Bateson's discovery of the real origin of the Preston custumal doubtless came too late to prevent him from falling into the old error concerning the *lex Bretonica*, but there was no need to increase, as is here done, the already sufficiently numerous errors in Harland's version of the custumal. Colonel Fishwick has indeed supplied a check upon his translation by printing a photographic facsimile of this interesting document. But it is not all his readers who will be able to read it for themselves. Why did he not also, by the way, give us a reproduction of the map of the parish in 1774, to which he more than once refers? J. T.

Mr. John Fiske's book on *The Dutch and Quaker Colonies in America* (London: Macmillan, 1899; 2 vols.) is intended to follow the same author's 'Beginnings of New England' and 'Old Virginia and her Neighbours,' thus forming the fourth and fifth volumes of his series of works on the history of the United States. No one is better qualified than Mr. Fiske for popular treatment of American history. He always arranges his subject well, and his narrative and exposition are admirably clear. His pictures of New York in 1680 and of New York society in the early part of the eighteenth century are very vivid and interesting, and his judgment of controverted questions is equitable and unprejudiced. Unluckily he never quite makes up his mind whether he means to be popular or scientific. References to historical novels and quotations from 'Knickerbocker's History of New York' show the desire to amuse as well as to instruct. At times, however, he quotes in his text at some length original documents in which all the contractions of the originals are quite needlessly preserved for the discomfiture of the general reader. He is also too much inclined to insert long digressions on subjects such as the medieval history of the Netherlands and the history of protestantism in France. The desire to make everything clear to the uneducated reader leads him occasionally into verbosity and irrelevance and renders parts of his book tedious. In short, while it is a good book, more compression would have made it a better one. F.

In her *Fort St. George, Madras: a short History of our First Possession in India* (London: Swan Sonnenschein, 1900) Mrs. Frank Penny has accomplished the task of producing a book which, though avowedly gossipy and readable, is yet based on the records themselves, and is no mere second-hand compilation. There should be room for it beside the more serious volume of Talboys Wheeler on *Madras in the Olden Time*. G.

The successive parts of Mr. W. D. Macray's learned and accurate catalogue of Rawlinson manuscripts, series D, have been duly noticed in this Review (vol. ix. p. 397, 1894; vol. xiv. p. 605, 1899). The work is now completed by a copious index, which is admirably compiled (*Catalogi Codicum Manuscriptorum Bibliothecae Bodleianae Partis V. Fasciculus V.* Oxford: Clarendon Press, 1900). H.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to Mr. R. L. Poole, at Oxford, by the first week in March, June, September, and December.]

- Report on manuscripts* [chiefly of canonical interest] *in France and Belgium*: by A. WERMINGHOFF [who prints (1) the instructions of an envoy of Albert I to France, 1300; (2) a description of manuscripts containing coronation orders, imperial, German, and French.]—N. Arch. xxvi. 1.
- Two manuscripts at Morreale in Sicily*: by C. A. GARUFI [one, of the fourteenth century, containing the Rule of St. Benedict with the commentary of abbat Bernard, 1263-1283; the other, of the twelfth century, containing the Constitutions of the Cluniacs].—Arch. stor. Sicil., N.S., xxv. 1, 2.
- Notes on the archives of the Vatican*: by K. KROFTA.—Český Čas. Histor. Nov.
- The gnomes of the synod of Nicaea* [preserved in Coptic]: by H. ACHELIS [who takes them as descriptive of the circumstances of the Egyptian community about 400].—Journ. Theol. Stud. 5. Oct.
- The old Latin text of the Nicene Creed*: by A. E. BURN.—Journ. Theol. Stud. 5. Oct.
- Einhard's 'Vita Karoli' and the so-called 'Annales Einhardi'*: by F. KURZE [who maintains his opinion of the late date (after 829) of the Annals, against E. Bernheim who holds that they were made use of in the 'Vita'].—N. Arch. xxvi. 1.
- On Benedictus Levita*: by E. SECKEL. I: Benedictus and the council of Nantes. [It is argued that Surius printed the twenty-four canons of Nantes from Regino, who derived all but eight of them from other sources than the council of Nantes. Benedictus took his materials indirectly, through a lost collection, from Theodulf.] N. Arch. xxvi. 1.
- The Greek acts of St. Dometius the martyr*.—Anal. Bolland. xix. 3.
- The Greek legend of St. Alexis, 'the man of God'*: printed by F. M. ESTEVES PEREIRA. Anal. Bolland. xix. 3.
- Letter of St. Hugh, abbat of Cluny, to Bernard of Agen, archbishop elect of Toledo* [1087]: printed from a Madrid manuscript (imperfect) by M. FÉROTIN.—Bibl. École Chartes, lxi. 3, 4.
- On the 'Vita Heinrici IV Imperatoris'*: by O. HOLDER-EGGER [who supports Giesebrecht's view that it is the work of bishop Erlung of Würzburg].—N. Arch. xxvi. 1.
- The composition of the 'Historia de Expeditione Friderici Imperatoris' attributed to Ansbert, and related authorities*: by K. ZIMMERT.—Mitth. Oesterreich. Gesch. xxi. 4.
- The authorship of the 'Epistola de Morte Friderici Imperatoris'*: by K. ZIMMERT [who attributes it to Godfrey, bishop of Würzburg].—N. Arch. xxvi. 1.
- On MS. 87 in the Barcelona archives* [of the early fifteenth century]: by C. A. GARUFI. [It contains 'Dictamina Petri de Vineis,' which, though probably unconnected with Sicily, are of considerable interest for Italian history under Frederick II.]—Arch. stor. Sicil., N.S., xxv. 1, 2.
- The 'Legenda trium Sociorum'*: by S. MINOCCHI [a critical comparison of the Franciscan legends].—Arch. stor. Ital., 5th ser., xxvi. 3.

- Julian of Spiers, the biographer of St. Francis of Assisi* [who is claimed, in spite of Hilarin's arguments, as the author of the Legend upon which the metrical office of the saint is supposed to be based].—Anal. Bolland. xix. 3.
- On the life and writings of Albertus Magnus*: by P. DE LOË. I: Catalogue of authorities [with the text of the more important parts of the hitherto unpublished Cologne Life written in 1483].—Anal. Bolland. xix. 3.
- The mass for the plague appointed by Clement VI and the cardinals* [1348]: printed from a manuscript at Lille by J. VIARD.—Bibl. École Chartes, lxi. 3, 4.
- Correspondence of Jean Arpeau, a Genevese agent in France under Francis I* [1546]: printed by H. HAUSER.—Rev. hist. lxxiv. 2. Nov.
- On the seals of bishops elect*: by H. BRESSLAU.—Hist. Vierteljahrschr. iii. 4.
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- Theories of the economic development of peoples*: by G. VON BELOW.—Hist. Zft. lxxxvi. 1.
- Jakob Burckhardt's 'Griechische Kulturgeschichte'*: by C. NEUMANN.—Hist. Zft. lxxxv. 3.
- The Roman conquest of Gaul*.—Edinb. Rev. 394. Oct.
- The historical origin of the episcopate*: by V. ERMONI.—Rev. Quest. hist. lxix. 2
- The 'Gospel of Peter' and the recognition in the church of the canonical Gospels*: by V. H. STANTON.—Journ. Theol. Stud. 5. Oct.
- History of West-Gothic legislation*: by K. ZEUMER. IV.—N. Arch. xxvi. 1.
- The origins of Cîteaux, and the Benedictine order in the twelfth century*: by U. BERLIÈRE. I: The foundation, organisation, and growth of the monastery of Cîteaux.—Rev. Hist. ecclés. 1900. 3.
- The removal of the papacy to Avignon*: by F. PIJPER [who lays stress on the fact that Clement V was a subject of the king of England and holds that he had no idea of permanently fixing his seat away from Rome. It is further argued that both in his action concerning Boniface VIII and in the matter of the condemnation of the Templars, the pope acted with greater independence of Philip the Fair than is commonly maintained. The writer, however, makes no reference to the more recent literature of the subject].—Nederlandsch Arch. Kerkgesch., N.S., i. 1.
- The intervention of pope John XXII in the dispute between Savoy and Dauphiné* [1319-1334]: by J. M. VIDAL.—Rev. Quest. hist. lxix. 2. Oct.
- The first negotiations of Charles the Bad of Navarre with the English* [1354-1355]: by R. DELACHENAL, with documents from the Cottonian MS. Caligula D. iii.—Bibl. École Chartes, lxi. 3, 4.
- The attitude of the emperor Charles IV towards the schism of 1378*: by S. STEINHERZ. Mitth. Oesterreich. Gesch. xxi. 4.
- Raymund of Capua, master general of the friars preachers* [1380-1399]: by J. LUCHAIRE.—Rev. hist. lxxiv. 2. Nov.
- The merchant adventurers in Utrecht* [1464-1467]: by W. STEIN. [When Philip the Good of Burgundy prohibited the import of English cloth to Antwerp, the merchant adventurers, under their governor William Caxton, removed to Utrecht. They went back on the conclusion of the alliance between Charles the Bold and Edward IV in 1467].—Hans. Geschichtsbl. 1899, p. 179.
- The war of Venice against the Turks* [1499-1501]: by G. COGO [who gives a full account of this disastrous war from contemporary authorities].—N. Arch. Ven. xviii. 1, 2, xix. 1.
- The Turkish question at the fifth Lateran council* [1513]: by E. GUGLIA.—Mitth. Oesterreich. Gesch. xxi. 4.
- A letter from B. d'Alviano to Louis XII* [16 December 1514, urging him to renew the war in Italy]: printed by L. G. PÉLISSIER.—N. Arch. Ven. xx. 1.
- Erastus and Erastianism*: by J. N. FIGGIS.—Journ. Theol. Stud. 5. Oct.
- Autobiography of captain Alonso de Contreras, knight of St. John, a native of Madrid*: printed by M. SERRANO. [This record of murder, love, and war extends from 1582 to 1633, and details the author's adventures in Flanders, the Levant, North Africa, and the West Indies].—Boletin de la R. Acad. Hist. xxxvii. 1-3.

- A Venetian 'sultana':* by E. SPAGNI [who explodes the legend of the 'Sultana Baffo,' the alleged wife of Murad III, deceased after 1605. The real 'sultana' was a Venier, and not the wife but the mother of Murad III; she was Selim's wife, and in her son's reign exercised great influence in favour of Venice. She died in 1583].—N. Arch. Ven. xix. 2.
- The murder of the French envoys at the congress of Rastadt* [28 April 1799]: by K. T. HEIGEL.—Hist. Vierteljahrscr. iii. 4.
- Talleyrand and Spanish affairs in 1808, from unpublished documents:* by G. DE GRANDMAISON.—Rev. Quest. hist. lxi. 2. Oct.
- Contributions to the history of the war of 1812* [from contemporary letters].—Russk. Viestn. Oct.
- The emperor Nicholas and the eastern question* [1826-1830]: by N. K. SHILDER [giving details of the campaign under Diebitsch].—Russk. Star. Oct., Nov.
- Marshal Prim and the Hohenzollern candidature for the Spanish throne:* by H. LÉONARDON.—Rev. hist. lxxiv. 2. Nov.

France

- On the supposed earlier recension of Suger's 'Vita Ludowici VI Regis'* [Molinier's MS. F.]: by O. HOLDER-EGGER [who holds it to be a compilation from the well-known text with the help of other sources].—N. Arch. xxvi. 1.
- The administration of the duchy of Brittany under John V* [1399-1442]: by C. BELLIER-DUMAINE. III. [on military institutions, showing how John V supplemented the feudal service of his vassals by enrolling mercenaries, and how he anticipated Charles VII in setting on foot a national army].—Ann. de Bretagne, xvi. 1.
- The history of the cathedral of Noyon:* by E. LEFÈVRE-PONTALIS.—Bibl. École Chartes, lxi. 3, 4, continued from lx. 5, lxi. 2.
- The antecedents of the first war of religion in Guyenne:* by H. PATRY [who prints three documents of 1562].—Bull. Soc. Hist. Protest. Franç. xlix. 10. Oct.
- The capitulation of Beaucaire* [1578]: by A. DE CAZENOVE, with documents.—Bull. Soc. Hist. Protest. Franç. xlix. 11. Nov.
- Brief discourse on the life of Madame Claude du Chastel, by her husband Charles Gouyon, baron of La Moussaye:* by G. VALLÉE and P. PARFOURU [pièces justificatives].—Ann. de Bretagne, xv. 4, concluded from xiv. 3, 4, xv. 1, 2.
- The university of Paris and the Jesuits at the beginning of the seventeenth century:* by P. FERET.—Rev. Quest. hist. lxi. 2. Oct.
- The first abbé Dubois; an episode in religious and diplomatic history:* by F. T. PERRENS, from unpublished documents.—Rev. hist. lxxiv. 2. Nov.
- Father Jean Suffren at the court of Marie de Médicis and Louis XIII* [1615-1643]: by H. FOUQUERAY. II.—Rev. Quest. hist. lxi. 2. Oct.
- The cahiers of the bailiwick of Orleans:* by C. BLOCH [an economic study of the local conditions and needs].—Révol. Franç. xx. 5. Nov.
- The condition of the peasantry in the sénéchaussée of Rennes and their wishes at the eve of the revolution:* by E. DUPONT [an elaborate investigation based on the cahiers of the parishes in 1789].—Ann. de Bretagne, xv. 1, 3, 4, xvi. 1.
- Unpublished letters of the princesse de Lamballe* [written to her cousin the landgrave of Hesse-Rothemburg]: printed by C. SCHMIDT.—Révol. Franç. xx. 3. Sept.
- The pillage of the registration offices in 1793 in the Loire-Inférieure:* by L. MAÏTRE [calling attention to the unused materials for the history of the revolts of 1793 in the reports of the receivers of the national domains, and showing how the peasantry in the Loire-Inférieure strove to spare the records of the national domains while destroying most of the local records].—Ann. de Bretagne, xv. 1.
- The 29th May, 1793, at Lyons:* by S. CHARLÉTY [giving an elaborate account both of the events which led up to and of those which characterised the struggle between the two republican factions].—Révol. Franç. xx. 4, 5. Oct., Nov.
- The composition of the committee of public safety:* by J. GUILLAUME.—Révol. Franç. xx. 3. Sept., continued from 2.
- Advice of a nonjuring priest to his flock:* by P. HÉMON [a Breton poem (with translation) denouncing as heretics those who accept the ministrations of the constitu-

tional clergy, published for the first time from the records of the trial of a Carthusian 'conversus' by the criminal tribunal of the Côtes du Nord, 13 Aug. 1793. The 'conversus' obtained the poem from the vicaire of Trédrez before his flight to Jersey.—Ann. de Bretagne, xv. 4.

Sieyès and the constitution of the year III: by A. STERN [arguing that La Révellière Lépaux's malevolent account is untrue].—Révol. Franç. xx. 4. Oct.

The Memoirs of Fouché: by L. MADELIN [maintaining that the first volume is trustworthy and based upon a fragmentary life written by Fouché himself].—Révol. Franç. xx. 3. Sept.

The conspiracy of 1804: by G. CAUDRILLIER. I: The Chouan plot and its antecedents. Rev. hist. lxxiv. 2. Nov.

Germany and Austria-Hungary

The Comitatus Liupoldi (in Styria) and its relation to modern territorial divisions: by A. MELL.—Mitth. Oesterreich. Gesch. xxi. 3.

An unknown document of the count palatine Hermann I of Lotharingia: printed by A. TILLE.—N. Arch. xxvi. 1.

The history of Bavarian coinage under the house of Wittelsbach: by H. RIGGAUER.—SB. Akad. Wiss. München (phil.-hist. Cl.), 1900. 2.

On the relation between the 'Vetus Auctor de Beneficiis' and the feudal part of the Sachsenspiegel: by W. ERNST [who holds, against Homeyer, that the 'Vetus Auctor' was dependent upon the Sachsenspiegel, not *vice versa*].—N. Arch. xxvi. 1.

On the formularies used in the chancery of Rudolf of Habsburg: by H. OTTO [who deals with questions of dating, in connexion with Redlich's 'Regesten Rudolfs'].—N. Arch. xxvi. 1.

The Styrian Reimchronik and the solemn recognition of the duke in Carinthia: by A. E. SCHÖNBACH.—Mitth. Oesterreich. Gesch. xxi. 3.

Contributions to the history of medieval architecture in Bohemia: by B. MATĚJKA.—Český Čas. Hist. Nov.

The trial of Jerome of Prague for heresy at Vienna [1410-1412]: by L. KLICMAN [based on the Ottobonian MS. Lat. 348].—Mitth. Oesterreich. Gesch. xxi. 3.

Letter of Paul of Miliczin, bishop of Olmütz [19 July 1436], relative to the compacts of Basle: printed by R. BRETHER.—Mitth. Oesterreich. Gesch. xxi. 4.

A scheme of revolution supposed to have been drawn up at the beginning of the conspiracy of the German princes [1550]: by H. ONCKEN [who argues that this 'Memoriale,' printed by A. von Druffel, belongs to the year 1560 and was the work of Grumbach].—Hist. Zft. lxxxv. 3.

Letters of Melchior Klesl to duke William V of Bavaria [1580-1582], illustrating the history of the counter-reformation in Austria below the Enns: printed by V. BIBL.—Mitth. Oesterreich. Gesch. xxi. 4.

A criticism of Jacob Rosolenz and his work against David Rungius on the counter-reformation in Inner Austria [1606]: by J. LOSERTH [who judges him severely].—Mitth. Oesterreich. Gesch. xxi. 3.

Joseph II and his attempts to introduce the German language throughout his empire: by J. VLČEK.—Český Čas. Histor. Nov.

On the plans of the Prussian patriots for a rising in the summer of 1808: by F. THIMME, with unprinted papers of Gneisenau and Scharnhorst.—Hist. Zft. lxxxvi. 1.

An unprinted report of Gentz [1822]: by E. GUGLIA.—Hist. Vierteljahrschr. iii. 4.

Great Britain and Ireland

The Cornavii, the Ottadeni, and the Armorican Brittany: by S. BARING GOULD [a criticism of some points in M. de la Borderie's History of Brittany which deal with British history, attempting to show that M. de la Borderie is not acquainted with recent researches on local history in England].—Ann. de Bretagne, xv. 4.

Studies on Merlin: by F. LOR. I: The sources of the 'Vita Merlini' of Geoffrey of Monmouth [showing that Geoffrey's picture of Merlin is the result of a poetic

- confusion between the Welsh poems, now lost, attributed to or dealing with the bard and the stories of the fool Lailoken. Geoffrey's object in writing was to obtain the favour of Robert, bishop of Lincoln, and the result of his success was his appointment to the see of St. Asaph].—Ann. de Bretagne, xv. 3, 4.
- The church of England in the fourteenth and fifteenth centuries.*—Church Qu. Rev. 101. Oct.
- The corporation sole*: by F. W. MAITLAND [who fails to find evidence for the use of the term before the sixteenth century, and explores the history of the idea upon which it is based.].—Law Qu. Rev. 64. Oct.
- The Stafford attainders*: by A. C. FOX-DAVIES. II.—Genealog. Mag. 42. Oct., continued from 41.
- The by-laws of the company of barbers and barber-chirurgeons at Norwich, 1684*: printed by C. WILLIAMS.—Antiquary, N.S., 130. Oct., continued from 129.
- Diary of journeys between Ireland and England [1761-1762]*.—Antiquary, N.S., 131. Oct., continued from 127.
- A Norman clergyman emigrant to England [1792-1801]*: by V. PIERRE [giving an account, from unpublished letters, of Henri Goudemetz and the kindness shown him by Thomas Meade].—Rev. Quest. hist. lxix. 2. Oct.
- Early Scottish history* [a survey of recent literature].—Quart. Rev. 384. Oct.
- Scotland under Charles II* [in connexion with O. Airy's edition of Burnet].—Edinb. Rev. 394. Oct.
- Daniel Defoe in Scotland*: by J. D. COCKBURN.—Scott. Rev. 72. Oct.
- The Irish church from the Danish to the Anglo-Norman invasion*: by E. A. D'ALTON.—Dublin Rev., N.S., 36. Oct.

Italy

(including SAN MARINO)

- Bibliography of recent publications on medieval Italian history (1896 and 1897)*: by C. CIPOLLA.—N. Arch. Ven. xviii. 1, 2, xix. 1, 2, xx. 1.
- The 'Codice diplomatico Cremonese' [715-1334]*: by G. RIVA [giving a full account of the documents published by L. Astigiano in the 'Historiae Patriae Monumenta,' series 2. xxi., xxii.].—Arch. stor. Lomb., 3rd ser., xxvii.
- The so-called Lombard colonies in Sicily*: by G. DE GREGORIO [in reply to L. Vasi].—Arch. stor. Sicil., N.S., xxv. 1, 2.
- The popes and Sicily in the middle ages*: by F. POLLACI NUCCIO [who deals with the period from the Norman conquest to the Sicilian vespers, and develops a general defence of the papal policy].—Arch. stor. Sicil., N.S., xxv. 1, 2.
- Studies on the early constitution of Florence*: by P. SANTINI, continued [dealing with foreign politics and the relations of the city to the *contado*, down to Frederick Barbarossa's departure for Lombardy, 1186. The usual view that the emperor absolutely deprived Florence of jurisdiction over the *contado* is questioned].—Arch. stor. Ital., 5th ser., xxvi. 3.
- An unpublished document of Frederick II for St. John the Evangelist's at Ravenna [1226]*: printed by S. BERNICOLI.—N. Arch. xxvi. 1. [The diploma of Frederick I here confirmed was already printed in vol. xxiv.]
- On the letters of Peter de Vineia*: by G. HANAUER [on the manuscripts and printed texts, and the dates of certain letters].—Mith. Oesterreich. Gesch. xxi. 3.
- Historical extracts from the documents classed as 'Arche in carta bambagina' in the archives at Naples*: by R. BEVERE. I: 1271-1436.—Arch. stor. Napol. xxv. 3.
- The two redactions of the account of the Genoese expedition to Corsica in 1289*: by G. CARO [who argues that the shorter of the two narratives found in codex 2 is the original].—N. Arch. xxvi. 1.
- Usages of the Viscontean chancery*: by F. E. COMANI.—Arch. Stor. Lomb., 3rd ser., xxvii., continued from xxv.
- History of a treaty between Venice, Florence, and the Carraresi [1337-1399]*: by V. LAZZARINI [who prints the text of the treaty between the three powers for the expulsion of the Scaligers from Padua (1337), and a treaty between Venice and

- Ubertino Carrara and the commune of Padua (1338). The subsequent relations between Venice and the Carraresi are slightly sketched.—N. Arch. Ven. xviii. 2.
- A calculation of the population of Venice from 1338 to 1795*: by A. CONTENTO. [This highly important article criticises and supplements J. Beloch's 'Bevölkerungsgeschichte der Republik Venedig' in the *Jahrbücher für Nationalökonomie und Statistik*, xviii., 1899].—N. Arch. Ven. xix. 1, 2, xx. 1.
- Notes on Veronese history*: by C. CIPOLLA [printing charters of the emperors Charles IV and Sigismund to the house of San Bonifacio, 'counts of Verona' (1354 and 1413). This assumption of authority on the part of the Luxemburg emperors is of interest].—N. Arch. Ven. xx. 1.
- Niccolò Spinelli da Giovinazzo*: by G. ROMANO. IV: 1367-1372.—Arch. stor. Napol. xxv. 3.
- A schedule of the assessment of the clergy in the diocese of Milan in 1398*: by M. MAGISTRETTI.—Arch. stor. Lomb., 3rd ser., xxvii.
- Documents of San Marino in the fifteenth century*: by A. A. BERNARDI [a few interesting extracts relating chiefly to the friendship of the republic with the house of Montefeltro].—Arch. stor. Ital., 5th ser., xxvi. 3.
- The true text of the Venetian appeal from the excommunication by Julius II* [a notarial act drawn up by Giovanni Battista Andriani, in which the republic proposed arbitration about Rimini and Faenza]: by G. DALLA SANTA [who publishes the document in rectification and amplification of what he has already written on the subject].—N. Arch. Ven. xix. 2.
- Vincenzo Colocasio, a Sicilian humanist of the sixteenth century*: by G. BECCARIA, with documents [1552-1555 and 1522].—Arch. stor. Sicil., N.S., xxv. 1, 2.
- The murder of Pompilia*: by W. H. GRIFFIN [a translation of an Italian prose account discovered in January 1900 in the Biblioteca Casanatense at Rome. It supplies some information not found in the source of Browning's 'Ring and the Book.' Some valuable dates are added from the archives of Arezzo].—Monthly Rev. 2. Nov.
- Insurrection and political brigandage in Venetian territory under the Napoleonic régime*: by C. BULLO [on the risings on the lower Po, and the suppression and punishment of the insurgents].—N. Arch. Ven. xviii. 2.
- Giovanni Corrao and his battalion at the battle of Milazzo* [1860].—Arch. stor. Sicil., N. S., xxv. 1, 2.
- The completion of Italian unity* [1861-1871].—Edinb. Rev. 394. Oct.

The Netherlands and Belgium

- Social conflicts in Flanders in the middle ages*: by G. DES MAREZ.—Rev. Univ. Bruxelles, v. 9.
- An indulgence of the fourteenth century for a nunnery in the Netherlands*: printed by J. VERDAM.—Nederlandsch Arch. Kerkgesch., N.S., i. 1.
- A Dutch martyrology* [supplementary to that in the 'Bibliographie des Martyrologes protestants Néerlandais']: by I. M. J. HOOG. [The list runs from 1525 to 1571, and is composed chiefly of anabaptists].—Nederlandsch Arch. Kerkgesch., N.S., i. 1.
- John of Austria in the Netherlands* [1576]: by M. BROSCHE.—Mitth. Oesterreich. Gesch. xxi. 3.
- Transactions of the assemblies of Correspondence* [1614-1618] in the province of Holland: printed by L. A. VAN LANGERAAD [showing the action taken in opposition to the Remonstrants].—Nederlandsch Arch. Kerkgesch., N.S., i. 1.

Russia

- The travels of the patriarch Macarius* [written in Arabic and giving minute historical details, among others of the revolt of Bogdan Khmel'nitski].—Istorich. Viestn. Nov.
- Barezzo Barezzi or Possevin*: by P. PIERLING [who proves that the remarkable work on the False Demetrius, which appeared at Venice in 1605, was really written by the Jesuit Possevin].—Russk. Star. Oct.

- The policy of the empress Elizabeth*: by V. TIMIRIAZEV.—Istorich. Viestn. Sept. Oct.
- Paul Menezius and his diplomatic career in Russia* [a Scot, whose real name was Menzies, employed by the Russians in their negotiations with Italy]: by N. CHAIKOV.—Istorich. Viestn. Nov.
- The manufacture of forged Russian rouble notes by order of Napoleon* [during the invasion of 1812].—Russk. Star. Nov.
- The Smolensk guerillas in 1812*: by A. SLEZKINSKI [from the government archives at Novgorod and from letters].—Russk. Star. Sept.
- The foreign policy of Metternich*: by A. RIEDKIN.—Russk. Star. Sept.—Nov.
- The Crimean commission*: by count KOMAROVSKI [who describes the distribution of funds subscribed for the benefit of the defenders of Sebastopol].—Istorich. Viestn. Oct.
- Memoirs of M. Chaikovski* [illustrating the Crimean war and the Polish emigration to Turkey], continued.—Russk. Star. Oct.

America and Colonies

- Unpublished letters of the father provincial Andrés de Rada*: by M. SERRANO [containing regulations military, moral, philanthropic, and religious for the native villages of Paraguay].—Boletin de la R. Acad. Hist. xxxvii. 4.
- The English and Dutch towns of New Netherland*: by A. E. MCKINLEY [pointing out the less popular character of the government of the latter].—Amer. Hist. Rev. vi. 1.
- Colonial immigration laws*: by E. E. PROPER [an account of the measures taken for the encouragement and restriction of immigration in the New England, Middle, and Southern colonies, and of the attitude of the mother country towards it in the colonial period].—Columbia Univ. Studies in Hist., Econ., and Public Law, xii. 2.
- The Guiana boundary*: by G. L. BURN [on evidence brought forward after the American report was drawn up].—Amer. Hist. Rev. vi. 1.
- History of military pension legislation in the United States*: by W. H. GLASSON [a systematic account of national military pension legislation from 1776 to the present time].—Columbia Univ. Studies in Hist., Econ., and Public Law, xii. 3.
- The Buford expedition to Kansas*: by W. L. FLEMING.—Amer. Hist. Rev. vi. 1.
- Some political aspects of homestead legislation*: by J. B. SANBORN.—Amer. Hist. Rev. vi. 1.

THE ENGLISH HISTORICAL REVIEW

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SINCE the January number of this Review issued from the press its readers have suffered a threefold loss. In common with the whole British empire they have been mourning the death of the Queen whose reign fills near two-thirds of the past century, and has had no equal in the ever growing force of the sovereign's personal example. Her place in the history of the nineteenth century must await another generation for its calm and dispassionate appreciation ; but that the nation has passed through a period of rapid and violent transition not merely without revolution but with a firmer hold on its historic institutions will, it may even now be said without fear, be ascribed by future historians in no small measure to her wisdom, patience, and courage.

Not many days before his Sovereign, unlike her in the full strength of middle life, died the Bishop of London, to whose memory as the first editor of this Review we are bound in a special manner to pay the homage of loyal and reverent sorrow. We leave it to another to estimate his peculiar genius as an historian ; but it may be permitted to quote here a few sentences from a letter written in the spring of 1887 which have always remained in his correspondent's mind as revealing the true spirit of his work.

'My view of history is not to approach things with any pre-conceived ideas, but with the natural *pietas* and sympathy which I try to feel towards all men who do, or try to do, great things. *Mentem mortalia tangunt* is my motto. I try to put myself in their place : to see their limitations and leave the course of events to pronounce the verdict upon systems and men alike.'

No. one perhaps knows so well as the present writer how much

this Review owed in its inception to the tact and insight, the knowledge of men as well as of matters, and the power of doing business and of doing it swiftly, without apparent effort, which Dr. Creighton possessed. When he resigned the editorship on his elevation to the see of Peterborough those who wished well to the Review doubted if any man of eminence could be found to undertake such a labour of love and carry it forward with the same energy and skill.

Happily their fears were disappointed and have only now, after almost ten years' interval, been justified. It could hardly have been expected that Mr. Gardiner, with his other unremitting tasks on his hands, would accept the labour and the responsibility of editing this Review. That he did so, that he devoted his time and his large experience without stint to its service, must always be remembered with gratitude. But now the peremptory demands of health have deprived us of his guidance. The loss to the Review is a heavy one, for which there is no compensation; but the single wish of our readers and of all who care for English history will be that he may so far recover strength as to be able to take up again the work of his life and bring it to completion.

R. L. P.

Mandell Creighton, Bishop of London

AN event like the death of the Bishop of London, at the same time depriving English literature of one of the most eminent of living historians and the English Historical Review of its first editor and constant counsellor and supporter, cannot be allowed to pass without especial notice in these pages. We must, of course, speak principally of the Bishop in his character as an historian. If this affords a theme less striking and suggestive than his action as a public man and a ruler of the church, it has at least the advantage of offering to view a symmetrical, even if an interrupted, career. At the time of his unexpected death, the prelate seemed still to belong in great measure to the future: the historian's work had for some years reached, if not its intended, still its appointed term. Even could it have been resumed, which is most improbable, it is unlikely that much could have been added to modify materially the estimate of Dr. Creighton's peculiar gifts and special mission derived from the historical work which he was actually able to accomplish.

All who knew Bishop Creighton knew that he was, before all things, a statesman, and would expect to find him classed as an historian with the school of which Ranke is the acknowledged head. Such a classification would be legitimate; yet the distinction between Ranke and Creighton is wide, and, in so far as regards character painting and sustained interest of narrative, mainly to Creighton's advantage. Both are historians of the cabinet: while not neglecting stirring events and public transactions, their object is not so much to detail these as to go behind them, and penetrate the counsels of the rulers and statesmen whose policy brought them in its train. Hence, as regards general popularity, they are at a disadvantage with historians like Macaulay, endowed with the faculty of brilliant narration; and are, on the other hand, liable to be taxed with superficiality by that other school which slights individual action in comparison with the general causes by which it is supposed to be inflexibly determined. Creighton's great advantage over Ranke is that he approaches more nearly to both these competing types. Though the devoid of pictorial power of Macaulay and the majesty of Gibbon, his narrative is more picturesque and animated

than that of the unimpassioned Ranke; and he fully recognises the existence of general laws controlling individual action, while his good sense shows him that the action is more easily ascertained than the law. He thus avoids the besetting sins of some modern schools of history, the substitution of mere disquisition for narrative, and the ambitious reconstruction after merely subjective data. Nor did he belong to the more serviceable if less speciously gifted class of writers who imagine themselves to be writing history while they are merely purveying its materials. He aimed and he attained to present a faithful picture of the age he delineated; but this was a picture not from the point of view of the dramatist, or the observer of manners, or the sympathiser with the general condition of the people, but from that of the statesman: and perhaps no reflexion upon his History has so frequently visited the minds of those personally acquainted with him as one, upon the part he might himself have performed had his lot been cast in an age when the ecclesiastical profession was rather a help than a hindrance to effective participation in public affairs.

From the excessive detachment of his master Ranke, Creighton is preserved by one of the most amiable features of his moral character, his strong human sympathy. The character of his personages is no matter of indifference to him. He records their laudable actions with complacency, and seeks for the explanation of their errors. This human feeling brings its reward along with it, for it induces him to examine those currents of circumstance which tend to interpret and in a measure justify the actions of rulers, and creates a link between him and the philosophic school of historians which, had he been content with simple narrative, might easily have been missing. He seems to be continually putting himself into the place of his principal characters, even the least commendable, and asking himself whether in that situation he himself could have acted otherwise. This gift of sympathy goes far to compensate for the absence of the faculty of vivid presentation. We do not see the pope or the prince in bodily semblance as Macaulay would have shown him, but we obtain a fairer perception than Macaulay could have given of the brain at work underneath crown or tiara. The person is not a shadow as with Ranke, or an automaton as with a disciple of the fatalistic school; and the historian is more inclined to deduce the general tendencies of an age from the facts of its history than to reverse the process. If it should appear that the significance of the momentous epoch he delineates has not been sufficiently brought out, it must be remembered that his narrative never reached a period mature for a general judgment. The new political system of Europe, the final division of Christendom, the enslavement of Italy, and the transference of her intellectual

supremacy to the trans-Alpine nations, existed, at the period under the Bishop's review when he laid down his pen, still but as the shadows of events to come.

Creighton's first historical work was characteristic alike of his moral and intellectual nature; it was a privately printed biography, dictated by gratitude, and inspired by genuine admiration for a type of character congenial to him. It related with simplicity and feeling the life of Sir George Grey, thrice Home Secretary, and filling that important office for thirteen years altogether. Unostentatious and averse to display, Grey occupied a less conspicuous place in the public eye than many statesmen of far less real influence, and Creighton's treatment of him showed how well he could appreciate the qualities of the efficient and single-minded administrator.

A much more important work followed. In 1882 Creighton issued the first two volumes of 'A History of the Papacy during the period of the Reformation.' This might have been interpreted as simply denoting the interval from Luther's revolt to the termination of the Council of Trent; but the historian had set himself a far more arduous task. He went back to the shipwreck of the medieval papal ideal in the Great Schism, which required him to travel for a hundred and forty years before encountering the friar of Wittenberg. The decision was undoubtedly sound. To begin the History with Luther is to magnify inordinately the hero of the Reformation—a great man assuredly, but greater by force of character than by force of intellect—and to assign to him the part which the poet (with more reason, but still hyperbolically) assigns to Newton in the scientific order of things:—

Nature and Nature's laws lay hid in night:
God said, 'Let Newton be,' and all was light.

A great deal of light had been slowly breaking in before Luther, and without it he could hardly have effected more than had been effected by Wycliffe, whose interesting figure, as if placed at this period for the purpose of contrast, stands at the very portal of Creighton's history. To render justice to the subject, the period of revolutionary incubation must be exhibited as well as the more brilliant and stirring period of revolutionary conflict. Bishop Creighton was before all things a statesman, and the fifteenth century was in an especial sense the era of statesmanship, ere the origination of those overwhelming popular currents which in the following century so frequently deflected policy from the course it would have preferred to follow. He liked mixed and variable characters, and was more at home with Pius II, subtle and self-interested but able to rise to the height of a great responsibility, than with the passionate grandeur of Luther or the

official majesty of Charles V. He was above all things a man of culture,¹ and had more sympathy with learning pursuing her own ends by her own methods in the fifteenth century than with learning pressed into the service of religious reform and religious conservatism in the sixteenth.

The fifteenth century was also a period congenial to Bishop Creighton from the intellectual character of its most striking incidents and most momentous revolutions. His strength did not by any means consist in depicting the 'pride, pomp, and circumstance of glorious war;' but he was admirable in describing the intellectual or moral influence that passes through men's spirits 'as silent electricity goes.' Such, within this period, were the impairment of the prestige of the papacy by the Great Schism and the growing impatience with the rapacity of the Roman officials, the spread of humanistic culture, and the long train of consequences that flowed from the invention of printing. Though the century was full of wars and battles, these were the influences that really shaped it; and political events, comparatively speaking, only affected the fortunes of church or world in a minor degree until the French and Spanish conquest of Italy in the early years of the sixteenth century. Then, indeed, the age of great battalions begins, and the theatre of action is amplified in proportion. As a statesman, Bishop Creighton is entirely competent to deal with the changed circumstances of the new age; as a narrator he suffers from an inability to rise to the height of ardour and emphasis demanded by the more picturesque aspect of the times. In everything that constitutes his strength he is as admirable as ever, but the course of his narrative has conducted him to a new and less congenial region. Italians suit him better than Germans, statesmen than warriors, scholars than prophets. This is merely to repeat that he was best qualified to exhibit the era he described in its relations to state policy and to culture. Ecclesiastical historians have in general been otherwise gifted, and Creighton's dissimilarity to them is one of the circumstances which will most contribute to preserve his History.

We may well claim for the Bishop that he has, beyond all the historians of his day, exemplified the virtue of impartiality. Whether this should always be made as much the pole star of the historian's course as he has made it is a question admitting of some discussion. It is impossible in the case of an epical history, when some stirring theme like the revolt of the Dutch against the Spaniards or the rebellion of 1745 is conceived in the spirit of a poem; nor is it easily practicable when the centre of the historian's canvas is occupied by some commanding figure like Gustavus

¹ When Bishop of London he hardly ever missed a meeting of the Trustees of the British Museum, rarely attended by his predecessors.

Adolphus or Peter the Great, to whose renown everything else inevitably becomes subservient. Throughout Bishop Creighton's period, however, there is, in so far as his special theme of religious reform is concerned, no such commanding personage until we arrive at Luther. His incapacity for hero-worship has rendered his treatment of Luther the least satisfactory part of his work; but the defect is more than compensated by his success in dealing with the crowd of miscellaneous figures in whom an ordinary historian might have taken no interest. It is not too much to say that there is no one of the multitude, ecclesiastic or statesman, warrior or scholar, devoid of some touch to show that the Bishop understood and appreciated him—not in virtue of a creative imagination, which Creighton did not possess in any eminent measure, but by the endowment of a lively sympathy with human nature, the same gift which made him beloved and efficient as the ruler of a diocese. His impartiality, therefore, is not the chilly impartiality of a Ranke, but takes the form of a cordial recognition of all the salient qualities of whatever kind possessed by his *dramatis personæ*, and the same equitable assignment to each of its due share in the composition of the men as to the men of their share in fulfilling the behests of the spirit of the times. It was absolutely impossible for Creighton knowingly to misrepresent anything; and this natural candour was reinforced by so exemplary a diligence in dealing with the historical authorities upon which his work was based (he wisely refrained from that exhaustive investigation of manuscript records which might have befitted an historian of another class), that Lord Acton, whose lofty ideal and vast knowledge render him a severe critic, is able to say, 'It is not easy to detect a wrong quotation, a false inference, or an unjust judgment.'²

It was impossible that the Bishop's impartiality should not draw censure upon him from those who would have wished him to have taken a different view. The most important of these criticisms relates to the historian's apparent calmness in narrating some of the most discreditable actions of the personages of his story, particularly popes, and the comparatively slight degree in which these seem to affect his general judgment of the perpetrators. Dr. Creighton was the last man to be indifferent to the moral qualities of actions, but he knew that men must be judged with reference to the circumstances of their times, and that the moral standard of the fifteenth and sixteenth centuries had been depressed by causes which had come into operation before the personages of his history were in existence. As concerned the popes in particular, he had to point out that the needs of their age had made them secular princes, and would have compelled better men to conform

² *English Historical Review*, ii. 579.

their action to a secular standard. Under the circumstances of the time the creation of a strong temporal power in the Papal States was a good and even a necessary work; and although motives of family aggrandisement may have had more part in it than enlarged conceptions of policy, it is significant that the pope who most vehemently promoted it was a pope who had no family to aggrandise. The fact that a pope who enters the sphere of secular politics must, and does, behave like the other secular princes of his day, if it proves that there is no supernatural virtue in the office, proves equally that there is no supernatural depravity in the pope.

It would be unjust, in commending Bishop Creighton's impartiality, to omit reference to the peculiarly favourable circumstances under which he wrote. Other qualifications being equal, no one is so well placed for writing ecclesiastical history as a liberal and enlightened divine of the church of England. The Roman catholic historian on one side, the anti-clerical historian on the other, may be scrupulously fair in intention; but neither will be able to forget that the cause he has at heart will be helped or harmed by his labours. In the history of every church but his own, and even of this down to Puritan times, the church of England divine can afford to be perfectly impartial. He may have his preferences and his aversions; but at all events he need be under no invincible bias. His church, moreover, is not, like others, isolated from the rest by peculiar doctrines or exclusive pretensions; there is no Christian community in the world with which it has not some point of contact from which a sympathetic point of view can be obtained, and which is not in some measure represented within its communion. It is the praise of Bishop Creighton to have risen to the occasion, and to have manifested all the candour and equity which may be reasonably expected from the representative of a church so fortunately placed. Had not his historical labours been interrupted by ecclesiastical preferment, he would unquestionably have proved himself equal to subjects so difficult from the point of view of impartiality as the institution of the Order of Jesus and the proceedings of the Council of Trent.

Bishop Creighton's fame as an historian must undoubtedly rest upon his *History of the Papacy*, but some notice must be taken of two minor works in which his especial characteristics are no less apparent. The difficult subject of the reign of Queen Elizabeth is made a triumph by the endowments, which we have already noted, of a lively sympathy and a statesmanlike instinct. He has enough of the former to desire to put himself into the queen's place, and enough of the latter to enable him to do so. He in no way dissembles her failings, such as her mean behaviour on the occasion of the execution of the Queen of Scots; but he sees that

these were subordinate details, and that the mainspring of her actions was that thorough identification of her own interests with the interests of her people which had been conspicuous in the greatest of her predecessors, and was to be equally so in her great modern successor. There are no Spanish matches, no French subsidies, no Hanovers to set up a counter-attraction in the mind of the sovereign. From this central point of view the incidents of her reign harmonise with the total impression of her character as this was estimated by her contemporaries, and, slight and brief as the biography is, one lays it down with the feeling of having got to the root of the matter. Almost as much may be said for Creighton's treatment of Laud, who might be thought to have been annihilated by Macaulay's scathing ridicule. Here again, without overlooking Laud's obvious failings, he grasps the central principle of attachment to the interests, often much misunderstood, of the church of England, and shows that it was the reverse of ignoble and selfish. A word, too, should be given to the Rede lecture on the early Renaissance in England, which indicates what high rank Bishop Creighton might have gained as a literary historian.

The establishment of the English Historical Review was determined upon in 1885; and Creighton conducted it from January 1886 to April 1891, when his retirement became imperative through his elevation to the see of Peterborough. Of the position which it held under his direction it would not become us to say more than that this was fully as much due to his editorial diligence and capacity as to the prestige imparted by his reputation. Engrossed as he was with his duties as Dixie professor at Cambridge, as canon of Worcester and examining chaplain; as one in continual request for sermons, speeches, addresses, examinations; as one, moreover, whose scanty leisure was already pledged to the great historical work on which he was labouring, he was unable to contribute any essay of very great compass to the Review, but frequently wrote minor articles, and continued his literary co-operation until his translation to London. Among those in his own special class of subject may be noted reviews of Thuasne's edition of Burchard's Diary; of Mr. Burd's edition of Machiavelli's 'Prince,' with Lord Acton's preface; of the concluding volumes of Symonds's 'Renaissance,' of Beard's 'Luther;' of Pasolini's biography of Caterina Sforza; and of Nitti's review of the political action of Leo X. His interest in other fields of historical research led him to notice Bishop Stubbs's lectures on medieval and modern history, Father Gasquet's and Mr. Gairdner's researches in the dissolution of the monasteries, and Mr. Law's book on the dissensions between the Jesuits and the Roman catholic regular clergy. These reviews were necessarily brief, but those of Symonds and Machiavelli were highly suggestive

of important moral problems and of an ethical background for history. His last contribution was one on a subject of much humanistic interest, the literary correspondence of Humphrey duke of Gloucester.

The remarkable feature in the numerous notices of Bishop Creighton which have appeared since his death is not that they are eulogistic, but that they are unanimous. All unite in laying stress not merely on those domestic virtues which happily may always be expected in men of his station, but on a peculiar type of character by no means common, whose keynote is a spirit of sunny cheerfulness, finding expression in kindness, urbanity, good-humour under trying circumstances, condescension towards intellectual inferiors, generous confidence cordially but judiciously bestowed, and an elasticity enabling its possessor to bear up under exhausting labours with seeming, perhaps, alas! deceptive ease. It is even more significant that the warmth of the encomium is usually in proportion to the length and intimacy of the acquaintance. This is but to say that Bishop Creighton gained by being known. The Archbishop of Canterbury, who remarked, in his excellent speech at the Mansion House, that he never met Dr. Creighton without fancying him grown wiser and better, would no doubt allow that the cause may not have been so much the Bishop's growth in grace as the Archbishop's growth in knowledge. It is certainly the fact that Dr. Creighton held a higher place in public esteem as bishop, and especially as bishop of London; and this may be accounted for, not merely by the more conspicuous eminence of the situation, but by the perception that he was at length finding scope for his highest intellectual qualities, for which his previous career had afforded no adequate exercise. He was too pre-eminently the statesman and diplomatist for these characteristics to escape recognition at any period of his life; but for long they seemed almost out of place, and not until his latter years was it apparent for what high ends they had been entrusted to him. The feeling that his special faculties, so late revealed to the world at large, had missed their due appreciation, accounted in great measure for the universal sorrow at his death, and the universal desire to render some special honour to his memory. It is to be hoped that this will take a form which he himself would have approved; and there can be little doubt which form would have had his own preference. The episcopal office came to him unsought, and was accepted with some reluctance; but it was his strenuous effort to gain a place among historians. Without prejudice, therefore, to any other worthy form of commemoration for which means may be available, it would certainly seem that the first object should be the encouragement of historical study in some manner connected with his name, and adapted to raise up successors in his work.

R. GARNETT.

*Mommsen's Roman Criminal Law*¹

JURISTS and historians are alike agreed that we have no such thing as a science of Roman criminal law. That this work may fill the gap, so often recognised, is my wish, and to a certain extent my hope.

So writes Professor Mommsen in the first lines of this great work, extending over a thousand pages, and dealing with a subject which bristles with problems and difficulties. The hope is expressed with a modest pride, justified by a lifetime of scholarly labour, and I believe that the verdict of the world of letters, which is without appeal except to posterity, will decide that this hope has been fulfilled. Future labourers will take Mommsen's work as a basis and starting point for their own, and though the superstructure may be modified the foundation is destined, if prophecy be permissible, to remain.

It is difficult to say whether the work is rendered more or less useful for its purpose by the circumstance that this book is purely constructive and not critical. Mommsen's justification for his method must be given in his own stately and pathetic words.

I have attempted to deal, so far as may be, exhaustively with the ancient authorities: to do the same with the modern writers on the subject was beyond my power. Impossibility is a good plea at law. If controversial matters had been discussed, the book would doubtless have avoided many errors and have escaped many omissions: it would often have proved more satisfying on particular points. But for one thing it must have been at least doubled in length, whereas, even as it is, it may well be considered too long by the reader, as it is by the writer. Still more decisive is the consideration that it would certainly never have been finished. Everything has its time, and man among the rest. The writer must be permitted to reckon with the span of life that remains for him, which may well be a limited one.

We may be thankful for a resolution which has prevented this book from being relegated to the limbo of unfinished works, and accept without a murmur the limitations which the conditions of the task have imposed on the author. These limitations, however, seriously increase the difficulties of the reviewer, whose work is

¹ *Römisches Strafrecht*, von Theodor Mommsen. Leipzig, 1899.

necessarily critical. When one finds deductions from the evidence, propounded in contradiction of those which have been commonly regarded as part of the stock in trade of a teacher of Roman history, it would be a great help to be able to refer to the arguments of modern scholars who have upheld the opposite side. I can only follow in this respect the author whom I am reviewing, and support any doctrines as to which I venture to differ from him by arguments drawn from the evidence, careless, except where memory happens to supply the source, if these arguments were originally suggested to me by the works of other modern authors, or, as I believe is frequently the case, by the earlier writings of Mommsen himself.

It will not be necessary to dwell on Mommsen's definition of the nature and sphere of the criminal law. Suffice it to say that he rejects for the purposes of this work the division, suggested to the jurists by the differences of procedure, between 'crimes,' which the state punishes on its own account, and 'torts,' which it leaves the injured person to prosecute or not, as he pleases.

The fundamental characteristic (he says) of a moral law broken, and a reparation prescribed therefor by the state, unites the two spheres in an essential identity, and the difference, whether this reparation is realised in a suit at public or at private law, appears in comparison superficial and accidental.²

The general distinction between *Recht* and *Prozess*, or, as English jurists say, of 'substantive' and 'adjective' law, is in like manner rejected, as giving no suitable basis for the order of this book.

Such a division of the subject (says Mommsen), besides being questionable in itself from a scientific point of view, is utterly unsuited to criminal jurisprudence, and has contributed not a little to the poverty of the literary work on that subject.³

The details of procedure occupy one book (the third) of the five into which this volume is divided; but the procedure itself forms in fact an element in the discussion of the nature and origin of the Roman criminal law, of the officers of justice, of the several crimes, and of the punishments, which form the subjects of the other books. Without attempting to enter into the question of scientific order I will only say here that the arrangement which Mommsen has adopted justifies itself in practice, and makes it comparatively easy to find one's way through a thousand pages on a subject of great complexity.

In tracing the origins of the Roman criminal law Mommsen recognises five main sources—religious obligation, the power of the head of a household over his children and dependents, the self-help practised by each householder in defence of himself and his, the

² *Strafrecht*, p. 4.

³ *Ibid.* p. 7.

power of a commander-in-chief to punish offences against military discipline, and finally the right of *coercitio*, by which the magistrate at home compels the obedience of the citizens. It will be convenient to take these in order.

Religion was prevented from becoming a very fruitful source of law among the Romans by the severance, which they fortunately at an early date effected, between the secular functions of the magistrate and the spiritual judgments of the priesthood. In Clodius's case, for instance, when the pontiffs have pronounced that the invasion of the mysteries of the Bona Dea was *nefas*, the consuls and senate are practically bound to take further notice of it; but the pontiffs themselves have nothing to do with trial or punishment, nor the consuls with religion. The religious obligation to purge sin from the community by treating the guilty person as a scapegoat⁴ is rather a motive underlying the action of the state in the matter of criminal law than a source of any power to punish. Nevertheless the motive has left its traces on the forms of punishment which it has pleased the state to prescribe. We may hesitate indeed to agree with Mommsen's hypothesis (see below, p. 245) about the connexion of the primitive form of execution with the ritual of sacrifice, but there is no question that *sanctio*, the most general expression for the penalty by which any law is enforced, had originally the same meaning as *sacratio*,⁵ the devotion of the offender's life and goods to some god; and specific instances⁶ of this, as the punishment for certain offences, are to be found in the Twelve Tables and in other early laws.

The discussion of household discipline begins with what may seem an exaggerated appreciation of its importance in the development of the criminal law. We read⁷ that

Roman theory at least starts with an original unqualified power of punishment on the part of the magistrate, completely similar to that of the master of the household, and all laws are, just what the master's regulations are in the house, rules laid down for itself by the state, which the community has made and can unmake, and which bind the members of the body unconditionally, but bind the state itself only till further notice. As he who wishes to know the stream must never forget its source, so the Roman criminal law can be understood only on the basis of household discipline.

I am inclined to think that as a matter of fact this is a case of

⁴ It was doubtless for this reason that the consular M. Claudius, surrendered in 236 B.C. to the Corsicans to atone for a breach of international law, was brought back to Rome, when the enemy refused to accept him, and strangled in the prison (Val. Max. vi. 3, 3), apparently without being allowed the right of appeal (see *Strafrecht*, p. 46).

⁵ *Strafrecht*, p. 901. See also below, p. 227.

⁶ *Strafrecht*, pp. 822, 903.

⁷ *Ibid.* p. 16.

resemblance, not of origin. No Roman writer,⁸ so far as I know, has ever attributed the *patria potestas* either to the magistrate, whether king or consul, or to the sovereign people itself, and there is no trace of the powers exercised by the state authorities developing out of those exercised by the head of a family. The connexion which he assumes between the two does not lead Mommsen far astray, for he adds shortly afterwards—

Jurisdiction rests on the power of the community over the individual, and this power differs, as the tree differs from the seed, from that of the owner over his property, not absolute and unlimited, like the latter, but defined and limited by the rules of law. Further the individual, who is subject to the household power, if he offends, can be called to account either by the master of the house in virtue of his ownership or by the state in virtue of its supreme power; and this household procedure not only does not itself belong to the criminal law, but can never have been transferred to it, both because the contrary nature of the two must be clearly maintained and because the law of the master of the house partly overlaps and partly supplements the criminal law of the state.⁹

We may object to the metaphor of the seed and the tree, but in other respects the account given of the two authorities could not be more true or more forcible.

There are, however, two cases in which household law comes into interesting relations with the state. The first is the jurisdiction exercised by the *pontifex maximus* over the daughters of the community, the vestal virgins. This is in all respects a case of *patria potestas*, with its consequent right of personal chastisement and its fullest powers of life and death. Here, in strictest conformity with the principles laid down in the paragraph just quoted, the state as a political power claims a jurisdiction concurrent with that of the head of the household.¹⁰ In the year 114 B.C. two vestals who had been already acquitted by the pontiff were again arraigned before a tribunal instituted by a special law of the people, and both were condemned. It is probable, though not certain, that the full penalty was exacted; at any rate the vestals were not allowed to play off the one jurisdiction against the other. Another very curious point is that not only the vestals themselves but their paramours were subject to the pontifical jurisdiction. If condemned of incest by the pontiff they were scourged to death without being allowed the right of *provocatio*. Mommsen was formerly¹¹ of opinion that this is a survival of the right of avenging his honour possessed by a householder against the seducer of his daughter. He is now disposed to consider that this jurisdiction over the man

⁸ In a passage quoted below (p. 224) Mommsen seems to imply the contrary, but he does not support his thesis by any references. The very basis of the 'domestica disciplina,' the right of ownership, is wanting to the state.

⁹ *Strafrecht*, p. 17.

¹⁰ *Ibid.* p. 197.

¹¹ See *Staatsrecht*, ii³. p. 56, n. 5.

is of comparatively late origin and depends on a definite law of the people.¹²

The second case in which household discipline appears in connexion with the ordinary law is that of women convicted of criminal acts. Over and over again we find the actual execution of punishment, capital or otherwise, committed to the relatives of the culprits instead of being carried out by the servants of the state. The important point is that this occurs not only with those who are under the *potestas* of father or husband (in such a case the persons *quorum in manu essent* have a clear right to deal with them), but with women who are *sui iuris*, and are nevertheless put to death or banished by *cognati* or *propinqui*.¹³ Mommsen considers this to be a survival from a supposed 'original order of things,' according to which a woman always and necessarily remained under *patria potestas*. If there were neither father nor husband to claim it, the absolute rights over person and property passed (such is the hypothesis) to the *gens*, and the primitive *tutela gentilium* is set down as probably equivalent to the *manus*, with the consequence that a woman under this system could never be *sui iuris*. This is a hard saying, and is certainly not to be justified by straining (as Mommsen does)¹⁴ the words of so easy-going a writer as Livy (xxxiv. 2, 11): *Maiores nostri feminas voluerunt in manu esse parentium, fratrum virorum*. In Roman law, as we know it, *tutela* is possible only in case of persons *sui iuris*; its intention is to give to persons otherwise capable of legal acts, but of weak age or sex, protection from the consequences of acts by which they would, but for such protection, be bound; such acts are to be valid if, and only if, they have been confirmed by the consent of a guardian. A person *alieni iuris*, a slave, a son, or a daughter, is essentially incapable of legal acts, and the notion of protection in their exercise becomes absurd. Thus the two conditions are mutually exclusive; and that *tutela* is in any case equivalent to *manus* is a proposition which could only be accepted on the strongest evidence. In this case the evidence is not forthcoming. We know that as early as the law of the Twelve Tables a woman was capable of holding property, and that on the death of a father the daughters who were at the time under his *patria potestas* inherited their share of the property equally with their brothers; it seems to follow that they became persons *sui iuris* and consequently calling for guardianship. Mommsen's hypothesis relates, of course, solely to a primitive, pre-historic era. As he himself says in a later passage,

¹² He rests this belief on Festus's statement (*s.v.* Probrum): 'Probrum virginis Vestalis ut capite puniretur, vir, qui eam incestavisset, verberibus necaretur; lex fixa in atrio Libertatis cum multis aliis legibus incendio consumpta est, ut ait Cato' (*Strafrecht*, p. 20).

¹³ The two categories are distinguished in the case of the Bacchanalian women (Livy, xxxix. 18, 6).

¹⁴ *Strafrecht*, p. 18.

the woman under *potestas* enjoys the protection of a free-woman as against third parties, but, like a slave, is treated by her master as his property. If he kills her the act does not in itself fall under the category of murder. It has been shown that in historical times this holds only in case of the paternal or marital power. It may have held in the earliest times in case of the gentile guardianship over the unmarried fatherless woman. But the universal servitude of women has disappeared from the legal system by the time when we have any knowledge of it.¹⁵

The hypothesis as to the primitive state of things is required then only to explain the custom as regards the execution of female criminals, with which we started. It seems a simpler explanation if we suppose that the officers of the state, from motives of decency, preferred that women should not be put to public execution or thrown into the common gaol, and that accordingly they not only called on the father or husband, where there was one, to exercise his power in their stead, but that even in case of women *sui iuris* they selected an *idoneus auctor supplicii* (to use Livy's description) from among the relatives, and delegated to him a power of execution which he did not possess in his own right.

Early in the discussion of military law, which forms the subject of the chapter following that on household discipline, we find one of the most interesting and suggestive passages¹⁶ in the whole work. I propose to quote this at length. Mommsen first points out that tradition accepted the unrestricted power, civil and military, exercised by the magistrate of historical times outside the walls (*imperium militiae*) as the type of magisterial power in its essence, and represented that power as having been gradually limited inside the walls by various restrictions (mainly those of time, of collegiality, of fixed rules of procedure, and of appeal to the people), which constitute the conditions under which the *imperium domi* is exercised, and on which the later order of the state, and especially the criminal law, depends. He proceeds—

It is obvious that this constructive theory of law cannot be regarded as historical. It originated partly from the transference of household discipline to the ordering of the state, since the relations of king and citizens were assimilated to those of the house master and his subjects,¹⁷ partly from ascribing universality to the later military law. It scarcely realises the full and true picture of the facts. We may rather suppose that the severance between the magisterial power inside and outside the walls is as old as the walls themselves, and that the original power of the ruler was essentially limited to the external sphere, while inside the walls anarchical independence held the first place, and each householder had to look mainly to himself and his followers—that is to say, to self-

¹⁵ *Strafrecht*, p. 617.

¹⁶ *Ibid.* pp. 27, 28.

¹⁷ This is very questionable. See above, p. 222.

help. It is nevertheless true that, carried out to the uttermost, such anarchical independence is not consistent with the continuance of the community, and that we should not ascribe to the Roman king the character of merely a captain of the host. The members of the community found themselves assembled to repel a foreign aggressor with their united strength, and helped one another in like manner in case of fire. For such defence and such help they set a foreman at their head. It is a long way from this primitive commonwealth, wherein the lord of the community leads the citizens outside the walls to ward off raiders or to raid themselves, and inside the walls, on danger of fire, appears at the burning, down to the present development of the state, with the public training of each citizen to the trade of arms and the mighty conception of the common participation in every suffering and sorrow that affects the individual—a long way, just as it is a long way from the twelve beadles who cleared the street before the Roman chief magistrate to the standing armies of to-day. But on this long way the development of the state has trodden in the footsteps of the Roman commonwealth.

The historical contrast between the self-help of the citizen and the discipline of the magistrate is admirably put, and no less sound is the conclusion that it is necessary to pay most attention to the latter. It is a more fruitful procedure, when we are analysing the institutions of historical times, to keep before our eyes the traditions in which the Romans themselves believed, and which therefore determined their action, than to lay too much stress on primitive facts, which had ceased to influence later generations. Mommsen is therefore justified in his method, which bases the criminal law, as the Romans would have based it, on the initial power of the magistrate, limited indeed by successive enactments, but subsisting throughout as the mainspring of action. Still there are certain cases in which self-help remained a living tradition, and its survivals are traceable to an extent which gives it a fair title to a place among the sources of the criminal law. It will be more convenient in this place to treat self-help first and then to come back to the magisterial authority at home and abroad.

The law of the Twelve Tables stereotypes procedure at the moment of transition from the rule of private vengeance to that of state adjudication, and hence it comes that theft and some other offences, which in modern systems fall under the domain of public law, remain the subject of private suits in Rome.

The magistrate¹⁸ here interposes between the contending parties as a mediator: on the one hand he settles or causes to be settled the question of fact; on the other hand, when a wrong has been proved, he either gives self-help its course or enjoins the injured party to renounce it on consideration of receiving compensation. . . . The execution, again, in such cases differs from that against public crimes,

¹⁸ *Strafrecht*, p. 905.

inasmuch as against the crime prosecuted by private suit, when self-help is permitted, the aggrieved party himself becomes the executioner.

In the rare cases where the penalty of death follows condemnation in such private suits—the most notable are those of false witness and of theft committed by a slave caught red-handed—death was inflicted by the primitive method of Lynch law, and the offender was flung from the Tarpeian Rock, ‘the usual form of legal execution where infliction by a magistrate is excluded.’¹⁹ In the case of personal injuries, again, we find²⁰—

When the injured person demands it, just as the so-called courts of honour, in the rebarbarising of our nation which is now beginning, license the duel, so the Roman courts of justice granted leave on the part of the state for the aggrieved to proceed against the aggressor by way of self-help on the principle of ‘Be done by as you did’—*Si membrum rupsit, n̄ cum eo pacit, talio esto.*

Thus the criminal law still to a great extent ‘rested on the blood revenge.’²¹ But such practice did not long survive the legislation of the decemvirs. Either the state itself undertakes the punishment of crimes (there are notable instances even in the Twelve Tables), or in the development of the private criminal suit ‘self-help’²² is completely set aside, and every wrong is subject to the compulsory compensation prescribed by the state for the outraged person.’ Mommsen points out²³ that such composition must needs have become universal, as the fulfilment of the *lex talionis* by private individuals became not only more at variance with the social order of a civilised state, but likewise more difficult for the private person to secure. The older law seems to have been *si quis membrum rupit aut os fregit, talione proximus cognatus ulciscitur*; but this was laying a hard task on the injured man’s kin, and we soon find the case arising that the offender may refuse to offer suitable compensation and yet be strong enough to save his own limbs; in that case the law again steps in and fines him a definite sum: *si reus qui depecisci noluerat iudici talionem imperanti non parebat aestimata lite iudex hominem pecunie damnabat.*²⁴ After this, if he does not pay, he is, of course, liable to arrest and *addictio*, like any other debtor. There seems to be no tradition of any punishment of maiming being carried out in republican times by the judicial authorities themselves,²⁵ or even of assistance given by them to the private man in carrying out his authorised vengeance. The result of these changes in judicial practice is well summed up by Mommsen.²⁶

¹⁹ *Strafrecht*, p. 931.

²⁰ *Ibid.* p. 62.

²¹ *Ibid.* p. 940.

²² *Ibid.* p. 905.

²³ *Ibid.* p. 802.

²⁴ See *ibid.* p. 802, notes 2 and 4 (referring to Gellius, xx. 1, 38).

²⁵ *Strafrecht*, p. 982.

²⁶ *Ibid.* p. 941.

From that time forward capital punishment by private suit is set aside and never reappears. The conception of the ransom money, which has from the first entered with effect into the procedure for crimes against individuals, henceforth reigns supreme in this sphere.

Those crimes which the Romans desired to punish otherwise than by pecuniary damages were removed by them to the sphere of public justice (see below, p. 238). As Mommsen says in another sentence,²⁷ 'this practically comes to the abolition of the blood feud.'

We shall find appeal made to self-help later on in the *ignis et aquae interdictio* of the final period of the republic, and especially in the proscriptions in which private men were stimulated by the offer of blood money to wreak the vengeance of a party on its opponents. But, apart from such abnormal developments of the doctrine of outlawry, the self-help of private members of the community is from very early times sometimes invoked in redress not only of private but of public wrongs. The most notable instances of wrongs to be so punished are the attempt, whether successful or not, to restore the kingship, and the violation of the sanctity of a tribune. The two instances can hardly be treated apart,²⁸ though they differ in some incidental points. In both cases we find the obligation which lies on the people to prevent these crimes confirmed by an oath, 'which gives the stamp of unalterableness to the decree,'²⁹ and in both cases the penalty is threatened in the form of a *sacratio* of the life and goods of the offender. Mommsen rightly protests³⁰ against the doctrine that *sacratio* necessarily excludes the trial and sentence of the offender. This is absolutely disproved by Festus's definition, *Homo sacer is est quem populus iudicavit ob maleficium*. Indeed, as we have already seen, *sacratio* includes the *sanctio* which prescribes the death of an offender found guilty after a trial in due course of law. But we learn from Livy (iii. 55, 7) that the Roman jurists recognised that the *sacrosanctitas* of the tribune rested on something more specific than the *sacratio*³¹ by law of any offender against his person. At the first institution of the office the decrees of the *plebs* had not the force of law, and some basis of inviolability outside the law had to be found for the tribunes. The consular law of Valerius and Horatius, passed after the fall of the decemvirs, gave to the tribunate the legal defence which it had at first wanted. Logically, perhaps,

²⁷ *Strafrecht*, p. 941. ²⁸ *Ibid.* p. 552. ²⁹ *Ibid.* p. 553. ³⁰ *Ibid.* p. 901, n. 3.

³¹ *Ibid.* p. 901, n. 5. Mommsen refers us to his *Staatsrecht*, ii³. 303, n. 2, for his brilliant explanation on the same lines of a difficult and corrupt passage of Cicero (*Pro Balbo*, 14, 33). Whatever may be the precise emendation required for the text, I think that there can be little doubt that he is right as to the sense—namely, that 'sacrosanctitas' may be predicated *either* from the nature of the penalty attached or from the confirmation of that, which is decreed, by an oath binding on the people.

this tardy recognition ought to have sufficed for all purposes,³² but in fact the *plebs* did not on that account renounce its older method of enforcing respect. This method is the primitive self-help.

'The *sacrosancta potestas* of the tribune,' says Mommsen, 'is originally a euphemism for revolutionary self-help;'³³ and again—

In place of the death penalty prescribed by law for the violation of the magistrate³⁴ we find the political self-help, confirmed by oath, which intervenes whenever the law is exhausted, especially in case of the ban laid on the kingship or any equivalent power.³⁵

In his latest work Mommsen has presented the same doctrine in sufficiently clear, if not in equally striking, form. 'The plebeian constitution,' he says,³⁶ 'is nothing more than formularised revolution, and revolution protects itself even when the protection is not formulated; ' and again—

With respect to legal protection of the tribune and of plebeian privilege generally, the confirmation of the law by the permission of popular execution is asserted with especial emphasis; and this is natural enough, since legal magisterial execution was not applicable to these essentially revolutionary ordinances, and these same private tribunician ordinances, without such a revolutionary appeal to the self-help of the plebeians, would have been a dead letter.³⁷

In the few cases in which the punishment of death is stated to have been actually inflicted or attempted by a tribune the method is that of popular execution; the tribune has no lictors or axes and can only throw the offender from the Tarpeian Rock.³⁸ As a general rule his sentences allow an appeal to the *comitia*: in case of fines he himself convokes the *plebs* to hear the appeal, and in case of capital sentences 'he asks the *praetor urbanus* for a day of the *comitia centuriata*.' Such is the procedure against the censors, Claudius and Gracchus, who were adjudged guilty of *perduellio* by a tribune for supposed contempt of his office in the year 169 B.C. The censors were finally acquitted by the people, but if they had been condemned they would, like other criminals of that period, have escaped death by exile.³⁹ Sometimes, however, we hear of a far sharper and shorter method. In the year 131 B.C. a tribune, Atinius Labeo, actually laid hold on the censor Metellus (again for contempt) and dragged him to the top of the Tarpeian Rock.

³² *Staatsrecht*, ii³. 302.

³³ *Ibid.* ii³. 287.

³⁴ I.e. the 'patricius magistratus,' the 'magistratus populi Romani.'

³⁵ 'Or any equivalent power.' Mommsen's words are justified by the passage which he quotes (*Strafrecht*, p. 551, n. 1) from Cicero, *De Rep.* ii. 27, 49: 'Nostri omnes reges vocitaverunt qui soli in populo perpetuam potestatem haberent.'

³⁶ *Strafrecht*, p. 553, n. 4.

³⁷ *Ibid.* p. 937.

³⁸ *Ibid.* p. 933.

³⁹ Gracchus saved his fellow censor by swearing that 'si collega damnatus esset, non expectato de se iudicio, comitem exilii eius futurum' (Livy, xliii. 16, 15).

The execution was prevented by the *auxilium* of another tribune,⁴⁰ the right of Labeo being thus, as Mommsen remarks,⁴¹ 'at once acknowledged and frustrated by intercession.' In the reported cases the self-help is always the work of the aggrieved tribune himself, or of his colleague. There is no recorded instance of the private plebeian having ever been called upon, in obedience to his oath, to avenge an outrage on a tribune;⁴² but the knowledge that such vengeance would be forthcoming, if necessary, was sufficient to enable the tribune to act, as Mommsen says,⁴³ 'without instruments by the grip of his own hand, to which, in case of any opposition, the inviolability of his person gave the necessary power.' Cicero has this ultimate sanction in mind when he illustrates⁴⁴ the unfairness of the contest between Clodius and himself, *tribunicique sanguinis ultores esse praesentes, meae mortis poenas iudicio et posteritati reservari.*

The passage last quoted indicates pretty clearly that condemnation before a legal tribunal is not a necessary preliminary to the self-help of the *plebs*. On this point the utterances of Mommsen are somewhat wavering. In one passage⁴⁵ he seems to suggest a negative answer to the question 'whether the tribune is legally entitled to proceed without further ado to such executions, a doctrine which, for the matter of that, was never fully acknowledged, and only appears as the party claim of the advanced democracy;' and to give the preference to the other alternative—'or whether, as after the conclusion of the struggle of the orders was the recognised right, he required confirmation by the people before he executed capital punishment;' and in the 'Staatsrecht'⁴⁶ we read—

In its better times the democracy certainly treated every attack on the tribunate as a crime worthy of death, but did not sacrifice to it the dearest right of the commons, the right of appeal; and the usurpation obviously never became recognised law. According to the theory of the later democracy the slaying of him who violated a tribune was permitted to every citizen without judgment and without law, just as the slaying of him who aspired to kingly power. Whoever acted on this doctrine—and no instance is recorded—could call his deed an execution of the law only in the sense in which Brutus and his fellows claimed to have executed the law on the dictator Caesar.

We get a somewhat different impression from a passage in the first book of the work now under review.

The tribunician right over life and death rests not on the same ground as that of the patrician magistrate, but on the constituent

⁴⁰ Pliny, *Nat. Hist.* vii. 44, 143: 'Quum resistendi sacroquesanctum repellendi ius non esset, virtutis opera et censurae periturus, aegre tribuno qui intercederet reperto, ipso a limine mortis revocatus.'

⁴¹ *Strafrecht*, p. 47.

⁴² *Ibid.* p. 937.

⁴³ *Ibid.* p. 932.

⁴⁴ *Post Red. in Sen.* 13, 33.

⁴⁵ *Strafrecht*, p. 932.

⁴⁶ *Staatsrecht*, ii². 305.

ordinances of the *plebs*, on the power, namely, similar to that of the patrician *imperium*, thereby guaranteed to its leaders and afterwards recognised by the law. Now, since the right of the patrician consuls over the life and death of the citizens was by the Valerian law bound up with the assent of the *populus*, it was only proper for the representative of the *plebs* to connect their similar power with the consent whether of the *plebs* or, later on, of the whole people. But strictly speaking it might be said that the tribunes possessed a right, similar to the original right of the consuls, and that they were not limited, like the latter, by the Valerian law. In fact we know of one fully accredited historical instance of tribunician action, clearly justified by the letter of the law, wherein trial and appeal were excluded, and the tribune treated the Roman citizen as if he were a foreign criminal.⁴⁷

The instance, of course, is that of Labeo and Metellus, and in reference to the same case Mommsen says later on,⁴⁸ 'The tribune just punishes the *perduellis* as such.'

On the whole the judgment indicated in the passages last quoted may be taken as the sounder of the two. We have seen that the Romans of Cicero's time allowed the doctrine, even in its extreme form, as justifying the action of private men; we have seen that its maintenance was necessary for the tribunate in its inception; and this being so, the facts that the doctrine was very liable to abuse, and that the practice of the middle republic allowed it to fall into desuetude, do not justify us in ascribing the doctrine itself to a party theory of the extreme democrats in the last age of the free state.

The case of the violator of the tribunician sanctity and that of the usurper of monarchical power are, as Mommsen clearly sees, precisely parallel; only with the latter the necessity of the case shows us more distinctly what was the intention of the legislator. Mommsen ascribes the current and obvious interpretation in this case too to 'the party doctrine of the republican legitimists.' In his discussion of it⁴⁹ he seems to me to carry too far the distinction between the oath —

in which might be found, not indeed the legal, but the moral and political obligation to treat such a king as equivalent without more ado to a public enemy—

and the *sacratio*, of which he says

that it is nothing more than a threat of capital punishment, the execution of which must be preceded, even in this case, by a legal conviction.

It seems more correct to say that the *sacratio* 'legally' permitted that to which the oath 'morally or politically obliged.' When the Romans laid down concerning the monarch, *eum ius fasque esset occidi, neve ea caedes capitalis noxae haberetur*,⁵⁰ they cannot possibly

⁴⁷ *Strafrecht*, p. 46.

⁴⁸ *Ibid.* p. 553, n. 5.

⁴⁹ *Ibid.* p. 552.

⁵⁰ Livy, iii. 55.

have intended the futility of granting the slayer immunity only on a condition so impossible as that of the formal trial of the usurper. How could he be brought to trial? 'When it succeeds no man dare call it treason.' This is so obvious that I think that the proposition that the Roman law authorised tyrannicide would never have been disputed, if this law had not unhappily served to supply a doctrinaire motive to the assassins of Caesar. Mommsen scorns to take refuge in the subterfuge that Caesar was not a king. For the rest it would have been better if he had been contented to take up the impregnable position that assassination as a political weapon is never to be justified, and that a law or oath which prescribed it to all future generations ought never to have weighed in the minds of persons professing to be serious statesmen. Discussions as to its binding character should have been left to Roman antiquarians and Greek philosophers.

It is time to return to the discussion of the *imperium* of the magistrate, by means of which the collective force of the community is brought to bear upon the individual, in antithesis to the self-help which brings the force of one citizen to bear on another. It is manifest that such a gathering up of force in the hand of a leader is necessary for the command of soldiers on a warlike expedition, and accordingly the absolutism of the commander is accepted by the Romans as the type of the original and unfettered power of the magistrate. This unfettered power extends in historical times far beyond the narrow limits which an Englishman is used to place on the phrase 'military law,' and it represents the rule under which, at one time, all the inhabitants of the western world, excepting a small privileged class, lived and suffered. For the Romans *militiae* 'on service' is a locative opposed to *domi*, and includes the whole world less the city of Rome. The *imperium militiae* is exercised not only on the soldiers, legionary or auxiliary, but on the whole population (except so far as a definite treaty may give to this or that allied territory a precarious exemption), and not only on the subjects but on the Roman citizens who venture outside the charmed circle of the walls of Rome. In this sphere there exists, no doubt, the concurrent jurisdiction of the native authorities of subject states, but the Roman magistrate is, like the English crown, 'over all persons and in all causes supreme,' and in his supremacy the distinction, so far at any rate as criminal law is concerned, between military and civil jurisdiction, though in practice it can never have been wholly disregarded, is legally non-existent. The *imperium militiae* explains⁵¹ not only exactions from a peaceful town, such as Livy⁵² ascribes to the consul of 173 B.C. at Praeneste,

⁵¹ *Strafrecht*, p. 29, n. 2.

⁵² Livy, xlii. 1. 'That Roman citizens,' Mommsen adds, 'were not treated in

but the intervention of the senate (that is to say, of the consuls on the advice of the senate), described by Polybius,⁵³ 'in cases of crime demanding public supervision, as treason, conspiracy, poisoning, and assassination throughout Italy.' Mommsen sums up the matter as follows:—

Outside the walls the state of war is legally permanent. . . . Liability to military jurisdiction falls in the first place on every man serving in the Roman armies, but furthermore in point of law on every man whomsoever, without distinction of his personal rights. The extension of the discipline of the camp to Italians and provincials not on military service is the legal source of that abuse of the powers of magistracy of which the last two centuries of the republic more especially present us with instances unparalleled in atrocity.⁵⁴

As regards the provincials this subjection to unlimited power lasted to the end; but as regards Roman citizens towards the end of the republic some legal limits were placed on the *imperium* of the magistrate even outside the walls. A *lex Porcia* of uncertain date is described⁵⁵ as having 'forbidden to scourge or slay a Roman citizen.' A coin of the Porcian family,⁵⁶ representing a man in armour stretching forth his hand, with the legend *Provoco*, shows that the law must have extended the right of appeal to the camp, and justifies Mommsen in refusing to accept literally Cicero's statement⁵⁷ that the only innovation in the *leges Porciae* was in the *sanctio*; it likewise serves to correct the modern conjecture, otherwise plausible, that the alteration in military discipline for Roman citizens, which certainly took place in the latter part of the second century B.C., is to be attributed to Caius Gracchus. Mommsen further points out⁵⁸ that the effect of *provocatio* in this case was

like manner was due not so much to any legal prohibition as to a wholesome respect for the tribune and the *comitia* which awaited them in Rome.'

⁵³ Polyb. vi. 13, 4. See *Strafrecht*, p. 146.

⁵⁴ *Ibid.* p. 29.

⁵⁵ Livy, x. 9, 4.

⁵⁶ *Strafrecht*, p. 31, n. 3.

⁵⁷ *De Rep.* ii. 31, 54.

⁵⁸ *Strafrecht*, pp. 32, 478. He shows that the same effect is produced on the provincial governor under the principate by the 'appeal unto Caesar.' That such an appeal is really a denial of jurisdiction is sufficiently clear from the case of St. Paul and Festus. Mommsen does not notice the serious difficulty of cases of decimation (as Plut. *Crass.* 10) and of Q. Cicero's threats against Roman citizens in Asia (Cic. *Ad Quint. Frat.* i. 2, 6). Perhaps these last were mere bluster; and as to Crassus, he may have held that soldiers abdicated their citizenship by leaving the post in which their country had placed them (see below, n. 69). It certainly seems strange that the action of Crassus was never questioned, whereas that of Cicero against the Catilinarians was so fiercely attacked. Mr. Greenidge (*Class. Review*, 1896, x. 226) has attempted to solve the problem by a most interesting and ingenious hypothesis. He believes that there never was any legal limitation of the 'imperium' outside the walls, though he admits, of course, that there was a moral and customary limitation. The action of Verres when he crucified Gavius would be, according to Mr. Greenidge, cruel, wicked, and shocking, but not unlawful. This theory, however, obliges him to explain Sallust's remark about the scourging and beheading of Turpilius (*Jug.* 69), 'Nam is civis e Latio erat,' in connexion with the proposal ascribed to the elder

doubtless not, as in the case of the quaestors or duumvirs in the city, to submit a sentence definitely passed by the magistrate for confirmation or rejection by the *comitia*, but to lead the commander to refrain from passing a sentence which he could not carry out, and to content himself with arresting the offender and sending him to Rome for trial by the city magistrates, with the subsequent appeal to the people. From that time forward 'to be subject to the axe and the rods' was the description of an alien as opposed to a Roman citizen. Diodorus⁵⁹ tells of an actor pleading for his life to an enraged mob of Italians at the outbreak of the Social War. 'I am no Roman, but subject, like you, to the rods. I go hither and thither through Italy, trading in pleasantries and in chase of good cheer and laughter; do not kill the swallow who is at home everywhere, to whom heaven has granted to nest unharmed about every man's house.' In the same way Pliny's well-known account⁶⁰ of Balbus of Gades, *sed accusatus et de iure virgarum in eum iudicium in consilium missus*, which might at first sight seem to point to a court martial hesitating whether or not to flog him, is interpreted by Mommsen,⁶¹ and I think rightly, as referring merely to the suit in which his Roman citizenship was questioned, and in which Cicero delivered the extant speech for the defence.

The unlimited jurisdiction is not confined to the region of *militiae*, but is exercised even inside the walls over all subjects and foreigners, and possibly over all women,⁶² even though citizens. The magistrate decides on his own authority, or with the assistance of such advisers as it may please him to consult, on every allegation of crime against any but the members of the privileged class of citizens of Rome. If he finds the accusation proven he scourges or puts to death according to his discretion without any possibility of appeal. Marcus Marcellus, consul in 51 B.C., scourged in this manner a misdemeanant Transpadane, simply to show that he did not agree with Caesar's contention that the colonists of the land between the Alps and the Po were Roman citizens.

The manner of death, whether outside the walls, in the camp,⁶³ or in the subject territory, or as inflicted on the unprivileged male freeman within the city, is apparently always beheading with the axe. Beheading likewise appears as the regular method of public

Livius Drusus (Plutarch, *C. Gracch.* 9, 3), as meaning that Turpilius had become a Roman citizen, and therefore he was executed, which could not have been done if he had remained a Latin. I think that this interpretation is impossible in itself, and that it drags down with it the whole hypothesis to which it coheres.

⁵⁹ Lib. xxxvii. 12, 3.

⁶⁰ *Hist. Nat.* vii. 43, 136.

⁶¹ *Strafrecht*, p. 47, n. 4.

⁶² This is Mommsen's theory, but it is difficult to establish (see below, p. 252).

⁶³ The 'running the gauntlet,' 'fustuarium' (the *ξυλοκοπία* of Polybius), is, as Mommsen points out (*Strafrecht*, p. 32, n. 2), not necessarily a death sentence, though death generally results.

execution under the principate, but the sword gradually supplants the axe as the instrument.⁶⁴

It remains to consider a few cases in which the unlimited power of the magistrate is exercised, even inside the walls and on Roman citizens, without the permission to appeal which commonly frustrates it. Mention has been already made of the tribunician self-help and of the execution of the seducer of a vestal; the disputed cases of criminal commissions, like that against the Bacchanalians, and of the powers exercised under the *senatus consultum ultimum* must be reserved for the present. Besides these we find two undoubted instances of great importance. In the first place the appointment of a dictator, before the epoch when the powers of the office were curtailed,⁶⁵ suspended the right of *provocatio*, and in the last days again of the free state the dictators *reipublicae constituendae*, Sulla and Caesar, and the triumvirs who succeeded to their power were similarly unfettered. Secondly, the chief magistrate always possesses unlimited power in dealing with military offences even within the city. Mommsen gives a number of instances, such as that of Matienus,⁶⁶ who was scourged and sold as a slave for deserting the army in Spain in 138 B.C., and of the Campanian deserters⁶⁷ (*cives Romani sine suffragio*), who seized Rhegium after the war with Pyrrhus, and on their capture were beheaded in the Roman Forum. Some objection was raised by the tribunes as to the legality of this proceeding, but they did not insist so far as to interpose their *auxilium*. Persons who tried to evade military duty were subject to the same summary process.⁶⁸ Augustus sold as a slave a Roman knight who had maimed his sons with this object; a like punishment fell on all who neglected at the census to inscribe their names on the list of those liable to service, and M' Curius, consul in 275 B.C., treated in the same way the first man who failed to answer to his name at a sudden levy. Cicero justifies such exceptions to the rule that no Roman can be deprived of citizenship or liberty, on the ground that by neglecting the duties of citizens and freemen such persons have of their own action abdicated their *status* and renounced the corresponding rights.⁶⁹

⁶⁴ *Strafrecht*, p. 924.

⁶⁵ See Festus, s.v. 'optima lex.'

⁶⁶ *Strafrecht*, p. 43, n. 2. This case presents an incidental difficulty which has doubtless puzzled many, but which Mommsen has admirably solved. The Epitomator of Livy (book 55), our authority for the case, says 'accusatus est apud tribunos plebis.' It is obvious that it must be the consul, and not the tribune, who acts in a case of military discipline; but appeal can always be made to the tribunician 'auxilium,' and in this case the tribunes assembled in an administrative council, which Livy treats as a kind of court, and heard the plea of the accused before deciding not to interfere on his behalf. We may compare the case of Sthenius (Cic. *in Verr.* ii. 41, 100), which is so far parallel that here too the tribunes hold a quasi-judicial inquiry in order to decide how to exercise their administrative functions.

⁶⁷ Val. Max. ii. 7, 15.

⁶⁸ *Strafrecht*, p. 44.

⁶⁹ *Pro Caecina*, 34, 99. Mommsen (*Strafrecht*, p. 945, n.) finds this doctrine 'sophistic,' but it is difficult to see what other theory will cover the facts; the doctrine

Yet one more preliminary question remains. What is the connexion of the criminal law of Rome with the power of *coercitio* appertaining to the magistrate? 'Disobedience and *coercitio*,' says Mommsen,⁷⁰ 'may be looked on as correlative ideas, just like crime and punishment.' Thus *coercitio* in its widest sense is coincident with the whole original power of the magistrate as conceived by the Roman jurists.

The guiding idea⁷¹ is that the magistrate must retain the right of command, and that a command cannot be conceived without some means of compulsion. It is true that the magistrate ought not to use *coercitio* against any action which displeases him, as if he were called upon to administer censorial rebuke, but should enforce it only for the purpose of securing the necessary play for his official acts, but we cannot by any means find herein a positive limitation. *Coercitio* can be legally employed against every action without distinction, and, supposing that it does not overstep any limits imposed by positive legislation, it may be improper but cannot be illegal.

Outside the walls such positive limits hardly existed, and Mommsen is justified in writing, 'The governor has within his province *coercitio* to the fullest extent, even the capital *coercitio*, over non-citizens for all times, over citizens likewise down to the age of the Gracchi;' and again,⁷² 'In the *coercitio* of the governor is united the military and civil power of the magistracy.'⁷³

But even as against citizens inside the wall, the magistrate has a certain field for the exercise of arbitrary power, narrowed down, but not reduced to nothing, by legislative enactments. He can fine the citizen a sum⁷⁴ not exceeding 30*l.* in one day; he can seize any of his chattels and publicly destroy them (*concidere pignus*);⁷⁵ he can throw him into prison;⁷⁶ he can order him to quit Rome (*relegatio*⁷⁷); down to the time of the Porcian law he can even flog him.⁷⁸ In all cases the arbitrary power is

is really the same as that of the renunciation of citizenship by the 'perduellis' (see below, p. 238). He is, no doubt, right in attributing such proceedings to *coercitio* rather than to criminal law.

⁷⁰ *Strafrecht*, p. 40. ⁷¹ *Ibid.* p. 38. ⁷² *Ibid.* p. 235. ⁷³ *Ibid.* p. 39, n. 4.

⁷⁴ *Ibid.* p. 51. In another passage (p. 901, n. 2) Mommsen adds the consecration of a man's property by the 'consecratio' of a tribune; but this seems to have been of doubtful validity unless ordered beforehand by the people (see Cic. *De Domo*, 40, 106). ⁷⁵ *Strafrecht*, p. 53.

⁷⁶ *Ibid.* p. 48. The 'Lex Julia de vi publica,' which forbids the imprisonment of Roman citizens, expressly excepts the case of arrest for contempt of court (*ibid.* p. 49, n. 2).

⁷⁷ *Strafrecht*, p. 48, n. 1. To the instances given by Mommsen may be added that of Gabinius, consul of 58 B.C., who thus expelled a Roman knight, Aelius Lamia, for upholding with too great fervour the cause of Cicero (*Pro Sest.* 12, 29), and that of Cicero himself, who professes to humour Catiline and give him an opportunity of joining his confederates in arms by ordering him to quit the city (Cic. *Cat.* i. 8, 20).

⁷⁸ This is not generally recognised, but I think on the whole that Mommsen has made out his case that the 'necare et verberare' forbidden by the Valerian law must

subject to the equally arbitrary prohibition of a colleague or a tribune.

Originally, no doubt, *coercitio* was everything: it formed, as Mommsen says, 'the germ cell of the criminal law.'⁷⁹ 'The *imperium*,⁸⁰ limited by law, has developed out of the original unlimited *imperium*; in other words, criminal law has been evolved out of *coercitio*;' and again, 'We may define the original criminal *iudicatio* as *coercitio* limited by *provocatio*.'⁸¹ Henceforward it is the limits and not the original power which demand most attention, and it is to them that Mommsen traces most of the machinery of the later criminal law.

The transition from the inchoate forms of justice, which we have been considering, to a regular system of criminal procedure is described by Mommsen⁸² in the following words:—

In the household discipline, in martial law, and in *coercitio* there is to be found a wrong, an investigation, an expiation of this wrong, and finally a power legally extending over the perpetrator, and exacting the expiation; in these spheres we may speak of a punishment, but not yet of a penal law. . . . If the household lord, the war lord, the bearer of the civic *imperium* punish, yet this is always and necessarily an arbitrary act—not that what is arbitrary is always unjust. . . . The conceptions of guilt and punishment are as old as mankind, and do not first come to birth with the criminal law. . . . The criminal law begins where the arbitrary will of him who wields the power to punish and the right of judgment has limits placed on it by the law of the state, or by custom strong as law. The law indicates objectively those immoral acts against which proceedings are to be taken on behalf of the community, and forbids similar proceedings against any other acts; the law orders the process of investigation in positive forms; the law establishes a corresponding satisfaction for each crime. The Roman public criminal law begins with the Valerian law, which submitted the death sentence of the magistrate on the Roman citizen to confirmation by the corporation, Roman private criminal law with that system which took the definite sentence of punishment out of the praetor's hands, and for the conditional sentence referred the fulfilment of the condition to the juror. From that time forth there is in Rome no crime without a criminal law, no criminal procedure without a law of procedure, no punishment without a law of punishment.

The presentation as a whole is admirable; but we must be careful not to let Mommsen's eloquence mislead us into exaggerating the effect of the first introduction of a rule of law as opposed to the rule of arbitrary command. When Mommsen says that 'hence-

refer to scourging preliminary to death (*Strafrecht*, p. 42, n. 1), and that stripes alone were not recognised as a substantive punishment in any regular criminal trial, but were left as a means of 'coercitio' in the hands of the magistrate until forbidden by the elder Cato (*ibid.* p. 47, n. 3).

⁷⁹ *Strafrecht*, p. 543. ⁸⁰ *Ibid.* p. 599. ⁸¹ *Ibid.* p. 475, n. 5. ⁸² *Ibid.* p. 55.

forth there is no punishment without a law of punishment,' and when in another passage⁸³ he adds in the same strain, 'The Romans were conscious that a power in the magistrate to punish, not founded on positive statute, overthrows the rule of law, and that even the permission of appeal to the people does not alter this fact,' these statements must be qualified by stretching the sense of 'positive statute' to include the highly elastic conception of *per-duellio*, and by limiting the sense of the word 'punishment' to an extent which makes the statements almost identical propositions. These points come out more clearly later in the work. On p. 475, for instance, we find, 'The entire magisterial *coercitio* in the proper sense of the word . . . is not subject to appeal to the people;' and again, 'Appeal can be laid only against the public judgments, whose conception and sphere as opposed to that of magisterial arbitrary power, *coercitio*, is defined by that very test.' Surely this is an argument in a circle, and one which further suggests a paradox. If a fresh criminal law does not create a fresh liability to punishment for the offender, but only removes another offence from the category of those which the magistrate may punish as he pleases to the category of those which he can only punish in a certain way, and under restrictions which provide every chance for escape, it seems as if that which the criminal has to fear is the absence rather than the presence in his case of this 'law of punishment without which there is no punishment.' It would have been small consolation to Matienus, for instance (above, p. 234), to be told that he was not being punished but only coerced.

Perhaps a practical solution of the paradox may be found if we consider the working of the tribunician power. Unless Matienus's case had been a very bad one indeed, so bad that no possible sympathy could be aroused for him, the tribunes would have forbidden the severe action taken against him. In delineating the respective spheres of the comitial procedure and of magisterial *coercitio* we must remember that the magistrate who elects to take the first method is pretty safe, so long as he confines himself to traditional practice, from the interference of the tribunician veto, whereas if the more arbitrary course is preferred it has to be taken under the scrutiny of ten pairs of watchful eyes. The tribune was always eager to pounce on any opportunity of justifying his existence and of vindicating the rights of the private man against any use of the magistrate's power which could be considered tyrannical or excessive. The practical result was that, except in a few specified cases, *coercitio* within the walls was limited to petty matters, and that if the magistrate wished to punish severely he would not be allowed to do so unless he put his sentence in such a form as to make it liable to appeal. It is evidence then of the

⁸³ *Strafrecht*, p. 53, n. 1.

growing frequency and importance of an offence when we find that it becomes worth while for the community to interfere by passing a law against it. Though the result of this interference is in form to limit the magistrate in his power of punishing the offence in question, yet practically the law thus marks it out as deserving severe punishment, and provides a way in which the magistrate, without incurring the liability to blame or hindrance, may more effectively though more mildly deal with it. If on the other hand an offence becomes *very* prevalent or *very* dangerous, the remedy is a step backwards to magisterial power, sometimes exercised independently, if the tribunes acquiesce, as on Matienus, sometimes stirred up (as we shall see later on, p. 252) by a charge from senate or people requiring the magistrate to hold a special *quaestio* without appeal on the matter specified.

The invention, then, of the comitial procedure is the important point; the cases which shall be brought under it, by removal either from the sphere of *coercitio* or from that of private suits, are determined from time to time—' *seu legibus, seu moribus* ⁸⁴—custom standing on an equality with the written law.' ⁸⁵ MommSEN is probably right in holding that 'public jurisdiction' first begins in the case of the Roman citizen who, by his own act, has placed himself in the position of an enemy (*perduellis*). The guilt, from a Roman point of view, of the foreign enemy is notorious, and the fate which awaits him is death. *In numero hostium habere* is the Latin euphemism for a general massacre. But the question whether a man who was once a citizen falls under this category is one which may sometimes demand inquiry. ⁸⁶

The magistrate proceeds to inquire, and here we have the beginnings of a criminal trial, no matter whether he decides on his own authority or whether, as from the first he is justified in doing though not bound to do, he submits to the people the question whether to remit the death penalty on the man guilty of injuring the community or to let that penalty have its course.

The conception of the 'injury to the community' which calls for public intervention soon spreads from the deserter and the conspirator to the man who 'appropriates the goods of a temple (*sacrilegium*), steals the public cattle (*peculatus*), or injures the public buildings or roads.' Further, as early as the Twelve Tables we find certain acts, which are primarily offences against individuals, held nevertheless to be so dangerous to the public that the community directly interests itself in their punishment. This is the case with murder of a freeman (extended to cover false witness in a capital case ⁸⁷), arson, ⁸⁸ theft of growing corn, and the public utterance of scandalous verses against an individual. These are all ⁸⁹

⁸⁴ Livy, xxvi. 3, 8.

⁸⁵ *Strafrecht*, p. 151, n. 1.

⁸⁶ *Ibid.* p. 59.

⁸⁷ *Ibid.* p. 155, n. 3.

⁸⁸ *Ibid.* p. 646, n. 2.

⁸⁹ *Ibid.* p. 60.

treated as public crimes, and every trace of a co-operation of the person immediately injured or of his *gentiles* thereby disappears; so that the subordination of the *gentes* to the collective body of citizens must be taken as an accomplished fact, when the law is issued. The offender under these categories is not considered as a public enemy, and his citizenship is not regarded as annihilated by the criminal act itself; but the procedure on the part of the magistrate is identical, except that in case of these crimes the inquiry is indispensable, whereas in those directly aimed at the state the notoriety of the fact may often make investigation unnecessary.

The distinction between the two categories is further kept up by the circumstance that the ordinary crime is commonly dealt with by the standing *quaestores*, *perduellio* by specially appointed *duoviri*,⁹⁰ or later by the tribunes. But the sphere of activity of the latter is constantly increasing, and any action which they hold to be an injury to the community may be treated by them as *perduellio*. The trial of the censors of 169 B.C.⁹¹ for contempt of tribunician authority, and that of fraudulent contractors in the second Punic war,⁹² may be cited as instances. It was certainly never laid down beforehand that these particular actions should be the objects of a trial, whether for a capital or for a pecuniary penalty, but the tribunes in each case were able to make them so. 'The tribunician criminal procedure,' as Mommsen says,⁹³ 'extended itself over the whole sphere of state trials.' The question is more difficult with crimes belonging to the *parricidium* class. What became of the first forger?⁹⁴ Was his neck wrung in the prison by the consul's *coercitio*? or did a quaestor condemn him for a new crime and leave him to appeal to the people? or did the injured party bring a private suit against him for damages before the praetor? These are questions which it is easier to ask than to answer.

Mommsen has done good service by clearly establishing the nature of the comitial trial, as in all cases an appeal for pardon against the sentence of a magistrate; and a good deal that is to be found in modern text-books is thereby set aside. A. W. Zumpt, for instance,⁹⁵ misled by the phrase *iudicium populi*, which he takes

⁹⁰ *Strafrecht*, p. 155, n. 3, and p. 528, n. 1. The Horatius case, undoubtedly one of 'parricidium,' has to be treated in the story as 'perduellio,' because quaestors having, according to the traditional chronology, not yet been invented, the creation of 'duoviri' is necessary for the procedure.

⁹¹ See above, p. 228.

⁹² Livy, xxv. 3.

⁹³ *Strafrecht*, p. 156.

⁹⁴ There is a curious story in Cic. *De Off.* iii. 20, 80, referred to by Mommsen (*Strafrecht*, p. 672), how Marius Gratidianus as praetor entered into agreement with his colleagues and the tribunes to issue a joint edict about the coining of false money ('conscripterunt communiter edictum cum poena atque iudicio') and then took all the credit himself; but this does not help us much.

⁹⁵ Zumpt, *Criminalrecht*, vol. i. ii. pp. 141, 142.

in a technical sense, whereas it is really⁹⁶ a loose literary expression, attempts to assimilate the functions of the magistrate in such trials to those of the praetor in the proceedings *in iure* in civil suits, and the functions of the people to those of the *unus iudex* appointed under the formulary system by the praetor. He even⁹⁷ represents the people in the trial of Horatius as exercising an authority delegated to it by the king, and believes that the king could ignore or modify the people's decision—a theory running counter to all the principles of Roman constitutional law. Much more excusable is another error which Zumpt shares with Sir Henry Maine, founded on the frequent use in literature of the words *accusare* and *accusator*, as applied to the magistrate in a criminal trial. Maine believes that the magistrate is in the position of the proposer of a law, and that it is the people which, in these cases, strikes directly at the offender by a legislative act, as we should say by a 'bill of pains and penalties.'⁹⁸ This belief, however natural, proves a fruitful source of error, and leads incidentally to a total misconception on Maine's part of the nature of the *quaestiones*, which he takes to be committees of the popular assemblies.⁹⁹ This misconception has been logically worked out to what proves to be a *reductio ad absurdum* by Professor Beesly¹⁰⁰ in his analysis of the proceedings against Clodius for sacrilege.

In discussing the so-called *iudicium populi* I have nothing to do but to quote and analyse Mommsen's account and to express the fullest concurrence. The whole structure is based on the power of the magistrate.

Criminal jurisdiction—that is to say, the bringing about of the punishment of a public or private offence which infringes on the rights of the Roman commonwealth—belongs, as does judgment generally, to the rights and duties of the magistrature, and further exclusively to the officers endued with the full magisterial power, the imperium or an equivalent power.¹⁰¹ Whether the magistrate pronounces at his own discretion, and whether this pronouncement is final, or whether it can be cancelled by the people, or whether again the magistrate gives decisions conditional on the finding of jurors, or even makes his pronouncement in accordance with the discretion left by him to the jurors, in a legal sense every sentence is a magisterial pronouncement.¹⁰²

This idea lies at the root of the whole matter, and it has important historical consequences. It is because every sentence

⁹⁶ See *Strafrecht*, p. 116. ⁹⁷ Zumpt, *Criminalrecht*, vol. i. i. pp. 87, 94, 98.

⁹⁸ Maine's *Ancient Law*, p. 381. So too Zumpt, *Crim.-Prozess*, p. 6, note: 'The jurisdiction of the tribunes and aediles, assisted by the assembly of the people, is to be regarded rather as a kind of legislative action.'

⁹⁹ Maine, pp. 381-9.

¹⁰⁰ *Catiline, Clodius, and Tiberius*, pp. 51-4.

¹⁰¹ *I.e.* the 'sacrosancta potestas' of the plebeian magistrates.

¹⁰² *Strafrecht*, p. 135.

was held to be the work of the magistrate, and not of the people, that the liberty of the citizen came to be measured by the extent to which he was allowed to brave the magistrate by evading or alleviating the effect of sentences.

Where, then, does the part of the people come in? Here again the answer is best expressed in Mommsen's words.¹⁰³

Upon the execution of the sentence the condemned man can demand the final decision of the sovereign commonalty, appeal from the magistrate to the *comitia*. To quash the sentence of punishment, as is craved by the condemned, is an act of sovereign power. The magistrate has answered the question of guilty or not guilty in the affirmative, and although the progress of the inquiry takes up this question again, and an acquittal by the *comitia* may possibly be the result of a conviction on the part of the majority of the citizens that the accused is innocent, yet the idea that forms the base of the proceedings is not that of innocence but of remission. This comes out with overwhelming force in the Horatius legend. The offence is the most serious conceivable, the perpetrator notorious and avowing the fact; but there is ground for absolution in the patriotism which atones for everything. It is quite obvious that the proceedings before the *comitia* must be conceived as a petition for grace. In the oldest category, that as to the forms of which we have the fullest tradition, the trial for *perduellio* before the *duoviri*, it appears expressly as a cancelling of the sentence pronounced by the magistrate. It is true that in the scenes portrayed to us from later times the punishment appears not as a judgment of the magistrate who conducts the business, but as a proposal which he brings before the *comitia*; but the magistrate, by the very fact of defending his own sentence before the people against the petition for pardon, cannot help making a proposal to them, and so this conception does not really exclude a previous judgment on his part. The decisive consideration is that the *comitia* is never under any circumstances assembled to judge, but always to confirm or to overthrow a judgment, whereby any alteration or aggravation of punishment is excluded. This is nothing else than a legal expression for pardon.

Mommsen perhaps a little understates his own case. It is obvious that practically the possibility of appeal reduces the magistrate from the position of a judge to that of an accuser; he becomes a party in the subsequent proceedings, so that if the accused is finally condemned it is held to be a victory for the magistrate; *si vincent, caput obnubito*, &c., says the old formula in the Horatius case. This is quite sufficient to account for the words *accusare* and *accusator* being habitually used to describe him. But not only in the capital trials for *perduellio*, but in those where the punishment is only a fine, the true legal conception is that of appeal from a sentence already passed. If, as Maine supposed, each trial was a direct act of legislation, it would be a *privilegium* of the very kind which the Twelve Tables forbade. The true legal relations of the

¹⁰³ *Strafrecht*, pp. 167 and 477.

parties are thus expressed in Cicero's words: ¹⁰⁴ *quum magistratus iudicasset irrogassitve, per populum multae poenae certatio esto*. It may be true, as Mommsen thinks, ¹⁰⁵ that the word *irrogare* etymologically contains a reference forward to what the magistrate will have to do when the matter comes before the people (that is, to *ask* them to consent to his sentence), and it is certainly true that the appeal in later times is always taken for granted from the beginning of the proceedings, so that the magistrate seems to invite the co-operation of the people, without waiting for their intervention to be claimed; but nevertheless *irrogare* in this passage of Cicero is used in strict parallelism to *iudicare*, and the proceedings that are to follow are the same in both cases, and so *irrogare* must, in law if not in etymology, mean at the moment of pronouncement 'to impose' a fine, not 'to propose' one. ¹⁰⁶ About *iudicare* ¹⁰⁷ there is no question that it means to 'condemn,' and strictly to 'condemn to death;' and the use of the phrase in this sense is not confined to primitive times or to the duoviral trial. The *perduellionem tibi iudico* of the duovir to Horatius is expressly repeated by the tribune of 211 B.C., *perduellionis se iudicare Cn. Fulvio*, and by the tribune of 169 B.C., *utrique censori perduellionem se iudicare pronuntiavit*, ¹⁰⁸ and Caesar in 63 B.C. doubtless used the same words to Rabirius, when—*sorte iudex in reum ductus tam cupide condemnavit, ut ad populum provocanti nihil aeque ac iudicis acerbitas profuerit*. ¹⁰⁹

The moral and political aspect of *provocatio* is summed up in a passage ¹¹⁰ of singular force and eloquence.

This mighty act of fettering the *imperium* still bears upon it the marks of its original germ. That power by virtue of which the magistrate in the comitial criminal trial pronounces the first sentence is the same by virtue of which he judges without restraint women and strangers. In so far as that power is bound to justify its sentence before the community and ceases to have the last word its arbitrary character is limited but not removed. Furthermore the arbitrariness of the final decision is not altered but only transferred. This form of trial is not subject to the law in the same way as that power of punishment which has its organ in the jury trial. . . . It is a magnificent act of political self-restraint that the omnipotence of the assembly is brought to a stand if the magistrate acquits, that no citizen can be condemned to

¹⁰⁴ *De Leg.* iii. 3, 6.

¹⁰⁵ *Strafrecht*, p. 166, n. 3.

¹⁰⁶ In the early inscriptions respecting sacred enclosures quoted by Mommsen (*Strafrecht*, p. 158, n. 3) 'multare' and 'multam irrogare' seem to be used indifferently in the several versions of the same formula. The jurists of the principate, to say nothing of laymen, constantly use 'poenam irrogare' in the sense of 'to inflict.'

¹⁰⁷ See *Strafrecht*, p. 3, n. 2, and p. 769, n. 4. Zumpt, who thinks that there was an appeal in case of the *duoviri*, but in case of all other magistrates a sentence in first and last instance by the people, has to draw just the opposite conclusion from the parallelism of 'iudicare' with 'multam irrogare,' and to explain away the sense of 'iudicare' in all cases except that of the *duoviri* (*Criminalrecht*, i. ii. 185-92). I need hardly say that I think him wrong.

¹⁰⁸ Livy, xxvi. 3, 9, and xliii. 16, 11. ¹⁰⁹ Suet. *Jul.* 12. ¹¹⁰ *Strafrecht*, p. 171.

heavy public punishment except by the agreement of the magistrate and the community; but pardon is no less arbitrary; and unrighteous acquittal is no less a wrong. The Roman criminal law is certainly the most powerful manifestation of civic freedom and the most majestic tribute to that freedom; but it has the defects of its qualities, the coarse egotism which asks no questions about women and foreigners, the weak clemency towards offending citizens, the arbitrary power which is shackled, but not abolished.

The introduction of compulsory *provocatio* is universally attributed to the *lex Valeria* of the first year of the republic, and is thus brought into the closest connexion with the abolition of kingship.

This may be a legend (says Mommsen), but even so there is all the more reflected therein the necessary connexion of the democratical principle with the exclusive right of the community over the life and death of a citizen.¹¹¹

The earlier laws on *provocatio* are said to have had for their sanction only the phrase *improbe factum videri*. Mommsen explains this to mean that

if a magistrate ignores the appeal, and carries out the death sentence in spite of it, his office will no longer cover his action, and the action will be regarded as that of a private man, and so punished as murder.¹¹²

This very plausible interpretation can hardly have been known to Livy, who evidently regarded¹¹³ the mere expression of moral censure as having been a *vinculum satis validum legis* in that golden age. Mommsen's explanation seems undoubtedly right.

With *provocatio* comes a change in the insignia of the city magistrate, by the removal of the executioner's axe from the fasces of his lictors.

This (writes Mommsen) is the symbol not of the abolition of the punishment of death for citizens, which only changed its form, but the exclusion from the city ring-wall of the rules of war, by virtue of which the wielder of the *imperium* could down to this time order the head of the disobedient citizen, as of the disobedient soldier, to be laid at his feet (p. 917).

It is a curious paradox that the forms of punishment still publicly inflicted on citizens were all more cruel than beheading. According to the Twelve Tables the incendiary is to be burned alive; if Mommsen's interpretation¹¹⁴ be right, the death in the sack was anciently inflicted on all murderers, the reservation of it as a special penalty for slayers of their own kindred being an innovation; and crucifixion is really meant by the punishment

¹¹¹ *Strafrecht*, p. 162.

¹¹² *Ibid.* p. 167.

¹¹³ Livy, x. 9, 6.

¹¹⁴ *Strafrecht*, pp. 643, 918-922. Mommsen points out that 'parri-cidium' has nothing to do with 'patricidium,' but that the prefix has the same meaning of 'bad' as the 'per-' in 'per-duellio' and 'per-iurus.'

prepared for Horatius,¹¹⁵ the *suspensum Cereri necari* for the harvest thief in the Twelve Tables, and the punishment *more maiorum* threatened for Nero on his deposition. I think that Mommsen has gone far to establish these points, though he admits that they were commonly slurred over by the writers of the classical period, who regarded with horror the infliction on citizens of what was later a servile punishment. In practice these public executions were doubtless confined to very heinous cases,¹¹⁶ and private executions by strangling in the prison supplemented them at the discretion of the magistrate for ordinary malefactors. It may well be that the magistrate soon found it necessary to pledge himself beforehand not to inflict the more cruel punishment, lest he should give the accused the opportunity of *miserabiliores epilogos*,¹¹⁷ which might induce the people to acquit him altogether.

It somewhat upsets our preconceived notions to find that death by smiting off the head, which we are accustomed to regard, and which was regarded under the principate, as a comparatively dignified form of public execution, was under the early republic reserved in the city for strangers, enemies, and deserters. This can only be explained by the close connexion of that form of punishment with the arbitrary proceedings of military justice; and I am strongly inclined to think that this connexion, which Mommsen justly emphasises, dates from the earliest times, and that there is no occasion for his other somewhat fanciful explanation¹¹⁸ of beheading by the axe as 'answering to the ritual of sacrifice, and originally, doubtless, conceived as the offering up of a human victim.' Only two passages are quoted by Mommsen in support of this contention. The first¹¹⁹ is a strange story in Dio Cassius (xliii. 24) of how in the year 46 B.C., under Caesar's dictatorship,

two men were slain as victims with a kind of ritual; and the reason for this I cannot tell, for it was not prescribed by the Sibyl or any other oracle; anyhow they were sacrificed in the Campus Martius by the pontiffs and the priest of Mars, and their heads were set on the Regia.

I can offer no explanation of this, but Mommsen's solution 'that this is without doubt a recurrence to an antique form of execution' does not seem very convincing.¹²⁰ In the other instance

¹¹⁵ This comes out clearly in Cic. *Pro Rab. perd.* 4, 11, and 5, 16. For Nero's case see Suet. *Ner.* 49.

¹¹⁶ This may explain why Cicero and the jury to which he spoke in the case of Roscius of Ameria evidently believed that the sack had never been used except for murderers of near kinsfolk, and why crucifixion came to be practically confined to slaves and subjects.

¹¹⁷ See Cic. *Pro Planc.* 34, 83. Dio (xxxvi. 38) notices that in bribery cases the lighter the penalty the easier it was to get convictions.

¹¹⁸ *Strafrecht*, p. 902.

¹¹⁹ *Ibid.* p. 913.

¹²⁰ I do not even feel sure that Dio means us to understand that these two persons

Mommsen's theory certainly seems to have led him into an erroneous interpretation of his Latin authority. In the words of Festus—

Homo sacer est quem populus iudicavit ob maleficium, neque fas est eum immolari, sed qui occidit parricidii non damnatur—

he sees ¹²¹ an

antithesis between the magisterial execution by way of *immolatio*, carried out according to *fas*, and the private and plebeian execution carried out by way of self-help without magisterial action.

That *sacratio* leads to this popular execution is undoubted, but the proper magisterial *immolatio*, supposed to be the antithesis to this, is read into the passage and not found there. By *neque fas est* Festus obviously meant nothing of the sort, but merely wished to negative the shocking supposition which might seem to be conveyed by the word *sacer*, that a human sacrifice was actually contemplated.¹²² Festus does not say that the criminal is called *sacer* because it is under certain accidental circumstances (the absence of a patrician magistrate) improper to sacrifice him, but notices (as is perfectly natural) that he is called *sacer* although it is always *nefas* to think of such a thing as human sacrifice. The Latin and the sense alike require us to take the words *neque fas est*, &c., not as part of the relative sentence but as continuing the principal sentence, and to translate—'not that it is lawful to sacrifice him, but &c.'

Another consequence of *provocatio* is that the superior magistrate withdraws from administering ordinary criminal justice. When King Tullus Hostilius resolves that an appeal shall be granted to Horatius he omits himself to judge and condemn, but appoints special officers for the purpose. So under the republic ¹²³ the chief magistrate thinks it beneath his dignity to utter a sentence which may possibly be reversed, and designates for this function less eminent persons, quaestors or duumvirs, who 'cannot plead their estimation ;' and the same task is undertaken by the tribunes, who, for all their power, are modest folk when compared with the splendour of the curule magistrate. Of the quaestors I need only say that Mommsen holds ¹²⁴—and he is probably right—that the *quaestores parricidii* are not a separate board, but are identical with the urban quaestors of historical times. For the *duoviri*, he believes ¹²⁵ that a special law was required to bring them into existence on each

were (like the one mentioned by him in the previous sentence) mutinous soldiers, as Mommsen assumes (*Strafrecht*, p. 913, n. 6).

¹²¹ *Ibid.* p. 902, n. 1.

¹²² Dionysius (ii. 10) gives substantially the same definition of 'sacer,' ἐν ἑθεὶ γὰρ Ῥωμαίοις, θεοῦ ἐβούλοντο νηπιὶν τεθῆναι, τὰ τούτων σώματα θεῶν ὄντι δὴ τιμὴ . . . κατονομάζειν.

¹²³ *Strafrecht*, p. 154.

¹²⁴ *Ibid.* p. 155.

¹²⁵ *Ibid.* p. 527.

occasion (a supposition difficult to reconcile with Cicero's expression *hic popularis a duumviris iniussu vestro*¹²⁶), and further¹²⁷ that, after the expulsion of the kings, they were elected by the people. Mommsen does not quote any authority for the last statement, and I know of none save that of Dio Cassius, who says (xxxvii. 27, 2) that the *duoviri* in Rabirius's case were appointed by the praetor *οὐ κατὰ τὰ πάτρια*. I venture to think that Dio is a better authority for what certainly took place on this occasion than for an antiquarian objection to the practice recorded. It is very improbable that Caesar and Labienus, when furbishing up the rusty machinery of antiquated procedure in this case, should have introduced an innovation, especially one so contrary to democratic principles. Dio's statement may very likely be a mere inference¹²⁸ on his part from the rhetorical blame conveyed by Cicero in the words quoted above (*iniussu vestro*).

Several interesting points are dealt with in Mommsen's lucid account of the procedure in comitial trials. The first step is for the magistrate to summon the suspected person to appear before him on a specified day (*diei dictio*). On that day begins¹²⁹ the *anquisitio*—etymologically a strengthened form of *quaestio*. This is conducted publicly, the citizens being summoned to a *concio* to listen, 'evidently with regard to the final decision by them, which is anticipated.' The magistrate must not conclude this hearing in a single day, but is bound to adjourn it twice (*diem prodicere*). At these sittings any citizen may with the permission of the magistrate make himself heard, and the magistrate cannot decently refuse leave, though he may limit the speeches: thus in Rabirius's trial in 63 B.C. Hortensius and Cicero were permitted to play the part of advocates, but were allowed only half an hour apiece to speak in, and that probably on different days (*antea*, Pro Rab. 6, 18). At the third sitting the magistrate pronounces, and it is not till then that he is bound finally to decide what his sentence is to be.¹³⁰ If he acquits there is an end of the matter; if he pronounces for death (*iudicium*) the appeal will be to the *comitia centuriata*, if for a fine (*multae irrogatio*) to one of the two tribal assemblies (*populus* for quaestors, *plebs* for tribunes). It is the difference of the assemblies (so Mommsen thinks¹³¹) which determines the rule that a

¹²⁶ *Pro Rab. perd.* 4, 12.

¹²⁷ *Strafrecht*, pp. 154, 587.

¹²⁸ Strange to say, Zumpt (*Criminalrecht*, i. i. p. 93) does actually argue from the words of Cicero in the very way in which I conjecture that Dio may have argued: 'Auch Cicero wirft diesen Zweimännern ihre Ernennung durch den Praetor vor, und doch wäre dasselbe gesetzlich gewesen, wenn in Horatius' Process der König sie selbst erwählt hätte.'

¹²⁹ *Strafrecht*, p. 164.

¹³⁰ Mommsen (p. 165) quotes several instances. The best are the trials of Cn. Fulvius (Livy, xxvi. 3), when the tribune 'cum bis pecunia anquisisset, tertio capitis se acquirere diceret,' and of Menenius (Livy, ii. 52, 5) 'quum capitis anquisissent, duo millia aeris damnato multam dixerunt.'

¹³¹ *Strafrecht*, p. 167, n. 1.

capital and a pecuniary penalty cannot be conjoined.¹³² In either case the usual twenty-four days' notice must be given for this 'fourth accusation,'¹³³ at which the citizens appear for the first time, not as mere listeners, but in their sovereign capacity to decide the issue. Cicero's summing up of the regular procedure¹³⁴ now comes out quite clearly: *ne improdicta die quis accusetur, ut ter ante magistratus accuset intermissa die quam multam irroget aut iudicet, quarta sit accusatio trinum nundinum producta die, qua die iudicium sit futurum.*

Another point is brought out by Cicero in the same passage—namely, that if on account of the auspices or for any other reason the *comitia* separates without coming to a decision, the meeting cannot be adjourned to another day, and so *tota causa iudiciumque sublata est*. C. Claudius Pulcher, who lost the battle of Drepana in 259 B.C., escaped by a sudden rainstorm at his trial: the tribunes would not allow the capital trial to be renewed, but Claudius was heavily fined.¹³⁵ Mommsen is certainly right in his remark¹³⁶—'This can have been nothing but custom supported by tribunician intercession; for example, no notice is taken of it in the trial of M. Manlius.'¹³⁷

One of the most interesting of our authorities for this procedure before the *comitia* is the 'Commentarium vetus anquisitionis M' Sergii M' f. quaestoris qui capitis accusavit Rocum,' fragments of which are preserved in Varro's book 'De Lingua Latina.' Amongst the instructions we find *patres censeant exquiras et adesse iubeas*. Mommsen's interpretation is¹³⁸ that

this must be referred to the custom of getting together counsellors before taking weighty decisions, since it was open to the magistrate to let the case drop after the appeal had been entered. The magistrate then in this case has to betake himself to the senate as the *consilium publicum*. The consulting party was doubtless not legally bound by the advice thus given him.

This interpretation is possibly right, and it would supply a precedent by way of analogy for Cicero's consultation of the senate about the Catilinarian conspirators. It is strange, however, that we hear of no such consultation in any of the historical cases of a trial before the *comitia*; one would have thought that such an expression of opinion would have had great weight as a *prae-iudicium*, and that its effect in each case would certainly have been noticed in the

¹³² Though Cicero lays some stress on this last point in his arraignment of Clodius's procedure, it loses much of its practical importance when we remember that the goods of the man convicted of 'perduellio' fell as those of a natural enemy to the state (*Strafrecht*, pp. 72, 1006 seq.)

¹³³ *Ibid.* p. 169.

¹³⁴ *De Domo*, 17, 45.

¹³⁵ Zumpt, *Criminalrecht*, i. ii. p. 311.

¹³⁶ *Strafrecht*, p. 170, n. 5.

¹³⁷ Livy, vi. 20, 11.

¹³⁸ *Strafrecht*, p. 169.

story. It is a further difficulty that the *ius senatus habendi* is never known to have been delegated, and certainly did not belong to the quaestor in his own right. The senate was not 'of counsel' to him but only to the superior magistrates. Perhaps the instruction merely means that the quaestor was politely to express his anxiety for the presence of the leading men of the state at the trial, and his hopes for the benefit of their advice during the debate. In any case I cannot think that Mommsen is right in explaining by reference to such consultation the difficult passage of Polybius (vi. 16) with which I shall deal later (below, p. 258).

Another interesting question arises in connexion with the case of Rocus.

In such a summons (says Mommsen) there arises the complication that the *comitia centuriata* could be called together only by one vested with the *imperium*, and that the three magistrates qualified to initiate such proceedings, the *duoviri perduellionis*, the quaestors, and the tribunes of the *plebs*, did not possess the necessary *imperium*.¹³⁹

M' Sergius is therefore instructed 'to send and ask for auspices from the consul or the praetor.' In the same way, when the tribune applies to the praetor urbanus for 'a day of the *comitia centuriata*' it is probably to be understood that the praetor lends him auspices to enable him to summon the assembly. In the case of the quaestor it is pretty clear from the account in Varro that he, though devoid of *imperium*, will himself preside in the *comitia* when assembled by virtue of his auspices, which he takes in this delegated capacity from his superior; and the same is probably true of the tribune. It is not altogether easy to gather from Mommsen's statement (p. 168) whether he adopts this view, but on the whole I think this is his meaning. By parity of reasoning we should suppose that not the king but the *duoviri* presided at the trial of Horatius. Livy in his story does not definitely commit himself as to the presidency, but, as the king is not mentioned after the *duoviri* are appointed, the silence of the narrator points the same way.

The same question, as to who presides, arises in the trial of Rabirius in 63 B.C., and it is further complicated by a doubt as to whether Rabirius was tried once or twice. Mommsen believes¹⁴⁰ that after his escape on the charge of *perduellio* Rabirius was fined by the tribune, and that it was on his appeal against the *multae irrogatio* that Cicero delivered the speech in his favour which is still extant. I am inclined to think that the *multae irrogatio* mentioned in the speech refers to some earlier proceeding, and that the *perduellionis iudicium a me sublatum* does not imply that

¹³⁹ *Strafrecht*, p. 168.

¹⁴⁰ This seems at least to be stated on p. 582. I do not see how this is to be reconciled with p. 888, n. 1, where he says 'Rabirius could not be put on his trial twice over.'

the accusation for *perduellio* was passed and done with, but only that Cicero had prevented Labienus from carrying through the trial according to the traditional forms of the Horatius case, with arrest of the prisoner beforehand and the actual infliction of death in case he were found guilty. That the accused, at the moment when the speech was delivered, was not in danger of actual execution is quite clear from the whole tenor of Cicero's language, and this much is admitted on all hands. If Mommsen's view be correct the second trial would undoubtedly be before the *plebs*, with the tribune presiding. On the other hand, if the occasion be the trial for *perduellio*, a puzzling question is left as to the presidency. It is certainly strange that in Cicero's speech¹⁴¹ only the tribune is mentioned as controlling the proceedings. Perhaps the speech was delivered at one of the preliminary meetings *in concione* (described above on p. 246), at which the tribune might well claim to restrict the length of the speeches. Anyhow it is not clear who presided on the final day. Analogy would lead us to expect the *duoviri*; yet it is Metellus, the praetor, who appears in Dio's account as the controller, and who breaks up the *comitia centuriata* by striking the flag.¹⁴²

The consideration of the trial of Rabirius leads us to the most important historical result brought about by the machinery of appeal—the practical abolition of the punishment of death. We read in the early story how Kaeso Quinctius and Coriolanus and eight of the decemvirs were allowed to escape death by going into exile. The practice rapidly gained ground, so that by the time of Polybius it was the settled custom that in a capital trial the accused was free, until the last vote had been cast, to 'depart openly, sentencing himself to voluntary exile; and the banished man will be safe if he retires to Tibur, Praeneste, or Neapolis, or any other state with which Rome has a sworn treaty.'¹⁴³

It is obvious that such a departure could take place only when the criminal was at the moment in physical liberty, whether or not bail had been given for his appearance;¹⁴⁴ and in the case of Kaeso Quinctius we find that his previous arrest is urged¹⁴⁵ on the

¹⁴¹ Zumpt (*Criminalrecht*, i. ii. p. 396) ingeniously suggests that the speech, as delivered, may have contained many references to Caesar and his brother duumvir which were omitted on its publication in 60 B.C. It is certainly noticeable that the same letter (*Ad Att.* ii. 1) which announces the publication of his *Consular Orations* records Cicero's hopes of being able to influence Caesar in a friendly way and bring him round to a sound policy.

¹⁴² Mommsen (see above, p. 245), and others believe (though Dio does not seem to me to say so much) that a special law was required on each occasion before 'duoviri perduellionis' could be created. If so, the question who was to preside at the assembly might, of course, be settled differently in each case by a clause of the special law.

¹⁴³ Polyb. vi. 14, 7.

¹⁴⁴ *Strafrecht*, pp. 70, 71.

¹⁴⁵ Livy, iii. 13, 5. 'Ut qui hominem necaverit de eo supplicii sumendi copia populo Romano fiat.'

ground that only so will the people have the opportunity of exacting the penalty from him. On one occasion, that of the accomplices of the fraudulent contractor Postumius in the second Punic war, the circumstance that the tribunes are disposed to arrest the accused beforehand leads many to go straight away into exile without standing their trial;¹⁴⁶ probably here likewise something worse than exile might have happened to them if they had been found guilty while under arrest; Polybius too seems to imply that death is in store for the accused who has waited too long and against whom the decision of the assembly has been actually given.

So far as I know there are only two cases in the story of the Roman republic in which the law is distinctly said to have run its full course—that is to say, in which the criminal was allowed to appeal, the *comitia* decided against him, and the punishment of death was publicly inflicted. The two cases are those of Sp. Cassius and M. Manlius, both executed for treason. The two most guilty decemvirs, Appius Claudius and Sp. Oppius, were doubtless saved by suicide from a like fate.

Pleminius, the lieutenant of Scipio Africanus, who had been guilty of the grossest outrages on the inhabitants of the Italian Locri, was seized as he was retiring to Naples for exile, and thrown into the prison of Rome, which he certainly never left alive. Contradictory accounts¹⁴⁷ are given of his end, and it is impossible to make out whether he was really tried or executed. Suicide in prison is recorded¹⁴⁸ of a certain C. Cornelius, accused of rape; he probably anticipated by his death a trial before the centuries.¹⁴⁹ The condemnation is mentioned¹⁵⁰ of three parricides, Hostius (*circ.* 200 B.C.), Q. Fabius (*circ.* 100 B.C.) and Malleolus, of the same date. Of the last named it is expressly said¹⁵¹ that he perished in the sack, and Mommsen¹⁵² is probably right in arguing from his fate that, though at that time ordinary murder was already the subject of a jury trial, which did not admit of

¹⁴⁶ *Livy*, xxv. 4, 11.

¹⁴⁷ *Ibid.* xxix. 22, 9; xxxiv. 44, 6.

¹⁴⁸ Val. Max. vi. 1, 10.

¹⁴⁹ Mommsen (*Strafrecht*, p. 961, n. 6; *Staatsrecht*, iii. p. 1069, n. 3, and p. 1250, n. 1) takes a different view. He considers both Pleminius and Cornelius to be men already condemned to death (apparently by the centuries), whose execution was put off indefinitely by the magistrates, so as to make their sentence practically one of imprisonment for life. He considers that this was likewise the meaning of Caesar's 'sententia' on the Catilinarians. I find it difficult to believe that Caesar so completely justified the legality of Cicero's act as to join in the sentence of death, or that the only difference in point of law between Cato and Caesar was that the one wished the death sentence to be carried out at once, and that the other wished the same sentence to be indefinitely suspended. It seems strange for me to be arguing for Caesar against his great advocate and the great disparager of Cicero; still, as a matter of history, I think that the explanation which I have offered elsewhere (*Life of Cicero*, p. 142) is the more probable. At any rate it exhibits Caesar's action as more logical and consistent.

¹⁵⁰ See *Strafrecht*, p. 614, n. 1.

¹⁵¹ *Ad Her.* i. 13, 23.

¹⁵² *Strafrecht*, pp. 174, 644.

previous arrest, or consequently of actual execution, cases of parricide must have been reserved for the *comitia* almost¹⁵³ down to the legislation of Sulla. These three cases may, I think, fairly be added to those of Cassius and Manlius, as instances of public execution following a vote of the people.

In all the other cases of a trial before the centuries which are recorded in our annals the person found guilty escapes death by exile. The explanation is doubtless to be found in the activity of the tribunes, which caused the seizure of the person, the condition precedent for actual execution, to fall into desuetude.¹⁵⁴ It was in the power of any one of the tribunes to interpose his *auxilium* and let the accused man out of prison; and the constant presence of this power of release seems to have led to the habit of not attempting to arrest. In the 'Commentarium vetus acquisitionis'¹⁵⁵ there is not a word about any such proceeding in a capital trial. The house of the accused is still his castle; the instructions are that M' Sergius is to send the trumpeter to 'blow his horn before the door of this wicked T. Quinctius Rocus, the same being a private person, and bid him to appear on the Campus Martius at daybreak.' No obstacle, therefore, is opposed to the retirement from Rome. On the other hand we find that there were certain persons *capitalem fraudem ausi*¹⁵⁶ in prison at the time of the battle of Cannae, who were released on condition of enlisting in the army in that moment of supreme danger. It is possible, as Mommsen suggests,¹⁵⁷ that the tribunician *auxilium*, though freely granted to state offenders or men of rank, would often be refused to the common criminal, and that for such persons previous arrest, with the possibility of death being actually inflicted, was not uncommon in the middle period of the republic. By the time of Polybius it must have almost disappeared, for he speaks of the custom of allowing exile as universal. The clumsiness of the comitial machinery may have contributed to this; it no doubt saved a great deal of trouble if accused persons, as in the case of Postumius's associates, were content to save their skins in exile; but still more effective was the growing feeling that every such evasion was an assertion of the rights of the private burgess against the magistrate, whose power of punishment was thus curtailed, and the difference, thus proclaimed, between the Roman, though a criminal, and the outlander flattered the pride of citizenship. It seems a strange privilege that every Roman, just once in

¹⁵³ Not quite; for Mommsen points out (p. 644, n. 1) that a reference to the 'iudices' in a case described by Cicero (*Pro Rosc. Amer.* 23, 64) in b.c. 80, as 'non ita multis ante annis' shows that the reservation cannot have lasted quite down to Sulla.

¹⁵⁴ See *Strafrecht*, p. 327.

¹⁵⁵ Varro, *De L. L.* vi. 92.

¹⁵⁶ Livy, xxiii. 14, 3. Mommsen thinks that these would include both prisoners awaiting trial and condemned persons in whose case execution had been suspended.

¹⁵⁷ *Strafrecht*, p. 328.

his life, should be allowed to commit a crime deserving death, without death being inflicted; but a privilege it was esteemed. I believe (though the point is open to dispute) that the privilege was extended even to the common criminal,¹⁵⁸ the housebreaker or assassin caught red-handed, if only he were a Roman citizen; once he has renounced his citizenship by exile, he must be careful not to offend again, or he will be treated as a mere foreigner; the habitual criminal is not tolerated.

We now come to far more difficult problems, to which I have already referred in passing (above, p. 238). They relate to cases in which the magistrate is specially commissioned to try cases *without appeal*. At the risk of tediousness it will be necessary to mention these cases individually. The earliest of them is ascribed in the annals to the year 413 B.C. M. Postumius, a military tribune with consular power, had been murdered by his soldiers, and the consuls of the next year were empowered by decree of the plebs to hold a criminal court (*quaerere*) on the matter. Some guilty persons perished, whether by suicide or execution Livy is uncertain.¹⁵⁹ Mommsen (p. 172, n. 1) rejects this story as an invention of later times; it is difficult to follow his reasons, but the matter need not be pressed. There are at least three cases¹⁶⁰ (in B.C. 331, 180, and 152) when an epidemic of poisoning appears among Roman matrons, and each is dealt with by a special *quaestio*. The *quaestio* of 180 B.C.¹⁶¹ is said to be *ex senatus consulto*. Many women seem to have been put to death;¹⁶² but in their case Mommsen does not allow that the difficulty as to *provocatio*¹⁶³ arises. The next case, that of a Capuan conspiracy in 314 B.C. which had ramifications in Rome, may likewise be passed over; for on this occasion a dictator, C. Maenius, was appointed, and if Mommsen be correct in the date which he conjecturally assigns¹⁶⁴ to the limitation placed on the dictator's powers in later times¹⁶⁵ a dictator in 314 B.C.

¹⁵⁸ See below, p. 272.

¹⁵⁹ Livy, iv. 51, 3: 'Per paucorum supplicium, quos sibimet ipsos conscisse mortem satis creditum est, transacta re.' The Romans would have been the better for a provision similar to that which ordains a coroner's inquest on the body of every criminal executed in prison in England.

¹⁶⁰ *Strafrecht*, p. 143.

¹⁶¹ Livy, xl. 37, 4.

¹⁶² Val. Max. (ii. 5, 3) says 170 on one occasion.

¹⁶³ I have not attempted to traverse in this article the doctrine, propounded with much confidence by Mommsen, that women lacked the right of 'provocatio.' As a matter of fact it seems to me very doubtful. It makes it difficult to explain the trial of Claudia (Suet. *Tib.* 2; see discussion in *Strafrecht*, p. 53, n. 1), that of Manilia (Aulus Gellius, iv. 14), and the cases mentioned in Livy, xxv. 2, 9, where the women go into exile just like men. Of course women were not members (Gell. v. 19, 10) of the *comitia*, but no more were the Campanian 'cives sine suffragio;' yet in 210 B.C. the senate (Livy, xxvi. 33) had to get special leave of the people before dealing with them. In the *Lex Acilia*, verse 78, the successful accuser who refuses the citizenship nevertheless gets 'provocatio,' so that the right to vote cannot have been a condition precedent of the right to appeal.

¹⁶⁴ *Staatsrecht*, ii³. 165.

¹⁶⁵ See Festus, s.v. 'optima lex.'

was still free from *provocatio*. After an interval of more than a century we find the famous case of the Bacchanalian conspiracy of the year 186 B.C., which was dealt with in this and the following year. This must be treated more at length hereafter. Meanwhile we pass to the year 172 B.C., the first occasion on which Mommsen¹⁶⁶ allows the existence of a special criminal court. This was held by the urban praetor, C. Licinius, acting on a decree of the plebs (*Lex Marcia*), to compensate and punish the wrongs which some Ligurian tribes had suffered at the hands of the late consul, Popillius. The proceedings were rendered ineffectual by the collusive action of Licinius.¹⁶⁷ A somewhat similar case in B.C. 150 against Ser. Galba for his treatment of the Lusitanians collapsed at an earlier stage. A legislative proposal (analogous to the *Lex Marcia*) was brought before the people, and supported by Cato, but thrown out by Galba's influence.¹⁶⁸ More effective was a commission in the year 141 B.C.¹⁶⁹ against L. Hostilius Tubulus, who as praetor¹⁷⁰ had been bribed to effect the condemnation of innocent persons. The consul Servilius Caepio was commissioned under a plebiscitum proposed by P. Mucius Scaevola to proceed against him, and Tubulus retired into exile without awaiting his trial.¹⁷¹ According to Asconius he was afterwards arrested (probably, as Mommsen supposes,¹⁷² for some fresh crime) and committed suicide *ne in carcere necaretur*. In the year 138 B.C. we find the consuls holding a *quaestio* under decree of the senate on the members of a certain company of Roman publicans, who were accused of organising brigandage in South Italy. After a protracted trial they were acquitted.¹⁷³ Finally we have the proceedings against the adherents of Tib. Gracchus, carried out by P. Popillius Laenas, the consul of 132 B.C.

In all these cases there are certain common features which

¹⁶⁶ *Strafrecht*, p. 172, n. 2.

¹⁶⁷ Livy, xlii. 22.

¹⁶⁸ I adopt Mommsen's interpretation (*Strafrecht*, p. 172, n. 2) with slight variation; but, as we have no longer Livy to guide us, the details are very doubtful. This may have been an ordinary trial on appeal before the 'comitia.'

¹⁶⁹ Mommsen has the date and name right on p. 197, but on p. 173, by misprint or slip of the pen, he gives 132 B.C. as the date, and calls the law 'Sempronia' instead of 'Mucia.'

¹⁷⁰ Tubulus is said by Cicero (*De Fin.* ii. 16, 54) to have exercised a 'quaestionem inter sicarios.' It is doubtful whether he too was acting in the previous year as special commissioner (so Zumpt, *Crim. Recht*, II. ii. 141), or whether, as Mommsen thinks (*Strafrecht*, p. 615), his case is evidence of a standing jury court for murder half a century before Sulla. I am inclined to think that the story of L. Cassius (consul in 127 B.C.), which is the origin of the proverbial 'Cui bono?' points to a relation between the 'quaesitor' and his assistants in murder trials of this period more proper to a commissioner with his 'consilium' of advisers, chosen by himself, than to the standing jury-courts, in which the president never commented on the evidence: 'quotiens quaesitor iudicii alicuius esset in quo quaerebatur de homine occiso, suadebat atque etiam praeibat iudicibus . . . ut, quaereretur, cui bono fuisset perire eum, de cuius morte quaerebatur' (Asconius, *in Milon.* p. 46).

¹⁷¹ Cic. *De Fin.* ii. 16, 54.

¹⁷² *Strafrecht*, p. 71, n. 1, and p. 197, n. 2. See Asconius *in Scaur.* p. 23.

¹⁷³ Cic. *Brutus*, 22, 85.

distinguish them from the regular criminal trials, of which that of T. Quinctius Rocus is a typical instance. In the first place the superior magistrates, the consuls and praetors, play an active part; secondly, there is no mention of appeal to the people after the magistrate has condemned; thirdly, the accused are not always allowed to go into exile, but are thrown into prison, suicide being the usual result; fourthly, in two cases, that of the Bacchanalian conspirators and that of the adherents of Tib. Gracchus, wholesale executions take place. There is, further, a distinction to be noticed that in the two last named cases, and in that of the *publicani* in 138 B.C., there is no previous decree of the people, whereas in the others we hear of a special law regularly passed.

Mommsen's opinion on the legal character of these trials has undergone a startling alteration since the publication of the first edition of the 'Staatsrecht,' and it is questionable indeed whether in this case second thoughts can be allowed to be best. He now¹⁷⁴ treats as of one class—to which, by the way, he denies the current appellation of *quaestio extraordinaria*, preferring the term *privilegium*—all the cases in which a decree of the people has ordained any sort of special trial, whether by a magistrate or *quaesitor* deciding on his own responsibility, or by a jury court of which the magistrate is merely the president. This category is made to include (by no means to the furthering of clearness of classification) a long list of later cases—the Peducaean¹⁷⁵ plebiscite against the defaulting vestals in 114 B.C., the Mamilian of 110 B.C. against the accomplices of Jugurtha; the action taken in 103 B.C. against Caepio after his defeat by the Cimbri for plundering the temple of Tolosa; ¹⁷⁶ the Varian law of 91 B.C. against the associates of Drusus, the Fufian of 61 B.C. against the sacrilege of Clodius, the Pompeian of 52 B.C. under which Milo was tried for killing Clodius, and the Pedian of 43 B.C. against the assassins of Caesar.

All these decrees of the people (says Mommsen¹⁷⁷) are unconstitutional; nevertheless the omnipotence of the law overrides the prescriptions of the constitution, and accordingly they are blamed, but their legal validity is not disputed.

The word 'unconstitutional,' as applied by Mommsen in this passage, may perhaps be explained by a sentence in the third

¹⁷⁴ *Strafrecht*, p. 196 seq.

¹⁷⁵ See above, p. 222.

¹⁷⁶ So Mommsen (*Strafrecht*, p. 198). Zumpt seems to believe (*Crim.-Proc.* p. 476) that there was more than one prosecution, and he places one trial in 95 B.C. The nature of the proceedings is in any case very obscure. If Valerius Maximus (iv. 7, 3) is to be trusted, Caepio was actually thrown into prison, but released by a friendly tribune, L. Reginus, who accompanied him into exile. In another passage (vi. 9, 13) Valerius says that he was strangled in prison. This may possibly be true of his second trial, if there were two, but at one time he escaped by exile, for Cicero (*Pro Balbo*, 11, 28) says that he became a citizen of Smyrna. ¹⁷⁷ *Strafrecht*, p. 199.

edition of the 'Staatsrecht' (ii. i. 110). After the cessation of the dictatorship, he says,

such a *cognitio* could be called into life only by a decree of the people, and further the *comitia* were not, strictly speaking, qualified to erect such a tribunal, since the institution of a magistracy without appeal was forbidden in a general law.

The objection seems somewhat forced; for it is obviously one thing to set up a magistrate, such as Sulla or Caesar, whose decisions generally are to be free from the possibility of appeal, and another for the people in the plenitude of its power to set aside appeal in a particular case, and to order a magistrate to deal with that case.

A somewhat different classification of the cases enumerated will be suggested later on; but in the meanwhile the great case of the Bacchanalian conspirators remains unexplained. It is perfectly clear from Livy's very circumstantial account that no special law was proposed to the people. The magistrates act on the strength of a *senatus consultum*, which is merely read out to the people in a *concio*. Nevertheless multitudes are put to death—*adducti ad consules fassique de se nullam moram iudicio fecerunt*—and *plures necati quam in vincula coniecti sunt*.¹⁷⁸ Mommsen now believes that what the consuls are here described as carrying through was only a preliminary inquiry.¹⁷⁹

To the 'question' of the consul every one must needs answer, in case a tribune does not come to his assistance; any distinction according to the condition or sex of the accused is quite inconceivable on the occasion of the inquiry. But when once this has come to an end, and the magistrate is convinced that a capital crime has been committed, the guilty persons are not all treated in the same way; the consul himself condemns to death the women, foreigners, and slaves, and executes the sentence; against the citizens the formal process which we shall describe just now (*i.e.* the trial before the *comitia*) is instituted.

Mommsen had already hinted at this extraordinary solution in the third edition of the 'Staatsrecht' (ii. p. 112).

The decree of the senate *eis rem capitalem faciendam*, so the original document runs, does not, it is true, exclude *provocatio* in cases where the same is otherwise applicable; still it appears astonishing in the highest degree that in no one of these cases is there so much as a hint that *provocatio* took place.

The objection, which seemed sufficiently staggering in 1887, has lost its force for Mommsen in 1899. He now says¹⁸⁰ of the supposed trial before the people—

This is in itself the main procedure; but, as is shown by the committal of it to officers mostly of inferior station, and by other

¹⁷⁸ Livy, xxxix. 18, 5.

¹⁸⁰ *Ibid.* p. 153.

¹⁷⁹ *Strafrecht*, p. 152.

indications,¹⁸¹ it is as a general rule a formal process directed against accused persons who have practically already been found guilty.

I think that it is difficult to read with an open mind Livy's account of the Bacchanalian conspiracy without being convinced that this explanation¹⁸² will not serve. The obvious meaning of Livy is that the more guilty Bacchanalians, whether Romans or not, were put to death by the consuls on the strength of the powers which had been stirred up in them by the decree of the senate, and that the culprits were not allowed to appeal to the people. One turns with relief to Mommsen's masterly exposition of the matter in the first edition of the 'Staatsrecht' (i. p. 124), a passage which has entirely disappeared from the last edition.

In the city likewise the criminal jurisdiction of the consuls under certain circumstances revives. The criminal procedure of the republic in its development brought about the practical abolition of the death penalty for Roman citizens; but it was never forgotten that the full *imperium* included the unlimited right of life and death over the citizen, and that the magistracy, fettered by one law, may be reinstated in its old omnipotence by another law or by what is equivalent to law. This is undoubtedly the case when the chief magistrates were commissioned by special decree of the people to exercise their suspended power for a particular category of crimes. But even when only a *senatus consultum* to this effect is issued there is frequently ascribed to it the force of a *privilegium*, especially where delay would be dangerous. Such suspensions of the right of appeal are by no means rare¹⁸³ in the last times of the republic and under the early principate, and, though the strict law was thereby infringed, and the consul was even sometimes held responsible for the infringement, yet in practice prescription pronounced rather in favour of the legality of the action.

After reference to the case of Antony's action against the pretended Marius in 44 B.C. (which ought, as I believe, to fall under another category) he concludes—

One common feature is observable in all these cases—that is, that the consular criminal jurisdiction appears only when *provocatio* is rightly or wrongly set aside, and never as a preliminary to appeal.

Mommsen seems to me at no time to have sufficiently appre-

¹⁸¹ The 'other indications' are explained in the note by a somewhat irrelevant quotation from Plautus, *Capt.* 475:

'De foro tam aperto capite ad lenones eunt,
Quam in tribu aperto capite sontes condemnant reos.'

¹⁸² It is fair to observe that later on in the book (*Strafrecht*, p. 258, note) Mommsen speaks of the maintenance of *provocatio* under the Bacchanalian commission as only a possible supposition.

¹⁸³ Among the cases referred to in the note comes that of the Bacchanalians, of which he remarks that 'the proceedings took place in the first instance in Rome, and therefore must have had the suspension of the right of *provocatio* as their necessary condition.' He includes under the same head the execution of the Catilinarians, which I should set elsewhere.

ciated the difference between the cases before and after the law of C. Gracchus—*ne de capite civium Romanorum iniussu populi iudicaretur*.¹⁸⁴ Otherwise his analysis of the proceedings of these special commissions, as presented in his earlier work, is clear and convincing, and it is to be regretted that he should have abandoned the position which he there took up.

I will now attempt to sum up, for the sake of clearness, the various principles which govern the several proceedings, and to give to each case what appears to me to be its proper place in the system; the order will be as follows:—

1. First we have the category represented by the proceedings against the murderers of Postumius, against Tubulus, against the vestal virgins in 114 B.C., and against Servilius Caepio. Here everything seems to be regular; the people by a legislative act restores to the magistrate his full right to punish, or sets up a temporary commissioner with similar rights, that he may act in specified cases on his own judgment, or with such assessors as he may please, with full power of life and death, and with facilities for previous arrest, which will enable the sentence to be carried out.

2. Next follow cases in which the people seeks its remedy against the offender, not by reverting to the ancient and arbitrary powers of the magistracy, but by calling into temporary existence a tribunal similar to the standing jury-courts, the recognised machinery for ordinary justice in the later republic. In the cases in question this machinery is specially directed against a particular offender or group of offenders. Though in form it is still recognised that the function of judgment belongs to the magistrate, in practice his power is here reduced within very narrow limits. The people itself prescribes the punishment which it chooses to visit on the offenders, but makes that punishment conditional on the result of the *quaestio* of the magistrate as to the facts, and in his decision of the issue he is bound by the advice of his jury. The magistrate has in reality only to announce the verdict of the jury, and thereupon the punishment becomes due. The most important practical difference between this class of trials and the first is that there is here no provision for previous arrest, and so the condemned can always¹⁸⁵ escape by *exilium*. The procedure must be examined more at length in connexion with that of the *quaestiones perpetuae*. Here I will only say that I should place in this category the Mamilian (110 B.C.) and Varian (90 B.C.) com-

¹⁸⁴ As quoted in Cic. *Pro Rab. perd.* 4, 12.

¹⁸⁵ Mommsen (*Strafrecht*, p. 198, n. 2) believes that death was actually inflicted on Q. Varius when he was condemned under his own law in 89 B.C.; but I do not think that this is proved. Cicero indeed says (*De Nat. Deorum*, iii. 33, 81) that Varius 'summo cruciatu supplicioque perit,' but this may well have been one of the deeds of Sulla's first restoration in the following year.

missions, the trial of Clodius (61 B.C.), that of Milo (52 B.C.), and that of the assassins of Caesar (43 B.C.)

3. The cases of the Bacchanalians, of the *publicani* of 133 B.C., of the women accused of poisoning,¹⁸⁶ and of the adherents of Tib. Gracchus—of whom Valerius Maximus (iv. 17, 1) expressly says, *quum senatus consulibus mandasset ut in eos more maiorum animadverteret*—seem to me to find a sufficient explanation in the passages which I have quoted from the first edition of the 'Staatsrecht.' The functions exercised by the magistrate are those of a judge, and his powers are precisely the same as those granted to him in the instances which I have placed in my first category, only here they have not been conferred by the people but stirred up by the action of the senate. I should agree that such action was a usurpation on the part of the senate, just as was its practice of granting dispensations.¹⁸⁷ Polybius¹⁸⁸ clearly thought that if the senate wished any such powers to be exercised it ought to go to the people to get them. Nevertheless, the practice was no doubt convenient in the presence of wide-spread and dangerous crime, and it was acquiesced in so long as only ordinary criminals were involved. The attempt to apply the procedure to political offenders led the Romans to protest and to quash the precedents. They did this by the law of C. Gracchus *ne de capite civium iniussu populi iudicaretur*. This law appears to have been declaratory and retrospective; for Popillius, the consul who had acted against the Gracchans in 132 B.C., is said to have been the person aimed at, and he was in fact condemned and sentenced.¹⁸⁹ It must then have clearly prohibited such judicial proceedings as those in which Popillius had engaged; and as a matter of fact none such seem to have been attempted thenceforth except by express decree of the people.

4. Cicero¹⁹⁰ acknowledges the obligation of Caius Gracchus's law, and claims that it will not be traversed by the execution of death or of perpetual imprisonment on the Catilinarians. This seems to indicate a clear distinction between the action of Cicero and that of Popillius, against which the law of Caius Gracchus was directed. In what did the distinction consist? Cicero himself in the next sentence supplies the answer. His action was not a judicial execu-

¹⁸⁶ If these be admitted into the list at all (see above, p. 252).

¹⁸⁷ Explained by Asconius in *Cornelianam*, 57.

¹⁸⁸ So at least I should interpret Polybius's words (vi. 16): *τὰς δ' ὀλοχερεστάτας καὶ μεγίστας ζητήσεις καὶ διορθώσεις τῶν ἀμαρτομένων, οἷς θάνατος ἀκολουθεῖ τὸ πρόστιμον, οὐ δύναται συντελεῖν, ἂν μὴ συνεπικυρώσῃ τὸ προβεβουλευμένον ὁ δῆμος*. An instance in point would be the authorisation by the people which the senate obtained in the case of the Campanians (Livy, xxvi. 33).

Mommsen has another explanation (see above, p. 248), taking Polybius to refer not to the appointment of a commission, but to the trial of an individual case on appeal. I do not believe that the senate has anything to do with appeal cases.

¹⁸⁹ See Plutarch, *C. Gracch.* 4, and Cic. *De Domo*, 31, 82.

¹⁹⁰ *Cat.* iv. 5, 10.

tion of citizens, but an act of war against enemies. Mommsen in a passage already noticed (above, p. 238) has clearly explained that the *perduellis* has by his own act placed himself in the position of a foreign enemy, and so has ceased to be a citizen. The senate fell back upon the doctrine, when they were deprived of the power of erecting a judicial tribunal. They simply passed a decree 'that the consuls were to see to it that the state took no harm,' and the consuls thereupon put in exercise their full power against those who had constituted themselves *hostes*. The first person¹⁹¹ against whom the new method was employed was Caius Gracchus himself, and Opimius, the consul who put him to death, was acquitted by the people when brought to trial for his act. Saturninus and the Catilinarians fell in the same way; and on similar grounds the consuls of 44 B.C., Antony and Dolabella, put to death the false Marius and other rioters after Caesar's death without even waiting to be reminded of their duty by the senate. In the concluding volume of the 'Staatsrecht' (III. ii. 1243), published as lately as 1888, Mommsen sums up the matter admirably.

The quasi-dictatorship instituted by the senate is treated, broadly speaking, as a portion of constitutional order, introduced in the time of the Gracchi; not only did the *populares* occasionally make use of it when they had the upper hand in the senate, but Caesar and the Caesarians themselves treat it as valid in law, even where they blame the application of it. During the last century of the republic the prerogative of the senate to exercise over the citizens the rights of war, in the old unlimited sense of the period of the kings, was never seriously disputed.

These doctrines require restating in order to complete the picture of the various forms in which the state takes action against offenders. Mommsen in his present work, if he does not expressly retract the doctrine set forth in the 'Staatsrecht,' at any rate expresses it with more hesitation and less clearness. The only point, however, in which he seems to me directly open to correction is that he expressly identifies (p. 258) the action of Popillius in 132 B.C. with that of Opimius, Marius, and Cicero. Mommsen is debarred, by the theory which he has now adopted of the Bacchanalian trials of 186 B.C., from explaining Popillius's executions by the precedent of that year. On the contrary Popillius (who certainly did not

¹⁹¹ Though Appian is indecisive, Plutarch's account makes it clear that the 'ultimum senatus consultum' was not passed against Tiberius Gracchus in 133 B.C. The action of Nasica against Tiberius himself (as distinguished from that of Popillius against his adherents) was what Mommsen elsewhere (*Staatsrecht*, iii. p. 1241) calls 'unmittelbar nothwehrrecht,' undertaken by one who constituted himself for the occasion a 'tumultuarius miles.' See also Mommsen, *Röm. Forsch.* ii. p. 247. Livy's statement in the course of his story (iii. 4, 9, and vi. 19, 3) that such decrees were issued two or three hundred years earlier (in 464 and 384 B.C.) cannot be considered historical.

allow *provocatio*) has to be made a precedent for Opimius and the rest. Mommsen does not seem sufficiently to appreciate the difficulty that the law of Caius Gracchus is thus represented as so badly drawn that, though expressly directed against certain proceedings, it failed to prohibit an exact repetition of those proceedings in future. It is surely much more natural to suppose that Caius Gracchus effectually barred one path, but that the Optimates found out another—that what he forbade was a judicial trial, and that what they substituted was administrative action.

The difference between these two views of the Sempronian law may be illustrated by an incidental reference to Caius Gracchus's measure in a discussion of *perduellio* later on (p. 590) in the 'Strafrecht.' The passage is worth quoting for its own sake.

The more heinous species of this crime is essentially distinguished from all other crimes by the circumstance that in *perduellio* the perpetrator by the very act passes out of the citizen ranks into the category of public enemies. When from this premise the consequence is drawn that all judicial proceeding is therefore unnecessary, and that the rights of war may be put in force, this is a party doctrine and contravenes law. But even under the observance of the Sempronian law, *which expressly prescribed the necessity for the trial for treason*, the effect of the verdict therein pronounced is not condemnatory, but declaratory, and when judgment is given the consequences of the crime are antedated to the moment of its commission. This is manifest from the circumstance that those consequences¹⁹² which can take effect after the death of the criminal are not here, as in all other crimes, barred by his death between the crime and the trial.

If the Sempronian law really did, as Mommsen here assumes, 'expressly prescribe the necessity of a trial for treason,'¹⁹³ I cannot see how Cicero could, with any plausibility, have argued as he does—that C. Caesar has not hesitated to pronounce on these men in spite of the law of Gracchus, 'because he knows well that the Sempronian law relates to Roman citizens, and that the man who is an enemy cannot by any possibility be a citizen,'¹⁹⁴ nor again can I imagine why Sallust the Caesarian should have refrained

¹⁹² On p. 592 Mommsen further explains that not only the testament of the 'perduellis,' but all his dealings with his property from the moment of his crime are null and void.

¹⁹³ I do not agree with Mommsen (*Strafrecht*, p. 633, n. 2, and p. 258, n. 1) that this law of Gracchus is to be identified with his law 'ne quis iudicio circumveniretur,' which was afterwards taken up into the legislation of Sulla (see Cic. *Pro Clu.* 54, *seq.*); but that identification, if accepted, surely raises another objection to his present interpretation. The crime for which Cluentius was tried was undoubtedly that of corrupting a *iudicium*; and a law directed against that particular crime must assume that a *iudicium* of some sort has taken place. If, as Mommsen now believes, the point of Gracchus's law was to prevent a trial being dispensed with, its short title ought rather to have been 'ne quis sine iudicio circumveniretur.'

¹⁹⁴ Cic. *Cat.* iv. 5, 10.

from introducing a refutation of this published statement, if it really admitted of refutation, into his master's speech.

It is now time to consider the introduction of a fresh element which revolutionised the administration of the Roman criminal law; this is the adaptation¹⁹⁵ to public needs of the forms of the private lawsuit, with its reference of disputed questions to the decision of a juror or jurors; in other words, it is the growth of a system of standing jury courts for criminal charges. The new system¹⁹⁶

is not originally invented as a substitute for the public penal procedure—it does not even take its rise from any notion of crime—but is rather in its inception merely a private suit, vested with special privileges on account of its overwhelming public interest, and differs from numerous other similar ones¹⁹⁷ only in that the presidency of a magistrate is extended to the whole proceedings.

The innovation has its origin in the difficulty which beset Rome, as her empire extended, of preventing her magistrates from making a profit of their official position at the cost of the subject peoples. The recovery at law of moneys so exacted is known as *res repetundae*.

The repressive measures (says Mommsen) directed against such practices were not only of the deepest significance politically during the last two centuries of the republic, but likewise, not so much indeed in their intention as in their development, proved the starting-point for the transformation of the penal law generally.¹⁹⁸

We first hear of a trial for *repetundae* in the year 171 B.C. The people of both the Spanish provinces had complained to the senate of the exactions of their governors, and the senate directed them to sue for recovery before one of the praetors, who was to nominate in each several case five private senators as *recuperatores*. No decree of the people seems to have been thought necessary; the senate merely allotted the duty of investigating the matter to a particular praetor, with instructions as to his procedure. To carry out these instructions must have been within the power of the magistrates as such.

We now come face to face with the main difficulty of such cases, which presents itself in all its fulness in this the most primitive instance. The recovery of money is the sole object with which the court has to deal, and one would have thought that with the

¹⁹⁵ See *Strafrecht*, p. 343.

¹⁹⁶ *Ibid.* p. 202.

¹⁹⁷ I have taken the liberty of altering Mommsen's expression. He says 'iudicia publica.' This is quite correct if 'publicus' be taken in its original sense (which he has explained on p. 192) as equivalent to 'popularis'—i.e. a case in which a common informer may sue ('cuilibet ex populo experiri licet'). It is, however, unfortunate to use the word here, as it at once recalls to the mind the later sense (e.g. *Lex Iulia Municipalis*, verse 118) of a trial before a jury court.

¹⁹⁸ *Strafrecht*, p. 705.

recovery of the money the case was at an end: but no—we are distinctly told¹⁹⁹ that the condemned went into exile (precisely as Polybius²⁰⁰ describes contemporary criminals doing in the comitial trial), the one to Praeneste, the other to Tibur. In the comitial trial their reason for thus renouncing the Roman citizenship is obvious; they go to escape death. But why should failure in a civil suit lead to the same result?

The separation,²⁰¹ in form voluntary, from the citizenship of the ruling community, and therewith the loss of political existence, already occurs as the result of the sentence of the *recuperatores*, which paved the way to the Calpurnian law, and after this it is the regular end of a condemnation for *repetundae*.

It is easier to state the fact than to account for it. Mommsen suggests that the exactions were probably on a colossal scale, and that even simple restitution may have been enough to bring about bankruptcy and its consequences.²⁰² The goods of the condemned would of course be seized in any case,²⁰³ but possibly this may have been effected in some less disgraceful way on the man whose name had been blotted out by death or exile than on the living Roman citizen.²⁰⁴ Possibly, likewise, the trial may have shown that there was evidence to go to the people on a charge of *perduellio*. If so the danger lay at the door that some tribune might seek to advertise himself by taking up the case, and if once it came on appeal before the people the verdict of the *recuperatores* on the pecuniary question would act as a *praeiudicium* likely to influence the minds of the voters in the *iudicium capitis*. The disgrace of condemnation on a capital charge was avoided by the timely exile of the parties, though that exile anticipated, so far as material consequences were concerned, the worst that was likely to happen to them even had the people voted against them.

The case of the Spanish governors was followed²⁰⁵ by a succession of similar ones, in which the guilty persons were condemned under arrangements made by the senate for each occasion. At length, in the year 149 B.C., a tribunician law of L. Calpurnius Piso Frugi instituted the first standing court for such trials. We know from a reference in the fragments of the 'Lex Acilia' (verse 23) that the procedure under the Calpurnian law was by the forms of the civil *actio sacramenti*. This Piso is

¹⁹⁹ Livy, xliii. 2.

²⁰⁰ See above, p. 249.

²⁰¹ *Strafrecht*, p. 730.

²⁰² It is doubtful whether at this late date these would include the old 'addictio.' Mommsen (*ibid.* p. 727) thinks that they would not.

²⁰³ Zumpt (*Criminalrecht*, II. i. p. 18) has a strange notion that they escaped payment altogether; but this is quite unfounded. The most we can say is that if they succeeded in smuggling away any valuables into their new homes they would probably retain them unmolested; compare the advice given by the emperor Domitian to Licinianus; see below, p. 284.

²⁰⁴ See *Strafrecht*, p. 727.

²⁰⁵ *Ibid.* p. 708.

supposed to be the author of another 'Lex Calpurnia,' which extended the scope of *condictio*, an *actio in personam*, whereby restitution could be compelled of money or other goods the property in which had actually passed,²⁰⁶ and Mommsen²⁰⁷ argues with some probability that he applied this system²⁰⁸ to cover the claims of the allies and subjects of Rome. Mommsen further points out²⁰⁹ that the law avoided throwing on the accuser the burden of proof as to extortion by forbidding all gifts, whether freely offered or not. This would make *condictio* a proper instrument for their restitution, whereas if the *actio repetundarum* had been assimilated to the *actio furti*, which from a moral point of view would not be unnatural, the accuser would have been obliged to prove a corrupt intention.

Passing over the 'Lex Iunia,' of which we know nothing but the name, we next come to the law of 123 B.C., of which large fragments are preserved to us on a bronze tablet, now in the Naples Museum. Mommsen²¹⁰ calls it, as do most modern writers, the 'Lex Acilia Repetundarum,' on the ground that in the mention of such laws which we find in Cicero the Acilian immediately precedes the Servilian law. Mommsen admits that this is slight evidence; and he sees quite clearly that, though the name of Acilius may have been in the preamble, the law is really part of the legislation of Caius Gracchus²¹¹ (just as the 'Lex Aurelia' of 70 B.C. is really part of the legislation of Pompey). It is in fact the very law, ascribed to Gracchus by the historians, by which the jury courts were trans-

²⁰⁶ If I deposit my plate or railway stock at my banker's the property in them remains with me; under Roman law I could recover them by 'vindicatio,' an 'actio in rem.' If I deposit my money with the same banker the 'ius in re' passes to him; its restitution, if refused, gives rise to an 'actio in personam.' At Rome I could have got it back by 'condictio.' For an ingenious explanation of the apparent inconsistency that there can be a 'condictio rei furtivae,' though in that case, under Roman law (which knows nothing of 'market overt'), the property never passes, see *Strafrecht*, pp. 716, 757.

²⁰⁷ *Ibid.* p. 708. See also p. 202, n. 1, and p. 343, n. 1.

²⁰⁸ There is, however, the difficulty, which Mommsen does not notice, that Gaius (*Inst.* iv. 20) seems to set down 'condictio' as a fresh 'legis actio' parallel to and exclusive of the 'actio sacramenti.' We should expect, then, to find in the *Lex Acilia* 'quod cum eo Lege Calpurniâ conductione actum siet,' whereas the text has 'sacramento.' Gaius perhaps did not mean to imply so much innovation in the procedure by way of 'condictio' as his words seem to suggest. The whole question is very obscure.

²⁰⁹ *Strafrecht*, p. 716.

²¹⁰ *Ibid.* p. 708, n. 6.

²¹¹ *Ibid.* pp. 708, 728. It would seem from the completeness of the regulations about the 'album iudicum' that, when this law was passed, the 'quaestio repetundarum' was the only standing jury court for which it was necessary to provide. In that case we must suppose that the 'quaestio' for conspiracy ('ne quis iudicio circumveniretur') and that for murder ('de sicariis'), if this too be rightly attributed to Gracchus, must have been subsequent to the present law, and in their regulations as to the constitution of the juries must have followed the lines here laid down.

ferred from the senate to the equites. If this be conceded it matters little by what name we call it.²¹²

This law has been admirably reconstructed from the fragments (though of course with many gaps) by the labour of Mommsen and others; and it constitutes our chief authority for the jury trials for *repetundae*. It is directed exclusively against magistrates, senators, and their families. It allows any one, not being a Roman citizen, to delate such a person and sue him for double²¹³ the value of whatever has been *ablatum, captum, coactum, conciliatum, aversum*. The private man is not only, as in purely civil suits, the accuser, but he relieves the magistrate from the task, which under the older style of *quaestio* had fallen on him, of collecting the evidence and establishing the proof.²¹⁴ Neither magistrate nor jurors may question witnesses or make any remarks on the evidence.²¹⁵ The magistrate has now only to summon the jury, under methods carefully prescribed in the law, to receive their votes, and, if the majority condemn, to pronounce the verdict *fecisse videri*. He is then to require the condemned man to find sureties for the payment of the damages, or, if he fail to do so, he is at once to enter into possession of his whole estate, and sell it in the name of the Roman people, which will hold the proceeds in trust for the aggrieved parties, amongst whom they are eventually apportioned. Next is to follow the *litis aestimatio*, or assessment by the jury of the value of the object in dispute under each count. When the object is money the question is simply its quantity; when it is anything else the value in money must be calculated. The whole is thus brought²¹⁶ under the rule of private actions, that every condemnation must be for a specific sum of money. On the other hand it is possible in these actions for *repetundae* (though this is not allowed in strictly private suits) to combine a number of charges into a single accusation; ²¹⁷ in this respect the jury trials follow the analogy of the *multae irrogatio* of the tribune, in which, as we gather from Cicero,²¹⁸ the charges may be a most miscellaneous collection.

²¹² Mommsen's view, of the justice of which I am fully convinced, implies the rejection of Plutarch's statement (*C. Gracch.* 6, 1) that Gracchus himself had the selection of the jurors, which is quite inconsistent with the text of the law. If we consider the hopeless confusion of the second-hand historians as to what was in the law, and the still greater errors in their account of the *Lex Aurelia* of 70 B.C., it does not seem too bold to say that Plutarch made a mistake. Zumpt, of course, will not hear of such a thing, and accordingly puts our fragments some years later than Gracchus. Mommsen does not think it worth while even to mention the discrepancy with Plutarch; I do not know that he is to be blamed.

²¹³ That this is an innovation is proved by verse 59, where only single damages are allowed for acts committed before the passing of this law. Mommsen says (*Strafrecht*, p. 728) that 'it can be as little doubted as it can be little proved' that Sulla reverted to single damages, and that the *Lex Iulia* of Caesar's first consulship again doubled them. I own that I can see no reason for this conjecture.

²¹⁴ *Strafrecht*, p. 393.

²¹⁵ *Ibid.* p. 422.

²¹⁶ *Ibid.* p. 724.

²¹⁷ *Ibid.* p. 723.

²¹⁸ *Pro Rab. perd.* 2, 7.

Thus the *litis aestimatio* becomes a complicated and serious matter. Under subsequent laws, if not under that of Gracchus, we find that numerous offences, not strictly bearing the character of extortion, may come to be taken account of in the *litis aestimatio*, and so swell the amount of damages.²¹⁹ If, for instance, a governor trades in his province, if he buys slaves, if he appropriates state property (which is really *peculatus*), or if he transgresses the bounds of his province (which is really *maiestas*), he is frequently described as contravening various 'Leges Repetundarum,' and any such acts may be alleged against him when the assessment is under consideration. We even find a case where corruption as a juror at Rome is allowed to be reckoned amongst the offences for which a person condemned for *repetundae* has to pay damages. Cicero²²⁰ tells us that in this case great efforts were made by the accuser to bring this capital charge into the assessment (*ut lis haec capitis aestimaretur*), and he observes further that such charges are often included, so carelessly that the same jurors have been known to acquit a man when the very same acts which they had ascribed to him in the *litis aestimatio* were alleged against him as a substantive charge on a subsequent trial for *maiestas*. It is evident that such a fresh trial was necessary before the extra penalties attaching to *maiestas* could be inflicted.

The subsequent 'Leges Repetundarum,' that of Servilius Glaucia, of Sulla, and of Caesar, as consul in 59 B.C., can be sufficiently dealt with in incidental references, and it will be best to pursue the really difficult question raised above (p. 262)—namely, what happened to persons condemned for this crime, and how are the practical consequences of condemnation to be reconciled with the record of the penalties prescribed by law? There is no statement in the fragments preserved to us of the 'Lex Acilia' of any penalty other than the pecuniary one attached to condemnation for *repetundae*. We see, however, provision made (verse 29) for the case of the accused going into exile²²¹ before the trial is over, and among the rewards for the accuser is, under certain circumstances,

²¹⁹ *Strafrecht*, p. 720. It is a very different thing when Zumpt (*Criminalrecht*, II. ii. 333) exaggerates this into the statement that 'after the condemnation of the accused there followed at the *litis aestimatio* the question whether a heavier punishment or only a pecuniary penalty was to be exacted.' He thinks that the *Lex Iulia* instituted for the first time a separate court for 'repetundae,' whereas before that a single court took cognisance of all official misdemeanours (*ibid.* pp. 322-44). This notion, that it was the business of a Roman jury to decide what punishment should be inflicted, vitiates all Zumpt's theories. Mommsen treats the hypothesis with silence, which is perhaps all that it deserves.

²²⁰ Cic. *Pro Clu.* 41, 116. Mommsen, by the way, makes sense of an otherwise quite inexplicable passage by reading here 'si quae in eum lis capitis illata est, non invitum admittunt' instead of 'non admittunt,' which is absurd.

²²¹ There appears (Cic. *Pro Quinctio*, 19, 60) a similar provision in the praetor's edict for the seizure of the goods of a man who 'solum verterit exilii causa,' in order to avoid the consequences of bankruptcy. See *Strafrecht* p. 70, n. 1.

the attainment of the Roman citizenship in the tribe of the condemned man (verse 77). If the full text had remained to us, we should expect to find that this reward was limited to cases where the guilty person had actually gone into exile, and so left a gap in the ranks of the Romans. In other instances, at any rate, where a new status is given to a successful accuser it is apparently always by substitution of him for the person whose condemnation he has effected.²²² In any case, as has been pointed out in the passage of Mommsen quoted above (p. 262), most of those condemned did actually go into exile. In the list in Cicero's speech 'pro Balbo' (11, 28) there occurs as having become a citizen of Smyrna Rutilius Rufus, who was certainly condemned (92 B.C.) for *repetundae*. T. Albucius, who *animo aequissimo Athenis exul philosophabatur*,²²³ was accused by the Sardinians,²²⁴ and this can hardly have been for anything but extortion. The same is probably the case²²⁵ with L. Lucullus, father of the famous general, in 102 B.C.; he retired to Heraclea,²²⁶ though it is not expressly said that he became a citizen of that state. In the case of Cn. Dolabella, Verres's chief, exile seems to be implied by the reference to his children, *quos tu miseros in egestate et solitudine reliquisti*, and by the words *condemnato et ciccto*.²²⁷ Verres himself, as is well known, went into exile to Massilia. The load of misdeeds which would be proved against him in the *litis aestimatio* would doubtless have led to 'capital' actions for *maiestas* and *peculatus*, if he had not thus forestalled them. C. Antonius, Cicero's colleague in the consulship, after his condemnation for his extortions in Macedonia retired to Cephallenia,²²⁸ where as an exile he proceeded to found a new city, but gave it up when he was recalled home. Cephallenia was a *libera civitas*,²²⁹ whose franchise Antonius could conveniently take up. Besides these we have two cases of suicide of persons accused of *repetundae*, Silanus Manlianus (about 140 B.C.)²³⁰ and Licinius Macer,²³¹ who was tried before Cicero as *praetor repetundarum* in B.C. 66. Of the fate of others, probably of most of those condemned for *repetundae*, we have no information; but these instances²³² are sufficient to justify Mommsen's statement as to the general effect of condemnation, though the circumstance that it was worth while later on²³³ especially to add *infamia* and expulsion from the senate

²²² Mommsen (*ibid.* p. 509) gives instances to the point. We may perhaps add the reward proposed for the slave who betrayed his master in the proscriptions—*καὶ τῆ τοῦ δεσπότου πολιτεία* (Appian, *Bell. Civ.* iv. 11).

²²³ Cic. *Tusc.* v. 37, 108.

²²⁴ Cic. *in Verr. Div.* 19, 63.

²²⁵ See Zumpt, *Criminal-Prozess*, p. 475.

²²⁶ Cic. *Pro Arch.* 4, 8.

²²⁷ Cic. *in Verr.* i. 30, 77, and 39, 98.

²²⁸ Strabo, x. 456.

²²⁹ Pliny, iv. § 54.

²³⁰ Val. Max. v. 8, 3.

²³¹ *Ibid.* ix. 12, 7.

²³² I must express my obligations throughout this article to Zumpt's catalogues of trials, in the present instance to that given in the *Criminal-Prozess*, pp. 468-558.

²³³ Mommsen says (*Strafrecht*, p. 709) by the *Lex Servilia* of Glauca. He

to the pecuniary penalty seems to show a wish to sharpen the inducements to retire from the Roman state.

To set against all these we have one case which points the other way. 'L. Lentulus, a consular,' says Valerius Maximus (vi. 9, 10), 'after being overwhelmed by a charge of *repetundae* under the Caecilian law, was created censor along with L. Censorinus.' The censorship of this Lentulus was in the year 147 B.C., and his consulship had been nine years earlier. The commentators alter 'Caecilia' (no 'Lex Caecilia' being known) into 'Calpurnia,' and suppose that Lentulus was condemned by a jury court immediately after the passing of Piso's law in 149 B.C. This is possible, but by no means certain; it seems more probable that the conviction of Lentulus followed close on his consulship, and was the result of a special commission. The passage, if trustworthy, seems, however, to show that at one time it was possible to be condemned for *repetundae* without damage to a political career. The case of C. Porcius Cato in 113 B.C. is famous for the petty sum at which the damages were assessed—about 80*l.* It seems strange that he should have become an exile for so trifling a matter. Yet Cicero mentions him in his list in the 'Pro Balbo' as having become a citizen of Tarracena. The case has been used to support two opposite conclusions. On the one hand it has been argued that the fact that Cato did go into exile for so small an infraction of the law shows that 'capital' penalties must have attached to condemnation. Zumpt, on the other hand, believes that Cato must have been exiled as the result of some subsequent misdeeds, punishable as *maiestas*, and thinks that the circumstance that he held a position giving opportunity for such acts shows that no *infamia* or disqualification for office resulted from his conviction for *repetundae*. The whole matter is very obscure, and we should never have heard of it if C. Cato had not served as a favourite illustration²³⁴ of the scrupulous severity of equestrian juries, even where the wrong done was slight.

On the whole it appears that there is no certain case of a person condemned for *repetundae* remaining in Rome since the standing jury court was first instituted by Piso Frugi in 149 B.C., and gives no evidence, and I know of none save, possibly, the apparent connexion of the *Lex Servilia* with the 'calamitas senatoris' in Cic. *Pro Balbo*, 24, 54. Mommson believes that here too Sulla abolished and Caesar renewed this penalty. Yet Cicero (in *Verr.* ii. 31) seems to assume that in 70 B.C. the question whether Verres will remain in the senate and serve on juries depends on whether he is found guilty for *repetundae* or not. The only thing we know for certain is that this penalty survived in the *Lex Iulia*, as administered under the principate (*Strafrecht*, p. 729). Cicero uses 'blood' and 'life' quite as freely when defending Flaccus against a charge of extortion as he does on behalf of any of his clients who are accused on 'capital' charges.

²³⁴ Cic. in *Verr.* iii. 80, 184, and elsewhere. For Zumpt's opinion on the case see *Criminal-Prozess*, p. 471.

only one, and that resting on the frail authority of Valerius Maximus, after the first occasional trial before *recuperatores* in 171 B.C. What it was that drove all these offenders into banishment, must remain an unanswered question; and the same difficulty occurs with the self-exile of persons in danger of bankruptcy (see above, p. 265 n. 221). I do not wholly despair that some long-lost text or inscription may hereafter be discovered, which shall show that consequences, now unknown to us, but extending far beyond the seizure and sale of goods, were connected in some indirect way with these convictions; and that somewhere in these consequences is to be found the missing motive for the renunciation by the convicts of their Roman citizenship. All that can be said at present is that there is no evidence in support of so satisfactory a solution, and that the puzzle must be left where it stands.

I pass with less feeling of uncertainty to the subject of capital trials before jury courts, though it is here, more than anywhere else, that I feel myself unable to follow in the track of my guide. I will first attempt to sketch the history and nature of these trials, as I read them in the light of the ancient authorities, and will then state as clearly as I can the points in which I differ from Mommsen in the interpretation of those authorities.

The system of jury courts, developing its procedure from private law and its consequences from public law, which began with trials for *repetundae*, was gradually extended to cover other crimes. It is a doubtful point how many standing courts existed before the time of Sulla, but all were taken up in his legislation. In some cases the 'Leges Corneliae' of Sulla remained the nucleus of statute law, round which the lawyers of the principate built up their system of jurisprudence;²³⁵ in other cases the 'Leges Corneliae' were remodelled into 'Leges Iuliae' either by the dictator Caesar or by Augustus. The period from Tiberius to Diocletian was, as Mommsen points out,²³⁶ barren of fresh legislation. 'On the century of active legislation extending from Sulla's dictatorship to Augustus's death there follow, introduced by the paralysis of all free movement under the rule of his stern successor,

²³⁵ Mommsen has an interesting passage (*Strafrecht*, p. 531) in which he points out the defects of this system, compared with the work of the same men in the field of civil jurisprudence. Especially, he says, there is nothing in the Roman criminal law which will bear comparison with the treatment of 'iniuria' as a civil wrong, 'a masterpiece not only of jurisprudence but above all of legal practice, and to this day a humiliating proof that the progress of humanity is always just as much a retrogression.' It is a difficult question whether Sulla treated 'iniuria' as merely a civil wrong. In the next paragraph I have assumed this to be so. There is no contemporary evidence for a criminal 'quaestio de iniuriis,' and the references in the later jurists to the *Lex Cornelia de Iniuriis* are by no means decisive. See *Strafrecht*, p. 785.

²³⁶ *Strafrecht*, pp. 130, 529.

three centuries of stiff and senseless retention of the established order, the evil results of which will be brought out when we come to the apportionment of penalties in the fifth book.' These evil results ('Strafrecht,' p. 1038) are found to consist mainly in the disappearance of the rule of law from the penal jurisdiction and the reference of everything to the arbitrary discretion of the judge or of the head of the state.

In the last generation of the republic under the Cornelian system theft, adultery, with probably other gross offences against morals ('Lex Scantinia'), and injury or insult, directed against person or property, are still 'private crimes,' and are dealt with by the urban praetor under the forms of a private suit, in which, however, we must include the *popularis actio*, brought by a common informer for the recovery of the fine prescribed. On the other hand we have criminal jury courts for murder (*quaestio de sicariis et veneficis*), which includes arson and perhaps barratry,²³⁷ for conspiracy to convict the innocent (*ne quis iudicio circumveniretur*), for treason (*maiestas*), for organised conspiracies to influence elections (*de sodaliciis*, after 55 B.C.), for embezzlement of state money (*peculatus*), for violence, rioting, and intimidation (*de vi*), for forgery and fraud (*de falsis*), for ordinary corrupt practices at elections (*de ambitu*), for extortion (*repetundarum*), and finally for malicious or collusive prosecution (*calumnia* and *praevaricatio*), charges which were dealt with by the jurors who had tried the case out of which they arose. Each fresh *quaestio* is looked upon as bringing for the future a new range of offences under the direct cognisance of the will of the people as expressed in its laws and enforced by its courts. Mommsen happily quotes²³⁸ Cicero's remarks on the effect of the 'Lex Cornelia de falsis,' *ut quod semper malum facinus fuerit, eius quaestio ad populum pertineat ex certo tempore*.

Except in the last three cases mentioned (*ambitus*, *repetundae*, and abusive prosecution) all²³⁹ the charges included in the list are described in our authorities as 'capital,' and of many of them we find it recorded in the later jurists, *Lex Cornelia aqua et igni interdicti iussit*. That capital consequences should be attached to condemnation in that which is by origin and tradition a private suit between citizen and citizen had nothing in itself shocking to the Romans. In the old days of self-help such result would often ensue from a 'private crime,' and there is nothing to prevent the people from attaching what consequences it pleases to condemnation by this or that set of jurors. Accordingly we find Ulpian²⁴⁰ quoting the 'Lex Cornelia de Sicariis,' *ut praetor quaerat de capite eius qui cum telo*

²³⁷ *Strafrecht*, p. 646.

²³⁸ *Ibid.* p. 670; Cic. *in Verr.* i. 42, 108.

²³⁹ It is possible that 'peculatus' should also be included among the exceptions, but I think not. See *Strafrecht*, pp. 769-771.

²⁴⁰ See *Strafrecht*, p. 629.

ambulaverit hominis necandi causa, and Cicero²⁴¹ quoting the law against conspiracy which Sulla borrowed from Gracchus (*quae tunc erat Sempronia, nunc est Cornelia*), DE CAPITE EIUS QUÆRITO.

On the other hand there is no trace in all the voluminous evidence supplied by Cicero's speeches that a single Roman was ever put to death in his time by regular course of law. Without exception the persons condemned on 'capital' charges go into exile. This again is no new thing; we have seen (above, p. 249) that it was the fashion in Polybius's time for persons to save themselves from death 'by pronouncing voluntary exile against themselves and finding refuge in a neighbouring state.' There is this difference, however, that whereas under the *régime* of trials before the people it was possible, if the tribunes permitted, for the magistrate to prevent this *ἐκούσιος φυγαδεία* by locking the accused up beforehand, the private accuser who appears under the jury-court system has no such power,²⁴² and is obliged to content himself with a summons, which has as little effect on impeding the flight as had the trumpet blast by which M' Sergius was to summon 'the wicked Titus Quinctius Rocus' (see above, p. 251).

What is it that happens when a man goes into exile? Here we get a most complete and logical account from Cicero in his speeches 'Pro Caecina' and 'De Domo.'

I wish (he says),²⁴³ as they are fond of precedents from the civil law, that they would adduce any instance of persons who are deprived by law of Roman citizenship or of liberty. For as regards exile it can be clearly shown what its nature is. Exile is not a punishment, but an asylum and harbour of refuge from punishment. For persons who wish to evade some punishment or some ruin on that account 'shift their ground' (*solum vertunt*)—that is to say, take up a new seat and habitation. And so it will be found that in no law of ours has any crime been punished by exile, as it is in other states; but forasmuch as men shrink from the chains, the death, the disgrace which have been ordained for them in the laws, they betake themselves to exile as to sanctuary. If they chose to remain in the state and abide the weight of the law, they would lose their citizenship only with their last breath; now, as they do not choose this, the citizenship is not taken away from them, but laid down and abandoned by themselves. For since by our law no one can belong to two states at the same time our citizenship is lost then, and not till then, when he who has fled is received into exile—that is to say, into another state.²⁴⁴

²⁴¹ *Pro Clu.* 54, 148.

²⁴² *Strafrecht*, p. 390. See also *ibid.* p. 328. 'The praetor presiding over these courts could apply the magisterial summons, but the right to exercise preliminary arrest seems to have been wanting to him; at least the accused seems always to have been at large, even in the murder trials.'

²⁴³ *Cic. Pro Caec.* 34, 100.

²⁴⁴ It will be remembered that Pleminius was still liable to Roman law, and was actually seized and brought back when he was on his way to Neapolis, but had not yet arrived there (see above, p. 250).

And again in the 'De Domo,' 30, 78—

No persons condemned on capital charges ever²⁴⁵ lost their Roman citizenship until they were received into that state to which they had come for the purpose of 'shifting'—that is, changing their ground. And the authors of our laws compelled²⁴⁶ them to do this not by taking away their citizenship, but by forbidding them shelter, fire, and water.

These statements of Cicero are in absolute agreement with that of Polybius regarding the voluntariness of the act, the reasons which a criminal has for performing this act,²⁴⁷ and the refuge afforded to him in a fresh state. The only difference is that Cicero can no longer name Tibur or Neapolis, because they have become, since the Social War, a part of Rome, and that he supplements Polybius by explaining that 'the voluntary exile is pronounced' by means of the renunciation of one citizenship in the act of accepting another. Curiously enough Mommsen adopts this view of *exilium* under the Cornelian laws in one case—that of the parricide—but treats it as an exception;²⁴⁸ 'the *quaestio*, the reference by a general or special law of what is by public penal law a capital crime to the decision of a single juror or a bench of jurors by no means in itself excludes a sentence of death . . . The standing commission for murder even under Sulla's ordinances condemned to death the murderer of near kindred.' This is explained in another passage (p. 644, n. 3).

Immediately after the Cornelian law against murder was passed, the accusation set on foot under it of Sex. Roscius for parricide led up to the punishment of death, and death in ancient fashion in the sack, though it is true that it was open to the criminal to withdraw himself from the condemnation by exile.

I should entirely agree with the general statement in the first sentence, and my only objection to the remarks about the parricide

²⁴⁵ The imperfect tense seems to be used because Cicero is speaking throughout this passage of what had been laid down by the wisdom of the ancients—'ius a maioribus nostris . . . ita comparatum est.' We must not infer from the tense that Cicero was describing a state of things which had passed away. Such an inference would bring this passage into contradiction with that from the *Pro Caecina*, where the present tense is used throughout. Mommsen evidently recognises this, for he does not find any conclusion on the use of the past tense here, though it might plausibly have been alleged to support his own view. Both in the *Pro Caecina* and in the *De Domo* it would have helped Cicero's argument if he could, without fear of contradiction, have added, 'but all this is ancient history, and, as things are now, men do not lose their citizenship, even when condemned.' That he does not use so tempting a plea is pretty good evidence of facts within the knowledge of his hearers, which prevented his doing so with any plausibility.

²⁴⁶ The phrase 'id ut esset faciundum . . . faciebant' is so awkward that one is tempted by the amendment 'adigebantur' (for 'faciebant'), adopted by Zumpt (*Crim.-Proc.* p. 456).

²⁴⁷ Mommsen (*Strafrecht*, p. 966) styles it very happily 'die freiwillige, wenn auch widerwillige Auswanderung.' The man finds that 'the climate of Italy does not suit him.'

²⁴⁸ *Strafrecht*, p. 942.

is that I think that they ought to be applied to *all* criminals convicted on a 'capital' charge.²⁴⁹

To return to the conception of *exilium*. It obviously consists of two parts, both equally necessary to its completion. First, there must be the physical withdrawal to some safe place (*solum vertere*); secondly, the withdrawal must be *exilii causa*, with the intention of going not as a visitor but as a settler. Given these two things, the *ius exulandi* works automatically; 'it realises itself by virtue of the standing treaties without the co-operation either of the community into which the man enters or that from which he retires.'²⁵⁰

Of the physical withdrawal I have already said enough: it was a matter of fact, as to which in each case there can have been little doubt. But it is otherwise as to the intention of the *exul*. This could only be presumed from his situation or inferred from his words or actions, and he might afterwards say that the inference was wrong, and that he had never really meant to naturalise himself abroad. Cicero practically does this in his speeches after his return from banishment. The Romans had, therefore, to take precautions against such tergiversation. It is said that a member of the duke of Wellington's cabinet, who had resigned office in a pet, wished to withdraw his resignation on the ground that 'there had been a mistake.' 'It is no mistake,' replied the prime minister; 'it can be no mistake; it *shall* be no mistake.' The Romans retorted in much the same way. They could not deprive a man of

²⁴⁹ The question of what was done with the 'common malefactor' has greatly exercised the critics. What happened to the street ruffian who knocked down a peaceful citizen and took his purse? Zumpt thinks that the criminal whose guilt was evident or confessed was dealt with summarily, and never allowed the chance of *provocatio* or of a jury trial, or of any of the other contrivances for evading the death penalty. This is repeated *ad nauseam* on page after page in Zumpt; but see especially *Criminalrecht*, II. i. 289, where he says that *provocatio* 'was very seldom allowed.' This is going much further than Mommsen (see above, p. 251), who holds that liability to previous arrest, not denial of *provocatio*, befell the 'common criminal.' The whole superstructure of Zumpt seems to rest on no better foundation than a single case (Suet. *Aug.* 33), by which it appears that in Augustus's time parricides were sewn in the sack only if they confessed, and on a remark of Cicero (*Pro Murena*, 20, 42) that the 'quaestio peculatus' was a dreary business, 'plena catenarum.' Mommsen (*Strafrecht*, p. 328, n. 5) disposes of this last by referring it to the public slaves employed as clerks. Mommsen himself in the *Staatsrecht* (iii. 1242) was inclined to think that under the constitution of Sulla the 'common offender,' caught red-handed, was thrown into prison and strangled (just like Lentulus and his companions in the Catilinarian conspiracy) as a public enemy. In the present work (p. 979) he hints at the same thing in a very hesitating manner (see below, p. 286). I have expressed my own opinion (above, p. 252) that the Roman citizen, like the dog in English law, 'has a right to his first bite.' See A. C. Clark, Introduction to Cic. *Pro Milone*, p. xvi.

²⁵⁰ *Strafrecht*, p. 69, n. 1. Compare the case of the foreigner in Cicero (*De Orat.* i. 39, 177) 'cui Romae exulare ius erat.' The point has some interest as refuting Zumpt's supposition that admission to a strange state is in each case a special privilege, for which the Roman noble who has failed to 'keep on the windy side o' the law' would not sue in vain, whereas it would be denied to the vulgar offender.

his citizenship, but they could (much as in the case of the *perduellis* described above ²⁵¹) authoritatively take notice in case of doubt that he had duly deprived himself. *Cn. Fulcius exulatum Tarquinius abiit; id ei iustum exilium civit esse plebs.*²⁵² They could decree in like manner that if he did not appear on a certain day *videri eum in exilio esse.*²⁵³ Further the case was to be provided against that the man might claim to return, clothed in a new nationality, as a foreigner merely sojourning in Rome; and again it was at least a tenable view ²⁵⁴ that, if he came back, he would, whether he wished it or not, recover his Roman citizenship by *postliminium*. All these contingencies were guarded against by the *ignis et aquae interdictio*. Mommsen is possibly right in believing that this edict was originally a magisterial act applicable at discretion against any foreigner whom it was desired to expel and keep away from Roman territory, and applicable only against foreigners. It would consist in 'his permanent exclusion from the legal protection generally accorded to strangers on Roman ground, and in case of contravention the threat to treat as an enemy him or any one who received or supported him.'²⁵⁵ In other words it is 'the decree of magistrate or people, by which the Roman community gets rid of a non-citizen once for all, and forbids him to tread Roman soil on pain of death.'²⁵⁶

But, if originally applicable against foreigners, the use of *ignis et aquae interdictio* is in historical times practically confined ²⁵⁷ to the case of persons who have once been citizens. Notice was thereby given them that, whether they afterwards denied the fact or not, they were held to have become aliens, and aliens who had been warned off Roman ground. Not only so, but their ceasing to be Romans was anticipated. In the case of Postumius, referred to above,²⁵⁸ we find in the event of his not appearing—*videri eum in exilio esse, bonaque eius venire, ipsi aqua et igni placere interdicti*. This is conditional, but the sentence soon comes to be fulminated directly against persons who are not yet foreigners, sometimes even against those who have no chance of becoming foreigners. It is certainly prescribed for the man who chances to survive the military 'fustuarium' (see above, p. 233 n. 63), of whom Polybius (vi. 37, 4) says, 'He is not allowed to return to his country, and none even of his kindred would dare to receive him into their houses.' In all probability the same form of words was used against the victims of the Sullan proscriptions. I am not aware that they

²⁵¹ See above, p. 260, especially the words, 'The effect of the verdict therein pronounced is not condemnatory but declaratory.'

²⁵² Livy, xxvi. 3, 12.

²⁵³ *Ibid.* xxv. 4, 9.

²⁵⁴ See the interesting case of Publicius Menander in Cicero, *Pro Balbo*, 11, 28.

²⁵⁵ *Strafrecht*, p. 72.

²⁵⁶ *Ibid.* p. 964.

²⁵⁷ *Ibid.* p. 935.

²⁵⁸ Livy, xxv. 4, 9.

are ever precisely quoted, for the general term *proscriptio* acquired a sort of technical sense as a short description of these horrors; but the Greek writers use ἐκκηρύσσειν or ἐπικηρύσσειν indifferently for the action of Sulla or of the triumvirs (43 B.C.),²⁵⁹ for that of Popillius²⁶⁰ against the adherents of Tiberius Gracchus, for that of Saturninus²⁶¹ against Metellus, and for that of Clodius against Cicero.²⁶² As regards the more regular action of the law courts Cicero tells us generally (see above, p. 271) that Romans were driven to join a new state *ignis et aquae ademptione*. Augustus describes his action under the 'Lex Pedia' in the words, *qui parentem meum interfecerunt, eos in exilium expuli, iudiciis legitimis ultus eorum facinus*,²⁶³ whereas Dio Cassius (xlv. 48) says of their sentence, *πυρὸς καὶ ὕδατος εἴρχθησαν*. *Proscriptio* and *interdictio* are in principle the same thing, and may be equally directed against citizens; many modifications, however, and these of great practical importance, are possible, especially in the extent of territory within which the outlawry is to run, and in the penalties threatened against those who harbour the victims. Sulla's outlawry of the Marians extended over the whole world, leaving no door of escape, and involved all who succoured the fugitives in the same peril. Clodius, whose cruelty Cicero associates with that of Sulla, while threatening like penalties, limited the application of them locally; a local limitation is likewise found in case of the *ignis et aquae interdictio* which results from condemnation in one of the standing jury courts.

In all cases the state 'makes an open appeal to popular execution of the death sentence'²⁶⁴ as the means of enforcing its will; but it makes a great difference whether the permission to kill is stimulated by reward, as in Sulla's proscriptions, and aided by penalties against those who obstruct it, or whether it is merely left open, so that 'what is everybody's business is nobody's.' Two cases occur in which the 'prohibition of fire and water' seems to be without practical consequences; Oppianicus, condemned for attempt to murder, nevertheless²⁶⁵ wanders about in Italy and finally dies in the neighbourhood of Rome, where he has hired lodgings just outside the gate, and Q. Pompeius after a condemnation *de vi* is found living at Bauli,²⁶⁶ in the neighbourhood of Naples. It may be noticed that in the first case public opinion held Oppianicus to be an innocent man, who had been condemned by a bribed jury, and in the second that Pompeius had some

²⁵⁹ For Sulla see Dio Cassius, xxxvii. 10, 2; for the triumvirs *ibid.* xlvii. 7, 4; 11, 3; 12, 2; Appian, *Bell. Civ.* iv. 14.

²⁶⁰ Plutarch, *Tib. Gracch.* 20, and *C. Gracch.* 4.

²⁶¹ Appian, *Bell. Civ.* i. 31: *καὶ τοὺς ὑπάτους ἐπικηρύξαι, μηδένα Μετέλλω κοινωνεῖν πυρὸς ἢ ὕδατος ἢ στέγης.*

²⁶² Dio, xxxviii. 17, 7 (*προσεπεκηρύχθη, &c.*)

²⁶³ *Mon. Ancyr.* 2.

²⁶⁴ *Strafrecht*, p. 623.

²⁶⁵ Cic. *Pro Clu.* 62, 175.

²⁶⁶ Cic. *Ad Fam.* viii. 1, 5.

powerful friends, for Caelius Rufus was able to compel certain fraudulent trustees to do their duty by him.²⁶⁷ Under any such favourable circumstances the trespasser on forbidden ground probably ran no great risk. Mommsen remarks²⁶⁸—

The killing without judicial proceeding of the banished man caught on Roman ground²⁶⁹ must have been treated as permitted with impunity rather in theory than in practical application; such a proceeding is irreconcilable with the rule of law, and there are no certain instances of its practical impunity.²⁷⁰

Perhaps a practical distinction may be drawn between an inner and an outer circle of territory. The 'Lex Julia Municipalis' describes the exile as *iudicio publico damnatus, quocirca eum in Italia esse non liceret*. We find, however, that the tribunes²⁷¹ each year passed a special edict forbidding any person condemned on a capital charge to be in the city of Rome. It is quite possible that they would take active measures against any one who disregarded their own express prohibition, though the wider prohibition of the law, affecting the whole of Italy, might be more of a dead letter.

On the whole, then, we are entitled to say that the *ignis et aquae interdictio*, as ordained in Sulla's laws, was a death sentence, though one which might be evaded with great ease, and hence the words of his law *de capite eius quaerito* are fully justified. Mommsen is fairly puzzled with these words, as well he may be.

We must refer them (he says) to the consideration that the 'breach of ban' was in fact punished with death, and that so *interdictio* might be described as a qualified death penalty; and it is further worth while to notice that the punishment of treason and murder by simple banishment seemed objectionable, and that on that account choice may have been made of this form of expression, which is at best an astonishing one, and only occurs in this connexion.²⁷²

This appears but a lame account of the matter, and Mommsen seems irritated at having to admit so much as that *interdictio* is a qualified death sentence. He speaks elsewhere²⁷³ of *interdictio*, 'if

²⁶⁷ Val. Max. iv. 2, 7.

²⁶⁸ *Strafrecht*, p. 936.

²⁶⁹ There is no English and no Latin equivalent for the German 'Bannbruch' and 'bannbrüchig,' which occur in almost every sentence of Mommsen's discussion of this topic. The paraphrase must, of course, be so framed as to include both the man who has gone into banishment and come back and the man who has neglected to go at all.

²⁷⁰ Cicero never attempts to plead that the death of Oppianicus cannot be the subject of a criminal charge, because he had no business to be in Italy. But the wide terms of the *Lex Cornelia*, 'quicumque venenum malum fecerit, vendiderit, emerit, habuerit, dederit' (*Pro Clu.* 54, 158), would probably have included Cluentius's alleged act, without regard to the quality of the victim, just as (in spite of the 'patria potestas') a father who secretly murdered his son was liable (see the obscure case of Q. Fabius Maximus, *Strafrecht*, pp. 174, 614, 618). There is no occasion, therefore, to suppose, with Zumpt (*Crim.-Proc.* p. 466), that the circumstance that Cluentius was stepson to Oppianicus made the difference.

²⁷¹ Cic. *in Verr.* ii. 41, 100.

²⁷² *Strafrecht*, p. 907.

²⁷³ *Ibid.* p. 334, n. 2.

we are to call that a capital proceeding,' and finally²⁷⁴ says downright that 'interdiction under Sulla's legislation can be included under capital punishment only by straining the sense.' I venture to think, on the contrary, that there is no straining of the sense, and no breach of historical continuity, that a *iudicium capitis*, throughout the republican period, meant, in the mouth of a law-giver (whatever it may have meant in the mouth of an advocate), a sentence of death; and that it is a subsequent question, and legally a subordinate one, whether at different epochs the death sentence might be evaded with more or less ease.

That the practical outcome of such a sentence is in Cicero's time in all cases not death but exile (as Polybius says it was already in his own time) is freely admitted; and this consideration is, to my mind, sufficient to account for the fact that *exilium* is constantly used in a loose way, not only by other writers, but by Cicero himself,²⁷⁵ in flat defiance of his own doctrine in the 'Pro Caecina,' as the name of the punishment which the law prescribes for offences. If we tried to bring Cicero to book for his inconsistency he would probably retort on the critics—

Per quos non licet esse neglegentem—

and plead that in the one case he was accurately laying down the legal doctrine of what sentence could be passed on a man, in the other he was equally accurately describing what was likely to happen to the man in consequence.

The innovation introduced by Sulla, or his immediate predecessors, consists not in the death penalty nor in its evasion by *exilium*—these are an old story—but in the new arrangements necessary to connect this penalty with trial by jury, which was originally invented for a very different purpose. How was this connexion effected? Unhappily there is no answer to be found in the quotations from Sulla's laws which survive; but an answer may be supplied from elsewhere. When Clodius invaded the mysteries of the Bona Dea in 62 B.C. it was found that none of the standing *quaestiones* were competent to deal with the matter, and that, if it were to be brought before a jury court at all, it must be in virtue of a law passed for the occasion. Two bills were drafted for the purpose, which, however, were precisely the same²⁷⁶ except in one detail as to the method of selection of a jury, and the bill of the tribune Fufius, Clodius's friend, was accepted. This is how Cicero describes the procedure:²⁷⁷ *Familiarissimus tuus de te privilegium tulit, ut, si in opertum Bonae Deae accessisses, exulares*. The *exulares* I have already explained—it is a mere short cut anticipating the practical result—there can be no doubt

²⁷⁴ *Strafrecht*, p. 909.

²⁷⁶ Cic. *Ad Att.* i. 16, 2.

²⁷⁵ See a number of cases in *Strafrecht*, p. 966, n. 3.

²⁷⁷ *Paradoxa*, iv. 32.

that what the law really said was *igni et aqua interdicatur*. There was then a sentence of death, though of death easily avoidable, pronounced against Clodius by name. The law was thus a *privilegium* in that it was directed against an individual, but not a *privilegium* of the kind forbidden by the Twelve Tables, because it was not an absolute sentence, but one conditional on the finding of a jury.²⁷⁸ It was of the nature of legislation, not of a *iudicium*, and as such it could be passed not only by the Comitia Centuriata, but by any of the assemblies having legislative power. Conditional sentences of the sort against individuals are not without precedent; we have an example in the sentence passed against Postumius by name *if* he did not appear,²⁷⁹ and a similar one is to be found in the decree²⁸⁰ passed by the tribunes against Camillus in 367 B.C.: *Si M. Furius pro dictatore quid egisset, quingentum millium ei multa esset*.²⁸¹

Now how are we to analyse the part taken by the various actors in the drama of Clodius? The analogy of *iudicia ordinaria* in private suits²⁸² rises at once to the mind. There the praetor in granting his *formula* utters a sentence, all the force of which comes from his magisterial *imperium*; but it pleases him to make the falling of this sentence depend on a condition—namely, the finding of a *iudex* on certain points submitted to him—*SI PARET*. Within the four corners of his *formula* the *iudex* is absolute; he has to find 'yes' or 'no' on whatever questions the praetor has asked him, and his answer is without appeal; but, once he has answered, the effect which that answer is to have is prescribed to him beforehand.²⁸³ Now in the case of Clodius a part analogous to that of the magistrate in civil suits is played by the people²⁸⁴ itself; the people alone can sentence to death; and so it does; but

²⁷⁸ Cicero (*De Domo*, 17, 43) lays stress on this point in pleading against the legality of Clodius's proceedings against himself; it is 'poena in cives Romanos nominatim *sine iudicio* constituta,' which traverses the law of the Twelve Tables, and can only be paralleled by the proscriptions of Sulla.

²⁷⁹ See above, p. 273.

²⁸⁰ Mommsen considers this an invention; certainly Livy, though he found it in some of his authorities, is inclined to disbelieve it. Whether it is true in fact or not it is useful as an illustration of what was considered by early historians to be constitutionally possible. See *Strafrecht*, pp. 882, 1018.

²⁸¹ Livy, vi. 38, 9.

²⁸² See Mommsen's reference to the procedure in private criminal cases, above, p. 240.

²⁸³ Cicero (*In Verr.* ii. 12, 31) amusingly illustrates the dependence of the 'iudex' by inventing a burlesque formula, under which the righteous juror would be obliged to be a wheel in the machinery for evolving injustice.

²⁸⁴ This may seem a hard saying, but I do not mean to ascribe magisterial power to the people, and only say that the use which the people chooses to make of its legislative power here is *analogous* to that which the magistrate makes of his *imperium*. This would not appear very strange to a contemporary of Caesar and Cicero, who lived to see the people prescribe in the *Lex Rubria* exactly what *formulae* the local magistrate was to issue in each case.

in the plenitude of its power it chooses to order that a praetor, guided to an authoritative answer by the *consilium*²⁸⁵ of a bench of *iudices*, shall supply the condition under which alone the sentence is to take effect—*SI ACCESSISSES*. Once the praetor has pronounced the verdict *Fecisse videri* the appointed condition has been fulfilled, and the penalty prescribed falls due automatically on the culprit. The dignity of the magistrate is still saved in that the *quaestio* is his,²⁸⁶ and that it is his official utterance which condemns (see above, p. 240); but the punishment is that of the law and not of the magistrate or the jury, so much so that Cicero argues²⁸⁷ with logical consistency that the penalty may afterwards be altered by the people which imposed it without in any way infringing the sanctity of the *res iudicata*. This stops short with the verdict itself, which nothing can reverse. As the people attaches what condition it pleases to the fulfilment of its order, so it regulates all the details of that condition; especially it prescribes how the praetor is to constitute his *consilium*: the most notable instance, besides this of Clodius, is to be found in the elaborate regulations laid down for the trial of Milo.

The practical result of the introduction of the juror in very early times into civil suits, and the introduction of the jury system at a later period into criminal jurisdiction, is in each case to shift the main responsibility for the decisions arrived at. It is really a devolution of power, a burden taken from the shoulders of the magistrate in civil and of the magistrate and people in criminal trials. But in form the original power and responsibility are always there, and the persons in whom they are vested merely

²⁸⁵ I feel no doubt that the legal position of the jurors always is that they are the 'consilium' of the praetor, though the binding force of their counsel is stiffened by the positive injunction laid on the praetor to pronounce what, after all, is *his* verdict according as they advise. It is formally a mere matter of detail whether the person who asks advice is free to reject the opinion of his counsellors (as is the general at the head of his army) or is practically bound to abide by it (as is the consul in presence of the senate), or is legally compelled to conform to it (as is the magistrate in a *municipium* to the decree of the decurions; see *Lex Ursonensis*, ch. 129). I cannot agree with Mommsen (*Strafrecht*, pp. 213, 443) that 'the retention of their appellation as 'counsellors' is merely a reminiscence, and a respectful presentation of the new position of the magistrate' (see *Lex Acilia*, vv. 57, 60; *Cic. Ad Att.* i. 14, 1, and i. 16, 4). Another conjecture of Mommsen (*Strafrecht*, p. 208), that the presiding magistrate voted along with the jurors as one of his own *consilium*, seems to me very improbable in itself and difficult to reconcile with the remarks of Cicero (*In Verr.* act. i. 10, 32) about Metellus as juror or as praetor: 'malim . . . iurato suam quam iniurato aliorum tabellas committere.' Mommsen's chief argument, from the even number of jurors in the *Lex Acilia*, loses its force when we consider that the law provides no security that the whole fifty shall vote. After the exclusion of those who said 'amplius' (v. 49) and those who sent in blank tablets (v. 54) it would be purely a matter of chance in each case whether the number of those who gave votes which could be counted proved to be odd or even. We find an actual case of equality of votes which puzzled the praetor in Caelius's letter (*Cic. Ad Fam.* viii. 8, 3).

²⁸⁶ *Pro Clu.* 53, 147.

²⁸⁷ *Pro Sulla*, 22, 63.

choose in their own good will and pleasure to realise them in a complicated and conditional rather than in a simple and direct utterance. A conditional command is as much the expression of the will of the party commanding as a conditional legacy is the expression of the will of the testator.

Though the working of the different parts of the machinery is best seen in the case of a *privilegium* like that directed against Clodius, the same principles prevail when the people fulminates its death sentence not at an individual, but at a whole category of persons, on every one in fact who has offended, if it can be shown to the satisfaction of a jury that he has so done. The *locus classicus* in illustration of this is from the First Philippic (9, 23). *Quid? quod obrogatur legibus Caesaris, quae iubent ei qui de vi itemque ei qui maiestatis damnatus sit, aqua et igni interdicti? Quibus quum provocatio datur, nonne Caesaris acta rescinduntur?* Now why does granting an appeal in such cases traverse Caesar's Acts? Evidently because the people, on Caesar's *rogatio*, has already decided what is to be done with such persons. It has sentenced them to death by *ignis et aquae interdictio*. The condition attached to that sentence has accrued, so soon as the jury find in each case that the man is guilty, and the punishment is bound to follow, as the people has ordered. To ask the people again to decide on the particular case is to ask it to reverse a command which on Caesar's request it has uttered. The people has, in fact, exhausted its powers in the fulmination of the sentence and the creation of the jury court; just as the praetor in civil cases exhausts his powers when he issues the *formula* to a *iudex*. If the *iudex ordinarius* had been a delegate, discharging all the functions of the praetor in his stead, there would under the Roman system have been an appeal from the delegate to the delegator, as was actually the case with the *iudex extra ordinem datus* of the principate.²⁸⁸ But under the formulary system it is otherwise; the *iudex* does not act instead of the praetor, but merely supplies information which the praetor happens to want. Thus there can be no appeal; not on the question of fact, for it has pleased the praetor to say that he will take the fact as the *iudex* finds it; nor on the question of the consequence, for the praetor has already prescribed what is to follow, and must not be asked to eat his own words. The same principles apply *mutatis mutandis* to these criminal trials. The law is the utterance of the people, just as the *formula* is the utterance of the praetor. On the strictest analogy appeal to the people is barred by the existence of a law in which the people's answer is already embodied.

To sum up, the system of capital trials before juries under the regulations of Sulla is that the people by a *lex* sentences before-

²⁸⁸ See *Staatsrecht*, ii³. 984.

hand a certain class of criminals to death by outlawry or proscription (*ignis et aquae interdictio*), making the sentence conditional in each case on the finding of a praetor and jury that a particular man is guilty of the crime in question. When the verdict is delivered the condemned man must hurry away from punishment; he must extinguish his personality as a Roman citizen, thus putting himself under a new jurisdiction, which will not take cognisance of things done in a former state of existence. I cannot express my own view of the effect of *exilium* better than in Mommsen's words.

Equally with the dead man there is excluded from Roman criminal procedure every man who is severed from the jurisdiction of Rome. Now since every Roman citizen is subject to that jurisdiction, even when he happens to be abroad, and every foreigner is so subject when he happens to be on Roman territory, it follows that the only persons excluded are foreigners who live abroad, and the Roman citizen can withdraw himself from it only if on the one hand he quits Roman soil (*solum vertere*) and on the other hand attaches himself to some state whose independence is formally recognised by Rome, as a citizen or in such other way that his reception into it annihilates his Roman citizenship.²⁸⁹

Now if, as I believe, this doctrine remains true to the end of the republic, it will follow that the man capitally condemned under Sulla's laws to *ignis et aquae interdictio* will not be quite safe while he remains a Roman, even outside the local limits assigned to the special ban. He is still a man *capite damnatus*, and the state and its officials may, if they please, and if they can get hold of him without violating neutral territory, execute the death sentence implied in the *de capite eius quaerito*, though they no longer call on the private citizen to help in the vengeance or threaten penalties on those who succour the convict. It is only by 'casting his old slough' and commencing a new life as a foreigner that he is fully secure. This is never stated *totidem verbis* in our authorities, but it is implied in the universal presumption that the condemned man *must* have taken the course, so necessary to him,²⁹⁰ of changing his citizenship. We see, in the passage from the 'Pro Caecina,' that *exilium* in the sense of *deponere civitatem*, not merely of removing beyond the bounds, is the sanctuary—the *ara*, the *portus*, the *perfugium supplicii* which gives security. We find that it is a *iustum exilium*, of which the people takes note, that it has been performed by Cn. Fulvius. We see Clodius insulting Cicero after his return,²⁹¹ by asking him, *Cuius civitatis es?* implying that, as he sees him in a whole skin, Cicero must have

²⁸⁹ *Strafrecht*, p. 68.

²⁹⁰ We find much the same sort of presumption in the old comitial trials; it is so obviously the interest of the condemned man to appeal that it is always taken for granted that he has done so (see above, p. 242).

²⁹¹ *De Har. Resp.* 8, 17.

saved it by ceasing to be a Roman, and Cicero²⁹² in turn flaunting in the face of his enemy the decree of the senate in which he is described as *CIVEM optume de republica meritum*. Cicero's claim is that the whole proceedings against him were null and void, and that he was merely driven away by physical violence; but he would hardly have been so anxious to prove, as he does by pages of argument, that he had never ceased to be a Roman, unless it were notorious that a sentence of *ignis et aquae interdictio* would, as a general rule, compel a man to take the step necessary to divest himself of his former nationality.²⁹³ Once this is done the only liability for his former misdeeds which remains is that he is obliged to avoid the soil of Italy, which he is forbidden, even as a foreigner, to tread.

As a matter of fact it was probably no great sacrifice to the banished man to surrender his Roman citizenship. He cannot return to Italy in any case; his political career, if he had one, is ruined. Even if he becomes 'subject to the axe and the rods,' no Roman magistrate is likely to use them against him, and there is some value in the possession of a domicile and a franchise by virtue of which he may claim protection at least when he travels throughout the Roman world, excepting only Italy. We know of one case at least in which such a transformation actually took place. C. Memmius Gemellus, the *Memmi clara propago* of Lucretius, was condemned in Pompey's sole consulship (52 B.C.), and died apparently before the restoration of the victims of that year by Caesar at the end of 49 B.C. Cicero writes²⁹⁴ in the year 46 B.C. recommending to the governor of Achaia a young man, Lyso, *quem Memmius, quum in calamitate exilii sui Patrensis civis factus esset, Patrensiu legibus adoptavit, ut eius ipsius hereditatis ius causamque tueare*. There can be no kind of doubt that Memmius had ceased to be a Roman. There is only one obstacle to our putting his case precisely on the same footing with that of the exile to whom Polybius ascribes 'safety' 'in the city of Tibur or of Neapolis, or others with which the Romans have a treaty,' and that is that Patrae was not, till after the battle of Actium, a 'free state.' The same difficulty applies in the case of Smyrna, of which Caepio and Rutilius Rufus became citizens.²⁹⁵ It may, perhaps, be an answer that, when the Romans renounced the right

²⁹² *De Domo*, 32, 85.

²⁹³ I venture to think that this is a more legitimate inference than Mommsen's (p. 978, n. 1). 'The right of citizenship is, as Cicero often insists, not denied him by Clodius's law, but the ordinary punishment of expulsion from Italy is aggravated by confiscation,' &c. If this were correct Cicero would have had an easy task—only to point out that his case was not worse than that of other 'dammati'—whereas his whole contention is that he is not in the same boat with them. What would have been the sense of Clodius's question if the intention of his decree had not been to compel Cicero 'mutare civitatem'?

²⁹⁴ *Ad Fam.* xiii, 19, 2

²⁹⁵ Cic. *Pro Balbo*, 11, 28.

of conquest, and restored to any state 'its city, its territory, and its laws' (this is said²⁹⁶ of Therma, not a 'free state'), they so far recognised its separate existence as to enable, *seu legibus seu moribus*, a Roman to be received there with the same effect as if it were technically independent. It is curious, however, that in two out of the three cases the exile is known not to have gone in the first instance to the town which became his eventual home. Rutilius resided at one time at Mitylene, where he was to be found when Mithridates made his great massacre of Romans in 88 B.C.²⁹⁷ Memmius certainly was at one time settled at Athens, where he owned the house of Epicurus,²⁹⁸ and afterwards at Mitylene. Now if Memmius first became a citizen of Athens there would be no obstacle to his holding the citizenship of Patrae as well; for Cicero tells us²⁹⁹ that it was quite possible for a man to be a citizen of two Greek states simultaneously, though he could not hold the citizenship of any Greek state along with that of Rome.

The system, as established by Sulla, underwent no alteration at the hands of Caesar, except that on his proposal the Roman people chose to attach a fresh consequence to condemnation by a jury court—namely, the confiscation of half the goods of the convict. This makes no difference in principle. The people is omnipotent in the matter, and may ordain what consequences it pleases. Under Augustus likewise, though the importance of the jury courts is diminished by the erection of fresh tribunals, with more wide-reaching powers, nothing is done to alter the situation of such persons as are still brought before the juries. With Tiberius we come to an important change, the results of which are clearly visible in the jurists, though we have only the most meagre account in the history of how they came about. Dio Cassius (lvii. 22) tells us under the year 23 A.D. that 'Tiberius denied to those who were interdicted from fire and water the right to make a will, and this regulation still holds good.' The capacity to make a Roman will is, as Mommsen points out,³⁰⁰ 'the most tangible test of Roman citizenship.' When, therefore, we find in a jurist of the third century first³⁰¹ that *deportatio in locum aquae et ignis interdictionis successit*, and secondly³⁰² *media capitis deminutio dicitur, per quam sola civitate amissa libertas retinetur, quod fit in eo cui aqua et igni inter-*

²⁹⁶ Cic. *in Verr.* ii. 37, 90.

²⁹⁷ Cic. *Pro Rab. Post.* 10, 27. True he had not at that time renounced his citizenship, for he had to lay aside his toga by way of disguise. Still, as he was not condemned under a 'capital' sentence, but only for *repetundae*, he might choose his time, and may have become a Mitylenean or a Chian before he shifted his quarters to Smyrna.

²⁹⁸ Cic. *Ad Fam.* xiii. 1.

²⁹⁹ *Pro Balbo*, 12, 30.

³⁰⁰ *Strafrecht*, p. 957.

³⁰¹ Ulpian, *Dig.* xlviii. 19, 2. The phrases 'igni et aqua interdicerere' and 'exilium' remain, however, and are used indifferently with 'deportare'; see Tac. *Ann.* xii. 42, 5, and xvi. 9, 1.

³⁰² Ulpian, *Reg.* xi. 12.

dicitur, it does not require much ingenuity to piece together the story into a consistent and logical whole.

It appears then that Tiberius wished to sharpen the penalty of *ignis et aquae interdictio*, which resulted from condemnation by a jury, and which was likewise a sentence sometimes pronounced by the senate or the emperor. Sulla and the triumvirs had shown him the way in their proscriptions when they blocked off the exit into the 'harbour and the sanctuary' of exile, and so made the 'capital' sentence effectively one of death. Tiberius did not, however, choose to go as far as this; he took away indeed the old refuge, but provided a new and much less agreeable 'sanctuary' from the executioner. He seized on the person of the convict and deported him to an island, where he was detained a prisoner. By this means *exilium* was, of course, rendered unavailable; it was no longer physically possible for the condemned man *solum vertere* to Massilia or Rhodes, where he could shuffle off his Roman citizenship in exchange for a fresh one, and make a will, if he pleased, under the laws of his new home. So far then his Roman citizenship remains, and if he makes a will it must be by Roman law. But Tiberius did not intend that his victim should retain the Roman citizenship, though he had debarred him from the constitutional means of getting rid of it. He was, therefore, driven to the expedient of taking it away from him by an act of power—applying the *solvitur ambulando* to the impossibility, which Cicero had alleged, of depriving any Roman against his will of citizenship or liberty. The practice of the republic had indeed reduced both impossibilities to little more than legal fictions. It could hand over a thief in chains to work for the man who had caught him, or an insolvent debtor for his creditor; but these men were *pro servo*, not *servi*, their technical *libertas* being untouched, as is shown by their capacity to acquire property by the Roman method of *usucapio*.³⁰³ It could in the same way practically deprive a man of citizenship by putting him in such a position that he was obliged to give it up, if he wished to save his throat.³⁰⁴ The principate made short work of these niceties. It sent criminals to hard labour for life in the mines and decreed that they were slaves, and (as a slave must have a master) that they were 'slaves of their punishment,' *servi poenae*; and in like manner, as a less severe penalty, deported men of rank to an island, and sent mean persons, who were convicted, to 'public works,' in both cases under the loss of citizenship, but with the retention of technical

³⁰³ See Ortolan, *Inst. Iustinian.* iii. § 2027.

³⁰⁴ Rome got rid of an unwelcome citizen somewhat as Donald M'Aulay in the *Legend of Montrose* counselled his chief: 'I advised him to put the twa Saxon gentlemen and their servants cannily into the pit o' the tower till they gae up the bargain o' free gude-will; but the Laird winna hear reason.'

'freedom.' All who underwent this penalty were reduced to a condition analogous to that of the *peregrinus dediticius*, of whom it is written³⁰⁵ 'that he cannot make a will, either as a Roman citizen, because he is a foreigner, or yet as a foreigner, because he is not the citizen of any particular state, according to whose laws the will can be drawn.' If my presentation be correct, the *interdictus* down to the time of Tiberius had a right to make a will, not indeed as a Roman, but as a foreigner—'the citizen of some particular state'—and of this capacity he was deprived (as Dio says) by the action of Tiberius.

It is not quite certain whether after the year 23 A.D. *ignis et aquae interdictio* is always accompanied by *deportatio*. Ulpian's words (see above, p. 282), *deportatio in locum interdictionis successit*, seem to indicate an answer in the affirmative. Mommsen³⁰⁶ knows no instance to the contrary. On the other hand, as he points out, Gaius³⁰⁷ mentions the *interdicti* and the *deportati* as two classes of persons who may not make a will. If they are separate, then Tiberius's law, which deprives the convict of Roman citizenship without allowing the possibility of taking up the citizenship of another state, though suggested by the circumstances of the *deportatus*, must have been worded so as to cover the other case as well. Probably, however, *deportatio* is meant to be the fate of every *interdictus*, and the two categories are mentioned by Gaius only to meet the case of the convict who dies before an island has been assigned for him.³⁰⁸ In any case we never again hear of a condemned Roman becoming the citizen of another state.

The universal practice of *deportatio* is pretty clearly shown by an instructive case mentioned by the younger Pliny.³⁰⁹ A certain Licinianus was accused as an accomplice in the incest of a vestal whom Domitian buried alive. In terror at the fate in store for him *ad confessionem confugit quasi ad veniam*; his counsel announced the plea in words which Hortensius might have used of Verres going to Massilia, *ex advocato nuntius factus sum: Licinianus recessit*. Evidently, however, this retirement into voluntary exile is no longer the end of the matter. Though Domitian exclaims in delight, *Absolvit nos Licinianus*, and declares that he will not press hardly on him, he is no longer allowed to find refuge on neutral ground. The most the emperor can do for him is to let him plunder his own goods before they are confiscated, and to assign him a pleasant island: *exilium molle velut praemium dedit, ex quo tamen postea clementia D. Nervae translatus est in Siciliam*. In

³⁰⁵ Ulpian, *Reg.* xx. 14.

³⁰⁶ *Strafrecht*, p. 975.

³⁰⁷ *Dig.* xxviii. 1, 8.

³⁰⁸ This could be done only by the 'princeps' or 'praefectus urbi,' whereas the sentence of 'ignis et aquae interdictio,' which led to it, might be pronounced by the senate or entailed by the verdict of a jury.

³⁰⁹ *Ep.* iv. 11.

Sicily he lives as an alien, and gives lessons in elocution, dressed in the Greek pallium, *carere enim togae iure, quibus igni et aqua interdictum est.*

Here, then, we have the most complete picture of the disappearance of the old *per fugium supplicii*, afforded by the emigration of a Roman to a new home of his choice. The words *exilium permitti*³¹⁰ are no longer applicable to him. It is no longer possible *solum revertere exilii causa*. The phrase has lasted continuously for many centuries. It is applied by Livy to Kaeso Quinctius and to the decemvirs in the primitive republic;³¹¹ it appears in the praetors' edict as quoted in Cicero's earliest speech;³¹² it is the technical phrase which Cicero interprets in middle life in his general discussion on exile in the 'Pro Caecina,' and he uses it again in his old age after Caesar's death when he says³¹³ of Antony's convict jurymen *legitimam habent excusationem solum vertisse exilii causa*. I believe that not only the phrase, but its signification remained unchanged through all these ages, and that it is only with Tiberius that the word and the thing together disappear, and direct deprivation of the citizenship (called equally with physical death a 'capital' punishment)³¹⁴ is substituted for the voluntary putting of it away in a new home.³¹⁵

I have laid stress on what I believe to have been the continuity of the various developments of 'capital' punishment at Rome, because this is one of the few really important points as to which I find myself obliged, with much hesitation and much against my will, to disagree with Mommsen on a matter of legal antiquities. Mommsen believes that there is a great breach of continuity in the history of *exilium*, and he places this breach at the legislation

³¹⁰ Sallust, *Cat.* 51, 22: 'Aliae leges condemnatis civibus non animam eripi sed exilium permitti iubent.' To my mind 'permitti' is the all-important word in this sentence, showing that under Sulla's laws, as earlier, exile was an evasion conceded to the man sentenced to death, conceded by the fact that the law ordered him to be tried under a procedure not admitting of previous arrest. Mommsen, on the other hand (*Strafrecht*, p. 966), sees in the use of the past tense 'condemnatis' an important distinction between this system and that described by Polybius (above, p. 249). Surely this question of time is but a petty difference. It is difficult to see how Polybius's condition, that the man must go 'before the last tribe has voted,' could be maintained after the ballot was introduced (in 107 B.C.) into comitial trials. At any rate there were jury trials in 'capital' cases before Sulla (*Cic. Pro Rosc. Amer.* 5, 11; *Pro Clu.* 55, 151), and the condemned went into exile. Even supposing the change to come into effect only with Sulla's legislation, all that it comes to is that the man is allowed a little more insight into what the verdict is before he has to make up his mind to go; but he has often seen enough before it comes to this. Verres and probably many of the Catilinarians forestalled their sentence by departure.

³¹¹ Livy, iii. 13, 9; 58, 9.

³¹² *Pro Quinct.* 19, 60.

³¹³ *Philipp.* v. 5, 14.

³¹⁴ Paulus, *Dig.* xlviii. 1, 2: 'per has enim poenas eximitur caput de civitate.'

³¹⁵ When Horace remarks (*Ep.* i. 11, 17) that while a man remains 'incolumis' Rhodes and Mitylene are of no more use to him than a great-coat in the dog-days, he implies that in his time the Roman might still select one of these free states as a shelter if the icy breath of the law overtook him.

of Sulla. In the introductory book of the 'Strafrecht' he anticipates this conclusion. It will be convenient to quote this passage first, and then to develop his theory by means of extracts from the latter part of the work. The first-named passage (p. 73) is as follows:—

The interdiction of the later law, the relegation out of Italy under penalty for breaking the bounds, which was introduced by Sulla amongst the penalties for citizens, and is wholly distinct in theory and practice from the ancient *exilium*, will be treated of in the fifth book.

The *relegatio* with which this theory starts has already been noted above (p. 235) as a part of magisterial *coercitio*. It is defined as the limitation by the authorities of the free choice of a place of residence, whether by a command to leave a certain locality and never more to enter it—that is to say, by expulsion—or by a command to go to a certain locality and not to leave it—that is to say, by internment.³¹⁶

To expulsion in this sense Sulla added, such is the theory, the forbidding of return on pain of death by the *ignis et aquae interdictio* hitherto practised only against aliens.

In the legislation of Sulla³¹⁷ it appears as the punishment for treason and murder, and in subsequent penal statutes it was employed in like manner for *vis*, for *ambitus*, and for other offences. . . . In its essence³¹⁸ Sulla's innovation is not so much that the penalty for transgressing the bounds, which follows of course on all relegation, is raised to the punishment of death as that in this manner relegation, which had hitherto been a merely administrative act, is provided with legally defined local limits, and attached to specific offences, and is thus introduced into the criminal law. . . . The interdiction³¹⁹ for a term of years or for life (generally unaccompanied by confinement to one place), as Sulla ordained it, and as it was practised until the time of Tiberius, does not alter the man's personal standing; the *interdictus* retains the citizenship and all the rights that accrue to it.

Finally, a little lower down (p. 979) Mommsen continues—

We must not disguise the astounding fact that a lawgiver such as Sulla fixed expulsion from Italy, without further legal consequences either for person or for property, as sufficient atonement for the most heinous crimes, even for treason and murder, and treated it as practically the severest criminal penalty. It is possible, however, that supplementary regulations or customs, especially concerning common crimes and offenders of the lower class,³²⁰ have remained unknown to us; at least it is obvious that the order of proceedings with which we are acquainted has regard especially to offenders belonging to the higher social circles.

Such is the theory: in discussing it the best order will be to begin with *relegatio*, which I did not notice in my attempt to trace the main lines of development; my reason for this omission is

³¹⁶ *Strafrecht*, p. 965.

³¹⁷ *Ibid.* p. 972.

³¹⁸ *Ibid.* p. 973.

³¹⁹ *Ibid.* p. 978.

³²⁰ On this matter see above, p. 272 n. 249.

that I believe the simple expulsion of a citizen to be a separate procedure, a strand not inwoven into the system of capital penalties, but running parallel to it throughout the history. Leaving out of account the use of *relegatio* as a mere method of arbitrary *coercitio* (above, p. 235), there are, so far as I know, only two cases which I should acknowledge as falling under this head in republican times.³²¹ The first is that of M. Fulvius Nobilior, relegated in 180 B.C. for a military offence by decree of the senate to a spot beyond New Carthage, in Spain. In his case the opportunity of exiling himself and changing his state was precluded by his internment. He would, therefore, retain formally his Roman citizenship, of whatever use that might be to him. The other case is that of persons condemned under Cicero's law *de ambitu*, who were to be expelled from Italy for ten years. A temporary sentence could never compel a man to renounce his state.³²² Under the principate *relegatio* becomes more frequent, and we are better able to measure the gulf which separates it from *exilium* or *interdictio*. The most striking instance of a *relegatus* is the poet Ovid, who repeatedly lays stress on the distinction. The following lines (*Trist.* v. xi. 9) may serve as an example:—

Fallitur iste tamen quo iudice nominor exul.

[Caesar] Nec vitam nec opes nec ius mihi civis ademit;

Nil nisi me patriis iussit abesse focis.

Ipsæ relegati non exulis utitur in me

Nomine.

It is clearly implied here that in the reign of Augustus the *exul* does lose the rights of a citizen and that the *relegatus* does not lose them. When, under Tiberius, 'deportation took the place of interdiction from fire and water,' relegation was left just where it was before; it was a comparatively light punishment, which could be inflicted in its original form of simple expulsion from or of internment within the limits of a province by the authority of any governor. The *relegatus* retains his citizenship and his right to make a will, whereas the *deportatus* loses them. Since, then, the opposition between *exul* and *relegatus* which we see in Ovid is continued in the opposition between *deportatus* and *relegatus*, it seems only reasonable to conclude that *ignis et aquae interdictio*,³²³ which forms

³²¹ Livy, xl. 41, 10, and Dio Cass. xxxvii. 29, 1.

³²² The rule held under the principate, when condemnation for a term of years to the mines or to 'deportatio' did not act as depriving the criminal of liberty or of citizenship respectively, as such a sentence did when inflicted for life; *Dig.* xlviii. 19, 28, 6. That Cicero sometimes calls even the temporary penalty 'exilium' (e.g. *Pro Murena*, 23, 47, and 41, 89) is only a loose and popular way of speaking. Ovid of course does the same in pathetic descriptions of his own fate, though the lines quoted in the text show that he knew that the expression was incorrect.

³²³ Though the verb 'interdicere' (not 'igni et aqua interdicere') in a general

the connecting link between *exilium* and *deportatio*, is equally opposed to *relegatio*.

The issue between Mommsen's theory and what I understand to be the obvious interpretation of *ignis et aquae interdictio* under Sulla's ordinances may perhaps appear to be largely a question of words. It is agreed on both hands that the man is liable to be put to death if he does not leave Italy, or if, having left, he comes back again; likewise that if he goes away and keeps away he will not in practice be put to death. It does not seem to make much difference whether we say 'he is sentenced to leave Italy on pain of death' or 'he is sentenced to be put to death if he does not retire from Italy.' Mommsen puts it in the one way for all offenders but one, and in the other way for the parricide; yet the result for all is alike, so far as the avoidance of death is concerned. The reason for preferring the second form is that it agrees with the logical order of ideas as presented by Cicero in the 'Pro Caecina,' and likewise with the practice of the second century B.C. as related by Polybius. In both we find that the threat of death comes first, and the evasion of it by self-banishment follows, not that a sentence of banishment comes first, with the threat of death to follow if banishment be evaded.

But the important question is whether this retirement (commanded, as Mommsen would maintain, permitted, as I should prefer to say, with Sallust³²⁴) is a mere physical removal, or whether it further implies some act by virtue of which a man ceases to be a Roman. As it is beyond dispute that before Sulla and after Tiberius the *exul* ceases to be a citizen, the burden of proof lies heavy on the interpreter who maintains, in spite of the complete silence of our authorities as to any change, that a different theory and practice obtained in the intervening period. What, then, is the proof of the proposition that in the interval between Sulla and Tiberius a Roman condemned on a 'capital' charge retained his Roman citizenship? I know of only two pieces of purely circumstantial evidence. The first is³²⁵ that the young Oppianicus, upon the death of his father, a man convicted of poisoning, is found to be owner of Nicostratus, one of his father's slaves.³²⁶ The elder Oppianicus must therefore, Mommsen argues, have been capable of bequeathing property. Possibly; but that does not tell us under the laws of what state Oppianicus's will was made. Mommsen assumes that it was under Roman law, and that therefore Oppianicus was a Roman citizen; but he may very well, after his condemnation, have slipped across the Straits of

sense for 'forbidding a particular place' is frequently used in connexion with simple expulsion. See *Dig.* xlvi. 22, 7.

³²⁴ See above, p. 285 n. 310.

³²⁵ *Strafrecht*, p. 978.

³²⁶ *Cic. Pro Clu.* 63, 176.

Messana and obtained a domicile as a citizen of one of the *foederatae civitates* of Sicily. In that case he would make his will according to the laws of Messana or Tauromenium; a legacy under such an instrument would pass the slave to his son, just as well as a legacy under a Roman will.

The second instance adduced by Mommsen in the same place requires more discussion. In the 'Lex Iulia Municipalis,' verse 118, we find amongst those who are disqualified for municipal office *queive iudicio publico Romae condemnatus est erit, quocirca eum in Italia esse non liceat*. This, says Mommsen, would be unnecessary if the condemned man was no longer a citizen. Supposing this to be granted, I think it by no means follows that what was unnecessary could not have found a place in the clauses of a law. The Romans were fond of legal verbiage and of heaping up precautions, sometimes against what was already really barred.³²⁷

I do not, however, feel quite so sure that it was unnecessary. The clause is a repetition, as applied to the municipal senates, of what Cicero tells us³²⁸ was the rule at Rome—*Ubi cavisti ne meo loco censor in senatum legeret? quod de omnibus, etiam quibus damnatis interdictum est, scriptum est in legibus*.³²⁹ Now, as we have seen, it was very difficult to prove the *animus exulandi* which was essential to the *mutatio civitatis*; and this might have led to awkward consequences. Suppose that Milo had written to say that he was eating mullets certainly at Massilia, where Roman law could not touch him, but that he had no intention of becoming a Massiliot; might not the next censor, by way of demonstrating his political sympathies,³³⁰ have placed his name on the senatorial roll? Marcus Philippus felt doubt as to passing over his uncle, Appius Claudius, who was a victim of some political trial in the Marian troubles;³³¹

³²⁷ There is an instance in the *Lex Acilia*. Verse 22 prescribes that the accuser, in naming his hundred 'iudices' out of the 'album,' is not to choose any magistrate or senator, whereas such choice is already abundantly provided against by the circumstance that senators are by verse 16 already excluded from the list out of which the choice is to be made. Zumpt (*Crim.-Recht*, II. i. 125) rather than admit such a superfluity takes refuge in the absurd supposition that these 'iudices' were not selected from the 'album,' but from outside. He supplies us with a useful object lesson as to the danger of arguing in this way.

³²⁸ *De Domo*, §1, 82.

³²⁹ Exclusion is mentioned as the result of conviction in certain cases in the *Lex Acilia*, verse 13—'queive quaestione iudiciove publico condemnatus siet quod circa eum in senatum legei non liceat.' Yet persons condemned in Gracchus's time for murder or conspiracy, whether they were tried by special commissions or by standing jury courts, must certainly have ceased to be Romans. We find the same disability specially imposed by a *Lex Cassia* of 104 B.C. on persons condemned by the people (see *Strafrecht*, p. 1000).

³³⁰ If I mistake not, it was proposed in an Irish constituency to elect as member of parliament a Fenian convict, still in gaol; and his supporters only desisted when they found that votes given for the convict would be simply thrown away, and that his competitor could claim the seat on a scrutiny.

³³¹ *De Domo*, §2, 84.

and of Cicero himself Cotta swore that if his censorship had been contemporaneous with Cicero's exile he would have 'read out his name' in his proper place notwithstanding. If it were prudent to guard against this at Rome it would be even more necessary in a *municipium*, where the convict might well be a person of local importance and popularity. It was the policy of the Romans to avoid any such controversies by positive prohibitions under penalty, and further by heaping *ignominia* on the heads of persons convicted, to heighten the inducement to get out of it all by renouncing their country. Yet another point may be noticed. The phrase *quocirca eum in Italia esse non liceat* will cover more cases than 'capital' ones. A man condemned under Cicero's law *de ambitu* would be in this case³³² for the next ten years; yet no one supposes that he ceased to be a Roman, and so if Caesar wished to exclude him from a town council he would be obliged to declare him ineligible under some such clause as this. On the whole then I think that we cannot say that this clause of the 'Lex Iulia Municipalis' proves anything decisively against the proposition that the man actually condemned under a capital charge before a jury, like the man on the point of condemnation before the *comitia*, was in a position in which it was so obviously needful for him to change his state that the law assumed³³³ that he had done so.

Thus the evidence for Mommsen's theory seems to crumble away, while the objections to it remain unanswered. Mommsen is obliged to ignore Cicero's elaborate exposition of the true doctrine of *exilium* in the 'Pro Caecina.' How could Cicero have dared to proclaim in open court that 'in no law of ours is any crime punished by exile, as it is in other states,' unless he had been sure that his hearers recognised that the banishment, which, when he spoke, was notoriously the result of conviction, was not inflicted by direct sentence of the law (as it was in the case of *relegatio*), but was brought about indirectly by the effect which the fear of consequences produced on the will and the choice of the convict? Where,

³³² It is pretty clear from the peroration of Cicero's speech that Murena, if condemned, must have quitted Italy, not only Rome. I see no reason for supposing that the penalty was otherwise than a temporary one when the *Lex Iulia* was enacted, in 46 B.C. Mommsen, indeed, thinks (p. 874) that Pompey in his sole consulship made the banishment permanent. There is no evidence, however, that the 'heightened penalty' ascribed to Pompey's legislation lasted longer than trials before the special courts of the year 52 B.C.

³³³ On the other hand a man who lay under no such necessity, but who had through ignorance performed acts which properly involved renunciation of Roman citizenship, was relieved from these consequences; see Cic. *Pro Balbo*, 12, 30: 'Quo errore ductos vidi egomet nonnullos imperitos homines, nostros cives, Athenis in numero iudicum atque Areopagitarum certa tribu, certo numero; quum ignorarent, si illam civitatem essent adepti, hanc perdidisse, nisi postliminio recuperassent.' Here evidently the law argues, from the absence of need, that the man was only masquerading and had really no 'animus exulandi,' so he does not actually become an Athenian or lose his Roman franchise.

again, if we accept Mommsen's hypothesis, are we to find the point of Clodius's taunt when he asked Cicero to what state he belonged? or how shall we account for Memmius adopting an heir under the laws of Patrae? ³³⁴ or what sense are we to make of Ovid's insistence that he, unlike a real *exul*, has never lost the rights of a citizen? Above all, how are we to explain the *de capite eius quaerito* of Sulla's law, which Mommsen finds 'astonishing,' but which appears to me to be absolutely crushing to his theory? For it is impossible to escape from this by the plea of rhetorical exaggeration. Advocates from Lucius Crassus downwards ³³⁵ play so freely not only with *caput*, but with *vita* and *sanguis*, that there is no difficulty in conceding Mommsen's assertion that 'the Roman who is not allowed to tread the soil of Italy is in the language of the orators no Roman at all.' ³³⁶ But all this is beside the mark; we have here to do not with the metaphors of a pleader but with the calm and matter-of-fact language of a law; when the *ipsissima verba* of a statute read *de capite quaerito*, surely these words must be taken to mean what they say. In presence of all these considerations ³³⁷ not even the authority of Mommsen can convince me that Sulla introduced any new-fangled principle into 'capital' trials. On the contrary I believe that the principle remains the same throughout, and that the successive applications of it develop regularly and logically out of one another from the time of king Tullus Hostilius to the time of the emperor Tiberius. If we hold fast to this doctrine we are really following the spirit of what Mommsen has taught us; we remove what is only an excrescence from his general presentation of the Roman criminal law, and restore consistency to the splendid and orderly whole which his genius has evolved out of the chaos of conflicting evidence.

I have now gone through the principal questions which lie along the main lines of the history of the Roman criminal law. To enter into any by-paths of discussion, however interesting, is impossible within the limits, already most generously extended for me, of an article in this Review. I can only end, as I began, by expressing my deep sense of the thanks due by the student of Roman history to the author of this great work.

J. L. STRACHAN-DAVIDSON.

³³⁴ I do not think that it is pure accident that the Romans mentioned in the *Pro Balbo* (11, 28) as having become citizens of other states all belong to a past generation, but still less do I think that Cicero could find no cases in his own time. The silence is due, I think, to the circumstance that living men could not with politeness be reminded of the 'calamitas exilii sui.'

³³⁵ Cic. *De Orat.* i. 52, 225.

³³⁶ *Strafrecht*, p. 978, n. 2.

³³⁷ See above, pp. 270, 275, 280, 281, 287.

Sir Anthony Hungerford's 'Memorial'

ON the fifteenth day of my hearing (records Archbishop Laud) the ninth charge was made by Sir Edward Hungerford. He said he had come to Lambeth to have a little book licensed at the Press. The author was Sir Anthony Hungerford, whether Sir Edward's grandfather or his uncle. I remember not the relation. He says he came to my chaplain, Dr. Bray, to license it, and that Dr. Bray told him there were some harsh phrases in it which were better left out, because we were upon a way of winning the papists. . . . He says my chaplain expressed a dislike of Guicciardin's censure of Pope Alexander VI. He says he came and complained to me, and that I told him I was not at leisure, but left it to my chaplain. So the charge upon me was that my chaplain was in an error concerning this book, and I would not redress it.

The chaplain was 'in an error' concerning the book, and the archbishop was 'in an error' concerning its authorship. The mention of 'Guicciardin's censure' identifies it with 'The Advice of a Sonne, professing the Religion Established in this Church of England, to his dear Mother, a Roman Catholic,' the first and longer of two pamphlets by Sir Anthony Hungerford of Blackbourton, Oxfordshire. This Sir Anthony was not the grandfather or uncle, but the father of Laud's accuser. He attacks the papal claim to infallibility with the allegation of papal immorality, quoting from 'those historians most affectionate to the Sea of Rome.' But he neither revels in unsavoury details nor indulges in the scurrilous vituperations and ribald violence and buffoonery which disfigure so many of the Puritan tracts, Jesuit pamphlets, and Anglican replies of the period. Tried by the controversial standard of the time, his style seems unusually restrained and courteous. In fact, though we agree with the archbishop when he pathetically exclaims, 'But how this could be treason against Sir Edward Hungerford I cannot see,' we feel that the prohibition was needless and impolitic. Sir Edward Hungerford, a man of considerable property and influence in three counties, and afterwards a general of repute in the parliamentary army, went away with his family pride wounded and his fanaticism roused, and circumvented the archbishop. The book was printed in Oxford in 1639,¹ and probably excited little

¹ There are copies in the Bodleian, in the British Museum, and in Durham University Library (Routh collection). The last is beautifully bound in white vellum with

notice. The writer of this paper has not been able to discover any Roman reply to it. A dead controversialist whose arguments were neither virulent nor novel doubtless did not seem to the Society of Jesus an opponent worth considering.

Of the two treatises forming 'the little book' the first was regarded by Sir Edward and his contemporaries as the more important. Anthony Wood indeed speaks of the second as a mere appendix to the first. The modern reader reverses this decision. Neither is valuable to-day as a contribution to religious controversy; but the second pamphlet, by reason of its autobiographical character, appeals to all who think, with Robert Browning, that the history of a soul's development will always be worth study. In 'The Memorial of a Father to his Dear Children, containing an Acknowledgement of God His Great Mercy in bringing him to the Profession of the True Religion at this present Established in the Church of England,' Sir Anthony Hungerford is not trying to convince others, but to show how he himself came to be convinced. His time-worn arguments are strung on a thread of personal experience, and the dry bones of controversy are vivified by the spirit of a man who had at once the aptitude and training, the earnest purpose and requisite knowledge to examine the foundations of his creed. Moreover sixteenth-century autobiography is rare enough to be precious. Anthony Hungerford's introspectiveness was not common in that age of action, discovery, and objective thought, and was probably the result of his early Jesuit training and the stillness and leisure of his later life. And even he makes his 'Apologia pro Vita sua' with a direct simplicity and absence of egotism and self-dissection which no modern writer telling a similar tale could imitate. He clearly never recoiled from the task his conscience set him, or felt the force of the words which haunted Newman, *Secretum meum mihi*. His brevity and reserve in narration sprang not from sensitiveness, but from the lack of it. He was not interested in his own case. The fact and ground of his conversion seemed to him worth recording, not his emotions during the process. Yet, in spite of himself, Anthony gives us a clear impression of his character—of his piety, ability, and freedom from all worldly and unworthy ambition—and his bald statements are stamped with the 'form and pressure' of a picturesque and momentous epoch.

The beautifully written manuscript of this 'Apologia pro Vita sua' has been carefully preserved by the Southbys of Berkshire, whose house, Carswell, near Farringdon, was not far removed from Blackbourton, and into whose family Anthony Hungerford's step-

gold tooling. It bears the coat of arms of Sir Edward Hungerford, and on the *last* page the inscription, 'Ex dono Edwardi Hungerford ordinis Balnoi militis Primo-geniti Anth. Hungerford militis huius Libri Authoris.'

daughter Elizabeth Wiseman² married. All quotations in this paper are made from the original manuscript.

It is well knowne to many of my friendes yet living (thus Anthony opens his 'Memorial') how my first age was intangled with the superstition of Rome, the seedes whereof being sowen in Childhood grewe up with me for many yeares, till it pleased God in mercy to pluck it upp by the rootes. This possiblie will seeme straining to those that knew my Father: who both in heart & outward profession did oppose the erroneous tenentes of the Roman Church: But the truthe is that the many troubles wherewith all his estate was encumbered during the life of my Grandfather houldinge him in continuall employment & travell in the worlde abroade, did enforce him to leave all cares at home, & with the rest the breeding of his Children to my Mother: who being born & bred of parentes that were devoted with great fervour to the doctrine of the Church of Rome, and her self a zealous follower of their stepps, held it a principall parte of her dutie to God & nature to guide us in that path which she her self conceived to be the onelie & undoubted way to heaven.

Anthony Hungerford's grandfather was Sir John Hungerford of Down Ampney, near Cricklade. He was descended from the younger of the two sons of that Walter Hungerford who was Henry V's steward of the household, and who was made Baron Hungerford and lord high treasurer of England under Henry VI. His first-born, Robert, who succeeded to Farley Castle, was the ancestor of the Wiltshire branch of the family; for his second son, Edmund, he made provision by purchasing the manor of Down Ampney. This Edmund was Sir John Hungerford's great-great-grandfather.

Anthony's father, also a Sir Anthony Hungerford, was one of the eight children borne to Sir John Hungerford by his first wife, Bridget Fettiplace, of Swinbrook, near Burford. He was for many years 'Captain within the Realme of Ireland;' and even after 'the life of my grandfather' he was 'held in employment in the world abroad,' for, in February 1584, he had the constablership of Dungarvan. He lived till 1594, and he was buried at Hinton Charterhouse, the home of his stepmother's sister Mrs. Shaw.³

Anthony's mother was Bridget Shelley, daughter of John Shelley of Michelgrove, Sussex, and granddaughter of William Shelley, justice of the common pleas under Henry VIII. The Shelleys were devout Romanists, and Bridget must have been a clever and attractive woman. Anthony invariably speaks of her with affection. 'You may justly chalenge as of your right from me all sincere affection, dutie, & observation; besides the bond of nature, my obligation being much increased by your most loving & con-

² The daughter of his second wife, Sarah, widow of Walter Wiseman.

³ Eleanor, daughter of Walter, Lord Hungerford, was the second wife of Sir John Hungerford, of Down Ampney. Her sister, Mary, married Thomas Shaw, died in 1613, and was buried in Farley Castle Chapel.

tinued care of me.' Thus he prefaces his 'Advice of a Sonne,' when, having unlearned his early lessons, he yearned to teach his teacher.

Even in our tender yeares (he says) she found the meanes that we were accustomed to the rites & practices of that religion, which being full of ceremonys pleasinge to the eye, did first winne my liking by the outward sence before my yeares had afforded me the least use of reason.

His education as a boy was carefully designed to strengthen the influences which had surrounded his infancy. Had he been born half a century earlier he would doubtless have been sent to the not far distant monastery of Glastonbury, which at the dissolution was the public school of 'three hundred sons of gentlemen.' As it was, Lady Hungerford could only take care that the families in which, according to the custom of the time, the boy was placed to be trained in the duties, graces, and accomplishments of a gentleman, were 'houses wholie carried with a Roman bias.' Anthony persistently starves our curiosity for mundane details, and we are left to conjecture that some of the families connected with the Shelleys were selected, such as the Lovels, the Copleys of Gatton, the Darrells of Scotney Castle, where Father Blount had his chief hiding-place.

Priests, Anthony tells us, 'were familiar guests in the houses where I had my breeding,' and early 'sowed such seedes of instructions as quickly took roote in ground before manured for the purpose.' First and foremost they taught him 'certain generall positions, such as I have since well observed to be the maine foundation of their buylding in the consciences of all their ignorant and unlearned followers.' These 'first rules' were—

(1) That the Church of Rome was the true and Catholique Church of Christ.

(2) That all our forfathers had lived & dyed in the Communion of this Church.

(3) That this Church had a priviledge from God himselfe not to erre in direction of her children.

(4) That out of the fellowship of this Church no soule might be saved.

(5) That the religion professed by publique authoritie in the Kingdome was a late Composition of noveltie and libertie, full of faction and division, the badge of error.

These lessons being delyvered by teachers that wanted neyther witt nor wordes apt to their endes, & such as coulde disguise themselves in the fairest showes of an austere & holie life, did worke a great impression in my heart, & so dim the eye of my weak judgment with a mist of prejudice as that it hid now noe more the strength to discern of Couloours, yet did not these cunning maisters cease to build further upon all occasions with stuff sutable to their first ground worke.

Thus Anthony was trained till he was 'about sixteene yeares of age,' when his father, 'having recovered himself out of the stormes

of trouble which had long beaten on him,' returned home. Anthony's mention of his age, and his opening sentence, connecting his father's absence from home and pecuniary embarrassment with 'the life of my grandfather,' indicate that this home-coming and new-found peace and prosperity followed upon Sir John Hungerford's death⁴ in 1581, when Anthony was between fifteen and sixteen.

'Give me a child until he is seven,' say the Jesuits, therein showing themselves wiser than Sir Anthony Hungerford, who now began 'to make it his principal care to see his sons instructed in the religion & service of God established in the kingdom.' We hardly need the discreetly brief assertion that 'finding we had both bene guided the contrary way, & did still retaine so strong savour of those errours wherewithal we had been seasoned, it did grieve & discontent him much' to feel certain that the course of domestic life did not run smoothly at this period. Beyond compelling his boys to attend their parish church Sir Anthony used no other means 'for the reclayming' of them than 'persuasion with reason, the salve most proper for the curing of the soules maladies.' This treatment proved successful in the case of the elder son, John,⁵ 'who was ever carryed with more judgement & moderation than myself, & attended my Father's admonitions with a more hedeful and less partiall ear.' But the writer of the 'Memorial' enacted the part of the 'deaf adder,' and with youthful conceit 'held himself prepared to encounter with the greatest Clerkes of the adverse part.' The boy had, in fact, been carefully grounded in the controversial commonplaces of Dr. Bristow, whose 'Motives,' published in 1569, had become a popular text-book with English Romanists; for when his teachers saw that he 'was about to be sent abroad into the worlde,' and that there was no choice but that 'he must converse with heretiques,' they began to arm him 'against all assaults that witt or learning of the contrarie part might make upon me.' Anthony's 'going abroad into the worlde' was going up to Oxford. On 12 April 1583 Anthony Hungerford, of Wilts, matriculated at St. John's College. Wood asserts that his residence in Oxford was curtailed by his father's pecuniary embarrassments; and the writer of his life in the 'Dictionary of National Biography' repeats this assertion without examining or proving it. 'He was educated in this university,' so runs the account of Wood, 'with other Roman catholics, but for a short time; for his father was much troubled with the encumbrances of

⁴ On 10 Oct. 1581 Anthony Hungerford (the father) writes from Ireland to Walsingham telling him of the death of his father and mother, and praying that no advantage of law may be taken against him in England (*Calendar of State Papers, Ireland, 1574-1585*, p. 324).

⁵ John Hungerford was born in 1565, and died in 1634. He married (1) Mary, daughter of Sir Richard Berkeley, (2) Anne, daughter of Edward Goddard, of Woodhaye. He had seven children by his first wife.

his estate, and could not look after his son ; the mother, who was a zealous papist, caused him to be trained up in her religion.' But in fact Wood has confused the order of events. When Anthony was sixteen, and was sent to Oxford, his father had *recovered himself from the troubles wherewith his estate was encumbered*. If Anthony's sojourn in Oxford was a short one it was not owing to parental poverty. But was it for any cause curtailed? One fact, definitely stated in the 'Memorial,' discredits the supposition.

In my younger yeares though I were wholie addicted to the Roman religion, yet by my Father's importunities & commande I was enforced to go to Church, but being now about Twenty yeares of age, & finding this to be a trouble to my conscience, I resolved to forsake wholie the Communion of the Church of England, and to be admitted into the bosome of the Church of Rome. To which end I went to Neale, who tould me that he being a priest of Queene Maries time might not meddle with any man in that kinde, but for this purpose I must resort to some Jesuite or Preist of a later edition. Whereupon by one Etheridge, a phisition then living in Oxford, I was brought to one Twiford,⁶ a preist or Jesuite, I note not whether, by whom I was reconciled to the Roman Church.

Anthony was then in Oxford at the age of twenty, and down to that date had, at least occasionally, conformed. We cannot, therefore, attribute his presence in Oxford in 1587 to a possible connexion with the Jesuit Residence of St. Mary's, nor his affirmed departure about 1587 to religious disabilities. His father was well known 'to oppose the erronious tenentes of the Roman Church,' and he could never have been in the position of those sons of recusants 'deprived, on account of their religion, of a liberal education' for whom 'Etheridge, a phisition,' opened a seminary. It is, moreover, unlikely that, a minor and unmarried, he was already settled in 'my house at Blackbourton' when he wrote the 'Memorial,' from which he might have ridden over to Oxford.

Etheridge, mentioned above, was a notable person in the Oxford of Anthony's day. A student who had refused a courtier's career, regius professor of Greek till expelled by the Act of Supremacy, a doctor of medicine through the pressure of poverty, a schoolmaster⁷ from love of his fellow Romanists, a sufferer for conscience' sake whose loyalty and friendship were impaired neither by bitterness nor by zeal, a Hebrew scholar, an accomplished Latinist, a poet, a mathematician, a musical composer and performer, Dr. Etheridge is an excellent example of the many-sided, adaptive

⁶ Probably a secular priest from Douai. One Twyfford is mentioned as 'lodging at my Lady Paulett's by Temple Bar' in a report made by one of Walsingham's spies in 1583 (P.R.O. Dom. Eliz. vol. clxxxviii. n. 72). The name does not occur in Foley's lists of members of the Society of Jesus who assumed aliases.

⁷ William Gifford, afterwards archbishop of Rheims, was one of his scholars in an ancient hall 'opposite almost to the south end of Catstreet in St. Mary's parish.'

ability, combined with unswerving faithfulness to conviction, which characterised some of the best men of the century.⁸ On the other hand, that century also produced men whose lives were one long struggle not to commit themselves on the subject of their creed. To this class Thomas Neale belonged.⁹ Pits, while dwelling on his timid nature, expresses belief in his genuine Romanism. Wood only ventures the assertion that he was 'more catholic than protestant.' During the first two decades of the queen's reign he had occasionally conformed; but the Jesuits, who, with Campian and Parsons at their head, had established themselves in Oxford in 1580, were preaching a less complaisant creed. He could no longer 'occasionally frequent the church and receive the sacrament,' and 'dreading to be called in question for not doing so,' he retreated into studious obscurity in the 'village of Cassington, distant from Oxford north-west about four miles.' Here Anthony sought him out; and we can imagine with what relief the cowardly, shuffling priest—the reputed author of the Nag's Head fable—found himself able to refer his would-be convert to the special powers of reconciliation granted to the Douai and Jesuit missionaries.

Neale, who on this occasion must have damped Anthony Hungerford's youthful ardour, subsequently became the first cause of his defection from the Roman church. Even while clamouring for a formal reception and the right to incur the newly increased penalties of recusancy, Anthony's early allegiance to his teachers was beginning to waver. Already the liberal influences of 'casual reading and discussion' had begun to undermine the 'ignorance and great confidence' which parental opposition had only served to deepen.

I began about the yeare 1584 to thinke more charitablie of some tenentes of the Church of England being before confidentlie persuaded, and to that purpose much confirmed by Campion's *Bravado*,¹⁰ that the whole bodie of the Protestants doctrine was a stranger to *Scriptures*,¹¹ to *Counsels*,¹² & all the antient & approved *Fathers*,¹³ & could

⁸ The career of the Romanist Etheridge finds a parallel in that of the puritan Dr. Burgess.

⁹ It is characteristic of Neale that nine books of his Latin translation of the 'Commentaries of Rabbi David Kimhi on the Twelve Minor Prophets' were dedicated to Queen Elizabeth (Royal MS. 2. D. xxi) the other three to Cardinal Pole. The latter were published at Paris in 1557.

¹⁰ 'Rabsaces Romanus, seu decem rationes oblatis certaminis in causa fidei redditae academicis Angliae.' *Campian Englished*, a translation 'made by a Priest of the Catholike & Roman Church,' was not published till 1641; so Anthony never knew it.

¹¹ Campian's 'First Reason' is 'The Sacred Scriptures,' 'the majesty of Gods Sacred Word being by our adversaries most unworthily dishonoured, for they are not able to subsist except they make violent incursions and sallies upon the said Divine Bookes.'

¹² Campian's 'Second Reason' is 'The Councils.' English protestants profess to honour the first four councils; if they did indeed they would give 'supreme honour to the Bishop of the First Sea;' they would acknowledge the sacrifice of the altar;

derive itself from noe greater antiquitie than *Martin Luther*¹⁴ whom I believed verilie to have bene the first founder of their religion.

'Campion's Bravado' describes the little book sent forth in 1580 by the leader of the Jesuit mission as a defiance to his *alma mater*. Those modern readers into whose hands it has chanced to fall will easily understand its influence on an undergraduate of literary tastes. Its bold assertions, its virulent yet somehow never coarse abuse, its specious lucidity, its apt illustrations, its incisive epigrammatic phrases mark it off from all other controversial writings of the time. Those who are most alive to Campian's weaknesses and most intolerant of his opinions cannot but acknowledge the attractiveness of his easy style, and admire the masterly brevity with which in ten short sections he treats the principal points separating the Roman and Anglican communions.

From thinking more charitably of the English church Anthony 'grew to have some scruple of a point or two of Roman doctrine;' but mindful of the advice of his first teachers that he should in such a case instantly 'have recourse to the lawful pastores of the Catholique Roman Church,' he set down his difficulties in writing, a friend promising to 'procure a resolution from some learned man of that side.' The learned man selected was Thomas Neale, whose prescription 'for the solving of these doubts' either exhibited some curious slip of memory or the pen on the part of the physician, or was misread by the patient. Its chief ingredient was 'a text quoted as out of the viij Chapter of Isaiah's Prophesie "Unlesse you believe you shall not understand."' Down to this time Anthony 'had seldom looked into the Scriptures.' His father had exhorted him to hear God's Word as 'the onelie meanes to discover truth from falsehood;' but he had ever made refusal, with the assertion of his teachers that 'the Scriptures of heretics were mangled, ill-translated, & mere corruptions of God's sacred word,'¹⁵ and that,

they would 'beseech the Court of Heaven for intercessions;' they would 'restrain voluptuous apostates from all execrable yoking together.' But 'the Church prizes all general Councils and that of Trent equally with those of the first ages.'

¹³ Campian's 'Fifth Reason' is 'The Fathers.' 'If at any time hereafter it may be thought lawful to make our repayre to the Fathers the warre is ended. They are all as entirely ours as Gregory the Thirteenth.'

¹⁴ This is, of course, the common charge of Campian, Bristow, Stapleton, and others.

¹⁵ This was the repeated and not wholly groundless assertion of the Roman writers of the time, notably Bristow, Campian, Staphylus, and Gregory Martin. Thus Gregory Martin picked out of the old translations of Coverdale, reprinted in 1562, the words 'congregations,' 'divisions,' 'sect,' as protestant mistranslations for 'church,' 'schism,' 'heresy.' Thus, too, in 1565, the bishop of Worcester writes to Archbishop Parker: 'In mine opinion your Grace shall do well to make the whole Bible to be diligently surveyed by some well learned before it be put in print; & also to have skillful & diligent correctors at the printing of it, that it may be done in such perfection that the adversary can have no occasion to quarrel with it. The setters forth of this our common translation followed Munster too much, who doubtless . . . often

'since they were full of difficulties which had entangled many a soule,' he had learned as a 'sovereign preservative against heresie to receive their sense from the Church, being approved by the testimony of God himselfe to be the pillar & ground of the truth.' But the sovereign preservative was not found quite satisfactory when the symptoms of the disease appeared. He sought eagerly, but vainly, in the chapter named, and those next to it, for anything which 'sorted' with Neale's purpose, and the sentiment *credo ut intelligam* did not commend itself to him.

I must confesse it seemed to me a preposterous way when I desired to establish my confidence in the pointes I doubted of, with some groundes of reason, he should persuade me to this as the fittest course to believe them first & understand them after, so that my doubts remayned, yet were they not of any pointes essentiall, but I continued devoted to the Church of Rome, and so held on *till aboute the beginning of the yeare 1588.*

The great crisis of the reign marked and occasioned the turning-point of Anthony Hungerford's religious life. Early in the year, when 'the most fortunate and invincible Armada' was preparing to set sail, he had occasion to consult a seminary priest named Hopton¹⁶ on the subject 'of a match my Father held in speech for me with a gentleman's daughter of the country.' Hopton, 'a wilie & well-spoken man,' discouraged the arrangement. Anthony might look higher, for 'there was a tyme at hand wherein men well affected in religion might have hope to receive great advancement in the state.' This oracular utterance being incomprehensible to the inquirer, Hopton

without stay or scruple did expound unto me, and freely toulde me that the Kinge of Spaine was then preparinge to invade this realme, yet not moved with any humours of ambition, but a desire to advance the true religion & to free the Catholiques from the greate oppression they indured under the government of the present Queene: the which his design if it were followed with success accordinge to the likelihood that might be conceaved there could be noe question but the whole fruite and benefitt would redound to the Popish partie of the Realme.

If Dr. Etheridge represents the best type and Thomas Neale the poorest type of those Englishmen who clung to the 'old religion,' 'Hopton the preist' is a good example of 'the seedsmen in the tillage of sedition, who warily crept through the land, and laboured secretly to pervert the people to *allow of the Pope's absolute autho-* swerved too much from the Hebrew.' Again he writes, 'Your Grace should much benefit the Church in hastening forward the Bible which you have in hand' (*i.e.* the Bishops' Bible); 'those that we have be not only false printed, but also give great offence to many by reason of depravity in reading' (Styrie, *Life of Parker*, vol. i.)

¹⁶ Possibly a member of the well-known Yorkshire Romanist family of that name. Sir Ralph Hopton, ambassador to the court of Spain, died at Blackbourton in 1649, and was buried under the altar of the little church; and in some letters written by Anthony's sons we find allusions to a Mr. Hopton.

ritie over all princes & countries, striking many with pricks of conscience to obey the same;' ¹⁷ while his conduct illustrates Walsingham's statement, that

about the twentieth year of her majesty's reign she discovered in the king of Spain an intention to invade her dominions, and that a principal point of the plot was to prepare a party within the realm that might adhere to this foreigner.

If the engagements off Calais and Gravelines had had a different issue, and Philip had landed on the Kentish shore, would he have found such a party in readiness? Probably many a country gentleman who had not brought into the country 'bulls, *Agnus Dei*, hallowed beads, and other merchandise of Rome,' ¹⁸ who had 'kept his conscience modestly to himself,' ¹⁹ and had not desired public office, was as unconscious as the writer of the 'Memorial,' of 'the great oppression endured by Catholiques,' of which Hopton talked. Many certainly shared his illogical loyalty. Did many also share his ignorance of a principle which had been pronounced *de fide*, and which had long been generally acquiesced in, theoretically at least, by western Christendom?

This speech [*i.e.* that of Hopton] (continues Anthony) did much amaze me, for the like tune had never sounded in mine eares before. I thought my ghostlie Father had onelie bene busied in Godlie meditations, prayer and workes of devotion, but when I observed that he beinge a subiect native of the Realme held privitie with the purpose of a Foraine Prince, at that tyme a professed enymie of this state, which could ayme at noe lesse then the ruine and subversion of the Prince and Kingdome, I must confesse it gave me great distaste. Yet after searchinge into this secrett I perceaved well that Hopton the Priestes approbation of the Spanishe intentions was not at randome, but by the book, for I understood at last that it was received for doctrine currant amongst the learned of that side that the Roman Bushope had a power in some cases to depose Princes from their kingdomes, withall to discharge the subjectes of Princes so deposed from all bond of allegiaunce and that subjectes so discharged were so farr freed from all rules of loyaltie and obedience as that with warrant of conscience they might endeavour to the uttermost of their abilities to further the execution of the Pope's answers against their deprived Princes; & lastlie this I learned to be the case of Queene Elizabeth that Princesse worthy of eternal memorie then rainginge against whom the sentence of deprivation had been pronounced by Pius V.²⁰

Anthony, we see, begins by 'greate distaste' at this position, importing the supereminent power of the 'Roman Bushope over kings and kingdomes & subiectes oathes.' Feeling that 'this doctrine carried with it a mightie consequence,' he proceeds to ask by

¹⁷ Tract. Eliz. 36, 'The Execution of Justice in England for the Maintenance of Publique and Christian Peace' (*Somers Tracts*).

¹⁸ *Ibid.*

¹⁹ Letter of Walsingham to the French government, drawn up by Bacon.

²⁰ The bull drawn up in 1569, and made known to the malcontents in England in the following year.

'what warrant it might be established.' It is 'by reason of her servility to the Pope' that he at length 'begins to question the doctrine of the Church of Rome.' His ultimate protestantism is the outcome of his patriotism.

He looks in the New Testament for confirmation from the practice or words of Christ, the apostles, and the infant church of the papal claim to deposing power. If this principle was to be 'accepted on the credit of the Church alone,' how was the church defined? and by what warrant had it received a 'privilege to be free from erring'? To answer these two important questions Anthony, like a greater man of the Elizabethan age,²¹ set himself 'to ply the reading over the volumes of the Fathers of the Church & ecclesiastical writers, . . . and that with so great a vehemency of mind that he arrived at a very considerable knowledge therein;'—how considerable can be gathered from the marginal references and quotations in the 'Advice of a Sonne.' It is noteworthy that, obedient to the commands of his first teachers, he 'had recourse for the resolution of his doubts' only to 'the lawful pastores of the Catholique Roman Church.' In particular he resorted to that controversial armoury 'De Locis Theologicis,' the creation of the learned Spanish Dominican Melchior Canus,²² and to the writings of the good Polish bishop Stanislas Hosius,²³ especially the treatise 'De Loco et Autoritate Romani Pontificis in Ecclesia Christi et Conciliis.' From these writers Anthony learned that 'the Church that challenged this infallibilitie for direction in all points of faith was included within the compase of an assemblie of Bushopes & other pastores spirituall;' and further that such a general council can err unless it be convened and confirmed by the pope. So the infallibility of the church means the infallibility of a general council, and the infallibility of a council means the infallibility of the pope. The doctrine of deposing power rested, therefore, simply on the assertion of an infallible pope.

Anthony took one step further back. What proof was there that the pope was infallible? Again he turned to the New Testament. We presume that he had a license to read the Scriptures. He complains in the 'Advice of a Sonne' that a layman must needs obtain a permit for their exploration; but certainly he ignored the caution thereto appended against the use of private judgment in interpretation, although he appears dutifully to have read Bellarmine's 'De Interpretatione Verbi Dei.' He complains that he can find no proof that St. Peter alone out of the apostles was chosen to be 'the supreme pastor & ministerial head of this church on

²¹ Archbishop Parker.

²² Melchior Canus, 1523-60, a bitter opponent of the Jesuits, whom he denounced as antichrist in truly protestant fashion.

²³ Hosius's treatise on the *Origin of Heresies* was exceedingly popular in England under the name of *The Hatchet of Heresies*, a translation made by Richard Shacklock and dedicated to Queen Elizabeth.

earth,' save certain 'texts miserable racked from their literall & proper sence,' and this though he has been told that the church, 'the true and infallible expounder of the Word of God,' did hold these texts as proofs and confirmations of the papal claims. It is characteristic of the man and of his time that he never dreams of the possibility of error in any passage of the written word, or alludes to the *a priori* argument for infallibility, so often urged by modern Romanists. Here are the passages of Scripture, there the interpretation attached to them by the church. But we have seen that the church in this connexion is a concrete assembly, the infallibility of whose decisions depends on their confirmation by the pope.²⁴ Therefore it is the pope who is *verus interpres verbi Dei*.²⁵ The pope's claim to infallibility rests on his own testimony, 'an evidence in common reason subject to suspicion.' No reflexion on the natural advisability that the church should be guided by a supreme infallible pastor enters Anthony's lawyer-like mind to help it to overcome this difficulty. 'When I found myself thus carryed about in a circle,' he exclaims, 'I suspected much that till then I had shaped my course by some false & uncertaine compass'—a prim, self-contained little sentence, which yet surely indicates a painful spiritual crisis. But if out of his course he had not lost his helm, and with undaunted courage he tried another tack.

Nevertheless, because I had heard them make great boast of Antiquitie I was willing to observe even from their owne collection whether this position of the Pope's not erring with a Counsell or alone judicallie defininge were knowne to any of the learned Fathers of the primitive Church.

He cannot discover that any of them had delivered this principle concerning the 'Roman Bushope's infallibilitie in cleare tearmes of doctrine to be received.' So he reviews their 'use & practice,' 'the clearest interpreter of their judgements' on this point. He finds that the Roman church was undoubtedly held in greater reverence than any other in the world²⁶ (1) 'in respect of the Cittie where was the seate of the Roman Monarchy;' (2) 'by reason of her Bushopes who for 200 years and more from her first

²⁴ The reference for this proposition is to Canus, *De Locis Theologicis*, lib. i cap. iv. (Conc. 1.)

²⁵ 'Papa cum Concilio est verus interpres verbi dei et non potest errare' is written in the margin of Hungerford's manuscript, with a reference to Bellarmine's *De Interpretatione*.

²⁶ Was Anthony thinking of the well-known, much-commented-on Latin translation of the passage in Irenaeus, *Adv. Haeres.*: 'Ad hanc enim ecclesiam propter potentiorum principalem necessesse est omnem convenire ecclesiam, hoc est, eos qui sunt undique fideles, in qua semper ab his qui sunt undique, conservata est ea quae est ab Apostolis traditio'? And did he, in spite of his Roman training, take 'convenire' to mean 'to resort to,' not 'to agree with,' and 'necessesse est' to indicate a natural necessity, not a moral obligation? The possibility becomes probability in the light of the next sentence. Anthony was evidently acquainted with Irenaeus's list of Roman bishops, ending with Eleutherius, who died in 190.

foundation had bene learned, Godly, and renowned for their constant suffering for the Gospell of Christe.' But he also 'noted that there was not to be found any learned writer of the first and purest age but dissented²⁷ in some point of doctrine from the Roman Bushope living in their tymes.'

Was it credible that these holy men, had they 'believed for truth this position of the pope's infallibilitie,' would have carried themselves in so opposite a course of wilful contradiction, or that when battling with heretics they would have forborne 'to press this principle as the most likelie & compendious meane for reducing them to the Churches Unitie'? Yet neither Arians nor 'other Heretiques that sprunge up in the ages followinge were ever encountered . . . with an argument drawne from this pretended priviledge of the Roman Bushope.'

But what was precisely meant by the term 'infallibilitie'? Anthony turns to contemporary controversialists for a definition. A casual allusion shows that he read 'A Fortresse of the Faith,' by Stapleton,²⁸ 'whom Wood describes as the most learned controversialist of all his time;' and several references are made to the 'De Potestate Summi Pontificis' and the 'Disputationes de Controversiis Fidei adversus huius Temporis Haereticos' of Bellarmine, the brilliant and eloquent cardinal archbishop of Capua. He also read some of the 150 treatises of the cardinal's defender, Gretser;²⁹ the often reprinted and translated work 'Against Heresies' of the Spanish Franciscan, Alfonso de Castro,³⁰ who in the previous reign had accompanied Philip II to England; and the 'De Planctu Ecclesiae' of another but earlier Spanish Franciscan,³¹ Alvarez Pelagius, a pronounced ultramontanist. Next, pursuing the same plan of study which had led him to observe first the words, then the acts of Christ and his apostles, first the writings, then the practice of the fathers, he turns from the theories of papal apologists to the lives of the popes as revealed in histories of the early and medieval church. Once more we note that he did not consult protestant writers, but restricted himself to 'Historians of their owne.' These historians—Onufrius, whose 'De Primatu Petri et Apostolicae Sedis Potestate' was written against the Centuriators, Platina, author of the 'Opus de Vitis Summorum Pontificum ad Sixtum IV,' Guicciardini, the Florentine historian—sufficiently showed him that many a pope had erred *de facto* both in doctrine and in morals.

²⁷ Anthony quotes Cyprian against Stephanus on 'rebaptization.'

²⁸ Stapleton formulated a moderate theory as to the relations between the pope and civil governments, denying the papal right to dethrone for *civil* causes.

²⁹ Gretser (1561–1625) defended Bellarmine (1542–1621), *Adversus Pareum, Rullum, Pappum, aliosque Calvinianos et Lutheranos Praedicantes Bellarmini calumniatores*, and again in his *Vindiciae Bellarminianae et Muricum Predicanticorum*.

³⁰ The complete works of Alfonso de Castro (1495–1558) were published at Paris, 1565.

³¹ Alvarez Pelagius was grand penitentiary to Pope John XXII at Avignon, and died in 1352; his *De Planctu Ecclesiae* was finished in 1332.

Papal apologists had found a way out of the difficulty by drawing a distinction between the 'Roman Bushope considered as a private person and as Head of the Universall Church,' so that a wicked or heretical man became *ex cathedra* 'an infallible and undoubted oracle;' but Anthony, plain and downright Englishman that he was, declared that 'he could not digest this miracle of their own making.' It is noteworthy that his definition of an *ex cathedra* utterance is almost identical with that of the Vatican decree, while he did not need that decree to tell him that 'the doctrine of the sovereign jurisdiction & the vertue to have infallibility for the Churches direction' was 'the mayne supporter of all religion in the Church of Rome.' Bossuet might class the question of papal infallibility among 'matters speculative and vain;' Keenan's 'Catechism' might declare it a 'protestant invention;' English Romanists might assure Mr. Pitt that they 'acknowledged no infallibility in the pope.' But to Anthony Hungerford in the sixteenth century it had grown 'very cleare that howsoever the writers of the Roman Church did pretend Scriptures, Councells, & antient Fathers—yet in plaine tearmes that when they say the Church cannot erre—they meane her head, that is the Roman Bushope.'

It will be necessary henceforth to chant 'I believe in the Pope,' instead of 'I believe in the Church,' said the French bishop Maret after the promulgation of the Vatican decree. Three centuries before it Anthony, referring to a yet earlier papal utterance, declared that he found that

quicumque salvus est, though otherwise rightlie he mainteynes all the principles of the Christian faith, must add this article of Pope Boniface³² to his creed, to professe his religion in communion with him & under his obedience.

To that article Anthony's patriotism forbade him to subscribe; for he was too clear-sighted not to perceive that out of the doctrine of infallibility springs naturally the claim to deposing power, which, in its turn, 'has begotten a monster of fearful & ugly feature, the treacherous killing of Christian Princes,' such as the assassinations, 'nowe fresh in memorie,' of Henry III and Henry IV of France. Hopton, the priest, had said truly that an infallible pope might certainly depose princes for the welfare of their subjects' souls, and might even go a step further, and pronounce sentence of death upon an obstinate and active heretic; and the Englishmen who fought

³² Boniface VIII, whose bull 'Unam Sanctam' (1303) was the first which fulfilled Bellarmine's definition of an *ex cathedra* decree—that it must (1) proclaim a general law, and (2) be addressed to the whole church. Anthony refers to the words, 'By the Catholic faith we are compelled to believe that there is one Holy Catholic Church, out of which there is no forgiveness of sins; and of this Church there is only one chief, to wit Christ, and his vicars and successors, by virtue of the commission to St. Peter conveyed in the words, "Feed my sheep."'

against the king of Spain, yet remained in communion with the church of Rome, were in a strange anomalous position.

Until now Anthony had been content, with the 'Collier'³³ commended by Hosius, to believe many things 'with the Church in grosse;' but since the 'authority of the church' meant simply the decision of an infallible pope, and papal infallibility appeared a non-proven and suspicious doctrine, Anthony's 'explicit belief' was at an end. He does not seem to have felt with Bellarmine that the doctrine of papal infallibility was the corner stone of Christianity; but he does hold that 'it is the stay of all religion in the papacy;' and

withall I called to mind what my Father had often delivered unto me by the way of serious & loving admonition charging me upon his blessing as I should answer for my soule at the dreadful day of accompt, that I should not condemne the religion mayntained by authoritie within the Realme before I knew it and that I should not refuse with a minde free of prejudice at the least to heare or reade what might be alleadged for it.

Hitherto Anthony had been deaf to this admonition, and had consulted only Roman teachers, but now

I determind to applie myself to reading & conferrance with some persons learned of either side comparing all statements with the evident testimonie of Godes sacred worde. . . In which course the farther I waded the more I misliked the Doctrine of the Church of Rome.

Anthony does not tell us the names of the learned of either side with whom he conferred, nor when he made 'profession of the true Religion at this present established in the Church of England.' But we do know that the match with the 'gentleman's daughter of the countrie,' about which he consulted Hopton, did not take place, and that it was not till 1595 that he married his cousin Lucy, daughter of Sir Walter Hungerford, of Farley Castle, and widow of Mr. John St. John; and we may perhaps conclude that his self-prescribed course of patient theological study covered the seven intervening years. The statement that he called to mind what his father had often delivered to him probably indicates that his conference with the learned of either side did not begin till after Sir Anthony Hungerford's death in 1594, and certainly shows that he was not living under the parental roof. We must suppose, therefore, that he had already settled in that quiet home in the upper valley of the Thames where his children were born, and where in due course the 'Memorial of a Father' and the 'Advice of a

³³ The Collier's Creed ('Foi du Charbonnier') was proverbial. There were various versions of the story; the simplest represents the ignorant 'carbonarius' as routing the devil by the steadfast assertion, 'I believe what the Church believes.' Hosius (*De Auctor. Sacr. Script.* lib. iii.) quotes this story as an illustration of the foolishness of trying to confute the devil from the Word of God.

Sonne' were written.³⁴ A reference in the latter to the work of Suarez, 'Contra Anglicanae Sectae Errores,' which James I ordered to be burnt as subversive of the authority of princes, and a quotation in the former from that monarch's reply to Bellarmine, show that neither treatise was composed before the second decade of the seventeenth century; while in a preface to the 'Memorial,' dated 1627,³⁵ Anthony states that 'it is now divers years since I penned this shorte relation.'

This preface is too characteristic of the writer to be omitted.

It is now divers years since I penned this shorte relation following the which I kept by me with purpose when I should take my farewell of the world to leave as my memoriall to my Children: But my kind good friend Maister Doctor Clayton³⁶ being lately with me and having casually a sight of it, persuaded me with many reasons to make it publick; whereunto I assented, principally from this motive, to make knowne God's great mercy in this worke with me: Whose goodnesse, as I am bound to acknowledge in many blessings of this life, so much more in this. For the fairest comforts the Earth affords, though as they come from God they are exceeding good, yet many times to the possessors, by reason of their ill use of them they prove but deluding dreames. They are bona bonis and mala malis. But a right understanding and practise of our duty to God, doth conduct us in a calme through the greatest stormes and adventures of this world to a Life of rest and everlasting felicity.

From my house at Blackbourton
this 7th of April 1627.

The following June *quicquid mori potuit egregii viri Domini Anthonii Hungerford* was laid in the chancel of the village church. Another Anthony, the eldest child of Sarah Wiseman—*coniux sua secunda et dilectissima*—reigned at Blackbourton in his father's stead, and raised a monument above his parents' grave. Under his father's name, with pious filial pride, he wrote the words—

In Memoria Aeterna erit Justus.

But perhaps Anthony himself would have preferred the motto inscribed on the tomb of his uncle Sir Walter Hungerford at Farley Castle—

'Tyme Tryeth Truth.'

LAURA M. ROBERTS.

³⁴ The site of the Hungerford house may still be traced in the meadow at the east end of the church of Blackbourton, a retired village between Alvescot and Bampton, in Oxfordshire.

³⁵ The preface, like the rest of the 'Memorial,' is in a thoroughly Elizabethan hand. Anthony wrote, as he was taught in his young days, a clean, small, distinct, compact hand, strikingly different from the loose straggling writing of his son Edward, some of whose letters are of the same date as the preface to the 'Memorial.'

³⁶ Perhaps the master of Pembroke College and regius professor of physic in the University of Oxford.

*The Foreign Policy of England
under Walpole*

PART V.

AFTER the signature of the preliminaries of Paris, 31 May 1727, the emperor, who during the previous two years had appeared as a disturbing element in Europe, sank again into the background, and once more the chief question which agitated Europe was what the policy of Spain would be. The answer to this was far from obvious, because Spain now had different policies, not quite compatible with one another, each of which was pursued in turn, and each of which required a corresponding modification in the attitude of other nations. In the first place there was what may be called a national policy as opposed to the queen's policy. The national policy recognised that Spain's chief concern was to strengthen her position by a careful husbanding of her resources and a gradual increase of her fleet and army; in this way alone could there be any hope of making an effective stand against the constant encroachments of England in the West Indies and of restoring prosperity to her own shattered commerce. The soul of this party was the Spanish statesman Don José Patiño, who was the most powerful minister in Spain from September 1726 till his death in November 1736. Keene says of him in his picture of the Spanish court that the great object he held before himself was the destruction of our Assiento trade, and he adds that we should never be really popular in Spain unless we gave up Gibraltar and modified the Assiento treaty.¹ During the ten years of his ministry Patiño steadily encouraged ship-building and promoted trade and commerce, so as to bring back wealth to the country, and, as far as other circumstances permitted him, kept up a constant system of petty annoyances calculated to disgust the English with the West Indian trade, without actually going to the extent of war after the abortive issue of the attack on Gibraltar. The difficulty of carrying out this policy successfully was that it implied, for the present at any rate, the isolation of Spain, for it meant hostility

¹ Add. MS. (Brit. Mus.) 32755, f. 439.

not only to England but also to France, as long as France and England were in close alliance. On the other hand the queen, who was always the most important factor in Spanish politics, cared for nothing but the establishment of her children: for this object she was quite willing, if necessary, to give up everything else to France and England; for she was very indifferent about the means of satisfying her desire. What she would have liked above all things was to secure the Austrian marriages; and even after the preliminaries had been signed, and Spain's help for the Ostend Company had thereby become useless for the emperor's plans, she still hoped to obtain the archduchesses for her sons. If she had been successful in this policy she would have been able to co-operate heartily with Patiño's views, since the continued alliance of Spain and the emperor would have kept Spain away from France and England. Her alternative policy to this was to give up all hope of the Austrian marriages and to limit her expectations to obtaining the duchies in Italy for Don Carlos; but for this the active co-operation of the two allied powers was necessary to overcome the emperor's opposition. However, whatever policy the queen forced upon him, Patiño showed his ability by managing to preserve her favour and support throughout, in spite of intrigues of the imperial ambassador or of disappointed courtiers to supplant him; and he deserved well of his country by his prudence and energy. To preserve himself and his policy he naturally had to use a certain amount of dissimulation, and though Keene saw the dissimulation he hardly did justice to his statesmanship and displayed less of his own usual acumen when he attributed his influence to his

flattering the King & Queen with swoln Accounts of their Power, & . . . pretending to be in readiness at short warning to set fire to the four corners of the Earth, tho' sometimes, not to discover his nakedness, he was obliged to find out means to inspire into Them a Sort of Moderation.²

After the signature of the preliminaries by the Spanish ambassador at Vienna Spain for a long time evaded their fulfilment both in the spirit and the letter, and tried to pursue the combined policy of alliance with the emperor and hostility to England. Königseck, the imperial minister, was still the most important personage at the Spanish court; foreign affairs were still managed by the marquis de la Paz, who had received his title in honour of the treaty of Vienna, and who, without much capacity, was wedded to the policy which this treaty represented; and the queen still blindly believed she would get an archduchess. At the same time Spain refused to fill up the trenches before Gibraltar, to distribute the effects of the English, French, and Dutch merchants which were brought from the West Indies by her treasure fleet,

² Public Record Office, *Spain*, 230.

or to give up the 'Prince Frederick' to the South Sea Company, until the English fleets in the West Indies and on the Spanish coast were recalled.³ It must be admitted that, though the English ministry were probably right in their contention that these indications of a peaceful disposition were meant by the preliminaries to precede the withdrawal of the fleets, the Spanish ministry had this justification, that the wording was not very clear on the point. But the quibbling excuses offered by Spain for her conduct, such as that Gibraltar was not really being besieged, though the earth-works were still left standing, and that the 'Prince Frederick' was being kept as a reprisal for Admiral Hosier's action in stopping the fair at Panama,⁴ show that she had no very certain ground to go upon; and, however that may be, it was clearly the determination of the Spanish court if possible to avoid fulfilling their part of the bargain at all. And for a moment it almost looked as if the emperor would support Spain in this attempt to evade the preliminaries. It appears that in August he was actually trying to send out two ships from Ostend,⁵ and he was said to be keeping up his troops with the object of overawing the princes of the empire and of persuading them to entrust their interests at the congress to him.⁶ It is little wonder that Spain should have been encouraged by these manœuvres to cling to the alliance with Vienna, and to refuse to come to terms with England. Another circumstance which no doubt encouraged her at this time was the change in her relations with France.

Ever since his assumption of power Fleury, it has been seen, had been making every effort to bring about a reconciliation between the two courts; and now at last he was successful, for the two kings exchanged friendly letters in August 1727, and the comte de Rottembourg was sent to Madrid to resume diplomatic relations. This reconciliation did not in itself necessitate any alteration in the friendship between England and France; so little indeed was this the case that Horace Walpole had constantly encouraged Fleury in his attempts. But there was a circumstance connected with the reconciliation which was much more serious for the alliance than the reconciliation itself. Philip V's resentment against France had already been to a certain extent allayed by the removal of the duc de Bourbon, the prime author of the insults against him; but it was not finally laid to rest till the humbler instrument in the affair had also been sacrificed. The foreign secretary, Morville, had acted on the duc de Bourbon's instructions; and though his character was rather colourless, and nobody would ever have accused him of instigating a policy, Philip had not forgiven him for his part. Fleury, who had at first continued him in office,

³ Add. MS. 32751, f. 64; Baudrillart, *Philippe V et la Cour de France*, iii. 346.

⁴ Add. MS. 32751, f. 37.

⁵ *Ibid.* f. 192.

⁶ *Ibid.* f. 210.

came to see that his presence was an obstacle to his policy, so he determined on his removal. Unfortunately for England, Morville, though of no particular importance personally, was to some extent a guarantee of the Anglo-French alliance, as he had always been used to it and had consequently been loyal to it; and Fleury's choice of a successor in Chauvelin was by no means calculated to preserve the good feeling between England and France.

Chauvelin, who besides the foreign secretaryship had obtained the office of *garde des sceaux*, held by Morville's father, was a far stronger and more capable man than his predecessor, and under the appearance of great obsequiousness to the cardinal made his own influence very strongly felt in French policy. He had the strength due to great knowledge and great industry, combined with a determination to make his will felt, and by the empire which his subserviency and the services he rendered gave him over the cardinal he was able to give a tone to the foreign policy of France not at all in harmony with his patron's peace-loving proclivities. Certainly one of his most marked ideas was a determination to throw off the tutelage of England, and this the English ministry very soon found out. In a private letter of 6 Feb. 1728 the duke writes to Lord Waldegrave, then at Paris, warning him strongly against Chauvelin. His designs, he says, are not very obvious, but at any rate they are not friendly to England, and, as he is always trying to influence the cardinal against England, Lord Waldegrave would do well on all occasions to get the cardinal's ear first and persuade him before he has had time to be talked round by the *garde des sceaux*.⁷ Certainly, if the cardinal had been particularly anxious to break gradually with England without any *éclat*, he could hardly have chosen a more ingenious way of bringing this about than by appointing Chauvelin as his subordinate. It is amusing to read in the accounts sent to England by the English envoys in Paris, especially Lord Waldegrave, how they would first go and see Chauvelin about some matter, on which he would storm and bluster as if he almost considered it a matter for war, and then they would see the cardinal, who in mellifluous accents soothed their ruffled feelings, but generally ended in agreeing to a certain extent with Chauvelin's conclusions, or at any rate in delaying satisfaction to the English.

This clever interchange of play between the two French ministers is particularly noticeable in the dispute about the port of Dunkirk, which perhaps by a mere coincidence began to assume serious proportions again almost on the very day of Chauvelin's appointment.⁸ By the treaty of Utrecht Louis XIV had agreed to raze the fortifications of Dunkirk and to fill up the port, which was regarded as a

⁷ Add. MS. 32754, f. 234.

⁸ Add. MS. 32751, f. 307 (17 Aug. 1727).

danger to English commerce and the English fleet. During all the years from 1714 to 1722 continual disputes were arising between the two countries as to the fulfilment of this provision: some of the moles, indeed, which protected the port were destroyed, but attempts were made by the French to supply the loss by other means, and to provide another port close by under a different name. At first an equivalent was sought by enlarging the neighbouring port of Mardyke, and then, as the English and Dutch objected to this, a roundabout way of restoring the harbour of Dunkirk was tried by letting in water from the canal of Furnes.⁹ After 1722 the English seem to have made no complaints for five years, but in April 1727 Colonel Armstrong was sent out as a commissary to report on the state of the harbour. Apparently the French government had for some time ceased to take much interest in the matter, but the people of Dunkirk, who had experienced the beginnings of great commercial prosperity during the war, being a high-spirited community, chafed at seeing this advantage slipping from them, and were always ready on their own account to do what they could to restore the harbour.¹⁰ Colonel Armstrong found on going thither that the usual attempts to restore the harbour works were being renewed, and a complaint was made to the French government. Then for the next six years, until France's attention was diverted by the Polish war, Chauvelin plainly showed that a new spirit had entered into French relations with England. England sent commissaries and made complaints,¹¹ the question was warmly debated in parliament,¹² communications strongly resembling ultimatums were delivered to the cardinal,¹³ and reprisals in the form of excluding French goods from England were talked of.¹⁴ The French ministry on their side never seem to have denied the English claims in the abstract, but they showed the greatest ingenuity in not satisfying them: they promise at one moment to raze the fortifications and allow the harbour to silt up,¹⁵ and then fail to fulfil their promise.¹⁶ After a temporary lull of nearly two years it is discovered that they have again allowed the port to become open;¹⁷ and then, after promising that a French commissary should meet the English and Dutch representatives, they delay his arrival on various frivolous pretexts.¹⁸ In the end Chauvelin had succeeded in rousing French feeling, which at first was somewhat apathetic, to fever heat on the subject,¹⁹ until the

⁹ See P.R.O., *Dunkirk*, 6.

¹⁰ See *Mémoires de la Société Dunkerquoise*, 1862-5, M. Raymond de Bertrand *Sur le Port et le Commerce de Dunkerque au 18^{me} Siècle.*

¹¹ Add. MSS. 32755, f. 398; 32758, f. 293; 32768, f. 67; 32781, f. 191; and elsewhere.

¹² Coxe, *Memoirs of Sir Robert Walpole* (4to edition), ii. 669. ¹³ *Ibid.* iii. 29.

¹⁴ Add. MS. 32778, ff. 85, 105. ¹⁵ Add. MS. 32766, f. 50. ¹⁶ *Ibid.* f. 326.

¹⁷ Add. MS. 32777, f. 114. ¹⁸ *Ibid.* f. 482. ¹⁹ Add. MS. 32781, f. 220.

time came when other more important issues thrust Dunkirk into the background. The whole incident was clearly not of the importance which each side attached or pretended to attach to it, but it is a good illustration of the way in which relations gradually became less cordial between the two powers and of Chauvelin's determination to free France from all tutelage to England.

France then was, at this time, still less anxious than before to deal hardly with Spain, or to take any very active steps in support of England's policy. When it appeared uncertain whether the emperor would fulfil the preliminaries, England had to remind France that her subsidy of 25,000*l.* to Sweden was overdue and should be paid,²⁰ and urged that the emperor's intrigues in Germany should be counteracted by the despatch of English and French ministers to the various German courts,²¹ and by the formal inclusion of Hesse in the Hanover alliance,²² and that if he raised awkward questions at the congress Holland, France, and England should agree to annoy him with difficulties as to his succession.²³ France met these suggestions without any very great enthusiasm, and the duke of Newcastle's proposals about Spain were still less approved when they were made known. As soon as he found out that Spain had no intention of complying with the terms of the preliminaries before the English fleets were withdrawn, he wrote to Horace Walpole that England, so far from yielding, was disposed to reinforce the West Indian fleet and to prevent the galleons' return to Spain, and required France to join in energetic measures to force Spain's compliance; he also suggested to the cardinal that, as France was on the point of reconciliation with Spain, he might insinuate to the Spanish court that the best proof they could give of their friendship to France would be in coming to terms with England about the prizes detained and Gibraltar.²⁴ Still less was it of use for England to suggest to the cardinal that if his remonstrances to Spain's unsatisfactory replies were ineffective the French fleet off Cadiz should join the English in the demonstration and stop the sailing of the galleons.²⁵ As it was, the reinforcement of the English fleet before Porto Bello without the sanction of the French caused considerable annoyance and embarrassment in Paris,²⁶ and in deference to the cardinal's representations England professed herself willing to leave the question of restoring prizes to the congress, if the 'Prince Frederick' and the other South Sea Company's ships were restored.²⁷

Still, while France was anxious to come into friendly relations with Spain and disinclined to go on playing England's game indefinitely, the cardinal was not at all prepared to break with

²⁰ Add. MS. 32750, f. 413. ²¹ Add. MS. 32751, f. 210. ²² Add. MS. 32750, f. 507.

²³ Add. MS. 32751, f. 290.

²⁴ *Ibid.* ff. 64, 112, 157.

²⁵ *Ibid.* f. 480.

²⁶ Baudrillart, iii. 350.

²⁷ Add. MS. 32751, f. 554.

England yet. The suspicion of a continued understanding between Madrid and Vienna was disquieting, and it was of no use to throw away the certain alliance of England and then to be deceived by Spain. And there was a reason why the non-fulfilment of the preliminaries affected France in one respect even more than England, for her merchants felt more severely the detention of their effects on the galleons than ours, as they depended entirely on Spanish bottoms for their trade, while the English, owing to their commercial treaty with Spain, aided by promiscuous smuggling, carried the bulk of their goods in English bottoms. For these reasons the French ambassador, Rottembourg, was instructed to insist on Spain fulfilling the preliminaries and to defend the English action in the West Indies; and in fact he acted also on behalf of the English in this negotiation, as England and Spain had not yet formally renewed diplomatic intercourse, although Keene was sent in an unofficial capacity to instruct Rottembourg. The chief difficulty on which the negotiation turned was the restitution of the 'Prince Frederick': the Spaniards felt that the possession of this ship was the only real hold they had on England, and the queen fought hard for the restitution of Gibraltar, in accordance with George I's half-promise, as an equivalent for the ship. When this suggestion was opposed by an inflexible negative, various devices were put forward to evade surrendering the ship outright to the English. One scheme proposed, which received some approbation from the cardinal, was that it should be given up to the French to hold as security, until the various claims made by Spain against England were decided; but in view of England's disapprobation the cardinal withdrew his sanction.²⁸ At last in November 1727 all difficulties seemed to have been removed, and Keene wrote home that, owing to the French ambassador's representations, the preliminaries were to be executed by Spain, though rather as a matter of grace than of right.²⁹ In December he announced that the following agreement had been arrived at:—

- i. The Spanish troops were to be withdrawn from Gibraltar;
- ii. The effects of the flotilla were to be distributed as in time of peace;
- iii. Commerce was to be put on the old footing; and,
- iv. The 'Prince Frederick' was to be restored.
- v. On this understanding the king of England was to recall his squadrons; and
- vi. The 'Prince Frederick,' though restored, was only to be restored provisionally, and it was to be kept in pawn as security for any contraband trade or damage committed in the West Indies for

²⁸ See Baudrillart, iii. 345-84.

²⁹ Add. MS. 32752, ff. 369, 440.

which it or any other English ship was decided to be held responsible at the congress.³⁰

Keene, who had rather plumed himself on the signature of these preliminaries, was soon undeceived as to the view taken of them at home. Both from the duke of Newcastle and from Horace Walpole at Paris³¹ he received very severe reprimands as to his carelessness in allowing such a stipulation as the last to be made. The Spaniards, with a chicanery which they not infrequently displayed, and which a diplomatist more experienced than Keene would have known how to guard against, had managed to get just the point admitted which the English ministry were determined to refuse. While our ministry were quite ready to discuss what contraband, if any, had been put into the 'Prince Frederick,' and in that case what damages the South Sea Company should pay for it, they absolutely refused to discuss at the congress all the damage done by the English fleets to the Spanish colonies, and still less to treat the 'Prince Frederick' as a hostage by which any of the losses which the Spaniards might prove should be made good. At the same time the duke of Newcastle wrote a strong letter of complaint to Paris against the action of Count Rottembourg in negotiating such a convention, and he showed the suspicions which were already entertained in England with regard to Chauvelin by privately asking Walpole if secret instructions had been sent by that minister to Rottembourg to pursue a course so opposed to our policy.³² However, whatever may have been Chauvelin's original intentions, the inconceivable folly of Spain in further estranging France rendered any consideration for her impossible. In December the queen suddenly announced that she would claim an extraordinary tax or *indulto* of 26 per cent. on all the foreign merchandise brought back by the flotilla. This measure, which affected the French more than anybody, brought the following energetic protest from Chauvelin :—

L'indult excessif sur les effets des galions a jeté dans la nation une consternation que je ne puis vous exprimer. . . . Si leurs majestés catholiques n'y apportent pas quelque adoucissement, nos marchands aimeront mieux suspendre tout commerce avec Cadix. . . . Le roi de France a grand intérêt a tolérer le commerce des Indes en droiture. Il l'a défendu sous les peines les plus sévères pour être agréable au roi d'Espagne, qui tire d'immenses revenus de l'obligation de nos sujets de se servir de la voie de flottes et galions. Si le roi d'Espagne rend ce commerce trop dur aux Français ou manque aux traités, on fera comme les Anglais et les Hollandais qui ne se sont jamais privés d'un commerce illicite avec les Indes. Tout le monde sait qu'il n'y a jamais eu dans les Indes espagnoles un gouverneur ni un juge à l'épreuve de l'argent. Les gouverneurs qui reviennent des Indes sans avoir de quoi donner aux conseillers du conseil des Indes sont jetés en prison sous un prétexte.

³⁰ Add. MS. 32753, f. 84.

³¹ *Ibid.* ff. 318, 343.

³² *Ibid.* ff. 345, 353.

Chauvelin goes on to remark to the French ambassador, to whom this is addressed, that such conduct on the part of Spain only throws France more into the arms of England.³³

Strict orders were sent to Rottembourg and Keene by their respective courts to disavow the convention, to say that it had been made without orders, and to get one drawn up conformable to English views. Spain, as it happened, made no very great difficulties about the disavowal of the convention, not, however, from any desire to satisfy the allies, but because in the constant whirling of policy from which she suffered she had now again come under the sway of the emperor and was hoping to get all she wanted from him.³⁴ But this disposition did not last long; England on 6 Dec. had concluded the treaty of subsidy with the duke of Brunswick-Wolfenbüttel, which showed the emperor that the alliance of Hanover was still a living force, and the English fleets were still as dangerous as ever to Spain; ³⁵ while in January 1728 Rottembourg was ordered to bring matters to a decision by threatening to leave Spain if his last memorial were not complied with immediately.³⁶ At last the queen, alarmed at the king's illness, which threatened to leave her unprotected, and disappointed again in the emperor, who was too prudent to risk anything for Spain, and was moreover intriguing against Don Carlos's succession in Italy, consented to discuss terms in a more favourable spirit. The duke of Newcastle explained the requirements of England in a declaration to be transmitted by the French ministry, that she would consent to discuss at the congress questions of contraband, but not those of damage done by the fleet, and that there was to be no further suggestion about the 'Prince Frederick' being held in pawn.³⁷ However, as a concession to Spanish sensitiveness, he agreed, on the cardinal's suggestion, that the Spaniards should be allowed to take an inventory of the 'Prince Frederick's' contents, and that all matters in dispute with respect to trade might be discussed at the congress.³⁸ On these terms Spain was at last ready to come to an agreement, and seems to have been prepared in the middle of February to sign a declaration to this effect. But this time, strangely enough, the delay came from England, as the full powers had not been despatched to Keene. At this delay the French professed great indignation, and were able to turn the tables on England, who had so often accused them of dilatory proceedings. The incident, trifling in itself, affords an insight into the spirit with which the French ministry were beginning to regard England, as it provoked the cardinal beyond his usual restraint of language.

³³ Baudrillart, vol. iii. app. p. 578.

³⁴ Add. MS. 32753, f. 396.

³⁵ Baudrillart, iii. 384.

³⁶ Add. MS. 32754, f. 16. ³⁷ *Ibid.* f. 149.

³⁸ Baudrillart, iii. 400.

He told me (says Lord Waldegrave) with a good deal of coldness they [the full powers] ought to have been here this fortnight. He did not like the limitation of the power. He said that we were for governing the whole world, that we were *d'une hauteur insupportable*, that all the foreign ministers at this court were scandalised at our dilatory proceedings, that we put ourselves in the wrong by our ways, that an Englishman was now as odious to the people of Spain as they had been to the queen of Spain.³⁹

However, elaborate explanations of the delay were given to the cardinal, and on 8 March Keene wrote to say that Rottembourg's declaration, which became known as the convention of the Pardo, had been signed by all parties on 6 March.⁴⁰ Immediately on receipt of the news the English gave a proof of their good faith by the despatch of orders to Sir Charles Wager to leave the coasts of Spain, and to Lord Portmore to send back the extra troops from Gibraltar, even before the Spaniards had sent their orders for the filling up of the trenches.⁴¹

But this convention, though it caused a temporary lull, in reality settled nothing and seemed only to open the way for fresh difficulties. Spain had by no means given up her alliance with the emperor yet, and there was still a congress to look forward to, at which it appeared as if every question could be brought up anew for further discussion. In fact the instructions drawn up for the Spanish plenipotentiaries included the demand for Gibraltar and the discussion of English trade privileges, and while they insisted on Don Carlos's rights to Parma and Tuscany they showed every disposition to support the emperor in Germany and the north.⁴² In view of this attitude of Spain, England, France, and Holland had to concert what their action at the congress should be.

Although the aims of the three allies were not in all respects identical, there was a certain amount of common ground on which they could meet; and almost immediately after the convention of the Pardo the duke of Newcastle was able to lay down a few broad lines of agreement as to their conduct at the congress. In the first place nothing was to be debated contrary to the preliminaries, or to the previous treaties of the allies, especially in regard to Gibraltar; the question of the regulation of contraband trade was to be discussed; other powers than the actual parties to the preliminaries were to come to the congress if they liked, even if uninvited; the Ostend trade was not to be revived;⁴³ and, lastly, it was agreed that no engagements should be taken guaranteeing the Pragmatic Sanction to the emperor.⁴⁴ But, in spite of these points of agreement, the growing independence of French policy as

³⁹ Add. MS. 32754, f. 276 (21 Feb. 1728).

⁴¹ Add. MSS. 32754, f. 451; 32755, f. 70.

⁴³ Add. MS. 32755, f. 55.

⁴⁰ *Ibid.* f. 347.

⁴² Baudrillart, iii. 424.

⁴⁴ *Ibid.* f. 123.

contrasted with its weakness at the time of the congress of Cambray made it necessary for England to watch closely the conduct of France, as there was some reason to feel less confidence in her hearty co-operation. For example, a rumour that France was anxious to obtain the position of mediator at the congress gained such persistency that Horace Walpole was instructed to insist on there being no distinction between the allies, but that France should take part in the congress on the same terms as England:⁴⁵ at the same time there was grave cause for complaint with France about the state of Dunkirk,⁴⁶ and Chauvelin was even credited with a desire to give some satisfaction at the congress to the duke of Holstein, which was a point against which England had always protested.⁴⁷ In the instructions given to the French plenipotentiaries at the congress there is an interesting discussion by Fleury himself as to the possible aims of French policy at this time,⁴⁸ which shows incidentally that the alliance with England had passed beyond the stage of being considered as a matter of course.

The cardinal had now obtained a renewal of friendship between the two crowns of France and Spain, and he wished to go further, and, by turning this friendship into a close alliance, to complete the work which Louis XIV had begun, all the more when he began to realise that by relying only on England and Holland he must inevitably strengthen the alliance of Spain and the emperor, and encourage England's commercial supremacy. But he was at the same time aware that it would not be possible, at any rate for the present, to depend solely on an alliance with Spain, who was already weakened by her capricious policy and by the long estrangement from France; the combination of England and the emperor, which would inevitably result from such a close alliance, would be too strong for France and Spain. The question, then, to consider was whether he should persist in the alliance with England, or try and secure the emperor as his second ally. There had been some coquetting between the courts of Vienna and Paris, which showed that an alliance with the emperor was not absolutely out of the question, and it appeared on a superficial glance as if Spain would be more disposed to retain her alliance with the emperor than to be bound to England. But the objections to this course proved insurmountable: the cardinal judged rightly that Spain would no longer be so enthusiastic for the emperor when she discovered all hope of the marriages gone; France, too, was not prepared for a close alliance with her traditional enemy, and by a guarantee of the Pragmatic Sanction to strengthen the dynasty which it was still the policy of the French foreign office to do all in its power to weaken. The only course, therefore, left open was to

⁴⁵ Add. MS. 32755, f. 281.⁴⁶ *Ibid.* f. 398.⁴⁷ *Ibid.* f. 555.⁴⁸ It is analysed in Baudrillart, iii. 407 sqq.

keep to the alliance with England; but by his instructions to the plenipotentiaries Fleury showed that he intended to keep a moderating hand on the rival pretensions of Spain and England. Thus, although he was not prepared to allow a lengthened discussion about the 'Prince Frederick,' he showed a determination to put down English contraband trade in the West Indies, and in the matter of Gibraltar he by no means endorsed England's refusal to discuss its restitution.

The English ministry, on the other hand, without giving up any of their rights, took what proved in the end to be the wisest view of the situation when, still under the influence of Townshend, they expressed a conviction that the queen of Spain was the best person to gain for the purposes of the allies at the congress. As the duke of Newcastle said,⁴⁹ the only thing she cared about really was the establishment of her family in Italy; in comparison with that Gibraltar and the Assiento treaty were of no moment to her. In order to gain her he was even prepared to waive all opposition to the marriage of Don Carlos with an archduchess, and, if the cardinal approved, to allow Keene to inform her of this complaisance.⁵⁰ In other respects the policy of England at the congress may be gathered from the instructions given to the plenipotentiaries at the congress, Stanhope, Stanhope, Horace Walpole, and Stephen Poyntz, which are dated ^{30 April} ^{11 May} 1728.⁵¹ These were—

i. That there should be an absolute concert between English, French, and Dutch representatives, and nothing contrary to the treaties of the Triple Alliance and of Hanover should be considered.

ii. That the Ostend trade should be completely suppressed.

iii. That the plenipotentiaries should refuse to discuss the restitution of Gibraltar, or

iv. The question of damage done to Spain by the detention of the galleons. It was to be pointed out that this measure followed necessarily on Ripperda's admission of hostile designs against us, on the fitting out of privateers in Cadiz, and on the assistance offered to the Pretender.

v. Commerce with Spain was to be restored as before, and various grievances on both sides to be settled by commissioners.

vi. Equal treatment was to be claimed for our subjects in the West Indies, and their complaints were to be attended to by Spain.

vii. The question of the prizes taken by both sides during the war was to be discussed.

viii. Restitution was to be demanded of the South Sea Company's effects seized before the declaration of the war, although by a clause of the Assiento treaty one and a half year's grace should have been given to the company to remove their goods even after the declaration of war; and it was to be explained that the breach

⁴⁹ Add. MS. 32755, f. 133.

⁵⁰ *Ibid.* ff. 123, 281.

⁵¹ *Ibid.* 32756, f. 63.

of this clause was the reason why the company had not, according to treaty, sent the king of Spain an account of his quarter's profit.

ix. Equal treatment was to be demanded from the emperor for our subjects in Sicily.

It is to be observed from these instructions that England had now arrived at a clear perception that her chief concern with Spain was the regulation of commerce; so she brushed aside all the irrelevant matters on which other governments wasted so much of their energy and limited herself to the really important points. There were, however, one or two subsidiary matters which affected Germany which formed the subject of a secret understanding with Holland. The Dutch had some difficulties to settle with the emperor about the Barrier treaty, and were also interested in the dispute about the duchies of Juliers and Berg, as they were anxious not to leave the fortress of Emden, which was on their borders, in the hands of either candidate to the succession, but to obtain the privilege of garrisoning it themselves. In these matters the English declared their willingness to support the Dutch claims, if the Dutch in return would add their weight to King George's demand on the emperor for the investiture of Bremen and Verden, which was still delayed, and in his dispute about Hadeln.⁵²

The congress, which was originally to have met at Aix-la-Chapelle, and was then fixed at Cambray and finally at Soissons, to suit Cardinal Fleury's convenience, met for the first time on 14 June 1728; but though several formal sittings were held they were of the same fruitless character as those at the congress of Cambray, and after August no further pretence was made of carrying on the proceedings. All the serious negotiations were carried on chiefly at Paris behind the back of the congress, where too much publicity interfered with the mutual overreaching of allies. At first there appeared to be very little chance of agreement. The emperor, though resigned to the abolition of the Ostend traffic, insisted on some compensation being made to his Belgian subjects, a point on which England was equally determined not to yield. He further showed his unfriendly disposition towards England by a sudden change of front about Mecklenburg. Owing to disputes between the duke and his nobles this duchy, it has been seen,⁵³ had been taken out of the duke's jurisdiction and placed by the emperor under the guardianship of George I and the duke of Wolfenbüttel; and although the business of freeing the duchy from Prussian troops was completed Hanoverian troops were still quartered there on the plea of recovering the expenses of the commission. But, owing, no doubt, to the treaty made against him by these two princes, the emperor in 1728 deprived them of their office of guardians and sequestered the duchy and put the king

⁵² Add. MS. 32755, f. 67.

⁵³ *Ante*, vol. xv. p. 270.

of Prussia in possession as conservator.⁵⁴ This action seems to have caused great annoyance to George II, who was always extremely jealous of his brother-in-law Frederick William, and who also saw with alarm the rising power of Prussia. He entered into negotiations with the four electors of Mainz, Treves, Cologne, and the Palatinate for friendship and alliance in matters affecting German interests, and one of the secret articles of the proposed treaty was to be to the effect that the judgment extracted by the emperor from the aulic council which effected the change was contrary to the rights of states of the empire, and that if this judgment were persisted in, and an attempt made to deprive the house of Brunswick of the payment due from the duchy for expenses of the commission, the contracting parties would defend their rights in the diet at Ratisbon and by force.⁵⁵ At the same time the duke of Newcastle wrote urgent letters to the plenipotentiaries demanding the intervention of France against this step, partly in her capacity as guarantee of the treaty of Westphalia and partly as an ally of England; ⁵⁶ and when it came to the question of settling the terms of a treaty with the emperor one condition laid down was that his proclamation about Mecklenburg should be withdrawn.⁵⁷

Spain was at first even more uncompromising in her attitude towards the allies. The king of Spain was at this time suffering from one of his lengthened periods of illness, and though Keene's letters are very full of the king's filthy habits, which would be interesting to the student of insanity, they are also occupied with matters of greater importance. Although the English had at the very beginning fulfilled their part in the convention of the Pardo by loyally reducing the garrison at Gibraltar and withdrawing the fleets, for any satisfaction which Spain gave the convention might as well have been a dead letter. On various pettifogging excuses she refused to destroy her works levelled against Gibraltar or to retire outside cannon-shot of the fort, as she was bound to do. As an illustration of the kind of excuse with which they professed to defend their bad faith, it appears from Keene that in August 1728 the Spaniards, after repeated demands for their withdrawal by England, were still gravely discussing how far the distance of cannon-shot meant. Was it a shot fired from an eighteen-pounder or a twenty-four-pounder, and was it a shot by *portée* or by *volée*? and finally they came to the determination that the question must be decided by experiment.⁵⁸ At the same time the outrages against British subjects and the attacks on British trade in the West Indies still continued,⁵⁹ and there was no sign of the cessa-

⁵⁴ Add. MS. 32758, f. 195 (September 1728).

⁵⁵ P.R.O., 118, Treaty Papers.

⁵⁶ Add. MSS. 32757, f. 348; 32758, ff. 195, 425; 32759, ff. 192, 501.

⁵⁷ Add. MS. 32758, f. 213.

⁵⁸ Add. MS. 32757, f. 503.

⁵⁹ Add. MSS. 32757, f. 225; 32758, f. 413.

tion of Spanish warlike preparation. It was reported that a large Spanish fleet was arming, and that Patiño was secretly straining every nerve to be in readiness for hostilities, which as likely as not would be directed against England.⁶⁰ The semi-official explanation indeed given was that the queen of Spain, in order to prevent her husband from abdicating again, since he was still troubled in conscience about having resumed the throne in spite of his vow, had reminded him of a previous vow made by him to capture Oran from the Moors; and that these military preparations were to enable him to accomplish his first vow.⁶¹ But the English government not unnaturally continued to regard these preparations with suspicion, especially when in January 1729 they received secret information that Patiño was making plans to attack Jamaica and hold it as security for Gibraltar.⁶² All these matters concerned England more than France, but the Spanish ministry committed the inconceivable folly of keeping France estranged too by persisting in the policy of claiming an excessive *indulto* on the foreign merchants' effects in the galleons, so that the French merchants found themselves forced to abandon their natural opposition to the English merchants and join them in protesting against the exaction.

In this state of affairs no treaty either with the emperor or with Spain seemed very promising. Although the emperor was not going to give anything to get Spain, and Spain's only reason for alliance with the emperor was the marriage which the emperor would not grant, both these powers saw that by holding out as long as possible they could get better terms, for as the one became more impracticable the other necessarily became more sought after by the allies and could raise his terms, so that the game of seesaw went on for some time without any definite results. In England the ministry was divided on the question with which of these two powers it would be best to come to terms. Townshend, as before, was strongly in favour of coming to terms with Spain, and he carried this view to such an extent that he even professed himself willing to give up Gibraltar if a satisfactory understanding could thereby be arrived at;⁶³ he also urged that the emperor was more vulnerable from his desire to have the Pragmatic Sanction confirmed, and that if it came to a war he would thus be an easier enemy to deal with. In this view he was supported by Horace Walpole and by Poyntz, two of our plenipotentiaries at Soissons.⁶⁴ On the other hand the duke of Newcastle and Sir Robert Walpole were in favour of a close understanding with the emperor. The duke in explaining this view took up the perfectly intelligible attitude that for England Spain was really

⁶⁰ Add. MS. 32757, ff. 307, 432.

⁶¹ Add. MS. 32755, f. 55.

⁶² Add. MS. 32760, f. 190. ⁶³ Coxe, *Walpole*. ii. 628, 631. ⁶⁴ Add. MS. 32761, f. 228.

the more easy enemy to attack : our German disputes with the emperor were settled, so that we had really no ground of quarrel with him, and if it came to a war our chief strength lay in our fleet, which could attack Spain satisfactorily, but not the emperor.⁶⁵

Again Townshend's policy prevailed in these difficult negotiations, and it must be admitted that when the point had been decided the duke of Newcastle loyally seconded his colleague's views. However at first, owing to the continued obstinacy displayed by the queen of Spain, there seemed every prospect that terms would have to be made with the emperor, and Spain left in the lurch. By September 1728 the French and English, seeing that a final agreement was for the present impossible, had put into shape a provisional treaty which hung matters up for a further period, as it extended the suspension of the Ostend trade and laid down that arrangements should be made to settle the Spanish trade disputes and the duke of Holstein's claims by commissions, and that if Spain would sign these articles the Italian towns should be garrisoned for Don Carlos.⁶⁶ At first Sinzendorf, the imperial plenipotentiary, declared that he was willing to sign without waiting for Spain if that power delayed its adhesion, and in that case Spain would have been forced to come in afterwards without getting any of the credit for a friendly disposition ; but further considerations, into which that of loyalty to the Spanish alliance did not enter, made the emperor withdraw Sinzendorf's promise : in the first place there was no provision made in the terms of peace for compensation for the loss of the Ostend trade,⁶⁷ and secondly there was still hope at Vienna for the payment of another subsidy from Spain when the next fleet of galleons came in ; but if Spain had been previously estranged by the signature of the treaty without her consent all chance of this would disappear.⁶⁸ By November 1728 the English ministry had become impatient at the delay, and proposed vigorous action against Spain and the emperor to force them to come to terms. In a strongly worded despatch to the plenipotentiaries the duke of Newcastle now represented that the only course now left open for securing a settlement was for England and France to threaten Spain and the emperor that if the treaty were not signed within two months they would take energetic action. If only France would act with sufficient vigour, he explained, all might yet come well, and in answer to Chauvelin's objection that it would be rash to act with any vigour till the galleons had come in, as that might entail a great loss to French trade, he pointed out that, on the contrary, the only hope for the French merchants of having their goods distributed was to have the present uncertainty at an end, for as long

⁶⁵ Coxe, *Walpole*, ii. 644.

⁶⁶ Add. MSS. 32757, f. 338 ; 32758, f. 213.

⁶⁷ Syveton, *Une Cour et un Aventurier au 18me Siècle ; le Baron de Ripperda*, p. 264.

⁶⁸ Add. MS. 32759, f. 90.

as there was any uncertainty the Spaniards would retain the foreign merchants' goods as a hold over their countries.

But before this despatch was penned the Spanish court had already begun to see that their present policy of estrangement from France would not do, as an illness of Louis XV revived all the king of Spain's aspirations to succeed him. At the end of October Louis fell ill of small-pox, and, as he had as yet no heir, there seemed a grave possibility of the succession being left open. Philip's plans had already been made in case of his death: through the abbé de Montgon the duc de Bourbon had been gained to his interests, and even Fleury had half promised his support; and preparations had advanced so far that proclamations had been drawn up and lodged in safe hands at Paris, to be produced immediately on the king's death.⁶⁹ After a final fit of sickness on receipt of the news, Philip became so excited at the prospect opened to him of returning to France that he forgot his disorder, and began feverishly making plans to start; he proposed to take the prince of the Asturias with him as Dauphin, and to leave Don Carlos as king of Spain and Don Philip as heir to Tuscany and Parma; and Keene reports a midnight conversation, overheard by the attendants outside the royal bedroom, in which the king declared to the queen that one of his first acts on arriving in France would be to drive the Jansenists out of the country.⁷⁰ The prompt recovery of Louis extinguished these hopes, it is true, but the incident served to teach the Spanish court the absurdity of trying to pursue a policy in which the interests of France and Spain should be divergent. The queen especially must have been struck by the perfectly genuine joy expressed by her husband at his nephew's recovery; in honour of the event he left his bed, shaved, and dressed for the first time for months, and attended the 'Te Deum' at the public thanksgiving.⁷¹ The finishing touch to this change of view was put by the persistent evasions of the emperor about the marriage of his daughters. Almost immediately after the events just recorded the queen made a last despairing attempt to obtain a definite promise from the emperor of his daughter's hand: it was in March 1729 that she received the answer from Vienna that no final promise could be given for the present,⁷² and then, without losing a moment of time, she turned to France to help her to get the question of Italy settled,⁷³ for failing the complete alliance with the emperor she saw that without France and England she would never get Don Carlos into Italy.

The negotiations did not advance very fast at the beginning, and it was not till 12 May that Keene was able to write home that the queen was now so angry at the emperor's treatment of her that she

⁶⁹ Baudrillart, iii. 455 *sqq.*, 899.

⁷⁰ Add. MS. 32759, ff. 79, 104.

⁷¹ *Ibid.*

⁷² Syveton, pp. 266-8.

⁷³ Baudrillart, iii. 499 *sqq.*

was inclined to give up the point of Gibraltar and agree to an alliance with France and England if Spanish, instead of neutral, garrisons were allowed in Parma and Tuscany.⁷⁴ This stipulation under the circumstances was not an unreasonable one on the part of Spain ; for the emperor had always shown a consistent opposition to the fulfilment of the article about the duchies in the quadruple alliance, and Spain was justified in seeking every security possible for her rights ; moreover France had already agreed to support Spain in an attempt to persuade the other powers to allow this. At first France and England were not inclined to go further than to say that they would assist Spain, by force if necessary, to introduce the Swiss garrisons into Italy, but that they could not promise more than the employment of their good offices to secure that the garrisons should be Spanish instead of Swiss.⁷⁵ Although the allies saw the reasonableness of Spain's requests, they for a long time hesitated to grant it, as they saw clearly that it might mean war with the emperor, for which they were not prepared. An abortive attempt was even made in the course of the summer of 1729 to renew negotiations with the emperor, and induce him to offer better terms than Spain ;⁷⁶ but he would not abate any of his pretensions, and even when he had lost all hope of subsidy from Spain after the distribution of the effects from the galleons he proposed a treaty by which he was to evade the payment of 500,000 crowns to the Dutch for the barrier garrisons, and to get the Pragmatic Sanction confirmed. The allies were not inclined to accept such proposals,⁷⁷ especially after they had come to the conclusion that the emperor, owing to the difficulties of his position from the Turks, the princes and electors, and the uncertainty about his own succession, would not be likely to attack France and England if they came to an agreement with Spain.⁷⁸ Spain, on her side, though somewhat in the position of one asking a favour, lost nothing by any excessive modesty in her demands ; thus in July she proposed a treaty whereby France and England were only to get the performance, hitherto neglected, of the conditions of the preliminaries, and in return for this act of bare justice she expected them to insist, even by force, on the introduction of Spanish garrisons.⁷⁹ Nevertheless the English ministry showed their earnest desire to come to terms by not rejecting this proposal in principle, but reserving it for consideration and amendment,⁸⁰ and at the same time by despatching Stanhope to Spain to bring matters to a conclusion. No better proof of their earnestness than this could be desired, as Stanhope was a great favourite with Philip V, who said of him that he was the only man whose word he

⁷⁴ Add. MS. 32761, f. 79.

⁷⁵ *Ibid.* f. 47.

⁷⁶ Syveton, p. 272.

⁷⁷ Add. MS. 32763, ff. 267, 271.

⁷⁸ Add. MS. 32761, f. 228.

⁷⁹ Add. MS. 32762, f. 27.

⁸⁰ *Ibid.* f. 191.

could implicitly trust, and from his long residence in Spain and by temperament he was peculiarly fitted to deal with the dilatory methods of Spanish statesmen. Finally in September the English and French courts agreed to the requirements of Madrid as to Spanish garrisons in Italy, but in the draft treaty which was sent as an ultimatum far more stringent provisions for the safeguarding of English commercial interests and of the Assiento treaty were laid down than in the treaty proposed by Spain.⁸¹ But even though so much was being offered to Spain the allies still thought it necessary to guard against her slippery diplomacy; and they agreed that until the treaty was actually signed no help should be given by the allies to Spain in Tuscany,⁸² and the last proposals of the imperial ministers should not be definitely rejected, lest Spain should find herself in such a position of superiority as to refuse all accommodation.⁸³ Finally, however, after the king of Spain had insisted on a trifling alteration in the draft proposed, because, as Stanhope said, he would think his dignity compromised in accepting a treaty proposed to him without altering it,⁸⁴ the treaty of Seville was signed on 9 Nov. 1729 by the representatives of England, France, and Spain. Its main terms were as follows:—

i. English and Spanish commissioners were to meet in four months to decide on the rival claims as to prizes, &c., especially those taken in 1718.

ii. The commercial privileges granted to the English in 1667, 1713, and 1716 were to be restored to them.

iii. Spanish garrisons were to be introduced with the help of the English and the French into Tuscany and Parma.

iv. French and English commerce was to be restored on its old footing in America, and all damage done by Spain since the signing of the preliminaries of 1727 was to be made good. And

(v.) By a secret article it was laid down that, if the emperor's opposition should render a resort to arms necessary, a treaty should be made, into which other powers might enter, to regulate all matters necessary to restore a just equilibrium in Europe. This article subsequently gained importance from the use made of it by the French in the negotiations of the following year.

Three weeks later the Dutch acceded to the treaty on a promise of commercial advantages and a redress of trade grievances.

This treaty was the logical outcome of the treaty of Utrecht, attained finally after much manœuvring, after many alarms of war and even a certain amount of actual warfare. Spain had for long struggled blindly against accepting what she felt to be her commercial bondage to England, and tried all means possible to

⁸¹ Add. MS. ff. 327, 381.

⁸² *Ibid.* f. 270.

⁸³ Add. MS. 32763, f. 362.

⁸⁴ Add. MS. 32764, f. 3.

throw it off by attempting to regain a vast empire at the expense of the house of Hapsburg, or again by a strict alliance with the emperor, and all the time by demands and attacks on Gibraltar and by petty annoyances against our trade. The weak spot of the Spanish position had been her inability to carry France along with her in these struggles, for England had been wise enough to secure the strongest possible support by her own alliance with France, which kept her two worst enemies apart during these years of unrest. At first sight it might appear that Spain had obtained everything that she wanted for very little in return. But England was content as long as she had her commerce secured to her, and although in the event it proved that the treaty was not effective in securing all freedom from disturbance it was a wise measure in giving her still further time to husband her resources for a war, and in clearing away for a time the troublesome question of Gibraltar. But even when once the treaty was made, nothing could be regarded as final until the garrisons had been established in Italy, and that was a matter on which the emperor would have something to say.

BASIL WILLIAMS.

Notes and Documents

LANFRANC AND THE ANTIPOPE.

THE consecration of the antipope Wibert, or Clement III, took place in March 1084. Soon after¹ the primate of the British Isles sent a letter to one of Wibert's fervent partisans.² This letter, which most likely contained inquiries about the schism, is lost, as is the answer, which must have been conceived in a vehement Wibertine spirit. Lanfranc's reply, however, reveals England's policy of neutrality as to the schism. 'I do not approve,' he says, 'that you blame Gregory, calling him Hildebrand, and praise Clement, though the emperor surely did not gain such a victory without God's help. Do not come to England without royal license, because our isle has not yet rejected Gregory nor given sentence whether Clement shall be obeyed. Not before the causes from both sides shall have been heard will the necessary course be provided for.' Strict neutrality is all that can be inferred from the fact that not the slightest trace exists of a correspondence of the English government with Gregory VII during his last two years, or with Victor III. Nothing more is told us when later on Anselm declares his adherence to Urban.³ William I and Lanfranc kept so far from Wibertine tendencies that they were counted among the Gregorian party by its continental supporters.⁴ The bishop of Durham⁵ was, indeed, banished in 1088 by the supreme English court of law because he appealed to Rome, but not because he adhered to Urban, whose right was not at all called in question. Though he procured from Urban a letter sharply rebuking this uncanonical lawsuit,⁶ he regained the king's favour in 1091.⁷ Urban had in 1088 announced⁸ his consecration to Lanfranc, and sent a cardinal to England in order

¹ As early as 1081 Gregory VII commends William I 'quia contra apostolicam sedem rogatus a[b] inimicis crucis pactum inire noluit,' but here the 'inimicus' might be Henry IV (Jaffé-Löwenfeld, *Reg. Pontif.* n. 5208).

² Cp. Böhmer, *Kirche u. Staat in Engl. im XI. XII. Jahrh.* p. 139.

³ Cp. my *Anselm und Hugo von Lyon*, pp. 4, 12 sq.

⁴ *Ibid.*

⁵ Cp. Freeman, *William Rufus*, i. 98; Hodgson, 'William of S. Calais,' in *Archaeol. Aeliana* 20 (1899), p. 49.

⁶ Jaffé, n. 5397.

⁷ Freeman, p. 299.

⁸ Jaffé, n. 5351.

to collect Peter's pence. Why, then, does William of Malmesbury⁹ tell us that England, fearing William II, inclined more to Wibert?

Clement's three letters to Lanfranc, printed below, give us an answer. They urge the English primate to visit Rome. The antipope assumes that he will receive Peter's pence from England, just as Urban did. He greets the English bishops as his partisans. All this may be a mere diplomatic device, and perhaps was never answered by Lanfranc, but there still remains one valuable fact concerning the nunnery of Wilton which justifies the chronicler's remark, and indeed may well have been known in the neighbouring house of Malmesbury. In the same year, when the northern bishop appealed to Urban, this southern abbess of Wilton induced Clement to ask Lanfranc to procure the restitution of a plot of land she had lost 'under'¹⁰ William I. Now the bishop of Durham was in 1088 in open rebellion, while the abbess, unable to make opposition, would hardly have applied for a letter of protection to Clement if she had not known that he possessed some sort of authority with the English government. Domesday Book mentions two cases in which St. Mary's, at Wilton, claimed land;¹¹ one piece was then in the hands of a tenant-in-chief of the king, the other had been taken away by the Conqueror's brother, the bishop of Bayeux.

The way in which Wibert flatters Lanfranc is interesting. It is not as the powerful reformer of the British hierarchy that Lanfranc is commended in these letters, but as the teacher of the trivium and quadrivium, the refuter of Berengar's errors. These features of an earlier time still constituted Lanfranc's European fame in the eyes of an Italian. It is only an empty phrase when Wibert assures Lanfranc that he ascended the papal throne unwillingly; but in the request not to despise his cause on account of his personal sins something more, possibly a real characteristic of the man, betrays itself. The humble entreaties and the phrases of adulation indicate the writer's consciousness of weakness. Even the unformed style deviates widely from that which marks the pompous majesty of Roman pontiffs. Does this also testify to the irregularity of Wibert's position? It might, indeed, be adduced as an argument against the genuineness of the documents; but for what purpose could they have been invented? If a schoolmaster had composed them as a sample of correct letter-writing, their style would have been a great deal more artificial.

The letter standing first in the manuscript is the beginning of

⁹ *Mon. Germ.*, SS. xiii. 136

¹⁰ The ensuing sentence leaves no doubt that the Conqueror had at least sanctioned, if not committed, this robbery.

¹¹ Vol. i. 68a, 1, 2.

Wibert's correspondence with Lanfranc. For this reason, and because his accession to the apostolic see is mentioned, it seems to have been written shortly after 1084 ; still a year at least must have elapsed before the pope could call it a negligence not to have visited him. The third letter was written when Wibert had heard of the Conqueror's death and before he could know of Lanfranc's.

The three letters were copied a generation or two after their composition, and are found in a manuscript at Trinity College, Cambridge (B 16. 44, p. 405 sq.), which, by the kind permission of the Master and Fellows, was copied for me by Mr. A. Rogers. I owe the reference to Dr. M. R. James's excellent catalogue.¹²

F. LIEBERMANN.

I. *Clement III invites Lanfranc, archbishop of Canterbury, to Rome, and asks his help in the church's troubles* [c. 1085-6].

Clemens episcopus seruus seruorum Dei Lanfranco Cantuariensi¹³ archiepiscopo salutem et apostolicam benedictionem. Fraternitati tuę litteras dilectionis dirigimus, quia, famę et bonę opinionis tuę fragrantiam sepius odorantes, te proximum Deo moribus et scientia estimamus. Bene ergo certum tene, quia te in uisceribus nostris diligimus, amplectimur et magis magisque de die in diem tui presentiam exoptamus, cum quia tibi ac saluti tuę bonus,¹⁴ tum etiam quia ecclesię Dei uniuerse cum hactenus maxime in hoc tempore necessarius. Quid igitur apertis ac uigilantibus oculis de nostra admiratione referemus? Fraternitatem tuam puta mirari oportet, te autem negligentiam tuam emendare non dedecet. Debuit enim sanctitas et prouidentia tuę gubernationis¹⁵ ecclesię Dei, tot uentorum tursionibus agitate, tot aquarum inundationibus presse, tot ruinis et quassationibus lese, uel inter ipsas procellas maris subuenisse, adiutorio Eius freta qui ait: 'Et portę inferi non preualebunt aduersus eam.'¹⁶ Uisita ergo, frater, et adiuua matrem tuam; respice Petrum; uide petram, supra quam fundauit Deus ecclesiam suam! Non nos propter peccata nostra despicias, non ad merita nostra intentionem retorqueas! Proprium enim meruimus ruinam quam cathedram, quam, teste Deo, inuiti suscepimus, multisque modis uitare uoluimus. Ad quod tandem fraternitatem tuam dilectionis nostrę presentibus litteris commonemus, ad quod cum intimo mentis et amoris affectu inuitamus; habito pre oculis amore et timore Dei, expergiscere, simulque quo potes errorem ac superbiam, quę contra sanctam Romanam ecclesiam pullulauit, euellere contende, omnesque coepiscopos fratres nostros ex nostra parte saluta, et ad honorem et utilitatem sanctę Romanę ecclesię studio sanctitatis fraterne hortare.

II. *Clement III invites Lanfranc, archbishop of Canterbury, to Rome.*

He is to send Peter's pence and induce the king and bishops to help the church [c. 1086-9].

Clemens episcopus seruus seruorum Dei Lanfranco Cantuarberiensis¹⁷ archiepiscopo sicut karissimo confratri salutem et apostolicam benedic-

¹² *The Western Manuscripts in Trin. Coll., Cambr.*, i. (1900.)

¹³ Inter *r* et *i* superser. *ber*—i.e. more Franco-Gallico *Cantuarber*.; cf. ii.

¹⁴ Desunt uerba al., fort. *aduentus foret*.

¹⁵ *Em. tua gubernationi*.

¹⁶ Matth. xvi. 18.

¹⁷ Sic; cf. n. 13.

tionem. Nouerit caritas tua, carissime frater, quia desiderio desideramus te uidere, ore ad os tecum loqui ac pre manibus te habere. Ad cuius efficaciam uoti exterior licet homo non ualeat, interior tamen molliatur et impleat, meditetur ac quasi te presentem conspiciat. Condelectamur enim in dilectione fraternitatis tuę et quasi quoddam fundamentum spei ad utilitatem fidei Christianę et ad religionis antiquę uelut lapidem tam uiuum¹⁸ ac tot modis expolitum te cernimus, et ad honorem ꝗcclesię sancti Petri maximum te futurum cooperatorem nostrum per Dei misericordiam expectamus. Unde uolumus et fraterne premonemus, ut cum rege Anglico de honore sancti Petri et debita reuerentia ac de pecunia regni sui multum agas ac consulas et confratres tuos ad idipsum commoneas et moueas. Inter omnia tamen præcipue ac maxima caritate te rogamus, ut limina apostolorum et confratrem, tuam sine modo presentiam desiderantem, uisites, ut iudices ipsos apud summum Iudicem imploratores adquiras ac desiderium confratris quasi fraterne compatiens adimpleas.

III. *Clement III to Lanfranc, archbishop of Canterbury, commending him as a philosopher and a theologian, invites him to Rome, and asks for Peter's Pence. He is to suggest to William II to restore to Wilton some land which the nunnery had lost under William I [1088 in.—1089 med.]*

Clemens episcopus seruus seruorum Dei Lanfranco Cantuariensi archiepiscopo confratri in Christo karissimo, uiro in omni doctrina eruditissimo, salutem et apostolicam benedictionem. Benedictus sit Deus omnipotens et benedictum nomen maiestatis Eius in secula, qui, sicuti triuii ac quadruuii, iam prorsus neglecto disciplinę studio, in desuetudinem traditorum atque in profundam obscuretatem lapsorum rimatore uerumque illuminatorem ad edocendas Latinorum mentes¹⁹ constituit, sic etiam magistrum atque doctorem sollertissimum noui ac ueteris Testamenti sua inestimabili prouidentia ordinauit teque munus incomparabile, stellam splendidissimam Europę attribuit. Cuius splendore innumerabilis multitudo illuminata est et cotidie illuminatur, uitam et mores a doctrina non discrepantes contemplando. Ideoque, frater karissime, ex debita dilectione litteras nostras ad te transmisimus, ut, qui columna a Deo in ecclesia sua firmissima stabilitus es, limina apostolorum non tederet uisitare matricque tue multis procellis circumpercusę remigii tui suffragium præstare. Quandoquidem omnipotens Maestas te constantissimum atque inuictissimum obicem a fide exorbitantibus opposuerat, ne deuia sequentes et docentes errorem suum ad quod desiderauerint possent perducere. Sed qua occasione remanserit, hoc ignoramus. Adhuc tamen, quia necessitas urget, tuę prudentię ac dilectioni mandamus et rogamus, quatinus matrem tuam in ruina, circumquaque latrantibus²⁰ canibus morsibus diuellentibus, positam uisites eique solatium ac leuamen sumministres. Ad quid enim columna, nisi ut onus sufferas? Quomodo stabit domus, si columnę subterfugerint? Accede igitur, frater, accede et matri postulanti filiale suffragium ne deneges. Turpe quippe est filium a matre nutritum et delicate educatum, si necessitate compulsus appetierit, non redibitionem dilectionis

¹⁸ 1 Petr. ii. 4.

¹⁹ te suppl.

²⁰ latranibus cod.

impendere. Quid plura? Uir prudens es, matri ac tibi consule, nec nostrę dilectionis immemor. Tuę præterea caritati mandamus, quatinus inclito principi uestro suggeratis, ut pro amore Dei et beatorum apostolorum Petri et Pauli terram, quam cenobium sancte Marię Wiltonensis ecclésię tempore patris sui amisit, ei restituat, quod et animę patris eius multum proficiet; et regnum eius, Deo sibi propitio, prosperabitur et solidabitur. Insuper etiam de oblatione a uestris predecessoribus ordinata mentionem uobis facimus et quod ex solito non miseritis in mirum ducimus. Ut igitur amplius oblationis allegatio non differatur, tuę caritati ac prudentię committatur.

THE LAWS OF BRETEUIL.

PART IV. BURGHAL COLONISATION (*continued*).

Borough Colonies without the Low Amercement.—The low amercement does not by any means always accompany the baronial grant, which creates or confirms the creation of a private borough. It is absent from the charters of Northumberland and Durham, absent also from the fine Staffordshire group, which is remarkably interesting in the history of borough colonisation. Some account of this group will be in place here as leading up to a discussion of the normal size of the burgage.

The Ferrers family did for *Staffordshire* what Ralph de Blundeville or his predecessors did in the Chester lands. *Tutbury*, which appears in Domesday as Henry de Ferrers's borough—*in burgo circa castellum sunt alii homines de mercato suo tantum viventes*¹—may be of his making, or perhaps Hugh of Avranches, the earl of Chester, may have founded it.² How Agardsley was converted into Newborough and how Uttoxeter was made a borough may be known in some detail from their borough charters. The words of an Elizabethan surveyor³ show that he appreciated several of the points that are of interest in tracing out the origin of the seignorial boroughs. After noticing that the burgage rents are all the same, 'he that for his yard or oxgang hath but half the content of his land payeth the whole rent, and he that hath double as much payeth no more but the whole rent,' he proceeds—

And when the lords had made these provisions for hospitality (agricultural services), that the greatest burden of their ordinary household should be without charge or trouble, and had directed themselves to be served by these poor villains in time of peace of all things necessary, for their provisions and furnitures of themselves and families at home, then began they to devise to increase their possessions with people to defend themselves in their country in time of war. And to make the honour more populous and stately, erected three boroughs within 6

¹ D.B. i. 248 b, col. 1.

² Orderic. Vit., ed. Le Prevost, ii. 222.

³ Stebbing Shaw, *Staffordshire*, i. 44.

miles of the castle, one at Tutbury, one at Agardsley, called Newburgh, and another at Uttoxeter, and granted to the burgesses and inhabitants of every of them such certain parcels of land to build upon as in their several grants may appear. And to make men the more desirous to plant their habitations in these places they procured them markets and fairs within the said boroughs and granted to the burgesses divers liberties of common, pastures, pannage, and estovers in their forest of Needwood, and also that they should be free of all toll, tronage, pickage, poundage, and other exactions within all their possessions, and granted to Tutbury 182 burgages, to Newburgh 101 burgages, to Uttoxeter 127 burgages, which were all inhabited, as it should seem, with handicraftsmen; they could not otherwise live; for we find by records and by the accounts from time to time that all lands within the said manors were granted to divers persons, either by charter or else to the customary tenants, so as there were none reserved to the burgesses to maintain their living, but only to some handicraftsmen and merchants, no husbandmen, nor graziers, but trusted only to their trades of merchandising and other handicrafts.

Such was the wisdom and policy of our ancestors to divorce the merchants and handicraftsmen from the husbands and tithemen (*sic*) that none of them should savour of the other's gain, and by this means the good towns were well built . . . which now are decayed.⁴

The earliest *Uttoxeter* charter is of 1251, and is given only in translation.⁵ William de Ferrars grants that the burgesses may hold their borough and burgages, as formerly assessed, as free burgesses, each paying 12*d.* a year for all service. The burgesses may take chapmen and other freemen, whom they will, into their borough, enfeoffing them and granting them burgages, saving always the lord's service (of 12*d.*). If a burgage is burnt down, or stands empty for a year, the whole community of the burgesses of the said town's street⁶ may take it into their hands to make the best profit thereof, without any claim from him who first held the burgage, and they must answer to the lord for its farm. This charter seems to have been somewhat abridged, for another record⁷ notes that the burgesses of Uttoxeter, Newborough, and Tutbury pay no heriots, nor frithsilver, nor rent-hens, nor other duty, but after the death of their ancestors the king shall have their chief weapon in lieu of heriot, and they shall pay a franchise penny.

The *Agardsley* (Newborough) charter of Robert de Ferrers (1263) has likewise been published only in translation. The following text is taken from an inspeximus on the Patent Roll, 51 Edward III, p. 1, m. 15.

⁴ On the decay of boroughs in Tudor times see the long list in the statute of 35 Hen. VIII.

⁵ Mosley's *Tutbury*, p. 384; Mosley's *Hist. of Ashbourne*, p. 301.

⁶ 'Vicis:' a curious phrase hovering between the concrete and the abstract community. The organ of the whole community would no doubt act.

⁷ Mosley's *Tutbury*, p. 367.

Inspeximus litteras patentes Roberti de Ferreres quondam comitis Derbeye factas in hec verba.

Omnibus Christi fidelibus hoc presens scriptum visuris vel auditoris Robertus de Ferreres comes Derbeye salutem in domino sempiternam.

1. Noverit universitas vestra me dedisse et concessisse et hac presenti carta confirmasse omnibus qui burgagia in libero burgo meo de Adgaresleg capere voluerint quod habeant in quolibet burgagio tres acras terre, scilicet duas acras arabiles et unam in burgo ad inedicandum.

2. Preterea concessi eisdem quod habeant omnes porcos suos in burgagiis suis nutritos de pannagio annuatim quietos in toto foresto meo pretertin haias meas nunc clausas†.

3. Et preterea concessi eisdem quod habeant de dono meo quolibet anno unum damum in foresta mea de Nedewod ad nundinas suas celebrandas.

4. Concessi eciam eisdem in quolibet die nundinarum suarum unam pipam vini dictis nundinis celebrandis per spacium septem annorum proximo sequencium.

5. Et insuper concessi eisdem quod nec ego nec heredum meorum aliquis sive successorum meorum nullam capcionem contra voluntatem suam in nundinis sive in foro de eisdem faciemus nisi plene pacaverimus infra xv dies subsequentes.

6. Et eciam concessi eisdem quod liberi et quieti sint de omnimodis tallagiis et passagiis [et] tolnetis per totam terram meam imperpetuum nisi tanto modo quo⁸ dominus Rex omnes burgos suos plenarie talliavit.

7. Et quod habeant housebote et haybote de omnibus lignis et per visum forestariorum meorum.

8. Preterea concessi eisdem quod habeant communem pasturam in toto foresto meo cum averiis†exceptis haias meas tunc clausas† et dabunt pro quolibet †bouo† j d. et pro qualibet vacca j d. et pro quolibet equo salvagio j d. annuatim scilicet ad festum S. Michaelis.

9. Preterea concessi eisdem quod habeant unam largam viam continentem quatuor perticas in latitudine que ducit de Brouil usque tenementum Radulfi carectarii de tenemento predicti Radulfi usque Swereburn, de Swereburn usque le Stonysich, de le Stonysich usque ad capellam versus Tuttebury.

10. Concessi eciam eisdem tres alias vias profitabiles ad burgum de Adgaresleg.

11. Preterea concessi quis illorum vult⁹ habere furnum ad proprium panem faciendum set nihil ad vendendum.

12. Preterea concessi eisdem molere ubicumque voluerint sine impedimento vel aliqua contradictione.

13. Habendo et tenendo de me et heredibus meis sibi et heredibus suis vel assignatis suis libere et quiete bene et in pace exceptis viris religiosis et iudeis cum omnibus libertatibus liberisque comunis et asiamentis ad predicta burgagia pertinentibus.

14. Reddendo inde annuatim michi et heredibus meis ipsi et heredes sui vel sui assignati pro quolibet burgagio octodecim denarios ad duos

⁸ Sic for 'tantummodo quando.' ⁹ Sic for 'quod aliquis illorum possit,' or the like.

anni terminos scilicet ad festum S. Michaelis ix d. et ad festum annunciacionis beate Marie ix d.

15. Et si ita contingat aliquod burgagium vacuum vel vastum esse ultra unum annum et unum diem, tunc alii burgenses de firma dicti burgagii tanquam de aliis respondent pro omni servicio, seculari exaccione, et demanda ad liberum burgagium pertinente.

16. Salvis michi et heredibus meis de dictis burgensibus terciis misericordiis de assisis panis et cervisie factis et sanguine et hutesio in dicto burgo levato; soluantur michi annuatim ad duos anni terminos scilicet ad proximam curiam post festum S. Michaelis et ad proximam post pascha. Et ego vero Robertus de Ferrers [warranty clause]. Et iterum concessi eisdem quod habeant omnes sisis¹⁰ quas burgenses Stafford' habent.¹¹

The list of baronial borough charters which offer the low burgage rent and pass over the amercement question is a long one; for instance, we may name East and West Looe (rent 6*d.*), Truro (? 6*d.*), Wells, New Sarum, Burton-on-Trent, Walsall, Wigan, Ulverstone, Morpeth (1*s.* 4*d.*), Whitby, Scarborough, Bury (2 farthings).

It will be noticed that these private boroughs created by seignorial charter are commonest in the less civilised portions of England; in the eastern counties we have had only the monastic Bury and Dunstable to cite, in the south-eastern counties none. But until more has been done in working out the early history of some of the obscurer examples a tentative collection can alone be offered. Nor can the collection ever be complete, owing to the loss of borough charters that must have taken place. Often it is the castle alone that will indicate the possible existence of an early borough. Chepstow and Usk, for example, two castles of Fitzosbern's building, ought to be numbered in all likelihood among our examples, possibly also Clifford's Castle, Wigmore, Ewyas; yet little or nothing is known of their burghal history, and the same is true of a number of border and Welsh boroughs. A goodly list of places of this kind may be found in Mr. Tait's Domesday map in the 'Historical Atlas of Modern Europe.'

Nature of the Colonising Process.—When William I directed Fitzosbern to build castles (*castella per loca firmari praecepit*¹²) he sanctioned borough-making on a large scale, and only in a few cases is the royal confirmation spoken of. The makers of boroughs who are not themselves tenants-in-chief get the consent of their overlord, but the king was a lord whose consent was not likely to be refused, and within their earldoms the earls of Hereford, Shrewsbury, and Chester had regalian rights that made royal consent unnecessary. As the 'Leges Willelmi' say, castles and boroughs and cities were founded and built to be places for buying and selling under control, and as Charles the Great chose the most

¹⁰ Sic for 'assisas.'

¹¹ Sealing clause and witnesses, dated Friday, 30 March 1263.

¹² Florence of Worcester, a. 1067.

promising villages to raise them to boroughs when he sought to spread civilisation in Germany,¹³ so Fitzosbern and Roger Montgomery and Hugh Lupus, at the Conqueror's desire, civilised the border.

Size of the Burgage.—The process by which the Norman lords adapted an English borough, even an existing English village, to the purposes of themselves and their followers seems at first sight to present a number of difficulties. What will be the position of the existing burgesses or villagers? Powerful as the Norman lord might be, was there no risk of grave disturbance in such towns as Hereford and Shrewsbury if the rights of the old burgesses were gravely injured by the intrusion of a new group of settlers? We may take first the extreme case in which French suburbs are fitted on to English county towns on the border. Here we see Fitzosbern and Roger Montgomery arranging the settlement of their Norman followers upon an area which should not only house the garrison, but increase the strength of the town as a fortified place. The original borough nucleus was already full; the vacant or fortified tenements could not house all their men. The lord, no doubt, wished to secure the support of the existing population against the Welsh incursions, and would not dare to alienate the burgesses by taking from them what they had been wont to enjoy. He would hesitate to disintegrate the borough as an agrarian unit by intruding the new-comers in large numbers upon the borough fields. The difficulty shrinks considerably if we can show that the new burgage holding is a small one, compared with the normal agricultural holding very small, and that what is taken from the borough to make new burgages is land which has not been of value, or only of slight value, to the original stock of burgesses. The first point submits itself easily to proof when the measures offered in the seignorial charters are compared.

ENGLAND.—*Bideford.* A messuage with six acres of land.

Stratford-on-Avon. Burgage $3\frac{1}{2}$ perches wide by 12 perches long.

Leeds. With every toft a half-acre to cultivate.

Ruyton. A plot of burgage with 3 acres in the fields.

New Sarum. Burgage 7 perches long by 3 perches wide.

Preston. 12 feet of frontage.

Altrinham. Burgage 2 perches wide by 5 perches long, with 1 acre in the fields.

Frodsham. A burgage right with 1 acre in the fields.

Knutsford. $2\frac{1}{2}$ selions in each burgage.

Salford. 1 acre to the burgage.

Stockport. 1 perch to the manse, 1 acre in the field.

Leek. $\frac{1}{2}$ acre to the manse, 1 acre in the fields.

Burton-on-Trent. Burgage 4 perches wide, 24 perches long.

¹³ Cf. G. L. von Maurer, *Städteverfassung*, i. 34.

Morpeth. $\frac{1}{2}$ rood and a toft.

Agardsley (Newborough). 1 acre in the borough to build on, 2 acres of arable.

Wigan. 5 roods to the burgage.

Looe. $\frac{1}{4}$ acre.

Chesterfield
Congleton
Dunstable
Llandoverly
Penrhyn } ? 1 acre.¹⁴

Beverley.—100 feet of land.¹⁵

SCOTLAND.—*The Four Boroughs.* 1 perch.

Ayr. A toft and 6 acres of land.

Abernethy. A burgh rood.

Inverness. A burgh rood or perticate, and 1 acre of arable in divided riggs.

Biggar. 5 to 8 acres.

Hawick. 1 perticate (in many cases).

Kelso. 1 rood.

Newburgh. 1 virgate or perticate.

IRELAND.—*Drogheda.* 50 feet of frontage and 3 acres in the fields.

Rathmore. 7 acres and a frontage, or $\frac{1}{2}$ acre and a frontage.¹⁶

Kells in Meath. Burgage and 3 acres in the fields.

Rathcole. 4 acres in the messuage, meadow and arable land.

Inistige. 20 feet of land and 3 acres.

Kells in Kilkenny
Kilkenny
Rossbercon
Carlow } 20 feet of frontage.

A collection of similar foreign examples could likewise be made.¹⁷

Such are the grants to new-comers, and this when mere villeins are holding their thirty acres 'in the fields.' The new burgess clearly is not conceived of as an agricultural colonist, for in that case such a portion of land would not tempt him, though large meadow and pasture and forest rights be added in every case. Sometimes there is no mention of any holding in the fields at all; what is appendant to the burgage is a garden, an orchard.

¹⁴ The phrase is 'twelvepeuce for each acre.'

¹⁵ *Beverley Town Documents*, ed. Leach, p. 17.

¹⁶ 85 burgages with 7 acres of land, and 11 burgages with $\frac{1}{2}$ acre.

¹⁷ FRANCE.—*Verneuil*, 3 acres ('acre') and a garden.

Grenade, on the Garonne, 15 'stadii' by 5.

Bois-commun-en-Gâtinois, a plot and 1 'arpent.'

Rheims, 1 'pertica' in the 'culture.'

Lorris-en-Gâtinois, house and 1 'arpent.'

GERMANY.—*Freiburg-im-Breisgau*, 100 ft. long by 50 broad (and its imitator, *Bern*, with burgages 100 ft. long by 60 broad).

Belike (Westphalia), 60 'areas' with 13 acres of arable and wood each.

Osterfeld (Westphalia), 28 'areas' with 25 acres each.

Modern Examples.—Now these holdings are, many of them, just of the size that it was deemed wise to offer the English, Welsh, and Scotch who were to settle in Ireland and form boroughs in the reign of James I and Charles I; the language of the seventeenth-century borough charters offers, indeed, a most useful gloss to explain what those of the twelfth century mean. There has been no change in men's notions of the best way to settle a new country; the process of borough-making is gone through in the old feudal fashion. There is no waiting till a village has grown to a town and has earned borough rank; a settlement of twenty people is called a borough, for the sake of the legal ideas that word carries with it. The patentee, for example, who made the borough of Enniskillen in the tenth year of James I was to provide twenty burgesses, chiefly artificers and handicraftsmen, who should 'make, erect, and construct a town and procure the same to be incorporated.' They were to lay the borough out in streets and squares 'as defence and decency should dictate,' and provide church and churchyard, gaol, and market-place. The twenty burgages shall be houses of stone or framed of timber, after the English fashion, and at least five shall be built in each of the first four years of the patentee's tenure. Each burgage is to contain a convenient quantity of land for the mansion house, courtyard, and garden of the said burgage; and to each of ten burgages there shall belong two acres, and to each of the other ten one acre, in a space of thirty acres set apart as a burgage field. A common of thirty acres is also set apart for the use of the cattle of the inhabitants (burgesses, cottagers, and inferior inhabitants), every burgess and inhabitant paying yearly 4*d.* for common or pasture there.

At Killybegs (Donegal) each burgage or borough house is to contain one acre of land within the town for the mansion house, and backside, and garden, according to the measure of twenty-one feet in each perch, and to each acre plot there is attached an acre in the burgess-field, with common in a space of thirty acres. The burgage tenements here number only twelve. At Londonderry the rent of the burgage tenement and burgage acre was 5*s.*; elsewhere it was proportioned at 10 per cent. of the patentee's outlay. At St. Johnstown (Donegal) sixty acres are set aside for the site and circuit of the borough, in which there shall be thirteen burgages, six on one side of a street and seven on the other. Each shall measure twenty feet in front, and ninety-six feet to the rear. The six houses shall have five acres apiece in the borough field, the seven houses, four and a half acres apiece; at a rent of 10*s.* and 9*s.* respectively.¹⁸ When the commissioners made their inquiry in 1835 some of these plots were still identifiable.

The patentees who gave twenty feet of frontage, a long perch,

¹⁸ *Parliamentary Papers*, 1836, vol. xxiv. *passim*.

chose the frontage that Geoffrey Fitzrobert, William Marshal's steward, chose at the end of the twelfth century. The burgage acre in a borough field lies apparently in a compact plot. In measuring the space to be occupied by a borough of late planting, such as Hillsborough, Castle Martyr, Charleville, Port Arlington, Harristown, Middleton, Lanesborough, a hundred acres was deemed in each case a sufficient area for a borough. The hundred acres lie round a centre, the middle of the town, the market-place. The hundred acres were of the large Irish plantation measure.

The foundation of some of the later Scottish burghs of barony could be cited as further examples—for instance, the earl of Glencairn's foundation of Kilmaurs, 1527, and in the seventeenth century the earl of Balcarres's burgh at Colinsburgh, and in 1791 Castle Douglas. A pretty example of thirteenth-century feeling on the question of what area would suffice for a borough comes from Dunstable, at the critical moment of its history, at the time when the burgesses are saying that they will rather go to hell than be beaten by the prior on the tallage question; they treated with William Cantilupe to let them have '40 acres in the fields adjacent' whither they might transfer their *tabernacula*, live, and be quit of the prior's tallage and toll.

From the size of the burgage tenements alone it is made clear that the early granters of borough charters were bidding for a population that would not live by agriculture; they were offered an amount of land which agriculturally was of very small value. Without ignoring the fact that some agricultural land was needed by them we must see the first recipients of twelfth-century charters as groups of traders and artisans—as very small groups, no doubt. If a dozen burgesses with 100 acres could be deemed a satisfactory Irish borough in the seventeenth century we need not reject the evidence to the same effect that comes from the twelfth century. It was such a little group of *negociatores* who were to form the pre-eminently urban element. There is space in the medieval economy for a few dealers, though not for many; that there was urgent need for artisans is indicated by the Flemish settlements in Henry I's reign. Trade does in the seigniorial borough seem to form the pre-eminently urban element; it is their occupation that makes the burgesses something other than villagers; it is their occupation which is to be the making of the new centre of habitation and to pay back more than the lord has lost by his gift.¹⁹ Some of the burgesses we may think of as Norman craftsmen

¹⁹ Compare the way in which Gebehard, bishop of Constance, 980–995, chose from his *servi* the best, and made them cooks, bakers, taverners, fullers, cobblers, gardeners, carpenters, masters of all the arts, and freed them from death-dues on their inheritances (*Mon. Germ. hist., Script.* x. 588). At Battle under Henry II 115 burgage tenements were occupied by smiths, shoemakers, weavers, millers, goldsmiths, cooks carpenters, &c. Each of them with some exceptions paid a rent of sevenpence. At

coming from their lord's *bourg* in Normandy, when they learn that the privileges enjoyed at home will be theirs, with added indulgences, in the new country; some as the castle-builders and the castle garrison. Nor need we, as in seventeenth-century Ireland, fetch them all from over-sea. The lord of the castle welcomed all would-be settlers.²⁰

The groan of the English burgess as heard in Domesday is not a complaint that the original inhabitants are suffering an encroachment from new settlers in the loss of wastes and grazing grounds, nor in the loss of arable acres. The groan is heard if Englishmen's houses have been destroyed, and if there are fewer burgesses rated to the borough's geld than there were formerly. The multiplication of houses and the multiplication of geld-paying burgesses would prove in the end a source of satisfaction in the old borough, not the reverse. The bitter hatred of castles, of which we read so much, was probably not directed against the chartered borough's castle, beyond whose porch no burgess might be brought.

Similar questions arise in the case of the *village* that is raised to borough rank. The lord does not choose an uninhabited place for his castle and new borough, for villages have already gathered upon the most desirable spots. The site chosen, generally speaking, bears the name which belonged, we must suppose, to a village with a well-defined framework of arable fields, pastures, and waste. There are, however, cases in which it is fairly evident that the lord made his borough not out of or in, but in the immediate neighbourhood of, a village which retained for a time at least an independent existence. Where a river was bridgeable a borough and castle were sometimes planted opposite to the village on the other side of a river. At Stratford-on-Avon, Old Stratford may well have been the original 'old town.' A portion of the borough is still so called. Stratford-on-Avon seems to have been cut out of Old Stratford, which, as a 'civil parish,' surrounds the borough. So at Ruyton an ancient distinction between Old and New Ruyton has been almost lost sight of.²¹ The large civil parish of Ruyton Eleven Towns has obliterated the demarcation of the townships. New Ruyton, the antiquaries tell us, is strictly co-extensive with the borough. It has been, we may suppose, cut out of Old Ruyton. Bideford, again, shows some traces of having been taken out of the township of Northam, and Chipping Sodbury and Netherweare from an original Sodbury and Weare.

In each case, however, very close inquiry would have to be made before any generalisation could be established. A glance at the Bury St. Edmunds in the time of the Conqueror there were 80 persons wanting 5, composed of bakers, brewers, tailors, washers, shoemakers, parminers, cooks, porters, and stewards, not then burgesses, but shortly to become such. See Morgan, *England under the Normans*, p. 152.

²⁰ Except Welshmen in Wales.

²¹ *Salopian Shreds and Patches*, vol. ix.

modern divisions of the civil parishes seems to provide a list of some twenty-five boroughs that look as if they had been cut out of townships and provided with a very small territory, and likewise a list of some twenty-five which allow no ground for such a conclusion. Here again the process of transformation need not be conceived as a very painful one, if we recognise that the burghal colony itself is small, and makes but a small demand for arable acres. A house and plot of land are the essential part of the burgess's holding; it need bear no relation to the original village hides.

If on the one hand we have to get rid of the thought of hides and quarter-hides when we equip a seignorial burgage, and reduce our idea of what land is necessary to satisfy a burgess's desires, on the other hand we must enlarge our idea of primitive borough building-plots. The thought of a medieval borough brings to mind narrow streets and crowded alleys packed close within the town wall, but such a picture does not belong to the time of burghal creation. The borough begins with very few houses, each 'standing in its own grounds,' along a wide street. Frail and poor as the building is, it covers a wide space, and within its 'bays' cattle are penned. It is only as pressure begins that their frontages are reduced to less than sixteen feet and they begin to fall into closely serried ranks. The fixed size of frontage points to an element of physical formality in the early town as marked as its legal formality. It is well known that at the close of the thirteenth century some new towns were laid out as geometrically as a Buenos Ayres,²² and the terms of the seignorial charters point to a like formalism at an earlier time.

If it is possible for an earl to fit on a suburb to a county town, and put the suburban burgesses on a footing of equal privilege with the intra-mural burgesses (not all of whom were any longer tilling hides or shares of hides), it was easy for a baron to introduce a borough into the framework of a village, to give the new burgesses rights in what he calls his pastures, his moors, his forests, to plot for them a burgage field and yet leave the villeins undisturbed in their acres. Some of the new burgesses may well be drawn from the existing township, if the townsman has time and energy to take wood from the lord's forest and build a tenement in the place where the lord wishes to see tenements built, and if he can pay the small annual rent which is to be in lieu of all services.

In the old English borough we may see all the inhabitants as burgesses, but in the twelfth-century borough there are grades to arise among the inhabitants of boroughs. If the original vill be small and poor its few cottagers will easily be absorbed and pass

²² Turner's *Domestic Architecture*, ii. 163. In the laying out of Hull and Winchelsea it does not appear that the burgages were of one size. Mr. Inderwick has printed the Winchelsea survey, and the sizes are very various.

into dependence on the group of flourishing burgesses; the villagers will be found among the inhabitants of the borough who fail to pay scot and lot, who fail to buy gild membership, poor men tilling the acres of others, and missing burgessship though they breathe the borough air, which is supposed to make men free. If the borough is destined to grow, as the agricultural area of the borough shrinks, so the need for it shrinks. Pastures and wastes are not required by a town of shopkeepers and artisans, and thus there appears the borough of a hundred acres to contrast with the borough of some thousands of acres.

Jurisdiction.—The borough, small or large in area, is cut out of the hundred in which its acres have lain, and is itself often called a hundred, and its court a hundred court. Where this happens we may perhaps see the lord of the borough as lord also of the hundred from which it was dissevered. The ancient history of the borough has directed that the justice of the borough court is the justice of the hundred court, with such exceptions as the lord may decree. If his burgesses belong to a stock accustomed to a law which is not that of the locality in which they are placed, the charter creating the borough is likely to be a long one, a custumal, in which the differences between the received law and the local law will be specially set down. The charter will be in the main a supplement to the law of the hundred. Certain features of the 'received' law will obtain a marked popularity as being specially adapted to existing circumstances or as offering conditions that favour impartially the interest of lord and burgess.²³ The popularity of the laws of Breteuil was, we may suppose, due to some reason of this kind. Perhaps the first occasion for writing down the borough laws is the request to pass them on to a neighbouring borough, as seems to have happened at Hereford. In the more elaborate later custumals an element of later borough-made law will enter, which will mark the distance the borough is travelling away from the law of the hundred court—such a paragraph, for instance, as the Preston clause ordering the expenses of a burgess, incurred in town business by the common counsel of the neighbours, to be paid to him.

But borough history does not begin with the private boroughs. Certain features in the charters here discussed take their origin in an obscure antiquity. It is possible to lay too much stress on the contractual nature of these late foundation charters, and to overlook that something formal and technical, yet essential and elemental, which lies behind every one of them, that something which is the residue that alone remains if we take away every point in which one borough charter may differ

²³ Cf. Luchaire, *Communes*, pp. 125–135, and G. L. von Maurer, i. 135.

from another. This something is the idea involved in the term 'burh' and its derivatives. The lord in creating among his tenants, for reasons of policy, a special caste, the burgess caste, was doing what the state had long been doing. The 'burh' had in the twelfth century ceased to be a phenomenon whose origin must be scientifically explainable. The act of the lord of the twelfth century who creates by charter a compact and complete entity which is called *burgus* or *liber burgus* is purely imitative. It is a legal act; the words *burgus*, *burgagium*, *burgensis*, are already technical terms for legal conceptions which have a certain definiteness. The lord is granting liberties which had been distinctive of the burghal character long before the private-borough-maker began his work. The inquirer into the origin of these legal conceptions must go far behind the charters here collected in search of his solution of the problem. But it is clear that the Norman lord's new borough was divided by no sharp line from the old English borough, sprang from the same roots, and should play its part in throwing light on the borough of a remoter age. They show forth the original element inherent in the phrase *liber burgus*, the element of an original freedom, not of a release from servitude. The caste of free burgesses is already in existence, and new groups of men are admitted to share the privileges of that caste. Here lies the point of union between the public and private borough.

The legal conceptions which came to Germans, French, and English when 'fastness' and 'cheaping' had evolved a 'burhgrið' lie behind the *liber burgus* in both cases, and produce a like set of *libertates* and *immunitates*. The burgess of the old English county town and the burgess of a lord's 'Newborough' are alike enabled by the law to hold borough land as their very own, as their chattel, to pay a burgage rent which allows them to take building-land at agricultural prices, a rent which may not be raised by reason of a tenant's improvements. And besides the considerations that encourage building and settlement there are the trading privileges which invite men to make use of the borough market. The burgess is to enjoy his chattels under a protection which other tenants do not enjoy, and his trade dealings are to have a protection which trade dealings in the open country do not enjoy. Every power of sweeping forfeiture that the lord exercises over his other tenants is a danger to himself, lest it forbid would-be burgesses to come to him and to his market. There are differences of liberty certainly between the burgess of the free, the mixed, or the seignorial borough, and in the latter case personal liberty is not incompatible with a large degree of dependence. On burgesses of both types burdensome duties may remain,²⁴ but none are heavy enough to rob the burgess of his

²⁴ In the seignorial boroughs multure and furnage need not be regarded as, in

liberty in relation to his tenement, or of that personal liberty which has been defined with legal formality in his borough charter. The lord may call the borough court *his* court and its president *his* reeve; but it is an essential part of the legal idea of the free borough that its court is a court of burgesses and its judgments the judgments of burgesses. The lord may charge a *misericordia* on every plea entered, certainly from the loser of every plea; but the justice is not of his doing. It is the doing of the burgess peers.

A burgess class once recognised by the law, it is easy to see how certain thoughts which even in primitive times we may call political gather round this nucleus. Seeking for traces of political self-consciousness among the humbler ranks, it is in the borough charters that we find them soonest. Although in the early borough charters we find no word of any constitution, yet that a group of freemen should be capable of coming to terms with a lord, that a lord should treat with them as a group, that free burgherhood should have become something to conjure with, introduces at once the thought of seignorial *versus* borough politics. The lord has offered as a bait a liberty which men are seeking; the men who care to accept the grant, who accept it with every security legal forms can give, will strive to defend it from all encroachments. If there is any struggle the lord and the borough must become natural enemies. The compulsion laid on the burgess by the lord when he requires that the burgess must build, and must have a burgage of such and such a frontage, is two-sided; it secures for the lord settled colonists, and a market, but the stipulation likewise guards the burgess from the intrusion into his borough of an unfree element which would weaken the position of the borough as a free political entity. The villein, freed from his former lord's claim by residence of a year and day in the borough, becomes subject to the burgess's duties, and is the burgess of the lord of that borough just as the other burgesses are.

In one respect the seignorial boroughs had their share in reshaping the older conception of the borough. In the old burh we find no element of community of tenure. Tenure in the old English boroughs, as Professor Maitland has pointed out, was curiously heterogeneous, and it was not from them that the term 'burgage tenure' could come. But in the seignorial borough tenure was essentially uniform, for to the burgesses of a single lord *omnes arce censuales unius sunt iuris*. From the borough in which there was a real unity of tenure the term 'burgage tenure' might easily spread to those other boroughs where already in the

their origin, burdens, but rather as small charges for a service rendered, without which service the freeman might be very helpless in a new country. This comes out very clearly in the history of the French occupation of Canada under a law still highly feudalised.

king's gafol there was a low payment made by each house which could not easily be differentiated from a rent.

The boroughs of the Breteuil pattern are an expression of one aspect of feudalism, and are developed chiefly when feudalism of a highly artificial kind is thrust upon a civilisation too immature to develop the quasi-feudalism which other parts of the country had attained by more natural means. Yet the necessity for the inclusion of such a burghal system as this in the scheme to feudalise the Welsh marches and Ireland is symptomatic of the weakness of feudalism. This burghal feudalism is a flimsy, machine-made fabric, and the strength of the growing borough may soon burst it asunder. Not always, however, for the overshadowing castle has power to check the borough growth, and it is possible enough that our 'free' borough will become a pocket borough. The literature of 'contested elections' that gathered in the days of the Reform Bill, with its curious stories of the meaning of burgage tenure as understood by our grandfathers, reveals the seamy side of that fine fabric of local self-government in the making of which the Anglo-Saxon detects one of the evidences of his superiority. But if we teach that the only genuine *liber burgus* is grown on English soil, shall we forget 'the little mock republics of deluded freemen' (for so a Scotchman of a time bygone calls the Scottish pocket boroughs) that flourished with us like a weed; forget likewise that some of our nurseries of freedom were given at their first planting, as the soil most proper to their growth, the *libertates et libere consuetudines de Bretoil*?²⁵ MARY BATESON.

A LETTER FROM OLIVER CROMWELL TO HIS SON HENRY.

THE following letter, the original of which has lately been purchased by the British Museum, deals with much the same subject as letters cevii. and ceviii. in Carlyle's 'Cromwell.' It is in the Protector's own handwriting, with notes by another hand. Henry Cromwell went to Ireland in July 1655 as commander-in-chief of the army, with the rank of major-general, and as a member of the Irish council. Fleetwood, the lord deputy, left Ireland in the following September, and Henry was for the next two years acting governor. Through-

²⁵ *Addenda et Corrigenda*.—In illustration of the Preston rule (§ 12) concerning 'earnest' (xv. 504, *ante*) compare the passage in the Assize of Jerusalem (court of burgesses), c. 27.

On the essoign of the wife's childbed (*ante*, xv. 512) see 'Dial. de Scacc.' ii. iv. (*Select Charters* p. 219).

On p. 103, l. 9 from foot, delete 'and his ancestor Maurice.' On the foundation of Kidwelly see Freeman's *William Rufus*, ii. 102.

On p. 108, l. 11 from foot, for 'Westmorland' read 'Cumberland.'

out he had to struggle with much opposition from a party amongst the officers, generally termed Anabaptists, whose leader was Colonel Hewson. The aim of the opposition was to thwart Henry Cromwell's policy and to put an end to his power by procuring Fleetwood's return to Ireland and his resumption of his post. The aim of Henry Cromwell's supporters was to get him made lord deputy in place of Fleetwood. The early stages of the struggle are fully narrated in Thurloe's 'Correspondence' (iv. 197, 227, 327, 348, 421, 433, 505). In the two letters of Cromwell to his son printed by Carlyle the Protector advises Henry as to his conduct towards the opposition, bidding him to trust to time and patience, not to be too suspicious, and not to seek to be too hard for men who contested with him. It is evident that Cromwell justly thought his son too apt to take offence and too eager to punish opposition. Henry suspected that his opponents in Ireland were backed by Fleetwood's influence in England, and the first part of Cromwell's letter is an answer to this suspicion. In the latter half Cromwell criticises his son's treatment of an officer whom Henry regarded as a dangerous opponent, and had succeeded in expelling from the army on a rather doubtful charge.

Alexander Brayfield, the officer referred to, was an officer in Colonel John Hewson's regiment of foot. His name does not appear in the list of the captains of that regiment during 1645 and 1646, printed in Sprigge's 'Anglia Rediviva,' but he was a captain in 1647.¹ In 1647 he was one of the two elected representatives of the regiment in the general council of the army, a fact that proves he was a man of advanced political opinions and of some influence with his brother officers.² In 1649 Hewson's regiment accompanied Cromwell to Ireland, and Brayfield went with it, but was probably transferred to some other on his promotion. In 1655 he was a lieutenant-colonel and in great favour with Lord Deputy Fleetwood. The latter wrote to the Protector on 20 June, saying, 'Lieutenant-Colonel Brayfield, who is a singular deserving person and a faithful servant unto your highness, I intend to dispose of to Galway and Athlone, where he now is, it being a place more apt for business, where the authority of this nation must sometimes reside.'³ Fleetwood, in short, meant to make Brayfield governor of Galway and Athlone, and this although he had been suspected in the previous January of complicity with Ludlow in circulating pamphlets against the Protector.⁴ Brayfield was cashiered by a court-martial about the beginning of September 1657. The charge against him

¹ Rushworth, vi. 471; Remonstrance of Col. Hewson's Regiment, 4 Nov. 1647, Thomason Tracts, E. 413, 7.

² *Clarke Papers*, i. 437.

³ Thurloe, iii. 567.

⁴ Ludlow, *Memoirs*, i. 407, ed. 1894.

is nowhere exactly stated. Henry Cromwell, in a letter dated 9 Sept., gives the following account of his offences:—

The man was allwayes taken notice of as a busie and turbulent person, kept correspondence with all others of the like temper; a promoter of seditious papers, and who laboured to revive and justifie that letter of Colonell Hewson's etc, which I had publiquely declared against, allwayes takeing too great a liberty in censuring the government and governors of these nations. This gentleman, amongst other of his excursions this way, compares in his frequent and familiar discourses the present times to those of David and Absalom; insinuates that H. H. liked well the letter, which I discountenanced, and consequently, that I (as Absalom), being otherwise affected, was now draweing and stealeing away the hearts of the people etc. This was proved by witnesses without exception, at a court of the best reputation for number, qualitie, and temper (as being composed of all parties) that had been knowne, called not onely by advice of several chief officers, but at his owne instance likewise. This is the substance of that business; possibly you will heare it otherwise represented.⁵

Thurloe in reply urged Henry Cromwell to pardon Brayfield, pointing out that he denied the words alleged, and was reported 'a sober Independant & no ways factious.' Lord Broghil supported Thurloe's request, and, as this letter shows, the Protector took the same view.⁶ Nevertheless Henry Cromwell remained obdurate, as the answers of Thurloe to his letters prove.⁷ He was appointed lord deputy on 16 Nov. 1657, and it was hoped that he would signalise his assumption of the office by an act of grace to Brayfield, but he does not appear to have done so. It is surprising that the Protector's letter remained without effect. Brayfield, however, was evidently restored to his rank by the Long Parliament in 1659. On 8 July of this year he was proposed as lieutenant-colonel of Ludlow's regiment of foot, and in December following he was actually governor of Athlone, and was made prisoner by Sir Charles Coote on the charge of supporting Ludlow and the army against the parliament.⁸ C. H. FIRTH.

Harry Cromwell,—I haue seriously thought of y^r letter, and thanke you for your care expressed in the businesse w^{ch} I imparted to you vnder the caution of Secresye of w^{ch} I suppose you will heere more heereafter. I am sorrie you wrote me some sad apprehensions of some enimies of yours to bee about mee, trully none dare appeare soe, and I am perswaded if you thinke your B. Fleetwood to be soe, you are mistaken, it were dangerous for you to thinke soe, and Hee not bee soe, and safer for you to be mistaken, For indeed none (I hope) can wronge you wth mee, and though all things answer not, bee you humble, and patient, place valew

⁵ Thurloe, vi. 505; cf. p. 527.

⁶ *Ibid.* pp. 552, 563.

⁷ *Ibid.* pp. 568, 599.

⁸ *Cal. State Papers*, Dom. 1659-60, p. 12; Ludlow, *Memoirs*, ed. 1894, ii. 188, 474.

where it truly lyes, viz. in the fauor of God, in knowinge him, or rather in beinge known of him; if your heart bee truly heere you cañott miscarie. I am sorrie you gaue mee not one word about Leif^{nt} Coll: Brafelds businesse. I did see my L^t Broghill's account therof, it was as faire, as I beleieue the businesse would beare, but yett; though Hee sollicitated a tryall Hee should not haue had itt. I would not haue putt him upon men, or I would haue after restored him, I would not beleieue 2 carnall men, against one such protestinge innocency, [minde this⁹] it beinge in a case concerninge my selfe, where it is in my power to pardon wthout iniustice.

I am afraid you haue erred in this, if you [minde this allsoe⁹] can I pray you, giue a remidee for my sake, and lett the poore man bee handsomely restored. My loue to your wife and children I rest

Your louinge Father

OLIUER P.

Octo^b the 13th 1657.

THE DISPOSITION OF TROOPS IN LONDON, MARCH 1815.

ON 17 Feb. 1815 Mr. Frederick Robinson, Vice-President of the Board of Trade, afterwards Viscount Goderich and Earl of Ripon, brought forward in the House of Commons four resolutions on the corn laws, the most important resolution being one to exclude foreign corn till the home price reached 80s. a quarter. By the time that the bill embodying the resolutions came up for second reading (Friday, 3 March) the feeling against the change, especially in the manufacturing districts and in the city of London, had led to petitions on a great scale, and also to riots. During the debate on the bill on Monday, 6 May, a mob assembled at the doors of the house, and the magistrates, at the request of the Speaker,¹ took steps to procure the protection of a military force. Driven from the house the mob attacked the private residences of Lord Eldon, Mr. Robinson, Lord Darnley, Mr. Yorke, Lord Ellenborough, Mr. Wellesley Pole, and Mr. Brown, tax-gatherer. The only loss of life seems to have been on the following day (7th), when a person, said to have been a naval officer, was shot by the soldiers on duty in Mr. Robinson's house. On the 7th the crowd, about fifty in number, perambulated St. James's, Berkeley Square, Portland Place, Finsbury Square, ending with the House of Commons. On the 8th Mr. Ponsonby's house was attacked; but the cavalry appeared, and the mob contented themselves with breaking Lord Derby's railings, and stoning the windows of Mr. Morris, an East India director, in Baker Street, of Mr. Meux, the brewer, Serjeant Best, and the *Morning Herald*. Sir Joseph Banks, in Soho Square, had

⁹ The words enclosed within brackets are inserted between the lines in another hand.

¹ Hansard, *sub dato*, p. 31.

his parlour looted. On the 9th Mr. Giddy received their attentions, but the riots were really at an end.

The military were in great numbers, particularly the horse; and at the several houses belonging to the members who had supported the Corn Bill foot soldiers were stationed. In fact, London was now environed with troops on all sides.²

The following list, describing the arrangements made for the protection of different parts of London, is contained in an oblong memorandum book, 7¼ inches long by 4¾ broad, of cartridge paper interleaved with grey blotting-paper, bound in brown leather, with remains of clasps. The two last blank sheets have been torn off; otherwise the book is intact. It was bought at a second-hand book-seller's in London in 1898. The spelling of the manuscript has been preserved.

JAMES BONAR.

Q^R M^R GEN^{LS} OFFICE, MARCH 1815.

Orders &c. given in consequence of the disturbances in London.

COPY.

No movement will take place from the Horse Guards at 4 o'clock as ordered.—

The old and new Guards will remain there till further orders.

L^P UXBRIDGE L. Gen^l.

March 8th 1815 2 o'clock P.M.

COPY.

March 8th 1815 2 o'clock P.M.

Instead of the 16th L^t D^{ns} at Pimlico moving off at 4 o'clock, it will not move until a requisition is made by a Civil Magistrate when he [*sic*] will march by Petty France Deans Yard—College Street—Abingdon St. Horse Guards and Halt.

L^P UXBRIDGE L. Gen^l.

MEM.

A Serjeant and twelve at the Chancellors—mounted in Bedford Sq^r at 6—to be relieved at night.

M. Gen^l Sir H. VIVIAN.

The attention of L^t Gen^l Barton is particularly called to the Houses of the Persons named within.

Frequent and occasionally strong patrols should be made chiefly about Portland place—Mansfield Street—Margaret Street—Cavendish Sq^r—Wimpole Street.

The earliest intelligence of the movements of the Mob to be obtained by Spies when the extra patrols begin—they may be discontinued when all is quiet.

Sig^d UXBRIDGE L'Gn.

² *Ann. Reg.*, Chron., p. 25. See *Life of Lord Eldon*, ii. 260-5; Birkbeck Hill's *Autographs*, p. 29; Hansard and *Ann. Register*, sub datis.

LIST—8th March 1815.

Mr B. Bathurst	New Burlington Street
Lord Bining	Chesterfield Street
Lord Castlereagh	St James Sq ^r
Mr Croker	Admiralty
Hon ^{ble} Mr Elliott	34 old Burlington Str.
Sir W. Garrow	27 Great George Street
Mr Huskisson	Hertford Street
R. Hon ^{ble} C. Long	Pay office Whitehall
Sir H. Parnel	24 Park Street, Westm ^r
R ^t Hon ^{ble} W. W. Pole	Saville row
Hon ^{ble} F. Robinson	26 old Burlington Str.
Sir W. Scott	Grafton Street
Mr Vansittart	Downing Street
Mr Yorke	28 Bruton Street
Mr Weston	24 Half Moon Street
Lord Eldon	Bedford Square
Lord Harrowby	Grosvenor Sq ^r
Lord Harewood	Harewood place
Lord Westmoreland	Grosvenor Square
Lord Bathurst	Mansfield Street
Lord Musgrove	Harley Street
Lord Liverpool	White hall
Lord Sidmouth	New Street—Spring Gardens
Lord Melville	Admiralty
Lord Buckinghamshire	Hamilton place
Lord Ellenborough	St James's Sq ^r
Lord Hardwicke	St James's Sq ^r
Lord Derby	Grosvenor Square
Lord Lauderdale	[Blank]
Mr D. Giddy	Holles Street
Lord Grantham	St. James' Square
Mr Ponsonby	Curzon Street
Sir J. Newport	Bury Street
Mr Peel	Stanhope Street
Mr Rose	old Palace Yard
Lord Le Despencer	18 Hanover Square
Mr Sullivan	79 Harley Str. corner of Wigmore Street

J C.

Horse Guards 7th March 1815.

L^t Gen^l the Earl of Uxbridge having been appointed to the Command of the Troops in and about London the following orders are to be attended to.

The following arrangements respecting the Patrols of Cavalry in the Metropolis will take place till further orders—

Stations	Patroles	Stations	Patroles
Horse Guards 1. Life Guards	To patrolle between the Kings Mews & Westminster Br. to the obelisk St Georges Fields. Along Pall Mall St James Street to the right along Piccadilly, down the Hay Market and back to the Kings Mews.	Barrs King Street 2 nd Life Guards	2 ^d Into and along Oxford R ^d Tottenham Court R ^d Russel Str. Bedford Sq. back thro Bedford Sq ^r Percy Str. —Cavendish & Manchester Sqrs. and back. 3 ^d to the Artillery Depot at Paddington and back.
The Kings Mews 10 th Hussars			
Queens Riding House at Pimlico 16 th Dragoons	thro' Petit France by Westminster Abbey to the H. Guards & back. 1 st along Piccadilly to the top of St James' Street—and back.	Grays Inn Lane L ^t Horse Volunteers	To Lincolns Inn Fields to communicate with the Patroles of the 10 th Hussars at Well close Square and towards Fleet Street if required.
Knightsbridge 1 st Life Guards	2 nd along Park Lane down Stanhope Str. Curzon Street—Queen Street — Berkley Sq. and back.		
	1 st thro' Portman Sq ^r Oxford Str. S. Audley Str. Grosvenor Sq ^r Mount St. Berkley Sq ^r & back.	Well close Square 10 th Hussars	To Patrole through Moor Fields down Bishopgate Street over London Bridge High Str. in the Borough to the Obelisk St Georges Fields and back.

A new Patrole from each of these Stations is to be in readiness to move off when the old one comes in, and the Patrole to commence immediately on the receipt of this order—

Reports of any thing extraordinary will be immediately sent to the Earl of Uxbridge at Uxbridge House, and the Adjutant General at the Horse Guards.—

If nothing extraordinary occurs—reports from all these Stations will be sent so as to arrive at the Horse Guards for Lord Uxbridge by 10 oClock every Morning until further orders.

Such parts of Regiments as are not immediately within the Duties assigned to the above Stations will be held in readiness to turn out at the shortest notice

Officers in Command of Regiments and Stations will make themselves acquainted with the Station of the nearest Magistrate, and will act only under the orders of the Civil power

Officers Commanding Regiments will attend L^t Gen^l Lord Uxbridge, at the Quarter Master Gen^ls office—Horse Guards, to morrow Morning, at $\frac{1}{2}$ past 10 oClock.

Adjutants of Corps will attend at the same office at 11 oClock for orders.

Horse Guards 8th March 1815.

ORDERS.

L^t Gen^l Barton will have the goodness to take charge of the Brigade of Household Troops and heavy Cavalry. That part of the City of Westminster, from Westm^r Bridge, and round by the Queens Palace, Park

Lane, Edgeware Road, the new Road down Tottenham Court Road—Drury Lane and into the Strand opposite Somerset house will be immediately under his charge.—

All Reports from the Stations within their Lines will be made direct to him and He will make a general one to L^t Gen^l the E of Uxbridge.

M Gen^l Vivian will take charge of the Light Cavalry and will consider that part of the City of Westminster not before named—the City of London—and the Borough of Southwark as under his immediate care.—

All Reports from officers Commanding Regiments of L^t Cavalry and Hussars will be made direct to him.

Foot Guards and Infantry will be under the Command of, and Report to Colonel Hill of the Guards.

All ordinary Reports to be sent into [*sic*] the Earl of Uxbridge at the Q. M. Gen^{ls} office at $\frac{1}{2}$ past 10 every day, and the Adjutants will attend at 12 at the same place for orders.

L. Colonel J. Campbell will act as Ass^t Adj. General to the Forces in and about London under the Command of L^t Gen^l the E. of Uxbridge.

8th March 1815

MEMORANDUM.

The officers Commanding Corps and Detachments to ascertain what Public Houses are most eligible from whence the Men could be fed, & then arrangements should be made so that the Men should go to those places only.—

This will apply to the Troops only stationed at Posts and Stations.—viz^t Queens Riding House Kings Mews—Grosvenor Gate riding House Worship Street riding House and Posts of a similar description.

DISTRICT ORDERS.

H. Guards 9th March 1815.

A Picket from each Regim^t of Cavalry, of one third of its strength will mount every afternoon at 4 o'Clock these will furnish all Patroles and L^t Gn^l the Earl of Uxbridge directs that no larger proportion may be employed except in cases of absolute necessity.

His Royal Highness the Commander in Chief having notified the intention of Government to make an allowance of nine pence per diem to those Corps who from local circumstances are deprived of the usual advantages of Quarters and Barracks and do not receive Camp allowances, and likewise such a proportion of the other Troops as are employed in night Patroles and Pickets,

The Earl of Uxbridge directs that correct Accounts be kept of these Men, and that the allowance may be paid to them in money when going on duty.

Should it be found necessary at any time to strengthen the Pickets before ordered, such Men as are actually paraded and march off will also be entitled to the allowance of nine pence per diem.

The Money will be drawn for the Pickets by the Pay Masters of Regiments under the authority of vouchers sign'd by the officers Commanding each Regiment & the General Commanding the Brigade.

The different Corps will Patrole the Districts allotted to them as before.—

The Guard at the Riding School in Swallow Street will be furnished in the proportion of two Non Comm^d officers and eight Men from the Cavalry under the Command of L^t Gen^l Barton, and four Non-Comm^d officers and 26 Men from the Cavalry under the Command of M. Gen^l Sir Hussey Vivian.

Signed J. CAMPBELL
L^t Colo. & A. A. Gen.
Horse Guards 10th March 1815

GENERAL ORDERS.

The 5th Regiment will be under the Command of Colonel Hill.

A Picket of 1 Captⁿ 2 Sub. 2 Serjeants and 50 R. & F. will be furnished by the 5th Regiment for the Artillery Depot at Paddington.

A Picket of 3 Non Comm^d officers, and 18 Privates from the Life Guards—and a Picket of 4 Non Comm^d officers and 30 Privates from the Guards at the Tilt Yard to parade at Sun set at the Horse Guards, where they will receive further orders.

Officers Commanding Brigades will take care that there is in possession of each Regiment 25 rounds of ammunition p^r Man. Of these 5 rounds must be in possession of the Man, and frequent inspections must be made, in order to see, that it is not damaged or destroyed.

A Report similar to the following is to be sent into [*sic*] L^t Colonel Sir J. Campbell Ass. Adj^t General every day at Noon.—

The Brigade Majors will for the future assemble at the Horse Guards, at 1 oClock P.M.

Signed J. CAMPBELL
A. A. Gen^l.

[*In pencil*] Query orders.

10th March 1815.

An officer—3 Non-Comm^d officers, and 18 Privates of the Horse Guards to mount every day at 4 oClock at the Horse Guards, and are to be put under the direction of Sir N. Conant exclusively.

This Picket is in addition to the duties.—

Signed J. CAMPBELL,
L^t Colo. A. A. Gen^l.
10th March 1815.

MEMO.

Two Apartments of The Quarter Master Generals office having been given up for the use of L^t General the Earl of Uxbridge it is requested, that the Brigade Majors—A de Camps as well as the Adjutants may assemble in Colonel Marlays Room—they will be sent for from thence if required.

Signed J. CAMPBELL
L^t Col. A. A. Gen.
11th March 1815.

MEMO.

Reports must be sent in strictly at 11 A.M.

As the wooden Sheds and Cooking places near Cumberland Gate in

Hyde Park will be completed this evening, they will be occupied by a picket of 20 Men of the 5th Foot this night, and by the remainder of the Detach^t of that Regiment (now in Quarters at Paddington) at day break tomorrow morn^g.

Three of these Buildings will be allotted for the Men and the fourth is to be reserv'd for the use of the officers.

A clear space is to be preserved round the buildings by means of picquet ropes & poles—which as well as all other necessary articles of Camp Equipage will be supplied by the Store Keeper General on the requisition of the Comm^g officer.

Straw, fuel &c. will be furnished by the Commissariat.

This Regiment will still furnish the picquet for the Artillery Depot at Paddington.

Picquets of the Life Guards and of the Foot Guards of the same strength as those order'd for last night will until further orders parade every evening at Sun set & receive orders, the one from the Captain of the Kings Guards at the Horse Guards, and the other from the Captain of the Kings Guard of the Foot Guards.

The Detachment which is to act under the sole direction of Sir N. Conant will be taken from the ordinary Kings Guard of the Life Guards without strengthening it for that purpose.—

J. CAMPBELL, L^t Colo. A. A. Gen.

Horse Guards March 12 1815.

ORDER.

The 2nd Battⁿ of the 5 Foot will form a station subject to the application of the Magistrates for assistance.

They will furnish their proportion as the other Regiments for Duty.—

JOHN CAMPBELL, A. A. Gen^l.

[*In a different hand*]

Horse Guards, 13th March 1815.

ORDER.

The Details as usual.

JOHN CAMPBELL, A. A. G.

Horse Guards 14th March 1815.

D. ORDERS.

The Details as usual. A Detachment of the 18th Hussars of about 89 Men and Horses will march from Islington &c. into Barracks in the City Road near Nelson Street on the 15th Inst.

Signed JOHN CAMPBELL

A. A. G.

Horse Guards 15th March 1815.

DIST. ORDERS.

The Details as usual—Major Campbell having been appointed Ass^t Adj^t General by Lieut. General The Earl of Uxbridge, in the room of Lieut. Col. Sir John Campbell K. T. S.³ all reports will be made to him accordingly.

W^m CAMPBELL, Major.

³ Knight of the Portuguese order of the Tower and Sword.

Reviews of Books

Histoire de France depuis les Origines jusqu'à la Révolution. Publiée sous la direction de M. ERNEST LAVISSE. Tome I^{er}, partie II. (Paris : Hachette. 1901.)

THIS is the first half-volume, containing more than four hundred and fifty pages, of a very important work, which aspires to do for French history what the 'Histoire Générale' of MM. Lavissee and Rambaud has performed for the general history of Europe. It is proposed to write in eight large volumes a complete history of France from the beginning down to the outbreak of the Revolution. The old works of general French history have, as is well known, become antiquated by reason of the vast amount of intelligence and research brought to bear on French history during the last thirty years. Michelet's great work will always be read in part for its eloquence and its insight, but it is impossible any longer to refer the student either to Michelet or Henri Martin if it be wished to give him a satisfactory survey of the general course of French history. As it is hopeless to expect, in this age of specialism and minute research, any single man competent to undertake once more the work of Martin or Michelet, the only practical way of writing the History for the rising generation was to have recourse to the co-operative method. The dangers of such a course are patent, and even so solid a book as the 'Histoire Générale' has not escaped them, but we may reasonably hope that the wide experience and the literary and historic power of M. Lavissee, and the unity of method and principle to be expected from his collaborators, *les maîtres de nos jeunes universités*, will prevent the new attempt becoming, like some of our English efforts in the same direction, either the battle-ground of warring factions or a practical demonstration of the impossibility of a joint work attaining as a whole to the highest scientific standards. If this be so, the warmest welcome will be given to M. Lavissee's book. It is easy to object to such an enterprise that it is not original work in the highest sense, and that it adds little or nothing to knowledge. But if the results of historical learning are not to be, like the results of Assyriology or Celtic philology, the exclusive possession of a few experts, such work is of the very first educational importance, and the list of M. Lavissee's contributors shows that this work of 'vulgarisation' will be accomplished by men who have already made their mark in original research of the best sort. We in England have urgent need of a new Lingard, and it would be well if the example of this book inspired English scholars to undertake a similar enterprise.

The portion now before us includes the whole of the treatise of Pro-

fessor G. Bloch, of Lyons, on the origins of French history and on independent and Roman Gaul. As it is numbered as the second part of the first volume, we infer that there will be some sort of general introduction on the whole subject, to which we should look forward with particular interest if it should chance to come from the pen of M. Lavissee himself. But if each 'half-volume' is as thick as the present one many readers will find it a convenience to bind it up by itself. The pagination of the present instalment, which begins at the beginning, also suggests the advisability of this course. Whatever be the future of the remaining parts of the work, M. Bloch's comprehensive monograph on prehistoric, Celtic, and Roman Gaul well deserves to be considered on its own merits. Since Amédée Thierry wrote his '*Histoire des Gaulois*' in 1828 no *travail d'ensemble* has been devoted to Gaulish history either in France or elsewhere; and during these seventy years philology, archæology, inscriptions, and anthropology have done much to revolutionise our conceptions of the early history of that country. M. Bloch deals with the subject with sobriety, gravity, reticence, and thoroughness. So compressed are his pages that they cannot be said to be easy reading, but they are always admirably clear, while the praiseworthy habit of referring, at the head of each chapter, to the chief original sources and the most important modern treatises on the subject is particularly valuable as enabling the reader to go further for himself. It would have been easy to add materially to M. Bloch's brief bibliographies, and in one or two instances one would have liked to do so; but the lists are, by reason of their shortness, far more valuable than those ostentatious and miscellaneous references to vast masses of literature which, in a book like the present, could only serve to confuse. In dealing with the prehistoric archæology M. Bloch's judgment is strikingly displayed in the care with which he refuses to dogmatise as to the races of men to whom the earlier monuments are to be assigned. As he more nearly approaches history, one suspects that he has made better and more fruitful use of archæology than of philology. We miss any attempt to assign to the Gauls their place in the catalogue of Celtic peoples and their relations to the Goidel and Brython of our own island. We may doubt whether a Celtic philologist would have told us how *la langue de Celtes ou Gaulois s'est survécue dans les dialectes néo-celtiques* (p. 22), a phrase which, even when tempered by the statement that the present Celtic tongues are but *d'un faible secours pour la connaissance du celtique ancien*, suggests an affiliation of Irish, Breton, and Welsh to the old Gaulish tongue, which it would be very rash to infer. Anyhow a paragraph telling us what is known of the old Gaulish tongue would seem almost indispensable for the completeness of the subject.

The limits and methods of the book invite dogmatic statement, but it may be questioned whether the cause of science is best subserved by M. Bloch's categorical enunciation of disputable or doubtful points as if they had been determined beyond all controversy. Is it, for example, absolutely certain that place-names of Phœnician origin are so widely scattered over the Mediterranean littoral of Gaul as is here stated? Similar attempts to trace some Greek place-names to Punic roots have, for

the most part, been abandoned, and it is surely more than possible that the derivation, let us say, of Monaco from *Menūha* may never be conclusively established. But nothing but praise can be given to the clear yet short summary of Celtic manners and institutions, to the brilliant little sketch of the Celtic *oppidum* as revealed by the excavations of Mont Beuvray (Bibracte), or to the lucid and satisfactory account of the advance of the Roman power. Here again, however, the dogmatic method of statement is sometimes carried too far. M. Bloch, for example, knows for certain each stage of Hannibal's famous march from the Pyrenees to the Alps, and tells us exactly how the Carthaginian marched from the Isère up to the valley of the Drac, and thence to the head of the Durance, whence he crossed over the Alps by the pass of Mont Genève. Let it be granted that this statement is in general harmony with the trend of recent opinion. Nevertheless it would still be more prudent to express more clearly the doubts involved in the whole question. Even if Hannibal went by the route suggested to the valley of the Durance, there is quite as much to be said for his crossing by the Col d'Argentière as by the Mont Genève. And if this rather subsidiary question be brought in at all, reference might surely have been made to Mr. Freshfield's papers in the *Alpine Journal* or Schiller's discussions in the *Philologische Wochenschrift*. Here for once the reticence of the writer's method becomes almost too complete.

But these are the merest details in a generally excellent narrative which gathers strength as it goes on. In fact the later fasciculi seem to be fresher, more readable, more detailed, and more spontaneous than was the earliest section published by itself. The prehistoric archaeologist might indeed complain with justice that only eleven pages are devoted to *les sociétés primitives*, and, apart from some shortcomings already hinted at, the Celtic scholar will hardly be satisfied with the fifty pages or so devoted to Gaul before the Roman conquest. There is one curious omission. The early history of Gallic Christianity is, we are told, postponed for later treatment. This omission blurs the proportion of some of the later sections of the volume. But with this exception the picture of Roman Gaul is admirable in its fulness and method. Just enough of the general history of the Empire is given to enable those who cannot carry the story in their heads to understand what is going on, and this survey of the general history from the point of view of a particular province has no small value even to those who are not necessarily Gallic specialists. For example, the reforms of Diocletian and Constantine are explained with admirable clearness and in a most suggestive fashion. But no part of the book is more interesting than the brilliant sketches given of the fortunes of the chief Roman cities of Gaul. Lyons is perhaps treated at almost disproportionate length; but that can be easily overlooked when the treatment is so good. And there can be few books that give so brilliant and picturesque an insight into the individual physiognomy, as it were, of Fréjus and Arles, of Trier and Paris, of the military camps of the Rhenish border and of the schools of Bordeaux and Autun in Roman days. Indeed the traveller to Provence would find more help from M. Bloch in understanding the great Roman towns of the south than from any guide-book with which we are acquainted. On p. 17, last line, *vi^e siècle* seems to be a misprint for *iv^e siècle*. One may

doubt the opinion expressed on p. 18 that Greek Massilia approached in extent and population the modern Marseilles, and also question the method which leads to the conclusion that independent Gaul contained more than five million inhabitants (p. 35). A medievalist would have hesitated to call the schools of Bordeaux in the fourth century a 'university' (p. 358). And is it quite settled that Portus Itius is Boulogne (p. 375) ?

The form of the book, with its broad, almost square page and ample margin, is decidedly attractive. But the tables of contents are far too short to help one in finding one's way about its various chapters, and it is a pity if maps, tables, and similar aids to study are as absolutely withheld from the whole work as they are from the present volume. T. F. Tout.

The Welsh People: Chapters on their Origin, History, Laws, Language, Literature, and Characteristics. By JOHN RHYS, M.A., and DAVID BRYNMOR-JONES, LL.B. (London: T. Fisher Unwin. 1900.)

THE Welsh land commission has achieved one solid result in that it inspired the writing of this book. Believing that past history furnishes the best means of elucidating present difficulties, the main object of the authors is historical. They do not, indeed, 'present this collection of chapters as a history of the Welsh people, but rather as a contribution to such a work.' They do not pretend to very much originality; but they have made judicious and critical use of the work of those who have made research into the different problems surrounding Welsh history, and their bibliographical notes will be most useful to students of Welsh matters.

The old theory that the Welsh are the lineal descendants of a great homogeneous nation called Cymry or Britons is finally disposed of. True 'the determining element in the composition of the Cymry of what is now Wales was Brythonic,' and 'the Brythons belonged to a Celtic race.' Yet the admixture of an aboriginal race—'represented probably by the Picts of history'—with Goidels and Brythons has left the Welsh people neither pronouncedly Aryan nor purely Celtic. To prove this the evidence of anthropology and language is laid under contribution. The linguistic side of the proof is well presented in a clever, if rather too ingenious, paper on 'Pre-Aryan Syntax in Insular Celtic,' by Professor Morris Jones, printed in the appendix. The chapter on the vexed Pictish question, abstruse and hardly necessary to the main object of the work, is followed by a rather slight account of Roman Britain, in which the scholarly work of Mr. Haverfield is acknowledged and used. The history of Wales as a separate political organisation, distinct from the rest of Britain, is taken to begin with the military incursions of Cunedda and his Ordovic followers into Gwynnedd in the fifth century. In the long struggle with the Teutonic invaders the Britons were driven to the west. The battles of Deorham and Chester left them with a much diminished territory and a new name; for community of interests rather than identity of race led them (probably in the sixth century) to give themselves the collective name of 'Cymry' (*i.e.* compatriots). Down to the death of Cadwaladr (the date of which is placed at 664, the 681 of the 'Brut' being clearly a blunder) the Welsh king or chieftain holding the title of 'Gwledig'

seems to have claimed vaguely some kind of general authority as the successor of the 'Dux Britanniarum;' thenceforth, the 'Brut' tells us, 'the Britons lost the crown of the kingdom and the Saxons gained it.'

From 664 to the time of the Norman Conquest is the dark age of Welsh history. The authorities are unsatisfactory or inaccessible. There is little to guide us save literary tradition, and that does little more than preserve

the names and a bald account of the deeds (chiefly inconsiderable battles) of a line of kings or princes, some of whom are represented as kings of all Cymru or all the Britons; but the persons it hands down to us are for the most part as shadowy as the ghosts of Banquo's issue (p. 123).

We know, however, that the tribal system was at this time working out its own ruin. The aspect that Wales presented was

that of a disunited, or very loosely connected, aggregate of clans, or petty kingdoms, or lordships engaged in perpetual warfare both among themselves and with English kingdoms and English rulers (p. 129).

Sometimes a semblance of unity is restored under a prince of superior ability, like Howel Dda, of whose laws we have here a fairly good account. That these laws were not altogether indigenous is allowed; for it is 'quite probable, and in some instances certain, that Howel or those who assisted him intentionally adopted some rules or descriptions either from English or foreign bodies of written law' (p. 186). Internal evidence and a slight use of the comparative method would, however, dispose one to think that more was borrowed from outside sources than is here or generally admitted. The laws seem to represent much more than the codification of Welsh customs, though doubtless that is an important element. From the death of Gruffydd ab Llewelyn (1063) to the conquest of Llewelyn ab Gruffydd's principality by Edward I the story is told with at least sufficient detail, though at times the desire to crowd a great deal of information into a few pages leads to a sacrifice of perspective. In one point only does the account fall short of being adequate. Here, and indeed throughout the book, the religious history of Wales down to the eighteenth century is disposed of with a few perfunctory remarks. In a work like this the story of how Wales became 'pre-eminently the land of castles' ought surely to be supplemented by the story of how she became a land of religious foundations. With the conquest of Edward I the distinct political history of Wales ceases; but her separate legal and constitutional history is admirably sketched from the statute of Rhuddlan to 1830, when the separate judicature of Wales ceased to exist. The chapter on the 'History of Land Tenure in Wales' is from the master pen of Mr. Seebohm, and in clearness of statement and judicious use of facts and illustrations it leaves nothing to be desired.

This is at best a very imperfect summary of a part of the book. A good deal of it lies outside the province of this Review. It would be an exaggeration to call the work epoch-making in the history of the studies it represents; but it is only fair to say that nowhere else can so much trustworthy information be found within the compass of a single volume on matters of real interest to Welsh students. Much of the authors' work is frankly tentative, but they have at least substantially shown that

the Welsh people of to-day have the satisfaction of knowing that they are not the decayed and disconsolate remnant of a once great nation, but that in the main they are the descendants of Celtic races which, though absorbed into the English polity, after a prolonged struggle for independence, have steadily progressed by the side of their conquerors in regard to all that goes to make up civilisation, and by combining an obstinate vitality with a certain happy power of adapting themselves to new circumstances have succeeded in retaining their language and some of the best characteristics of their ancestors (p. xxiv).

ROBERT WILLIAMS.

The Primitive Saints and the See of Rome. By F. W. PULLER, of the Society of St. John the Evangelist, Cowley. Third Edition, revised and enlarged. (London: Longmans. 1900.)

THIS new edition of a book which has deservedly attracted attention is more than twice the size of its predecessors. It has grown out of five lectures on the claim of the Roman pontiffs to a primacy of jurisdiction. To these were added two—now seven—lectures more, on the theory that communion with the see of Rome is the necessary condition of communion with the catholic church. Thus the author is led to trace the history of the see of Rome during the first four centuries. After a lecture on the unity of the church he returns to discuss in detail the relation of the church of Antioch to the church of Rome in the fourth century. It seems a pity that he did not rewrite the whole book, and introduce these new chapters, with their wealth of learned notes and appendices, in their place in the historical portion of his book, reserving doctrinal conclusions for a later chapter.

The earlier lectures cover ground which is familiar to all students of church history. As evidence of the thoroughness with which the author has revised his work we may quote the fact that he has rewritten that part of his first lecture which deals with the famous passage in Irenaeus, III. iii. 1, 2: 'For to this church [*i.e.* of Rome], on account of its more influential pre-eminence (*propter potentiorem principalitatem*), it is necessary that every church should resort.' He now refers the expression *propter potentiorem principalitatem* to the primatial position of the church of Rome, whereas in earlier editions he held the view that it referred to the imperial status of the city of Rome. Another incidental proof of thoroughness is the mention (p. 99, note 1) of two liturgical interpretations of the promise to St. Peter, which are not found in the ordinary catenas. The Liturgy of St. James explains 'the rock' as 'the rock of the faith,' and the collect for the Vigil of St. Peter and St. Paul in the Roman Missal as 'the rock of the apostolic confession.' The main interest, however, of the book is concentrated in the careful discussion of the relations of the church of Rome to other churches in the fourth century. It is shown how the council of Sardica in 343 conferred on the pope of Rome 'an appellate jurisdiction of a strictly limited kind.' Then the legislative acts of Valentinian and Gratian, though they did not enlarge the power of the popes in summoning ordinary bishops to Rome, made the pope 'master of the judicial process by which all accused metropolitans throughout the west were to be tried, and enabled bishops throughout the western empire to appeal to the pope.' The popes were

enabled to enforce their authority by the help of secular magistrates, and began to take a more authoritative tone in their decretal epistles. Moreover they sought to give a religious sanction to their claim in the mystical doctrine that St. Peter 'always lives and judges in his successors.'

The most interesting section of the book consists of a detailed discussion of the relation of the see of Antioch to the see of Rome during the fourth century. It is a masterly sketch of an obscure episode in church history, drawn from the original authorities and settling many points which previous investigation had left uncertain. After the deposition of Eustathius, bishop of Antioch, in 330 the church in that city was governed by a succession of Arian bishops. A small body of orthodox laymen under a priest, Paulinus, contrary to the advice of Eustathius, inasmuch as Arians were still a party within the church, refused to communicate with Arian bishops. After some thirty years of intrigue a new bishop, Meletius, was elected, who had been consecrated as bishop of Sebaste. Probably he found the deposed bishop of Sebaste in possession and never performed any episcopal acts. He was living in retirement at Beroea when in 361 he was called, mainly and unfortunately by the influence of the notorious Arian Acacius, to the see of Antioch—unfortunately, because it drew on him suspicion, whereas he was at heart orthodox and within a few weeks was deposed for defending the faith in a sermon before the emperor. The council of Alexandria in 362 hoped to end the schism, but their purpose was thwarted by the hasty action of Lucifer of Cagliari, who persuaded two bishops to join him in consecrating Paulinus. After the death of Julian St. Athanasius came with the new emperor, Jovian, to Antioch, and desired to communicate with Meletius, who refused, because Athanasius was still in communion with Marcellus. Thus rebuffed Athanasius turned to Paulinus, who was eventually, on the urgent recommendation of Jerome, received into communion with the Roman church by Damasus. In the meantime fruitless negotiations had been begun by St. Basil. With the consent of Meletius, a deacon of Antioch, Dorotheus was sent to obtain a commendatory letter from Athanasius, and then to Rome to ask that representatives of the western church should come to 'bring back the churches of God into friendly union.' Dorotheus attended a council of Italian and Gallican bishops, but could only obtain from them a synodical epistle. A second appeal displeased Damasus and his suffragans, who drafted a letter for the eastern bishops to sign. Once again Dorotheus was sent back, but could only obtain from the western bishops a declaration that they would be careful only to admit eastern bishops to their communion who signed their definitions. As St. Basil foresaw, this was useless, because Meletius, Paulinus, and the leader of a new party called Vitalis, who had been consecrated by the heretic Apollinarius, were all prepared to subscribe. When Vitalis went off to Rome to plead his case in person Damasus was compelled to adopt St. Basil's plan and give his confidence to some one on the spot who could decide between these rival claims. Unfortunately he chose Paulinus, who was regarded throughout the east as a schismatic. St. Basil wrote to Count Terentius that this was 'to deprive of his due the most admirable bishop of the church of God, Meletius.' But communications were not dropped. In 379 a synod attended by 153 bishops put together the

synodical letter sent by the Roman council of 371 with portions of other letters containing judgments on heresies which had arisen during the period when the eastern church could hold no synod. This important document was stored in the archives of Rome, where a copy was seen by Holstenius. But it did not help matters, which culminated in the death of Meletius during the sessions of the council of 381. 'He died, as he had lived, outside the communion of Rome. He died president of a council which the church venerates as ecumenical' (p. 350). He has been canonised both in east and west.

It remains to remark on the value of many of Father Puller's additional notes, especially *Excursus II.* (p. 529), in which he proves that a council of the province of Milan was held in May or June 381, and throws light on the proceedings of Maximus the cynic in North Italy when he claimed to be bishop of Constantinople. The book is completed by chronological tables and an excellent index. A. E. BURN.

Handbook of Coins of Great Britain and Ireland in the British Museum.
By HERBERT A. GRUEBER. (London: Frowde. 1899.)

IN default of the as yet unprinted British Museum catalogue of Irish and Scottish coins this volume supplies much trustworthy information not easily to be got, and certainly not to be got in any one book. In the early part, concerning pre-Conquest coins, it of course merely epitomises Mr. Keary's catalogue. It is in the medieval series that most new matter appears, and even more might have been given had conciseness (a great virtue in a handbook) been more studied. Far too often facts are stated twice over, and it is unnecessary in a book of this character to inform the reader that 'Eadward [the elder] was the son of Ælfred.' A table of kings' names and dates would have saved the supposed need of printing information of this sort. There is a lack of finish about the letterpress, that should be carefully prevented by closer revision in a second edition. The processes of coining in old days ought to be described, however briefly. We want definition of such technical terms as 'billon' (p. xlix), 'flans' (p. xxxvii), and some etymological explanation of such words as 'plack,' 'bodle,' 'bawbee,' 'groat.'

It is only fair to say that there are not many positive blunders, and that pains have evidently been taken to bring the book up to date and to supply the reader with the exact facts as to weight, purity, legend, &c., that are the bases of all exact numismatic knowledge. Among alterations that might well be adopted one would suggest that the name of the king should be given as he himself prefers it, and that in the case of English kings their coin titles should be added. What is gained by calling 'Apiliræd' the Mercian 'Æthelræd,' or 'Pædæ' 'Peada,' or 'Ciolwulf' 'Ceolwulf'? If 'Eadbearht' and 'Aedilheard' of Kent, 'Eðilberht' of East England, and 'Heardulf' and 'Raienal't' of Northumberland use and choose these spellings, why not let them keep them? 'Svend' and 'Blotlox' are not the right forms, and were certainly never used by the kings themselves or any one alive in their days: nor is Swein Haraldsson ever known as 'of Norway.' What on earth has modern German *Pfand* or *Stück* to do with Old English 'pending' or 'styca' here? Unhappy guesses,

such as that on p. 1 as to the runic gold piece, were far better excluded from a text-book. 'Roising' seems to be a mere misreading of a monogram on a coin of Alfred's, 143, which really belongs to London. It is not quite correct, in spite of Thorold Rogers, to say that Henry VIII debased the coinage because of 'his own personal extravagance,' as a little study of the accounts of his reign will prove. There is the usual but grave mistake as to John being a usurper. The 'elder pretender' seems a novel term. There are a few misprints, such as 'Godfresson,' 'Cerdric,' '*somnum*.' 'Udd' (though clearly so written on the coin, and possibly standing for Udda) is more likely blundered for 'Dud' and stands for 'Dudda' (cf. 'Lul' for 'Lulla,' no. 64). *Rex Ang.*, no. 68, clearly means *Rex Anglorum*, not *Rex Angliae*, and it is not at all clear that *Canti* must be 'extended' as *Cantiae* on Æthelwulf's coins. Aldfridus, not Aldefridus, is the correct reading of no. 77. Thomas Cranmer (whose date should be given) certainly did not espouse the cause of Katherine of Aragon as archbishop.

The plates are well chosen and beautifully executed, but the coins are in too many cases badly arranged on them, so that the obverse and reverse of a given coin are continually separated and only to be identified by the number appended, the effect of which plan is most tiresome and unpractical. Plates viii.-xv. English, and the coins of James I and Charles I, as well as the Irish and later Scottish, are especially confused by this needless arrangement, which should certainly be altered in a future edition. The good and clear photography of the coins enables one, as in Mr. Keary's Anglo-Saxon catalogue, occasionally to notice points passed over in the text. For instance, the 'fantastic animal' of the Northumbrian *stycas*, nos. 79, 80, 81, 85, is clearly a horse, and is related to the famous Macedonian stater. Again, it is evident that Offa's numismatic fame must rest rather on his adoption of the *new penny* of the Franks, and so enabling his good Londoners to trade easily over sea, than on the 'beauty' of his coinage, which is often inferior to the earlier Mercian *sceattas* (Pædæ's runic piece, no. 7, is better, for instance, than any piece of his famous successor) and less workmanlike and practical, though more 'fantastic' than that of, say, Coenwulf. One is led to speculate whether the wolves and eagles on the Mercian and East Anglian early coins can be anything more than reminiscences of Roman work, or whether perchance they are connected with that claim to the succession of Roman officials and official insignia that led Eadwine to have the *tufa* borne before him and translated *comes Britanniarum* and *dux Britanniarum* into Bret-Walda. On p. xviii the phrase about the Northmen's lack of culture shows traces, I think, of the old idea that paganism meant low artistic endowment, which is not always the case.

The introduction is a careful and useful piece of work, and gives a large amount of correct information. The epochs of English, Scottish, and Irish coinage are clearly marked in the plates. Offa, Henry II, Edward I, Edward III, Edward IV, Henry VII, Henry VIII, Edward VI, Elizabeth, James I, Commonwealth, Charles II, William III, George III are the important kings from the historical numismatist's point of view, though the troublous times of Charles I are curiously reflected in a strange makeshift collection of pieces from local mints. It is sad to see the gradual degradation of the coinage from the artistic point of view during

the late reign, which has only produced one beautiful coin, Wyon's florin, with its modifications. The 'Jubilee' issue of Boehm's monstrous design is the worst English coin ever struck. One looks back with regret to the work of such superb medallists as Nicholas Briot, Thomas Simon, J. S. Tanner, and John Croker, not to speak of the later but respectable work of Benedetto Pistrucci and Merlen, and the delightful output of the best Tudor engravers. The same sad degeneracy is also shown in our postage-stamps, which have steadily become worse and worse till the present shabby and miserable-looking issue. It is not much consolation to note that French coinage has declined in the same way, and that the moneys of the first and second republics are far superior to that of the third, while the modern French stamps are very poor in design and certainly fall below those of the empire. Japan, of course, surpasses us in both stamps and coins, and even the United States, with a very ordinary conventional coinage, has a far finer series of portrait stamps than any we have produced since the first old red and black types. It is not pleasant to see the low-water mark of English numismatic art reached in a reign otherwise so distinguished.

An excellent feature of this book is the admirable account of Anglo-Gallie, Scottish, and Irish coins, which might have been accompanied by a notice of the Isle of Man and Channel Island moneys, while it seems a pity not to have added the British coins and the Roman mints in Britain, and so made the book a complete epitome of our official numismatics. As a cheap handy guide to the subject, far more correct and more helpful than any yet produced, the book deserves praise and success. It has the advantage to the historical student of small bulk, generous illustration, and a comprehensive and judicious method. To the numismatist its high value is unquestionable. One would like to see a companion volume dealing with the colonies and Indian possessions of the crown.

F. YORK POWELL.

Alfred in the Chroniclers. By EDWARD CONYBEARE, M.A. (London: Elliot Stock. 1900.)

Alfred the Great: his Abbeys of Hyde, Athelney, and Shaftesbury. By J. CHARLES WALL. With a Preface by the Very Rev. G. W. KITCHIN, D.D., F.S.A., Dean of Durham. (London: Elliot Stock. 1900.)

THE object of Mr. Conybeare's book is 'to present to English readers in a popular and readable form the early authorities for the life of King Alfred.' The collection is catholic in taste, ranging from the Anglo-Saxon Chronicle to Ingulph and Brompton. Mr. Conybeare is credulous enough to believe that the 'touches' of the later writers 'may well be founded on some floating tradition still surviving to their own day' (pp. v, 2). Nay, he even believes that the Ingulphian account of the burning of Crowland by the Danes in 869 'bears every mark of being also from some contemporary source' (p. 207). Yet the majority of the English bear Danish names; the monks are called by the Benedictine title of *domnus*, and are possessed of a prior and sub-prior. King Wihtlaf's *crucibolum* or *cratibolum*, mentioned in this account, is not unknown, as it is fully described in the spurious Crowland charter bearing his name.¹ Mr. Cony-

¹ *Cartul. Sax.* i. 569; Du Cange, *s.v.* 'crucibolum.'

beare's translations from the Latin are well done, though they are in a somewhat affected style. Nothing is gained by rendering *filius fuit* by 'child was he,' and it is an anachronism to render Athelney by 'the Isle of Peers' (p. 202). If the object of a translation from Old English be to place a modern Englishman in the position of his ancestor of the tenth century, it is obvious that quaint and obsolete locutions should not be employed, for such locutions were neither quaint nor obsolete when the Chronicle was composed. The author seems to be unable to quote a word of Old English correctly. Such errors as *beacg* for *bēah* (p. 26), *wealh-stowe* for *wæl-stow* (p. 11), *næsde* corrected to *næsdæ* for *næfde* (p. 44), *evenethe* for *efen(n)nehðe*, with the impossible suggestion that the word is a mistake for *æfen-tīd* (p. 131), and the non-existent difficulty about translating the regular dat. sing. fem. *westre* (p. 129) as 'waste' make a bad impression. 'Hinds book' (p. 57) is not the equivalent of *hierde-bōc*, *Pastoralis*, and is not even synonymous in meaning. The author is puzzled by the appearance of the *feaxoda steorra* of the Chronicle as '*veæde sterre*' in Roger of Wendover, and thinks that Roger misunderstood the Old English and confused the adjective with 'vexed,' whereas he was merely using a regular Middle-English descendant of the O.E. adjective. It is carelessly stated that Henry of Huntingdon is 'the earliest authority for the use' of the term 'viking,' although the word occurs in the passage of the Chronicle that he is paraphrasing and is found in the eighth-century Epinal Glossary. It cannot possibly be connected with *wig*, 'war.'

The 'few words of critical notice' vouchsafed by the author are not very satisfactory. The assertion that 'Hispania (instead of Hibernia) is the reading of some manuscripts' of Asser's 'Life of Alfred' (p. 112), a work of which only one manuscript has been recorded, is a mistake based upon the mention in the 'Monumenta Historica Britannica' of Wise's suggestion to read *Hyberia*. At p. 120 it is stated that of the six early manuscripts of the Chronicle 'some begin with the invasion of Julius Cæsar, others with the Christian era;' whereas they all commence from the former. The author states that the conflate text in the 'Monumenta' is 'the standard edition of the Anglo-Saxon Chronicle.' Æthelweard the chronicler is identified with the man who fell at Assington in 1016 (p. 132). It is misleading to say that Matthew Paris's chronicle 'was pirated, name and all, by Matthew of Westminster' (p. 182). Nor is it true that no ancient manuscript of the 'Liber de Hyda' is known, for the manuscript was recovered by Edward Edwards and edited in the Rolls Series nearly forty years ago. The author seems throughout to have ignored this valuable series. Although the so-called 'Annals of St. Neots' are well known to be a mere *farrago* of extracts strung together in an unintelligent way, the compiler is described as a better writer than the author of the 'Life of Alfred,' and we are told that 'to him we owe some of the best known legendary scenes in English history—that of the cakes, for example, and the touching story of Bede's last hours.' Credit is given to him for Greek learning on the strength of the phrase *Achemenia rabies*.² The cake story is professedly taken from the 'Life of St. Neot;' the passage containing the

² The phrase comes from the popular Christian poet Sedulius, *Paschale Carmen*, i. 200, 'Cuius Achaemeniam rabies accenderit iram' = *Paschale Opus*, i. 17, 'cuius rabies Achaemenii furoris igne succensa,' referring to Nebuchadnezzar.

Greek word is derived from Abbo of Fleury's 'Life of St. Edmund,' and modern editions of Bede's History contain the contemporary letter of Cuthberht to Cuthwine describing the death of Bede.

The introductory sketch contains the curious assertion that an appeal from the Northumbrians 'to their Augustus would almost certainly have brought a Roman army' to their defence 'so long as Charles was Roman emperor' (p. 8). It is questionable whether Æthelwulf's marriage with Judith can be described as 'senile folly,' and it was certainly not Æthelbald's marriage to his father's widow that, 'according to the Anglo-Saxon Chronicle,' caused Pope Leo to 'hallow Alfred as king.' The Chronicle contains no such assertion, for the sufficient reason that it records the hallowing of Alfred three years before Æthelwulf's marriage to Judith. Leo died before this marriage took place. So far as one can make anything out about St. Neot from his lives, he would seem to have lived in the latter part of the tenth century, but in any case Whitaker's view that he was Alfred's elder brother Æthelstan has nothing to support it (p. 17). Mr. Conybeare endeavours to prove the identification by saying that Æthelstan appears in the Chronicle as king of Kent 'in the earlier entries for 851, but his brother Ethelbald in the later,' whereas the latter is not called king of Kent, but is merely mentioned as being in Kent with the West Saxon *fyrd*. Alfred's daughter Æthelflæd did not found a fortress town on the Ouse at St. Neots (p. 18). The lady of that name who is mentioned in Goscelin's 'Life of St. Ives' as the founder of Eynsbury Monastery (St. Neots) lived a century or so later than the 'Lady of the Mercians,' for she was present, according to Goscelin, at the dedication of the church of St. Ives between 1001 and 1006.

Mr. Wall's book is a piece of bookmaking. Half of it is taken up with Hyde Abbey—which was not founded by Alfred—and is derived without acknowledgment almost entirely from Edwards's introduction to the 'Liber de Hyda.' In most cases Edwards's *ipsissima verba* are reproduced, frequently with the omission of qualifying words. At pp. 61, 62 the bishop's vicar-general has been carelessly converted into the prior of Hyde. The author has an objectionable trick of quoting Edwards's manuscript references, as though he had used the manuscripts himself. Similarly in his notices of Athelney and Shaftesbury he borrows very largely the wording of the 'Monasticon,' and guilelessly refers to manuscripts in 'the Augmentation Office,' although that office has long ceased to exist. At p. 39 Edwards's abstract is quoted as the words of a Cottonian manuscript. At p. 94 Aliennia, one of the forms of Athelney in the Exon Domesday, is regarded as referring to 'the composite nature of the house'—that is, it was still alien, because Alfred brought over foreign monks. The dean of Durham (p. ix) actually states that 'the English changed the name of it from Athelney to *Alienissa*, the house of aliens.' One wonders whether the latter form has any existence, or is merely some figment of a local writer to support this ridiculous connexion of an intelligible Anglo-Norman form of Athelney with the Latin *alienus*.

W. H. STEVENSON.

Etudes Critiques sur divers Textes des X^e et XI^e Siècles. Par
JULES LAIR. Tome I^{er} et II. (Paris: Picard. 1899.)

THESE sumptuous volumes are plainly a labour of love. M. Lair has worked in his own way at the subjects in which he happened to take an interest, and he has spared no pains to place his results before the public in an inviting form. His enthusiasm and his industry are worthy of all praise; we may add that, either by native instinct or through a prudent regard to the advice of learned friends, he has been led to study questions of great difficulty and interest. The origin of the crusading movement, the chronology of the letters of Gerbert, the authenticity and value of the 'Historia' of Adémar of Chabannes are problems which no student of the tenth and eleventh centuries can afford to leave uninvestigated. M. Lair has dealt with each of these problems, and in each of the three inquiries which he conducts he gives us some materials which in judicious hands are likely to be useful. He provides facsimiles of bulls attributed to Sergius IV, also specimen pages from the Leyden MS. of Gerbert's letters, and from those of the various recensions of the 'Historia.' He has collected the arguments of older critics, which make against the theories of Professor Bubnov and Julien Havet, the two latest editors of Gerbert. For the benefit of those who cannot read the works of Dr. Bubnov in the original Russian he has translated or paraphrased (i. 390) an appendix in which that distinguished scholar sums up his critique on M. Havet's system. He has printed *in extenso* and in parallel columns the three recensions of bk. iii. cc. xx.-lxx. of the 'Historia.' Unfortunately these excellencies are marred by faults so serious that his polemics will be worse than useless to the ordinary student. M. Lair's acquaintance with medieval Latin is insufficient; his translations are not seldom inaccurate; the emendations which he suggests in dealing with Gerbert's letters do violence to grammar and common sense. His chronological arguments are invalidated by elementary mistakes of arithmetic, as will appear from an examination of pp. 27-8, 228-9 of his first volume. He habitually blunders in the interpretation of such simple formulæ as *xv. kal. Dec.*; and, finally, he is not properly versed in the general principles of historical criticism. For all these reasons he is not to be considered seriously when he attempts to strike out a line for himself. This will be seen if we examine the first part of the first volume, in which he defends the genuineness of an encyclical attributed to Sergius IV.

The document in question was published by M. Lair in the year 1857, from a manuscript in the Bibliothèque Nationale (Baluze 380, no. 2), the only known copy. Its authenticity was called in question by Dr. von Pflugk-Harttung,¹ and later by the comte de Riant;² it is obelised in Jaffé-Loewenfeld. M. Lair undertakes to answer in an exhaustive manner the objections of his critics. Those relating to the handwriting of the Baluze MS., and to the rough sketch of a papal seal which is appended to it, are met by the printing of a facsimile. To arguments of chronology M. Lair has an easy answer. The encyclical is undated, although it has been docketed with the date 1009 by an unknown

¹ *Forschungen z. D. G.* xvii. 390 ff.

² *Archives de l'Orient Latin*, i. 40.

archivist; so far as internal evidence is concerned it may belong to any year in the pontificate of Sergius IV. The eccentricities of spelling and grammar which abound throughout the document may be explained as corruptions due to an ignorant and careless copyist. On the other hand M. Lair fails to vindicate the unusual form of the encyclical considered as a whole, the unprecedented valediction with which it closes, and certain peculiarities of phrase and rhythm for which the Curia can hardly be made responsible. Nor does he really face the most serious contention of Dr. von Pflugk-Harttung and Riant. The encyclical announces to all princes and potentates, lay and spiritual, that Sergius has been moved by the destruction of the Holy Sepulchre to proclaim a crusade. He and the Romans are prepared to lead the way; Venice and Genoa and the maritime cities have not only promised their assistance, but are actually making preparations and drilling their forces. A thousand ships will shortly be in readiness. All Christians are exhorted to join the crusade, or at least to contribute funds. Such a letter and such preparations, we are asked to believe, provoked no comment from a single chronicler. M. Lair falls back upon a passage of Platina, an authority who will not inspire much confidence in ordinary minds; and this passage does not even credit Sergius with a crusade, but only with a war against the Saracens in Sicily. In short, the letter attributed to Sergius, while suspicious on grounds of style and script, is unsupported by any external evidence of value.

The 'Historia' of Adémar exists in several texts. Waitz and M. Chavanon are agreed in considering MS. Lat. 5927 (Bibl. Nat.) as the fullest authentic recension. M. Léopold Delisle has given reason for believing that MS. Lat. 6190 (Bibl. Nat.) represents the rough copy from which the author worked in completing his final recension. But there is also in the Bibliothèque Nationale a third text (MS. Lat. 5926), somewhat fuller than that accepted by Waitz and M. Chavanon. M. Lair's second volume is intended to prove that this third text is at least of equal authenticity with the others, and may be accepted as an authority where it adds to the statements of the others. The rough draft, he maintains, was the foundation of a lost archetype; the manuscript followed by the editors is an abridgment, while MS. Lat. 5926 is a fuller copy of the archetype. If this is so, then the archetype was of extraordinarily little value as an historical work, and the scribe of MS. Lat. 5927 showed a sound discretion in his omissions. We refer the reader for an illustration to p. 157 of M. Lair's second volume.

As for the letters of Gerbert, few can have studied the theory of Dr. Bubnov and Havet without feeling that it raises more difficulties than it solves. It may be taken as proved that the existing manuscripts are based upon a single archetype, now lost; also that in the archetype some passages were written in the shorthand known as Tironian. But from this position it is a far cry to the assumption that the archetype represented a book of rough copies, made by Gerbert himself, in which chronological order was accurately preserved. The scantiness of the collection is an argument against this hypothesis; and, moreover, some of the letters are addressed to Gerbert; others do not seem to be the product of his pen, while others are probably out of their proper sequence. We may take it as

proved that the original editor was acquainted with the main facts of Gerbert's life, and that he attempted to make his order chronological. Further than this it is hardly safe to go. Since the *salutatio* is sometimes missing the editor may have relied upon rough copies; but he may also have employed copyists in different quarters who worked upon different systems, and sometimes omitted whatever they held to be unimportant. It is instructive to notice that the editor, whoever he was, seems to have depended chiefly upon the *salutationes* in making the explanatory rubrics which are prefixed to some of the letters; where the *salutatio* is wanting he frequently fails to give a rubric. This seems to show that he cannot have been identical with Gerbert, nor have worked under Gerbert's eye. Havet relies upon the nature of the lacunae in the text which he denotes as P to prove that it was published in the lifetime of Gerbert. But these omissions are such as any editor, who was zealous for the honour of the papacy, might make. Dr. Bubnov believes that MS. P belonged to Cluny; this fact, if proved, would suffice to explain its peculiarities. Arguments of these kinds are raised by M. Lair, sometimes with considerable effect. Unfortunately his criticism in matters of detail is usually too fanciful to be of value. For instance, in dealing with the famous letter 'Ea quae est Hierosolimis' he is not content to show that it would be more appropriate and intelligible if written after the fall of the Holy Sepulchre, but he must needs find in it an adaptation of the encyclical of the pseudo-Sergius. The parallelisms to which he calls attention are microscopic; both writers use the same kind of common-places. But the writer of the letter attributed to Gerbert was an accomplished rhetorician; the pseudo-Sergius was a scribbler whom no writer of literary pretensions was likely to imitate. The evidence for the authorship of 'Ea quae est Hierosolimis' is slight; but if we regard it, with Havet, as a circular demanding pecuniary contributions, or with Riant as a mere rhetorical *jeu d'esprit*, it may well be from Gerbert's pen. The style is his; the prosopopoeia, though bold, has a parallel in Ep. 155 (ed. Havet).

The chronological arguments into which M. Lair enters are peculiarly weak. He points out the difficulties which are involved in accepting the dates of Havet for the conference at Breisach and the sieges of Laon. But he outdoes Pertz in his adhesion to the chronology of Richer; it may be true that the edition of Waitz takes unwarrantable liberties with the text of this author, but it is equally certain that Richer's account of the years 987-91 contains some serious confusion. Richer could only be justified by an alteration in the accepted date of the council of Verzy. M. Lair fancies that he has proved 992 to be the proper date; but his own evidence clearly confirms the accepted date of 991, for his authorities, while differing in many details, are agreed that the council fell in the fourth indiction. This indiction ended in August 991. At present then, however much we may suspect Havet's synthesis of the evidence contained in Gerbert's letters, we must allow that the materials for modifying his hypothesis are still to seek. On one matter of fact we may, perhaps, accept Richer's testimony. He tells us that the siege of Laon was finally broken up because Hugh Capet's camp was destroyed by fire, and that the fire occurred after Adalbero Ascelin had escaped

from Laon. Now the letters, as arranged in the manuscripts and Havet's edition, speak of the fire as occurring long before the conclusion of the siege, and while Adalbero Ascelin was still a prisoner (Epp. 121 and 135). And to allow that letters 121 and 135 are out of their proper order with regard to one another is to acknowledge that Havet's theory of the letter book must be abandoned. One exception is as good as a dozen in such a case. But until we have more evidence we can only deal negatively with Havet's theory, and a large number of Gerbert's letters must be left undated.

H. W. C. DAVIS.

Political Theories of the Middle Age. By Dr. OTTO GIERKE. Translated, with an Introduction, by F. W. MAITLAND, LL.D., D.C.L. (Cambridge: University Press. 1900.)

THIS volume contains Professor Maitland's translation of a single section of one of the three volumes of Dr. Otto Gierke's monumental work, 'Das deutsche Genossenschaftsrecht.' Of the patient and enormous erudition of Dr. Gierke's work it would be impertinent to speak; all students of medieval ideas must go to his pages to quarry their material. Not contented to explore, he has minutely and conscientiously surveyed neglected tracts of literature. 'It is not probable that for some time to come any one will tread exactly the same road that I have trodden in long years of toil.' Dr. Gierke's prediction is likely to stand; but it will owe its verification not so much to the tediousness of the task involved as to the well-grounded confidence in his thoroughness and impartiality. Yet Dr. Gierke has not filled his commonplace books without a definite purpose in view. It is as the head of a school of jurisprudence, as the authoritative exponent of a notable political theory, that he is to be considered. For many years German jurists have taken sides in a stubborn debate between 'Romanists' and 'Germanists,' and if 'Germanism' is now victorious all along the line it is to Dr. Gierke and his stupendous historical researches that its ascendancy is chiefly due. Far more than his predecessors Beseler and Gerber he has based his conclusions on the historical method. In this point, then, we may claim that the greatest opponent of Savigny's school is the most genuine of his disciples. Savigny, it must be remembered, was committed to a struggle with 'Revolution ideas;' he was the herald of evolution, the pioneer of the historical method. But Savigny was also the great 'Romanist.' In the revival of the study of Roman law he found the instrument of his attack, and if Roman law were indeed the common law of Germany Savigny's historical studies could have only one result. German law must become the genuine, unadulterated law of the 'Digest.' If, then, Savigny repudiated the Napoleonic code, Dr. Gierke has taken a further step. He has protested in the name and by the argument of the historical method against the 'reception' of Roman law into Germany at all. In plain fact Roman law was the law of Rome made by Roman lawyers for Romans. The genius of Germany felt it to be an alien, and chafed under the yoke. 'The land that saw Luther burn one "Welsh" "Corpus Iuris" had meekly accepted another.' Until the law of Germany becomes 'germanised' through and through it will be no German law, for the deepest consciousness of the German folk will not speak through it.

But even this was not the limit of the mischief. It was not the genuine Roman law which Germany received, but an italianised version, very largely manufactured in the papal Curia. When Innocent IV rounded into completeness the canonical theory of corporations he had before his eyes, as the typical corporation, 'no medieval city, village, or gild, but a collegiate or cathedral church.' Now the person of such a corporation must be immortal; it must be capable of perpetual ownership and yet incapable of delict. Hence it must be a fictitious person, idealised beyond all suspicion of a concrete embodiment, for it must enjoy all the legal profits and suffer none of the legal burdens of a *persona*. For good and for evil—mainly, in Dr. Gierke's eyes, for evil—this *persona ficta* has operated vigorously in what might *prima facie* appear to be very alien departments of speculation. It has been responsible for much popular thought and for much political philosophy.

The failure of medieval theorists to grasp the personality of the state appears as a central defect, whence, in later times, evil consequences are likely to issue. It will be seen that the stream of political theory, when it debouches from the defile of the middle age into the sunlit plain, is flowing in a direction which, albeit destined and explicable, is not regarded by our author as ultimate. However much the river may be gaining in strength and depth and heredity as it sweeps onward towards the *Leviathan* and the *Contrat Social*, its fated course runs for some centuries away from organisation and towards mechanical construction, away from biology and towards dynamics, away from corporations and towards contractual obligation, away (it may be added) from Germanic lands and towards the Eternal City.

It would be well that students of the history of English political theories should take due heed, and that they should learn to go first of all to the lawyers for help in their interpretation. 'Political philosophy,' as Professor Maitland justly reminds us, 'is apt in its youth to look like a sublimated jurisprudence;' and long after it has ceased to acknowledge a conscious obligation it tacitly confesses its source. When Hobbes made his claim, 'Civil philosophy is no older than my book "De Cive,"' he might have added that in the genius of law he found his inspiration; and when a professed lawyer, John Austin, vindicated his memory his sympathies were enlisted by one who had 'operated' so successfully in philosophy with a stock in trade of legal categories.

Professor Maitland's preface has a twofold aim, expository and didactic. His first object is to set the chapter he has translated in its context; his second, to impress on English lawyers their philosophical bankruptcy and to provide English political philosophers with a new medium of thought. Anticipating the objection that the theory of corporations is a weak peg on which to hang a theory of the state, he argues that 'when all is said there seems to be a genus of which state and corporation are species. . . . Let it be allowed that the state is a highly peculiar group-unit; still it may be asked whether we ourselves are not the slaves of a jurist's theory and a little behind the age of Darwin if between the state and all other groups we fix an unmeasurable gulf and ask ourselves no question about the origin of species.' How far the lawyers will take their lesson to heart we would not presume to predict; but philosophers have already shown signs of grace. It is

likely that the movement in English thought will learn to express itself under the inspiration and through the medium of a conception of evolution drawn from biological science; a distinguished group of French psychologists are attracting attention by their studies in social psychology; the Germans, led by Dr. Gierke, are applying the new ideas in the field of law. But whether the object of focus be the evolution of society, the study of public opinion, the psychology of the crowd, the German 'state idea,' the 'tribal conscience,' or the 'real will,' the problem is fundamentally the same—the problem *not* of the individual, but of the group, the 'fellowship.'

W. G. POGSON SMITH.

Calendar of the Patent Rolls. Richard II. 1385–1389. (London: H.M. Stationery Office. 1900.)

THE third volume of the admirable 'Calendars of the Patent Rolls' of Richard II's reign, prepared by Mr. G. J. Morris, throws welcome light upon those critical years in which the situation created by the lavish extravagance of the headstrong young king grew more and more strained, and ended in civil war and the tragedy of the Merciless Parliament. It provides a full commentary upon the grave indictment of his government by his council which Nicolas was unable to date but which is certainly prior to December 1385. Richard did not at all strictly observe the undertaking he seems to have entered into in the previous year to consult the privy council (whose first extant dated minute belongs to 1386) on all matters of importance. Its advice and assent is indeed frequently expressed on the rolls of these years, but they can hardly have really approved of grants which ran flatly counter to the principles they had laid down. Making every allowance for the burdens imposed by the war—the force, for instance, vainly raised for the relief of Ghent in 1385 made necessary a loan of 5,000*l.* from the Bardi—there is ample evidence that Richard was throwing money recklessly away. Escheats and estates in ward were scattered among his courtiers, and the king's clerks, especially Richard Medford, were loaded with benefices all over the country. No wonder there was grumbling when Michael de la Pole was granted 500*l.* a year with the earldom of Suffolk. Gloucester, the severest critic of the king's proceedings, had accepted an even larger provision, but the king's uncle had to keep up a certain state. What is perhaps the most interesting entry on these rolls may be mentioned here. In December 1387, it will be remembered, Gloucester and other great nobles took up arms against the king's favourite, Oxford, whose forces they dispersed on the 20th of that month at Radcot bridge. Three days before the battle Philip of Burgundy addressed proposals for peace negotiations not to the king and his council, but to Gloucester personally. His reply, given on the roll because he got an indemnity for it, was delayed for six months by *grosses besoignes touchantes mon dit Seigneur le Roy et son royaume* (p. 503)—by the Merciless Parliament in fact. As to the honesty of the lords appellant the rolls certainly show that they made a serious attempt to put a stop to the frittering away of the crown revenues (pp. 317, 320). Among other ill-advised proceedings of the young king mentioned in the protest of the council referred to above, and abundantly illustrated here, are the lavish grants of pardon for murder and other

serious offences at the instance of influential courtiers, and the numerous grants of exemption from irksome offices. No one who goes carefully through these pages will regard the council's warning on this latter head as too strong—*car autrement il ne trouvera a peine nul suffissant homme a passer en enquete ne destre visconte ne autre officier*. In the field of social progress we note a good many cases of villeins subtracting their services in an organised way. In one case they had bound themselves together by oath (p. 178). There is some information relating to the formation of a gild at Lichfield (pp. 373, 380) and the foundation of Durham College, now Trinity College, at Oxford. The student of the Anglo-Norman period will find several charters of Stephen and Henry II recited. In that granted by the latter (as duke of Normandy) to the abbey of Troarn (p. 373) the reading of the roll, *Regis comite Cornubie*, should of course be *Regin[aldo] comite Cornubie*.

The index, now printed in a much clearer and handsomer type, comes as near the ideal as one can reasonably expect. The subject references have been increased, and might very well be put together in a separate 'Index Rerum,' such as forms so useful a feature of Mr. Round's calendar of documents from French archives. An entry relating to Baldwin de Redvers and Isabella de Fortibus, described *inter alia* as lord and lady of the Isle respectively, is indexed under 'Isle,' but not under 'Wight.' The *Bologna Grassa* of p. 501 is more probably Boulogne than the Italian Bologna. In the list of Richard's officers the 'keeper of the king's ostrich' (p. 27) is unluckily omitted. Puddle Trenthead (p. 702) should be Piddletrenthide.

JAMES TAIT.

The Council of Constance to the Death of John Hus. By JAMES HAMILTON WYLIE. (London: Longmans. 1900.)

MR. WYLIE'S Ford lectures form an interesting and useful little volume, although we are at a loss to understand the reasoning by which they can be represented as lectures on English history. There was, it is true, an English element in the council, and an important one; and English and foreign relations may, with the exercise of ingenuity, be discussed, as Mr. Wylie shows, in consideration of the activity of Sigismund; but except for these few early pages it is impossible to say much about this country, and only constructively can this book be said to be concerned with our national history. Still a short monograph on one of the most interesting events in history is a welcome thing, although it will hardly supersede the admirable account given by the late bishop of London, to say nothing of continental writers. The story is well told and the essential features of the movement grasped, as was to be expected from a man of Mr. Wylie's industry as an investigator. There is, after Mr. Wylie's style, an undue statement of detail without enough attempt at forming a real picture. Still he does enable us to see the council at work, and something of its connexion with general politics. Perhaps Mr. Wylie scarcely realises the revolutionary nature of the conciliar aims, a fact well brought out by Dr. Creighton. Most of us have forgotten it, owing to the fact that this constitutional movement failed in the end. The papacy triumphed over the reformers, and made ridiculous the dreams of Gerson, D'Ailly, and Zabarella. There was to be no chance of an

internal reformation, and the revolution which these conservative liberals resisted in the person of Hus was to burst upon the next century with a fury that was all the greater that it had been so long pent up. But, as Mr. Wylie says, *the great assemblage at Constance was no merely clerical gathering but a vast political congress, a Reichstag of Christendom*, and the importance of the council in the political was at least as great as it was in the ecclesiastical sphere. It is in fact the watershed that divides the mediæval from the modern world both in politics and religion. And it is for that reason that Mr. Wylie's book ought to have a wide circle of readers. Lectures iii. and iv. are from this point of view the most serviceable; the description of Sigismund in lecture i. is useful in its wealth of illustration. The last two lectures are on the trial and death of Hus, and will meet with more criticism. The author has a contempt for scholastic theology, which prevents him from entering into the controversies about the real presence; and the tone of these chapters shows a certain bias, which renders them far less valuable as judicial opinions than the cool-headed analysis of the late bishop of London. Still they are very interesting, and there is much truth in the conclusion that *those writers have best gauged the essence of the story of John Hus who see in it a struggle for supremacy between the right of the state to protect freedom of thought and the right of the church to repress the heretic, resulting in an unconditional surrender of the former.*

Mr. Wylie challenges attack in 'L'Envoi.' He strives to defend himself against the charge of over-minuteness by arguing in favour of exact investigation. Mr. Wylie does not seem to see that minuteness of investigation does not of itself justify over-elaboration of detail in a modern historian, working up materials for modern readers. Minute discussion of controverted points is another thing, and as a rule should come separately, either in an appendix or in isolated papers. The other point Mr. Wylie strives to make is in regard to style; he says it is a 'God-given gift.' But to a certain point, like anything else, it can be acquired, as a glance at current journals will show. No care can give a man 'the art that carries all by storm,' but care can always save a man from the worst defects of style. If students could realise that knowledge must be not only acquired but expressed, we should not have to complain of such an entirely indefensible sentence as this:—

According to this a marriage could be arranged between the royal families of France and England; and inasmuch as the king of France had often written and informed him how the duke of Burgundy had killed the duke of Orleans and driven his son from the court, but had at last been condemned as a traitor, and all his lands declared to be confiscated, it was now proposed that the three kings should proceed jointly against him and his brother the duke of Brabant, with whom Sigismund had his own individual quarrel, on the understanding that the king of England should receive all his sovereign rights over Flanders, little knowing apparently that the duke of Burgundy was at that very time arranging to hand over four Flemish ports to the king of England and to do homage to him for the whole county of Flanders of his own accord.

It is nonsense to say that a man need write sentences 149 words long, unless it gives him pleasure, though what pleasure he gets from it, save that of giving pain to his readers, it is hard to say. But an author who goes out of his way to write like this has no *locus standi* when he

pleads of his style that he knows it is bad, but he cannot help it. A boy of thirteen could be made to help it.

It is a great pity the book has neither index nor references; for this destroys its value to the student. On the other hand the 'preliminary' notice contains an admirable discussion of the authorities and a pertinent description of Hermann von der Hardt's work, *whose monumental industry is only equalled by its monumental confusion of arrangement.*

J. NEVILLE FIGGIS.

History of the German People at the Close of the Middle Ages. By JOHANNES JANSSEN. Vols. III. and IV. Translated by A. M. CHRISTIE. (London: Kegan Paul. 1900.)

THESE volumes, which correspond to volume ii. of the original, should find many English readers, for the period of German history covered by them is unusually full of movement, and their subject is not nearly so difficult or dry as that of Dr. Janssen's introductory volume. The general reader may indeed, if he will, begin his studies at this point. The opening chapter on 'Humanism in Germany,' if combined with that in the fifth volume of Dr. Creighton's 'History of the Papacy,' will probably give him as much as he cares to know upon this question. With Luther's appearance the dramatic interest of the book begins. The diet of Worms leads to the so-called knights' war, and this is followed by the social revolution of the German peasantry.

Nobody can complain that such a tale is dull, and the translation runs a smooth and pleasant course. Those who have read the German original will regret the absence of a large part of Dr. Janssen's illustrative notes, which are even thought by some to constitute the chief value of his work. The problem was doubtless difficult for both publisher and translator, since these notes, if included in full, would probably have entailed an additional volume. But arbitrary selection from such a wealth of illustrative matter requires the knowledge of a skilled historian. There are symptoms that the translator is not such. Dr. Janssen has not, indeed, laid such pitfalls for his translator as in his first volume, but in spite of the general merit of the rendering there are a regrettable number of false steps and slips. Thus, 'a council of waggons which settled matters with rifles and cartridges' (*Büchsen und Carthauen*) is a strange anachronism for the year 1522. *Die Wegnahme der Moldau* is rendered 'the blockade (*sic*) of the Moldau,' as if *die Moldau* were a river and not the name of the province of Moldavia. 'The Suabian League, it [*i.e.* the Christian Union] said, stipulated only for divine right and justice.' This makes pure nonsense, for the 'Christian Union' of insurgent peasants is here confused with its enemy, the Suabian League. A reference to the original shows the mistake to arise from negligence of grammar. *Sie begehre, erklärte die [christliche] Vereinigung dem Schwäbischen Bunde, nur das göttliche Recht.* A similar mistake occurs in the translation of a passage in a well-known despatch of Aleander's. Dr. Janssen writes, *Es sei jetzt in Deutschland ein Aufruhr gegen den apostolischen Stuhl ausgebrochen, wie er [Aleander] einen Solchen schon vor fünf Jahren, aber ohne Glauben zu finden, dem Papste vorausgesagt habe.* The translator renders this, 'A revolt

against the apostolic chair, such as, without being credited, the pope had predicted five years ago, had now broken out in Germany.' This is a singularly unfortunate mistranslation in a highly controversial work, for it credits the pope with the very prediction which he had blindly neglected. The translator is apparently a townsman, for agricultural operations are curiously maltreated. Thus 'the rivers were so swollen that in the lowlands the seeds had floated to the surface' represents, *Die Flüsse waren so angeschwollen, dass in den Niederungen alle Saaten überschwemmt waren*. The luckless peasants, who were forced to plough, to sow, to reap, to garner, to hew wood, find their culminating misery not, as Dr. Janssen writes, in ditching—*Graben machen*—but in digging graves. We may assure our readers that a pair of highlows and a felt hat did not make up their clothing, as we are told by the translator, who has indiscreetly discarded the decent smock (*Zwilchgippern*) of the original.

Normalisation is troublesome to every author, but in a translation of a work where technical terms frequently appear care is peculiarly necessary. It is careless to call, in the same page, the same institution *Reichsregiment* (which is printed both with and without italics), imperial council, and council of regency. So also *Kammergericht* and imperial chamber occur in the same sentence. The palatine elector poses occasionally as *Kurpfalz*. Alsace and Alsatia are found together, whilst Steyer alternates with Styria. Braunschweig and Saxony form an ill-sorted pair. There are other evidences of need of revision; the German sentences which remain in the text are usually but by no means always translated; e.g. the phrase *viereckige Dinge zu vergleichen und herwiederum* receives no explanation. 'Literat' and 'canonicus' are not English words, nor is it usual in English to write that Hus was burnt at the council of Cosnitz. French-speaking magnates should not receive the title of Robert von der Marck and the Herr von Chièvres. Among miscellaneous slips may be mentioned Langenfalza for Langensalza, a 'contingency of prelates' for a 'contingent,' Laurentius Balla for Valla, Glareamus for Glareanus. We have no wish to discourage the translator by dwelling on these defects, but, as there are at least eight volumes to follow, it is a kindness to emphasise in good time the need of carefulness.

E. ARMSTRONG.

The Reformation Settlement examined in the Light of History and Law.

By the Rev. MALCOLM MACCOLL, D.D. Eighth edition. (London: Longmans. 1900.)

THE eighth edition of Canon MacColl's book contains fresh matter in the shape of a lengthy examination of the recent Lambeth decisions, and a reply to Professor Maitland's article in the *Fortnightly Review* for December 1899. With the ecclesiastical questions discussed by Canon MacColl we have here no concern, but there are one or two points of purely or primarily historical interest which call for notice in this Review. The most important of these is the question, When did the first Act of Uniformity receive the royal assent, in the second or in the third year of Edward VI? The balance of evidence seems to be on the side of Canon MacColl and the third year, and we wonder that he did not cite in support of this view the authority of Sir Thomas Smith, who,

as secretary of state, piloted that act through both houses of parliament. Smith makes it quite plain ('*De Republica Anglorum*,' 1588, p. 42) that the rule was for all acts of parliament to receive the royal assent on the last day of the session, which in this case was 14 March, 3 Edward VI, and the entire absence of evidence to the contrary is strong presumption that the usual course was followed in the case of the first Act of Uniformity. We cannot, however, concur in Canon MacColl's argument that there was insufficient time for the royal assent to be given by commission between 22 Jan. 1548-9, when the bill finally passed the house of lords, and 27 Jan. following, when Edward's second year ended. The bill for the attainder of the duke of Norfolk did not pass the house of commons until 24 Jan. 1546-7, but it received the royal assent by commission only three days later. Possibly, too, Canon MacColl builds too much (p. 605) upon the general act of pardon; such acts were passed by most parliaments, and were usually the last, or next to the last, business of the session. The main piece of evidence adduced for the second year is the fact that under that year the young king notices the passing of the Act of Uniformity in his journal, but if Canon MacColl had examined this passage a little more closely he would have been able materially to strengthen his case. He argues that Edward's failure to mention any commission proves that there was no such commission. 'The passage,' he says, 'must have been written within four days of the close of the second year. He could find time to note . . . the granting of a subsidy, and the condemnation and execution of Lord Sudeley and of Sir Thomas Sharrington . . . all in the last week of his second year.' The passage assuredly was not written 'within four days of the close of the second year,' and probably not for months after the commencement of the third; the attainder of Sir William (not Sir Thomas) Sharrington, who, by the by, was not executed, did not pass until 7 March 1548-9, Lord Seymour of Sudeley was not executed until 20 March, and the granting of a subsidy was the last business of the session. Edward's mention of the Act of Uniformity under his second year no more proves that it was passed in that year than his mention of Seymour's execution under the same year proves that the lord high admiral was beheaded seven weeks before his death.

The other novel feature of the book is Canon MacColl's rejoinder to Professor Maitland's examination of the theory that the Prayer Book of 1559 was submitted to convocation. Canon MacColl still adheres to his theory. 'My guess,' he says (p. 736), 'was that the Marian bishops—at least those who appeared in parliament—having formally refused their assent to the revised Prayer Book, their votes were ignored as invalid, and an informal synod of clergy and the surviving Edwardine bishops was called to examine the book.' Dates, as Canon MacColl says, are important here, but we confess to being not quite able to follow his chronology. He has himself pointed out that the Marian bishops had nothing to do with the Prayer Book in convocation, so these votes formally refusing their assent to it must have been recorded in the house of lords, where the first reading of Elizabeth's Act of Uniformity was taken on the 26th, the second on the 27th, and the third on the 28th of April 1559. Neither the act nor the Prayer Book it enforced could have been altered

after that date. Where then did the deliberations of this 'informal synod' come in? Canon MacColl's theory seems to require an interval between the moment when the Marian bishops voted against the bill and the moment when the majority of peers voted for it, and into this interval are to be packed the deliberations on the Prayer Book of this 'informal synod of clergy and the surviving Edwardine bishops.' Surely, if this informal synod ever met, some other reason for its summons must be suggested than the invalidity of the votes which the Marian bishops cast against the enactment of the Bill of Uniformity. We have no space to discuss the many questions involved in Canon MacColl's theory: why, if their votes in the house of lords were invalid, they were allowed to vote at all; why, if their canonical status was defective, they were allowed to sit in convocation, to protest against every prospective reform, and by their presence to render impossible the desiderated canonical authorisation of the Prayer Book; why, if Bonner had been legally and canonically deprived in 1549, the house of lords in 1559 refused to pronounce that deprivation lawful, why it refused to validate leases made by Ridley in which the only flaw was his alleged uncanonical status, and why a bill enabling Elizabeth to restore bishops appointed 'canonically' under Edward failed to become law; whether the appointment of bishops by the king's letters patent, in pursuance of 1 Ed. VI, c. 2, was canonical, and if it was why that statute was not revived by Elizabeth; and whether a defect in canonical status invalidated a bishop's votes in the house of lords, where he sat by a temporal and not by a spiritual title, in virtue of his barony and not of his bishopric.

We pass on to the famous document on which Canon MacColl mainly relies for his contention. It has been 'discovered' many times. Professor Maitland discovered it, the Rev. T. A. Lacey discovered and printed it in his tract on the 'Acts of Uniformity,' while Canon MacColl points out that the document is noted in the Calendar of Domestic State Papers, and printed in Mr. Wayland Joyce's 'The Sword and the Keys.' To these we may add that it is also printed *in extenso*, with comments, in the late Mr. Gilbert W. Child's 'Church and State under the Tudors,' 1890, pp. 309-311. Professor Maitland, Mr. Lacey, and Mr. Child all regard its value as slight, but to Professor Maitland's emphatic description of it as 'rubbish' Canon MacColl opposes the facts that, on the unimpeachable testimony of Sir Joseph Williamson, one of the copies of the document is in the hand of Sir Thomas Wilson, 'a man of knowledge and integrity,' that it was considered worth preserving by successive keepers of the records, and worth calendaring by Mr. Robert Lemon. The relevance and value of these facts are disputable; keepers of the records have fortunately no power to destroy documents entrusted to their care, and Sir Thomas Wilson's integrity we take leave to doubt. The document must stand or fall by internal evidence; its point of view is similar to that taken by Sir Robert Cotton (1571-1631) in his 'Answer to certain Arguments . . . urged . . . to prove that Ecclesiastical Laws ought to be enacted by Temporal Men;' but one would hesitate to attribute to so careful an antiquary as Cotton a document so full of errors as this. As Professor Maitland has already pointed out, it makes Cheney a bishop in 1559; Canon MacColl minimises this blunder, on the ground

that Cheney became a bishop three years later, but the error is sufficient to dispose of the claims of the document to be even based on contemporary materials. It declares that Oglethorpe retained his see under Elizabeth, though he was deprived in 1559. Its list of Marian bishops omits three, York, Chester, and Ely, who were present in parliament; and two Edwardine bishops, Scory and Coverdale, are included who almost certainly did not return to England until the autumn. We are left, therefore, with absolutely no evidence for the alleged 'informal synod' beyond doubtful deductions from equally doubtful premises. Undue stress, moreover, has been laid on the destruction of the records of convocation. They survived until 1666, and before that time two competent ecclesiastical historians had made full use of them—Thomas Fuller and Peter Heylyn. Fuller may be passed over as biassed in favour of low church views, but Heylyn rests under no such imputation. He was himself engaged in controversy with one who cavilled at the English church service as lacking ecclesiastical authority; he was at the time of his researches clerk of convocation, and it is utterly incredible that, had the records under his charge contained a reference to any synod, informal or other, he should have neglected to use so material a piece of evidence.

But really the controversy is narrowing down to a very fine issue; Canon MacColl only claims that the Prayer Book was submitted to an 'informal synod.' Now what is the precise canonical authority of an 'informal synod' sitting at the same time as a formal and duly elected convocation? Is it any greater than the legal authority of an 'informal' house of commons, which could not be proved to have been properly summoned or elected, and, if it sat at all, sat only to defy the legally summoned and duly elected houses of parliament? There is, indeed, no evidence that the Prayer Book was submitted to any convocation, formal or informal; there is not much more evidence that it was submitted to the censure of parliament; but it was submitted to a body of royal nominees sitting at Sir Thomas Smith's house in Cannon Row. Elizabeth strenuously and consistently denied the right of parliament to meddle in ecclesiastical affairs, but she reserved that right not to convocation but to herself. After her death the general power of the crown declined, and its authority in ecclesiastical matters was relaxed. Its control over the state passed to parliament, its control over the church fell into abeyance between parliament and convocation, and neither has been able to establish an exclusive claim to the inheritance.

A. F. POLLARD.

Papers illustrating the History of the Scots Brigade in the Service of the United Netherlands, 1572-1782. Extracted by permission from the Government Archives at the Hague, and edited by JAMES FERGUSON. Vol. I. 1572-1697; Vol. II. 1598-1782. (Edinburgh: Scottish History Society. 1899.)

THE armies of the United Netherlands during the whole history of that famous republic were largely recruited from foreigners, and this is more especially true of the period covered by the eighty years' war of independence. There were English and Scottish regiments upon the permanent military establishment first of Holland and Zeeland (1572-1576), then of the states-general of the Netherlands (1576-1579), then

of the states-general of the United Provinces (1579-1688). On the accession of William III these regiments were taken into British pay, but the Scots returned into Dutch service in 1697, and continued, as before, to do more than their share in fighting the battles of their adopted country. This remarkable connexion did not come to an end till 1782. The papers published by Mr. Ferguson are derived from the records contained in the archives of the United Netherlands at the Hague, *i.e.* from the resolutions and secret resolutions of the states-general, the resolutions of the council of state, the diplomatic correspondence, the documents relating to the military establishment known as 'the states of war,' and others, also for the earlier years the resolutions and pay lists of the province of Holland.

The first of the three regiments, that formed what was known later as the Scots brigade, dates from 1572. From that time onwards Scots companies fought under the Dutch flag. The corps appears to have had its complete regimental organisation from 1588, if not before. Its first commander was named Harry Balfour, 1574-1580; its first colonel, Barthold Balfour, 1586-94. The second regiment was raised in 1603 by Lord Buccleuch, its colonel from 1603 to 1612. The third was formed in 1628, dissolved during the wars of Charles II, but replaced by a new regiment in 1673. At different times other regiments were raised for special emergencies, but were not permanent like the three named. The extraordinary thing about this brigade (to quote a letter dated 1787, probably addressed to the secretary of state for war, from the Belsyde papers, ii. 525) is

that it has always continued in the service of the states-general, with the approbation of the sovereigns and under the sanction of the laws of their country, excepting a short interruption during the war between Charles II and the republic; but at that time almost all the Scotchmen in the brigade returned to their native country, where they were most honourably received; yet so great was the respect of the republic for the corps that they kept up its name, uniform, colours, and words of command, though it then consisted almost entirely of foreign officers and soldiers. . . . All the recruits for the brigade¹ were always attested before his majesty's justices of the peace. They were quartered in the castle of Edinburgh, or other of his majesty's forts or garrisons, till there was an opportunity of conveying them to Holland; and if any of them deserted warrants were granted for apprehending them in the same form as if they had been enlisted for his majesty's immediate service; and at all times not only the natives of Britain serving in the brigade but their descendants for any number of generations, though born in a foreign country, while they continued to serve in the corps, have been always entitled to the privileges of Scots, and, since the union, of British subjects without any bill of naturalisation.

In a short account of the brigade (written in 1797 by its chaplain, Dr. William Porteous) we read, 'The men always swore the same oaths as other British soldiers . . . their colours, their uniform, even the sash and gorget were those of their country, and the word of command was always given in the language of Scotland.' Such indeed were the close and intimate relations between Great Britain and the Dutch republic (with the exception of a portion of two decades, 1653-1674) that a large body of regularly organised British soldiers were paid by the states-general, and fought and bled in the defence of the Netherlands.

¹ This is strictly true only of the eighteenth century.

They formed, as the famous stadtholder, Frederick Henry of Orange, a man not given to indiscriminate eulogy, publicly described them, 'the bulwark of the republic.'

A large number of the documents that have been printed in these volumes do not possess much interest of the wider kind, dealing as they do with matters of trivial military detail, or disputes about pay and pensions, but they are worth preserving, as illustrating the peculiar relations and the twofold allegiance of the regiments to their natural sovereign and to their adopted country. Their interest has been much enhanced by the copious footnotes. These contain a mine of information about the history of such well-known Scottish families as Balfour, Scott, Mackay, Douglas, Stewart, Halkett, Colyear, Cunningham, Erskine, Graham, Kirkpatrick, Murray, and many others.

There is evidence that Scottish troops were serving in Holland in 1572, if not before. Some hundreds were massacred by the Spaniards at the close of the memorable siege of Haarlem in 1573, and seven companies took part in the no less memorable relief of Leyden in the following year. There were Scots also in the garrison of Leyden, and a Scottish contingent helped the gallant burghers to drive off the Spanish assault upon the walls of Alkmaar. Thirteen companies marched with the states army that was routed, 31 Jan. 1578, by Don John of Austria at Gemblours. When all the rest fled before the furious onset of Parma's cavalry the Scots alone stood firm and suffered terrible losses. Six months later the Spaniards met with their first check in the open field at Reminant, owing to the gallantry of the Scots and English regiments under Norris. In the great siege of Antwerp the Scots greatly distinguished themselves, particularly in the defence of Fort Lillo (1584), and in 1587 it was a Scottish garrison which compelled the victorious army of Parma to raise the siege of Bergen-op-Zoom. As the century drew to its close the number in the regiment was gradually increased until in 1597 Colonel Murray had under his command twelve companies of 150 men each. The campaign of 1600 was disastrous to the Scots. Maurice of Nassau, engaged upon the siege of Nieuport, sent forward a force, including the Scottish regiment, to the bridge of Leffingen to check the rapidly advancing army of the archduke Albert. They were unable to make head, however, against the vastly superior numbers of the enemy, and 600 Scots perished, all the wounded and prisoners being massacred. It was only a remnant whom their colonel, Edmond, who had escaped, was able to collect to take part in the great struggle before Nieuport, which, largely owing to the valour of the English troops, ended in the complete defeat of the archduke. After the victory the Scots were amongst the keenest in pursuit of the flying enemy, and exacted a merciless retribution for their slaughtered comrades. During the three years (5 July 1601 to 20 Sept. 1604) of the siege of Ostend the Scots had their full share in the glories and perils of Sir Francis Vere's historic defence, and it was at the end of 1603 that the states took into their pay a second Scottish regiment under Lord Buccleuch, part of whom were at once despatched to the beleaguered town. In 1605 it was the steadiness of Buccleuch's men, with some English infantry, that saved the states cavalry from destruction at Mulheim.

During the twelve years' truce the regiments were maintained on war footing, and in 1610 one Scots and two English regiments were despatched, under the command of Sir Edward Cecil (Lord Wimbledon), to assist in the siege of Juliers, which was taken.

When war broke out again in 1621 employment was not lacking. When Spinola laid siege to Bergen-op-Zoom British troops (Scots and English) formed the backbone of the garrison, which so stoutly defended itself that the besiegers were obliged to retreat, after losing 10,000 men. Sir Robert Henderson, who had succeeded Buccleuch in command of the second regiment, was killed while leading a sortie. In 1628 Frederick Henry of Orange sanctioned the raising of a third regiment, and the three Scots regiments were part of the army with which at the siege of Hertogenbosch, in 1629, this great commander held his own investing lines successfully against a superior force of the enemy outside, while at the same time pressing on vigorously his attack upon the town, which was finally forced to capitulate. In this, one of the great military achievements of the age, the colonel of the second regiment, Sir John Halkett, was killed. The brigade again fought in the taking of Maestricht in 1632, and of Breda in 1637, both scientific triumphs of the besieger's art. In 1638 a portion of the corps was sent with William of Nassau on an expedition to seize Fort Calloo, near Antwerp, but they were attacked by an overwhelmingly superior force while entangled in the swamps, and were almost annihilated. The composite character of Frederick Henry's armies may be gathered by the fact that in 1644 the infantry consisted of one Dutch, three Scots, four English, and four French regiments.

With the acknowledgment of their independence by the treaty of Münster in 1648 a new epoch begins for the United Provinces; the eighty years' struggle with Spain, which had brought to the Dutch an unexampled commercial and colonial expansion, was succeeded by twenty years marked by a series of fiercely contested wars with their old British allies for that dominion of the sea which was essential to the prosperity of England and Holland alike. The struggle with Cromwell did not affect the status of the Scots brigade in the Netherlands, for the soldiers who composed it did not acknowledge any allegiance to the Protector. But in the wars with Charles II of 1665-7 and 1672-4 it was otherwise. Recruiting was now forbidden, and the regiments became temporarily nationalised. As many, however, of the officers and men, who had become acclimatised in Holland, continued to serve, they never lost their identity, and were restored upon the old footing by William III after the peace of 1674. In 1678 the position of the British regiments in the Netherlands was settled by a capitulation, one of the articles being, that the states 'should send these regiments to be embarked for Great Britain, whenever the king should think proper to recall them.' During the wars of William with the French at this period the British troops (the three Scots and three English regiments) under the earl of Ossory constantly distinguished themselves, notably at the siege of Maestricht in 1676, where one Scots and two English colonels fell, and in the attack on the lines of St. Denis in 1678. The brigade was sent to England in 1685 upon the summons of the king, in accordance with the capitulation, to put down the

rebellion of Monmouth. The Scots on their arrival were reviewed by King James on 3 July, who in writing to his son-in-law about the English regiments remarked, 'If they be but as good as the Scotch regiments, which I saw this morning, I shall be doubly pleased; for as to those I have seen, there cannot be, I am sure, better men than they are.' The force returned to Holland without being called upon to fight, and the sovereign, on whom their appearance had made so deep an impression, soon had cause to regret that he consented to part with them; for when in 1688 James resolved to strengthen his cause by the recall of this powerful body of seasoned troops from the Netherlands, the states, acting under the advice of the stadtholder, refused permission for their embarkation. Leave, however, was given to any of the officers who wished to quit their service. The result was remarkable. Such was the aversion felt to James's popish policy that out of 240 officers in the six regiments only sixty threw up their commissions, and the entire force accompanied the prince of Orange in his expedition to England and formed the solid nucleus of that picked force that landed at Torbay on the memorable 5 November.

From this date till 1697 the brigade was incorporated in the British army and received British pay. The three regiments under General Hugh Mackay² were, 13 March 1689, sent to their native country to restore tranquillity in the northern kingdom. Mackay met the Jacobite army under Dundee at Killiecrankie, and on this occasion the 'Dutch brigade' did little to sustain its reputation. They were swept away by the furious charge of the Highlanders and lost heavily, especially in officers. During William's subsequent campaigns against the French the three regiments, as part of the British army, took a prominent part in the bloody battle of Steinkirk, 1692, and of Landen, 1693, and were foremost at the storming of the breaches of Namur in 1695. After the peace of Ryswick, as parliament insisted on a reduction of the standing army, William retained the services of the Scots brigade by once more transforming them to their old position under the states-general, and three other Scots regiments in addition temporarily replaced (they were disbanded in 1714) the three English regiments, henceforth the 3rd, 5th, and 6th in the British army.³

In Marlborough's campaigns the 'Holland Scots' were throughout in constant service. Portions of the brigade were present and suffered severely at Ramillies, Oudenarde, and especially at Malplaquet, where colonel the marquess of Tullibardine was killed. During the uneventful time which elapsed between the peace of Utrecht and 1742 much monotonous garrison duty in the barrier fortresses fell to their lot. General Philip Walter Colyear, who was no less than seventy years (1675-1745) in the service of the states, and fifty in command of his regiment (the 3rd), spent the last thirty as military governor of Namur. With the outbreak of the war of the Austrian succession came more stirring times. In the defence of Tournay, 1645, one of the regiments (the 1st) distinguished itself, and its colonel, Mackay, lost his life. The brigade at the fiercely contested battle of Roucoux (11 Oct. 1746) stood side by side once more

² Colonel of the 1st regiment, 1677-92.

³ Now the Buffs, Northumberland Fusiliers, and Royal Warwickshire.

with British troops, and covered with great steadiness the retreat of the allies. The following year two battalions (1st and 3rd) acquitted themselves gloriously at Bergen-op-Zoom. The town had been besieged for two months, when the French effected an entry, and almost the whole of the garrison evacuated the place as indefensible. But the Scots, though taken by surprise, were not so easily daunted, and for several hours attacked and attempted to drive out the constantly increasing forces of the enemy. Not till more than three parts of them were killed and wounded did they give up the struggle. Even then they did not yield. The unconquered 386, sole survivors of 1,510, cut their way through the opposing ranks, and marched off with colours flying to rejoin their comrades in the allied camp.

Many of the printed documents during this period relate to the difficulties of recruiting. Especial care seems to have been exercised against the admission of Irishmen into the brigade, and after the rebellion of 1745 stringent precautions were taken by the British government to prevent the enlistment of Jacobites in the Dutch service. This gave rise, as might be expected, to a plentiful crop of difficulties and much wrangling and correspondence. The treaty of Aix-la-Chapelle (1748) brought another long spell of peace and the dull routine of garrison duty. The regiments were not recalled to fight for England during the seven years' war, but the license to recruit in Scotland was for a while withdrawn. The presence of the Scots in Holland was so necessary in fact in the interests of the young stadtholder, William V, King George's nephew, that the proposal for their departure, though made, was not pressed. But greater need was to arise, and Great Britain, in the stress of the American war, found it necessary to request that the brigade be sent back. This time even more serious difficulties were raised, owing to the openly expressed sympathy of the Netherlanders, especially of the inhabitants of the province of Holland, with the revolted colonists. The states-general insisted upon impossible conditions before giving their sanction to the embarkation, and in consequence the troops never left the Netherlands. As might be expected the relations between the two countries grew more and more strained, until at length, in 1781, Great Britain, though at the moment facing a coalition and apparently at the lowest ebb of her fortunes, declared war against the United Provinces. This, of course, at once raised the question as to the position of the Scots brigade. At last, in November 1782, the states-general brought the matter to a head by resolving that all the officers should take an oath abjuring allegiance to their native land, that the regiments should change the British red for Dutch uniforms, that the officers should provide themselves with orange sashes, that the colours should no longer be the Union Jack with the royal arms, but the Dutch tricolour with the arms of the province by which each regiment was paid, and that the word of command should henceforth be in the Dutch language. Six weeks only were allowed for deliberation. The great majority of the officers in consequence threw up their commissions, and with this act of theirs the 'Holland Scots brigade' as a British force ceased to exist. But it was again to take its place in the home army. In 1794, when war broke out with France, the British government gave orders

'that the Scotch brigade, lately in the service of the states-general of the United Provinces, be forthwith levied in North Britain.' Its subsequent history is interesting, and but for a curious piece of perversity the 94th regiment, which is the lineal representative of the Scots brigade, would bear some title indicative of the fact. The four battalions originally raised were in 1803 reduced to two, forming the 94th regiment. The facings of the three Dutch regiments were white, yellow, and green. Those of the 94th were at first yellow, afterwards green. The Highland dress was worn until 1809, when an order came that in this and five other regiments it should be discontinued. The first service of the 94th was (against their former paymasters, the Dutch) at the Cape; then it took part in the Maharratta campaigns of Wellesley, and had a distinguished career under that commander in the Peninsula. In 1818 it was disbanded, but relieved in 1823, the old officers being reappointed in a body. The facings continued green; a diced band round the shako proclaimed the Scottish connexion, but the style 'the Scots brigade' was dropped. Its British service as the 94th regiment was, curiously enough, not only to begin but to end against Dutchmen. In 1880 it was quartered in the Transvaal at the outbreak of the Boer revolt, and was the regiment which was ambuscaded by a body of rebels in a time of peace and suffered so severely at their hands at Bronkers Spruit. On the reorganisation of the army in 1881, on the territorial and linked battalions system, the 94th was constituted (apparently for no other reason than its green facings) as the second battalion of the Connaught Rangers (88th regiment), with Galway as its headquarters. Thus by ignorance or carelessness was the link ruthlessly snapped which connected the 94th regiment with the Scottish companies who fought at Haarlem and at Leyden under William the Silent, and the corps with the longest and one of the most distinguished records in the British army (with the possible exception of the Buffs) was wantonly deprived of that Scottish nationality whose honour it had upheld on countless battle-fields for upwards of two centuries.

It is impossible not to speak highly of a work which has been clearly a labour of love, and on which no pains have been spared. The introductory chapters do not deal merely with the printed documents, but give a clear and full account of the brigade, while the copious notes furnish a storehouse of information upon all the curious, obscure, or antiquarian questions and references occurring in the text, especially upon family history. A word of commendation is due to the translators. As must be expected in a work dealing with so long a period and crowded with detail, a few errors, mostly of an unimportant character, have slipped in. Among these the following may be mentioned:—

Vol. i. p. ii: The province of Utrecht is made to appear as part of the southern Netherlands. i. 18: The union of Utrecht is usually dated 23 Jan. 1579, and 'Ghent' was not one of the provinces forming that union. i. 26: It is not correct to designate Maurice of Nassau as Prince Maurice of Orange in 1586 (i. 56), nor as Prince Maurice in 1600 (i. 30 and elsewhere). He did not become prince of Orange till much later. The town which is elsewhere written Bois-le-duc appears in i. 132 as Hertogenbosch and in ii. 391 as 'the Bosch.' Similarly in

i. 16 we have Rymenant, but in ii. xxxv Reminant. In i. 375 we find 'States of Stad en Landen;' in i. 536, 'the province of Stadt en Landen.' The words 'Stad en Landen' mean the town and district of Groningen, and should be so rendered. In i. 469 William III is said in 1668 to have been publicly proclaimed 'president of the province' of Zeeland. There was no such post. William, as marquis of Flushing and Veere, was first noble, and as such presided over the estates. In ii. 5 there is a printer's error in *Marbrook s'en va t'en guerre*. In i. 10 it was not Admiral Boisot but his brother who was killed in the panic by his own soldiers, and on Duiveland, not on Schouwen. In ii. xvii, instead of 'the fifth William of the house of Orange was not as the first or second of the name' we should read 'first or third.' Lastly, there is no uniformity in the spelling of the word 'Zeeland.' For instance, to take widely separated cases, it appears in i. 11 and ii. 110 as Zeeland, in i. 469 and ii. 65 as Zeeland.

GEORGE EDMUNDSON.

Calendar of State Papers. Ireland, 1625-1632. Edited by R. P. MAHAFFY, B.A. (London: H.M. Stationery Office. 1900.)

A PERUSAL of the contents of this volume confirms the impression made by the extraordinary list of *addenda* and *corrigenda* appended to it that Mr. Mahaffy either has been very remiss in correcting his proofs or more probably is, like many of us, the victim of his own seemingly not very legible handwriting. The following are offered for his consideration:—

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| P. 5, 'bishops of Kilkenny (!) and Elfin.' | P. 111, no. 286, for 'unwillingnes' read 'unwillingness.' |
| P. 10, for 'Cromewell' read, as elsewhere, 'Cromwell.' | P. 121, for 'earl of Maleburgh' read 'earl of Marlborough.' |
| P. 12, for 'hamper' read 'hanaper.' | P. 133, no. 349, for '(Kerry)' read '(Cork).' |
| P. 13, for 'council for Irish affairs' read 'commissioners,' &c. | P. 151, '10 hogsheds of pay, playing cards, and combs,' ? 'pay.' |
| P. 16, for 'Tibbot in Long' read 'Tibbot ne Long.' | P. 162, no. 463, for 'in Waterford. All the' read 'in Waterford all the.' |
| P. 18, for 'mischevous' read 'mischievous.' | P. 205, no. 568, first sentence is incomplete. |
| Pp. 33, 212, 685, and index, for 'Brouckart' read 'Bronckard.' | P. 218, for 'Kymelerty' read 'Kinelarty.' |
| P. 37, no. 120, for 'if' read 'of.' | P. 230, no. 653, for 'one' read 'own.' |
| P. 54, no. 159, for 'countess of Tyrone's' ? read 'countess of Tyrconnell's.' | P. 257, no. 744, 'and so plough lands,' ? read 'and so many,' &c. |
| P. 58, 13 lines from bottom, for 'ordnance' read 'ordinance.' | P. 267, no. 778, for 'Same' read 'The king.' |
| P. 74, for 'Those are to be instructed' read 'Those are to be mistrusted.' | P. 272, no. 799, 3rd line, for 'at' read 'in.' |
| P. 75, for 'Orcier' read 'Orior.' | P. 283, for 'Sir Bryan McGregor' read 'Sir Bryan M'Guire.' |
| P. 78, for 'Captain Fort' ? read 'Captain Hart.' Cf. p. 43. | P. 323, for 'courts of Tyrone and Tyrconnell' ? read 'counts of Tyrone,' &c. |
| P. 84, 4 lines from top, insert 'none' after 'I found.' | P. 348 (25), for 'ready or all' read 'ready on all.' |
| P. 90, no. 222, for 'Kensale' read 'Kinsale.' | |
| P. 93, no. 235, 2nd line, delete 'The.' | |

- P. 356, no. 1057, 11th line, for 'soldiers' read 'rebels.'
- P. 371, no. 1099, for 'already given' ? read 'already been given.'
- P. 407, for 'mose suo' read '*more suo*.'
- P. 420, no. 1279, last line, for 'lordship's' read 'majesty's.'
- P. 435, for 'A. Loftus Cane' read 'A. Loftus, Canc.'
- P. 440, 'Adam Abereromy,' in index 'Adam Abercomby.'
- P. 455, no. 1404, 4th line, after 'Reasonable,' some word is omitted.
- P. 464, last line, for 'England' read 'Ireland.'
- P. 472, 4th par., for '1623' ? read '1628.'
- P. 489, no. 1514, 2nd line, for 'Irish' read 'English.'
- P. 494, no. 1533, for 'Sir Edward' read 'Sir Edmund,' as below.
- P. 545, no. 1700, for 'Sir Arther' read 'Sir Arthur.'
- P. 592, 'not yet obtainable,' delete 'not.'
- P. 612, for 'Captan' read 'Captain.'
- P. 625, for 'Kilfanora' read 'Kilfenora.'
- P. 628, no. 2015, for 'Since arrived' ? read 'Since we arrived.'
- P. 641, no. 2065 (3), 3rd line, for 'eldest' read 'second.'
- P. 645, no. 2077, 3rd par., 1st line, for 'over' read 'our.'
- P. 658, 2nd line from bottom, for 'concord[atim]' read 'concord[atun].'
- P. 676, for 'Sister Owny Mac Rory' read 'Sister of Owny Mac Rory.'

It is true that few of these blunders in themselves call for special comment, and most might have been left to the correction of the individual reader; but the effect of them altogether, in connexion with Mr. Mahaffy's own list, is to arouse suspicions as to the general accuracy of the 'Calendar.' These suspicions it is impossible to justify without resorting to the original documents, especially as Mr. Mahaffy seldom or never prints them in their entirety, but is content to digest them more or less in his own language. Some years ago I had occasion to consult a number of the documents here calendared, and though my transcripts are, of course, not infallible they enable me, I think, to control Mr. Mahaffy in one or two places. Take, for example, the important document no. 767, touching the undertakers of Ulster. On p. 264 Mr. Mahaffy has '. . . in every 1,000 acres have five pikemen ready, beside arms and *fine* shot:' my transcript reads '*five* shot;' 'no provisoers or forfeiture:' 'no provisoers of forfeiture;'—'*within two years*, before which time:' 'before the *first* day of *May*, which shall be in the year of our Lord God 1629;'—'neglect or refuse to take advantage of this our favour:' 'neglect to take the benefit of this our gracious favour *within six months after this date*.' Document 1007 (29), 'The tenants of Thomond and Clare should have their surrenders enrolled in the chancery according to the wish of James I, and as they ask, and shall receive new patents at half-fees:' read 'the inhabitants of Connaught and county of Thomond and county of Clare to have their surrenders made in the time of our late dear father enrolled in our chancery there . . . and thereupon new letters patents past unto them and their heirs according to the true intent of our said father's letters in that behalf paying half-fees.' No. 1531, 'live by nothing else but importunities urged with regard to lands of this kind:' read 'whose only practices are to take advantage of such opportunities.' No. 1591, 'King James' policy of planting civilisation and protestantism:' read 'King James' purpose to plant religion and civility;'—'he gave estates to the earl of Abercorn, Sir William and Sir Richard Hamilton, the master of Abercorn, and other noble gentlemen of Scotland:' read 'bestowed large pos-

sessions on the late earl of Abercorn, Sir George Hamilton. Sir William Hamilton, and other noble gentlemen of the Scottish nation.' No. 1782, 'the people here have let their lands unprofitably for the king, only for sixty years in most cases, and to men of *nobility*:' read 'they have done most improvidently in the letting of their land, both for the king and for themselves; they do not grant above three score years, and that to men of *no great ability*.' No. 1878, 'I have heard of the king's intention to plant Ormond. I have held it since Harry II's time, and it was given me to suppress the enemies of the crown.' My transcript reads, 'I have lately seen H.M.'s letter intending a plantation of Ormond, which H.M.'s gracious progenitors in continuing succession from Harry II granted and confirmed to my ancestors . . . being for their service in suppressing the enemies of the crown of England.' These are, perhaps, points of small importance, though for the historian relying on the calendar alone they may not seem to be so; but when one meets the names of 'Leverston' and 'Blane' in an account of certain religious disturbances in the diocese of Down and Connor (p. 629) one has an uneasy feeling that the persons intended are the two well-known presbyterian ministers Livingstone and Blair.

'The identification of names,' says Mr. Mahaffy in his preface, 'has given a certain amount of trouble.' This was only to be expected, and apart from the mere transcribing of documents is the chief function of an editor of state papers. On the whole Mr. Mahaffy has been fairly successful, especially as to place-names on the continent; but his note on p. 44 suggesting Monasterevan for Monestories and Ballybrittas for Bally Britten is wide of the mark. The former is, of course, Monasteroris, the latter Ballybrittan, both in the King's County. Careful as he is to point out each time that Mallow is the modern form of Moyallo, and Carlow of Catherlagh, he might have noticed that Lisnagarvy is now known as Lisburn, and have called attention to the fact, at least in his index, that Limerick, from which Lord Esmond addresses his letters, is not the city on the Shannon, but the little village in Wexford, from which Sir Laurence Esmond took his title of baron of Limerick. It provokes a smile to find MacWilliam Eighter, or Iochtair, indexed as 'Jeghter, MacWilliam;' but the *naïveté* of the remark that 'outrisings' mean 'out-of-the-way parts of the country' (p. 367, n.) eclipses everything in the way of editorial jokes. Perhaps most of Mr. Mahaffy's readers would have been thankful for a note on 'St. Patrick's ridges' and the *collodei* of Armagh, even if in the latter instance it had been confined to the alternative form of 'Culdees.'

As for the documents here calendared, they are, it must be confessed, on the whole rather dreary reading. As Mr. Mahaffy remarks, 'the period to which they belong is in a measure one of transition and uncertainty.' At the same time it was one of great material progress, to which, when evil days overtook them, the colonists looked back with fond regret. For the first time within the memory of the oldest inhabitant the country was almost able to pay its way without the assistance of England. The industry of the new settlers was beginning to make itself felt: towns were springing up in the wilds of Ulster; iron manufactories were being established in Munster, and the profits of the fishing trade were rising yearly in value. so that, despite the depredations committed by the pirates who swarmed

along the coasts, and the restrictions placed on the export of wool and linen-yarn, 'that thereby the product should be worked up at home and Englishmen induced to go over and start the trade there,' there were everywhere signs that with a continuance of peace brighter days were in store for the 'distressful island.' Symptoms of discontent, it is true, were not wanting on the part of the natives, who could get no titles to such lands as had been allotted to them; the embers of the late rebellion were not quite extinct everywhere, and there were occasional outbreaks of a more dangerous character; but the existence of a great plot on the part of the Byrnes and Kavanaghs of Wicklow to upset the government was very largely a figment of the lord deputy Falkland's imagination, with the intention of magnifying his own services and probably of replenishing his own purse with the spoils of a new plantation. That there were rocks ahead no one who reads this volume carefully can fail to discern. But the danger was less to be apprehended from the side of the natives and their exiled friends abroad than from the old corporate towns and Anglo-Irish gentry of the Pale. The lot of the latter was in truth well-nigh unendurable. Long time the victims of an ill-paid and profligate soldiery, suffering under the imputation of being papists, outswamped in the only parliament that had been held for two generations by the new planters, and denied all redress of their constitutional grievances, they were now in danger of being used as the instrument in the hands of the crown for subverting the fundamental liberties of their country. For the same causes that were paving the way towards rebellion in England were also at work in Ireland, and with less chance of successful resistance. 'I pray you inform the king, and let not "his subjects of Ireland be suffered to learn the language of English parliaments,"' wrote Lord Wilmot, detailing the refusal of the citizens of Dublin to allow soldiers to be quartered upon them. The climax was to be reached under Wentworth: the consequences to be seen in the confederation of Kilkenny. Naturally the Jesuits were not slow to take advantage of the general feeling of discontent, and there is abundant evidence here to show that in the opinion of both friends and foes large accessions were being daily made to the ranks of Roman catholicism. Sir Thomas Dutton calculated that the catholics were at least in a majority of forty to one—a not altogether unreasonable computation. Government interfered with a proclamation shutting up mass houses; but the attempt to enforce it in Dublin led to serious rioting. Meanwhile the ecclesiastical authorities, with one or two honourable exceptions, did nothing to stem the rising tide. The protestant clergy, wrote Sir John Bingley, are a set of 'very profane and drunken fellows,' who neglect their services even in Christchurch in Dublin. It was not difficult to predict what the consequences of such a state of affairs must be.

Of documents of a miscellaneous character those who are interested in the adventures of Mary O'Donnell will find something here to amuse them, especially on p. 574. A curious letter of Phelim O'Neill to Lord Falkland on p. 584 ought to have been given in full, especially as in the original it throws some light on the relations subsisting between him and Owen Roe abroad. It is interesting to know, on the authority of Lord Wilmot, that at the critical time of the riot in Dublin there was not a

pound of powder in the Castle; and on the authority of Provost Ussher that Trinity College had grown too small 'to answer the great resort of scholars coming hither out of England and all parts of this kingdom.' But most important of all are the documents relating to the extraordinary raid at Baltimore, co. Cork, when more than one hundred persons—men, women, and children—were carried off by Turkish pirates.

R. DUNLOP.

Oliver Cromwell. By the Right Hon. JOHN MORLEY, M.P. (London: Macmillan. 1900.)

THE appearance of this book is one of the most satisfactory, as it could not fail to be one of the most attractive, results of the recent concentration of attention on Cromwell and his work. Notwithstanding the labours and careful conclusions of scholars like Mr. Gardiner and Mr. Firth, and the appreciation of eloquent writers like Mr. Frederic Harrison, there was room and to spare for a study of Cromwell by Mr. Morley. If the materials are fast accumulating which will make it possible to say the final word about Cromwell, that word has assuredly not yet been spoken. There is an enigmatic character in the man and his surroundings which is to a large extent irremovable by documentary evidence, and which makes each essay of criticism tentative. The revolution wrought by Carlyle is a testimony not only to the exaggerations of a man of genius, but to the essential perplexities of a chameleon-like theme, which changes as one looks at it, and in regard to which the ordinary canons of historic judgment come short. In spite of Carlyle it is still justifiable to discuss Cromwell's sincerity and to question his wisdom; in spite of the dominant opinion which Carlyle only partially overthrew, and in spite of the reaction against Carlyle, no critic, one may predict, will ever call Cromwell either a hypocrite or a usurper. It is equally intelligent to treat the period of his ascendancy as one of military imperialism or of constitutional experiment, as a triumph of self-government over monarchy or as the foundation of a new monarchy on the ruins of all possible guarantees of self-government. Did Cromwell dislike kingship or think it essential? If he changed his mind on the question, why did he do so? Was puritanism democratic or aristocratic? If dominant puritanism was a tyranny of the sword, whence came the *doctrinaire* constitutionalism of the period, its feverish activity, its premature comprehensiveness, its over-careful balance of forces? Finally to what extent was puritanism capable of furnishing a basis of lasting good government in England?

For dealing with a subject so enigmatic Mr. Morley is in many important respects peculiarly well fitted. For a sound estimate of puritanism he has the two essential requisites of sympathy and transcendence: he understands and respects the puritans without being under their spell. Puritanism, as Mr. Gardiner has taught us, was an eddy and not a main current of English life; and it is not easy for the average Englishman to treat puritanism with the sympathetic insight without which it cannot be truly judged. One of the most striking features of Mr. Morley's book is his treatment at close quarters of puritan conviction as an impulse of individual and corporate life. Again, by his tempera-

ment and opinions Mr. Morley is secured against the snare of ignoring Cromwell's despotic aberrations.

The figure which stands out from Mr. Morley's pages is both vivid and self-consistent. In the early stages of Cromwell's history there is little which presents difficulties. The chief actors in the great drama of the Rebellion, King Charles, Laud, Pym, Wentworth, and the rest, are sketched with a just and sure hand. In his pages on Calvinism (pp. 48-54) Mr. Morley lays the foundations of his broad and serious treatment of puritanism. When at a later stage he deals with the doings of the Westminster Assembly he shows conspicuously the excellent inwardness of his treatment of that phase of thought. As to the bearing of the Self-denying Ordinance on Cromwell's position, Mr. Morley refuses, perhaps too firmly, to let his attitude be dictated by hero-worship. 'Nobody can deny,' he says (p. 181), 'that his proceedings were oblique.' This is rather too dogmatically said.

It is during the critical years from 1646 onwards that we scan Mr. Morley's portrait most narrowly; for those are the years of enigmas and the years when Cromwell's essential reputation was made. As to the initial problem, the question, namely, whether Cromwell was forced by circumstances into paths uncongenial to him, Mr. Morley comes to the conclusion which the evidence makes it hard to resist. He was 'thrown back against all his wishes and instincts upon the army alone,' and found himself, 'by nature a moderator with a passion for order in its largest meaning, flung into the midst of military and constitutional anarchy' (p. 229). Cromwell and Ireton were swept off their feet (p. 240). The wisest counsel was to hesitate; the best strength was to yield. Once more in Mr. Morley's pages that awful moment lives again—awful alike in biography and in history—when Cromwell had to realise that his king was a conspirator. Mr. Morley does not believe the story about 'cruel necessity,' nor does he, one need hardly say, extenuate the slaying of Charles. Yet the climax of events which led from distrust to regicide cannot be truly exhibited, as Mr. Morley exhibits it without showing the presence of a Fate with which the individual will contends in vain. In the closing months of 1648, as Mr. Morley points out (p. 264), Cromwell's share in the dealings with the king is hardly perceptible.

If, on the one hand, Cromwell was hampered by the impracticabilities of the king and the parliament, he was equally hampered on the other by the impracticabilities of the nation. Mr. Morley quotes with approval his saying that no constitution will work without 'the acceptance of those who are concerned to yield obedience to it;' and he maintains that 'this was the truth that brought to naught all the constructive schemes of the six years before him' (p. 341). The expulsion of the Long Parliament was the first essay in constitutional reform for which Cromwell was personally responsible. Mr. Morley sides with Sir Harry Vane against him (p. 347). Anomalous and inefficient as the parliament had become, Mr. Morley thinks it was not hopeless, at least as the subject of reform; and its destruction shattered not only the foundation stone of the constitution, but the only possible platform on which all sections of puritans could meet. Having done so unwise a thing, Mr.

Morley holds that Cromwell could never find the path that leads to practical success. Every scheme was foredoomed to failure; each violence was certain to necessitate another. Cromwell had learned an incurable distrust of parliaments; the heart of the nation still trusted them; and therefore Cromwell, as a constitution-builder, could not succeed. He was a conservative, and he wished at every point to avert revolution. But he failed to see that the army in which he trusted as his instrument forced him into revolution and brought about events which he neither foresaw nor desired. Such is Mr. Morley's view; and, though there may be much difference of opinion as to the insight and foresight which determined Cromwell's military violences, there surely can be little in the light of subsequent events as to their untimeliness and therefore as to their unwise.

As might be expected Mr. Morley is by no means dazzled by the brilliancy of the Protector's foreign policy. Oliver's general aim, he concludes, was protestant ascendancy combined with the ascendancy of English trade; but he does not see in it the 'pan-evangelical' ideal which Sir John Seeley recognised. Such as it was, his foreign policy was 'mixed, defensive, and aggressive; pacific and warlike' (p. 455). On the famous preference of a French to a Spanish alliance Mr. Morley has nothing very novel to say. He deprecates the too ready attribution to Oliver of far-reaching schemes of deliberate expansion. In truth it is hard to impose on a statesman the obligation of ideals which his critics in after centuries compose in their arm-chairs. In foreign policy, as in home policy, Cromwell met what he conceived to be the demands of the hour with what he conceived to be the most efficient devices ready to his hand. His ideal alike in home and foreign affairs was a conviction that the God of puritanism had a purpose for England and the world which was to be wrought out, at all costs and hazards, by puritans and those whose alliance they could buy at their own price.

It is needless to say that Cromwell's personal and domestic traits, the noble sincerity of his faith, his beautiful family life, and his touching death, are adequately treated by Mr. Morley. The gifts which make him just to puritanism make him clear and satisfactory on the Cromwellian toleration and on the confused ecclesiastical system of the Commonwealth and Protectorate, which so few modern writers understand, or at least can explain to others. If the concluding pages, in which the inevitable attempt is made to sum up and appraise finally, show a somewhat nebulous result, the fault is perhaps not Mr. Morley's. Few men have better qualifications for understanding Cromwell than the author of this sane and brilliant study. And yet so little at home, after all, is a puritan of Cromwell's stamp in English air, so unique, even in the wide fields of European politics, was that fierce outburst of theocratic energy which is associated with his name, that no attempt to define him by comparison with other statesmen can be very satisfactory, and not even Mr. Morley can make his estimate quite convincing. Cruelty and tolerance, success and failure, the practical and the impracticable, barren flowering and premature fruitage, all are here in bewildering combination; and then suddenly came death and reaction to end all. There are few formulas that will render such a situation, or

express the qualities of the chief actor in it. With one sentence of Mr. Morley's appreciation we may certainly hold: 'He [Cromwell] belonged to the rarer and nobler type of governing men, who see the golden side, who count faith, pity, hope among the counsels of practical wisdom, and who for practical power must ever seek a moral base' (p. 493). This remains as true after Mr. Morley's criticism as after Carlyle's panegyric.

DAVID WATSON RANNIE.

Calendar of State Papers, Domestic Series, William and Mary. Edited by W. J. HARDY. Vol. III. 1691-2. (London: H.M. Stationery Office. 1900.)

THE present instalment of the domestic state papers of William III's reign covers the period from November 1691 to December 1692 inclusive. The year was marked by the defeat at Steinkirk and the victory at La Hogue. The wars in Ireland and Scotland were now over and the settlement of the two countries was in progress. The volume contains many interesting letters from William's ministers to the king. Those of Godolphin on financial affairs are specially notable, and those of Sydney and Nottingham on Ireland, and of Rochester and Caermarthen on domestic politics. Sir Francis Wheler's letters about the preparations for his expedition to the West Indies are of singular interest. If the measures of precaution which he recommended had been adopted by the government, the crews under his command would not have suffered from disease as terribly as they did. There are a large number of documents relating to military affairs, but they are often very insufficiently described. For instance, on p. 53 is an abstract of the forces in England. The editor gives the numbers of the forces in question—'horse, 1,538; foot, 8,680; and dragoons, 654; total, 10,872.' Then follows a similar abstract of the English forces in Holland and other papers of the same nature, but no attempt is made to summarise their contents. Very many of the military papers are treated in this perfunctory manner. A more serious defect is the carelessness of the editor about the proper dates of the papers calendared. A considerable number of papers relating to the events of 1690 and 1691 are scattered amongst those of 1692. 'Some papers,' says the editor in his preface, 'though placed with documents of 1691, evidently belong to earlier years, such, for instance, as the considerations concerning Ireland' (p. xxvii; cf. pp. 65, 549). In many cases the originals are indicated, but some attempt ought to have been made to assign them at least to their proper year, and it has not been made. For instance, the letter on p. 44, dated Lisburn, gives an account of the state of Ireland at the close of 1689, and there is no excuse for putting it under 1691. With regard to the Scottish papers calendared there is still greater evidence of negligence. Several long and important letters of Lord Melville, covering many pages and of special interest and importance, definitely dated by the editor as of particular days and months in 1692, belong really to the year 1690 (pp. 186, 200, 256, 273; see also p. 540). One of these is printed by Dalrymple,¹ though dated by him 1691. The 'instructions to editors' printed with every volume of these calendars require them, where documents have been already printed, to

¹ *Memoirs of Great Britain and Ireland*, ed. 1790, iii. 196.

give a reference to the publication. Mr. Hardy habitually omits to do so, and appears to be very unfamiliar with the historical literature of the period with which he is dealing. For instance, on p. 410 he prints a 'memo-
randum by Lord Rochester for the king, with marginal notes by an anonymous writer.' Dalrymple, who prints this letter also (iii. 261), states that these very interesting marginalia are in the handwriting of Lord Caermarthen. Mr. Hardy ought to have noticed this, and to have verified or disproved the statement. In his preface he quotes certain documents bearing on the history of the Glencoe massacre, saying that it is desirable that 'careful attention' should be given to them. If he had referred to the 'Papers illustrative of the Political Condition of the Highlands, 1687-1696,' printed for the Maitland Club, which is one of the principal authorities on the Glencoe affair, he would have found instructions for Sir Thomas Levingston printed at length, and they are also reprinted in Paget's 'New Examen.' Colonel Hill's letter of 28 Feb. 1692, interceding for the survivors of the massacre, appears to be the only new document on the subject in the 'Calendar,' p. 153.

C. H. FIRTH.

Calendar of Treasury Books and Papers, 1735-1738. Prepared by
W. A. SHAW, Litt.D. (London: H.M. Stationery Office. 1900.)

CONSIDERING the enormous labour which must be involved in bringing out these calendars—the index alone of this volume, perhaps its most useful part, covers over 120 pages—Dr. Shaw is displaying remarkable despatch with his work. In the preface to the present volume he discusses the subject of 'Lowther's Accounts,' which were imagined in some quarters to contain details about the expenditure of the Secret Service fund, and he proves conclusively that this was not the case. So far it is disappointing to know that no traces of an account for this fund have been discovered in the treasury records; possibly the only chance of reconstituting the items of the account will be by investigation in the private papers of secretaries of state, but even that is doubtful, for the voluminous papers left by the duke of Newcastle do not seem to reveal any traces of them. Mr. Shaw's constant care for the historical student is in this volume exemplified by an improvement in the index, whereby the chief items are printed in larger type, so as to catch the eye quickly in the mass of closely printed matter. It is impossible to notice much of the detail of this book, which is replete with odd bits of interesting information for the student: a few facts, which have caught the eye in a cursory glance, may be quoted as examples. There is always a good deal of interesting matter relating to the history of old London in these volumes: thus on p. 507 we find that three old houses in Downing Street are valued at 33*l.* per annum, which seems a low sum even for those days; but one of the quaintest entries is the following from the lord chamberlain's warrant book (p. 177): 'Treasury warrant to the surveyor-general and other officers of the Board of Works to perfect the agreement for the absolute purchase of the "King and Queen's Head" alehouse, adjoining St. James's Palace, same having greatly annoyed their majesties last winter insomuch that they were several times, from the stench of a necessary house belonging to it, obliged to remove out of their apartment.'

BASIL WILLIAMS.

La Guerre de Sept Ans ; Histoire Diplomatique et Militaire. Les Débats.
Par RICHARD WADDINGTON. (Paris : Firmin-Didot. 1899.)

ALREADY M. Waddington's earlier volume, which, under the title of 'Louis XV et le Renversement des Alliances,'¹ dealt in singularly effective fashion with the diplomatic 'preliminaries of the Seven Years' War,' furnished at the same time, more particularly in its American chapters, ample evidence of the author's insight into military transactions and processes. In his present work, however, he fairly comes before us as prepared in every sense to enter upon both the chief branches of his arduous task, and acquits himself of each with the same freedom from prejudice or partisanship. Thus, to take an instance from his treatment of military matters, we recognise the kind of loyalty which in an historian ought to be supreme in his refusal to follow not only Soubise himself, but others also who have commented on the rout of Rossbach, in throwing the responsibility for the disaster upon Hildburghausen and the imperial contingents. From the point of view of the political historian, which, as M. Waddington's title itself implies, is of course in itself by no means exhaustive, we accordingly have before us here nothing less than a well-balanced and on the whole well-arranged narrative, complete within its limits, of the entire conflict covered by the first of the seven years of the war, if that *annus vere mirabilis* may be reckoned from the last days of August 1756 to the close of 1757. Except, however, where, as in the case of the French invasion of the Hanoverian electorate and its consequences, military and diplomatic transactions are closely interwoven, our historian makes no pretence of throwing much new light upon the former. His criticism of the great battles, which, as he says, present an almost unparalleled alternation of victory and defeat, is as keen as his description of them is lucid. He supplies his readers with some useful and not over-elaborate battle plans, for which he has commanded the services of the officials of the *dépôt des cartes* in the library of the senate ; but the ground has been too carefully traversed by specialists to allow of any observations of striking interest being added. No captious or ill-natured *raconteurs* will deprive Daun of the tribute paid to him as the victor of Kolin by the vanquished king himself ; on the other hand how can the proportion between the credit due to Frederick the Great and his army in the brilliant victory of Leuthen, and the discredit due to his adversaries, be more equitably adjusted than it was by Moltke after an inspection of the field ?

To many of M. Waddington's readers the most welcome illustrations of the first year of the war furnished in his book will be those that concern the condition and management of the French armies under D'Estrées, Richelieu, and Soubise. For these he has largely utilised the correspondence in the archives of the war office at Paris, including the lively letters to Marshal Belleisle of his son, the comte de Gisors, from which M. Camille Rousset had already made many telling extracts, descriptive of the march of the invaders in the spring of 1757. Documentary evidence from the same repository supplies the materials for a final judgment on the incarnation of the worst faults in the French

¹ See English Historical Review, vol. xiii. (1898.)

military system—Richelieu himself, who as a strategist and as a diplomatist has often been more severely censured than he is in this volume, but whose enduring claim to his popular title of *Père la Marquede* and to the dishonour of all the demoralising influence implied in it has never been more clearly demonstrated. Curiously enough, the letters addressed by the brigadier Montazet to the omnipotent Paris Duverney, who, under 'the modest title of councillor of state,' managed the French army at large, and would have been quite willing to direct its campaigns in detail, also enable M. Waddington to furnish a very remarkable account of the officers and troops of the great adversary of France. Taking up his parable from the discouragement which had seized upon the Prussian forces in Silesia after the loss of the battle of Breslau and the capture—thought at the time to have been voluntary—of Berlin, he protests, *C'est un homme bien singulier que ce prince pour se faire servir aussi bien qu'il le fait par des troupes qui le détestent, et c'est l'officier en général aussi bien que le soldat ; en un mot, je viens de voir quelque chose d'unique.* The sort of impassioned bitterness by which Frederick mastered the very souls of these men is exemplified by M. Waddington from Retzow's account of the speech, heard by his own father, delivered by the king to his officers not long before the battle of Leuthen was hazarded and won.

In noticing this volume, there can be no necessity for going back upon the question of the responsibility for the outbreak of the Seven Years' War, which still, as it were, occupies the heights of German historical criticism. M. Waddington has avoided touching upon it in his opening remarks on the relative military strength of the two belligerents opposed to one another at the outset, though, as is shown in the recent publication from the Prussian archives of both the Prussian and Austrian official evidence on the subject, a good deal turns on these figures and on those of Frederick's financial resources, which the French historian does not appear to have derived from the text indicated. For the purpose of a narrative of the actual opening of the war it is obviously immaterial whether Frederick was merely anticipating an attack to which Austria and Russia had made up their minds, but which they had for the moment postponed, or whether his assumption of the offensive was merely the hastened execution of a scheme for the accomplishment of which he needed a specious excuse. Even were there any foundation for the additional charge brought against Frederick that he had in view the conquest not only of Saxony and of West Prussia, but that of Bohemia to boot, the imputation (unfounded as it may be said to be) would not affect our judgment of the operations which ended in his after all mastering the Saxons too late to overrun Bohemia, while at the same time throwing France altogether into Austria's arms. To M. Waddington it seems clear that while the more or less pardonable mistakes of Rutowski, and the pusillanimity of Frederick Augustus in declining to animate his troops by his presence, delayed their start and delivered them up into Frederick II's hands (out of which, by the way, a considerable proportion of them afterwards passed like water), this delay gave Browne time to unite his forces and thus ultimately to defeat the Prussian plan of campaign.

I must, however, pass on to M. Waddington's account of another capitu-

lation, less disastrous in its immediate results, but more ignominious on the page of history, than that of the Saxon army between rock and river. The kindness of the author of this volume enabled me to include in my course of Ford lectures at Oxford two years ago some account of his extremely interesting researches into the actual history of the convention of Kloster Zeven; and, as these lectures have since been published, I should not on the present occasion recur to the subject were it not that I am particularly desirous of directing attention to the importance of the whole of this portion of M. Waddington's work, for any attempt to trace the relations between British and Hanoverian policy in a period when these were still to all intents and purposes distinct from one another. The story of Cumberland's ill-fated campaign ought not to be read apart from that of George II's protracted attempt, which endured long after the treaty of Westminster, and, as a matter of fact, only came to an end with the victory of Rossbach, to provide for Hanoverian interests on his own account. The neutrality project dragged itself along through a whole series of phases before it had to be at last abandoned in the face of facts; but even when King George II had relinquished his hope of preserving his electorate intact, and was intent only upon bringing out his army, he had no thought of utilising the latter for the advantage of his Prussian ally. M. Waddington, by establishing the twofold fact that full powers had been given to Cumberland by the king to conclude, if necessary, an arrangement for the preservation of his army, and that the king (as appears from an autograph insertion of his own in a draft despatch from Lord Holderness, preserved in the British Museum) explicitly acknowledged having granted these powers to the duke, has shifted back the final responsibility for the convention to the shoulders of the monarch who repudiated it. The suggestion of directing Cumberland's forces upon Magdeburg was not made in the British cabinet till after the convention of Kloster Zeven had been signed; and, as has been since shown by Colonel E. M. Lloyd, the distinguished biographer of Cumberland, the duke, in the *justification* of his conduct preserved in the Cumberland Papers at Windsor, proves that the paternal directions left him no choice but to acquiesce in such terms as Richelieu might offer through the mediation of Denmark, and in the meantime retreat upon Stade. The whole of M. Waddington's exposition cannot be described as pleasant reading for Englishmen of the present day, who are fortunately unable to regard the doings of their dynasty with the detachment so common in the first two Hanoverian reigns. Nor, in fact, can the British cabinet, in which Hardwicke, at all events, had the clearest possible perception of the realities of the situation, be altogether exonerated from its share in the ignoble solution actually adopted. Thus even a political moralist of the type of Bernis is able to give posthumous annoyance by such sneers as these, accompanying a prophetic suggestion as to the action of the Hanoverian troops on the right bank of the Elbe:—

Vous savez combien peu la cour de Londres respecte les traités les plus solennels, et qu'elle ne les observe que lorsqu'elle ne croit pas pouvoir les violer avec avantage et impunité; aussi on ne saurait porter trop loin la prévoyance vis-à-vis de cette cour injuste et artificieuse . . .

For the rest M. Waddington has dwelt very effectively on another

aspect of the Kloster Zeven affair, which concerns a commander whose already damaged reputation will, as was hinted above, suffer more from the publication of this volume than that of the duke of Cumberland. Yet it cannot be denied that on several occasions during the period of his command Richelieu gave evidence of intelligence and circumspection beyond what either contemporary or later critics have usually placed to his credit. The loophole which he left to the adversary of France in the convention of Kloster Zeven is an extraordinary instance of that *insouciance* which is unpardonable in military, or indeed in any kind of diplomacy. In a compact of this description everything of course depended upon exactitude and explicitness; yet nothing had been stipulated as to the Hessian troops in British pay, with regard to whom Cumberland, as commanding the elector of Hanover's army, had no lawful claim to treat. This was actually the pretext seized upon by George II in the first instance for refusing to ratify the convention, and communicated by him to the Hanoverian privy council, which had taken refuge at Stade, and which (with the exception of Münchhausen) was naturally enough desirous of upholding the agreement.

I have left myself only space enough for pointing out that this volume includes some curious diplomatic studies, among which that of the comte de Broglie, inexhaustible in ideas and unwearied in interference, is not likely to be overlooked. He first comes before us, on the eve of the war, as the author of a precious scheme for aggrandising Saxony at the expense of Prussia; he is prominent at Paris in the complicated negotiations which preceded the conclusion, just a year after the defensive treaty of Versailles between France and Austria, of the offensive treaty between the same powers; and at Vienna, in the midst of the discouragement ensuing upon the battle of Prague, it is insinuated by M. Waddington that this intrepid counsellor displayed his readiness, in default of a native general, to offer himself as commander-in-chief of the army of the imperial circles. The melancholy chapter of French statesmanship, which is retold in this volume with an indignation all the more effective because of the calm preserved by the writer, shows that Broglie was at least no mere courtier of the ruling influence, like some of those who served the king. Nothing is more curious in the narrative of Frederick the Great's attempts to extricate himself from his perils than his apparent doubt as to the stability of French policy, and his consequent attempts, even without the least apparent chance of success, to make overtures of peace to his foe in the very 'honeymoon' of the new alliance—through so feeble an agency as that of Wilhelmina, at another through so fantastic a one as that of Voltaire. It was, of course, despair that prompted these efforts; yet they were in so far founded on reason that had the eyes of France been opened—as it would seem that Richelieu, whether from insight or from *dépit*, sought to open them—her response would not have been a refusal. Austrian diplomacy, whose achievements have never surpassed those of Kaunitz and Stahrenberg, had drawn her into a conflict by which she did not know what she intended to gain, but by which she was beginning to perceive how much she might lose.

Should this book, as many of those who are interested in the history of the Seven Years' War will unite in wishing, be ultimately, together

with its predecessor, incorporated in a larger continuous work, the opportunity should not be lost of correcting the misspelling of German local names and designations, such as *Reischstadt*, the *Weiseberg* at Prague, and *Feldzeigmeister*.

A. W. WARD.

La Rivoluzione Francese nel Carteggio di un Osservatore Italiano (Paolo Greppi). Raccolto e ordinato dal Conte GIUSEPPE GREPPI, Senatore del Regno. Vol. I. (Milan: Hoepli. 1900.)

IMPORTANT financial houses continued the tradition of Lombard banking in France, Holland, Germany, and Spain down to the end of the eighteenth century. Count Paolo Greppi belonged to one of the noble Milanese families, members of which acquired as bankers wealth and importance as well as a wide knowledge of European affairs. We are not told the date of his birth, but he appears to have been still a young man when, after twelve years passed in Spain as partner in a bank at Cadiz and imperial consul-general, he came to Paris in April 1791. He had previously visited England, Holland, and Germany, and had made the acquaintance of many of the most important men in those countries, especially, as it would seem, of those who were in sympathy with the liberal movement. When Greppi arrived in Paris Mirabeau had been dead nine days. It was impossible, he wrote, to describe or imagine the profound emotion excited in the minds of all by his death. Men of every rank and of every opinion regarded the loss of Mirabeau as the greatest calamity that could have befallen the nation, since he alone had possessed the popularity, the ability, and the energy necessary to direct and curb the Revolution. As Greppi during his visit associated with Lafayette and his friends, this appreciation of the great orator is noteworthy. Our author remained long enough in Paris to be a witness of the excitement caused by the flight to Varennes, and by the so-called massacre of the Champ de Mars on 17 July. He has high praise for the wisdom of the assembly, and above all for the good discipline, moderation, and vigilance of the national guards. The police of Paris had, he says, never been more strict, and the citizens, who began to see that their safety depended on obedience to the law, applauded the national guards when they dispersed the mob orators.

Greppi left Paris before the end of July, and journeyed through Alsace to Vienna, where he made a stay of about a year, before returning to his family in Italy. The title, therefore, of the book before us is somewhat misleading, since he saw but little of the Revolution. The summary given by the editor of his ancestor's experiences and impressions while in France contains little that is either new or instructive. Greppi's experiences at the imperial court are more interesting. He was cordially received by the Austrian officials, from Kaunitz downwards, but he cannot be said to be an impartial observer. His estimate of Leopold II is particularly unfair. Perhaps the influence of Kaunitz indisposed him to do justice to a prince who saved the Austrian state at a most dangerous crisis by abandoning that traditional hostility to Prussia which was a cardinal dogma of the old chancellor's creed. The latter part of the volume, which contains long extracts from the correspondence between

Paolo Greppi and Manfredini, the minister of the grand duke of Tuscany, is the most valuable and original. The unhappy position of the smaller Italian states, on the eve of the French invasion, 'between hammer and anvil,' is brought vividly home to us. The perplexity of these powerless and on the whole well-meaning governments is pathetic. They who seek to compel the weak and vacillating to decided action must expect to be requited with hatred; but there is no doubt that the methods of English diplomatists and admirals were rough and blundering. The English had no patience with those governments who would not cease to cry peace when peace was impossible, and who persisted in believing that England was only actuated by the most selfish motives when she professed to be, and indeed believed herself to be, the champion of civilisation and humanity. She alone, these foreigners said, gained by the war, conquering the French colonies and sweeping every flag but her own from the seas. She sought, so the Italians believed, to acquire Corsica, in order that she might make it the emporium of the western Mediterranean and ruin the trade of Genoa and Leghorn. Greppi, who 'ingeminates peace' with the persistency of a Falkland, hated Pitt, because he was convinced that the English statesman refused to negotiate with the French republic solely in order that he might satisfy his ambition and secure a monopoly of commerce for his country.

Count Giuseppe Greppi, who appears to be well acquainted with the period with which he has to deal, has produced an interesting volume, but he might have done better had he given us more of his ancestor's correspondence and devoted less space to his own summary of the history of the time, a summary far more lengthy than is needed to enable the reader to understand the letters. Moreover the editor shows in it a great want of any sense of proportion. Why, for instance, should he tell in minute detail (pp. 144-84) the story of the arrest of the French envoys in the Valtelline, swelling his volume by a digression of forty pages, which does not throw the least light on the life or correspondence of Count Paolo?

P. F. WILLERT.

Der Congress von Châtillon: die Politik im Kriege von 1814. Von AUGUST FOURNIER. (Vienna: Tempsky. 1900.)

IN this monograph Professor Fournier has given a full account of the very important negotiations that accompanied the invasion of France by the allies in 1814. He opens his work by recounting Napoleon's remarks at Frankfurt to his host, the rich merchant Bethmann—a description based on the letters of Metternich to Hudelist, which appear *in extenso* in the appendix. Napoleon's words were evidently intended to be repeated to his pursuers, and to give Metternich a chance of resuming the *pourparlers* which had not been decisively broken off even after Austria's rupture with him three months previously. The interview of Napoleon with Merveldt on 17 Oct. at Leipzig had led the French emperor to offer terms to which the allies at that time returned no answer. But the capture of the French envoy at the court of Weimar, St. Aignan, now enabled Metternich to send to Napoleon at Paris the offer known as the Frankfurt terms, of the natural frontiers. He had two interviews with the French envoy, who was Caulaincourt's brother-in-law. At the second

interview our ambassador at the court of Vienna, Lord Aberdeen, was present, as also was the Russian foreign minister, Count Nesselrode. Considering the importance of the question whether these Frankfurt terms were meant seriously, or were merely sent in order to separate Napoleon's interests from those of France, it is regrettable that Dr. Fournier has not treated this part of the subject more fully. He has not given us Lord Aberdeen's account of what transpired at the second interview, which differs a good deal from St. Aignan's version printed in Fain's 'Manuscrit de 1814;' and the important evidence contained in the British archives has been no more used for this work than it was by Professor Oncken. Lord Aberdeen's despatch shows that he altogether demurred to a discussion of our version of the maritime code at any European congress; and it was ruled out of court at the first sitting at Châtillon. We also find in Dr. Fournier's book (pp. 22 and 32) only incidental references to the important letter which Metternich sent to Caulaincourt by St. Aignan (10 Nov. 1813), warning him that now was the time, if ever, for Napoleon to make peace with the allies on the favourable terms alluded to above, but that he feared Napoleon would not do so. The letter is too long to quote here; a copy of it exists in the British Foreign Office archives, along with Lord Aberdeen's other despatches of that date, which proves that Metternich took our ambassador into his confidence in sending it. A German translation of it has been given by Oncken; but it would be desirable to have a copy of it in Dr. Fournier's work, if only in order to balance Metternich's letter to Hudelist of 9 Nov., quoted in the appendix, p. 242. In this letter the Austrian minister seems to *hope* that Napoleon will not accept the terms now offered; and he represents the offer as necessary in order to clear up the situation and 'gain us arms from the nation (France).' Either, then, Metternich was playing a double game, or else he felt so sure of Napoleon's inflexibility that he could with impunity encourage his confidential advisers to urge him on to peace, and yet at the very same time assure a Viennese official that he was only trifling with the French emperor. We should like to have Dr. Fournier's view on this point. A somewhat similar situation had obtained during the armistice of 1813; and the same obscurity hangs over much of Metternich's diplomacy in 1814. Though his despatches always seem pacific, we find him alluding in his private letters to the riddle of events being only soluble at Paris (appendix, p. 255).

He certainly was in a most difficult position. The present volume, with its copious appendices, shows how sharp were the differences between the allies, not only with reference to the Polish and Saxon questions, and the violation of the neutrality of Switzerland, but even in regard to the phrase 'ancient frontiers' for France. Austria needed to be reassured that Russia would not compel her to take Alsace as a set-off to the loss of eastern Galicia, which, said Münster and other busybodies, the tsar wanted to absorb (p. 296). Then there was the question of Belgium. Napoleon¹ sought to awaken the jealousy of the emperor Francis at the handing over of his former Belgian provinces to a 'protestant Dutch prince, whose son will ascend the throne of England.'

¹ *Corresp.* no. 21344.

And it would seem that this suggestion had some effect on the mind of Francis. The problem of the future of France was, of course, infinitely complex. The tsar confessed to Lord Aberdeen at Freiburg that there would be no peace while Napoleon was her ruler; but he wished to fight his way to Paris, in order to learn the will of the French people in a great *plébiscite*, in which Laharpe, his old tutor, was to play a prominent part. The liberal despot certainly hoped that the lot would fall on Bernadotte, to whom it seems that, in 1812, he had held out hopes of succeeding to the throne of France in case Napoleon should be overthrown (p. 42, note). Dr. Fournier accepts the statement of Talleyrand that the tsar's aim was to get rid of a new and active dynasty in the north of Europe, so that he himself might have a freer hand in the Polish question. But it is very questionable whether Bernadotte ever thought of renouncing the throne of Sweden for his son. His words to our envoy to the Swedish court, Mr. Thornton, on 30 Dec. 1813 were to the effect that he meant to act as intermediary between Europe and France, *en assurant à mon fils la couronne de la Suède*.² For the rest is it not time that we had the official Swedish version of this puzzling problem? All the allies ran foul of Bernadotte in the campaigns of 1813-14; and it is their evidence alone which still holds the field. We can hardly cite as evidence the very suspicious story told by Thiébault as to the offers secretly sent by Bernadotte to Davout to attack Blücher's rear. And the only serious official charge against him, that of making secret overtures to the French general Maison, has not been wholly proven.

Of all questions, apart from France, that of Poland divided the allies most. It is clear from the pithy but very instructive diary of Hardenberg, printed in this appendix, that Prussia feared the tsar's plans scarcely less than Austria did; and I incline to think that Hardenberg gained Metternich's guarded assent to the acquisition of Saxony by Prussia, provided that the latter power helped Austria to resist the wholesale absorption of old Polish lands, on which, at one time, the tsar seemed likely to insist. Whatever promise Metternich gave the Prussian chancellor, we know that it was not kept after peace was made; but during the war Hardenberg seems, according to his own account, to have done scarcely less than Castlereagh himself in patching up the Polish question between tsar and kaiser, as happened about 25 Feb. (see his entries under 6, 9, 16 Jan., 14, 27 Feb. on pp. 361-4). The diary also throws a rather unpleasing light on the gloomy ineffectiveness of the king of Prussia, whom Hardenberg nicknames Cassandra.

Among other questions, on pp. 48 and 84-5 Dr. Fournier thinks that Napoleon's instructions of 4 Jan. 1814 to Caulaincourt imply a desire for peace. But has he noticed the emperor's very suspicious phrase, *En signant des préliminaires qui arrêtent les hostilités il faut être le moins précis possible, puisqu'on a tout gagner du temps*, or the suggestion that the phrase as to the Alpine frontier might be so worded as to leave Savona, and even Spezzia, to the French empire? Secondly, is it certain that Napoleon, even amidst the discouragements of 4-7 Feb., really empowered Caulaincourt to sign peace on the basis of the ancient frontiers? Our author (pp. 85-6) implies that he did: and so does

² *Castlereagh Papers*, series iii. vol. i. p. 120.

Ernouf ('Vie de Maret'). But this seems very doubtful. Napoleon's letters of 4-5 Feb. to Caulaincourt were not such as would enable a conscientious plenipotentiary to sign away many thousands of square miles of territory. True Napoleon allowed Maret, his secretary of state, to send Caulaincourt *carte blanche*.³ But would a plenipotentiary, who was also foreign minister, venture to act on it when he had received from Napoleon a letter like that of 5 Feb., 1 A.M.? I fully agree with Dr. Fournier, as against M. Houssaye, that the letter must have reached Caulaincourt *before* that of Maret, dated merely 5 Feb., which, as Maret states, was sent by a second courier. But this does not invalidate the argument that Napoleon was playing a rather shifty game with his plenipotentiary, first giving him a free hand only in case the allies' terms were *acceptable* (which meant, in effect, the natural frontiers), with the alternative of referring them back to him; and then allowing Maret to send Caulaincourt *carte blanche*. The plenipotentiary knew his master, who had once made him a scapegoat in the Enghien affair. How, then, could he now be expected to act on a vague mandate from the secretary of state, which contradicted the whole tenor of Napoleon's notes? And how can Dr. Fournier assert (p. 94), *Er (Caulaincourt) hatte vollkommen freie Hand und konnte zustimmen. Er that es nicht. Er wollte nicht die Last einer solchen Verantwortung tragen, ohne einen bestimmteren Befehl in Händen zu haben?* The last of these three sentences is correct; the first is certainly an exaggeration. This question is not one of casuistry; it is intimately connected with the fall of Napoleon; and Stewart's notes taken at the congress of Châtillon⁴ show us what must have been the agony of the French plenipotentiary when placed in that terrible position. It is not surprising that he 'temporised.' Dr. Fournier would have added to the value of his appendix if he could have included Stewart's notes and some of the more important of Castlereagh's despatches; and here and there a fuller study of Napoleon's 'Correspondence' would have strengthened the French side of his book. From the point of view of Austrian, Prussian, and Russian policy it is most valuable, though it needs at many points to be supplemented by the work of Oncken and the collection of Austrian state documents made by Klinkowstrom.

J. HOLLAND ROSE.

Dr. B. Niese's address entitled *Die Welt des Hellenismus* (Marburger Akademische Reden, 1900, no. 3) (Marburg: Elwert, 1900) contains a concise and luminous survey of the extent, the principal centres, and the leading characteristics of the Hellenistic world. Special emphasis is laid on the effect of a common culture and speech in overriding national and political barriers, so that 'the civilised world felt itself as it were one great family of Hellenic descent' (p. 22), with an ideal unity already before Rome imposed actual political unity. The address concludes with an estimate of the extent to which Hellenic influences penetrated beyond the Celtic barrier among the Germanic peoples of the north. J. L. M.

In his paper *Ueber die bei den atischen Rednern eingelegten Urkunden* (Leipzig: Teubner, 1898) Dr. Engelbert Drerup reviews in

³ *Corresp.* p. 185, note.

⁴ *Castlereagh Papers*, series iii. vol. i. *ad fin.*

detail the history of the controversy concerning the documents quoted in the manuscripts of the Greek orators, and examines at length the evidence for and against their authenticity. He concludes first that all those inserted in the speech of Demosthenes 'De Corona' and in that of Aeschines 'In Timarchum,' together with the majority of those in that of Demosthenes 'In Meidiam,' are spurious; but, secondly, that there is no valid reason for rejecting the remainder; thirdly, that therefore we have in these documents a mass of genuine Attic law. There is a useful appendix on the proper names which occur in the documents under discussion. J. L. M.

In his little work entitled *Le Invasioni Barbariche in Italia* (Milan: Hoepli, 1901) Professor Villari has undertaken the neither easy nor attractive labour of reducing within the compass of 425 pages the story of the 500 troublous years between Constantine and Charles the Great, for the benefit of the 'general reader' in Italy. As he truly says, since the foundation of the kingdom of Italy there has been a great increase of published historical material. 'Archivi Storici' and 'Società di Storia Patria' have routed out documents and discussed difficult historical or palaeographical questions with great energy and success; but with all this 'books which relate the story of the past in simple and easy style, readable books, which used at one time to be numerous in Italy and served as models to other nations, are now growing daily more rare.' It is to supply this gap, to enable the ordinary educated Italian to appropriate the results at which historical specialists have arrived, that Signor Villari has compiled this little book, which, notwithstanding its modest pretensions, bears in every page the impress of conscientious labour and is furnished with three excellent maps. We may note in passing a curious and suggestive historical parallel to Charles's dissatisfaction (recorded by Einhard) at the coronation ceremony of Christmas Day 800.

Persigny relates in his memoirs that it was he who almost with violence urged on the proclamation of the empire, contrary to the wish of Napoleon III, although the latter for so long a time had been preparing and working for it. It seemed nevertheless to him that the opportune moment had not yet arrived; but Persigny thought differently and would not allow it to pass.

T. H.

Le Livre de Comptes de Jacme Olivier, Marchand Narbonnais du XIV^e Siècle, publié par Alphonse Blanc, tome II, première partie (Paris: Picard, 1899), will, when complete, be a work of the greatest service both to the student of Languedocian philology and to the constitutional and economic historian. It is unfortunate that circumstances have removed M. Blanc from the rich treasures of the Narbonne archives, and that this will apparently delay the finishing of the work, and perhaps somewhat modify its character. When all is published the book will consist of three volumes, of which one of those still forthcoming will be devoted to setting forth the remainder of the documents which it is proposed to publish from the archives of Narbonne, along with a glossary of Provençal words and of the names of persons and places referred to, while the other will contain an elaborate introduction. From the present volume alone, however, some insight into the scope of the work can be drawn. It is of a twofold nature. The

more particular part of it, the publication of James Olivier's accounts, together with fragments of those of some of his correspondents, is completed within the first three hundred pages. But nearly four hundred more pages of it are devoted to an elaborate appendix of *pièces justificatives* which, we are told, will be continued hereafter. Those now printed are miscellaneous in contents, including documents mainly from the Narbonne archives, for the most part in Latin, ranging in date from the early thirteenth to the early fourteenth century. The contents of this appendix include matters of far more general interest than the merchants' ledgers. They illustrate many sides of the constitutional and commercial history of the old Roman city—its twofold division into *civitas* and *burgus*, its consuls and magistrates, its dealings with its archbishops and viscounts, its trade, its treaties, its Jews, and its weights and measures. M. Blanc tells us that he hopes by means of this material to correct many grave errors hitherto held on the subject of the history of Narbonne, and it will be more profitable to deal with it in detail when the completion of the whole work enables us to have the benefit of M. Blanc's guidance on the subject. With regard to Olivier's account books it will be enough to say that from such sources as these, along with the very similar account books of the brothers Bonis, merchants of Montauban, published a few years ago, and slighter contributions of the same sort, it will soon be easy to reconstruct in detail the technical processes of medieval commerce, and even to know with exactness the medieval method of bookkeeping. It is a curious point of detail that Olivier included the 'eleven thousand virgins' along with his local patron, St. Paul of Narbonne, as the special saints whose names are inscribed at the head of his account books. So widespread was the cultus of the famous maidens of Cologne.

T. F. T.

In *John Barbour, Poet and Translator* (London: Kegan Paul, 1900), Mr. George Neilson has two main objects in view. The first is to repeat his conviction that John Barbour, author of the 'Bruce,' was also the author of the Scottish 'Troy Book' and 'Legends of the Saints.' Without examining or refuting in detail the arguments of Drs. Köppel and Buss against this view, Mr. Neilson indicates some resemblances between the works which seem to him to establish a common authorship. His chief object, however, is to prove that to these three works must be added a fourth, the 'Buik of Alexander.' Dr. Herrmann, in his dissertation on the 'Alexander,' had already shown that it contained many lines and phrases also found in the 'Bruce,' and supposed it to be the work of an imitator of Barbour. Mr. Neilson, working independently, presents the parallels in detail, and maintains that such an explanation is impossible: Barbour must have known the French original and must be the author of the translation. However probable Mr. Neilson's contention may be, his methods of proving it lack something in clearness and completeness. One does not learn in each case whether the Barbour line in the 'Alexander' exists in the French, or is a natural rendering of what is found there, nor is any attempt made to sum up differences of vocabulary, phrasing, or rimes, which might tend to dissociate the 'Alexander' from the 'Bruce.' That Mr. Neilson's results are to be received

with some degree of caution may be inferred from one fact : to assist his argument he is willing to accept as Barbour's own work twelve lines (in book 20) which are only found in Hart's edition of 1616 ; yet these twelve lines contain no less than three sets of rimes found nowhere else in all the 13,000 lines of the 'Bruce,' and directly at variance with Barbour's practice. Dr. Buss's canon can hardly be set aside on evidence so slender as this, and Mr. Neilson's attempt to do so only emphasises a weak point in his case. The question he has raised is one of great interest, but the philological as well as the literary argument must have full justice done to it before any final decision can be arrived at. W. A. C.

In translating *The Women of the Renaissance : a Study in Feminism*, by M. R. de Maulde la Clavière (London : Sonnenschein, 1900), Mr. George Herbert Ely has taken infinite pains to reproduce the lightness of touch which is so characteristic of M. de Maulde's work, and he well deserves congratulation on his success, even though in his attempt to be idiomatic he sinks at times to such terms as 'squelch,' 'robustious,' 'coming down a peg,' 'pretty badly at that.' The question, however, arises, is the translation of such a book worth the labour it entails ? How many English-speaking people who are unable to read French are sufficiently intelligent or well educated to appreciate this mass of detail on the French and Italian heroines of the Renaissance ? When the last page is read, Anne of France and Anne of Brittany, the three Margarets, the sister, the daughter, and the granddaughter of Francis I, Isabella of Aragon and Isabella the Catholic, Beatrice d'Este and Isabella d'Este will be dancing round the reader's brain, their individuality lost in the whirligig of inextricable evolutions. No writer is more allusive than the author, and to appreciate his knowledge and his literary skill requires no inconsiderable acquaintance with a difficult period. Moreover the spirit of the book is eminently Gallic, and, without any fault on the part of the translator, the flow of rhapsody and witticism, however delicious in the French original, when poured into an English vessel loses its bouquet and becomes flat and stale. An English writer, for instance, who described a national heroine, if such there be, in the terms common to the most sedate of constitutional historians in France when making the merest mention of Joan of Arc, would run the risk of Bedlam. It is this difference of national temperament which makes a book so readable in the original, in spite of the translator's skill, a little tiresome in its English form. I.

The eighth volume of the *Calendar of Hatfield Manuscripts* (H.M. Stationery Office, 1899) deals exclusively with the year 1598, and the most important events mentioned in it are the deaths of Burghley and of Philip II, and Sir Robert Cecil's mission to Henry IV to dissuade him from making a separate peace with Spain. Cecil was unable to prevent the conclusion of the treaty of Vervins, and the war, which England and the Netherlands were left to wage with Spain, is the subject of many letters and despatches in this volume, particularly from Sir Francis Vere and George Gilpin, the English representative on the Dutch council of state. The war in Ireland also fills a good deal of space, and the detailed account of the defeat on the Blackwater is interesting ; a note

might have been made to the effect that the marshal who figures in it was Sir Henry Bagnal, and a reference to him should certainly have been included in the index. In domestic affairs perhaps the most interesting letter is that from Lord Grey on p. 269, in which he states that 'of late my lord of Essex . . . has forced me to declare myself either his only or friend to Mr. Secretary [Cecil] and his enemy; protesting that there could be no neutrality.' There is also a curious complaint from Francis Bacon (pp. 359-60) of an execution served upon him by one Simpson, a goldsmith, for a bond of 300*l*. This calendar is now as important a mine of materials as the domestic calendar for the period, and it is carefully edited by Mr. R. A. Roberts. Possibly more effort might have been made to indicate where and when the documents have previously been printed, instead of merely stating when they occur in Birch; and what is the authority for identifying 'Newhaven' (p. 157) with Nieuport? Surely the 'Newhaven' there referred to was Ambleteuse.

A. F. P.

Mr. J. B. Perkins's volume on *Richelieu* (New York: Putnam, 1900) is a fairly readable and trustworthy account of the cardinal's character, career, and policy. Mr. Perkins had already reviewed the ground in his *History of France under Richelieu and Mazarin*, but while fully acknowledging his obligations to the standard authorities, the Vicomte d'Avenel and M. Hanotaux, he claims that his own shorter biography is throughout based on 'an examination of original sources of information,' including manuscripts in the French foreign office and elsewhere. Mr. Perkins clearly writes with the assurance and decision which ample knowledge and study alone can give. His estimate of Richelieu is essentially sober and reasonable, and while dwelling throughout on his hero's marvellous gifts and qualities and his unique singleness of purpose he is careful to point out the defects, alike in conception and results, of his policy and political ideals. In short Mr. Perkins's theories may be summed up in his own words: 'It is doubtful whether the French people were any happier at the end of Richelieu's administration than at its beginning, but beyond question France was a more powerful state,' and this is worked out in a series of chapters which summarise the main aspects of Richelieu's life as a cardinal and statesman. It is perhaps futile to object to expressions such as 'to antagonise' (a person), 'no nearer right,' 'back of them;' more questionable historically are the assertions (p. 3) that in 1610 'Alsace and Lorraine formed part of the German empire,' that one battle (Breitenfeld) 'made' Gustavus Adolphus '*dictator* of Germany;' and what would Ranke and Droysen say to Bernard of Weimar being loosely ranked as 'one of' Richelieu's 'generals,' as if he had been all his life in the French pay? Equally remarkable is the verdict *obiter dictum* that 'Henry IV loved to save his sons' (p. 187); but blemishes such as these do not materially spoil a lucid and careful piece of work.

C. G. R.

Mr. Edward Smith's *England and America after Independence, a Short Examination of their International Intercourse, 1783-1872* (Westminster: Constable, 1900), is an interesting book, and contains a good

deal of valuable matter, but it is written throughout in the style of a political pamphlet rather than a history. The author never loses an opportunity of pouring forth streams of bitter rhetoric. He has hardly a good word for any American minister in England, with the exception of King, Rush, and C. F. Adams. While he points out with great vigour the weak points in the American case against Great Britain he never appreciates the strong points. In short it is too one-sided a book to be received as authoritative. There are also considerable gaps in Mr. Smith's list of authorities, and his method of referring to them in support of his statements is unsatisfactory. Down to chapter xii.—that is, as far as 1812—he makes good use of unedited despatches in the foreign office. After that date they disappear from his list of sources. In his treatment of the relations of the two states during the civil war he should have consulted Mr. J. F. Rhodes's 'History of the United States' (vols. iii. and iv.), whose dispassionate treatment of the questions at issue might have taught him a useful lesson. He might also have used with advantage Mr. Callahan's 'The Neutrality of the American Lakes and Anglo-American Relations' ('Johns Hopkins University Studies,' 1898), and Mr. Stark's 'Abolition of Privateering and the Declaration of Paris' ('Columbia University Studies,' 1897).

J.

In the Columbia University 'Studies in History, Economics, and Public Law,' xii. 4, 1900, Dr. C. E. Merriam has compiled the *History of the Theory of Sovereignty since Rousseau*. His careful, lucid, and very complete exposition will be welcomed as a valuable guide by students of modern political philosophy. Such a review of the course of theory in England, America, France, and Germany proves, as no other method could, that history has prescribed the terms and the conclusions of the debate; publicists have only had to find the arguments. Hobbes and Rousseau fettered speculation with the dilemma of the sovereign government or the sovereign people, and a century's discussion has been devoted to eluding or modifying it. There is a thinker in Germany, and there are those in England, who would gladly expunge the word 'sovereignty' from the philosopher's lexicon; at least it would be a decided gain to make a present of it to the lawyers. Dr. Merriam's criticism of Rousseau is rather hard and unqualified. Montesquieu's treatment of sovereignty should certainly have been recognised in a work which deals at length with the constitution of the United States and the debates arising therefrom. It is misleading to speak of the theory of Bossuet and Fénelon as 'in line with' that of Bodin and Hobbes. Neither of the Mills is mentioned in the chapter on the Austinian theory. The translations from German are not always exactly significant—e.g. pp. 112, 117. In a quotation from Paley in a footnote to p. 131 we should read 'rule' for 'will.'

W. G. P. S.

The history of the events which led up to the war of 1792 has been so carefully investigated by the ablest hands, and the mass of sifted material is so great, that a writer confined within the narrow limits of a prize composition could hardly manage to tell us anything absolutely novel. Much, however, remains to be done towards a fair interpretation

of the very complex facts. In the main Mr. J. H. Clapham, in his essay on *The Causes of the War of 1792* (Cambridge: University Press, 1899), has followed the guidance of Sorel, but he has also thought for himself and to some purpose. He aims at showing that the responsibility for the war does not lie so entirely with the revolutionary party in France as Sybel and Taine would have us believe. He gives reasons for thinking that the emperor Leopold showed less insight and firmness of character than Sorel maintains. He endeavours to discriminate between what was rational in the suspicions felt by the revolutionists and what was exaggerated or even insane. His general conclusion appears to be that the war of 1792 even more than most wars was the resultant of many forces. The king, the queen, the *émigrés*, the Feuillants, the Jacobins, the Austrian and Prussian sovereigns and their ministers all contributed to bring it about whether they willed or no. Everybody made calculations more or less erroneous; everybody entertained hopes more or less groundless. Difficult as it always is to fix historic responsibility, it has never been more difficult than in the case of the war of 1792. Throughout Mr. Clapham evinces a power of weighing and balancing facts and reasoning to conclusions which lead us to hope well of his future researches.

F. C. M.

Professor Arthur Kleinschmidt's volume *Bayern und Hessen, 1799-1816* (Berlin: Rade, 1900), in a measure supplements the same author's highly competent 'History of the Kingdom of Westphalia,' from the despatches of the Bavarian ministers at Cassel, and adds, chiefly from those of General von Sulzer, who represented Max Joseph's government at Darmstadt, some interesting illustrations of political sentiment in the states of the Confederation of the Rhine at the time of Napoleon's first and at that of his second catastrophe. In the former part of this volume there is nothing to alter the impression conveyed by the author's 'History' that King Jerome was absolutely devoid of the capacity required for uniting to his personal interests those of any section of his subjects. Sulzer's letters, which are curious though not particularly attractive reading, prove considerable power of observation to be perfectly compatible with a tendency to go wrong by sheer force of habit. But it is interesting to test the strength of the belief in Napoleon's star by the influence which it exercised over this cool time-server, to whom Stein and his central administration were intolerable, and Arndt and Görres as the imps of destruction. There are many interesting details in these pages, but it may remain a question whether as a whole these diplomatic gleanings were worth publishing in an independent form.

A. W. W.

In his pamphlet entitled *Wer hat Moskau im Jahre 1812 in Brand gesteckt?* (Berlin: Ebering, 1900) Dr. Gantscho Tzenoff, after a careful review of the Russian, French, and German evidence, comes to the conclusion that the fire of Moscow was not caused either by Count Rostoptchin or by the Russian inhabitants of the city. On the contrary it was caused by the plundering of the French soldiers, and neither Napoleon nor his generals made any serious efforts to put it down. In any case Napoleon would have had to leave Moscow, and in any case his army must have perished.

He therefore utilised the fire as an argument with which to reduce the Russian emperor to terms of peace. We consider that Rostoptchin's report to the tsar, written on 20 Sept. 1812—that is to say, after the French entry into Moscow—is conclusive proof that he did not carry out his undoubted intention to fire the city. In this report (published in 1892) the count says, 'I am in despair over his [Kutusoff's] treacherous treatment of me. Since I was not to be allowed to hold the town I would have made it responsible for the flames, in order to rob Napoleon of the glory of having taken it, plundered it, and set it on fire. I would have given the French to understand with what a nation they have to do.' Dr. Tzenoff might have made more of this report, which he quotes on p. 25. The best part of his book is the excellent and most damaging criticism of the judgment pronounced by the military commission, published in the *Moniteur*, 29 Oct. 1812. The narrative of Thiers was largely based upon this highly misleading document. H. A. L. F.

M. Henri Welschinger's monograph on *Bismarck* (Paris: Alcan, 1900) contains a succinct, if unfavourable, account of that statesman's career, based on the usual authorities, a list of which is given, and on some personal experiences. While praising his moderation after Sadowa and his social programme, the author blames him too exclusively for the war of 1870, and traces the obvious decline of German literature to his materialism. It is an exaggeration to say that 'the germanisation of Alsace-Lorraine has made no progress,' and the comparison of the Danish war of 1864 with the Boer war is rather gratuitous. 'Ferdinand' (p. 54) should be 'Frédéric,' 'Avons' (p. 141) 'Arons,' and 'Hanau' (p. 188) 'Hanovre.' W. M.

The Yorkshire Archæological Society has issued a further instalment of the *Index of Wills in the York Registry*, extending from 1612 to 1619 (Record Series, vol. xxviii. 1900). K.

Professor C. Keller's *Madagascar, Mauritius, and other East African Islands* (London: Sonnenschein, 1901), translated by Mr. H. A. Nesbitt, may be mentioned in this Review, as, though mainly concerned with other sciences, it also deals with the history of these islands. Professor Keller speaks with authority on the subjects dealt with, but one seems to note a lapse from scientific 'objectivity' when British colonial policy is in question. H. E. E.

The *Report on the Census of Cuba, 1899*, and the companion volume on *Porto Rico*, published by the War Department of the United States of America (Washington: Government Printing Office, 1900), include a sketch of the history of the islands, their races, economic conditions, and successive forms of government. L.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to the Editor, at Oxford, by the first week in March, June, September, and December.]

- On the date of composition of the Paschal Chronicle*: by F. C. CONYBEARE [who defends the account given by Du Cange of a shorter and earlier form of the Chronicle reaching only to 354, instead of 627, of which he printed a collation from Holstenius's notes. The manuscript itself has disappeared, and its existence, or at least its antiquity, has been of late years denied. The present writer adduces evidence in favour of its genuine character].—*Journ. Theol. Stud.* 6. *Jan.*
- On the chronology of the Origenist controversies in the sixth century*: by F. DIEKAMP. I: The date of St. Sebas's death [532, not 531]. II: The transactions of the anti-Origenist synod of 553 [considered as antecedent to the ecumenical council and not as part of it].—*Hist. Jahrb.* xxi. 4.
- On the 'Martyrologium Hieronymianus'*: by B. KRUSCH [who contests L. Duchesne's view that it was compiled at Auxerre, and denies that there was an Italian redaction of the work in the sixth century].—*N. Arch.* xxvi. 2.
- The Irish school at Péronne, in Picardy*: by L. TRAUBE [an important contribution to the history of the Irish on the continent, especially in its paleographical aspect. Cellanus, Aldhelm's correspondent, is shown to have been abbot of Péronne, and some verses upon him, found in an Italian manuscript, are printed for the first time. Literary connexions between Péronne, St. Riquier, and Corbie are traced out. A note on the abbreviations of *noster* is added as a first instalment of Dr. Traube's experiments carried on in the hope of obtaining definite criteria for the differentiation of manuscript types, such, for instance, as the *scriptura Scottica*].—*SB. Akad. Wiss. München (phil.-hist. Cl.)* 1900. 4.
- On a group of manuscripts of canons at Toulouse, Albi, and Paris* [traced back to the seventh century]: by C. H. TURNER.—*Journ. Theol. Stud.* 6. *Jan.*
- Archbishop Eugenius of Toledo's collection of poems*: by F. VOLLMER [on the manuscripts].—*N. Arch.* xxvi. 2.
- Report on manuscripts of the 'Liber pontificalis,' and its continuations, of lists of popes, and of single papal Lives at Milan, Florence, Rome, Montecassino, Benevento, and Naples*: by A. BRACKMANN [who gives an account of a fragment in the Vatican (Reg. 586), of the tenth century, containing a new version of the 'Vita Stephani II'].—*N. Arch.* xxvi. 2.
- On the recensions of the 'Libellus sacrosyllabus' of the Italian bishops [794]*: by A. WERMINGHOFF.—*N. Arch.* xxvi. 2.
- On the diplomas of the emperor Henry II*: by H. BRESSLAU. III: The history of the chancery; the mode of dating; the itinerary [1014-1024].—*N. Arch.* xxvi. 2.
- On the authenticity of the legend of St. Francis, known as that of the Three Companions*: by P. SABATIER [who argues in its defence against the contention of F. van Ortroy that it is posterior to the Second Life of Thomas of Celano].—*Rev. hist.* lxxv. 1. *Jan.*
- Two letters of Gregory IX to the provost and chapter of Zürich [1239], now preserved at Siena*: printed by A. SCHULTE.—*Anz. Schweiz. Gesch.* 1900. 4.

- Itinerary of a pilgrim from Memmingen to Einsiedeln* [c. 1300]: printed by O. RINGHOLZ.—Anz. Schweiz. Gesch. 1900. 4.
- The 'Chronique des Pays-Bas, de France, d'Angleterre et de Tournai':* by V. FRIS.—Bull. Comm. roy. d'Hist. 1900. 2.
- The Life of St. Dorothea*; an English version of the fifteenth century: printed by W. E. A. AXON.—Antiquary, N.S., 134. Febr.
- Extracts from the correspondence of the ambassadors of the United Provinces at the French court* [1726-1732]: by H. D. GUXOR.—Bull. Comm. Hist. Eglises Wallonnes, viii. 2.
- The secret mission of the marquis de Bellune, agent of the prince de Polignac at Lisbon* [1830]; documents from the French archives: printed by A. STERN.—Rev. hist. lxxv. 1. Jan.
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- The seven ecumenical councils of the undivided church* [in connexion with H. R. Percival's translation of their canons].—Church Qu. Rev. 91. Jan.
- The relations of state and church in Constantinople*: by H. GELZER.—Hist. Zft. lxxxvi. 2.
- The affinities between Lombard and Scandinavian law*: by J. FICKER [who maintains, against Kier, that the relation is with Norwegian, not Danish law].—Mitth. Oesterreich. Gesch. xxii. 1.
- Pope John VIII's approval of the Slavonic language for liturgical purposes*: by F. PASTRNEK [giving the latest views of the scene of the labours of SS. Cyril and Methodius].—Český Čas. Histor. Jan.
- Daniel of Kiev's pilgrimage to the Holy Land* [c. 1106-7]: by C. R. BEAZLEY.—Trans. R. Hist. Soc., N.S., xiv.
- The alleged condemnation of king John of England by the court of France in 1202*: by Miss K. NORGATE [who maintains that this condemnation, which is recorded only by Ralph of Coggeshall, is a fiction invented by Philip Augustus in 1204-5].—Trans. R. Hist. Soc., N.S., xiv.
- French aims at the German crown in the time of Philip the Fair and Clement V*: by K. WENCK [in connexion with the instructions of Pierre Barrière, 1313, recently published in the N. Arch. xxv.].—Hist. Zft. lxxxvi. 2.
- Papal finance in the fourteenth century*: by J. P. KIRSCH.—Rev. d'Hist. eccl. 1900. 2.
- The Hussites and the Council of Baste in the years 1431-2*: by L. HOFMAN.—Český Čas. Histor. Jan.
- The court of Philip the Good*: by E. LAMEERE.—Ann. Soc. arch. de Bruxelles, 1900. 2.
- Raimund Peraudi as commissioner of indulgences*: by N. PAULUS [treated partly in connexion with the history of the doctrine of indulgence].—Hist. Jahrb. xxi. 4.
- The first century of the East India Company*.—Quart. Rev. 385. Jan.
- The relations of Wilhelm Bienenner, chancellor of Tirol, with the Graubünden*: by M. VALÈR.—Anz. Schweiz. Gesch. 1900. 4.
- Notes on the diplomatic correspondence between England and Russia in the first half of the eighteenth century* [1705-1744]: by Mrs. D'ARCY COLLYER.—Trans. R. Hist. Soc., N.S., xiv.
- The financial transactions of the republic of Bern in the eighteenth century*: by A. E. SAXOUS [on its loans to England, Holland, and other states].—Rev. hist. lxxv. 1. Jan.
- The Anglo-French commercial treaty of 1713*: by H. SCHORER.—Hist. Jahrb. xxi. 4, continued from 2, 3.
- Norvins and the Spanish princes at Rome* [1811-1813]: by G. DE GRANDMAISON [dealing with the queen of Etruria and Charles IV of Spain].—Rev. Quest. hist. lxix. 1. Jan.
- Metternich and his foreign policy*: by A. RIEDKIN, continued.—Russk. Star. Dec.—Feb.
- The end of Murat*: by F. LEMMI [opposing Koller's view that his landing at Pizzo was the result of a plot by the minister Medici and his agents provocateurs].—Arch. stor. Ital., 5th ser., xxvi. 4.

- The emperor Nicholas I and the eastern question*: by N. K. SHILDER, continued.—Russk. Star. Dec.—Feb.
- Recollections of the war of 1877-8*: by S. TSURIKOV [on the campaign under Skobelev in the Shipka pass].—Istorich. Viestn. Jan., Feb.

France

- The Cornovii; the native land of St. Brieuc*: by J. LOTH [admitting that S. Baring-Gould (Ann. de Bretagne, xv. 4) is right in maintaining against A. de la Borderie that St. Brieuc was a native of Ceredigiawn, but charging the former with serious errors on other points].—Ann. de Bretagne, xvi. 2.
- St. Ouen, bishop of Rouen*: by E. VACANDARD.—Rev. Quest. hist. lxix. 1. Jan.
- The administration of the duchy of Brittany under John V [1399-1422]*: by C. BELLIER DUMAINE: III [on commerce, industry, agriculture, and education]. IV [the duke's relations with the clergy].—Ann. de Bretagne, xvi. 2.
- The reformed community at Tours in the sixteenth and seventeenth centuries*: by A. DUPIN DE SAINT-ANDRÉ.—Bull. Soc. Hist. Protest. Franç. l. 1. Jan.
- The first abbé Dubois; an episode in religious and diplomatic history*: by the late F. T. PERRENS.—Rev. hist. lxxv. 1. Jan., continued from lxxiv. 2 and concluded.
- A trial for witchcraft in the district of Avesnes [1677]*: by E. BERCET.—Ann. Instit. arch. de Mons, xxix.
- The reformed church at Orléans at the revocation of the edict of Nantes*: by L. BASTIDE.—Bull. Soc. Hist. Protest. Franç. l. 2. Feb.
- An account of the death of the great Condé by Hérauld de Gourville [11 Dec. 1686]*: printed, with Condé's last letter to the king, by A. HYRVOIX.—Rev. Quest. hist. lxix. 1. Jan.
- The condition of the peasants in the sénéchaussée of Rennes and their wishes at the eve of the Revolution*: by E. DUPONT. V: The peasants and the royal and provincial administration.—Ann. de Bretagne, xvi. 2.
- Correspondence of Legendre, député of the sénéchaussée of Brest to the States-General*: by A. CORRE and DELOUBMEL [containing a first-hand account of the great revolutionary days from 28 April 1789, to 30 December 1791]. Révol. Franç. xx. 6, 7. Dec., Jan.
- A revolutionary song in the patois of Périgord*: by G. HERMANN.—Révol. Franç. xx. 6. Dec.
- The popular society of Villecroze (Var)*: by E. POUPÉ [giving a picture of the progress of revolutionary ideas in a small rural commune, based on minutes of meetings existing in the departmental archives].—Révol. Franç. xx. 8. Feb.
- The elections to the convention, from the procès-verbaux of the electoral assemblies of the departments*: by the late L. SCIOUT.—Rev. Quest. hist. lxix. 1. Jan.
- The exercise of the national sovereignty under the Directory*: by A. AULARD [describing the ways in which electoral liberties were interfered with].—Révol. Franç. xx. 7. Jan.
- Freemasonry in the year VII and the year IX*: by A. MATHIEZ.—Révol. Franç. xx. 7. Jan.
- The religious policy of the First Consul*: by A. AULARD.—Révol. Franç. xx. 8. Feb.
- The later years of Napoleon [in connexion with recent literature]*.—Quart. Rev. 385. Jan.
- Michelet as an historian*.—Quart. Rev. 385. Jan.

Germany and Austria-Hungary

- The foundation of the bishopric of Prague*: by H. SPANGENBERG [who argues in favour of its establishment by Otto I at the very end of his reign, not by Otto II, though a bishop was not actually appointed until 974].—Hist. Jahrb. xxi. 4.
- The imperial tombs in the cathedral at Spire*, opened in August 1900: by H. GRAUERT, with two plates.—SB. Akad. Wiss. München (phil.-hist. Cl.) 1900. 4.
- The forgeries of chancellor Kaspar Schlick*: by M. DVOŘÁK [who brings forward and examines many examples, and throws light on Schlick's personal history], with texts and facsimiles.—Mitth. Oesterreich. Gesch. xxii. 1.

- The articles of the peasants in 1525*: by A. GÖRZE [a study of the Peasants' War].—Hist. Vierteljahrschr. iv. 1.
- Contributions to the history of the court of Heidelberg in the time of the elector Frederick IV*: by E. OTTO.—Hist. Vierteljahrschr. iv. 1.
- Letter of Ferdinand II on his proclamation as king of Hungary* [15 May 1615]: printed by A. SITTE.—Mitth. Oesterreich. Gesch. xxii. 1.
- Sophia Dorothea of Celle* [deciding after a careful examination of the evidence brought forward by W. H. Wilkins, and a comparison of photographs of handwritings, in favour of the genuineness of the correspondence between the princess and count Philip Königsberg preserved at Lund].—Edinb. Rev. 395. Jan.
- Johann von Wessenberg*: by H. VON ZWIEDINECK.—Hist. Vierteljahrschr. iv. 1.
- A description of Gneisenau in 1814* [by the widow of C. G. Heyne, the classical scholar]: printed by L. GEIGER.—Hist. Zft. lxxxvi. 2.
- The restoration of the archives, libraries, and art collections taken by the French from Vienna in 1809*: by H. SCHLITZER.—Mitth. Oesterreich. Gesch. xxii. 1.

Great Britain and Ireland

- The British section of Antonine's Itinerary*: by J. J. RAVEN. III.—Antiquary, N.S., 134. Feb.
- The tribal hidage*: by W. J. CORBETT [who puts forward an original and highly ingenious hypothesis as to the character of this perplexing list. He finds it to be made up of groups of districts containing multiples of 12,000 hides, each of them divided into sub-groups with hidages in the proportion of 7: 5. This basis of 120 × 100 hides corresponds, at least in the kingdoms of the Middle Angles and of the Hwiccas, to the distribution of hundreds in Domesday Book. It is suggested that the list was drawn up at Peterborough, and represents, perhaps with some modifications, a scheme for taxation made by Edwin of Northumbria. The system of hundreds in Domesday is taken to be a West-Saxon readjustment of the tenth century, and the Domesday hidages to indicate a further readjustment for purposes of taxation about a century later, based apparently on an increase of 10 *per cent.*, though it was not everywhere carried out].—Trans. R. Hist. Soc., N.S., xiv.
- The decay of villeinage in East Anglia*: by Miss F. G. DAVENPORT [from the manor rolls of Fornceett, Norfolk, 1272-1556].—Trans. R. Hist. Soc., N.S., xiv.
- The merchants of the staple*: by S. BRODHURST.—Law Qu. Rev. 65. Jan.
- The Wycliffite Bible* [defending its traditional origin against the criticism of F. A. Gasquet].—Church Qu. Rev. 50, 51. Oct., Jan.
- The incursions of depopulation in 1517 and the 'Domesday of Inclosures'*: by E. F. GAY and I. S. LEADAM.—Trans. R. Hist. Soc., N.S., xiv.
- Recent appreciations of Oliver Cromwell*.—Edinb. Rev. 395. Jan.
- The battle of Dunbar*: by C. H. FIRTH [who gives reasons, with the help of a contemporary map, for believing that the forcing of the Brock burn was not the battle itself but merely preliminary to it, and that the real fighting took place on its right bank, both armies being ranged at right angles to it. A detailed narrative of the action follows, with full reference to authorities].—Trans. R. Hist. Soc., N.S., xiv.
- An estimate of the character and position of William III*: by A. ZIMMERMANN.—Hist. Jahrb. xxi. 4.
- The development of political parties during the reign of Queen Anne*: by W. F. LORD. Trans. R. Hist. Soc., N.S., xiv.

Italy

- Studies on the ancient constitution of the commune of Florence*: by P. SANTINI [describing the reactionary effects of the reign of Henry VI upon the power of Florence, and examining the results of the league of Tuscany with Innocent III and the cessation of imperial administration in the Contado. The article also contains information on the relation of the arts to the Calimala, the podestà foreign and native, and the protection by Florence of the agricultural interests of the feudatories in the Contado], concluded.—Arch. stor. Ital., 5th ser., xxvi. 4.

- On the sources of the Chronicle of Sicard of Cremona*: by O. HOLDER-EGGER [who, after a warning against E. Komorowski's dissertation on the subject, calls attention to some of the manuscripts probably used by Sicard, and discusses the lost 'Cronica Tiburtina,' with a note on the 'Catalogus Pontificum Casinensis,' the text of which is here printed].—N. Arch. xxvi. 2.
- Historical extracts from the documents classed as 'Arche in carta bambagina'* in the archives at Naples: by R. BEVERE. II, concluded.—Arch. stor. Napol. xxv. 4.
- Niccolò Spinelli da Giovinazzo*: by G. ROMANO. V: [1373-1376].—Arch. stor. Napol. xxv. 4.
- A schedule of the assessment of the clergy in the diocese of Milan in 1398* in relation to their immunity: by M. MAGISTRETTI, concluded.—Arch. stor. Lomb., 3rd ser., xxviii.
- The trial of fra Tommaso Campanella [1600-1601]*: by E. CELANO [who prints extracts from a transcript of the decrees of the Holy Office].—Arch. stor. Napol. xxv. 4.
- Unpublished papers relative to royalist conspiracies in the time of the republic of 1799*: printed from the archives at Palermo by C. CRISPO-MONCADA.—Arch. stor. Napol. xxv. 4.

The Netherlands and Belgium

- Notes on the reformation in Overijssel [1566, 1568]*: by J. DE HULLU.—Nederlandsch Arch. Kerkgesch., N.S., i. 2.
- Transactions of the assemblies of Correspondence [1614-1618] in the province of Holland*: printed by L. A. VAN LANGERAAD.—Nederlandsch Arch. Kerkgesch., N.S., i. 2.
- Walloon medals*: by H. I. DE DOMPIERRE DE CHAUFÉPIÉ. I: 1629-1793, with plates.—Bull. Comm. Hist. Eglises Wallonnes, viii. 2.
- The plague at St. Nicotás in Waesland [1666]*: by G. WILLEMSSEN.—Ann. arch. du Pays de Waes, xix. 1.
- The siege of Termonde in 1667* [from manuscript sources]: by A. DE VLAMINCK.—Ann. Acad. arch. de Belgique, 5th ser., ii. 3.

Russia

- Contributions to the history of the false Demetrius*: by P. PIERLING [from the unpublished diary of a Polish jesuit, Lawicki, from the papal archives and other sources].—Russk. Star. Dec., Jan.
- The successors of Peter the Great*: by E. SHUMIGORSKI.—Istorich. Viestn. Feb.
- Count von Benningsen's letter to general von Fock on the murder of the tsar Paul I.* by T. SCHIEMANN.—Hist. Vierteljahrschr. iv. 1.
- Extracts from the memoirs of D. Runich* [one of the advisers of Alexander I].—Russk. Star. Jan., Feb.
- Memoirs of general Löwenstern*, continued [on the council of war after the Borodino, and the entry of Napoleon into Moscow].—Russk. Star. Dec.—Feb.
- Extracts from the memoirs of A. Mikhailovskii Davilevskii*: by N. SHILDER [the year 1825, the last days of Alexander I].—Russk. Star. Dec.
- The memoirs of Michael Chaikovskii*, continued [on the adventures of the Polish legion among the Turks at the time of the Crimean war].—Russk. Star. Dec.
- Some letters of admiral Kornilov* [killed in the Crimean war].—Russk. Star. Jan.
- The marquis Wielepolski* [and his policy during the Polish insurrection, especially in the years 1861-2].—Russk. Star. Dec.
- Count M. Muraviev and the Jews at Wilno*: by O. STEINBERG [during the Polish insurrection, 1863-4].—Russk. Star. Feb.

Spain.

- Fuero of Viguera and the Val de Funes* [granted by Alfonso X]: by N. HERGUETA. Boletín de la R. Acad. xxxvii. 5, 6.
- Privileges of Ampudia [1282-1333]*: by G. VICENTE.—Boletín de la R. Acad. xxxvii. 5.

Facts and documents relating to Beatriz Enriquez de Arana [showing that she was not noble, nor rich, but a poor orphan seduced by Columbus]: by R. RAMÍREZ DE ARELLANO.—Boletín de la R. Acad. xxxvii. 6.

The policy of bishops Marca and Serroni during the wars of Catalonia [1644-1660] by P. TORREILLES.—Rev. Quest. hist. lxi. 1. Jan.

America and Colonies

Regulations drawn up by the Dutch East India Company [20 Oct. 1687] for the emigration of refugees from France and the valleys of Piedmont to the Cape of Good Hope: printed by N. WEISS.—Bull. Soc. Hist. Protest. Franç. l. 1. Jan.

Nominations in colonial New York: by C. BECKER. [Down to the rebellion candidates to elective offices were generally nominated by the controlling families of the local aristocracy, especially in the rural districts and the upper counties, but in the city of New York itself the democratic method of organising elections was already coming into existence.]—Amer. Hist. Rev. vi. 2. Jan.

The baptists in Virginia [1714-1802]: by W. T. THOM.—Johns Hopkins Univ. Stud. in Hist. and Polit. Sc. xviii. 10-12.

American relations in the Pacific and the far east [1784-1900]: by J. M. CALLAHAN.—Johns Hopkins Univ. Stud. in Hist. and Polit. Sc. xix. 1-3.

The legend of Marcus Whitman: by E. G. BOURNE [who, after a critical investigation of the part played by Whitman in 1842-3 in promoting the colonisation of Oregon, and so securing its acquisition by the United States, concludes that the generally accepted story about him is entirely unhistorical].—Amer. Hist. Rev. vi. 2. Jan.

CORRECTIONS

In vol. xv. 709, October 1900, Captain Mahan quoted from Mr. Badham's 'Nelson at Naples' the words, 'It is not till 27 June that the royal flag over the castles is noted in the Diario,' and assumed that he inferred that the flags were not hoisted until that date. Mr. Badham writes to explain that this inference is not justified by what he said.

Mr. Badham also takes exception to the fact that Captain Mahan charged him (pp. 705, 708, 709) with substituting a full stop for a comma in the Italian version of Sir William Hamilton's letter dated 27 June, whereas he only postulated an interruption in writing, the letter having been in his opinion begun on 26 June (27 June by nautical reckoning), and resumed on the following morning.

On p. 90, n. 217, Jan., for 'sees near the Euphrates' read 'sees of Euphratesia.'

THE ENGLISH HISTORICAL REVIEW

NO. LXIII.—JULY 1901

William Stubbs, Bishop of Oxford

NO readers of the 'English Historical Review,' no English students of history, no students of English history can have heard with indifference the news that Dr. Stubbs was dead. A bright star had fallen from their sky. This is not an attempt to speak on behalf of those who had been his close friends, or even of those who, without being his close friends, yet knew him well. Evidently there is much to be told which only they are privileged to tell of a man who was good as well as great, of a kindly and generous, large-minded, warm-hearted man. Then there is the bishop to be remembered, and the professor, the colleague in the university, and the counsellor of other historians, whose ready help is acknowledged in many prefaces. Evidently also there is something to be added of good talk, shrewd sayings, and a pleasant wit. Of all this some record has been borne elsewhere, and fuller record should be borne hereafter. But to this journal rather than to any other there seems to fall the office of endeavouring to speak the grief of a large but unprivileged class—namely, of those to whom Dr. Stubbs was merely the author of certain books, but who none the less cordially admired his work and who feel that within our English realm of historical study there has been a demise of the crown, or rather that they have had a king and now are kingless.

Representatives of this unprivileged multitude would, I take it, be hard to find among Oxford men unless they were too young to remember the days when the great books were coming from the press. It is with many misgivings that I shall endeavour to say a little part of what should be said. But when I was asked to do so, some battered and backless volumes told me of happy hours and heavy

debts. Also I was not sorry that an opportunity for some expression of gratitude to the historian of the English constitution should be given to one whose lot is that of teaching English law.

The bishops of London and Oxford have but just left us, and our thoughts may naturally go back to the year 1859, when Hallam's death was followed by Macaulay's. It is to be remembered, however, that some years have already fled since Stubbs and Creighton retired from the active service of history. Already we may think of them as belonging to a past and a remarkable time. Was there ever, we might ask, any other time when an educated, but not studious Englishman, if asked by a foreigner to name the principal English historians, would have been so ready with five or six, or even more names? Freeman and Froude, Stubbs, Creighton, Green, and Seeley he would have rapidly named, and hardly would have stopped there, for some who yet live among us had already won their spurs. It is fair to say that the English historian who wishes to have numerous readers in his own country had better give to that country a large share of his attention. I fancy that Creighton gained the public ear somewhat slowly, and that the well-known Seeley was not the Seeley who wrote of Stein. Still it was a remarkable time, prolific of work that not only was good but was generally praised. Also we may notice the close connexion that existed between these masters of history and the English universities, but more especially the university of Oxford. The time when the active labourers had been Grote and Carlyle, Buckle and Palgrave, men in whom neither Oxford nor Cambridge could claim anything, and Edinburgh could not claim much, had been followed by a time when Oxford had become a centre of light whence historians proceeded and whither they returned. History seemed to be in the ascendant, and an *Historical Review* was needed. Now it might be too much to say that if a laurel crown had been at the disposal of the public that reads history this prize would certainly have fallen to Dr. Stubbs, but there can, I think, be little doubt about its destination if the only awarders had been the generally recognised historians and votes for self (which in some cases may properly be given) had been excluded. Of some weighty voices we can be very sure, for they have spoken in prefaces and dedications.

At least there should, so it seems to me, be no doubt about the award that should be made in this journal. The greatness of historians can be measured along many different standards, and far be it from any one to speak slightly of the man who, without adding to what was known by the learned, has charmed and delighted and instructed large masses of men. His place may be high, and even the highest, provided that he be honest and reasonably industrious

in the search for truth. But such a man will find his reward in many places. Here we have to think first of the augmentation of knowledge—the direct augmentation which takes place when the historian discovers and publishes what has not been known, and the indirect augmentation which takes place when his doings and his method have become a model and an example for other scholars. And here Dr. Stubbs surely stood supreme.

No other Englishman has so completely displayed to the world the whole business of the historian from the winning of the raw material to the narrating and generalising. We are taken behind the scenes and shown the ropes and pulleys; we are taken into the laboratory and shown the unanalysed stuff, the retorts and test tubes; or rather we are allowed to see the organic growth of history in an historian's mind and are encouraged to use the microscope. This 'practical demonstration,' if we may so call it, of the historian's art and science from the preliminary hunt for manuscripts, through the work of collation and filiation and minute criticism, onward to the perfected tale, the eloquence and the reflexions, has been of incalculable benefit to the cause of history in England and far more effective than any abstract discourse on methodology could be. In this respect we must look to the very greatest among the Germans to find the peers of Dr. Stubbs, and we must remember that a Mommsen's productive days are not cut short by a bishopric. The matter that lay in the hands of our demonstrator was, it is true, medieval, and the method was suited to the matter, but in those famous introductions are lessons of patient industry, accurate statement, and acute but wary reasoning which can be applied to all times and to every kind of evidence. The very mingling of small questions with questions that are very large is impressive. The great currents in human affairs, and even 'the moral government of the universe,' were never far from the editor's mind when he was determining the relation between two manuscripts or noting a change of hand, and then if he turned for a while to tell big history it was with a mind that still was filled to the full with tested facts and sifted evidence.

In 1857 a project in which the honour of England was deeply concerned took shape: the Rolls Series was planned. Looking back now we may see that a considerable risk was run. A supply of competent editors was wanted, and the number of men who had already proved their fitness for the task was by no means large. We may fairly congratulate ourselves over the total result, though some indifferent and some bad work saw the light. In such matters Englishmen are individualists and libertarians. The picture of an editor defending his proof sheets sentence by sentence before an official board of critics is not to our liking. We must take the ill along with the unquestionable good that comes of our free manners. It would be in the highest degree unjust were we

in the present case so to distribute light and shade that one bright figure should stand out against a gloomy background. There were accomplished men and expert and industrious men among the editors. There was the deputy keeper himself, and Dr. Stubbs, who measured his words of praise, called Sir Thomas Hardy illustrious. Luard there was, and Madden and Brewer; but we have no wish to make what might look like a class list. However, it must be past all question that Dr. Stubbs raised the whole series by many degrees in the estimation of those who are entitled to judge its merits. Not a few of his fellow editors would gladly have admitted that they learned their business from him, and that they were honoured when their books were placed on one shelf with his. We cannot say that without him there would have been failure, but the good work would have had some difficulty in floating the bad. His output was rapid, and yet there was no sign of haste. In the course of twenty-five years seventeen volumes were published, besides such a trifle as the 'Constitutional History;' and every one of those volumes might fearlessly be put into the hands of learned foreigners as an example—a carefully chosen example, it is true—of English workmanship. Praise was not grudged by learned foreigners. When extracts from the English chronicles were being published in the 'Monumenta Germaniae,' men who well knew good from bad work, and the best work from the second best, carefully examined what Dr. Stubbs had done, and pronounced it perfect. His knowledge of the manuscript contents of English libraries, episcopal registries, muniment rooms, and similar places must have been unrivalled, and he seemed to have at his fingers' ends all the information that had been collected by the Hearnes and Bales and Tanners. But also from the first he was distinguished by the sureness with which he trod on foreign ground, and though no Englishman will blame him for devoting his best powers to English history we may often wish that he had interpreted medieval Germany, or even modern Germany, to Englishmen. Though very English he was never insular.

Meanwhile it was becoming evident that under the pretext of introducing chronicles Dr. Stubbs was writing excellent history on a large scale. Whether in an adequately governed country he would have been allowed to do this we need not inquire. A 'brief account of the life and times of the author' was permitted by official instructions, and 'any remarks necessary to explain the chronology' might be added. These elastic terms were liberally construed. Sir Thomas Hardy must have seen that he had found the right man, and the vicar of Navestock proceeded to explain chronology in his own manner and to the delight of many readers. To begin with, he explained the chronology of the crusades so freshly and so vigorously that after many years we turn back with

joy to his explanation. There is room for differences of opinion touching the relative merit of the various introductions: each of us may choose his favourite. The Hoveden was the first that I read, and, perhaps because it is an old friend, there is none that I like better. Into these earliest introductions Dr. Stubbs poured the contents of a mind that was brimming over not merely with facts but with thoughts. What, we may ask, could be better conceived or better executed than the sketch of Henry II's foreign policy and its consequences? Where but in the 'Walter of Coventry' shall we look for the quarrel between John and Innocent? Whither do we go for the age of Dunstan or for the age of Edward II? Then there is the gallery of portraits in which the statesmen and the prelates and the men of letters of the twelfth century stand before us real, solid, and living. We feel that every scrap of available knowledge about them and their families and their surroundings has been fused and utilised by a constructive and sympathetic mind which has found details and has given us men—'erring and straying men.' Dr. Stubbs's men err and stray in a most lifelike manner.

The worst of this plan of writing history in the guise of introductions was that Dr. Stubbs never received at the hands of the large public just that palm which the large public was competent to bestow. He was, so it seems to me, a narrator of first-rate power: a man who could tell stories, and who did tell many stories, in sober, dignified, and unadorned but stirring and eloquent words. If an anthology were to be made of tales well told by historians, and the principle of selection paid no heed to the truthfulness of the passages, but weighed only their verisimilitude and what may be called their æsthetic or artistic merits, Dr. Stubbs would have a strong right, and hardly any among the great historians of his day would have a stronger, to be well represented. But the large public knows or guesses that constitutional history is arid; the little book on the early Plantagenets is highly compressed; some of the seventeen lectures are—as many lectures may properly be—a little too garrulous to be good reading; and the well-told stories and the lifelike portraits are where the large public will not look to find them.

It is not a little surprising that a man who could paint men so well, and so well tell stories, a man (we may add) who loved a pedigree and was fond of tracing the hereditary transmission of landed estates and psychical traits, should have decided to make the great effort of his life in the history of institutions. That he had a strong taste for law—and the history of institutions is the history of public law—cannot be denied. It has often seemed to me that if he had changed his profession he might have been a very great judge. But if there was taste there was also—this often appears—a strong conviction that constitutional history is the absolutely necessary background for all other history, and that until this has been arranged

little else can be profitably done. I do not suppose that the great task was irksome, but still it was a task to which duty called.

What are we to say of the 'Constitutional History'? Perhaps I have just one advantage over most of its readers. I did not read it because I was set to read it, or because I was to be examined in it, or because I had to teach history or law. I found it in a London club, and read it because it was interesting. On the other hand it was so interesting, and I was so little prepared to criticise or discriminate, that perhaps I fell more completely under its domination than those who have passed through schools of history are likely to fall. Still, making an effort towards objectivity, must we not admire in the first instance the immense scope of the book—a history of institutions which begins with the Germans of Caesar and Tacitus and does not end until a Tudor is on the throne? Then the enormous mass of material that is being used, and the ease with which this immense weight is moved and controlled. Then the risks that are run, especially in the earlier chapters. This last is a point that may not be quite obvious to all; but is it not true that the historian runs greater and more numerous dangers if he tells of the growth and decay of institutions than if he writes a straightforward narrative of events? Would Gibbon's editor find so few mistakes to rectify if Gibbon had seriously tried to make his readers live for a while under the laws of Franks and Lombards? Then, again, we recall the excellent and (to the best of my belief) highly original plan which by alternating 'analytical' and 'annalistic' chapters weaves a web so stout that it would do credit to the roaring loom of time. While the institutions grow and decay under our eyes we are never allowed to forget that this process of evolution and dissolution consists of the acts of human beings, and that acts done by nameable men, by kings and statesmen and reformers, memorable acts done at assignable points in time and space, are the concrete forms in which the invisible forces and tendencies are displayed. When compared with other books bearing a like title Stubbs's 'Constitutional History' is marvellously concrete.

It is possible that by trying to blend or interlace two styles of history Dr. Stubbs sometimes repelled two classes of readers. The man who wants events and actions, characters and motives, may find more than he likes of institutional development and even of technical law, while there may be too many facts and details, names and dates and moral judgments for those who desire a natural history of the body politic and its organs. But to both these classes of students it may be suggested that in the present state of our knowledge concerning men and their environment both methods must be used, and that our highest praise should be reserved for one who can use them concurrently. Also Dr. Stubbs's book is extremely 'well

documented,' as the French say, and those who have had occasion to criticise any part of it would willingly confess that its foot notes were the starting points of their own investigations. A word too should surely be said of the art—unconscious art, perhaps, but still art—whereby our interest is maintained not only throughout the long crescendo but also throughout the long diminuendo. Dr. Stubbs saw English history and taught others to see it in a manner which, if I am not mistaken, was somewhat new. Somewhere about the year 1307 the strain of the triumphal march must be abandoned; we pass in those well-known words 'from the age of heroism to the age of chivalry, from a century ennobled by devotion and self-sacrifice to one in which the gloss of superficial refinement fails to hide the reality of heartless selfishness and moral degradation.' It was no small feat for an historian who held this opinion to keep us reading while the decades went from bad to worse, reading of 'dynastic faction, bloody conquest, grievous misgovernance, local tyrannies, plagues and famines unhelped and unaverted, hollowness of pomp, disease and dissolution.' And yet he kept us reading, and even those whose unfortunate experience compels them to think of the book chiefly as one whence pupils must be taught can, if they get a spare hour, still read and still admire. It is so solid and so real, so sober and so wise; but also it is carefully and effectively contrived.

As regards permanence, probably we ought to distinguish. It is difficult to believe that the account of the twelfth and three next following centuries will become antiquated until many a long day has gone by, though mistakes will be found and additions will be made. On the other hand it would be foolish to say that Dr. Stubbs knew the earlier centuries as he knew the twelfth. That is impossible; the evidence is too small in quantity and too poor in quality. Many an investigator will leave his bones to bleach in that desert before it is accurately mapped. It may be doubted whether Dr. Stubbs himself was fully aware of the treachery of the ground that he traversed. He had studied the evidence for himself with his usual thoroughness. Nevertheless he was under the guidance of German explorers. This an Englishman who means to do good work in those ages is likely to be. The Germans have some advantages over us. For one thing, legal education has been good in Germany, and consequently the German historian, be he lawyer or no, can use a much more accurate set of terms and concepts than such as are at our disposal. This may lead him to make about old times theories that are too sharp to be true, but he sees possibilities that are concealed from us in our fluffier language, and the sharp one-sided theory will at least state the problem that is to be solved.

Dr. Stubbs chose his guides well. In particular any one who is

praising his first chapters should turn aside for a moment to do reverence to the great Konrad Maurer. It is pleasant to think that Dr. Liebermann has been able to dedicate his edition of the Anglo-Saxon laws to this veteran scholar—*dem Altmeister der germanischen Rechtsgeschichte*. When Dr. Stubbs published his book those first chapters well represented the best learning of the time; but *die germanische Rechtsgeschichte* did not stop in 1873, and Dr. Stubbs stopped there or thereabouts. No doubt the author of a work which is obviously becoming classical has a difficult question before him when new editions are demanded. How much to alter in order that the book may keep abreast of advancing knowledge? How much to leave unaltered in order that the book may still be itself? Dr. Stubbs made some changes, but not many that were of importance. It is allowable to regret that he made so many and yet so few. He sometimes leaves us doubting whether he is deliberately maintaining in the nineties a position that he held in the seventies. It is apparent that he was slow to change opinions when he had once formed them; but we do not always know precisely how much he is reaffirming and how much he is simply leaving alone. To have altered the foot notes would have been laborious, for the books, especially the German books, to which students were rightly sent in 1873 can hardly have been the first to which the bishop would have wished to send them in 1897. Conservatism, however, is the note of the methodological preface prefixed to the last edition of the 'Select Charters,' which one of its readers must confess that he does not altogether understand. Some one is being reprimanded. But who? Fustel de Coulanges? We can only guess. A laudable desire to avoid controversy, coupled with a desire to warn the young against seductive guides, seems to have made the bishop's words for once obscure, and this at an interesting moment, for he was publishing what might be called his last will and testament. But whether those early chapters are destined to wear ill or to wear well, they represented an almost immeasurably great advance beyond anything that had previously been written in England; nor can we say that, as a general picture of the first age of English history, they are likely to be superseded in the near future. This being so, the conservatism that their writer displayed was, to say the least, pardonable. He wished to hold fast that which had been good.

Conservative Dr. Stubbs was in another sense, but it may be a testimony to his fairness and to his rigorous and praiseworthy exclusion of modern politics from the middle ages if I say that it was possible to know the 'Constitutional History' fairly well and yet not know how its author would vote at a parliamentary election; my own guess would have been wrong. It even seems possible that at some time hence those who, ignoring the contents of English ballot-boxes, assign to historiographers their respective

places in the thought of the nineteenth century, will reckon Dr. Stubbs's version of English history among the progressive rather than among the conservative forces. If the study of history had in some sort made him 'sad,' he was hopeful; and he was hopeful at a time when great changes were following each other in swift succession. Was there ever so profound a medievalist who was so glad when he had done with the middle ages? 'The charm,' he said, 'which the relics of medieval art have woven round the later middle ages must be resolutely, ruthlessly broken.' Even his high-churchmanship, if it is more apparent than anything that could accurately be called political conservatism, is by no means prominent in the 'Constitutional History.' A large collection might be made of passages in which archbishops, bishops, monks, and clergy are castigated in terms which a layman would have scrupled to use. I open the second volume by chance at a page where the clergy of the fourteenth century 'are neither intelligent enough to guide education nor strong enough to repress heresy;' the best prelates are apparently being blamed for being 'conservative rather than progressive in their religious policy,' while the lower type represented by Arundel is charged with 'religious intolerance.' Certainly Stubbs was just, and to read his great book is a training in justice.

To those for whom he was no more than a writer of books the seventeen lectures revealed him in some new lights. We will pass by the pleasant chat and the too frequent groans over statutory lectures. The attempt to formulate 'the characteristic differences between medieval and modern history' might, so I venture to think, be taken as an instance of the sort of work which Dr. Stubbs could not do very well. He loved the concrete, and was not happy among abstractions of a high order, such as a contrast between 'rights, forces, and ideas.' We think how Seeley's agile mind would have played round, and perhaps played with, such a theme. On many pages, however, Dr. Stubbs indicated the shape that some comparatively modern history would take if he wrote it. For example, a dislike for the puritans, or at any rate for the puritan cause, came out strongly. These indications were new to some of us who stood outside. That his history was not carried beyond 1485 is deeply to be regretted. The two admirable lectures on Henry VIII are tantalising, though worthy of the man who drew Henry II. We see that he sees the great problem, and a solution is suggested; but we are left to doubt whether an unwillingness to admit that many people wanted Henry to do what he did in ecclesiastical affairs is not compelling the historian to imagine not only a king who is almost super-human in his self-will, but also a clergy and a nation which are sub-human in their self-abasement. Still, though he seems inclined to steer a course that looks difficult,

Dr. Stubbs was so wise and equitable and sympathetic that it is possible, and more than possible, that he would have kept his head where many heads have been lost, and would have done good justice both to papist and to puritan. Certain it is that those statesmen and churchmen whose cause he thought the good cause would at times have felt the weight of his chastening hand. He never spared a friend who erred and strayed.

Nothing has yet been said of the 'Councils and Ecclesiastical Documents.' What is published is enough to make us wish that Dr. Stubbs had given one of many lives to the Anglo Saxon charters. Other lives should have been devoted to the constitutional history of Scotland and France and Germany; yet another to a history of medieval scholarship. Nothing, again, has been said of the 'Select Charters'—that fertile book, which is becoming the mother of a large family in England and elsewhere. Few books have done more to make a school than that book has done, and the school at Oxford may well be proud of it. Nothing, again, has been said of the laborious and lucid historical appendix which redeems the report of certain commissioners from the limbo to which such things tend. It may be doubted whether history can be written upon commission, for the historical inference, when it is set to do practical work, is apt to degenerate into the legal dogma. Still, even when it was produced under unfavourable conditions, Dr. Stubbs's work could never fail to be good.

But I must end. The last words of the great history are familiar, so familiar that I will not repeat them. Few historians have had a right to speak in that solemn strain about the attainable maximum of truth and the highest justice that is found in the deepest sympathy with erring and straying men. Few indeed have had a better right to speak in that strain than had Dr. William Stubbs. His place among historians we do not attempt to determine. Assuredly it will be high. I fancy that those who fix it high among the highest will be those who by their own labours have best earned the right to judge.

F. W. MAITLAND.

The Making of the New Forest

THE publication of a new history of Hampshire reminds us that some attempt ought to be made to arrive at the facts as to the making of the New Forest. As the story runs, the death of William Rufus in the forest was said to be a judgment of heaven, because his father had driven out the inhabitants, ruined the churches, and reduced a flourishing district to a waste to make room for deer. So say all the annalists of the twelfth century, some with more rhetoric than others; and as to the devastation the general histories down to Mr. Freeman have followed them. But the local writers, Warner and Lewis and Mudie, Mr. Wise and Mr. Wilks, argue that this was a mistake or a calumny, for it does not agree with the Chronicle or with Domesday or with geology, nor does any annalist say a word under the Conqueror's own reign of such evictions.¹ They say that the barren soil, the Domesday names generally ending in -hurst, -wood, or -ley, the light assessment to geld in Edward's day, and the low average value of the ploughland prove that the New Forest district was always poor and thinly inhabited. They say, further, that churches were not destroyed; that only the woodland of each manor, not the arable, was taken for the forest; and that the inhabitants were left to plough their lands in peace: for the Chronicle is silent; there are no ruins to be found of churches or villages; Milford and Brockenhurst both had churches in 1086, while two others at Hordle and Boldre were built soon afterwards; forests were generally dotted, though not thickly, with hamlets; and Domesday expressly mentions a certain number of inhabitants still left in the New Forest. On some of this evidence we cannot build much. The soil of the forest is poor, but it varies, and for primitive farmers a light soil always had compensations. The names are woodland names, but that may point rather to late settlement than to the population in 1065-80. Other forests

¹ They seem to have half persuaded Mr. Round, but he admits 'some enforced migration' of the husbandmen. *Victoria Hist. of Hampshire*, i. 412; Gough's Camden, p. 129; Warner's *Hampshire*, i. (pt. 2), 37; Percival Lewis's *Historical Inquiry on Forest*, pp. 41, 167; Wise's *New Forest*, p. 20. Freeman's final views are given in the *Norman Conquest*, postscript to 2nd ed. of vol. iv. (1876), p. 858.

contained inhabitants, but this forest was distinguished above the others and may have had none.

For positive evidence we must depend upon Domesday, but the treatment of Domesday by the local historians is not satisfactory. Warner and Lewis, following Gough, tabulate the manors affected by the forest, showing the total assessment (they treat it as area) reduced² from 212½ hides to 72½, and the total value from 338*l.* to 133*l.*, a reduction in each case of about two-thirds, while in many manors both assessment and value entirely disappear. Then they quietly put these large reductions on one side, and working on individual entries, which tell us that in some places the woodland was absorbed in the forest and in others part of the arable or meadow was left outside it, they go on happily to argue that only woodland was taken for the forest and very little harm was done to any one. The two sections of their Domesday evidence do not hang together, and they make no real attempt to connect them, or to distinguish between total and partial afforestation, while Mr. Wise boldly ignores the figures altogether, saying merely that 'two-thirds of the district was afforested.' The question has more than a local interest, for it touches both the character of William and the character of our twelfth-century authorities, of whom some hard things have been said in this matter; let us see if it is not possible to get better evidence from Domesday by classifying the entries.

The district may be roughly treated as a square bounded on the west by the Avon, on the south and east by the coast and Southampton Water, and on the north by the county boundary. The Domesday map places the villages mainly on the outer edge of the square.³ Some lie in the north-eastern corner.⁴ In the north-western corner is a group of manors all called Truham, now Fritham. There is a village to every mile down the Avon from Fordingbridge to Thuinam (Christchurch), and a broad band of

² Lewis has 217 and 72¼. This reduction was not all due to afforestation, for some of the T.R.E. hides were transferred to the Isle of Wight, e.g. 18 at Ringwood; and some released by favour, e.g. at Depedene and Mintestede, and probably also to Cola, the huntsman, at Langelie (50, b, 2, contrast another Langelie four places lower) and Adelingham, where 20 hogs can hardly cover 3 hides (50, a, 2).

³ This is best shown by Mr. Round's Domesday map in the *Victoria History*. The northern side of the figure is really much shorter than the southern. Except one Fawley, 41, b, 2, possibly duplicating 51, a, 1, and one Sway, 44, a, 1, the forest villages, which form Bovre, Rodedic, and (most of) Rodbridge hundred, are grouped on 51, a, b, overflowing backwards to 50, b. The Avon and other villages affected in Egheiete, Sirlei, and Fordingbridge hundreds (except Bistern and Crow, which were perhaps in Rodedic hundred) are given among the general lands of the king and others. See ff. 38-9; Avere, 44, b, 46, a, 1; Bichetone, Tibeslei, 46, a, 1; Riple, 46, a, 2, 50, b, 1; Forde, 46, b, 2; Weringstone, 48, a, 2; Sopolie, 48, b, 2; Gerlei, 49, b, 1; Adelingham, 50, a, 2. Cantortune seems inserted at the end of 50, b, 2, because previously forgotten, or perhaps did not properly belong to Fordingbridge.

⁴ Tatchbury, Netley, Testwood, Buckholt, Eling, Durley, Marchwood, Dibden.

villages about four miles wide along the south coast. It will be convenient to divide the last into two strips, calling those within two miles or so of the sea the coast villages and those further inland the Boldre-Fawley villages. The only Domesday villages not on the outer edge of the square are in a narrow strip running from Boldre northwards through the middle of the forest to Lyndhurst and Minstead. These we will call the middle or Lyndhurst villages.

In the middle of the forest, except in the Lyndhurst strip, there appear never to have been any villages. No Domesday names are to be found there, and if we examine the geological map we shall feel pretty certain that the ten or twelve unidentified manors lay, not in the middle, but like the known villages towards the outside. In the northern two-thirds of the district the surface is labelled 'Bagshot Beds.' In the southern third these are overlaid by 'Headon Beds.' These again are largely coated with gravel, which has however been cut through, wherever a brook runs down to the sea. On the Bagshot Beds we find no Domesday names, and we have proof that this is a matter of soil, not of position, for we find villages at Fritham and Netley in the north-west and north-east corners, where the Bagshot Beds are capped with other soil, and a projection of the Headon Beds runs up to Lyndhurst, with outlying patches at Minstead, which accounts for the narrow line of villages through the middle of the forest. Moreover the Domesday villages avoided other bad soil, for we find none on the big patch of gravel which reaches from the Beaulieu nearly to the Lymington River and includes Lymington or Beaulieu Heath. The site of nearly every known village not on the Avon was on the Headon Beds or the gravel, generally near a stream, and on the whole it is pretty clear that the middle of the forest, except the Lyndhurst strip, was always practically uninhabited.

The Avon villages and the coast villages and also Eling and Dibden on the east were affected by the afforestation only in part, probably the part which ran back furthest from the river and the sea. Of these villages we are told in Domesday that one, two, or three virgates or hides, or else the woodlands, were 'in the forest.' The entries are of this kind: 'A. holds Bermintune. It was assessed at 7 virgates. Now at 5 virgates, because the rest (or 'the woodland') is in the forest. There is land for 3 ploughs. One is in demesne, and 3 villeins and 3 bordiers have 2 ploughs. Value T.R.E. 40s. Now 20s. What the king has, 6s.' The assessments and valuations are reduced, but the villages remain with their villeins and ploughs, though not perhaps with quite so many as before or quite so flourishing. These villages were all on the outer edge. We may call the parts afforested the border forest, and these villages, as a whole, the border villages.

With the Boldre-Fawley villages, lying more inland, the Lyndhurst villages in the centre (except Brockenhurst), Fritham in the north-west, the north-eastern villages, and some dozen places which cannot now be found, it is different. These are described as being, except a few acres of meadow and an occasional ploughland, entirely in the forest.⁵ Except for fragments left outside the forest at Minstead, Lyndhurst, and Fawley, the assessments of all these villages are wiped out, their values disappear, and no word is said in Domesday of any villein or bordier at work in them. The entries are of this type: 'B. held Childeest (Yaldhurst). It was assessed at 5 hides. Now it is' (or 'is wholly') 'in the forest, except 2 acres of meadow, which A. holds. There was land for 8 ploughs. The value was 8l.' What was the condi-

⁵ The details T.R.E. of the villages in the main forest are as follows. The team lands starred are estimates, the D.B. figures being absent or referring to T.R.W. :-

Southern or Boldre-Fawley Villages.

—	Hid.	Car.	s.	—	Hid.	Car.	s.
Fawley . . .	2	[4]*	60	Boldre . . .	2	4	60
" . . .	1 $\frac{3}{4}$	12	50	Boldreford . . .	1	[2]*	200 ?
Hardley . . .	$\frac{3}{4}$	2	30	Pilley (3) . . .	2	4 ?	55
Gatewood . . .	2	5	45	Batramsley . . .	2	5	60
Otterwood . . .	2 $\frac{1}{4}$	5	51	Yaldhurst . . .	5	8	160
Hartford . . .	1	4	25	Wootton . . .	1	2	40
'Roweste' ? . . .	1	2	15	Ossemley . . .	2	4 ?	60

Villages not identified.

—	Hid.	Car.	s.	—	Hid.	Car.	s.
Achellie (2) . . .	1 $\frac{3}{4}$	6 ?	90	Cocherlei . . .	$\frac{3}{4}$	2	60
Sclive . . .	3	8	200	Oxellie . . .	2	4	40
Alwintune . . .	2	4	100	Wigareston . . .	1	2	5 ?
Bile (2) . . .	2	4	80	Slacham . . .	$\frac{1}{2}$	1	25
Sanhest . . .	$\frac{1}{2}$	2	20	Nameless (2) . . .	$\frac{3}{4}$	2	27 $\frac{1}{2}$

N.E. and N.W. Villages.

—	Hid.	Car.	s.	—	Hid.	Car.	s.
Tatchbury . . .	2	[4]*	40	Buckholt . . .	1 $\frac{1}{4}$	6	100
Netley (2) . . .	$\frac{3}{4}$	3	31	Fritham (6) . . .	2 $\frac{1}{4}$	17	270
Testwood . . .	1	[2]*	40	Bedcot . . .	$\frac{1}{2}$	1	20

Middle or Lyndhurst Villages.

—	Hid.	Car.	s.	—	Hid.	Car.	s.
Minstead . . .	3 $\frac{1}{2}$	[7]*	160	Brockenhurst . . .	(see below)		
Lyndhurst . . .	2	[6]*	120	Brockley . . .	2	6	20 ?
Greatnam . . .	1	[2]*	40	Hinklesley . . .	$\frac{1}{2}$	2	20

There was left in 1086: at Fawley, 1 virg. 1 car., 15s.; at Minstead, 2 virg. 1 car., 20s.; at Lyndhurst, 1 virg., 10s.; at Testwood, $\frac{1}{4}$ virg., 3s.; at Batramsley, $\frac{1}{2}$ virg. The Brockenhurst entry is exceptional—T.R.E. 1 hid., T.R.W. $\frac{1}{2}$ hid. In demesne 1 plough and 6 bordiers and 4 slaves with 2 $\frac{1}{2}$ ploughs. A church and woodland of 20 hogs. Value T.R.E. 40s. and afterwards and now 4l.

tion in 1065 of these villages, which were thus absorbed in what we may call the main forest? The Boldre-Fawley villages were spread over a strip more than ten miles long by two wide, say 12,000 to 15,000 acres. But from this we must deduct some 4,000 acres between the Beaulieu and Lymington Rivers, in which there were no villages, leaving about 10,000 acres. In these villages Domesday mentions some 60 ploughlands, which would represent, at only 100 acres apiece, about 6,000 acres of arable, more than half of the whole area. This is not a ridiculous proportion, which would be increased if any of the unidentified manors lay, as is probable, in this strip of country. The average value of a ploughland in Hants is over 20s. In many of the villages taken into the main forest the ploughlands were worth only 10s. to 15s., perhaps really a good bit less, for a considerable part of the T.R.E. valuations probably came from swine. Much of the land was therefore, as geology has told us, poor.

What do we learn of the population? In the Avon villages Domesday gives on the average about four, and in the coast villages about three, villeins and bordiers to a working plough in 1086, and we may fairly assume that this proportion, which is about the average for England, held good in 1065 in the rest of the district. Now, allowing for gaps in the record, the villages absorbed by the main forest had altogether in 1065 some 150 ploughlands, so that, taking three men to a plough, these villages presumably contained, or might have contained, from 450 to 500 villeins and bordiers, giving, say, 2,000 men, women, and children as about the number at which we may probably estimate the agricultural population in 1065 of the district afterwards occupied by the main forest. This estimate allows nothing for slaves or personal retainers, or men working under the villeins; it only represents the occupiers of land, in whom alone, apart from churches and churchmen, the authorities or the chroniclers were likely to take much interest. The total may not seem large to us, but there were among these villages a score with four, six, or eight ploughlands, and we know from Domesday that a village with five ploughlands and twelve or fifteen families was a respectable village in the eleventh century in any county in England.

What happened to these five hundred families? We can infer nothing from the absence of ruins, for in this country the houses would certainly, and the Saxon churches very likely, be of wood. The villages of Edward's day stood, as we have seen, on the edges of the main forest or in the Lyndhurst strip, where any foundations or other earth-marks would be smothered by the signs of more modern habitation. As to the churches at Fording-bridge, Ringwood, Holdenhurst, Milton, Hordle, Fawley, and Eling, the forest only took part of these and other Avon and

coast manors; in these villages much, if not most, of the population remained, and no doubt also the churches. A church was left in the main forest at Brockenhurst, but that seems in other ways an exceptional manor; and we do not know the history of the church built later at Boldre, where enclosure began very early.

The annalists say that the inhabitants of the forest were driven out, and the statement seems, as to the main forest, to be confirmed by Domesday. In no manor, either on f. 51 or on f. 39, which is said to be 'wholly in the forest' or simply 'in the forest,' is mention made of any villein or bordier or of any value in 1086, and it is because the land was in the forest that there is no value. The very first entry on f. 51 runs thus: 'The king held and holds 1 hide in Achelie. Then it was assessed at 1 hide, now at nothing. T.R.E. and afterwards the value was 50s., now it is in the forest.' The bishop's entries which follow are similar. It is not merely because the land afforested passed from private hands to the king that the value in 1086 drops out, for it equally drops out at Achelie, which was held by the king before afforestation. As to the ploughlands the evidence is even stronger. Again and again in the main forest entries we have the unusual phrase 'there *was* land for b ploughs.' Surely there *is* in 1086 no land fit for ploughing.⁶ It can hardly be argued that the ploughs and values were only gone from the record, not from the land, and that men or ploughs or values taken 'into the forest,' being no more available for taxation present or future, went altogether out of the Domesday world, for that does not agree with the compiler's practice in other forest entries on the same page. While for lands taken into the main forest no *valet* is given at all, in most of the partially afforested manors on f. 51 we read that the value of 'what the king has' (in the forest) is 6s., or 4s., or even 2s.

In the king's lands on f. 39 we hear something of the villeins. At Linhest, once two hides, 'there is nothing now but two bordiers' on one virgate. At Slacham, 'when Ralf de Limesi received it, there *were* three villeins with one plough; it *was* worth 25s.' Surely the villeins are gone in 1086? Eight lines further the survey carefully records 1½ acre of meadow, yet there is no word of a villein. At Minstead and at Fawley, which have one ploughland apiece with some men and value in 1086, these plough-

⁶ In Fordingbridge hundred, on f. 39, and in the first four entries (king and bishop) on f. 51 we have the common form 'terra est b car.' The compiler may well have hesitated to change it, for the actual land was still there. But after that out of thirty entries of land taken entirely into the forest twenty-six have either 'terra fuit' or simply 'terra b car.,' which is in Hants equally unusual. In four cases—Bocolt, Gatingeorde, one Truham, and Nutlei—the compiler slips back to 'terra est;' but it is so easy to slip back to the common form. None of the translators mark these differences correctly.

lands, men, and values clearly represent, not the land taken into the forest, but that left outside it.

The absence of T.R.W. valuations in the main forest is further emphasised by the changes from one formula to another. Let f represent the manors entirely 'in the forest,' and c the manors on the coast, afforested only in part. Let t stand for descriptions, such as 'there was land for 3 ploughs, the value was 40s.,' without any mention of villeins or T.R.W. value; let x represent descriptions of the type 'there is land for 4 ploughs, 3 villeins and 4 bordiers have 3 ploughs, value T.R.E. 40s., now 20s., *what the king has 6s.*;' and let v represent similar descriptions, but without the final clause in italics. Now let us take the lands of Earl Roger, which seem carefully described. The places succeed each other thus: c c c f f c c c c c c c c c; the corresponding descriptions are x x v t t x v x x x x x x. Going on down the page we have manors c c f f f f c f and descriptions x x t t t t v t. Wherever in successive entries there is here a change from partial to complete afforestation, or *vice versa*, there is a corresponding change in the description; t always corresponds to f and to f only. We may also particularly notice the number of cases (x) among the partially afforested manors in which a value is put on 'what the king has' in the forest. There is everything to justify the natural inference that the absence of any mention of men or of value in 1086 in a whole class, the whole of the main forest entries, does imply the actual absence in 1086 of any men or value. If the ploughs of thirty villages were working peacefully within the limits of the main forest, some of them in the very middle of it, why should a tradition of devastation attach to this forest and not to others? There is always a certain danger in drawing inferences from the silence of Domesday, and it may be possible to devise explanations which would in one way or another reconcile all these entries with the existence of a population in the main forest in 1086, for there is no positive statement in Domesday that any villeins were evicted. But we should hardly expect such a statement, and short of this the entries for the main forest, taken in a plain straightforward way, entirely agree with the tradition that the ground was cleared of its inhabitants.

The Domesday holdings which Mr. Wise cites as in the forest amount in the main forest to very little.⁷ Most of his cases are

⁷ Brockenhurst proves little except that the owner was a favoured person, which is confirmed by the four previous entries. Some of Mr. Wise's references (pp. 26-8) to D.B. are misleading. As proof that 'in the heart of the forest the villeins and bordiers still worked as before' he refers to Lyndhurst; but the entry (39, a, 1) says, 'There is nothing there now but two bordiers; value now 10s.; T.R.E. 6l.' He entirely misquotes Minstead, turning 'terra' into 'woods.' He says that Saulf still held land at Batramsley, and Aluric at Oxley, but it was in each case only four acres of meadow left out of two hides (51, b, 2).

partially afforested manors on the Avon or on the coast. Others are holdings of two, four, or six acres of meadow, specially excepted from the forest, which probably do not imply even one house. Others are held by foresters. Brockenhurst seems to have been a specially favoured spot; it had in 1086 $3\frac{1}{2}$ ploughs, villeins, 80s. value, and a church; but this only emphasises the absence of ploughs, men, and value in other entries. The other arable holdings embedded in the main forest are one virgate held by a forester at Lyndhurst out of two hides, $\frac{1}{2}$ hide with four bordiers at Minstead out of $3\frac{1}{2}$, $\frac{1}{4}$ hide at Fawley out of $3\frac{3}{4}$, and $\frac{1}{4}$ virgate at Testwood, of which all but Lyndhurst are on the outer edge. The value left in these villages was 48s. out of 21*l*. A forester also held $\frac{1}{2}$ virgate at Batramsley. Excluding Brockenhurst and some scattered bits of meadow, Domesday gives in the main forest in 1086 only $1\frac{1}{16}$ hide, 3 or 4 ploughlands, and 48s. out of 57 hides covering some 150 ploughlands, valued at 121*l*. There is nothing here to interfere with the previous evidence or with the conclusion that William did (with slight exceptions) clear off the villeins in the main forest and turn the arable into waste. On the contrary the mention of these holdings, and these only, in 1086 strongly supports such a conclusion. In 1065 Fawley and Minstead were good-sized villages; why is one ploughland, and one only, given to each in 1086, unless the rest was waste? What other sense can we attach to such phrases as this at Pistelei and a dozen other places on f. 51: 'Now it is in the forest, except 2 (or 4 or 6) acres of meadow, which A. holds'? If there was no change in the condition of lands taken into the forest, why are these scraps of meadow specially excepted? It cannot be merely that A. was a free tenant, for Domesday does not neglect villeins. The $\frac{1}{2}$ virg. at Batramsley was not even held by the former owner, but by a forester; while at Lyndhurst, once valued at 6*l*., we have the positive statement of Domesday, 'There is there now nothing but two bordiers.'

If it be said that these villages cannot have been swept away in 1086, because some of them survive to the present day, the answer is that many have not survived, and that for the survival of the others Domesday appears to furnish a reason. Achelie, Selive, Alwintune, Bile, Sanhest, Cocherlei, Oxelie, Roweste, Wigareston, Slacham are not identified,⁸ or very doubtfully, by the joint efforts of

⁸ There is a Rowdown and Rollstone (? Rowestedon) Farm near Fawley, an Oxley's Coppice near Otterwood, a Sandydown near Boldre, a Cockley Hill in Mr. Wise's map west of Eyworth. But these are only guesses. Bile, with 8 a. meadow, may also stand for an existing name. Selive can hardly be, as Mr. Moody suggests, (High)cliff, separated from the main forest by Hubborn, Hinton, Bashley, and Milton. Perhaps it has lost a letter; can it be Setley or Shirley Holmes, near Boldre, or Shirley, in Ripley, which is spelt Schele in 1300 (Lewis, p. 176)? All these sites are similar in position and (except the last) in soil to the identified villages.

Mr. Moody and Mr. Round, though five of them had four or more ploughlands in 1065. Of those that can still be placed, Brockley with six ploughlands became a tithing of the originally much smaller Brockenhurst. Buckholt near Dibden is not on the map. Greatnam near Lyndhurst is a wood. Hinkelsley is only a house. Otterwood and Gatewood, near Exbury, with five ploughlands each, Yaldhurst (Childeest) near Lymington with eight, and Hartford near Beaulieu are only farms, perhaps comparatively modern, for none of them is mentioned in the claims of 1670. The names would be preserved by the natural features in which they originated, and there was always the chance of a forester's house. Wooton was only a farm in the uncorrected map of 1876. Only Minstead, Lyndhurst, Brockenhurst, Fawley, and Boldre are given by the map in anything but the smallest type. Of these the first four had something special to keep them alive, for in each of them there was a certain quantity of arable not taken into the forest, while at Boldre⁹ enclosures appear to have been made very early. Domesday seems to carry the evidence even further. Of the identified manors four had arable, and Boldre, Pilley, Batramsley, Wooton, Yaldhurst, and Ossemley had pieces of meadow not taken into the forest. On the other hand, in the semi-extinct Buckholt, Hartford, Otterwood, Gatewood, Hinkelsley, and Greatnam, and in eight of the ten lost villages, absolutely nothing was left outside the forest. Hardley alone really survived without meadow. It certainly looks as if survival depended mainly on there being some scrap of land which was not 'in the forest,' to which the name could attach and on which a cottage or two could later be built, all land in the forest being absolutely cleared. Within the limits of the main forest the taxation of 1291 gives no church (besides Beaulieu) except at Fawley, which was early taken out of the forest, at Minstead with a chapel at Lyndhurst, and at Boldre with a chapel at Brockenhurst.

So far we have been dealing with the main forest; what happened in the border forest taken from the villages on the Avon and the coast and from Eling and Dibden is not very clear. The woodland (not implying trees) appears to have been taken, and with it a good many ploughlands and houses, either scattered in the woodland, as at Hordle and Thuinam,¹⁰ or adjoining it, but Domesday does not enable us to say how many. The assessment of the border manors is reduced in all by some 50 hides, which on the analogy of other entries might represent, if it were all due to loss of arable, about 100 ploughlands and three times that number of families. But this estimate is too high, for some of the reduction was probably given

⁹ Woodward's *Hist. of Hampshire*, iii. 44.

¹⁰ In the woodland of Thuinam 'there were T.R.E. 5 villeins with 3 ploughs; it is valued at 12l. 10s.' In that of Hordle 'there were dwelling 6 men; it is worth 60s.'

as compensation for woodland.¹¹ In the border manors the actual villages, with a good part, generally the greater part, of the arable, seem to have been left out of the forest,¹² being in most, though perhaps not in all cases, left outside its outer limit.¹³ Some three-quarters therefore of the inhabitants in the border villages were left in comparative peace, and probably retained rights of common over the parts afforested. There were sixty villeins and bordiers on the lands taken into the forest at Ringwood, Holdenhurst, Christchurch (Thuinam), Hordle, and Eling, and possibly there may have been in all as many as 150 to 250 families, or, say, 500 to 1,000 persons, on the lands absorbed in the border forest, but the fate of these families cannot be determined with any certainty from the Domesday evidence; ¹⁴ perhaps they were not all treated alike. The border forest is distinguished from the rest by the values given in Domesday to the land after afforestation, but we cannot tell how much of these values came from men and how much from pannage. Swine were certainly not here excluded. Some disturbance in the outskirts of the forest would not be objected to, for the foresters would like the deer kept well to the inside.

The story which Domesday seems to tell us of the forest is this. William found in a corner of Hampshire 75,000 acres practically uninhabited. Woodland and moor stretched without a break from

¹¹ Lentune is reduced from 1 hide to $\frac{1}{2}$, 'because the woodland is in the forest.' In Avere (46, a, 1), Weringetone (48, a, 2), Sopolie (48, b, 2), Mildetune (50, b, 2), and William of Eu's manor on 51, a, 2, the number of hides 'in the forest' is less than the total reduction, leaving something to represent loss of woodland; but it seems to count for nothing at Avere (44, b, 1), Forde (46, b, 2), and Riple (46, a, 2; 50, b, 1).

¹² In a third of these manors, however, the hidage was reduced by about one-half, occasionally more.

¹³ The woodland taken may in some cases have been detached from the village to which it belonged. Holeest (Holdenhurst) is two miles west of the Avon, and some coast villages seem cut off from the forest by other manors.

¹⁴ On f. 39 in 4 hides afforested at Holeest 'there were dwelling T.R.E. 13 villeins, &c.; woodland for 129 hogs;' all which 'is appraised at 12*l.* 10*s.*' In 7 (? 3) hides at Ringwood 'there dwelled 14 villeins, &c.; woodland for 189 hogs;' all which 'is worth 7*l.* 10*s.* by tale.' Like entries at Thuinam and Hordel are quoted above in note 10. 'Erant' and 'manebant' suggest that the villeins were ejected, while 'appreciator' and 'valet' point the other way. Possibly the tenses mean nothing, being merely statements of account to explain the difference between 1065-7 and 1086. In many cases (e.g. Ringwood and f. 51, *passim*) the value of 'what the king has' just makes up the difference between the valuations T.R.E. and T.R.W., but often it is not so. At Rocheford (46, a, 1) the woodland 'was worth 30*s.*,' but generally the value of lands afforested is given without a verb or by the possibly ambiguous 'val.' The scribe has great difficulty with his tenses in the forest; e.g. Ranulf Flambart 'ten[et]' 1 hide afforested in Bile (51, a, 2), and then immediately 'isdem R. tenuit' another hide in the same place. The sums given at Hordle and Ringwood might represent the hogs alone; for (50, b, 2; 51, b, 2) woodland of 10 hogs at Derleie stands for 7*s.*; of 20 hogs at Mildetune for 20*s.*; of 6 hogs at Esselei for 5*s.*; but at Edlinges (38, b, 2) 26*l.* is too much for 280 hogs, and (50, a, 2) 70*s.* at Adelingham for 20 hogs. The ploughlands will represent the arable of 1086, whether reduced, as at Fawley (41, b, 2) and Minstead, in the main forest, or left intact. The valuations 'post' seem in some cases to be after afforestation, e.g. Staneude (38, b, 2), Hordel, and Mintestede.

near the Avon between Fordingbridge and Ripley to Lyndhurst and Brockenhurst, and beyond Lyndhurst there was other moorland reaching down at one point to the Solent. Of these 75,000 acres he made a forest, if they were not a forest before. But he was not satisfied. To get more room or better feed for his deer he enlarged this forest by taking into it some twenty villages and a dozen hamlets, containing from 15,000 to 20,000 acres more than half arable, including not only the land of 20 ploughs in the middle of the forest running from Minstead to Brockenhurst and Hinkelsley, but also on the edges the land of some 20 ploughs round Fritham in the north-west corner, of some 15 ploughs at Buckholt, Testwood, Netley Marsh, and Tatchbury, in the north-east, of some 60 ploughs on the south between Wooton, Boldre, and Fawley, and of some 35 ploughs in villages now lost, but which probably lay mainly in the south. We cannot tell if these additions date from the time when he first used as a forest the 75,000 uninhabited acres, or if they were made later, but from these 150 ploughlands he cleared off the population, amounting to some 500 families, or about 2,000 men, women, and children. He thus formed what we have called the main forest, the limits of which corresponded roughly to the outer boundary of the present forest. Whether there was or was not an earlier Saxon forest in the centre of the district, these extensions seem well described by the continuator of William of Jumièges, who says that William 'destroyed many villages and churches to enlarge the forest.'¹⁵ To protect the deer there were further annexed on the borders of this main forest other 10,000 to 20,000 acres, mainly woodland, but including probably 500 to 1,000 inhabitants, whose fate is doubtful.¹⁶

We have two other accounts which look more or less independent. Florence says that in this district, which before *incolis . . . et ecclesiis nitebat uberrime*, the men were driven out, the churches destroyed, and game only left. The force of a base Latin superlative is rather doubtful; to call the villages afforested rich would be strong, but the writer may perhaps have meant no more than 'full of men, churches, and produce,' which is no great exaggeration, if we apply it, as we have seen that it ought to be applied, not to the 75,000 uninhabited acres, but to the inhabited 20,000 acres of extension.

Orderic ought, as to the bare fact of devastation, to be a good

¹⁵ *Multas villas et ecclesias propter eandem forestam amplificandam in circuitu ipsius destruxerat.* Twenty villages may well have had a dozen churches.

¹⁶ The forest was later extended right up to the shore and the Avon stream (perambulation 8 Ed. I, Lewis, p. 173). But in the perambulation of 29 Ed. I all the border villages were thrown out again, and with them apparently those parts of them which had been taken by William to make the border forest. The outer boundary of the present forest takes in 92,000 acres (Lewis, p. 64), but Tatchbury, Netley and Fawley are now outside it.

witness, for in 1080-5 he was a boy in the household of Earl Roger, who had a dozen manors partly, and two wholly afforested. Of the details or extent of the devastation he would then know nothing, for he was only ten when he left England in 1085. He tells the tale with much more rhetoric; calls the district *populosa regio*; talks of careful cultivation by a *copiosa plebs*, who supplied Winchester with agricultural produce (*campestri ubertate*, perhaps pork¹⁷); and says that 'more than sixty parishes' were wasted. Apparently he, or his informant, does not distinguish between total and partial afforestation, and is counting the names, about sixty, entered in Domesday under the heading 'In Nova Foresta et circa eam.' He may have got his details from Winchester, but the story has decidedly grown. There is no phrase in Florence, and perhaps none in Orderic or the later annalists, which cannot in some way be interpreted so as to agree fairly with Domesday¹⁸—it is not clear that they gave any thought to the exact position of the wasted villages—but the general tone suggests that they took all the 95,000 acres afforested to have been inhabited, and the moderns have developed the suggestion freely. Against this the local historians are quite right to protest that the whole forest can never have been covered with villages. But the clearances, though limited, seem real enough, and by a mapless generation wasted villages along the north side and along the south side and through the middle of the forest might easily be taken to represent the district as a whole. Apparently the evictions were not, in the opinion of the annalists, so large, compared with the devastation caused by the Conquest in other parts, as to call for mention in summing up William's reign and character; but there was more than enough for men to say that his son's death in the forest was a judgment from heaven, a story which would specially appeal to the medieval historian. Too much stress has been laid on the silence of the Chronicle; a reference to these evictions would no doubt have fitted well with what it says of William's passion for hunting,¹⁹ but the edition on which we depend for these years comes from Peterborough, and the compiler may have been thinking of forest grievances nearer home.

F. BARING.

¹⁷ In 1220 there is talk of sending hogs from Bramshaw to the 'larderium' at Winchester (Woodward's *Hampshire*, iii. 39).

¹⁸ William Rufus was by tradition killed between Minstead and Fritham. Perhaps even the churches said to be destroyed—thirty-six by Walter Mapes and twenty-two by Knighton—had their ultimate source in Domesday. It would be quite possible to count those manors on f. 51, a, b, which were taken entirely into the forest as thirty-six, and the larger ones as twenty-two.

¹⁹ 'He set mickle deer frith and laid a law therewith that whosoever struck hart or hind should be blinded.' There seems no need to apply this with Mr. Freeman specially to the New Forest; the whole passage is in general terms. The Chronicle, Florence, and Orderic are all quoted at length in Freeman, 2nd ed. (1876), iv. 841, n. SS. Quotations from other writers are collected in Gough's *Camden*, i. 129.

*The Foreign Policy of England
under Walpole*

PART VI.

THE treaty of Seville appeared to be from one point of view a full justification to both England and France for their long alliance. France was now reconciled with Spain, her natural ally, chiefly in consequence of the alliance, as Spain had come to see that it was hopeless to fight against either power as long as the two were united. For the same reason England had now secured the fullest confirmation of her commercial privileges, and, although Gibraltar was nowhere mentioned in the treaty, the subject, which had become a considerable embarrassment to English statesmen, owing to George I's unfortunate letter, was quietly dropped; and the terms on which the treaty was obtained, that Spanish garrisons should be introduced into Italy, seemed quite in conformity with the natural wishes of both countries. France was always anxious to limit the emperor's power, and England was only too glad to keep Spain quiet by satisfying her Italian aspirations. And yet, in spite of this apparent success, this treaty was the last achievement which could be ascribed to the co-operation of the allies, and though the alliance was not ostensibly at an end for several years to come it may almost be counted as non-effective from this date.

Strangely enough from the very first the chief difficulties as to fulfilling the terms of the alliance were made by France, though it might reasonably have been expected that, having at last obtained the friendship of Spain, she would do everything she could to strengthen her claims on the gratitude of that power, especially as it could be cheaply earned by the establishment of a Bourbon prince in Italy. But the French ministry saw that in order to secure the emperor's consent to the introduction of Spanish garrisons one of two things was necessary, either a war to bring him to reason or a guarantee of the Pragmatic Sanction; and neither of these expedients was one which they felt at all inclined to adopt. Another under-current of feeling by which, no doubt, they were influenced was the desire not to allow England to share the credit

of conferring the benefit in question on Spain. These views were indicated by Chauvelin in a memoir addressed to the council of state immediately after news of the treaty had been received; in this he expressed some apprehension of the exacting nature of the queen's demands, and insisted on the caution even more than on the precision with which France should secure the objects of the treaty.⁸⁵ The emperor on his side had, it must be admitted, a legitimate cause of complaint. By the treaty of Seville, whereby Spanish were substituted for neutral garrisons, one of the clauses of the quadruple alliance was quietly set aside without any consultation with himself, one of the parties chiefly interested; and it contained not even the saving clause suggested in previous proposals that this substitution should only take effect if all the powers concerned agreed. It is true that the emperor had rather brought this result on himself by constantly opposing the admission of any garrison, but that made the blow to his interest and his dignity none the easier to bear. It was obvious from the first that he would do all in his power to prevent this clause being fulfilled, unless he could secure the guarantee of the allies to the Pragmatic Sanction.

At first the French ministry, who, though disinclined for war, were quite willing to satisfy Spain's requirements if she could do it at no cost to herself, tried to see if a game of bluff would have any effect. They made ostentatious preparations for war, in the hope that the emperor would yield unconditionally, if he thought the allies were in earnest. But such a supposition showed a singular ignorance of the methods of the emperor and the imperial court, all the more inexcusable since the emperor had already shown that he fully understood the advantage of dilatory proceedings in dealing with the allies. On the contrary the emperor declared that he would on no account permit the introduction of Spanish garrisons unless his Pragmatic Sanction were guaranteed, and he could back his resolution by a considerable exhibition of force. In Italy he could easily pour troops into Parma from the Milanese, and in Germany he had considerable advantages. Prussia and Russia seemed more bound to him than ever, and Poland was reported to have joined the coalition with him;⁸⁶ he also had various means of causing annoyance to George II, such as the refusal to grant the investiture of Bremen and Verden, and the permission granted to the king of Prussia to execute his commission in Mecklenburg in spite of the continued presence of Hanoverian troops.⁸⁷ If the allies had been able to present a united front against the emperor, they would easily have overcome any combination which he could have formed, but this is just what seemed impossible. The whole of the year 1730 was spent in discussing various plans of operation, which for one reason or another were rejected in turn.

⁸⁵ Baudrillart, iii. 547.

⁸⁶ Add. MS. 32765, f. 143.

⁸⁷ Coxe, *Walpole*, iii. 4

The question of alliances was one difficulty. Thus the negotiation which had been begun in the previous year with the four electors of Bavaria, the Palatinate, Cologne, and Treves, in order to create a party opposed to the emperor in the empire, was pursued in a half-hearted manner. It is true that in February 1729 the French had made a secret agreement with the electors of Bavaria and the Palatinate, by which France had agreed to guarantee Berg and Juliers in return for a promise of neutrality from the electors in case of a war with the emperor,⁸⁸ and England and Holland in March 1730 entered into a similar agreement,⁸⁹ but there was considerable difficulty about some of the other terms. The English ministry themselves were divided on one of the most important points, for while Townshend was quite willing to agree to the inclusion by France of a clause by which none of the contracting parties should be allowed to guarantee the Pragmatic Sanction without the consent of the others, Walpole and the duke of Newcastle were strongly opposed to tying their hands in this manner for any future negotiations with the emperor.⁹⁰ In addition to this difficulty there was the usual dispute about the amount of subsidy which should be paid by France to the electors;⁹¹ and a similar backwardness on the part of France to pay the subsidy due from her to the Danes by the treaty of 1727⁹² rendered doubtful the co-operation of this very important ally for any operations that might take place in the north of the empire.⁹³

There was an equal divergence of opinion about the operations, if any, which were to be undertaken to coerce the emperor. In February 1730 Colonel Armstrong was again sent to Paris⁹⁴ to concert measures with French and Dutch military officers and two Spanish representatives, Castelar and Spinola. The English instructions were that, if possible, the emperor was to be persuaded to agree to the Spanish garrisons without a war, but that if that was impossible the military operations should be confined to Italy, and that Savoy should be gained to the side of the allies.⁹⁵ In order to give the emperor time to avoid war the English secured, at the beginning of March, that he should be given a delay of two months to agree to the terms proposed,⁹⁶ but meanwhile preparations were to be pushed on. The obstacles at this time to concerted action were that Spain insisted on making extravagant demands which the emperor would never grant, and in putting forward wild plans for the conquest of Naples, and even for the conquest of the

⁸⁸ *Recueil des Instructions données aux Ambassadeurs de France, Bavière, &c.* 419, 421.

⁸⁹ Add. MS. 32766, f. 170.

⁹⁰ Coxe, *Walpole*, ii. 659.

⁹¹ Add. MS. 32765, f. 319.

⁹² See *ante*, xv. 689.

⁹³ Add. MS. 32765, f. 143; Coxe, *Walpole*, i. 334.

⁹⁴ Add. MS. 32765, f. 267.

⁹⁵ Add. MS. 32766, f. 37.

⁹⁶ *Ibid.* f. 72.

whole of Italy, to which the allies could never agree ;⁹⁷ while France, besides her natural unwillingness to make war, was afraid that, owing to the growing opposition to her in England, she would be left in the lurch when once engaged in an Italian war,⁹⁸ and consequently demanded from England more than her proper quota of troops. However the English did their best to brush aside these difficulties, and showed by their own action that they were in earnest: orders were given to hold troops in readiness at Gibraltar for the invasion of Italy, and, in order to stop any further hesitation, the French demands about increasing the English quota were agreed to.⁹⁹ At last, as there seemed no prospect of a favourable answer from the emperor, the English, in concert with Spain, urged that an immediate attack should be made on Sicily by the allied troops, to bring the emperor to reason, and that an army should be collected on the borders of Germany, at Heilbronn or between the Neckar and the Main, as had been proposed in 1727, to distract the emperor's attention and prevent his pouring all his troops into Italy ;¹⁰⁰ or, as an alternative course, if France would not agree to military operations, that the emperor's opposition should be overcome by guaranteeing his Italian possessions to the archduchesses, and by accepting an offer made by the grand duke of Tuscany to receive Don Carlos at Florence and recognise him as his heir.¹⁰¹

The French could not offer a direct negative to these proposals, since they professed an equal anxiety with the English and Spanish to fulfil the treaty, but they temporised and offered various objections to the particulars of the scheme. One plan which they proposed, instead of the English and Dutch idea, was to make an attack on the emperor in Flanders, not with any notion of carrying it out, but with the knowledge that the Dutch would object so strenuously to a war close to their territories that the blame of inaction might be cast on Holland.¹⁰² They likewise discovered an even more fruitful excuse for procrastination by starting the idea that before any operations were begun in Italy a treaty of *équilibre* for the disposal of prospective conquests should be made.¹⁰³ This idea arose from the secret article in the treaty of Seville which laid down that if any conquests were made such a treaty should be entered into. But this clause was never intended, by England and Holland at any rate, to be an antecedent and a clog to active intervention, whereas 'the ingenious Monsieur Chauvelin,' as Horace Walpole writes, 'is fond of this word

⁹⁷ Coxe, *Walpole*, ii. 691, iii. 2.

⁹⁸ Add. MS. 32766, f. 388, and letters of April 1730, *passim*, in this volume.

⁹⁹ Add. MS. 32766, ff. 426, 445 ; Coxe, *Walpole*, iii. 16.

¹⁰⁰ Add. MSS. 32767, f. 33, 32768, f. 59 ; Coxe, *Walpole*, ii. 681.

¹⁰¹ Add. MS. 32766, f. 430.

¹⁰² Coxe, *Walpole*, ii. 680, iii. 5.

¹⁰³ *Ibid.* iii. 11 ; Add. MS. 32769, f. 293.

équilibre, without any vast views of conquests for France or settling a new partition or balance of power in Europe; but as, being subject to so many different senses and interpretations, and made a previous condition to all action, may serve, if he pleases, to prevent any action at all; while at the same time he talks loudly to the Spaniards of his resolution to act with vigour, when an honourable plan can be fixed for that purpose.¹⁰⁴ And all the time that he was making these delays he went about complaining that France was the true friend, not England, to whom every obstacle was to be attributed;¹⁰⁵ and when England actually informed Spain of the plan she had matured for an immediate descent on Sicily, without waiting for a treaty of *équilibre*, Chauvelin expressed great indignation at what he called the bad faith of England.¹⁰⁶ However, in spite of Chauvelin's flourishes, the Spaniards do not appear to have been deceived by them, and from an intercepted letter from the Spanish envoys it appeared that they were much disgusted at the uncertainty of the French court and fully appreciated England's readiness to make war.¹⁰⁷

Finally, after a compromise, suggested by the emperor, that English instead of Spanish garrisons should be introduced into Italy,¹⁰⁸ had been mooted by England and received with scant favour by Spain, it became clear that nothing was to be done in 1730. The Spaniards by October had given up hope and laid up their ships, and England followed suit by recalling the extra regiments at Gibraltar and the fleet sent to support an expedition to Sicily.¹⁰⁹ Nevertheless, negotiations were still carried on fitfully: the French began to fear that the failure of Castelar's proposals might bring on a rupture with Spain,¹¹⁰ and the English government were equally anxious to avoid this. In November it was proposed to gain the king of Sardinia by a subsidy of 150,000*l.*, for which England would make herself responsible, and serious plans were proposed for an offensive war in Italy and a defensive one in Germany the following year.¹¹¹ Castelar, in concert with Chauvelin, made proposals in December for the quotas to be provided by each power for the campaign,¹¹² and though the English quotas were to be in excess of their legitimate proportion the duke of Newcastle signified his consent.¹¹³ But by this time the Spaniards had lost patience, and Castelar suddenly made a formal announcement in Paris that Spain, tired of the constant delays in fulfilling the treaty of Seville, hereby renounced it and regarded all her obligations under it as null and void.¹¹⁴

¹⁰⁴ Coxe, *loc. cit.*

¹⁰⁵ See Add. MS. 32766, April letters, *passim*, and 32767, f. 129.

¹⁰⁶ Add. MS. 32768, ff. 196, 219.

¹⁰⁷ Add. MS. 32767, f. 313.

¹⁰⁸ Add. MS. 32768, f. 305.

¹⁰⁹ Add. MS. 32770, f. 48.

¹¹⁰ *Ibid.* f. 50.

¹¹¹ *Ibid.* f. 122.

¹¹² *Ibid.* f. 254.

¹¹³ Add. MSS. 32770, f. 290; 32771, f. 215.

¹¹⁴ Add. MS. 32771, f. 170.

Although this announcement came as a surprise at the moment even to the English government, they had for some time past been persuaded that no settlement could be secured by the actual system of alliances, and that some other method must be devised; and, though nothing definite had been settled at the time of Castelar's declaration, negotiations with the emperor had almost been concluded. It has already been noticed¹¹⁵ that even before the treaty of Seville had been signed there was already a party in the cabinet anxious for an alliance with the emperor in preference to Spain; but the influence of Townshend had at that time been strong enough to overrule this view. But this was Townshend's last victory. From the beginning of 1730 it had become obvious that domestic differences even more than a divergence on foreign affairs had made his retention of a place in Walpole's ministry only a matter of months; and the difficulties which arose in carrying out the terms of the treaty added fresh strength to the party opposed to his policy. To the end Townshend stoutly maintained his opposition to any understanding with the emperor from an unwillingness to break with France and from a perhaps exaggerated importance which he attached to the king's quarrels with him on account of Mecklenburg and Bremen and Verden. But on 15 May Townshend resigned office, and the choice of Harrington to succeed him made the cabinet unanimous in a desire to draw closer to the emperor. For some weeks after this event there was some discussion between Sir Robert Walpole and the duke of Newcastle and Horace Walpole before any overt proposals were made to the emperor. Horace Walpole, whose opinion carried great weight, still held Lord Townshend's view that it would be impolitic to make a treaty of alliance with the emperor, chiefly on the ground that it would put us into his power and make him think that we were afraid of him, while we should be cutting ourselves adrift from France before we had secured an ally to take her place.¹¹⁶ However on September 25, all opposition having now been silenced, Thomas Robinson, our envoy at Vienna, was instructed to open a formal negotiation for a treaty of alliance with the emperor, on the basis of England's recognition of the Pragmatic Sanction and the emperor's allowing the introduction of Spanish garrisons into Italy;¹¹⁷ and the negotiation was to be shared with the Dutch and Hanoverian ministers.

The emperor on his side was by no means indisposed to enter into negotiations. The treaty of Seville had left him isolated from all the great powers, and the loss of all further hope of a subsidy from Spain rendered his financial position extremely precarious,¹¹⁸ so that the huge armaments he was obliged to keep up in Germany

¹¹⁵ See above, pp. 322 *seq.*

¹¹⁶ Coxe, *Walpole*, iii. 15, 20, 27.

¹¹⁷ *Ibid.* p. 33.

¹¹⁸ *Ibid.* p. 119.

ever since the treaty of Utrecht, was, for a time at least, secured. Spain had obtained for a Spanish prince the footing in Italy for which she had sacrificed so many men and tried so many alliances: the emperor had regained his natural alliance with the maritime powers and had procured the only guarantee to the Pragmatic Sanction which was to prove effective when the time came for the guarantees so freely given to be put to the proof: England, for her part, was content with the declaration made by the Spanish and English commissaries on 8 Feb. 1732, by which reparation was granted by Spain for damages done; English traders were secured from molestation in their business, and Spanish governors were required to take security from *guardacostas* that they would not indulge in acts of piracy.¹³² France was the only power which seemed to be left out in the cold. On the news of the treaty of Vienna, and still more of the agreement between England, the emperor, and Spain, the French ministers began to talk of their friendship with England as being at an end,¹³³ and for a few months the English ministry were seriously alarmed at the prospect of French designs on England; Jacobite intrigues were said to be on the increase in France,¹³⁴ French troops were reported to be concentrating at Dunkirk,¹³⁵ and the activity of French naval preparations caused anxiety.¹³⁶ However all this alarm, if there was any cause for it, resulted in nothing, and the alliance between England and France, though not so cordial as formerly, suffered no open breach. Besides France soon found compensation for any wound to her dignity which she may have suffered by the discovery of Spain's ingratitude to England and the strict family alliance upon which she subsequently entered with Spain.

The question arises whether Walpole was right in thinking that the reasons which had hitherto prevented a renewal of the traditional alliance between England and the emperor were now really removed. Foremost among these reasons had been the attempt by the emperor to create a commercial centre at Ostend which threatened the privileges of English and Dutch trade. Now, however, by the second treaty of Vienna it was definitely abandoned. Other causes of offence were the emperor's obstinacy in keeping back the investiture of Bremen and Verden and his sudden edict about Mecklenburg: these matters, however, though in some measure affecting the English system of alliances, were chiefly the concern of Hanover, and there seemed no insuperable reason why a *modus vivendi* should not be come to about them. There were, however, three considerations which, though not perhaps so prominent in the thoughts of contemporary statesmen, are of importance

¹³² Add. MS. 33006, ff. 492-505.

¹³³ Add. MSS. 32772, f. 237; 32774, ff. 164, 200, 229. ¹³⁴ Add. MS. 32772, ff. 181, 192.

¹³⁵ Add. MS. 32773, f. 371.

¹³⁶ Add. MS. 32776, f. 199.

archduchess married a Bourbon prince, while it was expressly stipulated that the mutual guarantee of possessions usual in such treaties should not apply to an attack by the Turks on the emperor. A few months later, as usual, the Dutch acceded to the treaty.

The success of the treaty in its primary object of getting the Spanish garrisons into Italy was almost immediate. England sent off a copy of the treaty to Spain, and on the strength of the enormous benefit thereby acquired by Spain demanded satisfaction for all outstanding trade disputes and a renewal of the treaty of Seville.¹²⁵ Spain no doubt was urged to this course less by gratitude than by the fact that the duke of Parma had recently died, and the emperor had immediately poured troops into the duchy to protect the interests of his widow. This lady, perhaps at the emperor's suggestion, had announced the almost incredible news that she was pregnant by her late husband, whose state of infirmity was notorious. However her word could not be doubted, as she wrote to the sovereigns of Europe enclosing a detailed report of five midwives on her condition.¹²⁶ This farce continued till August, but it had the result of stirring Spain to serious measures for her own protection. In June Castelar's declaration was revoked, and the treaty of Seville renewed, when it had become clear that the garrisons would only be obtained from the emperor through England, for Spain alone could offer him nothing;¹²⁷ and in July another treaty was signed at Vienna between England, Spain, and the emperor, by which Don Carlos's rights were confirmed and the garrisons agreed to.¹²⁸ In the same month Spain made an agreement with the grand duke of Tuscany, by which his opposition was removed,¹²⁹ and then, as nothing further stood in the way, Don Carlos and the 6,000 Spanish troops were ceremoniously escorted over to Italy by an English and Spanish fleet. Even after this consummation had been arrived at it seemed impossible for the insatiable rapacity of the Spanish court and the punctilio of the imperial chancery to avoid chicanery about minor points. At first there was a dispute about the number of troops introduced by Spain, but in this the emperor was proved to be wrong;¹³⁰ then a question arose on what terms the emperor would grant Don Carlos his investiture and dispense him from his minority, and there was considerable disgust expressed at Vienna because Don Carlos had assumed the title of hereditary prince of Tuscany without the emperor's leave.¹³¹ However the main point was that Don Carlos was settled in Italy, and once there it soon became apparent that he could not be turned out.

Thus by this treaty between England and the emperor the settlement of Europe, which had been the object of so much dispute

¹²⁵ Add. MS. 32772, f. 121.

¹²⁶ Add. MS. 32773, f. 5.

¹²⁷ *Ibid.* f. 118.

¹²⁸ Add. MS. 32774, f. 1.

¹²⁹ *Ibid.* f. 108.

¹³⁰ Add. MS. 32776, ff. 290, 410.

¹³¹ Add. MSS. 32776, f. 222; 33006, ff. 492-505.

ever since the treaty of Utrecht, was, for a time at least, secured. Spain had obtained for a Spanish prince the footing in Italy for which she had sacrificed so many men and tried so many alliances: the emperor had regained his natural alliance with the maritime powers and had procured the only guarantee to the Pragmatic Sanction which was to prove effective when the time came for the guarantees so freely given to be put to the proof: England, for her part, was content with the declaration made by the Spanish and English commissaries on 8 Feb. 1732, by which reparation was granted by Spain for damages done; English traders were secured from molestation in their business, and Spanish governors were required to take security from *guardacostas* that they would not indulge in acts of piracy.¹³² France was the only power which seemed to be left out in the cold. On the news of the treaty of Vienna, and still more of the agreement between England, the emperor, and Spain, the French ministers began to talk of their friendship with England as being at an end,¹³³ and for a few months the English ministry were seriously alarmed at the prospect of French designs on England; Jacobite intrigues were said to be on the increase in France,¹³⁴ French troops were reported to be concentrating at Dunkirk,¹³⁵ and the activity of French naval preparations caused anxiety.¹³⁶ However all this alarm, if there was any cause for it, resulted in nothing, and the alliance between England and France, though not so cordial as formerly, suffered no open breach. Besides France soon found compensation for any wound to her dignity which she may have suffered by the discovery of Spain's ingratitude to England and the strict family alliance upon which she subsequently entered with Spain.

The question arises whether Walpole was right in thinking that the reasons which had hitherto prevented a renewal of the traditional alliance between England and the emperor were now really removed. Foremost among these reasons had been the attempt by the emperor to create a commercial centre at Ostend which threatened the privileges of English and Dutch trade. Now, however, by the second treaty of Vienna it was definitely abandoned. Other causes of offence were the emperor's obstinacy in keeping back the investiture of Bremen and Verden and his sudden edict about Mecklenburg: these matters, however, though in some measure affecting the English system of alliances, were chiefly the concern of Hanover, and there seemed no insuperable reason why a *modus vivendi* should not be come to about them. There were, however, three considerations which, though not perhaps so prominent in the thoughts of contemporary statesmen, are of importance

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¹³⁵ Add. MS. 32773, f. 371.

¹³⁶ Add. MS. 32776, f. 199.

in weighing the balance of advantage in this change of policy. The first of these is the consistent support which the emperor had recently been giving to the rising power of Prussia; at the time the king's resentment at this seemed due to nothing much more than personal pique between George II and his brother-in-law Frederick William, but subsequent history amply proved that the growth of Prussia was a matter not to be lost sight of in German affairs. The second consideration was that an alliance with the emperor, especially if it involved a guarantee of the Pragmatic Sanction, might mean that England would find herself obliged to take an active part in continental affairs and in quarrels of the emperor's, in which she was neither deeply interested nor particularly qualified from her insular position to engage. Thirdly it was perfectly obvious to Sir Robert Walpole as well as to his brother that an alliance with the emperor would sooner or later mean a dissolution of the alliance with France.

Now, to take the last and the most important point first, there would have been much more hesitation about entering into a negotiation with the emperor if there had been no indications that the alliance with France was wearing itself out for reasons entirely disconnected with the prospect of an Anglo-imperial alliance. The duke of Newcastle, in a remarkable letter addressed privately to Horace Walpole in August 1730,¹³⁷ shows a clear appreciation of the fact that the actual system of alliance must come to an end, as France is doing all she can to thwart us. 'The cardinal,' he continues, 'is not dead, but dead to us. Another spirit governs him . . . [and] y^e whole spirit & secret Direction of every measure [is] in direct opposition to us, as if we were actually broke;' and he goes on to say that the general conflagration of Europe, which France wants to bring about, would be worse than a guarantee of the Pragmatic Sanction, as, after starting a war over the treaty of *équilibre*, she meant to leave us in the lurch. Some of the causes of this growing estrangement have been noticed as they arose, but it may be as well to summarise them all at this turning point of history. Personal reasons entered for something into the account. Chauvelin since his active participation in affairs had thrown into the scale all his influence against England, and had clearly shown that he intended to liberate France from the trammels imposed by the union; on the other hand Horace Walpole, who had been one of the mainstays of the alliance both by his great influence over the cardinal and by his sincere conviction that a continuation of the present system was the only safe policy for England, finally gave up his post of ambassador at Paris in the autumn of 1730, and was replaced by the excellent Lord Waldegrave, who carried out his orders with great zeal, but had no capacity for initiative. Horace Walpole

¹³⁷ Add. MS. 32769, f. 143.

had till the very end argued against taking 'a desperate leap in the dark' and giving up a friendship which had been so useful for differences which he thought trifling,¹³⁸ but when he left there was nobody to carry on his views. And the fact was that the differences between the two powers were no longer trifling or merely personal.

The affair of Dunkirk, referred to above,¹³⁹ was one of the most potent factors in provoking the annoyance of the English ministry, not so much on account of its intrinsic importance as of the trouble which it gave them in parliament. At the beginning of 1730, for example, Colonel Armstrong, who had only just been sent out to settle about military operations, was recalled post haste from Paris to give the house of commons an account of the proceedings at Dunkirk;¹⁴⁰ and the ministry had to sustain a warm attack from the opposition on the subject.¹⁴¹ The French became equally annoyed at having the question constantly brought up on the threat of the English parliament's displeasure, and Chauvelin was finally moved to say that he would no longer be bullied in the matter by such a menace hanging over his head.¹⁴² Moreover the affair of Dunkirk was only part of the larger difficulty concerning the relations of English and French trade. French merchants saw much sooner than their government that France was only playing England's game by the active support she gave to England's commercial privileges in Spain. This is apparent from an interesting memoir presented by French merchants to their government in 1728 about the grievances of French trade with Spain; in the third part of the memoir 'Sur les Abus que les Anglais font du Traité de l'Assiento'¹⁴³ it is complained—

1. That all other nations are excluded, because the English can sell their goods 40 per cent. cheaper, owing to their privilege of being able to take most of their goods direct to London on English ships, while all French merchandise has to go through Cadiz and pay Spanish dues both ways.

2. That the English act unfairly (*a*) in taking merchandise on the slave ships, contrary to treaty, (*b*) in constantly filling up the annual ships of 500 tons burthen with tenders purporting to bring provisions, *ce qui fait que le vaisseau ne désemplit jamais*.

They conclude by recommending that the Assiento treaty should be repudiated by Spain with the help of France, or that if that cannot be done Spain should be encouraged by France to be stricter about the treaty. Besides, the activity of the English fleet in the West Indies had put obstacles in the way of their commerce, and there are even cases mentioned in the Newcastle correspondence of active intervention with French traders by English ships.

¹³⁸ Cf. Add. MS. 32769 ff. 257, 306.

¹⁴⁰ Add. MS. 32765, f. 361.

¹⁴² Add. MS. 32771, f. 47.

¹³⁹ See above, pp. 311 *seq.*

¹⁴¹ Coxe, *Walpole*, ii. 669.

¹⁴³ Add. MS. 32759, f. 161 b *seqq.*

Several other questions, not important in themselves, but adding to the fuel of resentment, were also cropping up. In 1728 the harbinger of future wars appears in a dispute between English and French colonists on the borders of Canada as to the building of forts.¹⁴⁴ In 1730 a contention arose between the English and French governments as to the ownership of the West Indian islands of St. Vincent, Dominica, and St. Lucia. The question of St. Lucia gave some trouble, and finally it was agreed by both parties to evacuate the island until commissioners had decided on the ownership.¹⁴⁵ In the same year the king of France asked for leave to send French officers over to Ireland to recruit for his Irish regiment: ¹⁴⁶ such recruiting, though naturally not legal, was sometimes winked at by the English government, but it often led to abuses which had to be hushed up or redressed. On the present occasion leave was given by the English government on promise of a compliance with their requirements about Dunkirk, but this raised such an outcry from the opposition in England that the leave had to be withdrawn soon afterwards.¹⁴⁷ However the French indemnified themselves by employing secret agents to decoy Englishmen over to France and there enrol them. Thus in 1731 twenty-two English labourers were kidnapped for the purpose, one of whom writes a curious letter to his wife describing how he was entrapped, and begging her to apply 'to the Duke of Argyle & the Quality & to the Parish' to obtain his release, and in the following year another case is mentioned: in both instances serious protests had to be made by England.¹⁴⁸

Nations, however, rarely fail to settle isolated points of difference like most of those mentioned above unless there is a serious divergence in their general political outlook. France, it has been seen, as represented by Chauvelin was anxious either not to assist the introduction of Spanish garrisons into Italy or, if she did, to raise such a serious war that the emperor might be obliged to evacuate his Italian possessions altogether. Now England was determined that Spain should be satisfied according to the treaty, in order to safeguard her own commercial advantages, and at the same time she was equally determined to leave the emperor with his possessions in the north of Italy untouched. Sicily might go; it was not a source of strength to the emperor, rather the reverse; but if he were entirely turned out of Italy the Bourbons would become altogether too powerful and the emperor unduly weakened. This view naturally led to the conclusion that it was no great sacrifice for England to guarantee the Pragmatic Sanction. It was perfectly

¹⁴⁴ Add. MS. 32756, f. 423.

¹⁴⁵ Add. MSS. 32765, f. 171; 32766, ff. 50, 52, 326; 32770, f. 52.

¹⁴⁶ Add. MS. 32769, f. 255.

¹⁴⁷ Add. MSS. 32769, ff. 306, 324; 32770, ff. 112, 120, 210.

¹⁴⁸ Add. MS. 32774, f. 176; 32777, f. 112.

true that it might lead us into engagements somewhat onerous with the emperor ; but while it would be an almost impossible position for us to be bound to support the emperor in his quarrels while we were in alliance with France, as those two powers seemed always likely to have incompatible aims, this very reason made it advantageous for us to have an alliance with him if our friendship with France was to come to an end. It would be very difficult for us to fight against France allied to Spain unless her attention was diverted in Germany by some considerable power like the emperor on our side. For this reason the continental complications which this guarantee might entail on England were less to be feared. In spite of it we were able to avoid being dragged into the Polish war, and when the war of the Austrian succession was begun our national interest far more than any engagements as to the Pragmatic Sanction led to our participation in it. As to the danger from Prussia, our alliance with the emperor was useful in averting it. It is true that the emperor had recently been supporting Prussia, but the imperial chancery felt no scruples about deserting a friend who had become unnecessary, and the king of Prussia immediately began to feel the effects of the treaty in the coldness of Vienna.¹⁴⁹ By refusing to guarantee the Pragmatic Sanction, and by running the risk that all the Habsburg possessions should become split up among various claimants, the power of Prussia would have become enormously increased and might have proved a serious danger to England.

As far as it may be possible to judge absolutely of any event in history the change in English foreign policy, which was more implied than expressed in the treaty of Vienna, was justified. It came at the right moment, when the friendship of France was cooling and there seemed no reasonable prospect of warming it up into life again. Moreover the alliance had served its turn in gaining for England a respite from Spanish opposition to her trade long enough to give the trade vigour, and at the same time the alliance was not so dead that England was forced to make unfavourable terms to gain a new friend in Europe. It saved England from possible complications on behalf of France in the Polish war, and at the same time did not drag her into it for the sake of the emperor. It secured a settlement of pending questions in Europe, which, though not final, as no political settlement can be, at any rate made clearer to the chief powers concerned the more direct objects of their policy, especially with respect to Italy. It was beyond all things a thoroughly English alliance, and the fact that in order to secure it electoral points were given up proves that this was even the intention of its framers.

BASIL WILLIAMS.

¹⁴⁹ Coxe, *Walpole*, iii, 115.

Europe and the Ottoman Power before the Nineteenth Century

THE near Eastern question may be defined as the problem of filling up the vacuum created by the gradual disappearance of the Turkish empire from Europe. Its history, therefore, may be said to begin at the moment when that empire, having attained its zenith, commenced to decline. The European dominions of Turkey reached their greatest extent in the latter half of the seventeenth century, when 'the great Greek island' of Crete, as the modern Hellenes love to call it, at last surrendered to the Turkish forces, and the king of Poland ceded Podolia to the sultan. But the close of that same century witnessed the shrinkage of the Turkish frontiers. The peace of Karlovitz in 1699 has been justly called 'the first dismemberment of the Ottoman empire.'¹ It was the initial step in the historical process which has slowly but surely gone on ever since. The eighteenth century saw the continuation of the work begun at Karlovitz, though now and again the Turkish dominions gained some temporary advantage, and European statesmen anticipated the dismemberment of the sultan's European possessions and formed schemes for the partition of the spoil.

At the beginning of the nineteenth century there were only four great European powers, instead of six, directly interested in the Eastern question, for Italy was not yet made and Prussia was only of the second rank, while Venice had ceased to exist. Of these four, France, Russia, Austria, and England, the first had been for centuries the traditional ally of the sultans.² Francis I, who had begun his reign by proposing, as so many sovereigns have done since, the partition of Turkey, was the founder of this alliance, which, with occasional intervals of anti-Turkish feeling, was the fixed policy of his successors. In spite of the scandal caused to devout catholics by this union of France, 'the eldest daughter of the church,' with the head of the infidel Turks, Francis found it politic to use Suleyman the Magnificent as an ally in his struggle with the house of Austria,

¹ La Jonquière, *Histoire de l'Empire Ottoman*, p. 345.

² La Jonquière, pp. 222, 235-8, 245, 249, 251, 298, 318-20, 325, 327, 334, 336, 360, 363; Driault, *La Question d'Orient*, pp. 29-30, 41, 48-50.

the historic rival of the French monarchy. The power and geographical position of Turkey at that period, its naval forces and the requirements of French trade in the Levant, were all strong arguments, which outweighed any crusading instincts of the astute French king, just as in our own day we have seen the German emperor champion the Turkish cause in the interests of German commerce. Together the French and Ottoman fleets bombarded Nice, while Toulon served as the Turkish base of operations. By the capitulations of 1535, which were the most practical result of the Franco-Turkish alliance, the French received permission to trade in all the Ottoman ports—a privilege conceded to the vessels of other nations only on condition of flying the French flag. French subjects, residing in Turkey, were permitted the free exercise of their religion, and the custody of the holy places was entrusted to French catholics. Henry II carried on the friendly policy of his father, and concluded a treaty with Suleyman, the object of which was to secure the co-operation of the Turkish fleet against the house of Austria. For a time the alliance ceased to be aggressive, but at the beginning of the seventeenth century French influence was predominant at Constantinople, the capitulations were renewed in 1604, and all nations except the English and the Venetians were compelled to seek the protection, and trade under the flag, of France in the Levant. But the capitulations of 1604 mark in this respect a change from those of 1535. France now had powerful rivals in the East; England, Venice, and Holland exercised a competing influence on the Bosphorus, and in 1634 the Greeks assumed the custody of the holy places, thus foreshadowing the conflict, which two centuries later led to the Crimean war. The French began to turn against the Turks; the plan of a new crusade was drawn up by a French priest; a 'sure means of destroying' the Ottoman empire was published by a French diplomatist. At the battle of St. Gothard in 1664, French troops assisted the Austrians to beat the Turks; during the siege of Candia French men-of-war brought aid to the Venetians, and the monument of the French commander, the duc de Beaufort, may still be seen outside the walls of that town. In fact, Louis XIV, though he tried to prevent Sobieski from saving Vienna, was hostile to the Turkish empire. His fleets entered the Dardanelles, and he obtained in 1673 new capitulations, recognising him as the sole protector of the eastern catholics.

In the eighteenth century, the old friendly relations were resumed, and Turkey, menaced by Austria and Russia and already declining in force, was glad to avail herself of the good offices of France. The French ambassador at the time of the peace of Belgrade, by checkmating Austria, saved Serbia to Turkey for three generations, and his influence was such that he became a sort of 'grand-vizier of the Christians.' The capitulations of 1740, com-

pleting those of 1673, were the reward of French assistance, and remain at the present day a memorial of the Marquis de Ville-neuve's diplomatic success. Numbers of French officers endeavoured, like the Germans to-day, to reform the Turkish army, and Bonneval and Baron de Tott worked hard in the Turkish cause. But the treaty of Kutchuk-Kainardji ('the little fountain') ruined French influence, and substituted for it that of Russia; and the French revolution prevented France from taking an active part in eastern affairs, though indirectly by means of French *émigrés*, who found their way to the Orient, it spread a knowledge of the French language and French customs.³ Soon the Ottoman dominions felt the weight of Bonaparte's influence. 'It is no use for us,' he wrote to the Directory, 'to try to maintain the Turkish empire; we shall witness its fall in our time.' The treaty of Campo-Formio in 1797 made France the near neighbour of the sultan by putting her in possession of the Ionian Islands—'more interesting to us than all Italy put together,' as Bonaparte said—and of their dependencies on the mainland, Butrinto, Gomenitza, Parga, Prevesa, and Vonitza. The great French conqueror paid special attention to the Greeks, and two emissaries of the French government in Greece, who were sent on one of those semi-scientific, semi-political missions, dear to modern foreign offices, spread his fame in the Peloponnesos. A legend grew up around the victorious general: Greek philologists discovered that his name was merely an Italian translation of two Greek words (*κάλο μέρος*) and that he must therefore be descended from the imperial family of the Kalomeri Porphyrogeniti,⁴ whose glories he was destined to renew; Greek historians, remembering the emigration of the Maïnotes to Corsica more than a century earlier, boldly proclaimed him as the offspring of one of those Spartan families, and the women of Maïna kept a lamp lighted before his portrait, 'as before that of the Virgin.' The idea of a restoration of the Byzantine empire with his aid became general among the Greeks, and Bonaparte was regarded as a deliverer of the Hellenic race. Not content with organising the Ionian Islands as 'the departments of Coreyra, Ithaca, and the Ægean Sea,'⁵ the French government founded in the two Danubian principalities, where the Greek element was predominant, two consulates, one at Bucharest, the other at Jassy, thus reviving an idea of Catherine de Médicis, who had once meditated colonising the principalities with Huguenots,⁶ in order to create French industries and influence in the east. The Egyptian expedition of Bonaparte at last caused the sultan to declare war against France, his traditional ally, and

³ Eliade, *De l'Influence française sur l'Esprit public en Roumanie*, pp. 261-76.

⁴ *Ibid.* pp. 200-1, 232. ⁵ Rodocanachi, *Bonaparte et les Isles ioniennes*, pp. 63-4.

⁶ Eliade, p. 210.

to ally himself with Russia, his traditional enemy. Russia was alarmed at the success of the French propaganda among the Greeks, and desirous that a strong French protectorate over the Christians of Turkey should not rise up as a barrier to her own schemes. England, engaged in a life-and-death struggle with France, joined the Russo-Turkish alliance, and the natural result was the loss of French possessions and the destruction of French trade in the east. The Ionian Islands were occupied by the Russians and Turks; the French commercial houses in the Levant were ruined. France, therefore, at the beginning of the nineteenth century, was no longer the upholder of the Ottoman empire. Bonaparte had, by his erratic genius, reversed her secular policy, and forced Russia, in self-defence, to defend the Turk.

But Ottoman statesmen could have no illusions as to the ultimate aims of the northern power. For generations Russia and Turkey had been rivals, and a series of Russo-Turkish wars had been chronicled even before the nineteenth century added four more to their number. By a curious anticipation of modern history, it was in the Crimea that the two nations first came into contact.⁷ A quarter of a century after the capture of Constantinople, Mohammed II claimed the suzerainty of the Crim Tartars, whose prince was the ally of the ruler of Moscow. The Russian merchants at Kaffa and Azov were now brought into relations with the Turkish authorities, and their grievances occasioned the despatch of the first Russian embassy to Constantinople in 1495. Other Russian embassies followed, and for a long time pacific relations were maintained between the two governments. But the raids of the Tartars into Russian territory and the vengeance exacted by Russian hordes caused considerable friction, and at last in 1569 the first armed conflict took place between troops of the two states. It is curious to find western powers urging on the Russians at that period to drive the Turks out of Europe, and already recognising Russia as the natural protector of the Eastern Christians, while the fear of Russia's growing strength was felt in Turkey alone. No western statesman seems to have suspected at that moment that Russia on the Bosphorus would be a menace to Europe, but even the sultans, at that time in all their glory, hesitated to retaliate on a power which might, they thought, have proved too strong for them even then. It was not for another century that a formal war broke out between the rivals, in consequence of the Turkish acquisition of Podolia, which seemed to threaten Russian interest. The result was an increase of Russian territory at Kiev and the desire for further gains. Even as early as this, too, the tsar posed as the guardian of religious interests by obtaining a safe-conduct for Russian pilgrims on their way to Jerusalem. The

⁷ Kállay, *Geschichte der Serben*, ii. 48-80.

political and theological aims of Russia thus became inextricably mixed, just as the missionary has been to other nations the pioneer of the soldier.

Peter the Great gave a great impetus to the anti-Turkish policy of Russia. His capture of Azov was not permanent any more than the free use of the Black Sea for his new navy; but it was he who sent the first Russian man-of-war to the Bosphorus: though its mission was pacific, it was a sign of the future. Equally significant were the beginnings of Russian intrigues in the two Danubian principalities, whose princes corresponded with the tsar, and his proclamation to the Greeks,⁸ to whom he foretold the approaching restoration of the Byzantine empire. The holy war, which broke out between Russia and Turkey and was concluded by the treaty of the Pruth in 1711, was a proof, like so many of its successors, of the military strength of even a politically feeble empire. The humiliating terms of that treaty, which imposed the retrocession of Azov to Turkey and the suppression of the Russian embassy at Constantinople, were, however, modified a few years later, and a permanent embassy was re-established in the Turkish capital. It is worth noticing that on this occasion the influence of England was, for the first time, used against Russia. Since the formation of the Russian navy, the English Levant Company, which, in the beginning of the eighteenth century, had all the trade of the near east in its hands, had become alarmed at the rivalry of Russian merchants, and the English ambassador at Constantinople, in opposing for this reason the return of his Russian colleague, drew the attention of the Porte to the dangers of a political and religious propaganda by Russian agents among the sultan's Christian subjects. Having gained her point in regard to her embassy, Russia went on with characteristic tenacity of purpose to recover her lost foothold at Azov; and despite the efforts of England and Holland,⁹ united in their opposition to further development of Russian trade in the east, again declared war against the sultan in 1736, and again occupied Moldavia. By the peace of Belgrade she regained Azov, but only on condition that its fortifications were destroyed, that no Russian man-of-war should enter the sea of that name or the Euxine, and that all the Russian Black Sea trade should be carried in Turkish bottoms. A lull in the eastern question followed, for the great powers were busy elsewhere.

The accession of Catherine II revived the plans of Peter the Great. Russian agents were sent to stir up the Greeks and Montenegrins, war broke out in 1768, and a Russian fleet, largely officered by Englishmen, was despatched to the Peloponnesos, and at one

⁸ Xénopol, *Histoire des Roumains*, ii. 124 et seqq.; Finlay, *History of Greece*, v. 246.

⁹ Xénopol, ii. 200.

moment threatened Constantinople itself. But the greatest triumph of this war was the memorable treaty which concluded it. The obscure Bulgarian village of Kutchuk-Kainardji, where this instrument was signed, has given its name to one of the most stupendous acts of Turkish folly. It was not so much the territorial losses of Turkey that mattered, though Russia's retention of Azov, Kinburn, Kertch, and Yeni-Kalé gave her the means of dominating the Black Sea, which her ships were now allowed to navigate, while her guardianship of the Crimean Mussulmans¹⁰ naturally foreshadowed their absorption in her empire nine years later. The really fatal clauses of the treaty were those which gave her the right of making representations on behalf of the Greek church in Turkey and of 'speaking in favour of the Rumanian principalities,' which furnished pretexts for constant interference in the internal affairs of the Ottoman dominions. The convention of Ainali-Kavak in 1779 confirmed the provisions of that treaty, and stipulated that the tribute which the two Danubian principalities had to pay to the Porte 'should be imposed with moderation and humanity,'¹¹ an arrangement which did not prevent the Russian ambassador at Constantinople from demanding, no less than the Turkish government, ample pecuniary proof of the fitness for office of the candidates for the two Danubian thrones. Against the wishes of the Turks, a Russian consulate was now established at Bucharest, as a centre of intrigue, and we find the Prussian consul at Jassy soon complaining¹² that these agents were 'put everywhere, without any necessity, perhaps to win over the inhabitants.' Russia had, indeed, supplanted France as the oracle of the Porte, and had taught the Eastern Christians to look to her for protection against their sovereign. The grand-duke Constantine was educated to be the emperor of a new Greek empire; and Catherine II received a memorial from a Greek deputation. By the peace of Jassy in 1792, which closed the next war between the Russians and the Turks, the former, in spite of the threatened opposition of England and Prussia, moved their frontier up to the Dniester. This was the last dispute between the two rivals in the eighteenth century, and, as we have seen, the close of that period witnessed their temporary alliance in order to defeat the ambitious schemes of Bonaparte in the east.

Austria, now the chief competitor of Russia in the Balkan peninsula, was early brought into hostile contact with the advancing Turkish armies. In the fifteenth century the Turks began their attacks on the Hungarians, who were at that period the

¹⁰ Sorel, *La Question d'Orient au XVIII^e Siècle*, p. 262.

¹¹ Xénopol, ii. 249.

¹² See my review of the Rumanian *Documente*, x., *ante*, vol. xiv. 376.

vanguard of Christendom against the Moslem. A century later Budapest was captured and remained, together with the greater part of Hungary, under Turkish rule for about 150 years. But the close of the seventeenth century marked the retreat of the Ottoman armies from Hungarian soil. After the defeat of the Turks before Vienna and the emancipation of Budapest frequent Austrian expeditions invaded Bosnia, over which the Hungarian crown possessed old historic rights, while an Austrian force captured Vidin in Bulgaria and Nish in Serbia, and penetrated into Macedonia as far as Uskub, where Stephen Dushan had fixed the capital of the medieval Serbian empire. Prince Eugene made in 1697 his memorable march to Sarajevo along the same route that was afterwards followed by the army of occupation in 1878. 'Yet another campaign,' said a Turkish statesman, on hearing that Macedonia was invaded, 'and the Austrians will be under the walls of Stambúl.' But these feats of arms were without permanent results, and Uskub is the furthest point on the road to Salonica that an Austrian army has ever reached. The peace of Karlovitz, however, finally excluded the Turks from Hungary (except the *Banat* of Temesvár, which they abandoned nineteen years later), gave Transylvania to Austria, and effected a complete change in the relations between that power and the Turks. Austria had hitherto regarded the Turk as an aggressive enemy to be repulsed; she henceforth looked upon him either as a weak foe to be attacked or as a bulwark, to be strengthened at need, against the advance of Russia, in whom she saw a rival in the east all the more dangerous because there were many Slav subjects of Austria, who might be attracted by the Russian national and religious propaganda.¹³

The eighteenth century furnishes examples of all these three points of view. Sometimes, Austria was mainly actuated by the desire for Turkish territory, and then she was willing to avail herself of Russian aid, even at the risk of Russian aggrandisement. This was the case in the war of 1736-39, when the Austrian and Russian armies were united against the Turks; in the projected partition of Turkey between Catherine II and Joseph II, which awarded the Crimea to the former and Bosnia and the Herzegovina to the latter; and in the war of 1787-91, when once again the two states were allies, and the Turks their common foes. But it is a curious fact that, whenever this policy has been pursued by Austria, her successes have been much less than when she attacked Turkey single-handed. Whereas the result of the Austro-Turkish war, which was ended by the peace of Passarowitz, was to give part of Serbia, North Bosnia, and Little Wallachia, as well as the *Banat*, to Austria, her co-operation with Russia in 1736 cost her all her

¹³ Sorel, pp. 36-7.

gains south of the Danube and Little Wallachia, while the alliance of 1787 brought her nothing more than the town of Orsova and two small places on the Croatian frontier. On the other hand, during the Russo-Turkish war which was ended by the treaty of Kutchuk-Kainardji, Austria proposed a secret treaty with Turkey, as soon as she saw that the Russians were becoming too successful. As the reward of her services, she was to receive once more Little Wallachia, and when Russia, in alarm, concluded peace, another Rumanian province, the Bukovina, became, and has ever since remained, Austrian. At this period the Austrian diplomatist, Thugut, believed the fall of Turkey to be at hand, and designated the two Danubian principalities as his country's share of the spoil. An Austrian consul was accordingly placed there to counteract the schemes of his Russian colleague. But the French revolution and the death of Joseph II saved by an accident, as has so often been the case since, the life of the 'sick man,' and diverted the attention of Austrian statesmen from the east to the west.

But the eighteenth century had done much to shape the course of Austrian policy in the regions of the Balkans. The twenty-one years' Austrian occupation of Little Wallachia, a large portion of what is now Serbia, and a slice of North Bosnia, between 1718 and 1739, was the beginning of that movement which has been resumed in so striking a manner in our own time. Austria then became an important factor in the Eastern question, and undertook, though only temporarily, that duty for which destiny seems to have marked her out. The effects of those twenty-one years of European civilisation were not wholly lost on the peoples who were put back under Turkish sway by the treaty of Belgrade. While the Austrian rule was unpopular among the Rumanians of Little Wallachia owing to its insistence upon the regular payment of taxes,¹⁴ the Serbs of Turkey henceforth regarded Austria as the only power which, under existing conditions, could set them free. Numbers of their ancestors had settled in Hungary after the downfall of Servian independence in the fifteenth century,¹⁵ and two Serb patriarchs of Ipek, accompanied by thousands of their flock, had more recently followed that example by migrating thither. The Hungarian Serbs were among the most brilliant soldiers of Prince Eugene, and at the outbreak of every fresh Austro-Turkish war their brethren in Serbia took up arms on the Austrian side.¹⁶ A Serb poet hailed Joseph II as 'the protector of the Serb race,' and the Serb leaders bitterly reproached his successor for making peace with Turkey in 1791. Nor can we be surprised at their regrets.

¹⁴ Xénopol, ii. 202-7.

¹⁵ For their history see Coquelle, *Le Royaume de Serbie*, pp. 137-85.

¹⁶ Kállay, i. 173-4, 226-7.

For the first time since the Turkish conquest, Servia had shown signs of material progress during the two brief decades of the previous Austrian occupation, and they naturally hoped that this time Austria would not retire beyond the Danube and the Save. Knowing little of Western politics, they could not understand why the power which had taken Belgrade and entered Bosnia should make peace on the most modest terms.¹⁷ But the last decade of the century gave Austria a further foothold in the near east. Just as the same year that had witnessed the disappearance of Venice from the Peloponnesos witnessed also the first appearance of Austria as a Balkan state, so the same year that saw the death of the republic of St. Mark saw too the assumption of her heritage on the Adriatic by the Habsburgs. The treaty of Campo-Formio in 1797, which handed over the Dalmatian possessions of Venice to Austria, substituted a strong power for a declining one as the neighbour of Turkey and Montenegro, and indicated to the anxious sultan that the state which had thus annexed the Illyrian coastline would probably one day occupy the Bosnian territory behind it.

England was not, like Russia and Austria, the territorial neighbour of Turkey; but, even before the foundation of her Indian empire, she had interests in the east, owing to her large Levant trade. As early as the beginning of the sixteenth century a Levantine was named English consul at Chios; in 1520 the first English consul was appointed to Crete.¹⁸ Elizabeth gained free trading facilities for her subjects in the Turkish dominions, who had previously carried on their commerce with the near east in the 'argosies' of the Ragusan republic, then the greatest mercantile community of the Balkan Peninsula.¹⁹ It is said that the origin of our trade in the Levant in ships of our own was a petty quarrel concerning the duty on currants; but, whatever the cause, the interest of England in the affairs of Turkey was primarily commercial, and down to the beginning of the nineteenth century English influence in that part of the world was almost entirely due to 'the Company of Merchants of the Levant,' who received letters patent from Elizabeth in 1581. It was in the following year, on the first of the company's ships that sailed to Constantinople, that William Harebone went out as the first English ambassador to the sultan. Like all his successors in that post down to 1803, he was appointed and paid, not by the English government, but by the company,²⁰ and his chief duty was to develop English trade. At the same time, he was instructed to obtain the sultan's support against the 'idolatrous' Spaniards, for the Spanish Armada was soon to

¹⁷ Ranke, *Serbien und die Türkei im neunzehnten Jahrhundert*, p. 35.

¹⁸ Mr. E. Pears in this Review, vol. viii. 440.

¹⁹ Jackson, *Dalmatia, the Quarnero, and Istria*, ii. 302; Jireček, *Geschichte der Bulgaren*, p. 460.

²⁰ J. T. Bent in this Review, vol. v. 654-64.

descend upon our shores. This admixture of commerce, politics, and religion was eminently characteristic of English statecraft, and the ambassador did not neglect any part of his instructions. He began at once to appoint more consuls, and both he and his successor, Sir Edward Barton, used ingenious theological arguments to prejudice the sultan's advisers against Spain. The Turks admitted that there could not be much difference between their own religious views and those of Giaours who excluded images and pictures from their churches.²¹ But Spain had the riches of the New World at her back, and no help was sent by the Turks, though Barton was so popular with the sultan that he accompanied him to the war in Hungary.²²

James I confirmed the company in its monopoly, and in spite of the insolence with which Christians were treated by the Turks in the middle of the seventeenth century, English ships visited Greece; and a Mussulman once observed that Englishmen 'always persisted in what they said, even at the peril of their lives.'²³ The English ambassador was entrusted by the Austrians with the money to bribe the chief Ottoman representative at the peace of Karlovitz,²⁴ and it was our representative who, at the peace of Passarovitz, obtained for the Turkish province of the Herzegovina the two small outlets on the sea, which were so important during the insurrection of 1875-6, and are still among the curiosities of political geography.²⁵ During the eighteenth century, when Russia had come to the front as the possible successor of the Turk in Europe, English statesmen were, as a rule, without fear of Muscovite aggrandisement. At one moment, as we have seen, England tried to make peace between Russia and Turkey in the interests of her own trade, and in 1719 Stanhope had desired 'to drive the Muscovite as far as possible;' but in the middle of the century France was our great commercial rival in the Levant, where the English company had lost much ground in consequence of Villeneuve's vigorous support of Turkey.²⁶ It was France, too, and not Russia, which then threatened India, and the opening of the Black Sea to Russian ships was even regarded as an advantage for English merchants, who would thus find a new market. We saw that the Russian fleet, which nearly took Constantinople and destroyed the Turkish navy at Chesmeh in 1770, was largely under the direction of English officers, and Turkish officials asked England to explain what her policy really was. On the eve of the fatal treaty of Kutchuk-Kainardji we find Lord Chatham writing that he is 'quite a Russ,' but our ambassador at Constantinople was not of that opinion.²⁷ As early

²¹ Mr. Pears, *ibid.* viii. 449.

²² See the inscription on his tomb at Halki; *ibid.* vii. 116.

²³ Finlay, v. 127, 157, 281.

²⁴ Xénopol, ii. 118.

²⁵ Jackson, ii. 307.

²⁶ Xénopol, ii. 224.

²⁷ Sorel, pp. 81-9, 99.

as 1786 Mirabeau contemplated a Russian advance on India, and in 1791 it was the intention of Pitt, had he had the support of the country, to have declared war on Russia, in order to maintain the balance of power ;²⁸ while Fox was enthusiastically on the side of Russia, he pointed out the uses of Turkey as our ally, but by a combination of the two policies, the century closed with a triple alliance of England, Russia, and Turkey against the French invaders of Egypt.

In view of the great influence of Germany in Turkish affairs at the end of the nineteenth century, a few words may be said about the eastern policy of Prussia during the period of which we have just given a sketch. The Great Elector sought to use the Danubian principalities in his schemes against Poland, and one of their princes, after his deposition by the Turks, endeavoured to obtain aid in Brandenburg.²⁹ Frederick the Great saw that the expansion of Russia in the East could not injure him, for he had few interests there, but would neutralise the rival power of Austria.³⁰ His representative at Constantinople occasionally interceded on behalf of a Moldavian ruler, and a Prussian consul was appointed in that country, partly on the characteristic ground that he asked no salary. Frederick regarded Turkey as a useful means, of keeping Austria busy, and so of assisting his own plans of conquest. Frederick William II formed a triple alliance with England and Holland, to check the Austro-Russian combination against Turkey between 1787-91. But in their time the German trade in the East was in Austrian, rather than Prussian, hands, and Prussia's territorial aspirations were not in the direction of the Ottoman empire: at most she demanded compensation elsewhere for the gains of other nations in the east.

We thus find four great powers at the beginning of the nineteenth century all directly or indirectly affected by the Eastern question: France, in the main the protector of the sultan, and also the protector of the catholics of the Levant; Russia, with her grand scheme of a new Byzantine empire already formulated, and her efforts to attract her orthodox co-religionists in the Turkish dominions already begun; Austria, oscillating between the fear of Russia and the desire of Turkish territory; and England, commonly favouring a policy of friendship with Russia. Above all, we have seen that there was a general conviction that sooner or later the rest of the Turkish empire in Europe would go.

Still the opening of the nineteenth century found the sultan the possessor of a vast European domain. He held the whole island of Crete, for even the warlike Sphakiots, long independent, had been forced to pay the *haratsh*, or capitation-tax, in 1770. The

²⁸ Lecky, *History of England in the Eighteenth Century*, v. 278-84; Eton, *Survey of the Turkish Empire*, pp. 484-5.

²⁹ *Documente*, vol. x.

³⁰ Sorel, p. 14.

modern kingdom of Greece was his, except the Ionian Islands, and even they for the moment constituted a republic under the joint protection of the tsar and himself. All the former dependencies of the islands on the mainland, except Parga, were Turkish, having been captured by Ali Pasha of Joanina and then formally handed over to Turkey by the convention with Russia in 1800.³¹ All that is now known as European Turkey was then part of the Ottoman empire, and modern Bulgaria, including in that term Eastern Rumelia, modern Servia, Bosnia and the Herzegovina, and more than half of the present principality of Montenegro were direct possessions of the sultan. Beyond the Danube, the two principalities of Moldavia and Wallachia, including at that time Bessarabia and stretching as far as the Dniester, formed tributary states, governed by Greek princes, selected by the Porte from the wealthy families of the Phanar at Constantinople. It may be estimated that the Turkish dominions in Europe in 1801 measured 238,000 square miles, and contained 8,000,000 inhabitants.³² Their present area, excluding such practically lost provinces as Bosnia and the Herzegovina, Bulgaria, and Crete, is calculated at 62,744 square miles, with a population of 5,711,000 souls. Such is the result in figures of a century's 'consolidation,' as Lord Beaconsfield called it.

The European empire of Turkey was at that period divided into five governorships, which were subdivided into provinces and again into districts. In addition to these governorships there were the two Danubian principalities, which had the misfortune to enjoy a quasi-independence, worse even than the lot of the sultan's direct possessions. The five European governments were known as Rumelia, Bosnia (including Vidin in Bulgaria), Silistria (including Belgrade), Djezair (including the Peloponnesos and many of the Greek islands), and Crete; and the governor of Rumelia, who was styled in Turkish *beylerbey*, or 'prince of princes,' was the commander-in-chief of all the European contingents in time of war. These five European governments comprised nine pashaliks: Rumelia, Belgrade, Bosnia, Scutari, Joanina, Negropont, the Morea, Candia, and the Archipelago.³³ The sultan's subjects in our continent were of various races—Turks, Greeks, Bulgarians, Serbs, Albanians, and Rumanians; but there were some common misfortunes, which they all had to bear, though these were much lighter in the case of the Mussulmans than in that of the Christians. The former found it easier to bring their complaints to the ear of the sultan, while their interests were protected in the provinces by

³¹ Finlay, v. 275.

³² This is the, admittedly rough, estimate of the Ottoman government: Juchereau de Saint-Denys, *Révolutions de Constantinople*, ii. 293.

³³ D'Ohsson, *Tableau général de l'Empire Othoman*, iii. 381-90; Juchereau de Saint-Denys, i. 179.

the little bodies of local worthies, who assisted the governor in the discharge of his duties.³⁴ But, even a century ago, the fate of the provincials was so hard as to attract the sympathy of even avowed partisans of the Turks. In reading of their sufferings, one is reminded of the grim descriptions which the Roman satirists give of the exactions of their own provincial authorities. It was not that the fixed and recognised taxation of the empire was heavy, but that the whole administrative system, excellent though it might be in theory, was utterly rotten in practice. Corruption had entered into the Sublime Porte, and everything was to be bought. A pasha, appointed to a provincial governorship for a year, had to pay a heavy price for his appointment, and recouped himself at the cost of his province. As the end of his year approached, he found it necessary to renew his bribes at Constantinople, if he wished to remain at his post, and for that too the unhappy province had to pay. Bad as this system was, if the pasha were a rich man and had capital at his disposal to invest in a governorship, it was much worse when, as usually happened, he was poor, and therefore compelled to borrow at heavy interest from some Greek or Armenian banker, who thus had a sort of lien on the revenues of the province. The judges, appointed in Constantinople in the same way as the governors, sold justice without scruple, and the officers who executed their sentences were even more odious to the people.³⁵ The authorities were also fond of imposing taxes, merely as temporary expedients, which tended to become permanent institutions. It was calculated at this time that about one half of the product of each man's industry was paid to the government in one way or another throughout the provinces, and when we consider the need which the governors had of money, we cannot wonder at this high proportion of taxation to income. The frequent journeys of the pashas, the presents inseparable from Oriental administration, the necessity of sending a messenger on the smallest business, as there was no postal service, and the luxury and vast establishments kept up by the great officials all involved a heavy expenditure. The general insecurity of the country, owing to bands of brigands, repressed all industry; there were few means of investing money safely, and the deterioration of the roads, which had once struck English travellers as superior to those of their own country, increased the difficulties of commercial intercourse.

Selim III, who at this time sat on the throne, was, it is true, a reforming sultan, anxious to raise his empire from its declining state, and willing to take western nations as his model. He made, for the moment, a clean sweep of the Bulgarian and Macedonian brigands and the Aegean pirates, repaired the ruinous

³⁴ Thornton, *The Present State of Turkey*, i. 159.

³⁵ Kállay, i. 187-8.

fortresses on his frontiers, and employed French shipbuilders to construct men-of-war. But, like most autocrats, he was powerless to change a whole system of misgovernment with a stroke of his pen. Albania and Epiros, always the most dangerous part of European Turkey, were in such a state that a Turk could not venture to show his face there, while all travellers were liable to be murdered with impunity by the natives of that mountainous region.³⁶ In many parts of the empire hereditary tyrants, known as *dereh beys*, or 'lords of the valleys,' terrorised their humble neighbours. Here and there great pashas, like Ali of Joanina and Pasvanoglu of Vidin, fought for their own hands and acted like semi-independent sovereigns. The 'lion of Joanina' has been made familiar to the reader by the poetry of Lord Byron and the prose of Jókai, while, as a forerunner of the Greek revolution, he has gained a place in the best-known chapter of modern Oriental history. Osman Pasvanoglu, though almost forgotten now, was in his day scarcely inferior to him in influence. With the true fanaticism of a Bosnian Mussulman he declared against the reforms of his sovereign, whose real and only friend he pretended to be. Master of the 'virgin-fortress' of Vidin, he showed his loyalty by defeating the sultan's armies and despoiling his fellow-subjects. He raised a private force of his own, levied his own taxes, coined his own money, and sent his representative to Paris to negotiate on his own account with the French government.³⁷ A British consul visited his court, and such was the terror of his name that there was a general stampede from Bucharest on the approach of his men. Severe as were the sufferings of the Rumanians and Bulgarians from his depredations, the cost of maintaining an army to oppose him was an even greater burden to the Wallachian peasants. It was on this occasion that Hangerli, their prince, confiscated practically all the cattle of his people, and thus left them without sustenance in a winter which has become proverbial as one of the four plagues of that sorely oppressed principality.³⁸ The Bulgarians experienced in their turn the usual fate which at that time befell a country through which a Turkish army marched. Southern Bulgaria was reported to be almost destitute of inhabitants, and its now flourishing capital was left a heap of corpses and charred timber. The fearful ravages of the plague in most Turkish cities completed the devastation of the empire, though in this respect the European provinces suffered less than the Asiatic.³⁹

The division of the sultan's subjects into two sharply defined classes, those who were Mohammedans and those who were not, was the cause of much evil. It has been justly said that the Turkish government has shown itself far more tolerant of religious

³⁶ Eton, p. 334.

³⁷ Jireček, pp. 486-503; *Documente, Sup. I.* ii. 217.

³⁸ Eliade, p. 114; Xénopol, ii. 254-5, 258-9, 263-4.

³⁹ Eton, 262.

opinions than many so-called Christian nations. The welcome extended by Turkey in the fifteenth century to the Spanish, and in the nineteenth to the Russian, Jews contrasts most favourably with the Jewish persecutions in catholic Spain and orthodox Russia and with the recent anti-Semitic agitation in Rumania and at Corfu. Such was the hatred which one sect of Christians felt for another, that the Bogomiles of Bosnia preferred to be conquered by the sultan rather than converted by the pope, and the orthodox Greeks chose to be the subjects of infidel Turks rather than of catholic Venetians.⁴⁰ Mohammed II, like the great statesman that he was, saw at once that the Greek church might become in his hands a powerful support of the Ottoman rule. He accordingly restored the œcumenical patriarchate of Constantinople and made the patriarch his tool. But, with all this tolerance for freedom of thought, the Mussulmans regarded the Christians as an inferior caste. The *rayah* had to put up with a hundred slights, and were made to feel that they were outside the pale of the dominant religion. They were liable to all sorts of aggravating rules, which regulated the colour of their clothes, the style of their houses, and the professions which they might enter. Their women were exposed to the *droit de seigneur* at the pleasure of the young bloods of Islâm; if their children were no longer taken as a tribute for the sultan's armies, and they were exempt from compulsory military service, they had to victual and do all the dirty work of the Ottoman forces, build military roads and fortresses, transport artillery, and carry munitions of war.⁴¹ It was no wonder, then, that those of little faith abandoned Christianity for a religion which would assure them the respect of the Turks, and the right, equally dear to them as perverts, of despising and maltreating their former co-religionists. Numbers of Serbs in Bosnia, numbers of Greeks in Crete, many Bogomiles in Bulgaria, embraced Islâm after the Turkish conquest, and the Bosnian, Cretan, Bulgarian, and Albanian Mussulmans became the most conservative of all the sultan's subjects in their opposition to reforms, the most fanatical of all Mohammedans in their devotion to the law of the prophet. Popular phraseology, which calls these people 'Turks,' obscures the fact that some of the worst oppressors of the Christians in Turkey were not Turks at all, but perverts from Christianity, of the same race as the persecuted. The high road to honours was to profess Islâm, and it became proverbial that 'one must be the son of a Christian renegade to attain to the highest dignities of the Turkish empire.'⁴² Thus, in Bosnia, although a Turkish governor was sent from Constantinople, he was a mere figure-head, and all real power was centred in the great Bosnian

⁴⁰ Klaich, *Geschichte Bosniens*, pp. 380, 425, and an article of mine in the *Gentleman's Magazine* for Dec. 1897; Finlay, v. 6.

⁴¹ Kállay, i. 209, 218-20.

⁴² Finlay, v. 119-20; Kállay, i. 177-8.

nobles, who gradually became hereditary headmen of the divisions of that country. So strong was the influence of these Mussulman Serbs that they permitted the pasha to remain at Sarajevo for no more than forty-eight hours, and resisted all attempts to move the official capital from Travnik thither. So the Bosnian *begs* administered that province on feudal lines, and were quite content with a system which allowed them to do as they pleased at home and provided them with the occasional luxury of a foray abroad. It was only when the Turkish military power began to decline and Bosnia was invaded by Austrian armies, that the Bosnian Mussulmans began to doubt the wisdom of the sultan's government.

In Servia, where there was no native aristocracy as in Bosnia, a number of these Bosnian *begs* were settled as landowners, forming the majority of the *spahi*, or cavalry, who were the sole possessors of the soil, to the complete exclusion of the *rayah* from all rights of ownership. There were at this period some 132,000 of these military landowners in all Turkey, some 900 in the Pashalik of Belgrade.⁴³ In return for their lands they owed military service to the sultan; but even in time of peace they were mostly absentees, idling away their days in the towns and letting the despised Christians manage their farms. In addition to these *spahi*, another military force, the Janissaries, were to be found in detachments through the provinces. Their leaders, or *dahi*, were often more powerful than the sultan's representative, and not only maltreated the Christian peasants, but even seized the lands of the Mohammedan *spahi* with impunity. The natives had, indeed, some small share in the administration, and when, as was the case in Servia at this period, the pasha was a just man, their chosen representatives could temper the wind to their shorn flock. The head-man of the village, the village magistrate, and, in many cases, the district official, or, in Serb, *oborknes*, who was responsible for the collection of the Turkish taxes, and acted as a medium between the pasha and the taxpayers, were elected by the people. The *oborknes*, whether so elected or nominated by the pasha, usually held office for life—it had formerly been an hereditary post—and acquired considerable influence both with the Turkish officials and the Serb peasants. Not a few of these local worthies became leaders of the Servian revolution.⁴⁴

The Albanians had offered, under their hero Scanderbeg, the most determined resistance to the Turkish conquest, and even at the beginning of the nineteenth century, as indeed to-day, their land was hardly under the control of its nominal sovereign. Divided by three religions—the Catholic, the Orthodox, and the Mohammedan—and split up into two main branches—the Gueghs and the Tosks—and into numerous tribes, the Albanians were alike

⁴³ Eton, p. 61; Kállay, i. 192.

⁴⁴ Kállay, i. 190-2.

in their love of fighting. The best regiments in the Turkish army, the crack regiment in the kingdom of Naples, were composed of these warriors, who to-day form the bodyguard of the timorous sultan. Even before the Turks had conquered Greece, Albanian colonies had settled there, and the islands of Hydra and Spetzas, in particular, which played such a conspicuous part in the Greek war of independence, were wholly inhabited by Albanians. The celebrated Suliots of Epiros, who won the admiration of Byron, were Orthodox Albanians, who formed a sort of military commonwealth and maintained practical independence by their swords.⁴⁵

Of all the Christian races beneath the rule of the Turk, the Greeks were at that time the most important and the most prosperous. They had had, like the Serbs, the advantage early in the eighteenth century of being, though for a very short period, under the administration of a western power, and the Venetian government of the Morea, though not by any means popular while it lasted, nor remembered with any gratitude, was a great advance upon anything that the Turks had done. Although Russia, when she invaded the Morea in 1770, clearly demonstrated that her aim was not to make the Greeks free but to make them her subjects, and abandoned them so soon as it suited her purpose, the treaty of Kainardji placed them more or less under her influence, and later arrangements entitled the Greek islanders to trade under her flag. The French revolution not only provided the Greeks, and especially those who inhabited the Ionian Islands during the first French occupation, with majestic phrases about the liberty of nations and the equality of men, but indirectly favoured Greek commerce, owing to the fact that the Turkish government was generally neutral and its flag could therefore go anywhere. The Greeks combine two usually irreconcilable qualities—great aptitude for business and great love of book-learning. Both these qualities, already developed at the beginning of the nineteenth century, tended to prepare them for national independence, though neither of them implied the possession of that political training which nations only acquire, as a rule, after centuries of experience. Commerce led them to visit other and better-governed countries, and so to draw inferences as to their own future prospects; literature, as created by Bulgares the Corfiot, and Koraes the Chiot, formed a bond of national union, and Rhigas of Velestino gave to the impending Greek revolution its *Marseillaise*.

Travellers noticed that the Greeks bore 'the Turkish yoke with greater impatience than other Christians,'⁴⁶ although they had perhaps less to complain of than their fellows. They were, indeed, regarded by most of the sultan's other Christian subjects with quite as much aversion as the Turks. For the Greek patriarch

⁴⁵ Cuniberti, *L'Albania ed il Principe Scanderbeg*.

⁴⁶ Eton, p. 330.

was the ecclesiastical head of all the Christian population, irrespective of race, throughout the Balkan peninsula. The services of the Greek church and clergy in the struggle for Greek independence were very great, but it is a travesty of facts to represent them as having preserved the national conscience of the other Balkan peoples. No impartial student of Balkan history can help reiterating, however reluctantly, the remark of Finlay, that the Ottoman Turks were better masters than the Phanariot Greeks.⁴⁷ In Bulgaria, in Servia, and still more in Moldavia and Wallachia, the Greek bishop was regarded as an oppressor of the people. With the suppression of the two ancient autocephalous Serb and Bulgarian churches of Ipek and Ochrida in 1766-7, the last ecclesiastical bulwarks of those Slav races fell before the influence of the Greek clergy, who had long been as supreme in the spiritual life of the peninsula as the Turkish officials were in its political affairs. The Greek bishop, who rarely spoke the language of his flock, bought his see, just as the Turkish pasha bought his post, and made the people pay him back what he had expended. He was generally a valuable ally of the pasha, because he wanted the latter's aid to compel the peasants to comply with his exactions, while he could render various diplomatic services to the pasha in return. His luxury was a sign of his worldliness, and he treated his clergy in the usual manner of a slave who has become a master. No wonder that the Bulgarian prayed to be 'delivered from the Greeks,' who lived upon him; no wonder that the Rumanian regarded as enemies the alien clergy, which held one-fifth of the land and lived at ease in the monasteries, while he died of starvation in his miserable hut.⁴⁸ Under the influence of these spiritual pastors Slavs and Rumanians alike became outwardly hellenized. Their own languages were despised as barbarous jargons, to speak Greek came to be considered as the mark of a gentleman, and foreigners might be excused for considering the Greek church as co-extensive with the Greek race and reckoning up the Christian population of the Balkan peninsula at this period as collectively 'Greeks.'⁴⁹ Rhigas poetically assumed that 'all the Macedonians' would 'rise together,' that 'Bulgarians and Albanians, Serbs and Rumanians' would 'draw the sword' for the cause of Greece and liberty. Even in our own day, enthusiasts have imagined the beautiful picture of the Christian races of the East united against the Turk. But the cardinal difficulty of the Eastern question always has been, is, and probably always will be, the mutual animosities of these very same Christian races. And for the continuation of this feeling the tyranny of the Greek church over the non-Greek Christians is largely responsible.

⁴⁷ Finlay, v. 244.⁴⁸ Jireček, pp. 505-16; Kállay, pp. 197-9; Eliade, p. 31.⁴⁹ Bérard, *La Turquie et l'Hellénisme contemporain*, pp. 175-6.

Apart altogether from their ecclesiastical influence, the Greeks found many profitable careers open to them in the Turkish service. Their supple intellects and linguistic skill enabled them to attain distinction as dragomans and envoys of the Porte. Their happy hunting-ground was beyond the Danube in the principalities of Moldavia and Wallachia, where thrones could be bought by the great Phanariot families of Constantinople and extortion practised with impunity on the luckless inhabitants.⁵⁰ It was noticed by travellers that the Greeks of the Turkish capital were less moral than those of the islands, and the descriptions which contemporaries have left us of the Phanar, or Greek quarter in that city, at this period represent it as an academy of all the vices. Few portions of even oriental history are so full of petty meanness as that which records the reigns of the Phanariot *hospodars* at Bucharest and Jassy during a large part of the eighteenth and the nineteenth centuries. The luxury of the two alien princes contrasted as strongly with the poverty of their subjects as did their proud demeanour to the Rumanians with their cringing humility to the Turks. 'The two *hospodars*,' said a Turkish proverb, 'are the eyes of the Ottoman empire, turned towards Europe.'⁵¹ They were, in fact, the real foreign secretaries of the sultan, but they betrayed their master, whenever it suited their own purpose to play the game of Austria or Russia at his expense. The one aim of the *hospodar* of Wallachia, the richer principality, was to keep his place and make money out of it; the one object of the *hospodar* of Moldavia was to obtain promotion to Bucharest. Thus, the two became bitter rivals, while all the time there were hungry place-hunters at Constantinople, eager to dispossess them both. Under their misrule, these two provinces, justly called 'the granary of the capital,'⁵² became perhaps the most miserable part of the whole empire. Nature had done much for the great plains of the Danube, the fine slopes of the Carpathians; but the government had ruined the country for the poor Rumanian peasant. His songs are full of lamentations over his woes and of denunciations of the oppressors who caused them—the Turk, who was his over-lord, the Russian, who came to 'deliver' him in the name of religion, the Jew, who plundered him, the Greek, who misgoverned him; but of all his enemies, he hated the Greek most.

In Greece itself, though there were no such brilliant openings for talent as in Moldavia and Wallachia, scope was found for the administrative abilities of the natives. The primates, or *codgabashces*, formed a kind of official aristocracy, whose business it was to assess the share of the taxes that each person had to pay. They were agents of the Turkish dignitaries, who farmed the taxes, and, in some respects, imitated their Turkish patrons. In the

⁵⁰ Xénopol, ii. 308, 314.⁵¹ Eliade, p. 109.⁵² *Ibid.* p. 12.

Peloponnesos, where local administration was better organised than elsewhere, there was, even under the Turks, some attempt at self-government. Every village elected a head-man, and these head-men collectively with the townsfolk elected representatives, who chose the primate of the province. All the primates resided at Tripolitza, and their interests were represented by a delegate at Constantinople.⁵³ Here and there Greek communities enjoyed even greater privileges. The island of Chios was the most favoured of them all. Before the Turkish conquest, it had been governed by a Genoese mercantile company—the first instance of one of those chartered companies so common in our own day. The Turks continued the enlightened Genoese system of government, and the Chiots were better off than any other Greeks at the beginning of the nineteenth century.⁵⁴ Even during the Greco-Turkish war of 1897 a Greek friend of the present writer, then staying in Chios, gave him an account of the island's flourishing condition, which afforded at that moment a marked contrast to the economic state of free Greece. Tinos, after five centuries of Venetian rule, was another example of a Greek island, in the affairs of which the Turks interfered but little; while Naxos, once the capital of a catholic duchy, retained, together with some vestiges of Latin civilisation, the right to govern itself according to its own customs. In the mountainous districts of Pindus and Olympus, the Christians had another and more dangerous privilege—that of bearing arms, and so forming, under the name of *armatoli*, a local militia. In their 'free villages,' or *eleutherochoria* (the name may still be found in that region), they formed military communities, which in the eighteenth century had excited the apprehensions of the government. Repeated attempts were made to weaken them, but it was not till the time of Ali of Joanina that these efforts were successful.

Thus, at the dawn of the nineteenth century, we find religion, rather than race, the dividing line between the subjects of the sultan. The Mussulmans, whether Turks or the descendants of Bulgarian, Bosnian, Albanian, or Cretan converts from Christianity, formed a dominant caste; the Christians, except the comparatively few catholics in Bosnia, Albania, Servia, Bulgaria, and in one or two of the Greek islands, were classed together as Greeks, because they belonged to the Greek church and owned the spiritual authority of the oecumenical patriarch. European statesmen, except perhaps in the case of the Serbs, had scarcely become conscious of the fact that the Eastern question would have to consider the claims of other Christian races than the Greeks as heirs to some part of the Turkish empire. The principle of nationalities was not yet a powerful force in politics, and the career of Napoleon in the near east, as elsewhere, was its negation. W. MILLER.

⁵³ Finlay, vi. 25

⁵⁴ *Ibid.* v. 70-81, 232-8.

Massena's Lines of March in Portugal and French Routes in Northern Spain

IN the library of Queen's College, Belfast, there is a copy of Lopez's 'Atlas Geográfico de España,'¹ which was taken in the Peninsular war, and is of some historic interest. Recent examination of the maps has disclosed the plan of Massena's invasion of Portugal in 1810, as well as other routes of the French armies in the Peninsula. Massena's route is traced in red ink through three parts of the map of Portugal, from Almeida to the Tagus, with one significant break at Bussaco. In the map of the Partido of Toro there is a line in yellow ink, which is probably to be identified with Marmont's famous march on Salamanca. Other yellow lines are to be found in the maps of Valladolid and Salamanca, and in the map of Alava in pencil the line of Joseph's retreat on Vitoria.

There can be no doubt that the atlas was taken at Vitoria, but this is matter of inference. All that can be positively stated now is this, that after one of the battles in the Peninsula the present writer's

¹ *Atlas Geográfico de España que comprehende el mapa general del Reyno, y los particulares de sus Provincias.* Por Don Tomas Lopez, Geógrafo que fue de los Dominios de S.M., de varias Academias y Sociedades. Madrid, 1804. The maps, in many cases the first compiled, were published at intervals, and are generally based on information and local maps or plans supplied by the ecclesiastical and civil authorities. For an outspoken complaint see map of Leon, 1786. Besides Roussel's map of the Pyrenees engineers' maps or plans were available only in some instances, and for the most part only partially. See maps of Segovia, Palencia, Reynosa, Valladolid, Salamanca, Galicia, Sevilla, Valencia, Balearic Islands, and Guipuzcoa. No astronomical observations were to be had for any inland town except Madrid. See map of Valencia, 1788, but also map of Aragon, 1765. Notwithstanding these difficulties I am informed that Lopez's maps of Spain compare favourably in point of accuracy with other maps of the period. The engraving is excellent, as also much of the etching. A feature is the number of symbols employed, places being distinguished according to their municipal rank. Lopez was born in 1730 and died in 1802. For further information see article 'López (Tomás)' in *Diccionario Enciclopédico Hispano-Americano de Literatura, Ciencias y Artes* (Barcelona, 1892). There are two sets of Lopez's maps in the British Museum, one of which belonged to George III.

My acknowledgments are due to Professor Meissner, librarian of Queen's College, Belfast, for his kind permission to reproduce the lines of march from the atlas in the accompanying sketch maps.

grandfather, Major James Walker, then a captain in the 42nd regiment, witnessed a scene of great excitement and confusion, the soldiers in possession of the French baggage train and throwing the contents into the road.² This atlas was thrown out as Major Walker came up, and attracted his attention. He took it up, and when he saw what it was he made inquiry, with a view to presenting it to Lord Wellington, but was informed that Lord Wellington already had a copy³ and that there was another in the army, but in whose possession I am unable to say. It is clear from the circumstances that the incident took place at Vitoria. Major Walker was present at the battle, and his special interest is attested by his notes of the British positions—his only notes in the atlas—on the map of Alava. The atlas was presented to the Queen's College many years ago by Major Walker's son, the late Mr. James Walker, sometime member of the legislative council, Natal. It was bound in a flexible leather cover, in which it rolled up. This cover has since been removed. There was a bullet mark in it, and also in some of the maps which have been carefully mended. Laid loose inside were several maps which had been cut out and mounted on canvas. These have escaped injury, but have been misplaced in rebinding the atlas. Two maps are missing, the map of Cuenca, and the second part of Salamanca, comprising the battle-field and the country round the city. The mounted maps are the fourth part of Salamanca, the second and third parts of Extremadura, and parts iii. to vi. of Portugal. The lines of Massena's march, in some places faint, but generally distinct, are to be found in parts iv., iii., and v. of the map of Portugal.⁴ These have been labelled on the back by the French staff :

² Larpent, the deputy judge-advocate-general, describes how books and maps were scattered about, and, it is interesting to note, took a case containing part of Lopez's provincial set as a memorial of Vitoria (*Private Journal*, i. 246, ii. 266).

³ This copy has not been found. There is no record at the War Office or (so far as I have ascertained) elsewhere as to what maps were used by Wellington in the Peninsula. The references to Lopez's maps in Larpent's *Journal* indicate that they were the maps used at headquarters, and they are the only maps of Spain referred to in the preface to the *Wellington Despatches*, where they are adopted as one of the authorities for the spelling of Spanish names. Lopez's maps are not in the catalogue of the War Office, and they are completely ignored by Napier (see preface to vol. v.) Military surveys were made in Portugal as well as of the battle-fields in Spain, and an extensive map of the frontier was compiled at the quartermaster-general's office in 1811. This map forms part of a collection from that office now in the British Museum, which does not, however, possess a copy of Wyld's collection. As to the excellence of the Spanish staff draughtsmen, see Larpent, ii. 77. In this connexion Major Purdon, late L.N. Lancashire regiment, has drawn my attention to Jasper Nantiat's map of Spain and Portugal (London, 1 Jan. 1810), and my acknowledgments are also due to Mr. E. A. Reeves, map curator, Royal Geographical Society. Nantiat's map, to which I shall have occasion to refer, is on a scale of fourteen statute miles to the inch. Lopez's maps, however, are on a much larger scale and contain many more place-names.

⁴ In the accompanying sketch maps Massena's route is reproduced on a scale of about one-third of the original.

In part iv. there are two lines of march laid down in red ink from Almeida to Viseu: Junot's, by Pinhel and Trancoso; Ney's, by Freixedas, Celorico, Fornos, and Mangualde. This latter was also Reynier's route after his junction with Ney at Celorico. Reynier's movement by Guarda is not laid down. Almeida, which by the road is two miles from the C \acute{o} a, as appears from the Portuguese staff map, is marked by Lopez immediately upon the river, with a road going off N.W. to Pinhel, along which Junot's route is traced, and another S.W. to Guarda. The Guarda range extends far to the north, forming in the map a continuous unbroken barrier, which is crossed by both lines of march.⁷ The direct road from Almeida to Celorico, shown by Napier, by which the 6th corps (Ney's) advanced, is not laid down. The route is traced from Almeida along the Guarda road to where it crosses the Rio Pinhel,⁸ and is then carried across country through Freixedas and Maca de Cha \tilde{o} (*sic*), but south of Alverca, to Bara \tilde{c} al. From Bara \tilde{c} al the route follows the road across the Mondego to Celorico. In pursuance of Massena's orders of 11 Sept. the 6th corps crossed the C \acute{o} a and the Pinhel, and reached Freixedas on the 15th,⁹ a march of thirteen miles from the C \acute{o} a. The advance guard (Loison's division) was to march three miles further to Alverca, but from Wellington's despatches¹⁰ it appears to have pushed on the same day into the valley as far as Bara \tilde{c} al, six miles beyond Alverca. The following

⁷ The range near Guarda is over 1,000 metres, falling to between 600 and 700 in the vicinity of the routes. Figures in brackets after names of places denote the nearest elevations in metres.

⁸ The staff map shows that the road leaves the Guarda road at the C \acute{o} a, running west through Valverde (697), 3 miles, where the road to Pinhel (7 miles) branches off, and crossing among other streams the Ribeira das Cabras, which corresponds with the Rio Pinhel in Lopez's map. It passes through Freixedas (700) and crosses the Massueima (the Lamegal in Lopez's map) to Alverca (624), Wellington's headquarters during the latter part of the sieges of Ciudad Rodrigo and Almeida. The hill of Alverca is described by Wellington (to Lord Liverpool, 20 Sept. 1810) as forming the left of the Guarda range. The road then descends through Ma \tilde{c} al do Ch \tilde{a} o (520), which is misplaced by Lopez, though the red line passes through it, and Bara \tilde{c} al, whence Celorico (Celrico da Beira) is reached by several roads, by no means direct, however, as is the road in Lopez's map. The road is laid down in Nantiat's map, which is based on Lopez's and 'a late *French* map of the roads of Portugal.' A view of the bridge over the C \acute{o} a and other prints from drawings by Dr. Adam Neale, physician to the forces, will be found in *Campaigns in Spain and Portugal* (I. Goddard, 1812), 4 vols.

⁹ Fririon, *Journal Historique de la Campagne de Portugal*, p. 38; *Mémoires de Massena*, par le Général Koch, Paris, 1848-50, vii. 175. Contrary to the usual practice of French writers, Massena's name is spelt in this latter work without the accent. Fririon was the chief of Massena's staff. His journal of the daily movements of the army, edited by his son, is a work of high authority. Koch's account of the campaign is very full and detailed, but he avowedly holds a brief for Massena. He describes Fririon as 'homme entendu, laborieux et modeste' (*ibid.* p. 23), and bears high testimony to his military abilities, of which he gives an interesting instance (*ibid.* pp. 422-3). Koch concludes his work with a scathing condemnation of Napoleon and his policy.

¹⁰ To Beresford, Gouvea, 15 Sept. To Lord Liverpool, Lorna \tilde{u} , 20 Sept.

day, the 16th, the 8th corps marched to Pinhel, and Merle's division of the 2nd corps (Reynier's) effected its junction with the 6th corps at Celorico, Heudelet's division remaining at Guarda. The advance guard of the 6th corps pushed on through Celorico to Fornos, a march of fifteen miles from Baraçal, and Marchand's division to Juncaes, on the near side of the bridge of Fornos, seven miles from Celorico and 21 miles from Freixedas. Mermet's division bivouacked beyond Celorico. Notwithstanding the state of the roads the march was even more rapid than Massena intended, and he accordingly ordered the 6th corps to halt the next day at Juncaes, as it was too far advanced to be supported by the 2nd corps.¹¹

From Celorico the route is continued, again crossing the Mondego, through Fornos to Chans, where it a second time leaves the road and is carried across country to Mangualde. Here it strikes the road from Gouvea by which it reaches Vizeu.¹² The staff map shows that Vizeu (451) is nearly on the same parallel with Fornos d'Algôdres, and the north-west road from Fornos and Chans to Vizeu, reproduced by Napier, has no existence. The road rises considerably and with much winding from the Mondego, passing through Fornos d'Algôdres (two miles) and Chãs de Tavares (five miles from Fornos), and then descends west and slightly south to Mangualde (eight miles) and thence W.N.W. to Vizeu (nine miles). The 6th and 2nd corps marched on the 18th, and the advance guard of the 6th corps reached Mangualde. The artillery of the 6th corps experienced much difficulty on this march. On the 19th the 6th and 8th corps united at Vizeu, the 2nd halting at Mangualde.¹³ In accordance with Massena's orders of the 11th the advance guard of the 2nd corps made a demonstration along the left of the Mondego, moving on Sampaio,¹⁴ and 'protected the passage of the rear of the column and passed yesterday [the 19th] at a bridge lower down the river.'¹⁵ This is perhaps the bridge marked in Lopez's map at Taboa. The site corresponds with that of Ponte Nova in the staff map. Lopez shows no bridge on the road from Gouvea to Vizeu. This movement of Reynier's advance guard is not indicated on the map. Lord Londonderry is scarcely accurate in stating that 'Reynier moved by the route which we had taken with a view of threatening the position of Ponte de Marcella in front.'¹⁶ Massena's object was to turn this

¹¹ *Mémoires de Massena*, vii. 179, 180; Fririon, pp. 40, 41. Wellington to Lord Liverpool, 20 Sept. Jejuá, mentioned by Wellington, is $2\frac{1}{2}$ miles from Celorico, on the road to Fornos.

¹² The spelling of the staff map. Lopez's spelling is followed in the sketch maps.

¹³ *Mémoires de Massena*, vii. 180; Fririon, p. 41.

¹⁴ Wellington to Leith, Cortiço, 19 Sept.

¹⁵ The same to Lord Liverpool, 20 Sept.

¹⁶ *Narrative of the Peninsular War*, p. 421.

position, but it was only Reynier's advance guard which took part in this movement along the left bank.

Massena's headquarters followed the foregoing route, halting the 16th at Freixedas, the 17th at Celorico, the 18th at Mangualde, and the 19th at Vizeu.¹⁷ According to Wellington's information Massena was to be at Pinhel on the 15th and the next day at Trancoso.¹⁸ If this was correct he must have changed his mind at the last moment, probably owing to the badness of the Trancoso route, which turned out to be the worst, though it had been represented as the only one on which the artillery and transport wagons could be risked.¹⁹ Marbot antedates the movement of the army from Almeida by a day, and incorrectly speaks of it as concentrating at Celorico on the 15th, thus ignoring the march of the 8th corps by Trancoso.

The 8th corps, as I have said, reached Pinhel (666) on the 16th, in accordance with the route laid down on the map. From Pinhel the route is continued for about a league to Valbom, whence the road trends in a north-westerly direction, but the road from Valbom to Trancoso (730), which appears in the staff map, is not laid down. The red ink line accordingly leaves the road at Valbom, and is carried across country through Povoá del Rey (*sic*) to Trancoso. The artillery reserve and transport train and the cavalry reserve were ordered to follow in the rear of the 8th corps. They missed their way, and got on to a frightful road, having apparently continued their march by the north-west road laid down in the map. They had to retreat, and a day was lost, the artillery only reaching Povóa d'El Rei, and the transport wagons only getting back to Valbom on the 18th.²⁰ Valbom is three miles from Pinhel, and Povóa d'El Rei four miles from Valbom and three-quarters of a mile east of the Massueima (see sketch map), not west of the river, as in Lopez's map. From Trancoso the route follows the road which in the map runs west to Vizeu, passing through Venda do Cego and Penaverde. On the 17th the 8th corps marched through Trancoso (fourteen miles) to Venda do Cego, three miles west of Trancoso. On the 18th it passed through Penaverde, seven miles west-south-west of

¹⁷ The intendant-general Lambert to Berthier, Vizeu, 23 Sept., printed in *Wellington Despatches*, iv. 811, app. ed. 1852. Lambert is frequently mentioned in Massena's *Memoirs* and by Fririon. Wellington (to Lord Liverpool, 7 Dec.) was in error in supposing that he did not accompany Massena. Fririon (p. 58) denounces the fabrication of the *Moniteur* in terms equally strong with those used by Wellington.

¹⁸ To Beresford, 15 Sept.

¹⁹ Lambert to Berthier, *ubi supra*.

²⁰ *Mémoires de Massena*, vii. 175, 180. Koch uses indifferently the terms 'parc général' (*ibid.* p. 162), 'parc d'artillerie' (*ibid.* pp. 175, 180, and 182), and 'grand parc' (*ibid.* pp. 180 and 209); also 'gros bagages,' (*ibid.* p. 175), 'équipages,' and 'caissons de vivres' (*ibid.* p. 180). Wellington (to Lord Liverpool, 30 Sept.) refers to Trant's attack on 'the escort of the military chest and reserve artillery' near Tojal on 20 Sept.

Venda do Cego, and reached Sotojal or Satajō.²¹ Satajō is marked by Lopez 2½ leagues north of the route and 4½ leagues north-east of Vizeu. It is evidently the same as Tojal, near which Trant's attack took place, and which is marked on the staff map almost due west of Trancoso and five miles north of the road which trends west-south-west to Vizeu.²² No guides were to be had,²³ and this deviation from the route was apparently due to the error in the map, the object being to head the march due west according to the compass, in the supposed direction of Vizeu, which is placed too far north by Lopez.

Massena's march by Vizeu has been severely criticised. Wellington appears to have expected that Massena would follow him down the left bank of the Mondego, and writes that the enemy are mistaken in their plan, do not know the country, and have chosen the worst road in Portugal.²⁴ Napier and Marbot follow this line of criticism. Massena may have placed undue reliance on his Portuguese staff, and even adopted, in his march on Vizeu, the plan which Pamplona is alleged to have sketched.²⁵ It is certain that the roads to Vizeu were much worse than was anticipated.²⁶ The artillery suffered severely, and serious delay took place at Vizeu owing to the urgent necessity for repairs. The artillery reserve and transport only arrived on the 24th.²⁷ Junot and the Portuguese officers, however, insisted that the Estrella was impracticable and that the road down the left bank of the Mondego was cut at every step by torrents from the Serra.²⁸ In the absence of topographical information on which he could rely Massena may well have hesitated to follow Wellington down a defile more than sixty miles in length (10 myriametres), where he might be liable to serious surprise if attacked from the heights. He was, moreover, aware²⁹ of the formidable position which Wellington had selected behind the Alva, 'a position of surprising strength.'³⁰ The necessary effect of Massena's strategy is admitted by Wellington. 'It is probable that they will move a considerable column

²¹ *Mémoires de Massena*, vii. 175, 180; Fririon, p. 41, and *Errata*, p. 220. Wellington's information appears to have been premature: 'It is said that the 8th corps moved by Trancoso on Penaverde on the 16th.' To Stuart, Cortiço, 18 Sept.; to Lord Liverpool, 20 Sept.

²² Vizeu is 21 miles west-south-west of Penaverde, where the road goes off to Tojal. Tojal is 11 miles west by north of Penaverde, and the same distance north-east of Vizeu.

²³ Massena to Berthier, Vizeu, 22 Sept., printed in *Wellington Despatches*, iv. 810, app.; Lambert to Berthier, *ubi supra*.

²⁴ To Lord Liverpool, 20 Sept.; to Stuart, 18 Sept.

²⁵ Napier, iii. 249, 2nd ed.

²⁶ Massena to Berthier, 22 Sept.; Lambert to Berthier, 23 Sept.

²⁷ *Mémoires de Massena*, vii. 209. Marbot's explanation of the delay at Vizeu may be dismissed as the idle jest of the aides' de camp ante-room. The duchess of Abrantes (*Mémoires*, xiii. 72) refers to a strange rumour as to a duel between Massena and Marbot.

²⁸ *Mémoires de Massena*, vii. 165.

²⁹ *Ibid.*

³⁰ Napier, iii. 266.

by Viseu, which would turn any position we might take upon the Alva.'³¹ Lord Londonderry, after confessing himself unable to form even a conjecture as to how it came about that Massena determined upon this plan, by which he relinquished the line of the Tagus and his communication with Mortier and the army before Cadiz,³² writes with curious inconsistency, but with great weight :

Contrary to all expectation, however, and in direct defiance of every ordinary rule of military manœuvre, Massena left our right unmolested ; and though he was compelled to move upon a much larger portion of the circumference of the circle than we were he threw his whole army in masterly style to the north bank of the Mondego. . . . Massena took a road by which, and by which alone, he was enabled to avoid the whole of the defences of the Zezere, the strong positions of Sarsedas and Ponte de Marcella, and, I may add, the very rock upon which he chose to make temporary shipwreck of his prospects, the line of Busaco.³³

Koch defends the march on the ground that it left Wellington in doubt as to Massena's intentions, and obliged him to retain Portuguese troops on the Vouga for the protection of Oporto. He admits at the same time that the direct route by the left bank of the Mondego would have been shorter and easier, and that if Massena had taken it Hill and Leith would have been cut off.³⁴ This, however, seems doubtful, as Hill, though a day later than Wellington expected,³⁵ arrived on the Alva on the 21st.³⁶ Thiers dwells on the advantage in point of supplies offered by the Vizeu route, and Lambert's report seems to support this, but in his despatch to Berthier of 29 October³⁷ Massena implies that the Vizeu route was exhausted, and announces his intention of retreating, if compelled to do so, by Ponte da Murcella and Guarda, in order to avoid the road by which he had marched and find supplies. Massena's force, barely 60,000 men,³⁸ was quite inadequate to the

³¹ To Hill, Gouvea, 15 Sept. ³² *Narrative of the Peninsular War*, pp. 421, 422.

³³ *Ibid.* pp. 442, 443.

³⁴ *Mémoires de Massena*, vii. 209 ; Napier, iii. 342.

³⁵ To Cotton, 21 Sept.

³⁶ Napier, iii. 319 ; Tomkinson, *Diary of a Cavalry Officer*, 21 Sept., p. 40, 2nd ed.

³⁷ Printed in *Wellington Despatches*, iv. 815 et seq., app.

³⁸ Fririon, pp. 40, 59-69, 'Etat de Situation des Troupes au 15 Septembre 1810 (présents sous les armes).' Officers and men, 59,806 ; horses, 14,313. In the official state for this date, as set out in Massena's Memoirs, vii. 568-71, app., the totals are slightly higher, but in a note, apparently not official but by Koch, deductions are made for the garrisons of Ciudad Rodrigo and Almeida and for detachments, leaving net 53,556 men and 13,445 horses. Fririon (p. 10) gives the total at 67,845 when Massena assumed the command in May, and it is clear that it is from this figure that the above deductions are to be made, together with the losses at the two sieges, amounting to 1,669 (Fririon, pp. 19 and 33). In Massena's Memoirs, vii. 161, the deductions from the total of 60,000 are put at 14,000, but in his instructions to Casabianca (his second aide de camp, not third, as stated by Marbot, who reverses their respective positions) Massena insisted that he had only 45,000 men, *exclusive* of the cavalry reserve and convalescents (*ibid.* p. 178). The inconsistencies as to figures in Massena's Memoirs point to the conclusion that Fririon's figures are the most trustworthy we have. Napier's extracts (iii. 576, app.) from the imperial muster rolls give a total

undertaking. In his estimate of the forces under Wellington's command Napoleon left the Portuguese troops altogether out of account.³⁹ It was only on Napoleon's urgent insistence that Massena undertook the command, and Ney and Junot had no belief in the success of the campaign.⁴⁰ According to Koch, who repeatedly underestimates the force at only 45,000, if Massena had had the 60,000 men promised by Napoleon 45,000 would have marched on Lisbon by Thomar and Coimbra, and the rest on Oporto by way of Vizeu.⁴¹ I may point out that by crossing the Mondego Massena protected himself against serious surprise. Trant's attempt was a failure and is greatly magnified by Marbot. Massena appears to have persuaded himself that Wellington would certainly dispute the passage of the Mondego at Coimbra, when his position on the Alva was turned, and, no doubt, rightly judged that Wellington would not have the same chance of victory as on the Alva.⁴² Although the Alcoba is a conspicuous feature in Lopez's map, barring or commanding the roads from Vizeu to Coimbra, Massena does not appear to have contemplated the possibility of Wellington crossing the Mondego in force and disputing his progress at Bussaco.

It was Massena's intention to turn the Alcoba and fall on Coimbra by the western side of the range. Lopez's map shows no roads west from Vizeu except the roads to Aveiro, which led too far north, and the road down the valley of the Daõ (see sketch map). Massena accordingly directed Ney and Junot to reconnoitre all the roads from Vizeu crossing the Caramula, but they either neglected to do so or entrusted the task to careless or incompetent officers, who, it is interesting to learn, were already in large numbers on the French staff. At any rate Massena was informed, contrary to the fact, that there were no roads across the mountains. The staff map shows a network of roads and tracks. In consequence of this erroneous report Massena was compelled to change his plan and march down the valley of the Daõ. Ney's advance guard was directed on Casal de Maria; a detachment was to cross the Criz, and the rest of the 6th corps to be echeloned between Tondella and Sabugosa. Reynier's advance guard was to move on S. Comba

'effective' of over 85,000 men, but this includes non-combatants (*ibid.* p. xxxix), detachments, and over 12,000 men in hospital, men under arms being returned at over 65,000. These tables are evidently the source of Sir Herbert Maxwell's very exaggerated and inconsistent estimates (*Life of Wellington*, i. 193 and 222).

³⁹ Berthier to Massena, 19 Sept. 1810, printed in *Wellington Despatches*, iv. 810, app.

⁴⁰ *Mémoires de Massena*, vii. 17 *et seq.* 'Ce que je sais, c'est que j'ai entendu Junot, la veille du jour du départ de *San Felices el Grande*, dire que l'armée serait bienheureuse si elle revenait avec le quart de son monde' (*Mémoires de la Duchesse d'Abrantès*, xiii. 199).

⁴¹ *Mémoires de Massena*, vii. 165. The promise is given at 70,000 men (*ibid.* i. li, and vii. 559).

⁴² Fririon, p. 72; *Mémoires de Massena*, vii. 165, 185.

Daõ and prepare the road for the artillery.⁴³ This route, which was followed by the whole army, is traced along the road from Vizeu through Sabugosa and S. Comba Daõ (part iii.) to Martigaõ, where the red-ink line stops. Martigaõ, or Mortagoa, was Massena's headquarters previous to the battle of Bussaco. Tondella, S. Comba Daõ, and Casal de Maria are misplaced by Lopez, but are approximately in their true positions in the sketch map.⁴⁴ The advance guard of the 6th corps drove the British outposts out of S. Comba Daõ on the 21st, and a division occupied Casal de Maria on the 22nd, and on the 23rd the 2nd corps occupied S. Comba Daõ, Ponte de Criz, and Mortagoa.⁴⁵

On the 24th, while still at Vizeu, Massena traced an itinerary, according to which the 2nd and 6th corps were to reunite on the 28th in front of Coimbra; the 8th corps with the cavalry reserve were to occupy Carqueijo on the same day, and the artillery reserve was to reach Fornos on the 30th. Fornos and Carqueijo are on the highroad from Coimbra to Oporto. This itinerary was drawn up under the belief that Wellington would not offer battle except at Coimbra, and was abandoned when the allies took up their position at Bussaco. The itinerary was based on imperfect information, and would probably have been altered in any case.⁴⁶ It is not laid down in the map. The road is continued from Martigaõ across the Alcoba to Coimbra. The staff map shows that the road through S. Antonio do Cantaro meets the highroad at Fornos, and the road past Bussaco (547) at Mealhada, eleven miles west of Mortagoa. Neither Boialvo nor the Boialvo road, by which, after his defeat, Massena turned Wellington's position, appears in Lopez's map, and no route is laid down. Boialvo is ten miles north-west of Mortagoa, and about four from the highroad. The *Bussaco Sierra Alta* is shown in Lopez's map as a spur trending north-west from the Alcoba, with *Buzaco (sic)*⁴⁷ marked at its western extremity and much misplaced. It is unnecessary to say that the Serra do Bussaco really runs north-west from Pena Cova, which is fairly correctly placed by Lopez, as also is Lorvaõ, Wellington's headquarters previous to moving to the convent of Bussaco.

After reconnoitring the position of the allies on the 26th Massena held a council of war in the evening. Reynier and

⁴³ *Mémoires de Massena*, vii. 181, 182.

⁴⁴ The route from Vizeu (451) is as follows: Sabugosa (366), 9 miles; Tondella, (305), 5 miles; S. Comba Daõ (213), 9 miles; Rio Criz, 2½ miles; Mortagoa, 3 miles; Casal de Maria is on a by-road 2½ miles N. by W. of S. Comba Daõ.

⁴⁵ Fririon, p. 42; Massena to Berthier, 22 Sept.; Lambert to Berthier, 23 Sept. Ponte de Criz is not marked either by Lopez or in the staff map, but appears in Nantiat's map.

⁴⁶ Fririon, p. 44; *Mémoires de Massena*, vii. 185, where further details are given.

⁴⁷ *Bussaco* is the spelling of the staff map, adopted in the *Vie militaire du Général Foy*, par Maurice Girod de L'Ain, chef d'escadron d'artillerie. Paris, 1900.

Lazowski (commanding engineer officer), while admitting the difficulty of the attack, were of opinion that it might succeed. Ney maintained that it was too late. Junot, Eblé (commanding artillery officer), and Fririon were of this opinion. Ney went on to advise a retreat on Vizeu, with a view to marching on Oporto, or preferably on Almeida and Ciudad Rodrigo. Massena repudiated this advice with indignation, and held himself bound by Napoleon's orders to force his way at all hazards and march on Lisbon. It would be time enough to think of retreating behind the Côa when they had sustained a defeat: *Les inconvénients d'un échec ne peuvent être mis en balance avec les avantages d'une victoire.* Koch shrewdly observes that Massena had need of a victory in order to force his lieutenants to submission.⁴⁸ In Koch's opinion Wellington's position, then held by only 25,000 men, would have been carried if Massena had been able to bring up his whole army on the morning of the 26th, but the 8th corps and the artillery were too far behind to permit of the attack being made until the evening.⁴⁹ This, however, does not excuse Massena's rashness in attempting on the following day to carry an almost impregnable position now held by 50,000 men, and against which, owing to the nature of the ground, artillery could not be employed, and only half his force could be brought up to the attack. The 8th corps was held in reserve and took no part in the engagement, while Mermet's division, forming the reserve of the 6th corps, made only a slight demonstration.⁵⁰ Lord Londonderry, who strongly condemns Massena's front attack, characterises Wellington's conviction that his position at Bussaco would certainly be attacked as an instance of prescience quite out of the ordinary course of events, for which it is impossible accurately to account, 'inasmuch as Busaco was a position simply and solely because the enemy thought fit by attacking to give to it that character.'⁵¹ Wellington's conviction was doubtless based in the main on Massena's reputation as a fighting general, but it may perhaps be accounted for in part by his knowledge of the omission of the Boialvo road in Lopez's map,⁵² which was the best available for Massena's use. Wellington was quite aware of the danger from the Boialvo road, 'by which we may be turned and cut off from Coimbra. But I do not yet give up hopes of discovering

⁴⁸ *Mémoires de Massena*, vii. 191-3.

⁴⁹ *Ibid.* pp. 190, 209, 210.

⁵⁰ Fririon, pp. 50-52. He gives the actual figures as follows:—2nd corps: Merle, 5,857; Heudelet, 7,440: total, 13,297. 6th corps: Marchand, 6,558; Mermet, 7,023; Loison, 6,916: total, 20,497. Total engaged, 33,794, or, deducting Mermet's division, only 26,771. Loss, which fell exclusively on the 2nd and 6th corps, killed, 521; wounded, 3,601; prisoners, 364: total, 4,486. State of army, 1 Oct., 55,320 (*ibid.* p. 55).

⁵¹ *Narrative*, pp. 445, 446.

⁵² The Boialvo road is also omitted in Nantiat's map.

a remedy for this last misfortune.'⁵³ It is absurd, however, to suppose that ordering Trant to Sardaõ was a remedy, as Wellington suggests.⁵⁴ In his conversation with Foy before his departure from Paris Napoleon strongly condemned Massena for his rashness in making this march with his army demoralised by defeat and in the presence of a victorious enemy.⁵⁵ Massena's army, however, was by no means demoralised,⁵⁶ and his knowledge that half of Wellington's force was Portuguese probably determined Massena to take the risk. In Napoleon's opinion Wellington ought to have attacked, and lost his opportunity. The fact is that Wellington had not sufficient confidence in the Portuguese levies to undertake a directly offensive operation, although he was well satisfied with their conduct at Bussaco. He was probably influenced by political considerations, as Napier suggests, in making a stand at Bussaco, but Thiers well observes that Wellington was unwilling to retire as a fugitive without first delivering a defensive battle which would establish the *moral* of his troops, and nerve them for the defence of the lines of Torres Vedras, while a victory might avert the necessity for retreat.⁵⁷

As I have said the route breaks off at Martigaõ, and Massena's turning movement is not laid down in the map. On the 28th Junot was ordered to advance at nightfall with all rapidity on Sardaõ, Ney to follow as far as Boialvo, and Reynier to retire on Mortagoa and bring up the rear. On the evening of the 29th Massena learnt at Boialvo of Wellington's retreat on Coimbra, and ordered Junot to take up his position between Mealhada and Carqueijo, Ney to march on Mealhada by Avellas de Caminho, and Reynier to post himself at Pedreira.⁵⁸ The red line recommences at Pedreira, and follows the highroad through Mealhada, Carqueijo (*sic*), and Fornos to Coimbra.⁵⁹

In his despatch of 3 Nov. to Lord Liverpool Wellington discusses the policy of the expedition, which he believed to be based not on military considerations, but on the necessity for relieving the distress of the French army in the Peninsula by the plunder of

⁵³ To Cotton; Convent of Busaco, 21 Sept. See also letter to Stuart, 24 Sept., where Wellington says that if the enemy wait another day or two they will be unable to turn the position.

⁵⁴ To Lord Liverpool, Coimbra, 30 Sept. See Lord Londonderry, *ubi supra*; Napier, iii. 337-8, and *Mémoires de Massena*, vii. 205.

⁵⁵ *Vie militaire du Général Foy*, p. 121.

⁵⁶ Foy's report to the emperor, 22 Nov., *ibid.* p. 346.

⁵⁷ *Histoire du Consulat et de l'Empire*, xii. liv. 39, p. 365.

⁵⁸ *Mémoires de Massena*, vii. 202-4. The road rises from about 100 metres at Mortagoa to 355 (8 miles), and falls to 128 at Boialvo (3 miles). From Boialvo several roads debouch on the highroad between Pedreira and Sardaõ. Sardaõ is about 6 miles N.W. of Boialvo, the distance by the roads being greater. Route from Sardaõ: Avellas de Caminho, 6 miles; Pedreira, 3½ miles; Mealhada, 4 miles; Carqueijo 4 miles; Coimbra, 8 miles. ⁵⁹ Cf. Marbot, ii. 401.

Lisbon and Oporto. 'If the expedition into Portugal had been founded upon military principle only it would have ended at Busaco; and I do not hesitate to acknowledge that I expected Massena would retire from thence, or at all events would not advance beyond the Mondego.' The majority of Massena's staff were of opinion that they ought to consolidate their position on the Mondego, and re-establish communication with Almeida, so as to bring up their siege guns and other munitions, which would be indispensable for their operations against the lines of Torres Vedras, of which they learned for the first time on reaching Coimbra.⁶⁰ Massena was, however, fully persuaded that Wellington had only retreated in order to choose a new position in which to offer battle, and persisted in advancing, as indeed under Napoleon's instructions he was bound to do. A delay was, however, necessary for the further repair of the artillery and transport wagons, which had suffered severely in the march from Vizeu.⁶¹ Sir Herbert Maxwell is somewhat unfair in stating that Massena wasted three days plundering Coimbra.⁶² The magazines were plundered by the 8th corps in defiance of Massena's orders. Lambert, the intendant-general, remonstrated in vain with Junot, who disclaimed responsibility for maintaining order.⁶³ Massena severely reprimanded Junot and threatened to deprive him of his command.⁶⁴ I may here refer to the allegations against Trant preferred by Koch and Marbot.⁶⁵ Marbot's charge of a massacre is not supported by Koch, who does not go beyond alleging blows and outrages and inhuman excesses. Fririon mentions no outrages, but confines himself to a comparatively minor charge: *Tous ces malheureux prisonniers furent traînés plutôt que conduits à Oporto.*⁶⁶ The inhumanity of removing the wounded from the hospitals must be admitted, but there appears to be little foundation for Koch's, much less for Marbot's charge, which is sufficiently refuted by Foy's report to the emperor:

Des soldats échappés de Coimbre ont dit à leurs camarades que les malades et blessés français pris par les Portugais n'avaient pas été tués et qu'on les conduirait en Angleterre.⁶⁷

Thiers ignores the incident altogether, though he refers to the necessity Massena was under of leaving his wounded behind at Coimbra. His silence is conclusive.

From Coimbra the route is continued south through Condeixa Velha, Venda da Cruz, Pombal, and Leiria to Batalha. Massena moved on 5 Oct. The advance guard, which he now placed under Montbrun's command, pushed on to Leiria and Batalha that

⁶⁰ Fririon, pp. 72-4 and 84. Cf., however, *Mémoires de Massena*, vii. 212, 216-7.

⁶¹ *Mémoires de Massena*, vii. 212.

⁶² *Life of Wellington*, i. 199, 201.

⁶³ *Mémoires de Massena*, vii. 207.

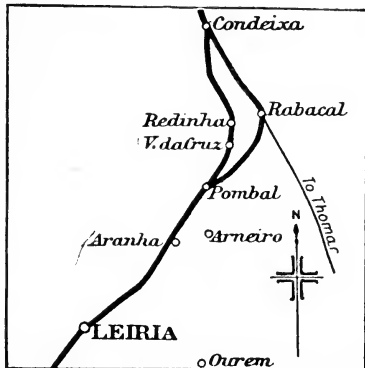
⁶⁴ *Ibid.* p. 208.

⁶⁵ *Ibid.* pp. 237, 238; Marbot, ii. 404. See Napier, iii. 349, 350, and 634, app. viii.

⁶⁶ Fririon, p. 75.

⁶⁷ *Vie militaire du Général Foy*, p. 347.

evening. The 8th and 6th corps were ordered to follow, the former halting at Venda da Cruz and the latter behind Redinha. The 2nd corps was ordered to march by Rabaçal and reconnoitre all the roads connecting with the above route, and then fall back on Pombal or Leiria according to circumstances. The whole army was to concentrate at Leiria.⁶⁸ The road to Thomar and Santarem branches off at Condeixa Velha, and Reynier's route is traced along it as far as Rabaçal, and then carried across country to Pombal. In the staff map Rabaçal is connected by zigzag cross-country roads with both Redinha and Pombal. On the 6th the 8th corps marched through Pombal on Arranha; the 6th corps advanced beyond Pombal, and the 2nd corps marched from Rabaçal to Arneiro.⁶⁹ All three corps concentrated at



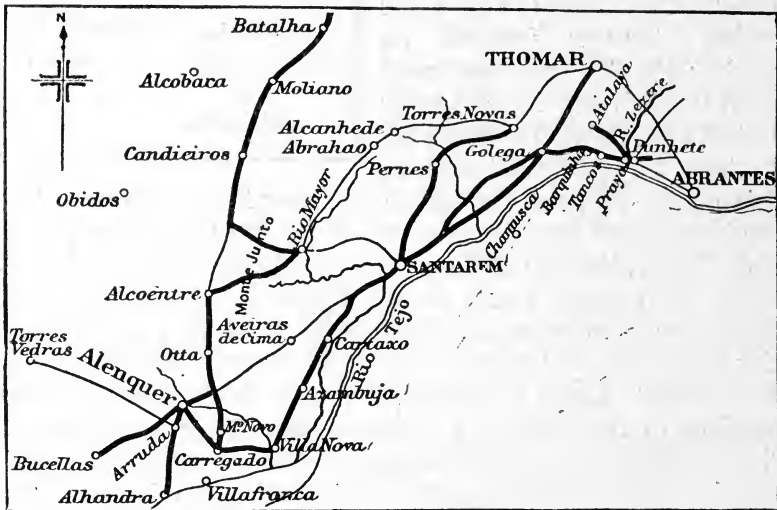
Leiria on the 7th, and the march was now in one column. The route is continued from Batalha, where the pen has evidently been freshly dipped, through Moliano and Candieiros, which were occupied by the advance guard on the 7th, to Rio Maior in part v. The advance guard came up with the British cavalry picquet at Rio Maior on the 8th, and drove it beyond Alcoentre, where the pursuit was checked.⁷⁰ Lopez lays down the road fairly correctly from Candieiros to Alcoentre, but misplaces Rio Maior to the east, as well as the Monte Junto, which is really south-west of Alcoentre. The result is somewhat absurd, the route being carried over the mountain to Rio Maior and then turned back at an acute angle, recrossing the mountain, to Alcoentre. Rio Maior is really upon the main road, about seven miles south of Candieiros. The 8th

⁶⁸ *Mémoires de Massena*, vii. 218. Fririon, p. 77. Route from Coimbra: Condeixa, 8 miles; Redinha, 9 miles; Venda da Cruz, 4 miles; Pombal, 3 miles; Arranha, 5 miles; Leiria, 11 miles. The positions of Redinha and Arranha have been corrected in the sketch map. Rabaçal is 7 miles' march from Condeixa and 12 miles north-east of Pombal, the distance by road being considerably greater. Condeixa Velha should be Condeixa. Condeixa Velha is shown in the staff map as a separate village in the angle between the roads.

⁶⁹ Arneiro is 16 miles' march from Rabaçal and about 23 from Leiria. It is 9 miles east-south-east of Pombal and has inadvertently been placed too near the route in the sketch map. The Arneiro route runs generally at an elevation of 200 to 300 metres, considerably higher than the Pombal route. Arneiro do Pisao, $1\frac{1}{2}$ mile east of Arranha and 9 miles W. by N. of Arneiro, is on a by-road leading from Pombal and rejoining the main road 3 miles south of Arranha. Reynier may have fallen back on Pombal in accordance with the route on the map, and marched by Arneiro de Pisao, but his orders were discretionary, and I think he marched by Arneiro.

⁷⁰ Fririon, pp. 77, 78; Cotton to Wellington, 9 Oct. Fririon claims several prisoners, but Cotton admits only one.

corps marched from Candieiros to beyond Rio Maior on the 9th, the 6th and 2nd corps following, and Alcoentre was reached on the 10th.⁷¹ From Alcoentre the route is traced south through Otta and Moinho Novo to Castanheira, which is corrected in the sketch map below to Carregado.⁷² On the 11th Reynier was ordered to advance by the royal road on Carregado,⁷³ which became his headquarters. The 2nd corps also occupied the valley of Arruda as well as Castanheira and Villa Franca, on the Tagus.⁷⁴ Ney was at the same time ordered to take up his position at Otta, four miles north of Alemquer, and repair the roads debouching on Sobral. A reconnaissance of the road from Alcoentre showed that it was impracticable for artillery, and Ney was authorised to concentrate the 6th corps at Moinho de Cuba, placing a division only at Otta.⁷⁵



Lopez lays down a road running direct from Santarem to Lisbon, which crosses the foregoing route between Otta and Moinho Novo, and on which he places Alemquer (*sic*) and Bucellas. A red-ink line is traced along this road from the point of intersection to Alemquer and thence to Bucellas, another from Alemquer to

⁷¹ Fririon, pp. 80, 81. Route from Leiria: Batalha, 6½ miles; Candieiros, 17 miles; Rio Maior, 7½ miles. The road rises from 116 metres at Batalha to 403 near Candieiros, falling to about 100 at Rio Maior. Alcoentre is 9 miles south of Rio Maior.

⁷² Otta is marked by Lopez on the site of Moinho de Cuba, and Moinho Novo is placed too far south. Moinho Novo is 2 miles east of Alemquer and about 3 miles distant by road. Route from Alcoentre: Moinho de Cuba, 7 miles; Moinho Novo, 4 miles; Carregado, 2½ miles. Castanheira is two miles south of Carregado, on the road to Alhandra. Carregado (*sic*) is misplaced by Lopez.

⁷³ *Mémoires de Massena*, vii. 224.

⁷⁴ Fririon, p. 90. Villa Franca is 2½ miles south by west of Castanheira.

⁷⁵ *Mémoires de Massena*, vii. 225. Otta (Ota in the staff map) is 1½ mile west by north of Moinho de Cuba, and connected by road with Moinho de Cuba, Alcoentre, and Alemquer.

Arruda, and thence to Alhandra, and a third from Alemquer to Castanheira (Carregado). Alemquer is five miles' march from Moinho de Cuba. Montbrun reached Alemquer on the 10th, and Soult's brigade occupied the road between Alemquer and Carregado.⁷⁶ The following day Soult, in accordance with Massena's orders, captured the magazines at Villa Franca and reconnoitred Alhandra.⁷⁷ The red line from Alemquer to Castanheira is probably connected with this movement of Soult's. On the same day, the 11th, Montbrun accompanied Lazowski, commanding engineer officer, who was entrusted by Massena with the task of reconnoitring the road from Sobral to Bucellas.⁷⁸ The reconnaissance was checked at Sobral, which was occupied by the 8th corps on the 12th.⁷⁹ It is unnecessary to say that Junot was equally unsuccessful in penetrating beyond Sobral. The line from Alemquer to Bucellas, though the road is by no means direct, as represented by Lopez, clearly relates to these movements. The plan appears to indicate that Massena was well informed, as the weakest point in the second line of defence lay between Bucellas and Alhandra, in the vicinity of the valley of Arruda.⁸⁰ Reynier made a reconnaissance in force on Arruda on the 15th,⁸¹ and this may possibly be the explanation of the above lines from Castanheira (Carregado) to Alemquer and from Alemquer to Arruda and thence to Alhandra. The staff map, however, shows direct connexion by cross-country roads between Carregado and Arruda. A probable explanation of the line from Alemquer to Arruda and Alhandra appears to be found in Massena's order, contained in his letter to Fririon of 7 Nov.,⁸² by which he directed Pelet to make a careful reconnaissance along the line of Arruda. Writing from S. Quintino, near Sobral, on 11 Oct. to Craufurd, who was posted at Arruda, Wellington discusses the situation and Massena's probable intentions at some length. He

⁷⁶ Fririon, p. 81; cf. Wellington's memorandum for Spencer, 11 Oct. Carregado is 3 miles south-east of Alemquer.

⁷⁷ *Mémoires de Massena*, vii. 223, 224. Alhandra is 2 miles south by west of Villa Franca.

⁷⁸ *Mémoires de Massena*, ubi supra. Sobral is not marked by Lopez. It is 8 miles west by south of Alemquer, and about 10 by the road, which rises in a mile from Alemquer (112) to 272 metres. 305 is marked north and 236 south of Sobral. Sobral is on the road from Torres Vedras to Alhandra and is 8 miles north of Bucellas, which is 6 miles west by south of Alhandra.

⁷⁹ *Mémoires de Massena*, vii. 225.

⁸⁰ Napier, iii. 352, 358. Arruda is 6 miles south-south-west of Alemquer, but the road connexion is indirect. It is about 6 miles north-west of Alhandra on the road to Torres Vedras.

⁸¹ Fririon, p. 88.

⁸² *Ibid.* p. 105, reprinted in *Wellington Despatches*, iv. 817, app. Pelet was Massena's first aide-de-camp. The line was doubtless traced at an earlier date, but it is evident that Massena had been unable to obtain exact information. Pelet was directed to make a detailed ('bien circonstancié') report, but failed to do so, only making a few notes of the reconnaissances which were made on 8 Nov. See Pelet's letter in Fririon, *ubi supra*.

points out that in the present state of the weather it is impossible for the enemy to get guns upon the paved road which runs through Arruda to Alhandra without passing through Sobral. Wellington also points out the importance of the position of Arruda, though he does not think it could be held for any length of time against a superior force.

Massena spent the 14th and 15th in reconnoitring the lines, and came to the conclusion that it was impossible to carry them by assault without siege guns.⁸³ There appears to be no foundation, as Sir Herbert Maxwell points out, for Marbot's assertion that Massena desired to attack the lines, and would have done so but for Ney's refusal to act. Marbot discusses the subject as if there had been only one line of defence. Massena was fully informed as to the existence of the three lines.⁸⁴ An enormous quantity of ammunition had been destroyed by the rains, and the supply which remained would have been insufficient for an attack on the second line even if the first had been carried.⁸⁵ The loss in sick and missing during the march was disastrous.⁸⁶ Fririon having reported on 8 Nov. that Sobral was untenable, Massena on the 10th communicated confidentially to Fririon his final arrangements for the withdrawal, which took place on the 14th.⁸⁷

From Castanheira (Carregado) the red line is traced along the road to Villa Nova da Rainha, and thence through Azambuja and Cartaxo to Santarem. This was the route by which Reynier was ordered to march, covering Junot's line of retreat by Moinho de Cuba, altered to Moinho Novo, Aveiras de Cima, and Cartaxo.⁸⁸ Junot's

⁸³ *Mémoires de Massena*, vii. 232, 233. As the result of their respective reconnoissances at Sobral and Alhandra Junot and Reynier had already arrived at this conclusion (Fririon, p. 87). The duchess of Abrantes (*Mémoires*, xiii. 217, 218) represents Ney and Junot as in favour of attacking the lines, but according to Junot (*ibid.* p. 338) nothing could have been attained without help from Soult. Junot at the same time, no doubt falsely, describes Massena as having lost his nerve (*ibid.*) In his letter to Soult of 24 Jan. 1811 Foy has the effrontery to write that they did not attack the lines 'moins parce qu'il y avait peu de chances de succès que parce qu'il convenait à la politique de l'empereur d'entretenir sur le continent, dans les circonstances difficiles où se trouve l'Angleterre, une lutte qui fatigue les armées de cette puissance, qui saigne sa population,' &c. (*Vie militaire du Général Foy*, p. 354). This extraordinary statement, evidently suggested by Napoleon's observations (*ibid.* p. 122), was doubtless accepted by Soult *cum grano salis*.

⁸⁴ Massena to Berthier, 29 Oct.

⁸⁵ *Mémoires de Massena*, vii. 232, 233.

⁸⁶ State: 1 Oct., 55,320; 31 Oct., 46,591; 15 Nov., 44,814 (Fririon, pp. 55, 98, and 112). The 8th corps (16,745 on 15 Sept., Fririon, p. 69), which was not engaged at Bussaco, had lost by 1 Nov. 2,559 men. See *Mémoires de la Duchesse d'Abrantès*, xiii. 216, where details are given.

⁸⁷ Fririon's report, Massena's *Dispositions* of 29 Oct. and 10 Nov., and his correspondence relating to the withdrawal are reprinted in *Wellington Despatches*, iv. 817 *et seq.*, app.

⁸⁸ Fririon, pp. 110, 112. Aveiras de Cima is about 8 miles' march from Moinho Novo and 6 from Cartaxo. Reynier's route from Carregado: Villa Nova, 3 miles; Azambuja, 4 miles; Cartaxo, 8 miles; Santarem, 8 miles.

route is not laid down. The roads meet at Cartaxo, not as in Lopez's and Napier's maps. The 8th corps evacuated Sobral on the 14th at 8 P.M., and passed through Alemquer during the night unmolested. Marching by Moinho Novo, as directed, it bivouacked at Aveiras de Cima on the 15th. The road, however, proved impracticable for the artillery, which was accordingly sent round by Azambuja. The 2nd corps, guided by Pelet, evacuated Villa Franca and Carregado on the same day, Heudelet's division occupying Azambuja and Merle's Villa Nova. On the 16th the 8th corps marched by Cartaxo and Santarem on Abrahaõ and Pernes, and the second corps fell back on Cartaxo.⁸⁹ Mermet's march to Thomar by Rio Maior, Alcanede, and Torres Novas is not laid down. Loison's and Marchand's divisions of the 6th corps had already been sent by Massena to Montbrun's support at Punhete and Thomar.

The 2nd corps was quartered at Santarem. The lines which I have now to describe illustrate Massena's general conception as shown in his 'Dispositions' of 10 Nov.

La nouvelle position que l'armée devra occuper aura sa gauche à Santarem, son centre à Torres Novas, et sa droite à Thomar, s'appuyant sur le Zezere, dont la rive gauche sera occupée par la division Loison, qui appuiera elle-même sa droite à Punhete.

There are two lines of march laid down from Santarem. One follows the road to Pernes (part iii.), and crossing the Alviella is traced to Torres Novas, where it stops. Junot's headquarters and 1st division were at Pernes, his 2nd division at Torres Novas, and his cavalry at Alcanede and Abrahaõ.⁹⁰ Massena made Torres Novas his headquarters. The other line of march up the bank of the Tagus diverges into two branches which meet at Golegã (*sic*) in part iii. From Golegã or Gollegã there are, again, two lines laid down, one to Thomar (Ney's headquarters),⁹¹ the other along the river through Barquinha and Tancos, where Massena at one time proposed to bridge the Tagus, to Praia, which is incorrectly placed on the Zezere opposite Punhete.⁹² From Punhete a short

⁸⁹ Fririon, pp. 112, 114; *Mémoires de Massena*, vii. 263-5.

⁹⁰ According to Massena's *Dispositions* of 10 Nov. Junot was to establish himself with his 1st division at Gollegã, and his 2nd division and cavalry at Torres Novas. This order must, however, have been altered, as on the 16th and 17th the corps took up its position as stated above (Fririon, pp. 114, 115). The march is given in accordance with the order in Massena's *Mémoires*, vii. 265, where the 2nd is evidently a misprint for the 8th corps. On a point of this kind, however, the authority of Fririon's *Journal* can scarcely be questioned. Gollegã is 16 miles' march from Santarem. Route from Santarem: Pernes, 11 miles; Torres Novas, 10 miles. Gollegã and Alcanede are each about 11 miles' march from Pernes.

⁹¹ Thomar is 16 miles' march from Gollegã and 12 from Torres Novas

⁹² Constanca in the staff map. Praia is 1 mile below the confluence of the Tagus and the Zezere. Route from Gollegã: Barquinha, 6 miles; Tancos, 2 miles; Rio Zezere, 3½ miles; Abrantes, 8 miles.

line is drawn with a dash of the pen about halfway along the road shown in the sketch map. This incomplete line would appear to indicate that the construction of the bridge and defence of Punhete were uppermost in Massena's mind at the time he traced it, though almost immediately after his arrival before the lines he directed his attention to the capture of Abrantes and ordered Montbrun to take it by ruse or by force.⁹³ Punhete was reconnoitred on 18 Oct., and occupied on the 31st, on the occasion of Foy's departure for Paris.⁹⁴ There is another red line from Atalaia to Praia. Atalaia is somewhat misplaced by Lopez. In the staff map it is on the direct road to Thomar, six miles from Gollegã, and one mile beyond the point where the road goes off to Constancia (Punhete) and Abrantes. No direct road is shown, as in Lopez's map, though there is a maze of by-roads, and the shortest route from Atalaia to Punhete would appear to be along the last-mentioned road. The red line between Atalaia and Praia does not, therefore, indicate an independent route, but is due to the misplacement of Atalaia. Atalaia is frequently mentioned as a station, and was to be Massena's headquarters in the plan of retreat which he communicated confidentially to Fririon on 4 Feb. 1811.⁹⁵

Massena's views and situation are fully explained in his despatch to Berthier of 6 March 1811,⁹⁶ as well as in his Memoirs. The whole position was discussed, in the light of Napoleon's orders brought by Foy, at Loison's *déjeuner* at Gollegã on 18 Feb.⁹⁷ The extract from Foy's journal⁹⁸ purports to be dated on the 11th, and this error, unless it is a misprint, and the grave discrepancies between Foy's account of the discussion and the account in Massena's Memoirs, which is substantially confirmed by Thiers, as well as the somewhat rhetorical language of the passage, point to the conclusion that it was written subsequently from recollection and is no more to be relied upon than his letter to Soult to which I have already adverted (above, p. 488, note 83). Foy represents Ney as proposing to cross over into Alemtejo, in order to aid Soult's operations, and await reinforcements on the Upper Guadiana. According to Massena's Memoirs this was Loison's suggestion, which was unanimously rejected,⁹⁹ and Ney gave his strong adherence to Foy's own proposal that they should stay in their present positions until the arrival of the 5th corps. So far from

⁹³ *Mémoires de Massena*, vii. 245. See also Massena to Fririon, 25 Oct., p. 93. reprinted in *Wellington Despatches*, iv. 814, app.

⁹⁴ Fririon, pp. 91, 98. The bridges over the Zezere at Punhete, one of boats and the other of rafts, were completed on 2 Nov. Massena ordered additional boats to be constructed, in order to cross the Tagus at Tancos (*ibid.* p. 102). ⁹⁵ *Ibid.* p. 131.

⁹⁶ Printed in *Wellington Despatches*, iv. 828 *et seq.*, app.

⁹⁷ *Mémoires de Massena*, vii. 313 *et seq.*

⁹⁸ *Vie militaire du Général Foy*, pp. 129-32. ⁹⁹ *Mémoires de Massena*, vii. 318.

proposing to cross the Tagus, Ney declared the passage too dangerous, and only to be risked as a final resort in case Badajoz had not fallen and fresh orders from the emperor had not arrived by 20 March.¹⁰⁰

Massena determined, having regard to Napoleon's orders, to await Mortier's diversion until the last extremity, and then retire on the Mondego, a course against which Ney had emphatically declared himself, but it is expressly stated that Massena broke up the party without communicating his intention,¹⁰¹ and from the report in his Memoirs he would appear to have taken little part beyond eliciting the opinions of his generals. Notwithstanding this Foy represents Massena as taking a leading part in the discussion and announcing before the assembled generals his ultimate intention of retreating on the Mondego, an intention with which Foy was doubtless acquainted from Massena's despatch of 29 Oct., which he carried to Paris. In referring to Reynier's garbled account of the proceedings entitled 'Conférences de Golgaô,' which Reynier strangely submitted to Massena, Foy appears to have been unaware that all present at the discussion, except Ney, signed at Massena's request a declaration of the utter inaccuracy of the document, similar to that signed by Foy himself and the four generals whom he mentions.¹⁰² The duchess of Abrantes prints the text of Junot's declaration, but by a curious misapprehension attributes the document itself, of which she professes to give a *résumé*, to Massena, and adduces it as a glaring instance of his bad faith.¹⁰³ Such was the result of Massena's precautions to prevent the document being used against him. To turn to a more serious matter, Sir Herbert Maxwell¹⁰⁴ has repeated a charge against Massena as revolting as it is improbable. Massena's circulars to his lieutenants during the campaign show conclusively that he did not countenance or connive at the license of his soldiers, however helpless he may have been to restrain it. The following passage is manifestly sincere :

J'apprends que des soldats détachés pour chercher des vivres se portent aux excès les plus inouis. Ceux des habitants qui ont déjà fourni toutes les subsistances en leur pouvoir, ou que la misère empêche d'en fournir,

¹⁰⁰ *Mémoires de Massena*, vii. 323.

¹⁰¹ *Ibid.* pp. 233, 234.

¹⁰² *Vie militaire du Général Foy*, p. 133 ; see *Mémoires de Massena*, vii. 324, 325.

¹⁰³ *Mémoires de la Duchesse d'Abrantes*, xiv. 10-16. It is difficult to understand how the document came to be among Junot's papers. It looks as if, though he signed the required declaration, he omitted to send the paper back to Massena. In Massena's Memoirs no exception is taken to Junot's attitude on this occasion.

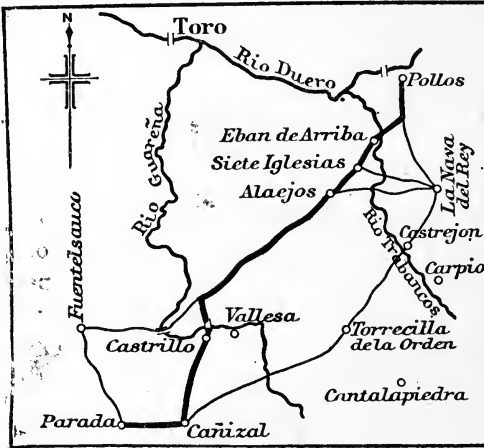
¹⁰⁴ *Life of Wellington*, i. 203, citing *Quarterly Review*, lxx. 42, note. The French authority referred to by the reviewer and Sir Herbert Maxwell is Guingret, *Campagne de Portugal* (1817), from which a long extract is given by Jones, *War in Spain and Portugal* (1818), app. C. pp. 413-20. Guingret, pp. 123 *et seq.*, describes the horrible state of license that prevailed, but is not an authority for the statement that the foraging detachments *had orders* to bring in the women.

sont victimes de leur barbarie ; vous n'apprendrez pas sans frémir qu'ils ont pendu quelques-uns de ces malheureux. L'honneur des armes de l'empereur et la générosité du caractère français se révoltent également contre de semblables atrocités. Si on ne s'empresse pas de les réprimer, nous serions bientôt au ban de toutes les nations civilisées.¹⁰⁵

There is little in Massena's character to esteem, but he could not have addressed lieutenants with whom his relations were strained in such language as this had he been guilty of issuing orders to his soldiers inciting to organised outrage, even more diabolical than the atrocities which he here denounces.

No routes are laid down in the map in connexion with Massena's retreat, and I now pass on to the other maps to which I have referred.

Partido de Toro (38).¹⁰⁶ In this map a line in yellow ink is laid down from Pollosto Parada de Rubiales, which appears to be part of Marmont's original plan of advance on Salamanca in July 1812. The route crosses the Trabancos at Eban de Arriba and passing through Siete Iglesias and Alaejos is carried to Castrillo, on the Guareña, and thence to Cañizal and Parada de Rubiales, in the province of Salamanca. In Coello's



map all the foregoing places are on the highroad to Salamanca.¹⁰⁷ Marmont crossed the Duero on 17 July at Tordesillas and Pollos,¹⁰⁸

¹⁰⁵ *Mémoires de Massena*, vii. 278, 279.

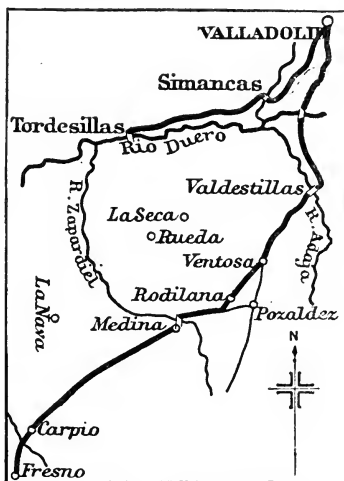
¹⁰⁶ This map was published in 1784, and is on a scale of one inch to the league (twenty to the degree). The note is typical, and acknowledges 'una razon puntual de esta diocesis' from the archbishop of Zamora. 'Esforzó este Illmo mucho á los Señores Parrocos para que respondiesen exactamente á mis circulares.' The country is indicated as studded with hills and woodland. The sketch map is about one-fourth of the scale of the original.

¹⁰⁷ The road is direct, not as in Lopez's map. Coello also shows the old road passing south of Pollos and through or near Eban de Arriba, Siete Iglesias, and Alaejos to the neighbourhood of Castrillo; a track from this road passes through Castrillo and Cañizal to Parada. Route from Pollos: Rio Trabancos, 6 miles; Alaejos, 6 miles; Castrillo, 8 miles; Cañizal, 5 miles; Parada, 4 miles; Salamanca, 17 miles.

¹⁰⁸ Napier, v. 149. Tordesillas only is mentioned in Marmont's despatch of 25 July (printed in *Wellington Despatches*, v. 815, app.) and in Wellington's despatch to Lord Bathurst of 21 July.

and the next day attacked Cotton at Castrejon,¹⁰⁹ and nearly about the same time turned the left flank of this position by Alaejos marching by the route laid down in the map. The march on Vallesa by La Nava del Rey, Castrejon, and Torrecilla de la Orden is not laid down. The movement on Vallesa, however, appears to have been only a feint, and the real attack was made at Castrillo, in pursuance of the plan laid down in the map. Repulsed in his attempt to enter the valley of Cañizal, Marmont withdrew his troops on the 19th, and on the 20th made a movement 'to his left along the heights of the Guareña, which river he crossed below (above ?) Cantalapedra.'¹¹⁰ This change of route is not laid down in the map. The map of the adjoining country, part ii. of Salamanca, is significantly missing, as already mentioned (above, p. 473).

Province of Valladolid (41-44). This map is on a scale of one inch and one-tenth to the league (twenty to the degree) and was published in 1779. In part iv. two routes are laid down in yellow ink from Valladolid: one to Tordesillas, crossing the Pisuerga at Simancas; the other by Puente de Duero to Fresno. Crossing the Adaja at Valdestillas, the route is traced to Ventosa, where it leaves the road and is carried across country through Rodilana until it strikes the road from Pozaldez to Medina del Campo. Coello's map shows that the road to Medina passes through Pozaldez, Medina being south-west, not west, of that place, and that Rodilana, correctly placed by Lopez west of Pozaldez, is connected only by tracks with Ventosa and Medina. From Medina the route is again carried across country (the road is laid down by Coello) to Carpio, and thence by the road from La Nava



¹⁰⁹ As to this engagement see Tomkinson, *Diary of a Cavalry Officer*, pp. 180-2. The position of Castrejon is corrected in the sketch map. It is on the right bank of the Trabancos, as I have ascertained through the courtesy of the captain-general of Old Castile, and is correctly placed by Coello eight miles south-west of La Nava. It is misplaced by Lopez and Napier on the left bank. Napier's text shows that he was under a misapprehension on this point, as well as in regard to the relative significance of Marmont's attempts at Castrillo and Vallesa. Wellington's despatch is in accordance with the route in the map.

¹¹⁰ Wellington to Lord Bathurst, 21 July. Cantalapedra is about eight miles east of Vallesa and the Guareña, and to have crossed below Cantalapedra would have brought Marmont on to the plain of Vallesa, where Wellington had made every preparation for the expected action. Cantalapedra is approximately placed by Lopez, but he misplaces Vallesa east instead of south of Castrillo.

across the Trabancos to Fresno, which is at the edge of the map.¹¹¹

I venture to suggest that these lines indicate Souham's plan of operations on the Duero in October and November 1812. In his retreat from Burgos Wellington took up his position opposite Tordesillas in order to oppose Souham's passage of the Duero. Owing to the advance of Joseph and Soult from Madrid, Wellington was forced to retire and abandon his contemplated junction with Hill in front of Tordesillas.¹¹² The line of march from Valladolid by Puente de Duero, Medina, and Carpio was, I think, designed by Souham to turn Wellington's position at Rueda and prevent his junction with Hill, and at the same time to effect Souham's own junction with Joseph and Soult. Wellington writes to Hill on 30 Oct. from Rueda :

The enemy are collected at and about Tordesillas, and last night obtained the bridge of that place¹¹³ by the misconduct, I believe, of the Brunswick corps. The army are formed in front of the enemy, and I hope that the latter cannot pass the Duero till you shall be near me.

In his despatches of the 31st Wellington is quite confident as to his junction with Hill, but the postscript of his letter to Beresford is significant when taken in connexion with the route in the map: 'I rather think the enemy are gone into cantonments. They are very few in my front; 5,000 are gone towards Toro and the greater number towards Valladolid.' This concentration at Valladolid points to an intention to follow the other route indicated on the map and turn Wellington's position. The bridge at Toro having been repaired earlier than he expected, Wellington had to abandon his plan of bringing about his junction with Hill in front of Tordesillas. On 2 Nov. he alters Hill's route and directs him to march on Fontiveros instead of on Arevalo, as originally intended. On the 5th he writes to Hill from Rueda at 9 a.m. that the enemy have appeared from Toro in the direction of Alaejos, and again at noon, 'I think you had better make a movement tomorrow morning and place your troops behind the Trabancos River, behind Flores de Avila. I propose to place this army behind the same river at Castrejon, Carpio, &c.'¹¹⁴ This is perhaps inaccurately

¹¹¹ Routes from Valladolid: 1. Simancas, $6\frac{1}{2}$ miles; Tordesillas, 12 miles; 2. Puente de Duero, $7\frac{1}{2}$ miles; Valdestillas, 5 miles; Ventosa, 6 miles; Pozaldez, 4 miles; Medina, 5 miles; Carpio, 13 miles; Fresno, $2\frac{1}{2}$ miles. Rueda is 6 miles from Tordesillas and about 8 miles from Medina and La Nava. The sketch map is more than a quarter of the scale of Lopez's map.

¹¹² Wellington to Lord Bathurst, 8 Nov. 1812.

¹¹³ For Foy's official report to Souham of 30 Oct. relating to this exploit see *Vie militaire*, p. 382.

¹¹⁴ Flores de Avila, Castrejon, and Carpio are all on the right bank of the Trabancos, and with the exception of Castrejon are so placed by Lopez.

expressed, but it is of interest as showing that one of Wellington's lines of retreat was to be through Carpio and Fresno, which formed Souham's objective, if I am right in my interpretation of the lines in this map. Wellington's withdrawal from Rueda anticipated any such turning movement by Souham as I have suggested, and the advance of Joseph and Soult rendered it unnecessary.

Province of Salamanca (46-49). This map was published in 1783 and is on the same scale as the map of Valladolid.¹¹⁵ The second part, comprising the city of Salamanca and the north-eastern portion of the province, is missing, and the fourth part has been cut out and mounted, but is un-

labelled and contains no plans of military operations. In the first and third parts, which have been left in their places in the atlas, are some yellow lines, now somewhat faint, which appear to indicate Soult's operations in November 1812 against the rear of



the allies in their retreat on Ciudad Rodrigo. A line in yellow ink enters part i. by the Salamanca road and passes through Calzada de Don Diego ó del Camino, where it is crossed by the road to Matilla and Tamames,¹¹⁶ to Castro, on the Matilla. At Castro the yellow line is turned on to the Sanmuñoz road, but is only traced a little south of Aldehuela de la Boveda. Sanmuñoz is on the Huebra, and it was here that Sir Edward Paget was taken. The 'woody but open'¹¹⁷ nature of the country is indicated in the map. The yellow line is resumed on the parallel road to the west at the bridge at Castillejo de Huebra, and passes through Boadilla, Martin del Rio, and Pedraza, crossing three branches of the Yeltes, to Santiespiritus, whence it is continued, somewhat faintly traced, to Ciudad Rodrigo. No French troops were pushed beyond the Yeltes and very few beyond the Huebra.¹¹⁸ The faintness and sketchiness of the lines, which are not continuous—in this respect forming a contrast to the distinct lines in the maps of Toro and Valladolid—may perhaps be taken to indicate, as was the case, that there was no serious intention to press the allies in their retreat. The commissariat difficulties were insurmountable, as Wellington had foreseen: 'I don't know how the French can contrive to keep together the

¹¹⁵ The sketch map is reduced to about one-ninth of this scale.

¹¹⁶ There is no yellow line on this road. The French reached Matilla on 16 Nov. See *Vie militaire du Général Foy*, pp. 193, 194, where part of the first and most of the second part of Lopez's map is reproduced. Matilla is 7 miles from Calzada and 17 or 18 from Salamanca.

¹¹⁷ Wellington to Berkeley Paget, 20 Nov. 1812.

¹¹⁸ The same to Lord Bathurst, 19 Nov. 1812. The Huebra is 25 and the Yeltes 35 miles from Salamanca.

force which they have brought against us; but as we have got together they cannot do us much harm, and sooner or later they must separate, and we then shall resume again the upper hand.'¹¹⁹ It is possible, but I think less likely, that the lines in this map may be connected with the line in the map of Toro and indicate Marmont's plan, which was to cut off Wellington's communications with Ciudad Rodrigo.

The yellow-ink lines in the maps of Valladolid and Salamanca may also possibly be connected with Kellermann's campaign in November 1809. After defeating Marchand at Tamames the duque del Parque marched towards Valladolid, and his advance guard and cavalry entered Fresno and Carpio. Kellermann, joined by Marchand, who had retired behind the Duero, moved from Valladolid upon Medina del Campo, and on 23 Nov. fell with a body of horse upon the Spaniards at Fresno.¹²⁰ The duque del Parque, having been defeated at Alba de Tormes, retreated on Tamames. This explanation does not satisfactorily account for the yellow line from Valladolid to Tordesillas, and Kellermann abandoned the pursuit of the Spaniards at Tamames,¹²¹ so that the yellow lines in the map of Salamanca scarcely correspond with his operations in that direction.

I now come to two pencil lines connected with Joseph's retreat upon Vitoria in June 1813. Both lines are laid down with a ruler, and merely indicate the general direction. The first, in the map of Vizcaya (88),¹²² from Orduña to Bilbao, relates to the order given to Reille *de se porter par Puente-Larra sur Osma, par Osma sur Orduña et Bilbao, tandis que le reste de l'armée s'avancerait immédiatement sur Vitoria*.¹²³ Reille personally disapproved of the order, he and Drouet being in favour of marching down the Ebro and effecting a junction with Clausel at Logroño. Joseph and Jourdan, however, feared that the allies marching by Orduña on Bilbao and Tolosa would cut off their retreat on Bayonne, and issued the above instructions to Reille in order to check Wellington's advance, while the main body retreated on Vitoria. The bridge at

¹¹⁹ Wellington to Lord Liverpool, Rueda, 3 Nov. 1812.

¹²⁰ Napier, iii. 87.

¹²¹ *Ibid.* p. 88.

¹²² This map was published in 1769 and is on a scale of nine-tenths of an inch to the league (twenty to the degree). As is usual in Lopez's early maps the information is brief: 'Compuesto sobre algunos mapas, manuscritos, noticias de sus naturales, y en particular las de Mr. Guillermo Bowles.' William Bowles, naturalist, is noticed in the *Dict. Nat. Biogr.* He was born near Cork in 1705, and in later life settled in Spain, residing chiefly at Madrid and Bilbao. In 1775 he published in Spanish a work on the *Physical Geography and Natural History of Spain*, which was translated into French and Italian.

¹²³ Thiers, *Histoire du Consulat et de l'Empire*, xvi. liv. 49, p. 112. Napier, v. 543, says that Reille was to march on Valmaseda by Orduña, if it was still possible; if not, he was to descend by Llodio on Bilbao. Llodio is marked by Lopez on the road from Orduña to Bilbao. There is no line laid down to Valmaseda, and the single line in the map is in conformity with the order as stated by Thiers.

Puentelarra is marked in the map of Alava (90), but the road to Osma is imperfectly shown. It is, however, distinctly laid down in the inset map in the second part of Laredo (11). Owing to the resistance which he met with at Berberana, which is marked a little to the north of Osma on the road to Orduña, Reille readily abandoned the march and retreated on Vitoria. The other pencil line is in the map of Alava, and indicates Joseph's line of retreat. Starting from Miranda de Ebro,¹²⁴ it crosses the Bayas and the Zadorra, the latter at Puebla, and fades off towards Vitoria. The map is wonderfully accurate, and all the bridges and positions of interest in connexion with the battle are marked. It was published in 1770 and is on a scale of an inch to the league (twenty to the degree).

The last line to which I have to draw attention is to be found in part C of the general map of Spain (1802). It is a heavy black pencil line drawn with a ruler from Bilbao to Madrid and fading off towards the Tagus. This line appears to be intended to illustrate the plan of operations by which Joseph hoped to retrieve the situation consequent on the disaster of Baylen. The plan to which I refer is the sixth of the six plans in Joseph's draft memoir dated Miranda, 16 Sept. 1808.¹²⁵ Bilbao was in the occupation of the French at this date, but fell into the hands of the Spaniards immediately afterwards. Joseph's plan was to leave garrisons in Pamplona, San Sebastian, Pancorbo, and Burgos, and march against and fight the enemy wherever he was to be found, and then await the arrival of reinforcements from France, either near Madrid or wherever the movements of the enemy or commissariat necessities should draw the army. Joseph specially commended this plan to Napoleon. Napier observes that it was not applicable to the actual situation. Joseph's force was no longer an independent body, but only the advance guard of Napoleon's army.¹²⁶

If the interpretation here offered of this last pencil line, as well as of the yellow-ink lines, is correct, the atlas would appear to have belonged to Joseph, and to have been handed over to Massena for the purposes of the campaign in Portugal. On Massena's disgrace the atlas passed to Marmont, and remained with the army of Portugal until Souham was deprived of the command on joining Joseph in November 1812, when the atlas returned into Joseph's possession.

T. J. ANDREWS.

¹²⁴ Miranda is badly misplaced by Napier opposite the confluence of the Zadorra. It is three miles higher up the Ebro and a mile and a half above the confluence of the Bayas. Napier's map is very incorrect.

¹²⁵ Printed in Napier, i. 570-4, app., with other documents found in Joseph's portfolio after the battle of Vitoria.

¹²⁶ Napier, i. 363, 364.

Notes and Documents

THE FAMILY OF WILLIAM THE CONQUEROR AND THE CHURCH OF CHARTRES.

AMONG the French churches which were enriched by Anglo-Norman gifts Chartres may claim an exceptional interest, since its bishop, the great canonist St. Ivo, was induced to prepare the way for the English concordat of 1105 partly by his personal relations to the Conqueror's daughter Adela, countess of Chartres. The 'Necrologium'¹ of Chartres Cathedral was begun about 1027 and continued, at five different times, until 1137. King Cnut is not mentioned; if, therefore, his gift to Chartres was forgotten in 1035, it probably belongs, as well as bishop Fulbert's grateful letter to him, to his early years.² The Conqueror's death is entered

5 Idus Sept. : Guillelmus rex Anglorum et dux Normannorum, qui huic ecclesie multa bona fecit.

His queen³ is spoken of in the note—

2 Kal. Nov. : Obiit Matildis Anglorum regina, que hanc ecclesiam dilectionis privilegio amplectens et venerans, plumbeo tegmine decoravit et preter alia multa beneficia, casulam ei deauratam et xl libras nummorum ad usus fratrum donavit.

We find one of their daughters entered by a scribe of about 1070—

Adeliza⁴ filia regis Anglorum, pro cuius anima pater eius rex inter alia clara et regia beneficia quae fecit huic ecclesiae iussit fieri campanarium quod est super aecclesiam preciosum et bonum.

Another daughter is rightly entered—

8 Idus Mart. : Obiit Adela comitissa [1137].

The same scribe adds—

Obiit venerabilis et eloquens vir Henricus Dei gratia Anglorum rex.

¹ Edited by R. Merlet and A. Clerval, *Un Manuscrit Chartrain du XI^e s. ; Fulbert de Chartres* (Soc. Archéol. d' Eure-et-Loir), Chartres, 1893, p. 149. It had been printed before, in the *Cartulaire de N. Dame de Chartres*, vol. iii. (Chartres 1865).

² So Steenstrup, *Normannerne*, iii. 338, supposed on other grounds.

³ Not Matilda II, the wife of Henry I, '† 1118.' Matilda I died 3 Nov. 1033 Freeman, *Norman Cong.* iv. 651, 2nd ed., 1876).

⁴ She had once been betrothed to Harold (Freeman, iii. 668, 2nd ed., 1875).

Henry I⁵ had died 1 Dec. If his death is mentioned under this wrong date, the reason must have been that the writer recalled brother and sister together, possibly in consequence of their intimacy. Henry's brother-in-law Eadgar⁶ died

7 Id. Jan.: Edwardus rex Scotiae, vir honestissimus et Dei servitio devotissimus.

These short notes confirm what we know of William's liberality to churches, Henry's readiness in speech, and the religious character of the son of St. Margaret.

F. LIEBERMANN.

THE PARLIAMENT OF 1264.

In July 1896 I printed in this Review a fragmentary account of the battle of Lewes which I found on the flyleaf of a canon-law manuscript in the royal collection. A source very similar provides me with another small contribution to history, belonging, as it happens, to the very same year. The Royal MS. 8. D. iii., containing miscellaneous treatises, chiefly on canon law, belonged to Ramsey Abbey. Blank leaves between the tracts were rather plentiful, and naturally became a receptacle for miscellaneous notes written by the monks. The particular entries in question are copies of five documents, written in a hand contemporary (so far as may be judged) with the events. The first three are well enough known, being the letters¹ interchanged between the two parties at Fletching and Lewes on 12 May, two days before the battle. The other two documents I believe to be hitherto unnoticed, and have therefore transcribed them below. The substance of the first is a simple confirmation of a royal charter which appears on the patent roll (and in 'Foedera,' i. 444) under date 23 June 1264. The interest of it lies first in the fact of such confirmation, and secondly, and to a greater degree, in its wording, upon which, in the case of the first proceedings under a new constitutional scheme, it seems permissible to lay rather more stress than one would normally be justified in doing. Of this constitution of 1264 the late bishop of Oxford wrote:² 'It is observable that the knights of the shire are not recognised as having a voice in the choice of either electors or counsellors.' This may be strictly true, though the document upon which he is commenting ('Select Charters,' p. 412) does mention the *communitas regni*, the precise meaning of which it is not very easy to define; but in the confirmation now in question, unless the words come from a monk's political imagination, we have

⁵ On his hospital for lepers at Chartres see Freeman, v. 844.

⁶ Not 'Édouard,' as the editors say.

¹ *Foedera*, i. 440; also in N. Trivet and Rishanger. There is another copy on another Ramsey MS. flyleaf, 5. F. xv.

² *Const. History*, ii. 98.

a more significant expression. It cannot, I think, be shown that any common form was in use before 1264 in which the 'clergy and people' of the realm of England were coupled with the bishops and barons in a definite act of government. The same interest in the formulas used under an exceptional state of things will probably justify the printing in full of the other document, which is perhaps to be taken as hinting of fears entertained by the barons lest there should be some backsliding on the part of the clerical allies whose assistance they had hitherto possessed.

J. P. GILSON.

I.

25 June 1264.

Uniuersis &c. presentes litteras inspecturis Episcopi, abbates, et priores, comites et barones, clerus et populus regni Angliae salutem eternam in Domino. Cum illustris dominus noster H. Dei gratia &c. venerabili Dei gratia S. Cicestrensi episcopo et nobilibus viris S. de Montiforti comiti Leicestrie et G. de Clare comiti Glouernie et Herfordie litteris suis dederit³ in mandatis ut vice sua nomen eidem nouem de fidelioribus et peritioribus et utilioribus regni tam prelatibus quam aliis, de quorum consilio negotia regni sui secundum leges et consuetudines eiusdem regni regere possent,⁴ nos quod ab eodem domino nostro factum est quantum ad nominationem predicto modo faciendam ratum habentes omnes et singuli nostrum prebemus assensum. In testimonio autem premissorum venerabiles patres Dei gratia Exoniensis et Salesbiriensis episcopi et nobiles viri Rogerus comes Norfolcie et Iohannes filius Iohannis⁵ de voluntate et expresso omnium consensu sigilla sua presentibus apposuerunt. Dat. Lond. die Mercurii in crastino nat. Ioh. Bapt. anno domini mclxliiii.

. II.

27 July 1264.

Vobis uenerabilibus patribus Wintonensi, Lincolnensi, Cicestrensi, Exoniensi, Conuentriensi, et aliarum ecclesiarum regni Anglie episcopis et prelatibus, necnon et aliis Christi fidelibus, Nos H. dei gratia rex Anglie et barones eiusdem regni quod ad obseruacionem prouisionis Oxonie facte stamus et laboramus vnanimiter respondemus et denunciamus quod nobis nuper pro status et tranquillitatis ecclesie et regni Anglie reformatione bona instantia animis vigilantibus laborantibus odibili nobis relacione insonuit quosdam cursores, nobis non annuentibus, non mandantibus, nec ratum habentibus, quedam de bonis quarundam ecclesiarum Anglie temeritate propria et contra prouisiones Oxonie occupasse ac pro sue libito voluntatis asportasse preter maiorum communitatis nostre consensum omnimodum. Unde ne in posterum aliquibus temporibus communitati nostre aliquatenus ualeat impingi taciturnitatem nostram in premissis consensum operari, vobis omnibus et singulis tenore presentium significamus quod omni tempore, et maxime precipue statim sedata regni turbacione et pace et viribus ecclesie et regni Anglie debito fine firmatis, dictarum ecclesiarum Anglie prelatibus tam maioribus

³ MS. 'dederunt.'

⁴ *Sic.*

⁵ John Fitzjohn was a quasi-baron of Montfort's great parliament a few months later. See G. E. C.'s *Peerage*.

quam minoribus, necnon singulis clericis et laicis regni Anglie minus racionabiliter contra iusticiam uel prouisiones Oxonie lesis, omni via iuris, tam seculari quam ecclesiastico iudicio, in quantum attinet ad nos et nostre est facultatis, parati sumus et erimus exhibere iusticie complementum, et hoc bona fide promittimus ad hoc nos et nostra fidei religione omni firmitate qua possumus obligantes. Unde ne quis in regnum Anglie uel aliquam eius partem, in personas nostras uel aliquem nostrum, aliquid asperum seu durum statuatur uel aliquo modo in nos tanquam in ecclesie violatores et iusticie contemptores, tanquam salutis nostre immemores, suspensionis, interdicti, uel excommunicacionis sententias aliqua occasione sumpta de predictis aliquatenus subanathematizare presumat seu attemptet, statim Christi Romanam ecclesiam in scriptis apellamus, totum regnum Anglie, nos et nostra, dicte sancte Romane ecclesie, sancte Trinitatis, beatorum apostolorum Petri et Pauli, et uniuersalis Christi ecclesie tam triumphantis quam militantis protectioni omnimode defensionis submittentes.⁶ Et ut hec premissa liqueant et patefiant vniuersis, ea⁷ coram uobis omnibus duximus publicanda, et aliis per uos petimus publicari, supplicantes quatinus presenti pagine in signum testimonii sigilla uestra una cum sigillo nostro apponere uelitis. Hec acta sunt apud Londonias et publicata locis solempnibus et diuersis die dominica proxima post festum s. Margarete uirginis anno mee sexagesimo quarto.

The following note is added :—

Item prouisum est et inibitum unanimi omnium magnatum et procerum regni Anglie assensu sub pena decapitacionis quod nullus litteras differat, legat, aut publicet ad interdicendum, excommunicandum, seu aliquid aliud durum concipiendum uel statuendum contra illos qui sacramentum et prouisiones Oxonie obseruare uoluerint.

LIST OF ENGLISH TOWNS IN THE FOURTEENTH CENTURY.

IN the Douce MS. 98, ff. 195-6, in the Bodleian library, there is a list of English towns and their attributes which is not without interest (I do not know another English list exactly like it) and may be compared with the earlier and later passages in which local products and characteristics are discussed by medieval English writers.

BARounie de Loundres	Hauberge de Estanford
Regraterie de Euirwik	Blauncket de Blye
Seyntuarie de Canterburg	Burnet de Beuerle
Relikes de Westmoster	Russet de Colcestre
5 Puteynes de Cherring	15 Larroun de Graham
Pardoun de Seynt Pol	Murdresours de Croysroys
Sause de Flete.	Cotels de Thaxsted
Dames de Seynt Edmo	Maunches de Durham
Escole de Oxenford	Forces de Huntyngdon
10 Escarlet de Nichole	20 Agules de Wilton

⁶ MS. 'subintranses,'

⁷ MS. 'eam,'

	Rasours de Leyseestre		Molins de Doneswyz
	Bochers de Wynceestre		Praerie de Waltham
	Bachelorie de Norhampton		Payn de Seynt Alban
	Anguyles de Cantebrygg	70	Hauene de Northwyz
25	For de Gloucestre		Mede de Hitche
	Pleynes de Salisbury		Beuerre de Bannebury
	Encloystre de Lycheffeld		Ceruyse de Ely
	Bayn de Baa		Morue de Grimesby
	Merueille de Stonhengh	75	Couert de Schirwode
30	Marchauns de Leen		Chace de Engelwode
	Haraung de Gernemue		Forest de Wyndesoure
	Playz de Wychelsee		Corn de Cardoyl
	Merlyng de la Rye		Esselie de Ogerston
	Dars de Kyngeston	80	Palefrey de Ripun
35	Loches de Woxebrugg		Puleyn de Ruiaus
	Barbeus de Seint Yve		Furmage de Gerwaus
	Samon de Berwik		Teynus (?) de Funteynes
	Rufes de Bedeford		Savoun de Couentre
	Trespas de Chelmere'fford	85	Herb'gerie de Donestaple
40	Symenels de Wycombe		Moqueour de Altestone
	Wastel de Hungerford		Treus de Donemau
	Troyte de Neubury		Vend' de q'ts (?) de Bristowe
	Couerchef de Schaftesbury		Demayseles de Harford
	Wympel de Lewes	90	Corde de Bredeport
45	Pelerryn de Schrowesbury		Poyture de Ekeceestre
	Passage de Tillesbury		Gueseylur de Cicestre
	Archiers de Wals		Marche de Punfreyt
	Rovvours de Alton		Estivels de Cornewaile
	Empyre de Meldon	95	Chauces de Tikehuff
50	Marbre de Corf		Gauns de Hauerhill
	Plashe de Nower		Vileyns de Tameworth
	Poter de Henneham		Cengles de Danecastre
	Boues de Notyngam		Cake de Estaunford
	Lyng'teille de Eylesham	100	Maner de Wodestok
55	Corde de Warwick		Hardement de Cinkpors
	Cambre de Bredeport		Chastel de Doure
	Chaloun de Geudeford		Orgoyl de Bourk
	Rymeour de Wyrceestre		Mareys de Rameseye
	Furur de Cestre	105	Teule de Redinges
60	Nauie de Suthamton		Paroche de Espauding
	Warrenne de Walton		Mulet de Daneseye
	Corlces (?) de Clare		Entree de Thorniye
	Vile de Bures		Asetz iad des uiles
	Lusteur de Ierdele	110	Mes trop iad des g'les
65	Turneur de Blie		Emoud plus a dire
	Burdiz de Gypeswyz		Mes sen ne put suffire.

The information the list gives is more useful than ordinary, because it takes in so many smaller places. The fisheries, the iron and steel trade, the stuff and cloth trade, the local preparations of

food, together with certain old local attributions, such as the 'pride of Peterborough' (103), make up great part of its contents. Blie and Bredeport perhaps and Stamford seem to appear twice (12, 65; 56, 90; and 11, 99). Cord is the staple of two places, Bridport and Warwick (55, 90). Three districts of London come in (5, 6, 7), as well as King's Cross and Westminster (16, 4). One notes mention of the Grahams, Stonehenge, the archers of Wales (?), the furriers of Chester (known from Domesday), the soap of Coventry, the school of Oxford, the ladies of Bury St. Edmunds, the damsels of Hertford, the barony of London, the bachelery of Northampton, and the villeins of Tamworth. The Worcester rymers are very near the Welsh border. There are traces of classification, dress, hardware, food, &c. The last line of the final quatrain is obscure, and I cannot yet explain 49, 51, 54, 56, 62, 79, 83, 88, 91, 92; in a few cases, *e.g.* 62, 83, the text is incorrect. C. BONNIER.

A DIARY OF THE EXPEDITION OF 1544.

A MANUSCRIPT in the Cambridge University library, Dd. 14. 30 (3), contains an account of the expedition of 1544, written by a steward who lived at Lydingetone. The writer gives more detail than will be found in the diary printed in Rymer's 'Foedera,' xv. 52, but his narrative breaks off abruptly at a very early stage.

W. A. J. ARCHBOLD.

The iij day of July ao xxxvj H. 8. the Noble prynce Charles Duke of Suffoke Henry lorde marques Dorsset and Sir Anthony Browen Knyght Mr of the kynges mayeste horsse and of his graces priuye Chamber with dyuers other gent[ilmen] set forth frome Douer to Callys in a shyp callyd []¹ and the sayd Duke of Suffoke caused the m^r of the same ship or the Captayne therof callyd Adam Owlaw to set in the toppe of the same a flage of Synt George whervnto cam the lord admirall of Englonde and y^e admirall of flanders with a xxx gallant Shipes of warre well mand and also well furnesshyd with gons and artelery and welcomyd and salutyd the Dukys grace not onely with plesant and lovyng wordes but also with trumpis shames and shutyng of greyt peces of ordynances that it was greit wonder to here the greyt noyse of the same gonis and so condutyd the Dukes ship to ryce banke by Calles where as thay of the Castell and also Ryce banke shotte greyte peces of ordynace and so welcomed the Dukes Grace lyke wyse to Callys whe[r]as he lay of turysday at nyght fryday al day and of fryday at nyght éausyd a trumpe to be sonde and proclamacion to be made eury man to dysloge and to attend appon the Dukes Grace wher as he campt iiij Englyshe myles of on Callys in a place callyd Cakewell by peplyng within the Englysshe payle and there Campt Seturday all nyght and of Sondag the vj day of July whe removyd frome thens to a towen callyd whitsonby one the seeside within the freince kynges domynyon where as we champt Sondag

¹ Blank in manuscript.

monday Twysday Weddysday Thyrday Fryday al day and of Seturday the xij day of July the Campe Removyd frome thence to Morgyson within vij myles of bullayn and there lay in Campe Sunday monday Tuysday where as our lyght horssemen had dyuers skyrmysshis with them of bullayn and dreve them in at the yattes of bullayn our Englyssemen slewe in the sayd Chase vj frencemen & toke one & ij of our lyght horssemen where slayne.

A seruant of Mr Eldyker for whome as mych none made ²

And of monday the xiiij³ day of July the Kynges mayeste came to Calles aboute the hower of vij of the cloke at nyght where he was ryally receuyd with a greyt number of horssemen and archeres and of tuysday the xv day of July the Duke of Suffoke beyng the kynges leyftenant whent to Calles to his grace with whome whent a greyt number of horssemen of the Campe and there was thurysday and of fryday the xviiij day of July the sayd lorde leyvetenant with the lorde marshall the lord marquis Dorsset Ryde to bullayn with the number of ccc horssemen cc hagbussheres iij hundred archeres and iij hundred pykes to weve (*sic*) the grounde where thay wold Campe before bullayn a certayn number of lyght horssemen and hagbussheres and archeres skyrmyssyd with the frencemen Where as was a hote Skyrmyse for thay of the towen of bullayn Shoyte many peces at our horssemen but thay dyde lyttell hirte to them and lykewyse the hagbussheres but our hagbussheres and archeres shoyte so holy to gether that thei made them of the towen to go backe and so persued them to the yates of bullayne and slue and toke dyueres pesantes of the frencemen at the wyche Skyrmesse was slayen of our men hagbussheres a iij and so the lorde levetenant the lorde marques Dorsset the lorde marshall with there company for thatt day thay retournyd backe to Morgyson and of Seterday the xix day of July the lorde levetenant cavsyd a trump to be sounde vere erly in the mornyng to gyve knowlage to all men to dyslodge and remove which mornyng was som what foule and mysty how be it or euer whe approchyd ny Bullayen it brake vppe so the foyte men came in good array of battell towards the towen of bullayn the sayd levetenaunt levying the lorde marques Dorsset with all the foyte that is to saye with ther archeres pykes & byll men who brought them in good array towards the towen of bullayen the lorde levetenant & the lorde marshall ryd afore ryght valyenly to the towen of bullayen with a cc lyght horse men cc hagbussheres and cc archeres who skyrmysshed with the frencemen to suche tyme as the greyte peces of ordenance & a cc pyaneres approchyd the towen the greit gones so shotte to gether that the pyaneres kest vppe trenshey so that all way the greit peces came all ways ner & ner the towen The horssemen hagbutteres & archeres shotte so to gether that the Frence horsemen & hagbuteres intred the towen at wych entere ther where dyueres frencemen hagbuteres slaen one Englysseman slaen by a frenche hagbuter who stroke of the englyssmans hede thynghkyng to haue caryed the same in to bullayn but an englysse hagbuter was ware of his doying & shotte the frenceman thorow the body that there he lay for his pryde. This skyrmyse was vere hotte & in maner no frenceman durst appere appon the walles of the towen or at eny

² This word is doubtful, being cut short and torn in the inner fold of the sheet.

³ *Sic*, for 'xiiij.'

bullwarke for fere of our greyt peces and hagbuteres who bette the bulwarke viz the Greyn and New bulwarke the Churche the faire and greit howsis in the towen that it was wonder to all men to behold. There was neuer no suche assawt sene nor the lyke hayth not be harde of the peple of the towen cryed and fled owt of the other syde by basse bullayen and the see but as sone as our ambossche of horssemen who laye of that same syde slew dyueres and drove them yn to the see. And after certan of the sayd ambusche of lyghthorssemen ryde abrode in to the countre a bout bullayen and Gatte cc kye and steres and iiije schepe besydes other profytes thay gayte of the foytemen that fled owt of bullayn. This sayd xix day whe campe as nye the towen of bullayn as myght be and wherin campt with Caryges & Gones that whe laye as sure as we have be in bullayn. All this day our gonneres never cest schutyng of there greyt peces. the Greyn bullwarke shotte in to the camp a monge hus & hurte the legges of somewhat and slew horssis and waggyneres and other hurt the sayd day thay of the towen dyde lyttell but shotte the toppes of somewhat of our tentes but hurt thay dyd none other then I haue sayd afore. The Sunday the xx day of July our pyaneres wroght sore a bout there and came within lxxx paces of the walles of bullayen where as our greyt peces where lyed and so shutte at the walles and howsis of the towen that thay brake and browysed them marvelously sore.

The Monday the xxj of July hubberdyen capton of a c hagbutteres approchyd the wache tower standyng by the see syde entendyng to Gyve assawte therevnto and the sayd hubberdyen goyng to the tower was slane by a hagbutter of the tower and incontenent there appon ther issued owt of the towen of bullayn certayn Fraunce horssemen & hagbuteres and other gevng the alarme our soldyeres as horssemen hagbutteres archeres and morres pykes with suche spede and so earnestly that the frenchmen recolyd in to baysse bullayne where our Englysse horssemen folowyd them in suche wyse that thei entryd in to the towen of bullayne. And the resydew of our souldyores abrode at this skyrmysh enteryd also in to bayse bullayne with myche danger. For the orderyng of what the lorde levetenant sent thether Sir Edward Baynton to haue the cheyf reule of dyueres other gentlemen Captaynes wych where the lorde Jöhn Gray Mr Broughton Mr Caundyshe Fraunces Askew Edmonde Hall and dyueres other hauyng there xv^c men Where for this monday and the next tuysday our souldyeres at the frenchemen and they at hus shotte vere hottlye bothe daye and nyght In the meayn tyme the pyoneres wroght to enclose basse bullayen with trenches ass well for the defences therof as to enclose vppe greyt bulloigne gates that our enemyes myght not yssue owt but with myche danger. but after theys ii days had bothe more rest and also had leasure to serche and ryfull the towen of bayse bulloigne where thay fonde myche baggage as whyeyt baken lymen and kytchen stuf and somme old ordynance all which for the more parte was had in celleres and walls of the howses next to greit bullaygne the howsis of which to hyde this spoyle the frenchemen brent to saue the goodes before our entere. Wedynsday the xxiiij of July ordynance was sent to assalt the wache tower. Wher ⁴ vppon thay who kepte it perceyved was forth with ylded or that eny pece of ordynance was shotte of in the which was xv

⁴ Written 'w'.

men of warre in maner as peasantes had as our presyneres the wache howse is a long old tower standyng by the see vppon a hyll of greyt heyght and no stayre to hit but ladderes. in it was nothyng but very baggis and vij or vij peces of ordynaunces but smale and vytel to haue serued those feowe soldyures for half a yere.

Thurisdai a trompet came to the lorde levetenaunt from Monsieur de Vandon one of the cheyftaynes of france the cause of whose comyng not comonly declaryd. Aenst this day our pyoneres had made a trench aenst the gayte of greit bullayne towards Muterell where at the frenche men not a lyttell offended dyd euery day aenst neynghnt enforced as wee gesse to seke forage for there horssis skyrmysh with our gonners and archeres appontyd to kepe our trenche of which Sir George Carowe had thoursyght for our helpe where in was a Chapell adyoinyng to our trench which defended there gonshotte lyttell hurt on ether parte but dystrubyng of our people for the frenche men in mockery wold cryd bowes to rese our souldyeres in there gonshotte but ordyeres was taken for the stay of our men not to sturre butt vppon comandymnt. fryday the xxv of July the frenche peasantes towards nyght yssued the tow for thaving of forrage for there horsse and cattell where vppon dyueres of our horssemen were sent fourth which kyllyd dyueres of them being hagbutteres albeit slaves and dyuers were taken wherof iiij or v were very bold boyes. at this skyrmysche veale a tall gent of the lorde levetenantes was slayen with a half hake for whome many lamented as good cause.

Seterday the xxvj of July the kynges magestie came to bullayne and encamped near the wache tower w^t dyueres horssmen vnder a hill syde fro the gonne shott.

Sondaye the xxvij of July a seruante of M^r pastons of the priuy chamber beyng a very talman was slaen with a Culveryn at the trenche being there onely to see whose name was morgayen.

The same daye at nyght a gent and his man with there ij horse were stryken at one shotte with a Culveryn and al among there legges.

All theis iiij days last past our men enforce the makyng of a monte a yenst the town and our enemyes do mounte a greue bulwerke which is lyke to do myche harme.

Monday the xxviii of July wyldfyer was shotte of both partyes were of lyttell hurt folowyed as ys yet knoen this Sunday nyght there taken in stowketell wache ij horssemen that issuid out of bullaigne.

Tuysday the xxix of July Sir Thomas Poyns and S^r Nyclos Ponynges by the lycense of the kynges maystie accompanyd w^t certain yereshemen and dyueres of there one retynnew approchid a lyttell castell yet very strong with in vi myles of bullayne callyd [⁵] wych albeit well mannyd & ordynanced which was vppon the somons therof yeld uppe. Condycion that their habytances there in myght savely goo with bag and baggage. where in the cattell is estemed to be of greate value. the keypyng of which is geven to peter Carow.

Weddynsday a gent messenger came frome the French kyng to gyve vs knowledge that he wold feyght with hus.

Thursday Fryday and Seterday there was somme Shotyng with gones and no greit hurte on neyther partie.

⁵ Blank in manuscript.

Sunday the iij of August the greyt gonnes beyng bent vppon iij seuerall partes of the towen they beganne the battery which contyneued so hot that our enemyes beyng in danger of our gonne shotte dyd in maner sylldom shotte from the towen.

Monday there apporched a greyt navye of shippes vppon the costes of bullayne but whense they ar yt is not yet perfectly knowen but it is tought that be of ye spanysh fleit.

Tuysday Sr Anthony brown w^t iij^c foyte men and iij^c horsemen havyng ij peces of greit of ordynaunces marchid erly in the mornyng to asault an abbay defended with frenchemen of warre, and also to Scowre the woodes abouth the same where appon Saterdag last dyueres of our men bouth horsemen and foit men where taken and slayne.

Where the sayd Sr Anthony browen by fier whane the same where in were xxx^{ti} french souldyeres and the rest brent and slayne.

This sault contynew styll and dayle our men slayne and hurt emong which one burgoyne survayor of Callys captayn and setter fourth of the pyoneres workes was slayne by a gonne in the chappell trench calling at a lope hole for a goner to shuyt at a frenche man who in the meane dyspatchid him whose deth was myche lamentyd and the more for y^t his devyse being wytty to convay men by trenches was not knowen. passe him ouer and speke of y^e french men that by day issued the towen to our trenchis where they slew one of our souldyeres and hurt ij being of Mr Longs retinew keping that tyme the trenche.

And further the tuysday the xix of August a cvj Frenchemen sent from Hedyng castell to bulloyne travyld al the nyght xxx englyshe myles a horseback vppon lyttell nagges onely for that way wer a ij myles frome bullayne they left theym tyed together. themselves escaping our scowtes travelyd a fote tyll thay came to our trenches wⁱⁿ ij stone cast of the towen wall where our foite watche espyng them sett fourthe vppone them enforsyd theym to scatter whereat xxx^{ti} where slayne & xxviii were taken and whether the rest fled or entered the towen it is not presently knowen.

Wedynsday and Thurisday then next we gave hotte larins to the towen oone euere parte but to cause them to spend a greit parte of there provysion of gonne powther and wildfier.

LETTERS OF THE CHEVALIER DE ST. GEORGE.

AMONG the Egerton MSS. in the British Museum (no. 1609, fol. 22; no. 1677, fol. 7, 13, 15, 17, 18, 20, 22, 24) are the following letters from the Chevalier, which, if of no great importance, are yet interesting in the references they contain to Jacobite matters and as an illustration of the Chevalier's kindly and courtly nature. Letter I. contains a sensible suggestion regarding the Irish regiments in the French service. Letter II. was written from Avignon three months after the Chevalier's return from Scotland upon the conclusion of Mar's ill-judged and ill-directed rising. It is possible that the *affaire qui me regarde plus personnellement que tout les autres* has reference to the pension

which the Chevalier drew from the French court, an allowance which terminated upon his withdrawal to Italy shortly after this letter was written. His insistence that *religion sera ma regle par la grace de Dieu* is curiously reminiscent of his father's last words to him as told in Dangeau's 'Journal.' Letter III. was written from Urbino shortly before Alberoni invited the Chevalier to Spain, and at a time when the negotiations for his marriage to Princess Clementina were in progress. Mar had announced to Ormonde on 26 May 1718 that the affair was arranged.¹ Letter IV., of 23 Sept. 1719, was clearly written from Montefiascone, where, upon his return from Spain three weeks before, he had joined Princess Clementina, and the marriage ceremony already celebrated at Bologna had been repeated. The Chevalier's allusion to the *bonheur donc de jouir* is expressed more directly in a letter to Ormonde on the previous 5 Sept.: 'I cannot but say once for all that she [the princess] has surpassed all my expectation, and that I am happy with her.'² Letters V. and VI. among other matters refer to his wife's condition in the months preceding Prince Charles's birth, and Letter VII. is in answer to Nettancourt's congratulations upon that event. Letter VIII. is interesting for the Chevalier's reflexions upon the state of Britain during the excitement caused by the South Sea mania.

C. SANFORD TERRY.

I.

Je vous prie de uouloir bien faire au Roy mes tres respectueux remerciements de la grace qu'a ma recomandation Sa M^{te} a troué bon d'accorder a Milord Tallon; son merite personel ne uous est pas inconnu, et je ne scai aucun de mes sujets au service du Roy qui me paroissent auoir plus de pretensions que luy a un Regiment Irlandois quand il en uindra a uaquer. j'ajouteray quil me sembleroit tres juste, et meme du service de sa M^{te} que ces regiments ne fussent jamais commandés que par des Sujets de leur Nation. Je vous renouuelle toujours avec plaisir tous les sentiments que uous me connoissés pour uous. JACQUES R.

II.

d'Avignon ce 14 May, 1716.

Je ne puis uous laisser recevoir une lettre que M^r Nun uous donnera sans uous ecrire deux mots par une autre canal pour uous remercier encore une fois de l'attention que uous avés donnés à une affaire qui me regarde plus personnellement que tout les autres, ont [*sic*] m'a renduë conte de uos sentiments, et j'y ay fait une replique dont uous deués estre informé, et si le temps uous le permettés je seray rai d'auoir quelque lignes de uostre main sur les dernieres reflexions qui uous doiuent estre communiqués. Ce m'est un plaisir sensible que de me uoir conduit dans une affaire si importante par des lumières aussi pures et aussi saintes que les

¹ Dickson, *Jacobite Attempt of 1719*, p. xxiii.

² *Ibid.* p. 260.

nostre, et je ne croyray pas pouuoir manquer en les suiuant. Je ne uous fatigueray pas ici par des repetitions inutile, uous scaués deja tous les sentiments de mon cœur, et il y est jumellement plus confirmé par raison, par experience, et par religion; c'est la derniere qui sera ma regle par la grace de Dieu, demandés la je uous conjure pour moy, et continués s'il uous plait à m'aider de uos prières et de uos conseils.

III.

A Urbino ce 30 Sep^{bre} 1718.

En accusant la reception de votre lettre du 28 du passé, j'ay le plaisir de pouuoir uous informer que l'affaire de Medar est enfin sur le point d'etre terminée, et j'espere qu'elle le sera entierement dans une quinzaine de jours, les parties interesseés deuant se trouuer vers ce tems là a Ferrare. Je puis uous dire que j'ay tout lieu d'etre content de cet accord, et que par tout ce que j'apprens M^r Rose a toutes les qualités requises pour rendre heureux ceux avec qui il doit uiure. J'ay mandé a M^r Duran d'informer M^r Rochfort de cecy, et de le presser en meme tems sur l'affaire d'Altin. Je uous suis tres obligé de luy auoir parlé a cet egard uous meme, et c'est a cette heure il me semble le tems de presser viuement sur ce qui deuiet de plus en plus necessaire, et je me recommande de nouveau a vos bons offices, persuadé qu'ils ne me manqueront jamais. Je uous suis bien obligé de uos bonnes intentions pour Mess^{rs} Ingleton & Inese et uous le serai encore plus si uous les pouués—mettre en œuvre. Je ne puis encore uous rien dire de positif a l'égard de mon principal procés. Les apparences de tout costé y sont fauorables, mais il faut du tems et de la patience, et en attendant M^r Medar n'y nuira certainement pas.

Je suis bien sensible a tout ce que vous me dites d'obligeant et d'edifiant dans uotre lettre, je prie Dieu qu'il me donne la grace d'en profiter, Et me recommandant avec instance a vos saintes prières je uous prie d'etre persuadé que uous n'aués pas au monde un ami plus cordial plus reconnoissant ni plus sincere que moy.

Je ne uous importunerai pas avec des nouuelles, si ce n'est de uous apprendre qu'on commence a parler dans ce pays cy du mariage du Roy d'Ang^{re} avec la P^{sse} Clementine Sobieski; Elle est dans sa xvi^e année, et on en dit mil biens, et on pretend meme qu'Elle est en voyage pour uenir en Italie.

Mil complimens s'il uous plait a M^r votre neveu dont je ne pourrai jamais oublier les attentions sur un certain triste occasion qui me regardoit.

RANUZZI.

[Signed by the Chevalier.]

M^r Nettencour.

[Endorsed, 'A Monsieur

MONSIEUR DE NETTENCOUR.']

IV.

le 23 Sep. 1719.

Je ne scauray me contenter de la lettre ostensible que je uous ay escrit Sans uous Informer encore de ma propre main du bonheur donc je jouis, et auquel uous ne seray pas je suis sure Insensible, car Il est uray que si j'auois eü a demander a dieu quil me donnast une

femme avec toutes les qualités qui me conuenoient ou que j'auray pu desirer, je n'en auray pas put souhaiter une autre que celle quil luy a plut de me choisir. Il ne m'appartient pas d'entrer en de plus grands details, et ce que j'en ay dit seroit meme trop a tout autre qu'a un amy comme uous, lequel je prie de benir dieu de la grande misericorde quil m'a fait a cet egard, et de luy demander pour nous deux tout ce quil nous faut pour nostre Salut, que nous regardons l'un et l'autre dieu mercy comme l'unique nescessaire. Je ne uous entretiendray pas ici, de tout ce qui s'est passé à mon endroit depuis quelque mois, la justice et la misericorde de dieu y ont esté également manifesté, et adorable, et digne de louange en tout, c'est a nous a nous soumettre à ces chatiments, a profiter de ses graces, et a tacher d'en attirer sur nous la continuation par notre attachement a luy sans partage. Pour ce qui est de moy meme personnellement, Il faut auouer que mon bonheur particulier me fait oublier a present, mes malheurs pour ainsi dire publiques; mais je ne puis, ny ne dois estre insensible, à ceux des autres que leur attachement pour moy leurs ont attirés.

Vous n'ignorez pas l'estat deplorable de mes sujets en France, et d'autre part je ne l'ay pas en mon pouuoir de les assister, le Pape en use enuers nous d'une maniere si etonnante que je n'en attend que des duretés (auquel nous scaurons bien nous mettre au dessus) et apres tout ce qui s'est passé je ne scay si il seroit conuenable de m'adresser encore si fort au Regent, ou plutost si en le faisant je ne m'exposeray point a quelque rebut quil ne faudroit point s'attirer; je uous prie donc de uouloir bien me dire vostre sentiment sur ce chapitre, sur lequel uous pouués mieux juger qu'un autre n'ignorant pas les promesses reiterés que le Regent m'a fait autrefois.

Je me flatte que je pourray auoir quelque fois le plaisir de receuoir de uos nouvelles, je m'en feray toujours un veritable de vous donner des miens, et de uous prouuer en toutes occasions combien je conte sur vostre amitie et combien uous devez conter sur la mienne, qui repond parfaitement a la haute estime que j'ay de vostre merite. J. R. [?]

V.

De Rome ce 27 Aupil 1720.

Je resceu avec bien du plaisir hier une lettre de uostre part, et ne scaurois jamais assés uous remercier pour la continuation de uostre amitie; celle dont uostre maistre m'honore me penetre de la plus uiue et parfaite reconnoissance. Je connois parfaitement bien l'importance du secret, sur ce qui regarde les preuues que j'en ay resceu, et je seray également soigneux a ne point abuser de sa confiance, et a reconnoitre ses bienfaits; j'ose me flatter que cette conduite m'en attirera de nouveaux dans la suite, et que uous ne negligerez rien pour cultiuer une amitie et une confiance qui me sont si pretieuses, et qui seruiron t j'espere de fondement a une union qui ne peut estre qu'auantageuse de part et d'autre. Je uous prie de prendre une occasion fauorable pour temoigner a uostre maistre les sentiments dont je me trouue rempli enuers luy, ils contiennent certainement tout ce que l'estime, l'attachement et la gratitude peuuent auoir de plus forts et de plus engageants, et je souhaite avec ardeur des conjunctures ou je puisse luy prouuer par des

effets, combien ils sont sinceres et constants. Vostre eloquence supplera s'il vous plait a la foiblesse de mes expressions ; et uous ne me rendrés que justice en contant toujours sur moy comme sur un amy qui uous est a jamais acquis.

J. R. [?]

Vous aurés sans doute appris une nouvelle domestique qui uous aura je suis sure fais plaisir, et je me flatte quelle n'aura pas esté desagreceable à vostre maistre.

VI.

De Rome ce 16 Oct : 1720.

Pour ne uous pas importuner trop souvent j'ay differés jusques a present a repondre a uostre lettre du 12 Aoust, ce que je uiens faire presentement en uous assurant aparauant combien uiuement je partage avec uous la perte que uous uenez de faire de Mr^r uostre frere ; son merite personel qui m'estoit bien connue, et les amities que j'en ay resceu, me le faisant beaucoup regretter ; je uous prie d'en uouloir bien faire mes compliments a Mr. uostre neveu, et d'estre conuaincue que je m'interessera toujours aussi uiuement a tout ce qui regarde uostre famille.

La continuation de l'amitie de mon cousin m'est bien precieuse, celle que j'ay pour luy me fait encore plus souhaitter de le uoir en estat de m'en donner des preuues, et en attendant je me persuade que uous ne negligera aucune occasion de la cultiuer et de le convaincre de la sincerité de la mienne.

Je luy suis tres obligé pour ses intentions fauourables enuers les deux ecclesiastiques que uous luy recommandastes en mon nom, et je me flatte que uous ne les oublierés pas ny luy non plus.

J'ay un million de remerciements a uous rendre pour uos charités enuers milord Dunkeld et sa sœur. Ils en sont ueritablement des dignes objets, et je uous prie instamment de leur continuer uostre protection ou besoin sera, la fille sera heureuse pour le reste de ses jours apres ce que uous faites pour elle, et son frere ne demande qu'une simple lieutenance, sur quoy j'escrit a un ami, et il sera je croy aisé de la luy faire auoir.

Ma femme auance heureusement dans sa grossesse, mais le temps de la coucher est encore incertain, et pourra meme trainer jusques a la nouuelle année.³ Je suis bien sensible a l'interet que uous uoulés bien prendre a ce qui nous regarde, et en uous demandant la continuation de uostre amitie pour nous je uous prie de croire que la mienne uous est a jamais acquise.

J. R. [?]

VII.

De Rome ce 15 Fevrier 1721.

Comme je ne prends pas tout ce que vous me dites d'affectioné et d'obligeant dans uostre lettre du 26 Januier pour un effet de ceremonie, mais pour un nouveau temoignage de uostre bon coeur a mon endroit je me hatte aussi d'y repondre et de uous assurer que le mien est pareillement remplie de tous le sentiments qui uous sont si justement dus de ma part. La benediction quil a plu a dieu a uerser sur ma famille est graces au ciel continueé par la bonne santé quil nous accorde, et dont uous ne serois je suis sure pas faché d'estre instruite ; je conte toujours sur uostre

³ The prince was born on the following 31 Dec.

amitié pour moy, j'en fais tout le cas possible, et je vous prie d'estre persuadé que la mienne vous est acquise a jamais.

J. R. [?]

[Endorsed :] A Monsieur de Nettancour.

VIII.

De Rome ce 1. Dec. 1721.

Je me scay mauuais gre a moy meme d'auoir esté si longtems sans uous escrire, mais je n'aime point a importuner ou a ennuyer mes amis quand je ne scauroit leur estre utile; quoi quil en soit uous me feriez grand tort si uous doutiés que je put changer a uostre egard, et je vous prie de croire que les sentiments d'amitie, de reconnoissance et d'estime que j'ay pour uostre personne dureront toujours. Il est arrivé bien des changements en Europe depuis peu. Je souhaite de tout mon cœur que dieu donne la benediction a ceux qui regardent la france, et je uoudrois bien me flatter qu'ils puissent estre des auançoueurs d'autres qui me regardent de plus près; il est bien sure que jamais l'Angleterre n'a esté dans une pareille estat, cependant on ne uoit pas la fin de ses miserés, ny quel puisse estre le denouement de ce qui se passe a present dans le monde, mais la prouidence Qui le Gouverne scaura bien disposer de tout a son gre et pour nostre plus grand bien et il faut s'y soumettre, s'y confier et attendre avec patience les moments quelle a marqués, et Je vous demande instamment a cet effet le secours de vos prieres pour moy et ma famille qui se porte tous tres bien graces a dieu. J'ose vous dire en confiance que je recois souuent des marques d'amitié de mon Cousin, enuers lequel Je suis penetré de la plus uiue reconnoissance, et je ne doute point que dans les occasions uous ne continuez a uous montrer de mes amis aupres de luy. Vous aurés scé que le pere Southcoat ⁴ maintenant President des Benedictins anglois a bien des affaires sur les bras, je fait de mon mieux pour le protéger ici, car quoique je suis bien delicat a me mesler d'affaires ecclesiastiques, il me parait que la cause est si juste, et quil est si necessaire pour le bien de la Religion quil soit soutenue, que j'ay passé par dessus toutes les regles ordinaires en sa faueur. Je ne scay si uous aurés les occasions de luy faire plaisir ou de luy estre utile dans ses affaires presentes, mais comme je scay la bonne opinion que uous avez de luy, je m'assure que uous ne balancerez pas a le seruir ou uous le pourrés, de quoy je uous serai tres obligé. Excusez je vous prie ce piffonage, et soyez persuadé que je suis et serai a jamais enuers uous tel que uous le merités si justement de moy.

J. R. [?]

IX.

De Rome ce 25 Jan. 1722.

J'ay a uous rendre a present un million de remerciements pour uos deux lettres du 8 Dec. et du 4. Jan., et de toute l'amitie et l'attachement cordiale que uous m'y temoignés. J'en suis penetré en tout temps, et uous prie de croire que mes sentiments d'estime et d'amitié enuers uous y respondent parfaitement. J'ay une entiere confiance en la continuation de uostre amitié enuers moy, mais je crains bien quil n'y ait quun a esperer pour moy dans des choses essentielles de ceux a qui uous appro-

⁴ Cf. Dickson, *op. cit.* pp. 194, 199.

chez quelquefois. Tout conspire a faire uoir que la facilité de certains entreprise[s]—mais tant qu'on n'en soit pas conuaincue a la source on ne s'en melera jamais. En attendant uos prieres m'attireront j'espere les secours du ciel, dont j'ay besoin dans la situation ou je me me trouue, et la benediction sur ma famille. Nous en ressentons en tout temps les effets par la santé dont nous jouissons, et j'espere quelle deuiendra encore plus nombreuse quoiqu'il n'y en ay pas encore d'apparence.

Voudriés uous bien uous charger de mes sincerés remerciements pour le Duc uostre neueu, pour ses bontés enuers le milord Dunkeld,⁵ je uous suis infiniment obligés a luy et a uous de la protection que uous luy accordés, et dont je uous demande pour luy la continuation. Je n'ignore pas non plus l'envie de uostre niece la D^{esse} de G——nt de faire du bien a plusieurs de nos fidels sujets qui sont dans la necessité, et que plusieurs en ont senti l'effet. Je uous prie de luy temoigner combien j'en suis sensiblement touché, et d'estre persuadé que les obligations que j'ay a uostre famille ne s'effaceront jamais de ma memoire, mais que j'auray pour eux et pour uous a jamais tous les sentiments que je uous dois par tant de titres.

J. R. [?]

PUBLIC OPINION AT PARIS DURING THE RUSSIAN CAMPAIGN, 1812.

NAPOLEON kept such thorough control of the press throughout his reign that strictly contemporary evidence as to the state of opinion in France under the empire is but scanty, while accounts written after Napoleon's fall are liable to be coloured by the violent party feelings which that event aroused. Under these circumstances the testimony of a foreigner so placed as to have excellent means of gauging opinion in Paris, written not for publication but for the information of his own government, is of exceptional value. The following report was addressed to Metternich by the Austrian chargé d'affaires in Paris late in November 1812, when Napoleon's evacuation of Moscow was known, but apprehensions had not yet begun to be aroused by the long silence which preceded the publication of his famous 29th bulletin. It summarises, as will be seen, previous reports on the same subject. The whole series is in the K. K. Haus-, Hof- und Staats-Archiv at Vienna, in a parcel entitled 'Frankr. Corr. 307. 1812. Berichte Lefèvre's.' These reports were only sent at long intervals, when exceptional opportunities arose for transmitting them securely. Readers of Oncken's 'Oesterreich und Preussen im Befreiungskriege' will probably have observed how very slow was the confidential correspondence between Hardenberg and Metternich during the same period, and doubtless for the same reason.

It may be convenient to state as briefly as possible the contents

⁵ James Galloway, who but for the forfeiture of 1690 would have been fourth baron of Dunkeld. He became a lieutenant-general in the French service.

of the several bulletins referred to, which were the only sources of information open to the Parisians beyond mere rumour, and also the true character of the events reported in them, in order that these may be compared with the impressions produced, according to the Austrian report, on public opinion in Paris. Bulletins 13 and 14, published in Paris on 4 and 5 Sept., announce the capture of Smolensk and subsequent battle of Lubino. In these Napoleon claims to have won two complete victories, and to have inflicted on the Russians losses of over 25,000 men, while losing 7,000 himself. As a matter of fact the French lost nearly 20,000 in the two actions, the Russians about 15,000, and all that Napoleon gained was the ruins of Smolensk. Bulletin 18, published on 27 Sept., claims an overwhelming victory at Borodino, at a cost of 10,000 men, against the Russian loss of 40,000 to 50,000. It was a victory, for the Russians were forced off the battle-field and retreated, and their losses were not much exaggerated, but it cost Napoleon nearer 40,000 than 30,000 men. Bulletins 19 and 20, published on 3 and 4 Oct., describe the burning of Moscow, ascribed to a deliberate plan of the governor: they suggest rather than state that the Russians in general concurred. The truth will probably never be ascertained. Bulletin 25, published on 9 Nov., indicates rather than announces that Moscow is to be evacuated. Its statements as to Napoleon's intentions are vague, as was natural in a despatch that had to run the gauntlet of Cossacks for 500 miles. Bulletin 28, from Smolensk, was published in Paris on 29 Nov., some days after the date of this Austrian report. After this there was a total cessation of news till bulletin 29 appeared on 18 Dec., simultaneously with the emperor's return to Paris.

HEREFORD B. GEORGE.

Rapport Nr 32 B.

Paris le 23 Novembre 1812.

Monsieur le Comte —

Par le rapport que j'ai adressé à Votre Excellence par Mad. la Princesse de Schwarzenberg vers la fin de Juin, j'ai eu l'honneur de Vous prévenir, Monsieur le Comte, que le gros du public de Paris voyant la guerre près à éclater dans le Nord, s'attendoit alors avec une entière confiance à la voir conduite avec succès et surtout terminée avec promptitude, mais j'ai annoncé aussi dès lors que tout ce qui sembleroit présager la prolongation de la lutte tourneroit l'opinion *contre* le gouvernement, et que des revers, même peu considérables, feroient une impression extraordinaire sur les esprits. Ce que j'ai présagé s'est vérifié. Par mon rapport N. 32, expédié le 9 Août à l'occasion du retour à Vienne de M^r de Werner, j'ai eu l'honneur d'informer Votre Excellence qu'on étoit déjà consterné à Paris pour ne point encore avoir entendu le canon de victoire, après un mois de campagne ouverte, et que l'opinion, bien ou mal fondée, que les mouvemens rétrogrades des Russes étoient la suite d'un plan combiné, étoit devenue générale, j'ai osé avancer dans ledit rapport qu'il falloit quelque grande et importante affaire pour relever les

esprits, mais que toute nouvelle d'un succès ne seroit populaire qu'autant qu'elle nouriroit l'espoir du prompt rétablissement de la paix.

La prise de Smolensk que nous apprimes ici au commencement de Sept., n'autorisoit point encore cet espoir ; d'ailleurs l'effet qu'auroit pu produire sur l'opinion la victoire remportée près de cette ville, se trouva un peu contrebalancé par les revers qu'on éprouvoit en Espagne. C'est à peu près à cette époque aussi qu'on ne put plus cacher au public que l'armée de Moldavie marchoit vers la Pologne, et ce qu'on débitoit alors de plus en plus sur l'attitude menaçante que prenoit la Suède, inquiétoit. Le soin qu'on a pris d'amuser le public par la perspective de la non-ratification de la paix de Bucharest, peut donner à Votre Excellence une juste mesure de la crainte, que l'on avoit de l'effet de la première de ces nouvelles. Cependant les esprits s'étoient un peu ranimés à cette époque.

La bataille du 7 Sept., de laquelle on ne fut informé ici que vers la fin du mois, fut d'abord assez généralement représentée à Paris comme une seconde bataille d'Eilau. La consternation du grand nombre de familles qui avoient des craintes à concevoir, s'étoit alors étendue à la généralité. Cependant on sut que l'empereur avançoit. On s'attendoit à une nouvelle bataille et on apprit que sans combat ultérieur les François alloient entrer à Moskau. Votre Excellence connoit la mobilité du caractère des Parisiens. L'opinion que l'occupation de la Capitale de la Russie alloit terminer la guerre de la manière la plus glorieuse étoit presque générale, il n'y eut d'espoir auquel ne se livrât le gros du public ;—mais les bulletins N° 19 et 20 furent absolument un coup de foudre. Le sacrifice que la Russie venoit de faire n'admettoit alors dans l'opinion plus aucune chance d'une paix prochaine ; on voulut absolument voir la déclaration d'une guerre à mort dans la destruction de Moskau, les personnes les plus dévoués au gouvernement ne dissimuloient point leurs craintes sur les embarras qui de cet évènement pourroient naître pour l'armée de l'Empereur.—Le cri : ' c'est une seconde guerre d'Espagne ' devint universel.

De toutes les classes de citoyens celle qui fut alarmée le plus par cet évènement étoit sans contredit le commerce. Nombre de maisons de l'ancienne France et plus encore de la Hollande ont eu des relations très actives et étendues avec la Russie et se trouvent fortement en avance envers le commerce Russe ; on prévoyoit qu'il auroit de grandes faillites à Pétersbourg, en France et en Hollande, et même les négocians les plus solides en redoutoient les contrecoups. D'un autre côté les manufactures de France se souvenoient des débouchés favorables que naguères encore ils avoient trouvé en Russie pour des quantités extrêmement considérables de leurs marchandises. On s'étoit flatté qu'une paix avantageuse alloit s'ouvrir des débouchés et assureroit au commerce françois des facilités nouvelles très étendues. Malheureusement on avoit trop répété que Moskau étoit le cœur de l'Empire Russe, et il y a ici trop peu de personnes qui ayent une idée exacte de ce pays, pour que la thèse que la destruction de Moskau avoit également détruit ou au moins fortement compromis toutes les grandes fortunes particulières, ne fût point généralement accréditée.

Telle étoit à peu près la tendance de l'opinion publique vers le 23 Oct. Les efforts sans cesse réitérées que faisoient les gazettes de lui donner une

direction favorable au Gouvernement Vous aura prouvé, Monsieur le Comte, qu'elle lui étoit fortement contraire. L'entreprise de Mallet n'a, ainsi que j'ai eu l'honneur de Vous le mander, produit presque aucun effet quelconque dans le moment même. Elle a alarmé bien davantage par les réflexions auxquelles elle a donné lieu. J'ai eu l'honneur d'informer Votre Excellence que la seule marque d'inquiétude que donnèrent les Parisiens le 23 Oct. fut de courir à la banque pour y convertir leurs billets en espèces. On ne sait trop pourquoi, mais cette sorte de défiance se manifeste encore. L'entreprise de Mallet a fait perdre d'ailleurs à l'administration toute la confiance ainsi que toute la considération du public. La police dont le nom seul inspiroit la terreur est tournée en ridicule, et on se demande quelle garantie elle présente aux citoyens pour leur tranquillité. Les personnes les plus dévouées au gouvernement ne peuvent disconvenir que, si un homme revêtu d'une autorité légitime, un homme à même d'en imposer par son nom, se fut trouvé à la tête des conspirés, il auroit infailliblement réussi à se rendre maître de la capitale. Ces réflexions dont on ne peut se défendre, ne sont point rassurantes, et nombre de personnes sont effrayées par l'idée que tout leur avoir pourroit bien n'être qu'une espèce de rente attachée à une seule tête. C'est sous ces rapports que l'événement du 23 Oct. a certainement été très favorable à l'Empereur. On a senti tout le prix de son énergie et de sa vigueur et on a pressenti avec terreur les malheurs incalculables que sa perte pourroit entraîner pour la France.

En partant de ce point de vue Votre Excellence concevra facilement que les dernières nouvelles de l'armée ont répandu ici un véritable abattement et une morne tristesse. Les vœux que tout porte à former pour l'Empereur rendent d'autant plus terrible l'idée d'une guerre longue et ruineuse qui pourroit le compromettre d'une manière ou d'une autre. On crie moins, mais on est extrêmement inquiet. La crainte engendre des phantomes, aussi jamais de nouvelles plus extravagantes n'ont été accréditées. On représente la position de l'armée comme désastreuse, et malheureusement même les personnes attachées au gouvernement n'osent disconvenir qu'elle est inquiétante. Le 25^{me} bulletin a fait l'effet le plus mauvais possible, bien moins encore par ce qu'on y disoit, que par la manière particulière dont étoit conçue cette pièce, et certes, jamais mesure n'a plus complètement manqué son but, que ces commentaires sur les bulletins que la police fait insérer dans les gazettes. Pendant plusieurs jours des bruits sourds et sinistres rappelloient sans cesse que Mallet avoit audacieusement soutenu que l'Empereur n'existait plus.— Je le répète, ce ne sera jamais la simple nouvelle d'un succès qui relevra les esprits, ce n'est point des brillans faits d'armes ni des conquêtes que demandent les Parisiens, c'est la paix et le prompt retour du Souverain.

LE FEVRE RECHTENBURG.

A S. E. M. le Comte de Metternich.

SIR HUDSON LOWE AND THE BEGINNINGS OF THE CAMPAIGN OF 1815. I HAVE recently been allowed by Miss Lowe, the only descendant of Sir Hudson Lowe now surviving, to see the unpublished portion of the 'Memoirs and Papers' of her father. As is well known the parts relating to St. Helena were well and fully edited by Mr. Forsyth; and a selection from them has recently been made by Mr. Seaton. Even Mr. Forsyth's three-volume work gives scarcely any records relating to the period anterior to 1815, though General Lowe had had an honourable career as defender of Capri against Murat's forces in 1808, as our commissioner attached to the Russian army in 1812, and with the 'Silesian army' in the campaigns of 1813-4. He was present at most of the great battles, and the value of his services to the common cause is attested by the letters sent to him by Blücher and Gneisenau, translations of which are included in Mr. Forsyth's work.¹ Gneisenau, in his letter of 23 Nov. 1814, states that he has

learnt to appreciate your rare military talents, your profound judgment on the great operations of war, and your imperturbable *sang-froid* in the day of battle. These rare qualities and your honourable character will link me to you eternally.

He also refers to the effect which must be created in French public opinion by the formation in the Low Countries

of that formidable bastion which so effectually takes in flank any invasion which France might project upon Germany, and which at the same time serves as a *tête de pont* for your passage by sea.

I quote these extracts because the first shows how highly Gneisenau esteemed the man who was soon to be slandered by many of his own countrymen, and because the second emphasised the strategic importance of Belgium to the allies and was soon to furnish Sir H. Lowe with a telling argument in favour of the Prussians advancing into that country as the best means of defending the Rhineland.

On the evacuation of France by the allied armies Sir H. Lowe was appointed quartermaster-general to the British forces in the Low Countries, under the prince of Orange. In this capacity he visited all the frontier fortresses of Belgium, recommended the restoration of several of them which had been blown up, and made himself acquainted with the chief defensive positions of the country. And it is of interest to note that in the 'queries submitted regarding the measures to be taken for the defence of the Belgic provinces, on the supposition of the French government having any hostile designs against them,' his seventh and last query is as follows:—

Should any intermediate post be taken up between the frontiers and Brussels, supposing the latter line of operations be thought the most

¹ Vol. i. p. 431.

suitable, query in respect to the construction of a work at Mont Jean [*sic*], being the commanding point at the junction of the two principal *chaussées* leading direct from the French frontier on the side of Charleroi and Namur to Brussels, and the line of direction in which an enemy must then move ?

The following letter (as yet, I believe, unpublished) will be read with interest, as showing Blücher's confidence in the British quartermaster-general. The translation of this, as of the succeeding letters, is the official one included in Sir H. Lowe's papers : ²—

To Major-General Sir Hudson Lowe (Translation).

Berlin : 5 Jan. 1815.

Your letter, my dear General, I have duly received, and I feel very much obliged to you for the sentiments you have therein expressed towards me. The recollection of a man whom, during so very memorable an epoch as the last campaign, we have learnt to esteem and respect remains dear to us, and will be ever dearly valued through life. On such grounds you may rely with confidence on the continuance of my attachment and friendship. I wish you joy from my heart on the important post which the prince regent, in his confidence, has bestowed upon you, and I rejoice that the choice has fallen upon a man so perfectly equal to fulfil the duties of it in its whole extent. After a war like the past it would be unnatural to wish for the breaking out of another ; and, after victories like those which we have fought, it would be unjust to covet new triumphs ; but should Providence have preserved me to the end that I must once more fight for the fatherland I wish that it may be at the side of an army which, as well as its leader, has made itself immortal in the annals of history. The conquerors of the Pyrenees and of the Katzbach would then hand in hand enter upon the near struggle in the firm confidence of gaining new laurels and the firm intention to share them as brothers. Have the goodness to assure the prince of Orange of my respects, and I pray you to believe that I shall ever take the sincerest interest in all the good that may happen to you.

I am, &c.,

BLÜCHER.

As soon as the news of Napoleon's landing on the coast of Provence became known the responsibility of Sir H. Lowe's position became doubly onerous. He was almost the only officer of experience in Belgium, as the duke of Wellington was acting as our plenipotentiary at the congress of Vienna. The prince of Orange was too young to have much weight with the Prussian commanders, Kleist and Müffling, then at Aix-la-Chapelle ; and Sir H. Lowe at

² I may add here that the following footnotes, when they are accompanied by the name of Sir Harris Nicolas, who compiled the earlier and unpublished part of the Lowe *Memoirs*, are the notes appended by him or by others whom he cites ; while those that bear my initials [J. H. R.] are those which I here add for the elucidation of these documents. I have compared many of the letters with the originals in Miss Lowe's possession, and find them accurate, with a few trifling variants in names.

once repaired to that city to concert defensive measures with them. They were greatly surprised by the news of Napoleon's adventure, and professed their readiness to help the small British and Dutch-Belgic force, which was now in a somewhat exposed position; but they pointed out their difficulty, owing to the presence of 20,000 Saxon troops, who exhibited growing signs of discontent, and the want of trust which they felt in Austrian aid. Finally, however, Kleist

agreed to co-operate with us on a defensive system and to consider himself in a state of hostility [to France] the moment the tricolour cockade may be displayed, and has manifested every disposition to move forward in support of the king of France and indicated what appeared to him the best plan for aiding him, should the instructions of his government allow it.³

In order to come to a closer understanding, Sir H. Lowe, with the sanction of the prince of Orange, sent Captain Scharnhorst (son of General Scharnhorst, who died of a wound received at Gross-Görschen) with letters to urge the expediency of assembling a Prussian army on the Meuse in a situation where it could assist the British troops in the defence of Belgium. General Müffling's reply is as follows:—

To Major-General Sir Hudson Lowe (Translation).

Aix-la Chapelle: 18 March 1815.

My dear General,—I am perfectly of your opinion as to the assembling of the army of Belgium, but we must take care not to excite the suspicions of the French, and avoid repeating the scenes of 1792. These people are of a vanity so ridiculous that Bonaparte would have the title of 'Désiré' if they suspected in us the design of occupying Lille and Valenciennes. Scharnhorst has taken all possible pains to persuade us to assemble without delay our army on the Meuse.⁴ This would be a very serious fault, and might have fatal consequences. It will not do to commence by making movements which cannot be followed up, and which might bear a character of vacillation. It is very possible that Napoleon, should he succeed in mounting the throne, would aim his first blows on the side of Switzerland and Mayence, for, first, his fortresses place in security the north of his kingdom (empire); second, his neighbourhood to Italy would favour revolt in that country and in Germany; third, he would be assured of Switzerland; fourth, his first movements would procure him a success which would augment the enthusiasm in his favour; if he directed his force against Belgium he would have to give a battle, the issue of which would always be uncertain; he would be distant from Italy; he would lay open that part of France which is not covered by fortresses to German and Austrian invasion; he would lose Switzerland.

³ Letter of Sir H. Lowe of 16 March 1815 to Sir C. Stuart, British ambassador at the court of Louis XVIII.

⁴ That is to say, towards Liège and Namur, to be near the army of the Netherlands, and to co-operate with it, and not near the Moselle and Metz, in which direction Bonaparte will not direct himself. [Note by Captain Scharnhorst.]

These reasons are strong enough to induce the retention of a position which enables General Count Kleist to direct his force as well on Mayence as on Brussels. So much the more since Mayence is not yet in a state of defence, and is neither sufficiently garrisoned nor victualled. As the courier who left Paris 11 March has carried the news to Vienna that the affair is very serious, we may from day to day expect new dispositions. Adieu, dear General; you will always hear from us.

MÜFFLING.

Further correspondence ensued, of which I here cite all the important letters in full. They need little comment. One and all they correct the rather exaggerated statements of Müffling ('Aus meinem Leben') that it was 'at the urgent entreaty of the king of the Netherlands that the Prussians marched to the Meuse.'

To Major-General Müffling (Translation).

Brussels: 23 March 1815.

Monsieur le Général,—You will have received the letter which I addressed to you yesterday evening with that of General Dörnberg, and you will naturally have remarked its conclusion. At last the crisis approaches much quicker than could have been imagined, and if Bonaparte finds the means of arranging well his affairs at Paris, and if he employs the same celerity in marching his troops to the frontier as in going to Paris, there will be nothing to prevent the 50,000 men of whom Dörnberg speaks being in the neighbourhood of Lille and Valenciennes in three days. I speak of possibilities, not of probabilities; but looking to what he has already done, it is on the first of these hypotheses that we must reason. I have already explained to you, my dear General, the situation of our fortresses. Mons, Tournay, and Yprès may be well able to resist a *coup de main*, and daily labours are made to strengthen them. They want guns, however; the two first have only field artillery. What can be done with them if the French army comes in force, when we cannot leave garrisons in them without so weakening our army as to render it useless for all resistance in the field? Were the Prussian army sufficiently at hand to act in concert with ours, great advantage might be derived from these towns, and entrenched camps formed in their neighbourhoods almost impregnable, and thus all the frontier of Belgium, as well as that of the Rhine, might be efficiently covered; but I cannot dissemble from you the apprehension of our losing both the places and the troops in them, and our being obliged to retire with an army diminished by more than half, in case we are obliged to act alone. It appears to me, however, always important to keep our present position as long as we can, both for the sake of the effect in France as well as in this country, and relatively also to the advantage of daily increasing their strength. We will not leave unless a very decided movement is made by the French; but our decision to preserve the towns and leave garrisons in them must depend much on the movements of the Prussian army, and on the assurance we shall have of its serving as a support to our defence. Such, my dear General, appears to me the true state of things. You will make your calculations, and I am persuaded that the result will always be that of the

best judgment in the affair. If an entire union cannot be effected, the occupation of Namur, or any situation which would enable us to unite in one or two marches, appears to me one of the best methods to follow for the general good. The king is at Lille.⁵ There is an additional motive for co-operating on that point rather than on any other.

I have the honour, &c.,
H. LOWE.

To Major-General Sir Hudson Lowe (Translation).

Aix-la-Chapelle: 28 March 1815.

My dear General,—We have received news from Vienna that the whole Prussian army will be forthwith placed on the war footing, and that Marshal Blücher will have the command. General Gneisenau will arrive here without delay. I hope, dear General, that the like will be done in England, to assemble as much as possible considerable masses. It appears that Bonaparte had made no movement by 24 March. We must be very attentive; for if he speaks of the conquest of Belgium, and if he causes it to be publicly believed, I am persuaded that he will make the movement on the Upper Rhine a movement which I have always thought more favourable and more decisive for him. If the Austrians send their army into Italy, and if Bavaria declare in his favour, what is to prevent his marching on Munich to menace Vienna? The news of Vienna of the 19th speak of an arrangement between the great powers, by which from Basle as far as ——, ⁶ 700,000 men would speedily be ready to act. We continue the movement of which you are aware, and by the activity with which we have conducted our marches we may arrive 1 April at our rendezvous with 50,000 men instead of 40,000. I send you an order which I have given relatively to communications. Scharnhorst will translate to you all that it contains. It is absolutely necessary to watch all that Napoleon may send by his partisans to stir up the country, and, on the other hand, to prevent intelligence reaching him. Adieu, dear General; I beg you to forward the accompanying letter to his majesty, the king of the Netherlands. Tout à vous,

MÜFFLING.

To Major-General Müffling (Translation).

Brussels: 28 March 1815.

My dear General,—I have communicated to his royal highness your two letters, with the project of giving battle to the French, should they dare to meet us at T .⁷ He was yesterday at Mons, and could not reply to your first communication. I spoke to him again this morning as much regarding the first as your second letter of the 25th of this month. He informed me that the king, his father, would arrive here

⁵ In our Foreign Office Records (France, no. 115) Sir C. Stuart, our envoy with Louis XVIII, makes it clear in his despatch of 2 April (no. 5) why the king had come to the north. He had intended to repair to Brittany. But the news received by General Dupont, minister of war, showed that the troops at Rambouillet and thereabouts had declared for Napoleon and were marching on Paris. The reports from Lille were favourable, and this decided the king's course thither. [J. H. R.]

⁶ Blank in manuscript.

⁷ Perhaps Tournay, or possibly Thuin. Müffling's letters of March 25, which Lowe presently refers to, are not forthcoming. [J. H. R.]

to-morrow, and that he would be naturally desirous of learning also his sentiments; and you must be aware that, as the preservation of the kingdom is at stake, there will be no harm in that. The duke of Wellington is also expected, and, as he will arrive, it is said, about the 30th or 31st,⁸ it is hoped that Bonaparte will not advance so quickly as to oblige us to take definite measures before that time. Such are the two reasons of my delay in informing you of the prince's sentiments on the propositions which you have made. If, however, I must make known my private sentiment on the project which you have indicated, I would say that, if regarded in a purely military point of view, it would be excellent, and nothing better could be done; but when I consider the abandonment not only of the town of Brussels but of all Belgium to the revolutionary influence of France—that one of the first acts of Napoleon would be to declare the annexation of this country to the French empire; that the disposition of a very great part of the population, although favourable enough at present, would soon go in accordance with his views if we abandoned the country; that we should soon have certain *points d'appui* in Tournay and Mons; that by keeping this position we should always keep at a distance all the emissaries at work to effect the union of two States having already the same language and the same religion, under the same government—it seems to me extremely important to take all possible measures to keep what we have, and I should be of opinion that battle ought to be given in a more forward position, or that the Prussian army should by strategical movements so alarm the French for their flanks that they would not dare to compromise themselves by too hazardous a march into the interior. In the meantime, if he came suddenly and in great force, it seems more than probable that we should be obliged to retire in the direction you have indicated, or behind the Nethe.⁹ I have the honour, &c.,

H. LOWE.

To Major-General Sir Hudson Lowe (Translation).

Aix-la-Chapelle: 30 March 1815.

My dear General,—You are very much in the right as to its being of the greatest importance to preserve Brussels if possible, although Bonaparte would not have time to profit by his conquest, should we attack him immediately. General Röder will present to you the point of view which we must preserve. Weigh well the for and against: you know that you have to deal with men whose object is the same with your own—the general good. We must weigh without passion. It appears to me that your situation is rendered very delicate by the arrival of the king [of the Netherlands], who naturally sees the welfare of Brussels before that of Europe. You are in the midst between the father and son, and require all your firmness not to yield to half-measures, such as the king appears to love. Persist, in God's name, dear General, to urge the immediate assemblage of the Dutch army in *bivouacs*, that so its burghers and peasants may become soldiers. Tell the king of Holland that his crown is lost if he do not seek to gain the confidence and love of the military.

⁸ He did not arrive till the night of April 4-5. [J. H. R.]

⁹ *I.e.* the Nethe, which flows from east to west and falls into the Scheldt somewhat above Antwerp. [J. H. R.]

He must go to the bivouacs, speak to the soldiers, scold in their presence all those who do not take good care of them, &c. &c. It seems to me that the king does not foresee all that may happen. Adieu, dear General. Tout à vous,

MÜFFLING.

To Major-General Sir Hudson Lowe (Translation).

Aix-la-Chapelle: 31 March.

I have received a letter from General Röder, in which he informs me that the prince¹⁰ has sent for him, in order to acquaint him that Napoleon was at Valenciennes,¹¹ and that an operation on Belgium appeared to be known; that he wished to give battle at Nivelles and Braine le Comte, and engaged me to unite in that case my troops with his. Notwithstanding all the good-will which animates me I cannot submit to such a plan, which might give rise to the most unfortunate chances. It is the welfare of Europe, and not that of a single town, which is at stake, my dear General. The point of Nivelles does not in any wise facilitate our union; I should become entangled in defiles,¹² and the field of battle is too far removed from those points which in case of misfortune I must regain to replace myself in position. I beg you, my dear General, to reflect well on this subject. We will fight well, I assure you, but we must act in such a manner as to assure the gain of a battle, and avoid the disasters which might follow, or at least diminish them. The prince is a young victor, full of vivacity, and does not think of the consequences which such a choice might have. I beg you to make him act rationally. Major du Moulin,¹³ bearer of this letter, an officer of distinction, in whom you may confide, will tell you the rest, my dear General. With Müffling, who gives you a friendly remembrance, I am animated by the desire of co-operating with all our forces in the common cause, but we must act reasonably. Accept the assurances of my high consideration, &c.,

KLEIST DE NOLLENDORFF.

To Major-General Sir Hudson Lowe (Translation).

Aix-la-Chapelle: 30 March.

My dear General,—I have received your letter of 29 March, and I hasten to reply to it, so much the more that a courier has arrived this moment from Vienna, and brought us the important news that *the king of Naples has declared for Bonaparte*. It is said that he marches with 80,000 men against us. It appears that this news has not made much effect at Vienna. The thing was expected. The courier left on the 24th in the evening, and pretends that it is only on the 27th that the news could have been obtained of Bonaparte's arrival at Paris, so that Napoleon could not arrive sooner. This news of the king of Naples makes me

¹⁰ The prince of Orange had served with distinction under the duke of Wellington in the Peninsula. [Note by Sir H. Nicolas.]

¹¹ This was, of course, a false rumour. [J. H. R.]

¹² The original is, "Je m'embouche dans les défilés." This reason is scarcely serious. There is a good cross road from Namur through Les Quatre Bras to Nivelles. Of course the distance of Nivelles from the line of the Meuse was Kleist's real reason. [J. H. R.]

¹³ In the original the name is spelt 'Mouslin.' [J. H. R.]

think that Napoleon will play his great game—that is, that he will assign a rendezvous to his brother-in-law at Vienna, and will make us believe to the last moment that he designs conquering Belgium. Adieu, dear General. I beg you to transmit the accompanying letter to General Röder. *Totă animă meă.*

MÜFFLING.

To General Count Kleist (Translation).

Brussels : 1 April 1815.

Monsieur le Général,—I have just received the letter which your excellency addressed to me yesterday, and I have spoken to Major du Moulin. I have also since received a note of General Röder's, in which he puts forward all the reasons which may be urged against giving battle to the French in the neighbourhood of Nivelles. These reasons have, perhaps, only too much foundation, but they do not prevent our taking a position more to the *left*, without retiring as far as Tirlemont, which would abandon to them Brussels, Ghent, and the bank of the Scheldt, and that without the certainty that when these points are gained they would seek to attack our position. My first idea was to unite more to the left towards Gênappe or Fleurus, or even towards Gembloux.¹⁴ With regard to the natural desire of the Prussian army not to remove too far from the Meuse, if a position cannot be taken in front of the places which it is desired to protect, it might at least be possible to take one parallel to the front, so as to give room for consideration to an enemy before pushing too forward. My first idea also was, if it were not practicable to unite in one body, then to be in sufficient proximity to unite in one or two days. The situations indicated appear to me to offer this advantage, and, in the supposition that the Prussian army were on the Meuse, it might equally unite with us at Tirlemont, or between Gembloux and Gênappe, in the time indicated. Circumstances must command; and a position, whether at Tirlemont or in the environs named, which would enable the Prussian army to march to any point where we could form a junction with it appears to me always the best. I have not yet spoken to the prince, and do not pretend to give my calculations as positive, but it appears to me so important not to give Bonaparte any cause to boast in his first offensive movements that I should be of opinion nothing ought to be yielded to him unless forced to do so. Without the co-operation of the Prussian army, however, all our efforts must be powerless. All this is submitted to your better reflexions, persuaded of the sentiment of the general good which directs them, and of the right which your excellency will always obtain more and more to public esteem, and to the respect and gratitude of those who know how to appreciate your motives.

I am, &c.,
H. LOWE.

To Major-General Sir Hudson Lowe (Translation).

Aix-la-Chapelle : 6 April 1815.

My dear and worthy General,—I salute you, dear and worthy General, our companion in labour, in misfortune, and in glory, in whom, amidst all vicissitudes of fortune, I have recognised an imperturbable character

¹⁴ Lowe here anticipates the moves that were ultimately taken by the allies.

and a profound judgment, and always known of a counsel opposed to that of pusillanimity and feeble minds.¹⁵ I am happy to know that you are in our neighbourhood, and, since the perturber of the human race wills it, let us again trust ourselves to the issue of arms and the chance of war. In me you will always find, worthy General, my accustomed frankness and my attachment to you personally, and my partiality for your estimable nation. The arrival of the great duke has tranquillised me as to what will be done on your part. Respect for his glory will silence all secondary views, and he will conduct the various interests with that wisdom and calmness which we know to belong to him. The movements which we in this quarter will be disposed to make will depend on the views which the duke of Wellington will have conceived from that knowledge of circumstances which he will have acquired after arriving at Brussels. He may count on the co-operation of the Prussian army in all that he judges useful to our cause. To-morrow I shall have the honour of sending you the project of a campaign which I have framed, and sent to the king my master at Vienna; it is drawn up in a few words, and gives the utmost latitude to the generals. Pray count always, my dear General, on these sentiments of attachment and esteem which I have formed for you, and continue those of good-will with which you have honoured me.

Eternally, &c.,

COUNT DE GNEISENAU.

To Major-General Sir Hudson Lowe (Translation).

Aix-la-Chapelle: 7 April 1815.

My dear General,—Yesterday, my dear General, I engaged to communicate to you the plan of campaign which I have sent to Vienna. When I had finished my letter the courier of the duke of Wellington arrived, and we were instantly occupied in executing the movement which the duke desired. On the 11th our troops will be in those points whence they may succour yours and cover the capital, in case the enemy should be in too great numbers. This movement is dangerous to us Prussians in case of a reverse. Our army would then be forced to pass the Meuse on a single bridge, to repass it at Huy in order to be on the same bank with the enemy, and to pass the river for the third time at Liège. You feel, General, how great must be our confidence in the talents and character of the duke of Wellington.¹⁶ Liège should be the pivot of our move-

¹⁵ This doubtless refers to Lowe's conduct when with the 'army of Silesia' in 1814. He strongly upheld the proposal of marching straight on Paris at the close of the campaign. [J. H. R.]

¹⁶ Contrast this with the statement of Müffling (*Aus meinem Leben*) that when he was about to proceed to Wellington's headquarters, to keep up the connexion between the two armies, Gneisenau warned him (Müffling) 'to be on my guard against the duke of Wellington, for that by his transactions with the deceitful nabobs this distinguished general had so accustomed himself to duplicity that he had at last become such a master in the art as even to outwit the nabobs themselves.' There is, I believe, nothing in any of Gneisenau's letters (certainly not in those published by Delbrück) that countenances this slander. Müffling's *Aus meinem Leben* has been proved to be untrustworthy on many grounds, owing to his vanity or prepossessions. And the statement just quoted is refuted by the testimony of Gneisenau's two letters given above. The dislike of Wellington that Gneisenau cherished later on was due to the duke's inability to fulfil the (purely conditional) promise of help which he gave just before the battle of Ligny. [J. H. R.]

ments so long as we are not yet prepared to undertake offensive operations. Besides we must await another destination, while we are defiling along a theatre of war which is not our own. My plan of campaign is very simple. 1. An army in Belgium. 2. An army on the Middle Rhine. 3. An army on the Upper Rhine. 4. In rear of the army on the Middle Rhine an army of reserve; this is to be the strongest. The marshals of the three first armies pierce into France, and take the direction of Paris. Whatever may happen to the army nearest the enemy, be it beaten or not, each of the other marshals may continue his advance, leaving in rear detachments to observe the fortified places. The army of reserve is destined to repair the reverses which may befall any of the armies of the first line either by flank movements on the enemy's communications or by a direct assistance. This project of campaign is founded on the numerical superiority of the armies of the allied powers. Old France had ninety fortified places, of which the necessary garrisons absorb a considerable number of the enemy's forces. In the supposition that Napoleon should beat one of the armies of the first line, while he pursues it, the two others, by continually advancing, gain ground and approach his capital, while the army of reserve endeavours to repair the reverses of that which has been beaten. Does he prefer after his victory, instead of pursuing the defeated army, to fall on that which is next to it, he will have to sustain another conflict, which, with the assistance of the army of reserve, may be rudely disputed with him, while the third of our armies of the first line continues to advance, and that which has been defeated rallies and resumes the offensive. The three armies of the first line must avoid approaching each other too closely, in order that the enemy may not disappear from the front of one and fall unexpectedly on the other, but that he may be forced to make a sufficient number of marches to instruct one of his disappearance and the other of his approach.¹⁷ That army which he seeks to engage must only fight on very favourable ground, and it will be advisable that it should retrograde, if necessary, some marches in order to obtain this advantage. Any plan of campaign which seeks to bring within calculation the armies in Italy is vicious by making us lose time. The armies once assembled on the eastern frontier of France, operations ought to be vigorously pushed. I pray you, dear General, to accept the assurances of the inviolable attachment with which I am, &c.,

GNEISENAU.

To Major-General Sir Hudson Lowe (Translation).

Liège: 23 April 1815.

My dear General,—I am a little in arrear with my reply to the letter which you did me the honour to write, and I beg you to excuse it. We have had enormous work in recasting and forming anew our *corps d'armée*. Many great reinforcements have arrived. The victualling of our troops causes us also much anxiety. You see by all this that we are not in want

¹⁷ This sentence would be much clearer if, for the words 'but that he may be forced,' we substituted 'without his being forced.' The plan here set forth was first developed by Gneisenau in his letter of 3 April to his sovereign, but not in such detail as that above quoted (Delbrück's *Gneisenau*, ii. 157). [J. H. R.]

of occupation. Our force, without comprising the corps of Saxons which will belong to the king of Saxony, amounts to 153,000 fighting men.¹⁸ We are ready to take the field as soon as we receive orders; but I fear that the cursed congress will deliberate until our enemies are in a condition to enter the lists with us. Pray receive the expression of my sentiments of attachment to you.

GNEISENAU.

There is no need for me to comment on these letters further than to add that the duke of Wellington, who reached Brussels on the night of 4-5 April, reported to Castlereagh that he found the Prussians at Aix-la-Chapelle 'very content;' and it is clear that the arguments of Sir H. Lowe and the prestige of the duke had even at that time stilled their doubts as to the wisdom of leaving the Rhine province almost unguarded. The duke, on looking into the state of affairs in Belgium, reported (5 April) to General Gneisenau—

Mon opinion est que nous devrions prendre des mesures pour rassembler toute l'armée prussienne avec cette armée alliée anglo-hollandaise en avant de Bruxelles, et que, dans cette vue, les troupes sous les ordres de votre excellence devraient sans perte de temps longer la Meuse et se cantonner entre Charleroi, Namur et Huy.

This is the first definite pronouncement of our leader on this topic; and the correspondence published above proves that the initiative in persuading the Prussian generals to adopt this rather venturesome course was taken, and taken successfully, by Sir Hudson Lowe. The important part which he played in determining the general character of the campaign has been almost entirely forgotten, partly, no doubt, because in the month of May he received the command of the British troops at Genoa that were intended to co-operate with the Austro-Sardinian army and Admiral Lord Exmouth's squadron on the south-eastern borders of France; and thus the services which he rendered to the allied cause in the preceding months were obscured.

J. HOLLAND ROSE.

¹⁸ The fidelity of the Saxons was already wavering. Their discontent took the form of open mutiny at Liège on 2 May. General von Borstell refused to punish them as the authorities ordered, and was deprived of his command, which devolved upon General von Pirch II. [J. H. R.]

Reviews of Books

A History of Greece. By EVELYN ABBOTT, M.A., LL.D., Jowett Lecturer in Greek History at Balliol College. Part III. From the Thirty Years' Peace to the Fall of the Thirty at Athens, 445-403 B.C. (London: Longmans. 1900.)

TWELVE years after the publication of the first volume of Mr. Abbott's history appears this third volume, bringing down the history to the close of the Peloponnesian war. The second and third volumes together include what, according to the original plan of the history, was intended to be contained in one. And still the author declares in his preface that he is 'conscious that the labour bestowed on it has been inadequate to the subject.' It is natural that he should feel so, but his readers at any rate will have no cause to complain of lack of either labour or care. The volume is, like all Mr. Abbott's work, painstaking and accurate. The narrative flows along equably, seldom rising above, still more seldom sinking below its average level. Some readers, agreeing with the author's remark that 'Greek history in the fifth century B.C. has an interest which is as inexhaustible as it is imperishable,' may indeed think that he might have done a little more to impart his own enthusiasm to the reader. Mr. Abbott has incorporated in his book considerable extracts from his earlier work on 'Pericles and the Golden Age of Athens,' which I noticed in this Review in 1892 (vol. vii. p. 537). I then remarked that Mr. Abbott, without intentional unfairness, had seemed to do scant justice to Pericles and to his policy. In the interval, though there may be slight changes in detail, Mr. Abbott has seen no cause to modify his censure of the conduct of Athenian affairs in that period. But without desiring in any way to palliate the wrong-doing of Athens I still think that the criticism applied to her conduct is unduly severe, and that a complexion is put upon the facts which presents Sparta's action at the beginning of the war and during its course in a more favourable form than the facts themselves justify.

As Mr. Abbott confines himself to destructive criticism, it is not easy to realise exactly what line of policy he would have wished the Athenian statesmen of the fifth century to follow. His first grievance against them is that after the death of Cimon, in 449 B.C., and the cessation of warfare with Persia, the Athenians did not give up their hegemony of the allies and disband the league itself. Such a proposal is indeed a counsel of perfection, but possibly, if Athenian statesmen

had adopted such a policy, the results would have led Mr. Abbott to pronounce a censure even more severe than he administers at present. It is true that logically the work of the league might seem to have come to an end. The Persians were no longer a force in the Aegean, and therefore contributions from the allies were unnecessary, for a fleet was no longer necessary. So thought some of the allies then, and so thinks Mr. Abbott now. Yet the idea of dissolving the league was impracticable in itself, and moreover embodied more unselfish notions than ancient Greeks or more modern nations have been accustomed to practise in their statecraft. The league had existed for a generation. New statesmen had grown up who knew nothing, except by hearsay, of a time when there was no confederacy. The Athenians no doubt had gained much by their headship of the confederacy, but other Greeks could avow that had it not been for Athens there would by then have been no Greek states to require a head. Since the time of Theseus Athens, by her own confession, had performed no action of international importance till Marathon. It was only natural, therefore, that, in the pride of her success, she should magnify her services to the general welfare in the time of the Persian wars. Her action had brought order in the Aegean, her rule was not oppressive, and the fewer the independent states the less the continual skirmishes between neighbouring towns, which frittered away Greek energies and rendered joint action against a common foe so difficult. No doubt, as Mr. Abbott says, this argument could be utilised to defend tyranny. Tyranny is a term almost as difficult of definition as liberty. The life of a man who is a member of a social community is less free than that of the isolated savage. But an Athenian statesman would probably have met a proposal like Mr. Abbott's with a retort like Canning's, 'Repeal the Union! Restore the Heptarchy!'

The proposal to disband the confederacy is impracticable from another point of view. The Persians had indeed been driven back from the shores of the Aegean. But this retirement was only temporary. It was entirely owing to Athenian supremacy at sea; if that supremacy was threatened or disappeared, so surely would the Persian power once more force its way to those shores. No further evidence of this truth is required than what actually happened between 412 and 387 B.C. As the Athenian sea power declined so steadily did the Persian power in the Aegean increase, till at the end of a hundred years from the great Persian wars the Persian king was able to dictate a treaty accepted by the Greek states; and this too in an age when the campaigns of the Ten Thousand and of Agesilaus had proved the internal rottenness of the Persian empire. If Athens had dissolved the confederacy in 445 B.C. the only result would have been that the Persian power would have been reasserted sooner. The states, like Samos and Lesbos, which grumbled most at Athens would have been the first to fall a prey to that power simply from their geographical position, and Athens, owing to hers, would have had the cold comfort of Odysseus in Polyphemus's cave, that she would have been the last to be devoured.

It is but due to a scholar and historian so distinguished as Mr. Abbott that I should thus set forth at some length my reasons for disagreeing

with his attitude towards the Athenians at the beginning of the period. Differing as we do regarding the foundations it is not likely that we should be more in harmony over the superstructure. His antipathy to the Athenian supremacy, in my judgment, vitiates a good deal of his treatment of succeeding events. It is well illustrated by the following passage :—

At the beginning of the fifth century the Ionic cities were protected by walls; at the beginning of the Peloponnesian war 'Ionia is unfortified.' The change can only have been carried out at the command of the Athenians, for the allies were not likely to destroy their own walls, and there was no other power which could compel them to do it. This was the last and greatest step in the tyrant's progress, by which Athens made herself undisputed mistress of the subject cities (p. 37).

In his footnotes Mr. Abbott quotes the ancient authorities upon which this harsh statement depends. As far as I can see they do not justify his conclusion. The Athenians no doubt took down the walls of Samos and Thasos and forbade the Chians to rebuild theirs. But if the confederacy was to be maintained—and without the confederacy Greece would have become an additional Persian satrapy—it was essential that these towns should remain part of it. The separatist movement in Samos, as elsewhere, was an oligarchic movement. Even Mr. Abbott admits (p. 14) that 'the tyranny of Athens was, at any rate, a refuge from a tyranny more crushing and immediate, and Athenian ships, even when they came with the tax-gatherer on board, brought to many a message of hope.' That the population of a Greek city might not see an unmixed advantage in additional fortifications is shown by the behaviour of the Athenians themselves when the fort of Eetionea was built. Why might not the democracies, which relied on Athenian support and saw the ease with which their oligarchs could seize acropolis and fortifications, have themselves razed their walls? Moreover, the Greeks were not given to much foresight in matters of defence, and, as the case of Mycalessus shows, towns which did not expect attack were apt to neglect their fortifications.

Again, is it not somewhat illogical to add to the other shortcomings of Pericles (p. 50) that 'he also arranged to keep sixty ships at sea for some months every year, thus improving the seamanship of the Athenians at the same time that he provided pay for the sailors'? Surely this at least might have been counted to Pericles for righteousness. Arraigned by Mr. Abbott he might have pleaded that the business of a naval league was to be at sea, that Athenian amateur soldiers had little chance against Spartan veterans, and that Spartan levies when they took to the water would be even more helpless before the *Yo, heave ho* (τὸ ῥηππαπαῖ) of the Athenian fleet, a truth sufficiently demonstrated soon after Pericles's death by the remarkable escapades of Cnemus and Alcidas. And surely Mr. Abbott carries financial purity very far—certainly much further than the practice of his own nation in India, for example—if he demurs to the Athenian sailor being paid for his work in policing the Aegean for the benefit of the confederacy at large as well as for Athens.

Other mistakes in Pericles's policy, according to Mr. Abbott's view of that policy, I have dealt with in the review already referred to. In their new setting I find Mr. Abbott's criticism no more convincing

now than before. His theory leads him unduly to depreciate the individual Athenian (p. 95, n. 4). Sparta with a fighting caste might have been expected to produce first-rate soldiers. Brasidas, Gylippus, and Lysander, we are told, are, for efficiency and resource, beyond comparison superior to any Athenian. Yet the career of Demosthenes is hardly less picturesque than that of Brasidas; in one respect he has the advantage, for Brasidas by endangering himself and losing his life unnecessarily rendered a great disservice to his country's cause at a crisis in the war; Demosthenes perished in a noble effort to serve his countrymen from irretrievable disaster. And surely such a statement is hardly fair to other leaders, to Phormio, to Iphicrates, to Conon. And one who is shocked at the immoral politics of Pericles and his successors might have had something more to say concerning the behaviour of Gylippus and Lysander, and have spared a line to explain how the character of Callicratidas compared with that of others of his countrymen who distinguished themselves in this war.

The same unintentional unfairness seems to beset his treatment of the Sicilian expedition. He seems to attach too much weight to the rhetorical flights of Alcibiades. Surely there was some solid argument in the statements of the ambassadors of Segesta. That the Athenians coveted a great empire in the west is not probable, but the statement of the ambassadors that the extinction of the independence of all communities save the Dorian in Sicily would be followed by the appearance of Syracusan forces in Greek waters was neither unlikely nor lightly to be disregarded. The Athenians recognised the value of the policy often since repeated—*Divide et impera*. The suggestion (p. 291) that Athens perhaps had, 'among other motives, a desire to revenge on the Dorians in Sicily her failure against the Dorians at home,' is surely uncalled for. As the men of Segesta put it, it was defence and neither revenge nor conquest that took the great expedition to Sicily. Whether the method adopted was wise is another matter. The issue was certainly not a foregone conclusion.

There are some passages where a little more discussion seems desirable. The siege of Plataea and its difficulties might have been examined in more detail. So too the battle of Delium, where Diodorus's account differs considerably from that of Thucydides, but is supported by Euripides's 'Supplices.' The note on p. 436 is not clear: is not Xenophon a fourth-century historian, and does not Diodorus depend for most of his historical value on a fourth-century historian? In the account (p. 448) of the trial of the generals after Arginusae some reference might have been made to the late Dr. Hager's treatment of the legality of the question in the *Journal of Philology* (iv. 101 ff). In the same passage it might have been well to point out why in times of excitement the Athenians perpetrated greater atrocities than are usual in similar circumstances in modern times. Probably the Athenians were not worse than other peoples—though more excitable than some—but there was no changing the *venue* in the case of unpopular prisoners, and their methods were so direct that a trial could be hurried on while the excitement was at its height. It is interesting to see that where the new 'Αθηναίων πολιτεία differs from Thucydides Mr. Abbott has no hesitation in following Thucydides, a proceeding which, notwithstanding Köhler's views to the contrary, is un-

doubtedly right. Enthusiasm for the new Aristotle or pseudo-Aristotle has, after ten years, had time to cool. Probably no scholar now would follow it so slavishly as did Gilbert in the new edition of his 'Constitutional Antiquities.'

When the book reaches a second edition it should include a more definite statement as to the historical value of the speeches in Thucydides and a discussion of the sources of the *'Αθηναίων πολιτεία*, while the final chapter on literature, art, society, &c., which compares unfavourably with its model in Beloch, should either be made more thorough or omitted. But enough of fault-finding. Except with regard to the conception of Pericles and his policy, a conception which the author, I fear, is not likely to change, the details that have been dwelt on are comparatively trivial. It is to be hoped that Mr. Abbott will be able with greater rapidity to present to us the history of the fourth century, a task in one sense more arduous, for it must be carried out with the help of inferior authorities which are often, and not unintentionally, misleading.

P. GILES.

Il Piceno dalle origini alla fine d' ogni sua autonomia sotto Augusto.

Per GIUSEPPE SPERANZA. 2 vols. (Piceno: Ascoli. 1900.)

THE task of writing a history of Picenum is by no means an easy one. For the period before the Roman conquest the material is scattered and often scanty, and requires to be used with caution, while Picenum, after it passed under the dominion of Rome, may be said to have had in a sense no history independently of the rest of Italy, except during the brief period of the Social war. Such a work as the present, therefore, is of primary interest to the writer's compatriots as a record of the past of the district to which they belong. But we have to examine it from a different point of view and as a contribution to history.

The book is divided into five books, the first of which begins with the first appearance of primitive man in Picenum, and ends with the Sabine invasion. It is mainly a record of successive immigrations of the Ligures or Liburni from Illyria, the Siculi also from Illyria, the Pelasgi from Greece, and the Umbrians. The evidence for these movements of populations is derived from isolated passages in authors of the first and second centuries A.D., the value of which, though possibly underestimated by Mommsen, is not likely to be so great as Signor Speranza assumes. Palæo-ethnological discoveries seem to indicate considerable intercourse with Illyria, if not an actual immigration; but there do not appear to be sufficient grounds for supposing the Siculi to be of Ligurian origin. The philological arguments which are brought as additional evidence are, as a rule, unfortunate. For instance, Signor Speranza derives San Quirico, a not uncommon place-name in Italy, from *quir*, the Sabine word for 'spear,' and Sambucheto from the Umbrian *saha-vuk-eto* (*iter ad aedem sacram*), and Sambuco from *shaata-vuke*. The name Sambuco (the meaning of which, in Italian, is an 'elderbush') and its derivatives are, however, found in districts as far apart as Sicily and Piedmont, and also in Tuscany, so that not much reliance can be placed on such arguments. There is also too much pure conjecture; there is, for instance, no actual evidence that the Umbrians were assisted in their invasion of

Picenum by the Etruscans, still less for a detailed description of such an invasion. It is only fair to say that Signor Speranza does not attempt to claim that these are any more than suppositions, and in his preface he asks, 'What archæologist or historian, where written authorities are few or absolutely wanting, and when the only evidence available is that of silent tombs, of half-understood monuments or vague and contradictory traditions, is not compelled to mingle with his critical studies a little imagination in order to guess the truth among the darkness which envelops the peoples of old time?'

The second book begins with the Sabine invasion, which Pliny tells us was the result of a *ver sacrum*. The assumed alliance of Asculum with the invaders is described at great length, though, as Signor Speranza confesses (p. 155), 'no indication of the events we are describing has come down to us from the classical authors or from any monumental record.' The invasion is assumed to have been followed by the formation of a confederation of six cantons, under the presidency of Asculum. We enter the historical period with the first appearance of Rome on the scene, in 299 B.C., when the coincidence of the invasion of the Senones with the Etruscan war induced the Romans to conclude an alliance with Picenum. On the defeat of the Senones their territory was added to Picenum. This was soon followed, however, by the subjection of Picenum to Rome.

The third book deals with Picenum under the Roman supremacy during the Punic wars, and with the Social war. The authorities for this period have been carefully consulted, and Mommsen is, on the whole, closely followed. As we have already remarked, Picenum has now no history of its own apart from that of Rome (or during the Social war from that of Italy), and a sometimes disproportionate prominence is therefore given to the deeds of individual Piceni. This is even more the case in the last two books, which deal with the civil wars of the first century B.C. In other respects this latter half of the book is, as a whole, good, but it contains not a few inaccuracies. For example, on p. 345 the praetor with proconsular powers, C. Servilius, killed at Asculum in 91 B.C., is identified with Q. Servilius Caepio, the opponent of Saturninus and of Drusus, while in a footnote on the next page and on p. 357 the death of Caepio is mentioned as occurring—as in fact it did—in the following year. Again, in attempting to prove that Lenaeus, a freeman of Pompey, was a Picene, Signor Speranza identifies the name with the cognomen Laenas (which in the index is actually given as a gentile name), treating this as a peculiarly Picene cognomen, though without adequate ground for doing so. Not a few, in fact, of those who are assumed by our author to be Picenes—L. Afranius, the comic poet, T. Labienus, the lieutenant of Caesar, and Pompey himself—cannot be proved to be of Picene origin at all. But the worst instance of carelessness is this: On p. 33 of vol. i. Signor Speranza actually cites 'Notizie degli Scavi,' 1896, p. 96; but it is clear that he has not read the article, or he would not be in ignorance of the fact that Dr. Hülsen has there shown conclusively that the inscription 'C.I.L.' vi. 3824 refers not to the Via Salaria, but to a hitherto unknown Via Caecilia (see *Classical Review*, 1899, p. 89).

The book will probably be found most useful as a record of archaeological discoveries in Picenum, frequent references to the literature of the subject being given and important points being dealt with in appendices. An appendix to the third book at the end of the first volume, which gives facsimiles of all the inscriptions in the Picene language hitherto discovered, will be found particularly serviceable. The book is also provided with a very full bibliography, a good index, and a map of Picenum. It is, however, unfortunate that there is hardly a page upon which at least one misprint is not to be found. In conclusion we may revert to what we said before, that the chief difficulty in which the writer must have found himself is this: that there was never, as far as we know, a distinct Picene nation. The subject does not, therefore, form a whole of which it is possible to form a clear conception, and this is the reason why we miss that grasp of the subject that distinguishes the true historian from the annalist. It is, however, our duty to add that with more care in details Signor Speranza might have produced a far more serviceable and perhaps a somewhat shorter book. T. ASHBY, JR.

Städteverwaltung im römischen Kaiserreiche. Von W. LIEBENAM.
(Leipzig: Duncker & Humblot. 1900.)

DR. LIEBENAM, who has already written on the legates, the procurators, and the guilds of the Roman empire, has now turned his attention to the great institution to which the imperial organisation was a mere framework—the structure of the municipalities of the Roman world. There has long been a serious need for a comprehensive work on the subject. Marquardt's treatment in the 'Staatsverwaltung' is admirable so far as it goes; but he touched on it only as a part of state administration, and his treatment necessarily could not be exhaustive. With Kuhn also it is with the town-dweller as a unit in the empire rather than with the town that we are concerned; and other treatises are in the main content either to rely chiefly on the legal texts and to describe the tendencies by which a paternal government led decurions and commons to their doom or else to attempt only to grapple with a few aspects of the enormous mass of material that has accumulated. It is the magnitude of this material (perhaps too the feeling that it must at any given time be incomplete) that has warned off the historian; and it is also this magnitude that seems destined to make any single volume on the subject, however learned and well arranged, imperfect and to a certain extent unsatisfactory. An adequate picture of the municipal life of the empire would require several volumes. A description of the administration of a town, if this administration be adequately illustrated, is a picture of its life; and one feels that Dr. Liebenam's book has only succeeded in retaining its dimensions by the voluntary surrender of what might have been some of its most interesting features—the elements of colour which may be gained from the passages in contemporary literature and from the inscriptions, with both of which his notes are plentifully filled. He has taken a somewhat rigorous view of the meaning of *Verwaltung*, and the conciseness of treatment induced by this view has been accentuated by an unfortunate circumstance which he reveals. He became conscious at a

certain point that the book was exceeding its prescribed limits, and he found it necessary to make excisions. The portion of the book whose lot it was to be truncated was the central portion that deals with the relations of state and town. The consequence is a curious difference between this and most other discussions of the municipal question. Other works, inspired mainly by the legal texts, attempt to be dynamical; this treatise, resting mainly on the inscriptions, is eminently statical. The harder task has undoubtedly been chosen, the easier one left; the supreme task would have been to fuse the two methods. But combination is perhaps impossible. The cases in which inscriptions can be made to fit into literary records or the evidence furnished by juristic texts, in such a way as to illustrate a tendency or reveal a movement, are rare. Epigraphic evidence shows a disposition to stand alone, and in its isolation it is one of the most unmanageable of things. The great difficulty which a treatment of the municipal system must always encounter is the abundance of epigraphic and the paucity of other records. Information, if it professes to be complete, assumes the form of a catalogue. Dr. Liebenam can present many of the results of his marvellous industry in no other form. Chapters tend to close with catalogues. The most imposing and the most valuable of these is the one which forms an appendix to the book. It presents in twenty-seven pages of compressed inscriptions the various types of important magistracies in the Greek states under Roman rule. Such a catalogue has a great historic value; it tells of the wonderful variety of organisation which was enabled to survive the dead uniformity of the principles of imperial rule, and it is a living witness to the profound and vigorous Hellenism of the East. But such a table could not be made an intelligible portion of a reasoned thesis. This book, like all others of the kind, is most coherent where it deals with questions which can be illustrated by Roman law—questions such as the personality of the town, its right to receive inheritances or the pecuniary obligations of its magistrates, obligations which Mommsen has been able to illustrate so admirably just because the *prædes* and the *prædia* of the charter of Malaca carry us back to known facts of Roman law.

The 'systematic' plan which has been followed gives us as adequate a treatment of the main branches of municipal administration as could be expected from the size of the work; but this administration has been fitted into a very curious framework. The headings of the books and sections suggest a purely economic treatment. All activities of urban life are discussed under such rubrics as 'Einnahmen,' 'Ausgaben,' 'Städtische Vermögensverwaltung.' It is difficult to see the purpose that is served by making finance the *summum genus* for the classification of the functions of a commonwealth. The principle of arrangement suggests that such public duties as religion, education, charity are all subordinate to the one great central question of ways and means. In a sense they are, but only as an end to an instrument, and we scarcely expect to find the instrument occupying the foremost place. The treatment of municipal institutions has often suffered from the narrowness of an author's point of view; one may remember how Kuhn classifies almost every possible kind of activity under the head of *munera*. No doubt every systematic division has its difficulties; but it is better to adopt one which suggests

a many-sided organic life than to look to the mere pecuniary struggle for existence or a subservience to the demands of a central government as the most essential feature in the existence of a municipality. Defects in treatment, however, do not affect the book as a work of reference. Its value in this respect is perhaps even enhanced by its lack of symmetry. Compression and exhaustiveness are inimical to proportion, but they are valuable to the searcher after detail. Inquiry is in this case also facilitated by an adequate index.

There is little to be said about details. From this point of view the work seems excellent. There is no source which the author has not explored, with the exception of the Egyptian records; but he purposely, and wisely, leaves Egypt out of his plan, the unique character of its administration and the constantly accumulating materials for its history making its introduction into a systematic treatment of municipal administration almost impossible, at least for the present. The material collected has been carefully arranged, and such general conclusions as can be based on it are clearly presented. It is only here and there that a doubt may be raised about the appropriateness of a view or the precise accuracy of a statement. In dealing with the attempts of the central government to limit the expenses of provincial towns¹ the author, after appropriately citing the *lex Cornelia*, goes on to tell the story of the Cretan Claudius Timarchus and of the decree of the senate which his conduct elicited.² The story is inappropriate for two reasons—first because the regulation of the senate was not concerned with any towns, but with the *concilium* of the province, and secondly because it has no reference to expenditure on embassies. What the senate wished to stop was simply the undue influence that might be exercised by local magnates at the provincial diet. In the treatment of the corn question³ there seems to be a confusion between the regulation and the gratuitous distribution of grain. It is true that they sometimes approach very closely to one another, but the one is considered a duty to the whole state, the other a concession to its needy members; at Rome, for instance, the prefect who regulated the market price cannot be shown to have had any connexion with the distribution of the dole. In the discussion of the clauses of the *lex Iulia municipalis* the importance of the universal census for Italy ordained by Caesar is duly noted,⁴ but no mention is made of the change in the method of assessment, although this change was absolutely necessary for forming a thorough estimate of the number of Roman citizens. The census regulations of the *lex Iulia* must be taken in close connexion with the information furnished by Suetonius⁵ that Caesar *recensum populi, nec more nec loco solito sed vicatim per dominos insularum, egit*. Caesar, in fact, first instituted for Italy a house-to-house census of the modern type. In dealing with the Roman treatment of various types of existing constitutions the author makes the perplexing remark that Rome might have left the aristocratic constitution in Crete.⁶ But this constitution had disappeared even in Polybius's day, when the cities of

¹ P. 84.

³ Pp. 110-3; cf. p. 371.

⁵ *Caesar*, 41.

² *Tac. Ann.* xv. 20, 22.

⁴ P. 258.

⁶ P. 249.

the island had become almost pure democracies.⁷ Doubtless a few modifications might have revived the ancient powers of the *κόσμοι* and *βωλαί*, but such treatment would have been in the nature of a restoration, not of preservation.

In his account of the classes in the towns the author accepts without any comment Hesychius's explanation of the distinction between *ἀπελεύθεροι* and *ἐξελεύθεροι*, to the effect that the latter word meant 'sons of freedmen.'⁸ It should have been noted that quite a different view is given in Harpocration. Here the distinction is between the freedman who had been born a slave and one who had become a slave,⁹ a distinction of great juristic importance, since we are told that the slave by birth, as opposed to the slave not descended from slave parents, could never acquire citizenship at Athens.¹⁰ When in Harpocration we find it added *ἔστι δ' ὅτι καὶ οὐ διαφέρουσι*, we see that the words were incapable of universal definition, and perhaps that the distinction between them was a great puzzle to the lexicographers.

In the discussion of names of senators¹¹ the *τιμοῦχοι* of Massilia are classed with those of Teos and Naucratis. But the difference between them seems fundamental. The *τιμοῦχοι* were senators at Massilia,¹² whereas probably at Teos and certainly at Naucratis they were magistrates.¹³ In the description of the magistracies a *βουλευτής* . . . *ἀναγραφεῖων τῆς πόλεως* of Uselis is spoken of as a secretary (*Schreiber*) and treated in connexion with *scribae*.¹⁴ It seems likely that he was a much higher official, some kind of registrar or recorder. To accepted instances in which the quaestorship appears to have been a *munus*, not a *honor*, the author conjecturally adds a case from Novaria, on the ground that a man is there described as *quaestori aerarii qui numquam rei publicae nil debuit*.¹⁵ The words, perhaps, do not belong wholly to *quaestori*, but to the whole category of municipal offices that precedes it in the inscription. But, even if they do, they may refer only to moral obligation, or, if to pecuniary, to that which was enforced on candidates for the highest offices. It is this pecuniary responsibility of local magistrates that forms one of the most interesting sections in this as in every other work on municipal history.¹⁶ The author naturally follows Mommsen's masterly treatment in his essay on the Laws of Salpensa and Malaca. But he has no new suggestions to make as to the origin of this strange institution, nor does he seem sensible of the difficulty of realising its practical working. The institution itself has lately been carried a step back in history, for the recently discovered constitution of Tarentum proves that it did not originate with the principate. But this does not prove that it had a natural Italian origin. It may have been found by the

⁷ Polyb. vi. 46. ⁸ P. 216; Hesych. s.v.: ἐξελεύθεροι οἱ τῶν ἐλευθερουμένων υἱοί.

⁹ Harpocrat. praef. vii.: ἀπελεύθερος ὁ δούλος ὢν, εἶτα ἀπολυθεὶς τῆς δουλείας . . . ἐξελεύθερος δὲ ὁ διὰ τινα αἰτίαν δούλος γεγωνῶς, εἶτα ἀπολυθεὶς.

¹⁰ Dio Chrys. Or. 15, 239 M: see Newman, *Politics of Aristotle*, introd. p. 142.

¹¹ P. 228.

¹² Strabo, iv. 1, 5, p. 279.

¹³ For Teos see the inscriptions in Gilbert, *Staatsalt.* ii. 146. At Naucratis we hear of a fine imposed by the *τιμοῦχοι* (*Athenae*, iv. 32, p. 149 F). Cf. the case of Messene (Suidas, s.v.: οὐτως καλοῦσι τοὺς ἄρχοντας Μεσσηνίου).

¹⁴ P. 278.

¹⁵ P. 266; *C.I.L.* v. 6520.

¹⁶ P. 319 ff.

Romans in the Greek communities of the south; for the conception of the magistracy on which it rests is typically Greek, not Italian, and something like it is found in the pseudo-constitution of Draco,¹⁷ which is probably a product of the close of the fifth century B.C. Just as the Roman turned the δεκατή into his own *vectigal*, so he may have associated this Hellenic form of security with the *praedes* and *praedia* of his own public law. The difficult questions that arise when we try to think out the practice—such questions as why the candidate's own security was not demanded before that of other people, how the demand for security could be combined with compulsory candidature for office, even how a candidate usually secured *praedes*, considering their responsibilities—are perhaps unanswerable. A writer may be excused a refusal to deal with them. But they deserved to be mentioned, if only to remind us of our ignorance.

A. H. J. GREENIDGE.

Die Weltchronik des Eusebius in ihrer Bearbeitung durch Hieronymus.
Von ALFRED SCHÖNE. (Berlin: Weidmann. 1900.)

THIS work is an attempt to discover the original arrangement of St. Jerome's Latin version of the 'Chronici Canones' which formed the second book of the 'Chronica' of Eusebius, to trace the successive stages through which this version and the translator's supplement to it passed under his own supervision, and their relation to different phases in his career, to provide criteria for estimating the merits of the different Latin manuscripts of the 'Chronica,' and finally to trace the history of the composition and development of the original Greek chronicle of Eusebius by a comparison of the Armenian version with the Latin version of Jerome and the Syriac excerpts of Dionysius. In addition to this much of the work is of some value as a side-light on Jerome's use of his authorities. It is, in fact, a complete critical introduction to the form and text of Jerome's 'Eusebius,' and discusses the subject more fully than any other work that has yet appeared. The work of restoration is conducted with ability, and is often quite convincing, though the difficulty of the subject renders it impossible to attain to absolute certainty. Dr. Schöne does not hesitate to abandon a previous theory of his own where the facts prove him to have been in error. The faults in his work are mostly where he has had to rely on the labour of others. Not least among these are the errors of printing. Most of these can be easily corrected, but trouble may be caused by the retention of Mommsen's citation of the Oxford manuscript as 'auct. T. II. 6,' instead of 'auct. T. II. 26,' or by the statement that Codex F contains the 'Chronica' on 167 leaves (instead of 176), the latter error being likely to tempt the unwary into imagining a close relationship between F and A, which is actually foliated up to 167, and which Dr. Schöne gives as containing that number of leaves. The facsimiles, as is natural, have suffered severely at the hands of printers, mostly by way of a displacement of the historical matter, though in the facsimile of Codex A a whole series of dates has been placed one line too high on p. 6, while the corresponding dates on the opposite page have been left in the place which they occupy in the manuscript.

¹⁷ Ἀθηναίων Πολιτεία, c. 4.

The main contention of the work is that both the original Greek chronicle of Eusebius and Jerome's Latin version of it were thoroughly revised by their respective authors, and that each has been preserved to us in both the unrevised and the revised form. This theory, startling as it appears at first sight, is ingeniously defended, but, unfortunately, the defence is vitiated by the fact that it rests on erroneous information about the individual manuscripts. The London manuscript, for instance, is regarded as adhering to the *spatium historicum* arrangement throughout, whereas through almost the whole Persian and Macedonian period it has two columns of events interspersed among the *fila regnorum*. The large pages of the Bern manuscript are cited on behalf of a supposed oblong-shaped page in the original, whereas a simple enumeration of the years on each page, with an allowance for headings, would have demonstrated that its archetype must have been of the square form. Dr. Schöne appears to be unaware that the pages of the Oxford manuscript are of the same size as those of ANPS, and he asserts in one place (p. 54) that the division of pages in M corresponds throughout with that in ANPS, and in another (p. 126, note) that it corresponds generally with that in O. These inconsistent statements are both erroneous. Misled by B as to the position of the second column for events, he is able to accept a theory that in the earlier part of Jerome's version the parallel columns were originally compressed within the width of a single page, instead of being spread over two, and endeavours to explain the position of the second column by the relative importance of the different countries whose chronology is exhibited. An examination of the other manuscripts would have shown that it was governed entirely by the division between the two pages. The changes in form which Dr. Schöne thinks characteristic of Jerome's *editio Romana* would in fact disappear on a closer examination of the manuscripts, and the changes in the text may be reduced to a minimum. Those that can be proved are either occasional corrections of mistranslations or equally occasional changes made from political or personal motives. There is nothing here that can justify the term 'edition' for this modification in the text; there is no ground for believing that such changes were made more consistently at one date than at another, and very little reason for connecting any of them with Rome. Even so Dr. Schöne's view that Jerome's Latin represents the form of its Greek original is supported by sufficiently probable arguments. But the theory that both this original and one corresponding in form with the Armenian go back to Eusebius himself is highly problematical, and the question must be adjourned until we are more certain of the original form and text of both versions of the Chronicle.

J. K. FOTHERINGHAM.

The Sources and Literature of English History from the Earliest Times to about 1485. By CHARLES GROSS, Ph.D. (London: Longmans. 1900.)

To say that this is the best bibliography of English medieval history which has hitherto appeared is to say little, for no work dealing with the subject has ever yet been constructed upon the same comprehensive scale. It is, indeed, more than a bibliography. It does for English history that which Dahlmann and Waitz do for German, and, in

addition, it gives introductory notices to the several sections and supplies comments and criticisms which resemble in miniature the set treatises of Wattenbach and Lorenz. Of its completeness and scholarly execution it is impossible to speak too highly. The book is one which every historical student must buy, and for which he will be more and more thankful ever after. It would, however, be a poor compliment to Dr. Gross to stop here. He has written a standard book of the first rank, but obviously there are points in which it may be improved. To begin with, although he wisely selects his titles and does not attempt to record all the works of slight or of no merit, he has, we think, inserted a good many books which do not deserve insertion. 'Worthless and obsolete treatises,' he says, 'are omitted, except in the case of a few recent works, which are mentioned merely in order that the student may be warned to shun them.' But the warning is not given sufficiently often. Conversely, if an asterisk is used to indicate works of particular importance, it should not be necessary to add the remark 'Valuable' so frequently as it is here added. Not only is 'value' a term of various import, and the degree in which it is applicable in each case constantly a matter for difference of opinion, but the mere fact of a book being included in the list without the stigma of worthlessness ought to be a sufficient indication that it possesses a value of some kind. We note this because Dr. Gross's special comments are usually just what are wanted, and evince accurate knowledge and critical discrimination. It is astonishing how rarely the obelus indicating that he has not himself seen the book is prefixed to a title. One may however regret that a good many announcements of works not yet published, perhaps not yet written, appear in these pages. A bibliography should be limited to that which exists.

In the general plan of his work Dr. Gross has been, we think, too much influenced by the methods of modern bibliographers, who attempt to fit all manner of unsystematic and discursive literature into logically divided compartments. Classification is only a means to an end, and when it increases instead of diminishing the difficulty of finding a particular book one feels that the useful servant may prove a bad master. 'The separation of the sources from the modern literature doubtless has its disadvantages, but it could not be avoided without seriously impairing other parts of the classification' (Pref. p. vii). Dahlmann and Waitz, who had to deal with a much larger body of materials, were able to combine the two. Indeed, the division is unnecessary and pedantic. We do not want the books for the sake of the bibliography, but the bibliography for the sake of the books. To take an example, the 'Fasciculi Zizaniorum' appears duly (2253) among original authorities under the name of Thomas Netter (who, by the way, is much better known as Walden), but by nineteen out of twenty students the book is read exclusively for Shirley's introduction on the Wycliffite movement. On the other hand Mr. Jacobs's little book on 'The Jews of Angevin England' comes under the head of Modern Writers (3063), although almost every page consists of translations from records, &c. No complaint, however, can attach to Dr. Gross; it is the method itself which is to blame. But if we admit that original authorities must be dealt with in separate chapters from modern treatises, even so we may regret that the latter are

distributed through three separate chapters, besides several smaller sections. Thus the Annals of the Benedictines are on p. 110; those of the Cistercians on p. 515, because their order was founded subsequently to the Norman Conquest. Methodically this is quite proper, but it is not convenient for practical use; and we have found by experience that we turn to the index many times more frequently than to the table of contents when we are in search of a particular work. In connexion with this same subject of arrangement we wish that the local records reported on by the Historical Manuscripts Commission (which are well indexed in Appendix B) had been classified under their proper heads, and volumes of miscellanies broken up. Under 'Norfolk,' for instance, on p. 136, we miss the name of Dr. Jessopp: the three Norfolk studies which give its value to the book entitled 'The Coming of the Friars, and other Essays,' are not mentioned until p. 516, under the section on 'Friars.'

Dr. Gross has rightly been lavish in cross-references, and might indeed have spared himself the trouble of repeating not a few titles in their entirety (e.g. 238=2100, 1412=1543). It is to be regretted that he has not inserted some works under the titles by which they are familiarly known. The 'Liber de Antiquis Legibus' is very famous; but we do not expect to find it entered under 'Fitz-Thedmar, Arnald' (1773), for the editor of the only complete text was not aware of its probable authorship. The Meaux chronicle, 'Chronicon Monasterii de Melsa,' again, is occasionally cited by historians, but not under the name of 'Burton, Thomas of' (1729). Langland's poem on 'The Deposition of Richard II' (2759) should have been also entered under this title, for it was originally published by Thomas Wright as an anonymous work. One section (53) of the book seems to us unfortunately named—'Foreign Relations, Royal Letters and Grants.' It contains, in fact, mainly chancery enrolments, and would have been better so headed. The word 'foreign' is objectionable, because the documents dealt with outside England are largely concerned with English possessions in France and Ireland. An Italian subsection is out of place, for it differs in character from all the other works in the section, and indeed only one of the nine volumes of Venetian State Papers, &c. (2126), belongs to the medieval period. The omissions which we have noticed are surprisingly few. If foreign periodicals are to be inserted a place should be found for the *Archiv für das Studium der neueren Sprachen und Litteraturen*, the *Forschungen zur deutschen Geschichte*, the *Historisches Jahrbuch*, and the *Archiv* (and *Neues Archiv*) *der Gesellschaft für ältere deutsche Geschichtskunde*; perhaps also for the transactions of the Berlin and Munich academies and of the royal society at Göttingen. Under no. 295 we miss the second edition of Woodward and Burnett's 'Heraldry.' On p. 53 Willis's 'Architectural History of the Monastery of Christ Church, Canterbury,' in *Archaeologia Cantiana*, vol. vii., deserves mention. Among the British Museum catalogues there is no mention of Mr. H. L. D. Ward's 'Catalogue of Romances,' which should in any case have been cited under the heading of 'Geoffrey of Monmouth.' William Thomas's 'Account of the Bishops of Worcester' (printed with his 'Survey' of the cathedral) should have appeared either on p. 113 or p. 148, unless indeed its valuable appendix of documents does not justify

its inclusion among collections of records on p. 89. Kervyn de Lettenhove's edition of Froissart is required on p. 283, because, however much inferior to that of Luce and Raynaud, it has the advantage of carrying the work to an end. The 'Chronicon Angliae' should be cited among the St. Albans Chronicles (1665), and also under the heading of Walsingham (1861). The Latin edition of Wood's 'History and Antiquities of the University of Oxford' is truly described (3197) as 'an imperfect translation,' but it contains lists of *scriptores* which are omitted in Gutch's edition.

That in a list of 3,234 titles there should be a good many small slips is inevitable. In no. 318 the date of Dugdale's 'Baronage' is misprinted; 498, Bernard's catalogue includes the manuscripts in the university library at Cambridge, and not only those in the colleges; 563, the *Oxfordshire* Historical Society should be *Oxford*; 1355, the *More* MS. should be *Moore*; 1403, for *English* Historical Society read *Royal*; 598, it should have been stated that the translation of Stubbs's 'Select Charters' is by another (and very different) hand; 1013, Mr. Hennessy's 'Novum Repertorium' is inexactly described as 'virtually a new edition and a continuation of Newcourt's work,' since it is limited to the area of the present diocese of London; 1463, Dr. Mason's 'Mission of St. Augustine' contains the texts as well as a translation of Gregory the Great's letters; 1760 and 1866, we read indifferently of Tayster and Taxster; 1848, the heading 'Torigni, or Monte, Robert of' is objectionable. On p. 254 f. it is contrary to the practice of scholars to speak of Ordericus Vitalis as Vitalis. If Gervase of Canterbury's 'Actus Pontificum' (1730) is placed among general chronicles, Birchington's 'Lives of the Archbishops' (2432) should not come under the local history of Kent. On p. 329 the chancellor's rolls are said to begin with 9 Hen. III, instead of 9 Hen. II. On p. 364 letters patent are said to be 'witnessed by the king himself (*teste rege* or *teste meipso*);' the second form is alone correct, the other being merely a formula of enrolment. On p. 395 the 'diocese of Catalaunia,' which occurs in a quotation, should have been corrected. Robert Grosseteste (p. 396) was not 'rector of the Franciscans at Oxford,' but *lector* to them. Wadding's 'Scriptores Ordinis Minorum' (2205) appears among Original Sources, far removed from his 'Annales' (3101). On p. 527 we read of a strange institution, 'University College [Cambridge],' and on p. 536 of Lord Ashburnham's manuscripts 'at Stowe, Bucks.' But if it is lawful for an American to speak of this nobleman as an earl why must he begin his book with the singular name of 'Acton, J. E. E. D.'?

The relatively small matters of suggestion and correction which we have mentioned will serve to emphasise our hearty appreciation of Dr. Gross's work.

REGINALD L. POOLE.

Verfassungsgeschichte der Provence seit der Ostgothenherrschaft bis zur Errichtung der Konsulate (510-1200). VON FRITZ KIENER.
(Leipzig: Dyk. 1900.)

IN this book Dr. Kiener describes with exceptional clearness and directness the extremely complicated and varied constitutional history of Provence from the days of Theodoric to the time of Raymond Berengar V. He believes that, under nearly all its various rulers during

those seven hundred years, Provence preserved some sort of unity and identity of its own ; and, while necessarily telling us much that is true of many other regions where also Goth and Frank, Carolingian imperialism, medieval feudalism, and municipal life succeeded each other in turn, he is mainly concerned with what seems to him peculiar to the land that he has selected for special study. It is perhaps by reason of this attitude that he tells us so little about Provence as a part of larger wholes, neglects its relations both with the kingdom of Arles and the Holy Roman Empire, and says nothing about its dealings with the papacy and very little about its church, save in so far as its bishops and abbots were feudal potentates. These limitations of his subject leave the more room for working out the points with which he is really concerned. He shows us first of all how, after the Ostrogothic conquest, the Roman system of administration was continued for the Gallo-Roman provincials, while the Gothic land-holding class was ruled as in a camp by *comites*, who were alike military leaders, judges, and administrators. The titles of praetorian prefect and vicar, borne by the governors of the provincials, show how, within the narrow limits between the Durance and the sea, the system once used for governing the whole west was still, so far as names went, retained, though both 'prefecture' and 'diocese' had now become the same in extent. In local administration the decurions of the Roman period still retained the government of the municipalities. With the Frankish conquest the Goths withdrew, and, as few Franks came in their place, the romanised provincials had matters nearly all their own way. Unlike the Ostrogoths the Franks allowed their subjects to share in military service, and this circumstance soon broke down the sharp distinctions of race and law that had hitherto prevailed. But the Merovingians allowed the peculiar organisation of Ostrogothic Provence to remain in most essentials, though they extended its limits northwards from the Durance almost to the Isère. The Merovingian patrician of Provence continued, in Dr. Kiener's opinion, the functions of the Ostrogothic prefect, ruling Franks and Romans alike with the help of *vicedomini*, who ruled over the various districts in strict dependence on himself. Thus Provence stood in an exceptional position to the Merovingian kingdom, and was altogether outside the usual government of its provinces by *duces* and *comites*. Even when Merovingian partitions of the Frankish realm divided Provence between the kings of Aquitaine and Burgundy this exceptional organisation was kept up, with two 'patricians' for the two halves of the district. This period of his study is worked out with great care and detail by Dr. Kiener, and his main conclusions are, so far as I know, essentially new.

Provence, thus separately ruled, became exceptionally turbulent and disobedient, and two expeditions of Charles Martel renewed Frankish power over the south in a newer and stricter form. In Carolingian times Provence was simply a part of the great Frankish monarchy. Its patriciate disappeared, and its numerous and small districts were each ruled henceforth by a *comes* after the usual fashion. Its governors were now commonly foreigners, and the distinction of barbarian and Roman, especially in the region of law, was for a time more clearly brought out than under the Merovingians. The centralisation of the political system

now did for Provence what the extension of the limits of military obligation had done for it in the earlier Frankish period. The counts and their vicars declared the law after the Frankish fashion, and Roman local courts at last disappeared before the *scabini* of the barbarians. The collapse of the Carolingian empire soon brought about further changes. An appearance of independent local existence was secured when one of the many district counts, the count of Arles, made his authority felt over all Provence, and, reserving for his own rule the district round his capital, left the government of the rest of his territories to vicars in the central portions and to viscounts on the northern and southern borders, some of the *vicedomini* of the earlier system still surviving under these changed conditions. However the viscounts were no longer, as in the Merovingian system, general assistants to the counts in the whole of their sphere, but local officials charged with the rule of Marseilles, or Avignon, or some other special district. Before long the growth of feudalism, of which Provence was one of the earliest homes, converted the officials of the Frankish system into feudatories transmitting their offices and lands as hereditary property to their descendants. The 'Bosonides' from the middle of the tenth century became hereditary counts of Provence. The local viscounts, equally hereditary, became their feudal vassals, and the expulsion of the Saracens from the Montagnes des Maures afforded a large extent of vacant territory on which feudal experiments could be successfully attempted. But subdivision of authority quickly succeeded this confusion of private property with political office. The ruling house itself split up into three lines, which ruled over the county of Provence, a term now again limited to the south of the Durance, the county of Forcalquier, on the northern banks of that river, and the marquisate of Provence, in the border regions towards the Isère. The viscounties became even more subdivided. New feudal officials became important. Besides the old vicars and *vidames* there were *bajuli*, *castellani*, and the rest. The bishoprics and abbeys became equally feudalised, and new feudal houses, like that of Les Baux, proved formidable to every class of the community. The infinite subdivision of fully developed feudalism thus destroyed once more the unity that had been restored by the creation of the county of Provence. Yet the knightly poetry of the troubadours showed that even amidst this wild disorder Provence was again becoming a land of civilisation and culture.

The last stage of Dr. Kiener's investigations is concerned with the new developments which resulted from the reaction against feudal separation and disorder. The cities of Provence suffered greatly from feudal tyranny, and at last the leading men in them combined to save their homes from its evils. In the various cities the leading citizens formed *consulates*—that is, sworn unions—which aimed at vindicating the corporate union of the community and at supplanting feudal by municipal rule. Dr. Kiener subjects the difficult question of the origin of the Provençal consulate to a more complete and critical treatment than it has hitherto received; and his knowledge of the results of the researches of Hegel, Kawinsky, Davidsohn, and Heinemann into the history of the Italian consulates enables him to illustrate the Provençal development by the light that has been afforded by analogous tendencies

in Italy. He cautiously avoids expressing any very decided opinions as to the exact relation of the consulate to earlier forms, and as to whether the consuls were a committee of the *boni homines*, as Davidsohn and Heinemann maintain, or whether they were not, as Hegel's great authority strongly upholds, a new development so far as their functions go, however common the name 'consul' might be as a vague title of respect. It is clear, however, that Dr. Kiener essentially follows Hegel in regarding the establishment of the consulate as the real beginning of municipal autonomy and independence both in Provence and Italy. He does not concern himself with the consulate in Languedoc, of which M. Dognon has treated in a manner more perfunctory than is usual with him. But Dr. Kiener dissents plainly from Dognon's claim of an independent origin for the South French consulate, and is convinced—we think with good reason—that it was borrowed from the consulate of Italy, a land whose intimate relations with early medieval Provence are clearly though briefly indicated. Dates alone suggest the extreme probability of this affiliation of the Provençal to the Italian consulship. The earliest consulate in the peninsula was in 1087, while in Marseilles and Arles, the earliest consular cities of Provence, the dates of the introduction of the new order were 1128 and 1131 respectively. From this period the municipal history of the Provençal cities begins. In the light of all that is now adduced few would be so hardy as to go back to the obsolete theory of its continuity from Roman times.

Dr. Kiener is at his best in working out the history of the consulate in the various Provençal cities one by one. In the case of Arles only do the sources enable him to do this with much detail; but that is the more fortunate, since in that city alone did the consulate attain the full dimensions of some of its Italian prototypes, and practically succeed to all the power previously exercised over the city by the count, the bishop, and its other feudal lords. But even at Arles a trace of feudal authority remained, and in other Provençal cities, such as Marseilles, the consuls did but exercise a concurrent jurisdiction with the feudal viscounts, while in the smaller towns, such as Château-Renard and Brignoles, their influence was exceedingly limited. The unique feature of the early municipal history of Marseilles is that it was reserved for the officials of the Confraternity of the Holy Ghost, a private society, instituted to promote charity and good works, to carry through the task that had been too hard for the aristocratic consuls. But though the rectors of the Confraternity of the Holy Ghost made themselves rectors of the city of Marseilles, abolished the consulship, extended to the lesser people a share in municipal politics, and finally bought out the viscounts altogether, they only succeeded in ruling the lower or 'vicecomital' city by the old harbour, while the bishop of Marseilles succeeded in retaining his feudal rights over the upper or episcopal city, in the region around his cathedral. We cannot follow Dr. Kiener in his other examples, which deal with the consulates of Nice, Avignon, Apt, Sorgues, Grasse, Château-Renard, Brignoles, and Tarascon; but it is interesting to note how even the most unimportant places, be their history ever so imperfectly known, yield some sort of important and interesting results to his discriminating and careful inquiry. Everywhere the consulate was an aristocratic movement.

The cities which formed consulates were communities of landholders, not of traders. The two chief divisions of this landholding class, the *militēs* and *probi homines*, that is, the semi-noble and the simple freeholders, were represented as a rule by an equal number of consuls. The merchants and craftsmen had not yet vindicated their importance, and economic considerations had practically nothing to do with the rise of municipalities in Provence. Nevertheless Dr. Kiener, especially in the earlier part of his book, tells us something about economic as well as about constitutional history, though the materials make it impossible for him to do much more than collect a number of details that seem impossible to co-ordinate.

Dr. Kiener stops short with the end of the twelfth century. It is perhaps a pity that he did not go on another fifty years, for there remains a long gap between his treatise and Dr. Sternfeld's well-known work on Charles of Anjou in Provence, which it would have been well to fill up. We still wish for a modern scholar to tell us in detail of the fresh efforts towards Provençal centralisation, begun by Raymond Berenger on local lines and completed by the Angevin in the interests of northern domination, under which the petty towns of Dr. Kiener's period grew into flourishing centres of commerce and industry, and Provençal cultivation attained its highest development, to be followed very soon by its melancholy decadence. But all this would have brought in fresh materials and new discussions, that might very well have carried Dr. Kiener further than at present he cares to go. We have spoken of his clearness of presentation, some part of it is due to his good habit of pausing from time to time to summarise. Even his occasional tendency to repetition is not unhelpful in this direction. An example of it is to be found in the quotation given both on p. 74 and on p. 114. There is a useful appendix of original documents derived from the departmental archives at Marseilles, a rough but serviceable map and a good table of contents; but the want of an index will be severely felt in a work dealing so much with points of detail.

T. F. TOUT.

English Dioceses : a History of their Limits from the Earliest Times to the Present Day. By the Rev. GEOFFREY HILL. (London : Elliot Stock. 1900.)

THIS book is almost entirely made up of gatherings from other modern books, from the works of Bishop Stubbs, William Bright, Freeman, Green, and Skene, and from the series of 'Diocesan Histories' and the like. It will be enough here to say something as to the way in which Mr. Hill has performed what seems an unnecessary task. In the first place he makes no false pretence of originality, and not only avowedly fills his text with the work of other men, but, with an extraordinary abuse of foot-notes, quotes below long passages from their books—books as well known as Bright's 'Early English Church History' and Green's 'Conquest of England'—so that the same matter is printed twice over, once in Mr. Hill's paraphrase and again in the author's own words. There may be some who will understand what his preliminary chapter on 'Dioceses in Roman Britain' is intended to prove; I found it so confused that I welcomed the definite statement which occurs towards the end of it, 'We may be sure

that London and York were metropolitan sees,' though that is scarcely a matter to be sure about. There is something almost engaging in the uninformed simplicity which he exhibits in his comments on what he has brought together. It is true that he quotes medieval writers, not always at first hand, but he apparently has no idea of their respective values, and anything said by Camden or Godwin about (for instance) the tenth century seems to him 'some reason for supposing' that this or that was the case. Questions are propounded, and 'possible' solutions offered after this manner: Why is Jambert's (*sic*) name given by Spelman to Lambert? 'Possibly here there is a misspelling.' The *barbara loquela* of Bishop Agilberet gives occasion for an amusing though bewildering discussion. Briefly—Was it French? Agilberet would not have preached 'to the peasants of Wessex' in French, but he might have been in the habit of talking French at the king's table [merely to annoy the king?] But it was probably Frankish, a language not spoken in the north of France in the tenth century, for when Dunstan landed there he could scarcely understand the people, and if they had talked Frankish he would have understood them, for Augustine brought over Frankish interpreters. Green indeed says that Dunstan landed in Flanders, but this is wrong, for the 'Memorials' speak of the spot as 'a part of Gaul,' and Dunstan would have understood Flemish. But if the *barbara loquela* was Frankish why did not Agilberet address the synod at Whitby in that language? 'We will not reply that it is one thing to speak to peasants and another thing to speak to kings; for we trust that Agilberet was uninfluenced by such a feeling.'

Difficulties present themselves in unexpected places. Mr. Hill is exercised as to whether the wanderings of St. Cuthbert began in 793 or 875, and, misled by the 'Gesta Pontificum,' doubts whether the translation of the saint into Ealdhun's church should not be dated 'shortly after the year 1020.' Adopting from some other book a suggestion, which appears highly improbable, that the Meonware were not converted to Christianity until the Isle of Wight was evangelised by Wilfrith's agency, he accounts for their heathenism by supposing that they had been 'overlooked' by the West-Saxon bishop, that 'a limited independence caused him to regard them as outside his sphere of influence,' and that 'they may have been granted by the West-Saxon kings a home rule which included the choice of the tribal religion.' He is puzzled by the co-operation of St. Oswald with the East-Anglian ealdorman Æthelwine, and suggests that Oswald was called in by the ealdorman 'to help him in reforming (*sic*) the abbey of Ramsey,' because the position of the bishop of Dorchester was not at all assured in the parts of his old diocese which had been wrested from the Danes. This suggestion would, he believes, also explain the appearance of Bishop Æthelwold as refunding the abbey of Peterborough. He makes the surprising assertion that 'during part of the thirteenth century the bishopric of Chichester was united to that of Salisbury,' and adds, as if he knew all about the matter, that this arrangement was made on account of the small size of the diocese of Chichester. A footnote enlightens us as to the cause of his blunder; his authority is a note of Bishop Godwin's, stating the fact that when Bishop Poore was translated from Chichester to Sarum he received the *custodia* of his old bishopric from

the crown to hold during the vacancy of the see, which was filled some six months later. Mr. Hill seems to be unaware that a man who knows little or nothing about a subject does not insure himself against errors by copying from others, however high their repute. He reproduces without question, and I think exaggerates, some errors into which Freeman fell in his book on the cathedral church of Wells, and by applying his own ignorance to a perfectly correct statement in Hook's 'Archbishops' makes Archbishop Theobald defeat the attempt of Geraldus (*sic*) Cambrensis to obtain metropolitcal authority for the see of St. David's. Giraldus must have been about fifteen at the time of Theobald's death. W. HUNT.

Baghdad during the Abbasid Caliphate. By G. LE STRANGE. (Oxford: Clarendon Press. 1900.)

A REVIEWER of Mr. Le Strange's book has said with justice that it is difficult to praise it as it deserves without being fulsome. The subject which he has selected is peculiarly fascinating and one for which he possesses unusual qualifications. He is well known as a very high authority on oriental geography, and he has edited for the first time an important treatise on the canal system of Baghdad. An historical topography of Baghdad was the gift for which students of medieval history would be likely to be most grateful, and he has secured their gratitude. His volume is now an indispensable companion to Tabari, whose stately chronicle of the sieges of Baghdad can at length be followed with intelligence. The matter has been collected with long and arduous labour from numerous authorities, printed and manuscript, and felicitously criticised and interpreted. The orientalist will in future know his way fairly well about the city which for so many centuries attracted to itself the wit, the learning, and the fashion of Islam.

The remains of Baghdad appear to give but little guidance to the student of the capital of the caliphs. It has shrunk up, as a recent traveller remarks, like the dry and withered kernel of a nut; the stately buildings and the wonderful canal system are all gone. A writer who as a rule is careful speaks of Baghdad as made up of seven separate cities, all but one with walls. One of these alone contained 30,000 mosques and 5,000 public baths. Mr. Le Strange accounts for the disappearance of Baghdad by the nature of the material of which it was built. It was all brick, some of it unburnt. Then the quantity of water which flowed through the city was a danger. Great damage was repeatedly wrought by floods. When once it had ceased to be the seat of empire the forces which could counteract these causes of desolation steadily decreased, and left it to sink into its present condition. Of the population of Baghdad at its best time Mr. Le Strange does not, if I remember rightly, attempt to give any statistics; but he quotes from good authorities an estimate of 25 square miles for the space covered by houses, about twenty times the amount which the inhabited part of Baghdad covers now. London need not dread comparison with the city of the caliphs in this respect. Unlike London the tendency of fashion in Baghdad appears to have been to shift eastwards; the eastern bank gradually attracted to itself the court and the wealthy classes. Here the caliphs who had neither power nor duties could build. Among

the surprising facts which Mr. Le Strange's book brings out is the absence of permanent bridges across the Tigris, the width of which is only about one-eighth of a mile. At the present day it is spanned by a 'rickety bridge of boats, which to an eye accustomed to western engineering looks scarcely safe to venture on' (Cowper), but even in imperial times it never had any structure of a much grander sort above it; the bridges were always of this style, though sometimes there were three or even four of them. Real bridges were apparently constructed only over the canals, some of which, however, had to be crossed without artificial aids. The bridges of boats play a considerable part in the history of the Caliphate; and seem often to have been adorned with the bodies of crucified or gibbeted malefactors. Mr. Le Strange has done valuable service in locating the bridges as they existed at different periods.

Perhaps it will avert the evil eye if after so much praise as one is compelled to bestow a flaw or two be pointed out. The 'historian Fakhri,' who is occasionally quoted, surely has no right to figure as a man; 'Fakhri' is the name of a *book*, by a man named Ibn Al-Tiktaka. Among the buildings noticed we miss the Academy of Sabur Ibn Ardashir, which historians and geographers think worthy of their notice. Abu-l-Faraj Al-Ispahani is surely not the author of the 'Fihrist' (p. 211). We should have welcomed an index of streets mentioned in texts which treat of Baghdad, as there are many friends among Arabic authors whose addresses we could not find even with the aid of this guide-book. But it is not too much to say that Mr. Le Strange has earned the warm thanks of every serious student of Arabic literature and Mohammedan history.

D. S. MARGOLIOUTH.

Cardiff Records, being Materials for a History of the County Borough from the Earliest Times. Edited by JOHN HOBSON MATTHEWS.
Prepared by authority of the Corporation. 2 vols. (London: Sotheran. 1898, 1900.)

THESE well-illustrated volumes are an encouraging sign of the interest taken in municipal history, and the enterprise of the borough of Cardiff is the more praiseworthy from the fact that, although it possesses an 'archivist,' an officer unknown to more ancient corporations, it has practically no records. The greater part of the contents of these volumes consists of translations and abstracts from papers in the Public Record Office, the records of the local custom house, &c. In the second volume there are a history of the lords of Cardiff, extracts from a case submitted to Mr. Serjeant Merewether, notes of a town clerk of the early part of the nineteenth century, and even a private notebook of a local attorney of the century before. Each of these sections has an introduction by the editor, which is pompously called 'dissertations' in the second volume. They sum up, in the manner of a magazine article, the contents of the sections. They are marked by a somewhat excessive use of the first personal pronoun, and occasionally by rhetorical and flippant passages which are out of place in a work of this description. The editor has evidently deemed that the appearance of Cardiff in the list of boroughs that are publishing their

records will create surprise, owing to its modern development having somewhat obscured its antiquity. It is true that Cardiff was, as its name implies, a Roman *castra*, but it is inexcusable that the reader should be told that

it may be safely surmised that these [rights, liberties, or privileges of Cardiff] originated in Celtic tribal customs, subsequently recognised and systematised by Roman jurisprudence, and still later confirmed by the Anglo-Norman to the English and French traders and artisans who settled under the sheltering walls of Cardiff castle, and to the few Welshmen who were content to live under the rule of the Norman lords (i. 2).

Such a statement would be sufficiently startling if made in regard to an English borough. In Wales it is even more surprising, for the boroughs and their organisation are well known to be Anglo-Norman exotics. There is, it is hardly necessary to say, nothing in any of the charters that can be connected with either Roman municipal law or Celtic tribal customs. It is mere loose talk on the part of the editor, just as is his assertion (i., p. xv) that Cardiff 'has a history reaching back to remote antiquity and inscribed upon some of the most venerable scrolls that have escaped the ravages of time.' The oldest of these 'venerable scrolls' printed in this work is an interesting statement taken by Mr. G. T. Clark from the Tewkesbury register¹ of the *libertates et libere consuetudines de Kerdif et de Theokesburia date et concesse per Robertum et Willelmum, comites aliquando Gloucestrie*. It is dated by the editor 'ante 1147,' but it must obviously be later than the death of Earl William in 1183.² The second document, which ought to have been given in full, as of capital importance for the history of the borough, is an exemplification by the burgesses of Hereford of the customs of their borough at the request of the men of Cardiff in 1284. The editor has not properly understood the import of this paper, for he states that 'Cardiff petitioned for leave to use such of the Hereford customs as suited her requirements.' Dr. Gross³ has rightly treated this paper as proving that Cardiff had been granted at an earlier date the customs of Hereford, the model of so many South-Welsh boroughs. The rapidity with which the Anglo-Norman borough organisation was introduced into Wales is well exemplified by the case of Rhuddlan, which is described in the Old English Chronicle in 1053 as an 'estate' (*hām*) of the Welsh king, and has already by the date of the Domesday Survey a new borough enjoying the customs of Breteuil⁴ and Hereford. The English origin of the municipality of Cardiff is evinced by the first

¹ Cotton MS. Cleopatra A. VII, a thirteenth-century manuscript.

² The meaning of this document is, no doubt, that the original settlers at Cardiff were attracted thither by a grant of the same liberties as the burgesses of Tewkesbury enjoyed, and that Cardiff and Tewkesbury received jointly a later codification and confirmation of their liberties and customs from their lord. The early connexion with Tewkesbury is evinced by the abbey of that place owning St. Mary's Church, Cardiff, and also the chapel of the castle. See G. T. Clark's *Cartae et alia Munimenta quae ad Dominium de Glamorgan pertinent*, i. 21. The monks' church is mentioned in a grant of premises in Cardiff assigned to 1108 (*ibid.* i. 27).

³ *Gild Merchant*, i. 261.

⁴ That Breteuil was meant in this case was recognised as far back as 1855 by Delisle, preface to Le Prevost's edition of Ordericus Vitalis, vol. v. p. lvii.

volume, which shows that the streets bore English names, the townspeople were 'portmen,' and bailiffs 'portreeves.'⁵ As in Gloucestershire, the low-lying sea-shore still bears the English name of *warth*, from Old English *waroð*. They are the 'wards' of the abstract at i. 265. It is interesting to note that the Welsh vowel of the river name *Taf* was identified not with the Old English *a* or *æ*, but with Old English long *a*, and consequently went through the Middle English development into *o*, as in *stone*, Old English *stān*, occurring, e.g., in 1492 as *Toof*. Similarly the local name *Rhath* has become *Roath*.

The municipal organisation in 1314 was still of so elementary a character that the town was described in an inquisition *post mortem* as 'a market town enclosed by a wall' (i. 278). The line of demarcation between market town and borough is almost imperceptible in the case of many west-country boroughs, and in later medieval records there are cases of a town fluctuating between the two. But in 1340 Cardiff received an important grant from its lord, Hugh le Despenser, in which membership of the *gilda libertatis* is linked with burgess-ship, and the constable of the castle, the lord's representative, is made mayor of the town. This charter contains several clauses that are common, and apparently peculiar, to Glamorganshire and Monmouthshire charters granted about the same time.⁶ They contain the puzzling clause *nec aliquis teneat celdam apertam de aliquibus merchandis, nec tabernam nec corf* [*corfecinam*, Neath] *faciet in villa nostra predicta, nisi fuerit cum burgensibus nostris lotant et escotant et infra guldam libertatis* [*mercatoris*, Kenfig] *ipsorum receptus*. The editor explains the mysterious *corf* as 'the Welsh *corph* (from Latin *corpus*), and evidently means a trading corporation or guild' (ii. 116); but this is inadmissible, for obvious reasons, and it is unlikely that *corph* could have appeared with this meaning in Welsh at a time when the doctrine of incorporation was even in England in a somewhat nebulous state.⁷ The passages have

⁵ The English character of the inhabitants is shown by the names of residents in Cardiff occurring in the Margam charters printed by Dr. Birch, and also in the names of Cardiff men who figure in the early thirteenth-century burgess rolls of Dublin in Gilbert's *Historical and Municipal Documents of Ireland*. There is a large proportion of Danish names as distinguished from English or Norman amongst these Cardiff men, but I am doubtful whether, as so many of these names had been naturalised in England, we can regard them as evidences of Scandinavian settlements in the district, as Dr. Alexander Bugge does in his essay on *Norse Settlements round the Bristol Channel*, Christiania, 1900 (*Videnskabselskabets Skrifter*, II. 'Historisk-filosofisk Klasse').

⁶ See the charters of Kenfig, 1360, in Clark, ii. 48; Llantrissant, 1346, *ibid.* ii. 106; Newport, 1385, in Gross, ii. 189; Neath, 1359, *ibid.* ii. 175; Aberavon, 1397, Clark, ii. 20, 120.

⁷ Dr. Gross suggests that 'corf' is derived from O. E. *corfen*, 'to carve,' and refers to the right of cutting up cloth, &c. If this were the meaning, it would agree with similar grants to other places, but the derivation is unsatisfactory, as *corfen* is the past participle. The construction of the charter leaves it doubtful whether *tabernam* is governed by *teneat* or *faciet*. If by the latter we may perhaps compare the early charters to Lorris and Bois-commun in the Gâtinais 'eorum nullus corvatam nobis faciet nisi semel in anno' (*Ordonnances des Rois de France*, iv. 75, vii. 592). The *corvée* does not seem to have been known by that name in England, and this might explain the evident uncertainty about the word *corf* in the Welsh charters if they are derived from some early foreign custom. The word

the appearance of being derived from some older custumal. It is worthy of note that the right of bequeathing tenements, which is so marked a feature of the English borough, is also conferred, or, perhaps, only confirmed.⁸ In 1421 the lord of Cardiff granted that fourteen burgesses should be elected and sworn aldermen, and the constable of the castle was to choose two bailiffs out of four persons to be presented to him by the burgesses. The bailiffs were, so we are told, previously called 'portreeves,' but they were henceforth to be known as 'bailiffs.' This is a change of name, usually disguised as one from *prepositus* to *ballivus*, that occurred in many English boroughs in the thirteenth and fourteenth centuries. Its precise import for municipal history is difficult to discover. About 1331 the lord granted to the burgesses land for the erection of a 'bothhalle,' reserving for himself space to hold his courts and for collecting his tolls. The name seems to be peculiar to west-country boroughs.⁹ In Gloucester the Boothhall was a hall for the sale of goods, and it and the Gild Hall, which were contiguous, eventually merged into one building, which was called by either name indifferently in the fifteenth century. As mention is made of revenue to be derived from the Bothhalle at Cardiff, it would seem to have been a sort of covered market.

Although it is not so stated by the editor, seventeen of the nineteen charters of liberties are printed in Mr. Clark's 'Cartae et alia Munimenta, quae ad Dominium de Glamorgan pertinent.' Of the others one is a charter of James I, the original of which is in the possession of the Corporation; of this a much reduced facsimile is given, without any mention of the reduction in size. The other is a charter of James II, which the editor has 'reconstructed' from a translation. No hint of the basis of the translation is given, and it may be, for aught the reader is told, as apocryphal as the editor's restoration. No. XV. is similarly 'reconstructed' from an English version of equally mysterious origin. It is astonishing that the editor, whilst excusing himself from giving the original texts of other documents, should waste space with these 'reconstructions,' for, as a solicitor, he must be well aware of their 'corf,' 'a shed,' is marked by Dr. Murray as a spurious word, and there seems to be no trace of this word in English except the coal-miner's 'corve.' It is noteworthy that in Bavaria the corresponding *corb* is applied to sheds and to workshops in villages. See Moriz Heyne's *Deutsche Hausalterthümer*, Leipzig, 1899, i. 21, 162. If there were any trace of an English, Flemish, or Low German *corf* with this meaning, it would suit the passage in form and meaning better than 'corvata.'

⁸ It is certainly curious that, despite the provision in the twelfth-century customs that a burgess might marry his son or daughter without asking licence of any one, the legality of fines exacted by the lord of the borough for the marriage of the daughter of a freeman of the borough was one of the questions submitted to counsel in 1824 (ii. 131). The *retrait lignager* is well illustrated by the clause that a burgess, if compelled by poverty to sell or mortgage his burgage, could do so only after his heir had failed, after being applied to thrice, to find him 'neccessaria' (i. 12).

⁹ Upon Booth-hall see Gross, i. 81. It is curious that the burgesses of Hereford did not acquire the Boothhall until 1393 (*13th Rep. Hist. MSS. Comm.*, App. iv. 286-7), although it seems to have been known by this name before its acquisition by them. The evidence collected by Dr. Gross regarding the existence of another municipal hall distinct from the gild hall in boroughs requires checking in each case. Thus the Nottingham Moot Hall, which is cited, had nothing to do with the ruling of the town, but seems to have been the place where the court of the honour of Peverel sat.

worthlessness as pieces of evidence. The second one, a very lengthy royal charter of James II, is, of course, enrolled on the Patent Rolls (3 Jac. II. pars i. no. 12), and therefore a text of equal value with that of the missing original might have been presented. The 'reconstruction' of this charter ought not to have been difficult, for it is, in the editor's own words, 'little more than a *verbatim* reiteration of that of James I' (i. 8). But the task has proved altogether beyond the Latin scholarship of the editor. Comparison with the charter of James I ought to have saved him from the infinitive *exequere* (i. 74), the ablative *existentes* (p. 75), *faciendae* for *fiendae* (p. 76), *initiantur* for *admittantur* (p. 77). Here and throughout the texts the editor prints *imposterium* even when the facsimile exhibits the correct form (p. 55). In like manner *constitumus* occurs constantly for the present indicative plural, no doubt because it is so written by a clerical error in the charter of James I. It is, however, spelt correctly at the end of line 15 of the facsimile, but it is printed wrongly in p. 51, line 20. There are thus some errors of the editor's intruded into the text. *Proquirendum* (p. 51) is *perquirendum* correctly in the facsimile. At p. 60 *providem* is a blunder for *proinde*. Errors common to the texts of both charters are *artificium*, genitive plural of *artifex* (pp. 53, 75); *bene liceat et licebit residui* (pp. 54, 77); *stabiliaverint* (pp. 53, 76); *per eisdem* (pp. 59, 83); *reddendum et solvendum inde* for *reddendo et solvendo* (pp. 59, 83); *firmiter iniungendum* for *iniungendo* (ibid.) In the other reconstructed charter, where the editor had no model, we have such inexcusable blunders as *quas gavisī sunt*, *electorum* as a future participle, *salvo nobis amerciamēta et alia . . . pertinencia*, and the amazing *ulterea*, which is evidently formed from an indistinct recollection of *praeterea* and *ulterius*. He prints *decetero* as *deceteris*, even when, as at p. 22, it is right in the facsimile. The gerundive of *emere* appears as *emendenda* at p. 20. Throughout the texts the editor has misunderstood the compendium for *communa*, which occurs as *cōa* in the facsimile at p. 21, and prints such monstrous forms as *commoinam* (p. 21), *comoinas* (pp. 58, 82). As there are only forty or fifty pages of Latin in the volume, the selection of errors given above does not inspire confidence in the abstracts from the Latin documents where we have no original text to compare. But we may safely conclude that the 'million of tiles,' costing 5s. (i. 141), has no basis beyond a confusion of *mille* with 'million.' When the editor comes across a word that he is unable to translate, he has a misleading and unscholarly way of leaving the abbreviated Latin word of his original in the text without note or distinction. Thus the word '*fusil*' occurs in an account of expenses about a mill (i. 138, 146). It is, of course, the mill-spindle, represented by a diminutive of *fusus*. Similarly another portion of the mill is the *rind* (i. 146), but whether this is the English word or the editor's version of a Latin equivalent does not appear. As the word *vanga* occurs in the ordinary Latin dictionaries it should not have been represented by the unintelligible 'vang' (i. 126). At p. 13 *torallos* (malt-kilns, from *torrere*) are ignored in the translation. At i. 347 *pr'fectures* of *recognisaunces* must be a misreading of *forfectures*, i.e. 'forfeitures.' *Landas* (ii. 16) are not 'lands,' but Shakespeare's 'launds' (3 Hen. VI. iii. i. 2), meaning land overgrown with heather or brushwood in or near the forest, a glade. The mention of a 'keel of ale'

(i. 278) and of the 'farm [=ferm] of the judiciary grinding' (i. 268), of which the editor gives no explanation, was so suspicious as to justify a reference to the original inquisition. The former arises from a misreading of *bracina*, 'a brewing,' as *karina*. It appears correctly in the preceding inquisition as 'brewing brewed' (i. 269). The 'farm of the judiciary grinding' is merely *firma molendinar*, the word being divided at the end of a line as *mole* and *ndinar*'. At p. 277 the strange test of the writ (which it was unnecessary to translate) 'by the now king himself' arises from ignoring the mark of abbreviation in *nunc*'=*nunciante*.

The general arrangement of the work is unsatisfactory. There is an absence of notes where required; the Latin texts are printed without paragraphs or punctuation, although the mediæval ones are punctuated, and the English versions follow, instead of facing, the Latin. Notes are required to explain some of the English terms used by the editor. From the Welsh at ii. 250 one can see that an 'orl-tree' is an 'alder,' but one may seek in vain in an English dictionary for the meaning of 'water-reens' (i. 180). 'Grist-mill' is an unusual expression (i. 237), and it is misleading to speak of a man hired to do a piece of work as a 'hireling' (i. 158). No explanation is vouchsafed of a 'hoop of corn' (i. 225), or a 'kahith of salt' (i. 311). The 'general procures sent to London in answer for the tithe' (i. 161) are calculated to puzzle the reader. They were really *procuratores*, 'proctors,' corresponding to general attorneys in a civil court. Although there is a lack of necessary notes there are several that are entirely otiose. Serjeant Merewether in his opinion inquires whether a man admitted as a burgess was a resident or not, and 'whether he was before or after the time of his admission a householder in the borough.' To those who are acquainted with the serjeant's views on boroughs the pertinence of these queries will be obvious. But even without such knowledge one can hardly help resenting the editor's note to the first, 'He was, no doubt' (ii. 128), and to the second, 'No doubt he was, both before and after' (ii. 130).

W. H. STEVENSON.

Geschichte Belgiens. Von HENRI PIRENNE. Band I. Bis zum Anfang des 14. Jahrhunderts. Deutsche Übersetzung von FRITZ ARNHEIM. (Gotha: F. A. Perthes. 1899.)

No one can accuse M. Pirenne of attempting a task beyond his strength or with insufficient preparation. Those who have made themselves acquainted with his 'Vorstudien' have long looked to him to supply the scholarly history of his country which has hitherto been lacking. The first instalment of his work will not disappoint their expectations. The history of the Netherlands is so lacking in political unity before their union under the house of Burgundy as not to be easily embraced in a general perspicuous view. M. Pirenne surmounts this difficulty by subordinating local politics to social and economic progress in a field exceptionally interesting as the meeting-ground of French and Teutonic civilisation. Few subjects may be made duller in unskilful hands than *Culturgeschichte*, but the grace with which M. Pirenne expounds the results of laborious research is apparent even in a translation. Herr Arnheim indeed must be congratulated on the extent to which he has managed to preserve the light touch of his author.

In this first volume the origin and early growth of the great towns of the Netherlands naturally fill a very prominent place. M. Pirenne's views on the much-controverted question of the genesis of municipal life are well known. He developed them at some length a few years back in the pages of the *Revue Historique*, and they are incorporated here with no material change. The germ of the town as a corporate unit is still traced to 'colonies' of wandering merchants settling down under the shelter of castle or abbey whose protection already extends over a dependent population whom they ultimately raise to their own level. Professor von Below's banter has not shaken his faith in the view that the germ of the merchant gild may be discovered in the 'caravans' of itinerant merchants who drew together for mutual protection in their passage from one trading centre to another. This is not the only respect in which the influence of Lamprecht's much-discussed work seems traceable. On the other hand M. Pirenne agrees with Below in his rejection of the *hofrechtliche Theorie*, whose latest advocate is Eberstadt. As far as the Netherlands are concerned he denies the existence of the slightest relation between the unfree *negociatores*, who supplied the great abbeys round which towns grew with the various articles they needed, and the *mercatores* of the municipal period. But it is difficult not to regard this as too sweeping in the face of such an instance as Valenciennes, where as late as 1114 the burgesses had not wholly got rid of the traces of their former unfreedom. Again, the equivalence asserted between the Walloon *carité* and the Teutonic 'gild' (p. 203) seems to break down at Arras, where the *gilda mercatorum* was distinguished from the *caritates ministerialium*, shoemakers and other artisans. Nor can we accept the suggestion that burgesses as a name for the townsmen first comes into use with the walling of the town. The case of Bruges ought to have suggested doubts as to the validity of this view. Once this controversial tract has been passed, and M. Pirenne comes to trace the economic growth of the great Flemish towns down to the eve of their appearance at the front of the political stage of Europe, the critic finds little to cavil at and gets a new insight into the organisation of industry in these medieval manufacturing towns. The present volume closes with the great Flemish victory at Courtrai. We have no doubt that the second will do full justice to the great events of which the Netherlands were the scene in the fourteenth century.

JAMES TAIT.

Die Anfänge des Johanniter-Ordens in Deutschland, besonders in der Mark Brandenburg und in Mecklenburg. Von JULIUS VON PFLUGK-HARTTUNG. (Berlin: J. M. Spaeth. 1899.)

Der Johanniter- und der Deutsche Orden im Kampfe Ludwigs des Bayern mit der Kurie. Von JULIUS VON PFLUGK-HARTTUNG. (Leipzig: Duncker und Humblot. 1900.)

WITHIN the last two years the curiosity and energy of Dr. von Pflugk-Harttung have produced, besides three articles of considerable length in periodicals, two books of very fair dimensions, dealing mainly with the early history of the knights of St. John in Germany. Any work produced at such a rate must bear some evidence of over-haste or want of finish, and neither of these books can be regarded as exempt from such reproach.

Both contain a great deal of fresh information, and a good proportion of the addition made to our knowledge is of real importance. It is the more to be praised since the researches necessary for Dr. von Pflugk-Harttung's works have been derived from a great variety of different archives, and have been collected from a remarkably wide examination of printed books. The German records of the knights of St. John are extraordinarily dispersed, and they have had to be supplemented by the diligent investigation of what can be gathered as to the history of the order in other less specifically direct sources. Some parts of the rich harvest the learned author has collected in appendices to both his books, where the documents printed, and still more the description of the contents of the Johanniter archives, will be of great value to all subsequent workers on these seldom trodden fields. It is a pity that many of the indications are of rather too vague a character for practical purposes, but this is perhaps not unnatural since some at least of the new material seems to have been procured by means of correspondence with archivists, rather than by personal investigations of the archives. The facts thus collected are put together in a form that leaves something to seek. Little care has been taken to distinguish between the relevant and the irrelevant, the important and the unimportant. Any side issue that may arise at any stage of the inquiry at once turns our author away from his special task. This indeed we may regret the less since some of the most picturesque and suggestive parts of his books are his dissertations, such, for example, as those on the three Bertholds of Henneberg, which occupy a considerable space in both volumes, but which are valuable as real contributions towards the biography of the ablest and most important of Lewis of Bavaria's German advisers and towards the less politically important but still interesting stories of his brother, the Johanniter prior of Bohemia, and his son the grand prior of Germany. But it is the nemesis of such rapid work that the book of 1900 has to correct in some important details the book of 1899, and that neither of the volumes is without self-contradictions within its own limits. These, however, are for the most part in details, and we bear them more willingly than the constant habit of repetition and the hasty and inartistic arrangement which we are largely inclined to set down to the same cause. A graver limitation of the author's method is his habit of reading more into the facts than the evidence warrants, and of attempting to build up a general theory when the materials hardly suffice for such a course.

'Die Anfänge,' after a general description of the progress of the organisation of the order of the Hospital, take us on to a detailed examination of the process by which the commanderies of Eastern Saxony and the Marches gradually acquired a self-contained organisation of their own which made them independent of the grand priors of Germany. At first under special lieutenants of the German prior, then under vice-masters in strict dependence on him, and finally under independent local priors, the latter *Herrenmeister*, the North German houses of the Hospital grew in the course of the fourteenth century into the self-governed *Balei Brandenburg*, which except in name was a separate grand priory. Very interesting are the accounts given of this process, of the relation of the knights to the territorial powers of the north-east,

and especially to the margraves of Brandenburg, of the position of Gebhard von Borchfeld, the first *Herrenmeister*, and of his relations to the emperor Lewis of Bavaria and his son Lewis, the margrave of Brandenburg. Our only doubt is whether Gebhard was really such an important person as the text seems to suggest, and our doubts are not allayed when we read such a very questionable dictum as that on p. 43, that the Hospitallers' share in making German the half Slavonic lands between the Elbe and the Oder rivals that of the Cistercians themselves. But Dr. von Pflugk-Harttung is sometimes apt to be carried away by his enthusiasm for the order of which, in its modern Prussian and protestant form, he himself is proud to be an honorary member.

In the second book Dr. von Pflugk-Harttung expands the part of his earlier work which just touches on the relations of the Hospitallers to Lewis of Bavaria and his papal enemies. After some repetition of generalities he tells us, at rather unnecessary length, that as an order the Hospital took no part in the struggle, though individual knights like the two Hennebergers did, and particular districts—namely, the Bohemian and Brandenburg priories—were decidedly on the imperial side. The more valuable part of the book deals, however, with the Teutonic order, whose system, like that of the Hospital, was also crystallising at this time into a permanent shape, and which was practically splitting off into the German branch, ruled by the *Deutschmeister*, and the Prussian branch, governed by the *Hochmeister*, who now seldom exercised any real superiority over the scattered commanderies of Germany, having enough to do in fighting heathen Lithuanians and Christian Poles, and carrying on a constant struggle against the archbishop of Riga. The Teutonic knights in Germany were decided partisans of Lewis, and one of the *Deutschmeister*, Konrad von Gundelfingen, was so bitter and intemperate an upholder of the imperial cause that, during his absence in Italy, a papalist rival was intruded into his office. The Prussian knights also had difficulties with Lewis's papal enemies at Avignon. These, however, were caused by purely local disputes about the collection of Peter's pence in Prussia, the rights of the archbishop of Riga, and other subjects quite alien to the great struggle.

T. F. Tout.

Itinerary of King Edward the First throughout his Reign, 1272-1807. Edited and annotated by HENRY GOUGH, Barrister-at-Law. 2 vols. (Paisley: Gardner. 1900.)

WE have here the last of the publications promoted by the liberality of the late marquis of Bute for the illustration of Scottish history, liberality inspired by a warm spirit of national patriotism and exhibited in works which could hardly have been undertaken except under such auspices. In 1888 there appeared under the care of Mr. Gough a volume entitled 'Scotland in 1298,' in which were collected all the known documents relating to the campaign of Edward I in that year; and now the same editor, whose extreme care and accuracy in all matters of historical or heraldic inquiry are well known, has followed it up with a daily record of the movements of the king throughout his whole reign, so far as these can be traced by an exhaustive search of the public records. The utility of regal itineraries needs no demonstration for those who are students

of public documents, or desire to trace minutely the course of events. The first English example of such a laborious compilation was set by Sir Thomas Duffus Hardy, who printed in vol. xxii. of the *Archæologia* in 1829 an itinerary of King John, which he afterwards reprinted and prefixed in 1835 to the first volume of his 'Calendar of the Patent Rolls.' In 1861 the Rev. C. H. Hartshorne privately printed (or reissued from some journal) an itinerary of Edward II, in which, however, the entries for July (the month in which the reign began) are often incorrect. A third and much more elaborate and exact work is R. W. Eyton's 'Court, Household, and Itinerary of King Henry II,' published in 1878, which is very valuable for its detailed narrative. And it is announced that an itinerary for the long reign of Henry III is in preparation. There have, therefore, been but few precursors of the present work, and with them this will fall into line. The first volume extends from 1272 to 1285. It commences with a prefatory letter to the marquis of Bute, summarising briefly the journeys of the reign, followed by an ecclesiastical calendar (from a Bodleian MS. which belonged to the priory of Knaresborough or Kirkham), as being useful for reference in matters of date. For 1272-3, years of Edward's stay in Italy and France, few particulars are ascertainable, but while in Italy he remained chiefly at Orvieto. From the time, however, of his return to England in August 1274 there are very few days on which his movements cannot be traced, and exact references are given to the various records which supply them. The second volume comprehends the remainder of the reign, and begins with a Scottish calendar from the Herdmanston antiphonary as printed in Bishop Forbes's 'Kalendars of Scottish Saints.' Here, again, while the king was in France in 1286-8 the entries are somewhat scanty, but in all the other years the daily record is almost entirely complete. A very valuable appendix contains, first, a series of six maps tracing the course of the various Scottish campaigns, with a reprint of the two texts of the French narrative of that in 1296, and, secondly, various documents relating to the death of Queen Eleanor and of the king. Careful indexes of places and persons complete the volume. Throughout the whole great pains have been taken to trace obscure places and to verify doubtful names, although a few of the latter may still be open to question. By a binder's mistake some cancelled pages appear in the middle of the calendar in the second volume.

W. D. MACRAY.

A History of the English Church. Edited by the Very Rev. W. R. W. STEPHENS, B.D., Dean of Winchester, and the Rev. WILLIAM HUNT, M.A. Vol. III. *The English Church in the Fourteenth and Fifteenth Centuries.* By W. W. CAPES, M.A., Rector of Bramshott and Honorary Canon of Winchester. (London: Macmillan. 1900.)

THAT the history of the medieval church should be so interesting in the original authorities, and for the most part so dull in text-books or 'standard writers,' is partly due, no doubt, to the partisan aims and theological prejudices of the writers: the most interesting facts have often been just those which the writers wished to conceal. Another reason is that many of the original authorities have only recently become conveniently accessible. Among these may be mentioned cathedral statutes, municipal

records, university documents, the episcopal registers, and the writings of Wycliffe. In both these directions Mr. Capes's book is a very decided improvement upon any work of the kind with which I am acquainted. He is singularly free from partisanship, and has really used the great masses of new material, and the comments of other writers upon that material, which have of late so rapidly increased. His book is eminently readable, interesting, and trustworthy. Mr. Capes has grasped the importance of the episcopal registers as sources of information about the practical working of the medieval church. The earlier portion of his work, dealing with the course of external events, is, on the whole, less successful than the succeeding chapters upon the state of the church—the work and position of the bishops, of the cathedral, of the monks and friars, of the ordinary parish church. It is always a difficult task to disentangle the distinctly ecclesiastical from the secular history, and in attempting to do so Mr. Capes occasionally becomes a little vague and allusive. We feel sometimes that there should have been a little less detail or a little more. But it is not easy to praise too highly the later chapters of his book. The want of detailed references to authorities, imposed upon the author by the plan of the series, and some little vagueness or inaccuracy about legal details, *e.g.* about the position and jurisdiction of the ecclesiastical courts—possibly due to the fact that the author is not a lawyer—are almost the only defects which seriously impair the value of the book as an account of the ecclesiastical system for the period with which it deals. Occasionally too there is a want of explanation. We have, for instance, 'prebends' mentioned without their meaning and origin being definitely explained, though their nature may perhaps be gathered from the sequel.

When we come to matters of opinion Mr. Capes's view of the medieval church seems to be singularly fair and judicial. On the whole it appears to me a little too favourable. He is quite right, no doubt, in trying to show that no class of medieval ecclesiastics was quite so black as they are painted by reformers and satirists. But he appears somewhat to underestimate the evidence which illustrates the evils necessarily arising from the system—from the enforced celibacy of the clergy, the almost unavoidable idleness of the monks, the organised mendicancy and charlatanism of the friars. He seems to think it a sufficient defence of the average monk to show that he was not very much worse than the average layman, who made no pretensions to religious zeal. And, though he is careful in distinguishing between the different periods so indiscriminately lumped together in common estimates of the medieval world, he hardly insists enough upon the progressive deterioration of the orders, especially towards the eve of the Reformation. One of the very few positive mistakes I have noticed is the assumption (p. 310) that Dominicans were the only order which was concerned in the working of the Inquisition. (The absence of the Inquisition in England might well have been noticed.) Another is the statement that when Arundel's visitation was forcibly resisted at Oxford the chancellor 'flogged some of the scholars.' That this is a misinterpretation of the authority I have, I believe, made clear in a work which Mr. Capes does me the honour to include several times among his authorities. H. RASHDALL.

Inquisitions and Assessments relating to Feudal Aids preserved in the Public Record Office. 1284-1431. Prepared under the superintendence of the Deputy Keeper of the Records. Vol. I: Bedford—Devon. Vol. II: Dorset—Huntingdon. (London: H.M. Stationery Office. 1899, 1900.)

THESE are the first instalments of a new and very important undertaking, due to the enterprise and energy of the present Deputy Keeper of the Public Records. They aim at illustrating the succession of holders of land during the thirteenth, fourteenth, and fifteenth centuries. For earlier periods various published works, beginning with the Domesday Book and ending with the 'Testa de Nevill,' give the antiquary and historian such information as is to be had on these points. In the present work a long series of returns and inquests is summarised and arranged with great care and intelligence to afford similar details to students of later periods. Sir H. Maxwell Lyte's prefaces give a clear and interesting summary of the materials used. The first is the somewhat mysterious Kirkby's Quest, with regard to the date, scope, and form of which important new information is supplied. Some of the original inquests of Kirkby and his followers have been traced for the first time, one of them, curiously enough, having been long printed in the Record Commission's 'Rotuli Hundredorum,' and another, that for the hundred of Roulowe, in Buckinghamshire, being published in the first of the present volumes. From these inquests it is clearly deduced that the survey was a much wider one than has generally been imagined, and was necessitated by the thoroughgoing reforms of the exchequer system, brought about by the Statute of Rhuddlan of 1284. The wiping off of ancient and irrecoverable debts, the definition of the rights of the crown over the *villae* and hundreds, the claims of the religious and others to possess franchises by royal charters are but a few of the many objects of the survey disclosed by this reconstruction of the *capitula* of the instructions to the officials. The survey of knights' fees, which has given the quest its chief fame and importance, was but a subordinate object of the inquiry. The exact date of the quest, the names of Kirkby's subordinates, the relation of the later and partial transcripts to the original reforms are all set in a new and fuller light.

Next come the returns of the aid granted to Edward I in 1290 for the projected marriage of his eldest daughter, Eleanor, to Alfonso of Aragon, and, curiously enough, not collected until 1302-3, when Eleanor herself had been dead some years, after marrying another husband, the count of Bar. This is succeeded by the very interesting 'Nomina Villarum' of 1316, an elaborate inquiry into the names of the townships, cities, and boroughs of England, made with the object of assessing the grant of the Lincoln parliament of one man-at-arms for every *villa* not a city or a borough, or part of the royal domain. Then comes the aid of 1346 for knighting Edward the Black Prince, which is particularly important, because its collectors followed the precedents of the aid of 1302-3. Records of the aids of 1401-2 and the subsidies of 1428 and 1431 complete the list, each of these returns standing in close relation to its predecessors. These fifteenth-century records are as a rule more detailed, though hardly more important, than the earlier ones. A copious 'table of materials' at the head of each volume shows

to what extent these sources are available for each particular county. In certain shires other records have been drawn upon, notably a cartulary of the younger Llanthony, which has proved very useful in connexion with Gloucestershire.

The plan of the present work is to take each county separately and to print the various surveys relating to that county one after the other in chronological order. The counties themselves are arranged alphabetically. Of course palatine shires like Cheshire and Durham have no place in such records. In most respects this method of arrangement is as convenient a one as could have been devised. But it seems unfortunate that the shires should not have been arranged topographically. As it is, the student of, let us say, north-country history will have to turn to different volumes if he wishes to compare the surveys of Cumberland and Yorkshire, of Lancashire and Westmorland. A special inconvenience will also be felt in the case of the numerous counties which during the middle ages were usually grouped together under a single sheriff. The accident that both their names begin with B has brought two of these shires, Bedford and Buckingham, together in the first of these volumes. But Nottinghamshire is separated far from Derbyshire, though this can only be done by mutilating such returns as those which begin in vol. i. 254, and are naturally addressed to the joint sheriff of the two shires. It is the same for Cambridgeshire and Huntingdonshire, and of course for a few other counties as well. But even apart from these special cases a local arrangement of shires would have been very much more convenient. In other respects we have no fault to find. The text has been carefully prepared by Messrs. Maskelyne, Johnson, Lyle, and Stamp, while the separate indexes of persons and places are both elaborate and, so far as I have tested them, accurate and precise. The place-names are wisely indexed both under their modern and ancient forms, the references being collected under the former. Great pains have clearly been taken to verify the identifications of the old and new names. It is pleasant to note that personal names also are indexed under the modern forms, so that we find Mortimer under 'Mortimer' and not only under 'Mortuo Mari, de,' though this latter heading also exists, with a cross reference to the normal form. This laborious work of indexing both volumes has been done by Mr. J. V. Lyle. In vol. i. p. xxvii Rupert, king of the Romans, is described not quite accurately as 'emperor,' and on pp. xi, xxii the volume and page reference to the Hundred Rolls should have been given. There are also special indexes of 'baronies, honours, fees, &c.,' and of serjeanties, some of the latter being very quaint. In vol. ii. there is also a 'list of hundreds,' which will be found useful. It would have been better, however, to give under a separate head the reference to the rural deaneries which are the divisions used in some of the records of the taxation of churches in certain shires.

With regard to the contents of the two volumes it is needless to write at length. Of course all the various surveys are not complete. There are no *nomina villarum* for Cornwall and Cumberland. Indeed, the records of the latter county are so scanty that for the whole of this long period they only cover two pages, and are confined to two fifteenth-century documents, which are mainly excuses for non-payment of taxes

or declarations that the liberties so numerous on the Scottish border were not bound to contribute to aids granted to the crown in the normal fashion. In more settled parts of the land the refusals of lords of franchises to give money or information are comparatively rare, though there is a notable exception in Derbyshire in the case of the wapentakes of Wirksworth and the High Peak, where the bailiffs of Earl Thomas of Lancaster and Queen Isabella neglected to make any return. It is not until 1431, long after the absorption of the duchy of Lancaster in the crown, that the first returns for the former wapentake are given. Among other interesting points brought out clearly in the returns are the names of the boroughs in 1316, the arrangement of all the Buckinghamshire hundreds in groups of three, the large number of Devonshire hundreds that contain only a single township, and the right of the *stagnatores* of Devon (i. 385) to be exempt from the authority of the sheriff. Sometimes the returns are demonstrably wrong, as, for example, that which makes the earl of Gloucester lord of Great Marlow in 1316, when, of course, the last earl of Gloucester of the house of Clare had died two years before at Bannockburn. Elsewhere, however, in the returns of the same shire *heres comitis Gloverniae* is more accurately put down as holding the Clare lands. To the genealogist, the local and constitutional historian, the topographer, and the historical geographer this work is in all respects of the greatest interest.

T. F. TOUT.

Beverley Town Documents. Edited for the Selden Society by ARTHUR F. LEACH. (London: Quaritch. 1900.)

THE position which Beverley held in the thirteenth and fourteenth centuries in the front rank of the boroughs, the fact that it was in the strictest sense subject to ecclesiastical powers throughout the medieval period, the foretaste of the borough records given to us by Poulson, all encouraged the hope that the new volume issued under the auspices of the Selden Society would be a very striking addition to the existing literature of boroughs. The somewhat narrow limitation of the sources of this book now bids us postpone our hopes of a fuller view of the system of town government to the report which Mr. Leach is to draw up for the Historical Manuscripts Commission. The present volume is mainly interesting as a contribution to the history of craft guilds in the fifteenth and sixteenth centuries, the bulk of the records having been taken from the Beverley Great Guild Book. The nature of this manuscript and the date of the handwriting are not described, but it seems to consist of 94 pages, covering the craft guild ordinances from 1446 to 1582, mostly in English, and copies of borough ordinances ranging from 1354 to 1561, presumably in a fifteenth and sixteenth century hand. A partial attempt has been made to reshape the order of the manuscript; the early pages have been printed as they stand, arranged by the original compiler in some rough categories, but without regard to chronology. The important Magna Carta Communitatis 1359 is given from the small folio paper register at Beverley, a manuscript written early in Henry VI's reign. The British Museum Add. MS. 25703, which Mr. Leach calls the parchment register or town chartulary, is briefly referred to in the introduction as containing a fourteenth-century version of the rules relating to certain

pastures, which are here printed from the Great Gild Book. The valuable fragment of a borough custumal with which this manuscript opens seems to have been overlooked, as it is not included in the volume. It contains several paragraphs of prime importance and ought to have been printed here.

A considerable part of the introduction is very properly devoted to a discussion of the changes that repeatedly took place in the constitution of the borough during the fourteenth and fifteenth centuries. In a record that cannot be later than the reign of John we hear of a mayor; in 1303 his place seems to be occupied by an alderman. The twelve keepers, who, without any mayor or alderman at their head, were to be the executive of the borough for a long period, are found rendering the borough account in 1344, the first extant account roll. It must here be noted that a portion of the editorial account of the keepers is vitiated by the fact that Mr. Leach has been misled by his copy in the Great Gild Book into dating one of his records 1306. It is obvious that the entry (p. 12) which orders that no deed under the common seal may be delivered to any one until it has been entered in the register cannot really be dated *MCCC sexto*, for Richard Holmes and Thomas Frost, who, with their colleagues, made this ordinance, were the keepers in 1365-6. The appearance of a record apparently dated 1306 among ordinances none of them dated earlier than 1354 might have set the editor on his guard against so misleading a slip. The attack on the keepers, 1381, with which Mr. Leach deals at length, was directed, I believe, against their new financial, not against their old judicial and legislative functions. A document of 1345 (cited in the preface) describes the powers of the keepers, and, if it be read as it stands, it would leave the impression that their powers were financial only. More likely it describes the keepers' new powers at the time when they are first rendering account; for in 1359 these keepers are declared to have, and to have had from time immemorial, the full powers of a mediæval borough council to punish those who contravene the ancient customs and statutes, to make new laws with the consent of the community, and also to regulate finance. About the time of the peasants' rising, and, as has been thought, in connexion therewith, a party in the town sought to bring back again an alderman and two chamberlains, an order which the king, writing in 1382, declares had not been seen in this town for fifty years past or more, with possibly two exceptions, and one which in his view it was not desirable to restore. Mr. Leach concludes, on the contrary, that the twelve keepers represented the forces of 'oligarchy,' the alderman and chamberlains 'a democratic dictatorship,' and does not suggest that finance alone was in question. For here it would seem that the terms of his record have again misled him. Although it is true that Richard II's letter speaks of an intention to put the three officers in the place of the twelve, it is scarcely possible that this phrase was meant to be interpreted literally. A proposal to place entire governmental power with three officers would have been wholly unlike any proposal ever made in an English fourteenth-century borough, so far as our evidence goes. It would be more in accordance with borough feeling that the 500 burgesses who desired a change should seek to place the borough treasury, and that only, under the control of

chamberlains elected for this purpose. It is impossible to suppose that they sought to put three officers in the place of the bench of keepers, whether sitting to give judgments in the borough court or as a borough council. If 'alderman and chamberlains' stand for a revolution so tremendous, it is hard indeed to explain the temporary triumph of the 'democratic dictatorship' in 1385-6, when an alderman and two chamberlains appear as the accountants of the borough treasury, in spite of all that Richard II had said.

The old constitution, as defined in 1359, Mr. Leach describes as typically 'oligarchical,' a scheme for the rotation of office among forty-eight persons. But here the terms of the record will scarcely support him. The twelve keepers at the end of their year of office were to nominate eighteen of the community who had *not* been keepers in the three preceding years; from these eighteen the 'community' elected the twelve keepers for the next year. The scheme looks as if it were planned to allow the infusion of new blood on the council, which perhaps till that time had been filled by co-optation, or from the number of past keepers only. Of what took place in the first sixty years of the fifteenth century next to nothing seems to be known. In 1457 the burgesses were begging that the old constitution might be kept, and two allusions in 1465 and 1467 to a select number of forty-eight, acting apparently to represent the 'whole community,' make it seem likely that Beverley may have followed the then prevailing fashion by giving the old council of twelve a new and wider council of forty-eight to support its decisions and to represent the voice of the 'whole community.' But nothing more is heard of the forty-eight. In 1498 its place is taken by a certain body of thirty-six, the 'three benches,' whose organisation is not treated by Mr. Leach. It appears that by this time the Beverley borough council, as also in all likelihood the Beverley borough court, consisted of the twelve keepers of the current year, who occupy one bench; the twelve of the preceding year, a second bench; and the twelve of two years back, a third bench. In court the three benches would sit in the presence of the archbishop of York's official; in council this official would be absent. In the election of keepers, the 'whole community,' or the body that is so called, still retains a share, though that share has been gradually reduced. The commons must select from a body of thirty persons, consisting of twelve sometime keepers who had not served for two years, of another twelve sometime keepers, and of six who had never been keepers. It was decided by 'the whole body of the town' that this number was too large to choose from. The three benches, by consent of the aldermen and brethren of the craft guilds, who here spoke for the 'community,' decided to reduce the thirty to eighteen, *i.e.* twelve sometime keepers, not then on the benches, and six who had never served, to be chosen by the keepers. Vacancies on the benches were to be filled from these eighteen by an election in which the community, or at least the liveried gildsmen, took part, and the common consent was also required for the making of new ordinances.

In 1535 there was another overhauling of the constitution, this time the work of the archbishop. In the first scheme, printed in Poulson but

not noticed by Mr. Leach, the archbishop selected by name the members of a council of four-and-twenty who were to help the keepers. The keepers were to be chosen from the four-and-twenty, and the keepers and council co-opted to vacancies on their benches. Ten months later the burgesses were restored to some of their old rights. The burgesses having elected the keepers, and perhaps also the council, vacancies among keepers or council as they occurred were to be filled thus: The keepers and council (not the keepers only, as the introduction has it) were to nominate two fully liveried members of craft guilds to the commonalty of burgesses, of whom the burgesses might choose one. There was no annual election of a council, but the twelve keepers were changed annually, the choice of the burgesses being confined to the twenty-four councillors. The alderman of each craft (the statement, p. xxxiii, that they were eighteen in number seems to be a mistake) took the votes of the members of his craft and presented the votes in writing ('weyteng' looks like a misprint) to the keepers. Those with the highest totals were elected. Two brothers or brothers-in-law might not be keepers together, and their votes as councillors or as burgesses would count only as one vote—that is, presumably, if they were cast both on one side. In the introduction this statement made in the text with regard to the councillors and burgesses is wrongly applied to the twelve keepers. The duty of returning in the archbishop's borough court the lists of offences discovered among the crafts by the 'searchers' lay with the keepers, not with the searchers, as is stated in the introduction. A general meeting of the 'whole community' met when summoned by the keepers and the four-and-twenty. The government of Beverley was thus not one of the closest of corporations; certain loopholes for the admission of new members of the executive who were not directly the choice of the existing executive were still left open. Again at Beverley, rich and powerful as the crafts were, with their fully organised guilds, liveries, and 'castles' or pageants (the equivalent of the great London 'triumphs'), they were all subject to the keepers and council.

From the British Museum Add. MS. 14252 Mr. Leach has printed in an appendix the curious law of the weavers and fullers of Winchester, Marlborough, Oxford, and Beverley, which placed men engaged in these crafts under heavy restrictions and excluded them from the borough franchises while they exercised their craft, and deprived them of law-worthiness in a plaint against a free man. The facts have long been known from the version edited in Riley's 'Liber Custumarum.' The older MS. 14252, of the reign of John, contains the addition, 'This law have they (the above-named towns) of the customs of London, so they say.' In the passage relating to Beverley a mayor is mentioned: the fact is, of course, noteworthy, but Beverley was not the only town, as Mr. Leach concludes, which, having a mayor at an early date, lost him again for centuries. Gloucester is another case in point. Mr. Leach seeks to explain the meaning of these rules, and first rejects absolutely the suggestion which has been put forward that the weavers and fullers suffered as foreigners. He thinks it might as well be asserted that bakers and butchers were foreigners because they were under certain restrictions touching their trades. But the obvious reply to this is that we know of no borough laws which deprived butchers and bakers of their oath against

a freeman, as these laws deprive weavers and fullers. Mr. Leach speaks lightly of Dr. Gross's comments, but he seems to have read only one of the passages in which this subject is, as he says, 'got rid of' in the 'Gild Merchant,' and to have overlooked the additional evidence cited in the addenda, vol. i. p. xix, and on pp. 213-4; at least the evidence there cited is not discussed, evidence which seems to show that each set of facts calls for its own appropriate explanation. From the Winchester records it looks as if a special circumstance led to the hostility of the borough, the fact that the weavers and fullers had planted themselves on ground liable to be 'subtracted' from the borough's power; elsewhere the weavers and fullers may have already formed powerful organisations of their own before the borough got its merchant gild, and may have lost their opportunity of taking up the new franchises, deeming themselves strong in their own. Mr. Leach's explanation is that these laws hostile to weavers and fullers were part of a general and very ancient scheme to depress all craftsmen; if weavers and fullers were more repressed than other craftsmen (which he thinks not certain), then 'it is probably because they were the earliest important class of landless industrial workers.' He sees a movement in progress through the ages by which the merchant first 'raised himself above the dead level of serfdom in his merchant gild of unknown antiquity.' 'Manual and probably menial occupations came later' out of this universal serfdom, which, in Mr. Leach's view, absorbed 'the great majority' of the inhabitants of urban and village communities. He refers to the wealthy gild of London weavers as an example. In 1130 they paid to the king's exchequer 16*l.* for their gild, through Robert son of Leofstan son of Orgar, as we are taught, and Mr. Leach would have us view these London 'barons' as thralls emerging from their servile state. It would take more space than can be allowed in a review to enter upon a discussion of such a conception of early English society; we must leave it for the members of the Selden Society to measure at its true worth. Ælfric's wonderful 'Colloquy' needs a new glossator if we are to read into it the servitude of the goldsmith, silver-smith, ironsmith, brazier, tree-wright, salter, leather-worker, and cook.

Observing that there is no later trace of any gild of brewers at Beverley, and that there can have been 'no real' brewsters' gild there, Mr. Leach nevertheless bids us find in an allusion to brewster gild 'the earliest mention of a craft gild in Beverley.' Surely we have here a tax, a geld, not a craftgild. The unknown *cima* (rendered 'vat') must represent the known *cwa*. The feast of St. Thomas's translation is dated in two places 7 June, elsewhere 8 July, elsewhere correctly. The dates of feasts have not been supplied as a rule, and if the date falls before or after a feast the reader has been left to work out the date for himself, a course not usual in the volumes of the Selden Society. The translation is dangerously loose; we have *iudex*=court, *cognovit*=took cognisance, *sacramentum*=order, *ad sectam domini*=as to suit of the lord, and *calige clausure* (contrasted with *calige rotunde*)=cloth hose, without indication that this last must be a guess.

MARY BATESON.

Deutsche Reichstagsakten. XI. Band. 'Deutsche Reichstagsakten unter Kaiser Sigmund: ' V. Abteilung, 1433-1435. Herausgegeben von GUSTAV BECKMANN. (Gotha: F. A. Perthes. 1898.)

THE general character and the importance of this publication are too well known for it to be necessary to enlarge upon them. Owing to the death of Weizsäcker in 1889 and repeated changes in the editorial staff there had been a pause of ten years since a volume (vol. ix.) of the early series last appeared. But now a more regular continuation of the great work is insured under the direction of Professor Quidde, Dr. Beckmann and Dr. Herre being the acting editors. The issue of vol. x. by Dr. Herre is promised shortly, and will contain everything relating to Sigismund's coronation in Rome. It has been preceded by vol. xi., edited by Dr. Beckmann, which embraces the period from June 1433 to November 1435 and contains matter of the most varied interest. Much of this, of course, centres round the council of Basel, for the history of which some entirely new material, which had escaped even Haller in his 'Concilium Basiliense,' has been brought to light, while other matter, already contained in John of Segovia's great chronicle, has only now been made really accessible. Other questions on which new light is thrown stand in more or less close relation to the doings of the council, such as the armaments against the Hussites and the emperor's treaty with Venice directed against Milan. The statesmanship of the time is illustrated by Sigismund's alliance with Charles of France against Philip of Burgundy, the close ally of the emperor's ally Henry of England, while Philip's alliance with Henry had not prevented the duke from encroaching upon the imperial territory. A great part of the volume is taken up with Sigismund's attempts to create some sort of working constitution for the empire, or in other ways relates to the constitutional machinery of Germany, such as it was, and chiefly to financial affairs. This latter portion might advantageously have been consulted by Dr. Nuglisch for his article on 'Das Finanzwesen des deutschen Reiches unter Kaiser Sigmund,' in the February number of the *Jahrbücher für Nationalökonomie und Statistik*. In his measures for raising money the emperor was more successful than in his constitutional schemes. On the whole he shows to decidedly greater advantage than recent accounts of his reign would lead one to believe. He appears to have been ingenious and honestly intentioned to remove immediate difficulties, leaving questions of principle to solve themselves at some future date. Out of 333 documents printed in this volume 176 were hitherto entirely unknown and 44 partially known, only 113 having previously been printed in full.

F. KEUTGEN.

Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII.

Arranged and Catalogued by JAMES GAIRDNER, C.B., LL.D., and R. H. BRODIE. Vol. XVII. (H.M. Stationery Office. 1900.)

IN one respect the seventeenth volume of Dr. Gairdner's 'Calendar' is a little disappointing; it contains a very small proportion of documents which have not been printed or calendared before. The more important of the state papers are included among those printed in eleven volumes by the Record Commission sixty years ago; the French correspondence is given

in Kaulek's 'Correspondance de Marillac,' the Spanish in the Spanish calendar, and the Scottish papers are either calendared by Thorpe or printed in full in the 'Hamilton Papers.' The proceedings of the privy council were accessible in the last volume of Nicolas or the first of Dasent, and most of the private letters in the Parker Society's 'Original Letters,' the 'Corpus,' and Pole's 'Epistolae.' It is, however, a manifest advantage to have alternative renderings of some of these documents—more particularly those in the Spanish calendar—prepared with the care Dr. Gardiner and Mr. Brodie bestow on their work, and the lack of unprinted material is not their fault. This unprinted material consists mainly of the grants and payments which are calendared from the patent rolls, augmentation records, &c., and the muster rolls. The grants, which include the endowments of the newly founded bishoprics of Oxford and Bristol, would provide excellent material for a really satisfactory Tudor 'Book of Dignities;' and another admirable practice followed by Dr. Gairdner is that of summarising acts of parliament not included in the 'Statutes of the Realm,' for private acts of parliament are often of public interest, and are among the most inaccessible of materials for history.

The year 1542, covered by this volume, was singularly barren of events of domestic importance. Except those of Catherine Howard and her friends there were no state trials, and except the proclamation for the use of Bibles 'of the greatest volume' in churches there was no alteration in the practice or doctrine of the church. Henry VIII seems to have been satisfied with his 'whip with six strings' and with his ecclesiastical supremacy, which a proclamation in this volume 'to dispense with the law of the church' shows to have been as absolute as he could reasonably desire. The main interest of the year centres round Henry's relations with Francis and Charles and his designs on Scotland. With regard to our knowledge of the latter this volume adds little to the 'Hamilton Papers,' but it is interesting to find that Henry VIII's revival of the feudal claims over Scotland, which has, with curious infelicity, been ascribed to the Protector Somerset, was determined upon before, and not after, the death of James V. Dr. Gairdner postpones until his next volume his consideration of this development of Henry VIII's Scottish policy, which is obviously distasteful to him. The air of injured innocence which Henry always assumed in his dealings with Scotland does rather recall the fable of the wolf and the lamb, but modern methods of dealing with small states are not so scrupulous and conciliatory that we need expend much indignation on Henry's treatment of Scotland. Incidentally, of course, a number of valuable facts are brought out in this volume, as, for instance, that Prince Edward was as early as 1542 thought to be 'of a constitution not likely to live long;' that Hertford stood as sponsor for Dudley, his future rival, when he was created Viscount Lisle; that Norfolk retreated from Scotland in October 1542, not, as Froude says, because it was 'inadvisable' to proceed, but because the transport had hopelessly broken down; that within a few days of James V's death Lisle expressed a wish for the infant Mary's marriage with Prince Edward, and a fear that the French would try to carry her off; and that proposals were made in 1542 for the government of Ireland similar to those which Elizabeth carried out when she erected the four presidencies of Leinster, Ulster, Munster, and Connaught. The editing of this volume is characterised by all the

laborious care and accuracy we have learnt to expect from Dr. Gairdner and his assistant Mr. R. H. Brodie. Four or five more volumes should finish this 'calendar,' which will then be the most magnificent *corpus* of materials for the history of any reign, ancient or modern, English or foreign. It is earnestly to be hoped that it will not there be left *purpureus pannus*, but will be continued into the reign of Edward VI, which is more threadbare in the way of published materials than the reign of Henry VIII was before this calendar was begun.

A. F. POLLARD.

A History of the People of the Netherlands. By PETRUS JOHANNES BLOK, Professor of Dutch History in the University of Leyden. Part III. 1559-1621. Translated by RUTH PUTNAM. (New York: Putnam, 1900.)

THIS volume deals with the whole of the momentous and eventful period covered by the three well-known works of Motley. The fact gives additional interest to the present publication in English form of the conscientious labours of Professor Blok. Motley in his picturesque and fascinating narrative scarcely attempted to conceal the fact that he wrote from a partisan point of view. But the very charm of his volumes and the eloquent persuasiveness of his special pleading render it the more incumbent upon his successors in the same field to approach the subject in a different spirit. To a Netherlander, even more than to a foreigner, it is, no doubt, a difficult task to eliminate prejudice and bias altogether in dealing with certain aspects and episodes of the revolt, and it is to the credit of Professor Blok that he has throughout preserved a strictly scientific impartiality. He has not only made himself thoroughly master of his subject—and there are few epochs in history of which such voluminous and valuable contemporary records and sources survive—but he has succeeded to a remarkable degree in treating controversial questions with fairness and an open mind. He has taken as his model that admirable historian Robert Fruin, whose death in 1899 caused widespread regret. Fruin's 'Tien Jaren uit den Tachtigjarigen Oorlog,' 1588-1598, is the best book ever written upon the Netherland revolt, and no writer on the same subject can do better than imbibe its spirit and follow its methods. The multitudinous studies and articles on this period contributed by Fruin during his long lifetime to various reviews and transactions are now being reprinted and published in collected form by the Historisch Genootschap te Utrecht, and are all worthy of careful study.¹ Professor Blok, by following in the footsteps of such a master, has presented us, in the volume under notice, with a narrative that may be pronounced to be a trustworthy, well-balanced, and useful introduction to the study of one of the most involved and difficult chapters of history. It may, indeed, be not unjustly urged that the style at times is dull and somewhat lacking in literary quality, and the canvas overcrowded with names and facts. This is no doubt largely due to inevitable condensation. The aim, however, of every writer should be to place himself in the position of the un-instructed reader, and to strive above all things towards clearness. Great care, for instance, should be taken that the same person should not appear under different names without adequate explanation; but here within

¹ Robert Fruin's *Verspreide Geschriften*, uitgegeven door Dr. P. J. Blok, Dr. P. L. Muller en Mr. S. Muller, Fz., 4 deelen. (The Hague: Nijhoff, 1900-1901.)

half a page we may find Anthony Perrenot, bishop of Arras, and Granvelle, bishop of Arras, and the marquis of Bergen from time to time appears as De Berghes. The brilliant John Marnix, brother of St. Aldegonde, makes his only entrance upon the stage as 'the inexperienced Thoulouse,' and the name of the combat, Austruweel, at which he fell on 13 March 1567 is not even mentioned. Again, to take a different case, the timely loan of Arend van Dorp, which had so opportune an effect in swaying the minds of William of Orange's lukewarm German supporters at a critical moment, finds no place in these pages. Such flaws are, however, of infrequent occurrence.

One of the best features of the work is that it aims at being something more than a mere political history. The chapters which deal with the expansion of commerce, the growth of the East India Company, and the development of literature, art, science, and scholarship are excellent. Moreover, nothing could be better than Professor Blok's judicious treatment of such complicated and controversial periods as the Leicester *régime* and the crisis of 1617-19. His appreciation of the parts played by Oldenbarneveldt and Maurice respectively in their struggle for supremacy in the state is eminently just and well weighed. A very useful and complete appendix contains an account of the sources of Netherland history, 1559-1621. This is divided into writings (1) on the Spanish side, (2) on the royalist side, mainly emanating from the catholic Netherlands, (3) on the side of the rebels. Finally comes an account of the long series of historians who have devoted works of greater or less compass to the conflict against Spain. This appendix adds greatly to the value of Professor Blok's history as a handbook of reference for students. The volume has also a map and an index to the chief names to be found in the text (but not in the appendix).

The translator's work is unfortunately far from being satisfactory. A few specimens of the extraordinary English it contains will suffice to justify this verdict. Thus—

In the midst of great dangers the political condition of Europe again and again lamed the power of the doughty foe (p. v); the middle point of avarice was the regent's private secretary, soon notorious as Argenteros for his greed and avarice (p. 11); they must resign him their positions (p. 18); it was hoped that the latter could be persuaded to a combined step (p. 31); he had antagonised Netherland officials like Viglius and Orpper (p. 59); Anjou's attitude, as a Valois, was very uncertain (p. 132); the man free from his own profit (p. 179); they declared it was out of their power to help wage the common war against Spain (p. 183); besides reaping advantage from the increase in population the provinces gained profit from the taxes imposed by them (p. 185); on various sides meanwhile the questionable side of this traffic with the enemy became evident (p. 186); in addition to the Sont tax they were to protest against the formation of a Danish East India Company (p. 369).

For 'Sont tax' here should be 'Sound duty.' GEORGE EDMUNDSON.

Henry Barrow, Separatist (1550?-1593), and the Exiled Church of Amsterdam (1593-1622). By F. T. POWICKE, Ph.D. (London: James Clarke. 1900.)

THE only sections of real interest in this work are those devoted to Barrow's doctrine of the church and to the story of the separatist church at

Amsterdam down to 1622. In this latter Dr. Powicke proves conclusively the non-existence of the so-called recantation of Francis Johnson, which Mr. Arber claims to have unearthed. Incidentally he reprimands Mr. Arber for the unhistorical spirit which he betrays in the 'Story of the Pilgrim Fathers.' Dr. Powicke has the advantage of having made a painstaking perusal of Barrow's works and of showing a moderation of tone and view which contrasts very strongly with Mr. Arber's style of treatment. But here his advantage ceases. He has no adequate knowledge of the ultimate sources of the period with which he attempts to deal, and all the unsettled questions of Barrow's biography he leaves unsettled still, if indeed he does not increase the confusion. It is surely inexcusable that any one should attempt to deal with the Elizabethan period without first-hand and exhaustive reference to the State Papers and other manuscript sources. In this particular instance two difficulties of Barrow's life are soluble by evidence which was easily within Dr. Powicke's reach. Barrow's pedigree on his mother's side is given in an editorial note to the Report on the Wodehouse Manuscripts,¹ from which it is clear that the wife of Bishop Aylmer could not have been a sister of Barrow's mother. It states definitely too the exact relationship between Barrow and Sir Nicholas Bacon, whose wife was Anne, the third coheiress of Henry Bures of Acton, Suffolk. We would suggest that the coheiresses of this Bures were his sisters, not his daughters (as stated in the aforesaid report), as this Bures is represented as dying, aged 26, in 1528, whereas Mary Bures, the youngest coheiress (and Barrow's mother), was born in December 1519. Again at a later point Dr. Powicke falls into all the confusion of the ordinary authorities as to the date of Barrow's imprisonment. His colleague Greenwood was arrested shortly before 8 Oct. 1587. On that date the latter was examined at the bishop's palace at London, and 'deposed of his being in Norfolk about two years past.'² Barrow must therefore have been arrested in the November following, and all his own subsequent indications of dates, with one exception, agree with this. For instance, on 13 Nov. 1590, in a petition to Burghley, the two prisoners speak of their grievous injuries by three years' imprisonment.³ Sir George Paule, in his life of Whitgift (1612), has the date correctly. He says Barrow and Greenwood were convened before the high commissioners in November 1587. Calculating from this point onwards, it is plain that Barrow suffered an uninterrupted imprisonment down to his execution. The extraordinary thing is that Barrow himself in his 'brief of the examination' puts down his own examination as 19 Nov. 1586. But he evidently wrote at a subsequent period, and 'so sure as my memorie could carry,' and there can be no doubt as to the error. As it is, the statement has misled all subsequent writers, and in order to overcome the difficulties and discrepancies created by the adoption of 1586 instead of 1587 Dr. Powicke is driven to suppose that Barrow's imprisonment was relaxed, or that he was possibly out on bail during part of 1587 and was again arrested in the November of that year. It is important to establish that Barrow's imprisonment was continuous from November 1587, since the fact disposes of

¹ *Hist. MSS. Comm.* 13th Rep., App. 4, p. 407-8.

² *Calendar of State Papers, Domestic, Eliz. cciv.* no. 10.

³ *Hist. MSS. Comm.* Report on Hatfield MSS. iv. 73.

any possibility of Barrow's having mixed himself up with the Marprelate writings, he being continuously in prison all through the Marprelate period. His indictment at Newgate was in May 1588, not in 1587. Dr. Powicke might with advantage in this connexion look at the 'Acts of the Privy Council,' xviii. 62, xix. 292-3.

W. A. SHAW.

Calendar of Letters and State Papers relating to English Affairs preserved in, or originally belonging to, the Archives of Simancas. Vol. IV. Elizabeth, 1587-1603. Edited by MARTIN A. S. HUME. (London: H.M. Stationery Office. 1899.)

THE fourth volume of this calendar, extending from 1587 to the end of Elizabeth's reign, covers a period rarely equalled in English history for stirring events. It comprises Drake's expedition to Cadiz in 1587, the Armada in 1588, the expedition to Coruña in 1589, the Cadiz expedition of 1596, the Islands voyage in 1597, and the final attempt of Spain to conquer England through Ireland in 1601-2. Diplomatic relations between England and Spain were, of course, suspended during the war, but Mendoza, after his ignominious expulsion from England, remained at Paris to collect information about English designs, to foment, if possible, disaffection in England, and to bring the desires of a section of Roman Catholics there and in Scotland into line with the projects of Spain. His correspondence, therefore, fills a considerable part of this volume, and the Armada accounts for most of the rest. Fully a third is devoted to despatches from the duke of Medina Sidonia, Alexander of Parma, narratives by various officers in the fleet, and minutes of the debates of the council of war on the admiral's ship. Some of these have been printed in Professor Laughton's 'Defeat of the Spanish Armada,' but the majority are here published for the first time, and they give a more complete account than has hitherto been accessible of the Armada from the Spanish point of view. The return of the Armada carries us two thirds of the way through this volume, the remaining third sufficing for the last fourteen years of Elizabeth's reign. The paucity of documents here indicated is difficult to explain; it is not clear why there should be so many documents relating to Drake's expedition to Cadiz in 1587 and so few to that of Essex in 1596. The Islands voyage and the invincible armada are scarcely mentioned, and the documents relating to the last struggle in Ireland are exceedingly meagre. Nor can their absence from this volume be explained on the ground that they do not exist. In Martin Fernandez de Navarrete's '*Coleccion de Documentos inéditos*' (vol. xxxvi.) there are 230 pages of *documentos relativos á la toma y saco de Cadiz por les Ingleses en julio de 1596*, and nearly all of them are marked as extant among the archives at Simancas; yet Mr. Hume has not a single document relating to that exploit. In vol. xliii. of the same collection (pp. 468 *sqq.*) is a letter from Juan de Silva describing the English descent in Peniche, in vols. xli. and xlii. there are documents relating to English affairs among the '*Cartas del Almirante de Aragon, Don Francisco de Mendoza*,' and also in vol. xlii. among the '*Cartas del Archiduque Alberto*'—*e.g.* p. 319, *negociaciones con Inglaterra*; p. 301, *paces con Inglaterra*; and p.

447, *politica con Inghilterra*—and none of them are mentioned by Mr. Hume. It is not because he has adopted the principle of not calendaring documents already printed elsewhere, for he calendars documents printed by Teulet, Professor Laughton, and Patrick Forbes. There are probably materials as abundant for the closing events of Elizabeth's reign as for the Armada, and Mr. Hume's failure to trace them robs this volume of its claim to be regarded as a complete calendar of the Simancas documents relating to English affairs.

Mr. Hume's editorial methods are equally unfortunate. On p. 74 he prints 'Advices from England,' which begin, 'Drake left Plymouth on Saturday, 11 April (by our [*i.e.* the new] style).' Thereupon Mr. Hume adds a note: 'There is evidently some confusion of dates here. Drake's fleet left Plymouth on the 12th (English style).' Again on p. 97 Mendoza reports Drake's sailing 'from Plymouth, 11 April;' whereupon Mr. Hume inserts in brackets 'o. s.,' meaning presumably 'old style.' Yet Mendoza's informant was approximately correct. Drake's fleet did not actually leave Plymouth on Saturday, 11 April (new style), but it did on Sunday, the 12th (the 2nd according to the English or old style). Mr. Froude gives the dates correctly, so does Professor Laughton in the 'Dictionary of National Biography,' and so does Mr. Corbett in his 'Drake and the Tudor Navy.' Yet Mr. Hume must needs contradict them all, and his document into the bargain, in order to introduce a 'confusion of dates' which exists only in his own mind: 11 April was a Tuesday and not a Saturday at all by the old style; and he need not have invented (p. 97) a north-west gale which carried Drake to Cadiz in the impossible time of seven days. As a matter of fact Drake's fleet was scattered by a storm soon after leaving Plymouth, and it took several days to reassemble, and seventeen days to get to Cadiz. Finally in order to work in the ten missing days Mr. Hume makes Drake remain twelve days instead of two in Cadiz harbour. Truly, as he himself remarks, 'there is some confusion of dates here.' Again on p. 553 there is a letter from Don Antonio relating to the Coruña expedition, in which he says, 'This fleet sailed from here to Coruña, whither the queen and council had ordered it to go direct.' Mr. Hume contradicts Don Antonio and interposes a note to the effect that 'the attack on the town of Coruña was against the queen's orders,' thereby, as Mr. Corbett points out,¹ giving new life to the 'persistent error' that Drake and Norris were ordered to go direct to Lisbon. Once more, on p. 664 Mr. Hume in a note on the archpriest controversy remarks that the pope 'appointed as archpriest the *Jesuit* Blackwell,' thereby showing that he cannot have read Mr. Law's 'Archpriest Controversy,' which he gives as his authority, or have any conception of what that controversy was about. On p. xiv Mr. Hume states that Sir Henry Wotton was sent in 1586 to France to prove to Henry III that Mary Stuart had made Philip her heir. Henry Wotton was then an undergraduate at New College; the envoy was his half-brother Edward, afterwards first Baron Wotton, and the certified transcripts of Mary's letters and his instructions how to use them are extant in the British Museum.² On p. 618 we are told that Tyrone

¹ *The Successors of Drake*, p. 2, note.

² Add. MS. 33256, ff. 172-205.

'entered Munster, near Dublin;' in the index Charles Paget is confused with his brother Thomas, third Baron Paget, and among the distortions of well-known names may be noted Woddons for Wodehouse, Benenfield for Bedingfield, and Clerker for Elerker.

These are, however, trifles compared with Mr. Hume's treatment of the real crux of this correspondence—namely, the identity of 'Julio' or 'Julius' and 'the new confidant' or 'the new friend,' two spies from whom Mendoza derived his information about English affairs. 'Julio' and 'the new confidant' are, according to Mr. Hume, one and the same person, and that none other than Sir Edward Stafford, the English ambassador at the court of Henry III. Now Stafford has hitherto been known as the friend and companion of Henry of Navarre, as a loyal servant of his country and staunch adherent of the protestant faith, who refused to drape his embassy during the feast of Corpus Christi, and on the Day of Barricades, when Guise offered him a guard, replied that he represented the majesty of England and would accept no other protection. It would, therefore, be not a little *piquant* if it were found that Stafford was all the time betraying his country and his friends, giving, as Mendoza puts it, 'momentary advice of everything touching your majesty's service' and 'turning himself inside out' for Mendoza's benefit (pp. 194, 256.) It will be convenient first of all to quote a few phrases from Mr. Hume's own calendar, illustrating the alleged identity of 'Julio' and 'the new confidant.' On p. 134 Mendoza writes to Philip: 'to the adjoined advices given me by the new confidant *and confirmed by Julio*;' on p. 430 Philip writes to Mendoza, 'Do not appear to take any notice of it either to the new confidant *or to Julio himself*;' and on p. 201 Mendoza writes, 'The new confidant has very rarely any news from England, and the information sent to me by Julio I generally receive previously from other quarters.' With regard to the alleged identity between 'Julio' and Sir Edward Stafford it must be remembered that Stafford was living at Paris all this time, and that Mendoza, from whose letters to Philip the following quotations are, unless otherwise stated, made, was also living at Paris.

P. 118. On 1 July, Mendoza writes, 'I am advised by Julius *from London* under date of 16 *ultimo*.'

P. 139. 'Julius advises me that the queen of England has written to her ambassador here.'

P. 148. 'Julius informs me that by letters written to the ambassador'

P. 173. Julius 'informs me that Secretary Pinart has sent word to the English ambassador.'

P. 194. 'Julio writes to me saying that no orders are given to this ambassador'

P. 198. On 31 January Mendoza writes, 'Since closing the accompanying letters I have received advices from Julio from London dated 21st instant (n.s.), saying that the treasurer assured him . . . Julio also informs me that the treasurer had ordered the English ambassador here . . . Julio adds that the treasurer tells him . . .'

P. 209. Philip writes to Mendoza, 'You might even in a roundabout way through Julio signify to the English ambassador'

P. 213. On 25 February Mendoza reports, 'Julio writes me by letters

of the 7th instant from England that the treasurer told him . . . He [Julio] said the English ambassador in France was of the same opinion.'

P. 230. On 15 March Mendoza says, 'I have news from Julio of the 19th ultimo, reporting that the treasurer had told him . . . Julio also informs me that the treasurer tells him . . .'

P. 256. 'Julio writes me that the ambassador [Stafford] had been instructed to answer in this way.'

P. 257. 'Julio also writes that the queen has ordered her ambassador here . . .'

P. 261. 'Except what Julio writes to me the ambassador has been instructed to reply . . .'

P. 272. Philip writes to Mendoza, 'I note in your letters about England the excellent hints you are giving to Julio . . . and also *the good steps he was taking to discover the negotiations being conducted by his ambassador*, and to frustrate the evil designs of the French.' Stafford as 'Julio' is here endeavouring to discover what negotiations he, as ambassador, is carrying on!

P. 278. On 8 May Mendoza writes, 'Julio reports in a letter from London of the 20th ultimo' various conversations he had had with Walsingham and Burghley, and concludes thus: 'They write to the English ambassador here, telling him to be vigilant.'

P. 366. On 8 August 1588 Mendoza writes, 'I have letters from England, dated 29th ultimo, from Julio;' on p. 495, 'I have no fresh advices from England from Julio;' and on p. 490 Mendoza writes on 26 Nov., 'Julio writes to me, under date of 29th ultimo, a letter which has been delayed by weather.' When one comes to think of it the weather must have been had to delay for four weeks a letter in its transit from Sir Edward Stafford, living in one house in Paris, to Mendoza, living in another.

Now let us examine by the same method Mr. Hume's assertion of the identity of Sir Edward Stafford and the 'new confidant' or the 'new friend.'

P. 63. 'The new confidant informs me that the English ambassador has seen Secretary Pinart.'

P. 86. 'The new friend reports that the queen of England writes on the 29th to her ambassador . . .'

P. 87. 'Everything I have set down here was seen by my confidant in the letters themselves:—surely an absurd remark if the confidant was the ambassador to whom the letters were addressed.'

P. 107. Philip writes, 'I note what the new friend told you about the wish of the English to form a closer union with the Christian King, and the active steps that were being taken with that object by the English ambassador.'

P. 198. Mendoza writes, 'Since closing this my new confidant reports that Marshal de Biron has seen the English ambassador . . . He says the king wishes for a private interview with the ambassador.'

P. 222. 'The new confidant informed me that Secretary Pinart would go that same day to carry the King's reply to the English ambassador.'

P. 256. 'The new confidant tells me that on the 18th this king sent

a *valet de chambre* to the English ambassador to say that he wished to see him privately.'

P. 257. 'The new confidant tells me that Marshal de Biron saw the English ambassador on the 29th instant.'

P. 261. 'The new confidant caused me to delay this courier two days, in the belief that the English ambassador was to have audience of the king . . . The new confidant assures me that this intelligence was sent to the English ambassador by the king.'

P. 278. 'I hear from the new confidant that Horatio Pallavicini writes in the same tone to the English ambassador here.'

P. 303. 'I learn from the new confidant that the English ambassador had not sent the queen's letter to the king.'

There are equally conclusive passages on pp. 352, 369, 416, 516-7: yet Mr. Hume writes (p. 541), 'I have no doubt whatever that they both [*i.e.* 'Julio' and 'the new confidant'] stood for Stafford; ' in his index he merely gives a cross reference from Julio to Sir Edward Stafford, while 'the new confidant' does not even get a cross reference, the references to him being entered *sans phrase* under Stafford. 'M. Forneron,' he naively adds, 'who, perhaps, has not followed the correspondence quite so closely as I have been obliged to do, fails to identify Julio as Stafford.'

Finally we may quote a few passages that throw some light on the question whether Stafford was in traitorous correspondence with Mendoza at all. On p. 209, Philip writes, 'I am awaiting with interest to know whether you have penetrated the meaning and result of the interviews between the Christian King and the English ambassador; ' and the fourth paragraph in the same letter is only intelligible on the assumption that Philip thought Stafford loyal to Elizabeth. On p. 215 Mendoza reports an audience between Stafford and Henry III, thinks that it was on some important matter, and adds, 'I will try to discover what it is.' On p. 228 Philip writes, 'What you say about the negotiations between the king [of France] and the English is of great importance. You will do your best to get at the bottom of them.' On p. 259 Mendoza, referring to another interview between Stafford and Henry, says, 'If I can discover what passes I will report.' On p. 266 he excuses himself for not knowing what passed between Henry and Stafford on the ground that those present could not hear what the king said. On p. 369 he writes, 'I cannot learn from the new confidant that any negotiations are going on here between the king and the ambassador; ' and again on p. 477 he complains that Julio 'cannot discover that the king is carrying on any negotiations with the English ambassador.' On p. 511 he writes, 'The above intelligence is published by the *English ambassador here* . . . but, as I have no reports from my confidants, I cannot affirm the present condition of the armaments.' Yet Mr. Hume wishes us to believe that Stafford was 'momentarily giving information' to Mendoza, and 'turning himself inside out' for the Spaniard's edification.

Who 'Julio' and 'the new confidant' really were it is not easy to determine. From the passages we have cited it is clear that 'Julio' was living in London, where his office brought him into frequent contact with Walsingham, and more particularly with Burghley, the lord high

treasurer. He 'was in arrears in his account with the queen more than 15,000 crowns' (p. 310), a fact which alone would dispose of the idea that he was an ambassador, and it is fairly obvious that he was in some way connected with the treasury. The circumstances point to Sir Thomas Shirley, the father of the three famous brothers, who, as treasurer of the wars in the Netherlands, was an official subordinate of Lord Burghley, and, like 'Julio,' was deeply in debt to the queen, who subsequently put him in prison and confiscated the revenues of his estates.³ The 'new confidant' appears to have been either in the service of the English embassy at Paris or in that of the French secretary Pinart. But the difficulty of identification, in any case serious, is increased by the obscurity Mr. Hume introduces into some of his documents and the obvious colour which his preconceived theory about Stafford has given to others. For instance, on p. 7 we read, 'His [Stafford's] answer was that he himself was quite willing to trust me [Mendoza], but the queen was so much set against me that it ['to enter frankly into relations with me'] would be most inadvisable.' The only meaning we can extract from this passage is that Elizabeth had no objection to Stafford's betraying her secrets, provided that he betrayed them to some one less obnoxious to her than Mendoza. He goes on, 'I caused Arundell to tell him that your majesty had been informed of his resolution; and that, in consequence of it, you had had a cipher sent to Arundell, by means of which he might advise your majesty direct of what Arundell said.' What Mr. Hume means is, apparently, that Arundell might advise Philip direct of what Stafford said; what he prints is nonsense. When Mr. Butler's 'Foreign Calendar' has reached this period, and when the French and Spanish foreign correspondence has been published, it may be possible to unravel this tangle of treachery. We know that Stafford, with Burghley's connivance, sometimes hoodwinked Mendoza by giving him false information; it is clear that Stafford's kinsman by marriage, the traitor Charles Arundell, with a view to enhancing his own importance and increasing the salary he drew from Spain, endeavoured to persuade Mendoza that he could win over the English ambassador. But that Stafford was really a traitor, that he was 'Julio' or 'the new confidant,' are hypotheses contradicted on almost every page of this 'Calendar'; it must, however, be remembered that we are only arguing from the evidence as presented by Mr. Hume.

A. F. POLLARD.

The Successors of Drake. By JULIAN S. CORBETT. (London: Longmans. 1900.)

IN this handsome volume Mr. Corbett completes the naval history of Elizabeth's reign, the greater part of which he had written in his 'Drake and the Tudor Navy.' The close of Elizabeth's reign coincides roughly with the end of the Spanish war, which constitutes the first great epoch in England's naval history. The seven years between the death of Drake and that of Elizabeth comprise no events of such importance as Drake's voyage round the world, his singeing of Philip's beard in Cadiz harbour, or the defeat of the Armada; but the successful raid of Essex on Cadiz

³ See *Dict. Nat. Biogr.* lii. 138; *Venetian Cal.* 1592-1603, p. 538; *Hatfield Cal.* iv. 50; Rawlinson MS. 918, f. 34.

in 1596, the Islands voyage, and Cumberland's expedition to Puerto Rico were naval operations of some magnitude, of which no adequate account has hitherto been written. Similarly Mr. Corbett does good service by his description of the exploits of Federigo Spinola's galleys—an almost unknown episode of the war—and of the naval campaign off Ireland, the importance of which has been overlooked in the exclusive attention paid to the military operations of Essex, Mountjoy, and Carew. Mr. Corbett's estimates of Raleigh and Essex deserve consideration, and most people will agree with him that Raleigh's reputation on sea and land would have stood much lower but for his literary gifts and tragic end. His view of Essex finds some confirmation in the last volume of the 'Hatfield Calendar,' but he glosses somewhat over Essex's disastrous failure in Ireland, which deprives him of any claim to be considered a really great leader. Possibly Mr. Corbett is over-lenient to Essex as the head of the war party, for in the questions at issue between the men of war and the scribes Mr. Corbett is on the side of the men of war, and the case of the scribes scarcely meets with adequate presentation in his pages. Mr. Corbett still adheres to his theory of the revolution in naval tactics effected by Drake and his school; he has not convinced all the naval experts, but his views do not affect his narrative in this volume, as there was no purely naval engagement. We notice that he now—no doubt rightly—credits George Fenner with the defeat of the Portuguese in the Azores, which in his 'Drake and the Tudor Navy' he ascribed to Thomas Fenner. Throughout the volume a few more dates would have materially eased the process of reference. But these are trifling matters compared with the many excellences of the book. Amid so much inferior historical work it is a real pleasure to come across a book so scholarly as it is. Mr. Corbett has gone to all the proper sources, both English and Spanish; he has digested them thoroughly, and selected with no little skill the materials essential to his purpose. It is not often that a work of this kind is a commercial success, and we can only congratulate Mr. Corbett the more on the fact that his 'Drake' has gone into a second edition; this volume thoroughly deserves to be equally successful.

A. F. POLLARD.

Histoire de la Liberté de Conscience en France depuis l'Edit de Nantes jusqu'à juillet 1870. Par GASTON BONET-MAURY. (Paris: Alcan. 1900.)

M. BONET-MAURY does not tell us much that is new, but he relates with impartial accuracy facts which can hardly be too often placed before the public. In the latter half of the eighteenth century the French 'philosophers' believed that they had dealt their enemy, the Roman church, such shrewd blows that the next generation must witness her death agony. They certainly would have laughed to scorn a prophet who should have ventured to predict that at the beginning of the twentieth century the church and the Jesuits would be scarcely less powerful in France and scarcely less formidable to the state than at the time of the League. In 1789 the *cahiers* of the lay estates almost unanimously demand a larger toleration of dissidents; in 1901 it can scarcely be doubted that, if every class and district of the country were invited to

express their feelings and wishes, it would be found that Jews and protestants are regarded with far less charity. A book, therefore, needs no apology which traces the history of liberty of conscience in France and which seeks to show that the country has prospered in proportion as the government has recognised the right of every man to hold and proclaim whatever opinions approve themselves to his conscience, and to worship his God as he pleases both in public and in private. The author perhaps is indeed too consistent. He would carry the principle of *laissez faire* in matters of religion to its furthest logical consequences. He deprecates all interference on the part of the state with religious bodies and associations, because such interference violates individual liberty. He cites with apparent approval the hypocritical appeals to freedom and to the right of conscience made by the Romanists, when their friends were not in power, and regards the administration of Guizot and the last ten years of the second empire as times when the true principles of toleration were best observed by the government. From this we might almost suspect him of being a more than usually well disguised Jesuit, were it not that he points out (p. 214) what liberty of conscience meant in the mouth of the catholics, and that he quotes with approval the weighty words of Renan : 'The church has never been, and never will be, tolerant ; it is impossible that she should be so, for, according to her, error is caused either by culpable ignorance or by disingenuous perversity. Honest error is an exception. Moreover no consideration can weigh against the one thing necessary, the salvation of men's souls' (compare also p. 137, too honest utterance of Leo XII).

Guizot is the statesman of whom our author speaks with most approval. That which by his own showing happened under Guizot's administration should suggest to him some misgivings. That minister wished to obtain the support of the catholic party, and but for the resistance of the Voltairian king and of his wiser or more prejudiced colleagues he would have passed a law throwing the education of the country into the hands of the priesthood even more completely than was afterwards done by the *loi Falloux*, supported by Thiers, when in a fit of *bourgeois* panic he was willing to assent to any measure likely to check the contagion of socialistic and communistic principles. Unable to offer this bribe to the church, Guizot persisted in refusing to interfere with the foundation of new monastic bodies and of other religious associations, and in attempting to maintain a friendly neutrality in the war between the catholics and the university. When he was compelled by the chamber to assent to the expulsion of the Jesuits he carried out the measure perfunctorily and with every regard for the feelings and the interests of the fathers. It may not have been in his power to prevent legal opposition to the free preaching of the faith he himself professed, but he need not have all but embroiled his country in war with England to support the encroachments of catholic missionaries at Tahiti, nor have silenced the most eloquent and gifted professors of the Collège de France, Quinet and Michelet, because they criticised the Jesuits over sharply. And for what reward ? To see the party which he attempted to propitiate by the sacrifice of his principles ally itself with his radical opponents to precipitate him from office and his master from the throne. The fact is that every party

in France has in turn yielded to the blandishments of the clericals, and always with little profit to themselves and much injury to the interests of the state. This may not be quite the lesson which M. Bonet-Maury seeks to convey; he rather attempts, as has already been said, to show that an intolerant policy has always been a mischievous policy. Yet that is perhaps little more than another way of putting the same truth.

P. F. WILLERT.

A History of British India. By Sir W. W. HUNTER, K.C.S.I., M.A., LL.D. Vol. II. : To the Union of the Old and New Companies under the Earl of Godolphin's Award. (London : Longmans. 1900.)

THIS posthumous volume sees the light under the editorship of Mr. P. E. Roberts, who for some years was secretary to Sir W. Hunter. In January 1900, at the time of the author's sudden death, seven out of the nine chapters of the present volume were already in type; but chapter viii. was only as yet drafted, and much still remained to be done, before the work could be issued to the public, besides the writing of a concluding chapter, which, as stated in the preface, has been wholly the work of the editor. But Sir W. Hunter has been fortunate in his literary executor. 'Suddenly called away in the midst of apparent health and vigour,' as his secretary tells us, 'he had no time to give more than a bare hint of his wishes as to the book he had left incomplete.' Before the end of the year, however, the volume was completed, and no truer praise can be given than the avowal that, without the statement in the preface, it would be hard to say at what point the author's pen had been resumed by the hand of his editor.

The present volume deals mainly with the events of the seventeenth century, and narrates the establishment of our countrymen in continental India, following on their ejection from the Spice Islands, which was the lamentable result of the Amboyna massacre. In other words Sir W. Hunter now gives at some length the history of our struggles to attain commercial supremacy in India against Dutch and Portuguese rivals, which, being achieved towards the close of the seventeenth century, led during the course of the eighteenth century to the establishment of our political supremacy in those parts as against our French rivals. The rise of the three presidencies, afterwards centred at Bombay, Calcutta, and Madras, each under circumstances peculiar to itself, forms the subject of as many chapters in the present history. Thus at Surat, coming in contact from the first with the settled government of the Mughal empire, our factors had to secure their position by concluding at all risks a private treaty with the Portuguese viceroy at Goa; while for the service of the Mughal, and as against Goa, they maintained several squadrons of armed ships to act as coast police, these patrolling the ocean highway by which the Moslem pilgrims who embarked at Surat—'the Gate of Mecca' in India, as it was then called—were safely carried across to the Red Sea ports and then home again. On the other hand in Bengal, which was so far removed from the central government as to be almost a separate sovereignty in the Mughal empire, the circumstances of the case were different; and our people had to deal warily with the semi-independent Mughal governor, who, after some trouble stirred up by the

Portuguese, did finally grant the English a license for trade, with leave to buy ground to build a factory, which after many changes came to be Calcutta. Throughout the limits of the Mughal empire, however, there had been no question of erecting fortifications, as was found to be necessary on the Madras coast, where, under grants from the Golconda kings, forts were built to secure the settlements against the raiding of the semi-independent coast rajas. At Masulipatam, for instance, then the seaport of the Moslem kingdom of Golconda, and hence the chief 'outlet for the Golconda diamonds and rubies, for the marvels of textile industry which had developed under the fostering care of that luxurious inland court,' the English in 1613 obtained a grant, written on a sheet of gold, empowering them to fortify their factory. In 1632 this grant was confirmed by the celebrated 'golden phirmaund' of the king of Golconda, and the English, according to the contemporary translation of the royal edict, thus found themselves permanently established here and 'under the shadow of Me, the king, they shall sit down at rest and in safety.'

Perhaps the most interesting chapter in the present volume is that entitled 'The Company and the Commonwealth, 1649-1660,' all the more because so little hitherto has been known about the dealings of Cromwell with the East India Company.

Cromwell found the Dutch triumphant in Europe and Asia, our Indian relations with the Portuguese still left to the haphazard of local conventions on the Bombay coast, and Amboyna unavenged. He enforced from Portugal an open trade for the English in the east; from Holland he wrung the long denied redress for the torture and judicial slaughter of Englishmen in 1623, together with the restoration of the island then seized by the Dutch. Chief of all he definitely imposed on the company the principle of a permanent joint stock, on which it continued until its trade was thrown open in the nineteenth century.

Now it will be remembered that, as narrated in the previous volume, King James when he came to know of the Amboyna massacre had been genuinely indignant, but his indignation unfortunately had spent itself 'in tears and inkhorn threats.' Then King Charles had promised much, he had even seized on the Dutch vessels in his ports, but finally his majesty, being short of cash, and for a bribe, had let the Dutch ships go; so nothing was done. But Cromwell had gone differently to work. Satisfaction not being forthcoming in 1652 he declared war against Holland, and as a result the Dutch pledged themselves under the treaty of 1654 'that justice should be done on those who were partakers or accomplices in the massacre of the English at Amboyna.' Then again in the matter of dispute with Portugal, as the author points out, Cromwell 'prepared the way for peace by Blake's cannon,' and three months after the settlement with Holland the Portuguese by treaty renounced their exclusive claim to the commerce of the east, as based on the celebrated papal bull of 1493.

The details of the famous charter of 1657, which Cromwell caused parliament to grant to the company, need not here be given. Unfortunately no copy of the charter itself now exists, but Sir W. Hunter took every pains to piece together from contemporary notices the various items of its provisions, under which, as he writes, 'the corporation passed with little recognition of the change at the time, from its medieval to

its modern basis.' As the author further points out 1657 was thus the first of 'three cyclic dates' for England in the east; for in 1757 the battle of Plassey was fought, and in 1857 the reconquest of India had to be effected after the sepoy revolt. Among many interesting subjects discussed in this volume which call for notice, had the space at command allowed, perhaps the most curious is the account of the life in India of the English during the seventeenth century given in chapter v., on 'The Company's Servants and Trade to 1660.' The factors and their clerks out in the east were not always as obedient to the home directors as could have been wished; there was private trade, with not a little gambling, also the drinking of too much *palepuntz* (punch). These things naturally resulted in the violation of that golden rule of conduct laid down by the company for the guidance of their servants in the east, to wit that they should in all things aim solely 'at the glory of God and the interests of their employers,' both of which matters factors and clerks often forgot. In conclusion it will interest the reader to know that happily the store of materials which the author had collected for the future volumes of the series is not destined to remain unutilised, for a statement has appeared that Mr. Roberts has undertaken to continue the history of British India on the lines so well inaugurated, and thus carry the work to the conclusion which was foreshadowed by the late Sir W. Hunter in the preface to his first volume.

G. LE STRANGE.

History of the Commonwealth and Protectorate. By S. R. GARDINER, D.C.L. Vol. III., 1654-1656. (London: Longmans. 1901.)

MR. GARDINER'S third volume covers a period of rather more than two years, commencing with the elections for Cromwell's first parliament in the summer of 1654, and ending just before the election of his second parliament in the summer of 1656. In apologising for the amount of space devoted to the events of these two years he alleges, first, the number of different subjects which had to be treated in the volume, and, secondly, the fact that in his opinion 'there has been much misunderstanding of many points of the highest importance.' No historian who reads these pages carefully, and compares their contents with the account of the same period given by Godwin, Masson, Guizot, and Ranke, will hesitate to admit the validity of this apology. On every part of the subject Mr. Gardiner throws new light, elucidating what his predecessors had left obscure, setting right many events which they had incorrectly related, and assigning their proper prominence and importance to incidents and aspects of the time which they had neglected. The chief difficulty of a reviewer is to show the extent to which Mr. Gardiner's researches enlarge our knowledge or modify previously accepted conclusions.

His account of Cromwell's dealings with his first parliament illustrates this. 'A most poor, hide-bound, pedant parliament; which reckoned itself careful of the liberties of England; and was careful only of the sheepskin formulas of these; very blind to the realities of these!' asserts Carlyle. Mr. Gardiner completely refutes this view, showing first of all that the parliament was invited by Cromwell himself to examine the Instrument of Government, and amend, if it thought fit, the details of

the constitution (p. 19). Of the four 'fundamentals' set forth in the Protector's speech it accepted two, and on a third of these fundamental points, the question of toleration, it proposed a compromise, which, though less liberal than the Protector desired, was still one that he might reasonably have accepted (pp. 37, 85).

Considering how rapid progress in this direction had been, and how little public opinion was prepared to support a policy of extensive toleration, it may fairly be argued that the Protector would have shown his prudence in accepting the compromise. Nor is it by any means impossible that he would have done so if other questions had been settled to his mind (p. 87).

The breach between Cromwell and the parliament began on the question of the control of the army. The house demanded the disbandment of nearly half the existing army, claimed for itself the control of the militia, and granted the funds necessary for the maintenance of the standing forces for a limited time. At the same time it sought to make the council responsible to itself, and while it submitted to limit its own power for a time by granting the Protector a negative in certain cases these 'negatives' were to be merely temporary concessions (p. 90). Under these circumstances a complete rupture naturally followed. 'The quarrel,' concludes Mr. Gardiner, was not 'one to be appeased by the exercise of greater wisdom or moderation on either side' (p. 99); for while 'it has often been said—and that with truth—that the main problem before the Protectorate lay in the difficulty of reconciling parliament and army,' that problem itself

had its roots in a still deeper controversy, in which the doctrine that the people should be ruled for their own good . . . was opposed to the doctrine that it is the first duty of a government to conform its actions to the national will. . . Two ideals . . . had inspired the Revolution, the ideal of government by the best, and the ideal of government by the elected representatives of the nation;

they were now in opposition to each other (p. 5).

Mr. Gardiner's account of this parliament is not only marked by the insight and the equitable judgment which we naturally expect from him; it is also a most skilful and ingenious piece of research. The records of its debates are extremely imperfect: the best report gives simply the substance of the speeches and not the names of the speakers, and it covers only the incidents of the first few days. Cromwell's second parliament is very well reported, and Richard Cromwell's still better; but to make the proceedings of this first parliament plain required the hand of a master. The manner in which Dutch, Venetian, and French despatches are employed to eke out the scanty information supplied by English sources deserves the highest praise. But while it is possible to put together from these different authorities a satisfactory narrative of the progress of the dispute between the Protector and the parliament it is not so easy to determine with certainty the part played by individuals in the struggle. Cooper's mediatorial position is a plausible hypothesis, requiring more proofs before it can be accepted as a fact, and one scarcely likes to receive with implicit faith, on the evidence of Bordeaux alone, the speech assigned to Hazlerigg in the opening debate.

It would not be difficult to take the different chapters which follow one by one, and show that in all cases they add much to our previous knowledge of the period. The nature of the government of the major-generals is very clearly set forth, and the extent to which the attempt to use them as a device for reforming the morals of the English nation strengthened the opposition to the Protectorate is convincingly shown. Chapter xliii., on the Protectorate and the corporations, is completely new: the subject had been left entirely untouched by previous historians of the time. The account of the Cromwellian settlement of Ireland, which comes next, embodies the article on that subject published in this Review in October 1899, but adds many new points, such as the explanation of the reasons of public policy which led to the recall of Fleetwood from Ireland. On several points Mr. Prendergast's famous book is corrected, especially as to the limits of the transplantation and the fate of the Irish transported to the colonies as labourers. In another place Mr. Gardiner shows conclusively that the story of the 2,000 Irish boys and girls shipped to Jamaica as wives and servants to the colonists is certainly untrue (p. 453). The map of Ireland 'as divided by the Act of Satisfaction' in September 1653 and that showing the distribution of the English garrisons and the districts assigned to the major-generals are both very clear and useful.

Another example of the new matter contained in this volume is afforded by Mr. Gardiner's account of Blake's Mediterranean cruise (October 1654–October 1655). The fullest and completest account in the earlier histories of the time is that contained in Guizot's 'Cromwell and the English Commonwealth' (ii. 186–198). On all important points Guizot's narrative of Blake's doings is corrected, and on several disproved. The locality of Blake's destruction of the Tunisian ships is exactly ascertained and illustrated by a map, and incidentally two stories traditionally connected with this cruise—Blake's quarrel with the governor of Malaga and his exaction of an indemnity from the grand duke of Tuscany—are completely refuted. On these last points, it is true, Mr. Gardiner's conclusions had been to some extent anticipated by Professor Laughton in his life of Blake ('Dictionary of National Biography,' v. 177), but in each case he carries the demonstration further, and supplements it by fresh information. At the same time he explains clearly, and is the first to explain clearly, the relation of Blake's voyage to the general policy of the Protector and to the turns and changes of European politics. One criticism of detail may be ventured. In relating the origin of the dispute with Tunis Mr. Gardiner might with advantage have referred to Boothouse's printed story, 'A brief Remonstrance of Several Natural Injuries, etc., perpetrated on the . . . public ministers and subjects of this Commonwealth by the Dey of Tunis,' 1653. In it Boothouse gives a full account of his negotiations at Malta for the redemption of the Tunisian captives, and states the circumstances of their capture more favourably to Captain Mitchell than he appears to do in the manuscript narrative referred to by Mr. Gardiner (p. 377).

One of the most notable features of this volume, as of the previous one, is the attention devoted to the history of Cromwell's foreign policy,

and the amount of new information brought together concerning that intricate and difficult subject. The history of the breach with Spain and the alliance with France is too complicated to follow in detail. With regard to the former Mr. Gardiner concludes that 'if Oliver had good cause for war he did not open hostilities in an honourable fashion' (p. 405). On the wisdom of Oliver's alliance with France he pronounces, as yet, no verdict, though indirectly condemning the Protector for setting his heart on the acquisition of Dunkirk. England's possession of that place, he hints, dictated as it was largely by jealousy of France, was bound to excite irritation in France, and in the same way Oliver's claim to be the champion of the protestant interest in Europe, and his refusal to renounce his claim to protect the Huguenots, were a provocation to Louis XIV. Unwittingly, suggests Mr. Gardiner, Cromwell sowed the seeds which bore fruit in the revocation of the edict of Nantes (pp. 485-6), but this conclusion appears to me a little overstrained. Oliver's championship of protestantism was but a momentary incident in European politics; the causes which led to the revocation of the edict were of a deeper and more lasting nature, and more directly connected with the past history of France.

In the main Mr. Gardiner condemns Cromwell's foreign policy, and yet sympathetically appreciates his ideals.

The thought of being the world's protector lay at the bottom of Oliver's suggested league for the defence of the protestant interest. As he himself had put it a year earlier, 'God had brought them where they were in order that they might consider the work they had to do in the world as well as at home.' It was a noble and inspiring thought, needing even for its partial realisation not merely a political self-abnegation rarely, if ever, to be found, but also the fullest and most accurate knowledge of the character and aims of the governments and peoples of other nations, a knowledge never completely attained to by any statesman, and in which Oliver was himself singularly deficient. . . . No beneficence of intention could avail him aught . . . so long as his mind was steeped in ignorance of continental modes of thought and of the intentions of continental statesmen (pp. 425, 447).

This verdict is supported by an examination of Cromwell's relations with Charles X of Sweden. Mr. Gardiner shows that his attempt to form a close alliance with Sweden against the house of Austria was based upon a series of misconceptions. While the Protector was right in believing that Pope Alexander VII was working with all his might against the protestants of Europe, he did not understand that Ferdinand III 'was in reality the most peace-loving sovereign in Europe,' and not in the least likely to embark in an anti-protestant crusade, and at the same time he misapprehended German feeling on the relations between rulers and subjects on matters of religion, and did not see that the protestant princes of Germany, for fear of bringing back the horrors of the Thirty Years' War, were not prepared to interfere to prevent religious persecution in the dominions of the catholic princes of Germany. Nor did he sufficiently appreciate either the deep-seated commercial opposition between Sweden and the United Provinces or the necessary political antagonism between Brandenburg and Sweden, and he 'did his best to ignore . . . the worldliness of the aims of Charles X.'

Under these circumstances Oliver's Swedish diplomacy was naturally a failure, and Mr. Gardiner's narrative of this episode fully supports his conclusion. The chapter devoted to it is one of the most novel and most important parts of the volume, for the subject is left untouched by Guizot and treated very briefly by Ranke. 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. 'Espagne.' Avec une Introduction et des Notes. Par A. MOREL-FATIO et H. LÉONARDON. Tomes II, III. (1701-1793.) (Paris : Alcan. 1899.)

My lamentable delay in reviewing these volumes has been due to the extreme difficulty of finding anything to say which has not been better said in the editor's admirable introduction. This is in point of fact a history of French diplomacy in western Europe from the outbreak of the war of Spanish succession to the Revolution. Yet, while it may be read with pleasure and profit by the most general reader, it so skilfully incorporates even the more subtle points of interest in the *instructions* that the reviewer is tempted to refer the inquirer to this and pass on his way. The value of the work is, however, of such importance alike for French and Spanish history that it would be unpardonable to risk the neglect which is apt to be attendant on short notices. Gratitude to the editors long outlives the introduction; it is consciously present until the last page of the index. Any one who has struggled with Spanish history, and has realised the difficulty of gaining information as to the personalities with whom he has to deal, will welcome the ample biographical notes, as also the brief accounts of the Spanish envoys at the French court. The notices of the causes and results of each mission are exceptionally useful, as containing much unprinted information from the ambassador's correspondence and other sources.

The first point that strikes the reader in the *instructions* themselves is the sharp line which divides those which fall between 1700 and 1709 from all which follow. The former are really suggestions for the internal administration of Spain, where the ambassador was to be in effect prime minister. They depart entirely from the usual diplomatic type, forming a summary of information as to the persons and institutions whom or which the ambassador will be expected to control. If they are to be regarded as diplomatic documents at all they are rather in the form of *relations* than of *instructions*. This system reached its climax with Amelot and on his recall abruptly ended. The successor of this all-powerful minister was Blécourt (1709-1711), who was ordered in almost so many words to be a mere observer and reporter.

Le seul ordre que sa majesté lui donne présentement est d'écouter, de pénétrer et de l'informer.'

What a gulf lies between this modest programme and the ambitious functions imposed upon Marcieu in 1701!

Les plus pressans maux de l'Espagne . . . sont dans le centre du gouvernement; et la nation en général attend comme le principal effet de l'union de sa

majesté avec le roi catholique que ses lumières et sa sagesse dissiperont enfin la confusion introduite sous les précédens règnes dans toutes les affaires et qu'elles rétabliront l'ordre en Espagne tel que l'on le voit observé en France, sous le gouvernement de sa majesté.

Louis XIV, old as he was, learnt to appreciate the continued existence of the Pyrenees : his ripe experience might have forewarned the French republic and Napoleon. It was impressed upon Bonnac in 1711 that a close union between France and Spain was for the advantage of both crowns, but that it must bear no sign of dependence on the part of Spain.

Chacun doit être gouverné suivant ses usages et suivant ses maximes.

This sentence marks the abandonment of the tutelary for the diplomatic tone. The *instructions*, indeed, between 1709 and 1719 form a reliable barometer marking the falling and rising hopes of the French crown. Bonnac's embassy was of a somewhat peculiar character, for its sole aim was to induce Philip V to accept the terms of peace, while the function of Brancas was to complete this task. Thus it may be said that Saint-Aignan was the first envoy of the normal type. Several circumstances contributed to this, for at the very beginning of his mission occurred the expulsion of Madame des Ursins, which proved that Alberoni and his mistress were determined to shake off French leading-strings. With this drastic act and with the death of Louis XIV *novus nascitur ordo*.

From the arrival of Elizabeth Farnese until her husband's death Spanish history is full of action, which is reflected in the *instructions*, except that there is a complete gap from 1730 to 1738. This is the more to be regretted as these years include the war of Polish succession, and any illustration of the peculiar attitude of Spain towards France and Savoy would be of interest. If, however, two highly important envoys, Rottembourg and Vaulgrenant, are unavoidably presented to the reader without their instructions, the editors are liberal in printing the papers given to minor and less formal agents. These often throw the surer light on the *arcana* of the French Foreign Office and the *covachuelas* of Madrid. For example, during the very delicate negotiations which followed Alberoni's fall the instructions given to Marcieu to extract information from the ex-minister on his way through France are very good reading, as are the letters in reply which were appended to the *instruction* of Maulévrier. So also the suggestions for *pourparlers* between Mornay and Daubenton are far more important than those vouchsafed to Maulévrier, the ostensible ambassador. In the former can be traced the real fear of the French government as to the secret schemes of the Spanish crown for intermarriages with the archduchesses or else for dragging France into a war for the liberation of Italy at the instigation of the duke of Parma, who, in his turn, was set on by Peterborough. To this end Mornay was unequivocally authorised to offer a heavy bribe to the disreputable Scotti, whose influence with Elizabeth Farnese was wrongly believed to be considerable. Other somewhat similar cases are the missions entrusted to Louville by the regent and to Montgon by the duke of Bourbon. The former is of extreme interests, and its uncrupulous terms fully justify the agent's summary expulsion by Alberoni. The following passage will give an idea of its general character :—

Quoiqu'il doive s'attacher les Espagnols autant qu'il sera possible, il doit au commencement faire semblant de s'en éloigner et ne prendre aucune liaison avec eux, mais au contraire se lier ouvertement avec l'abbé Alberoni, lui témoigner qu'il veut vivre dans une entière dépendance sur toutes ses volontés, et qu'il ne songe qu'à plaire à la reine et à lui obéir. Il tâchera seulement de l'aigrir contre le confesseur et les autres, et de les lui rendre suspects, aussi bien que les Espagnols et les Flamans, afin de se servir de lui, comme du plus puissant et du plus dangereux, pour éloigner tous les autres; et il ne reviendra aux Espagnols que supposé qu'il ait assez pris d'ascendant sur l'esprit du roi pour porter le dernier coup aux Italiens et détruire Alberoni lui-même, ce qui sera très facile lorsque tous les autres seront chassés.

The regent's diplomacy creates an unfavourable impression. Louville was ordered to deceive not only the professed ally but his own government, and after his humiliating failure the ambassador Saint-Aignan conducted the regent's intrigues behind the back of the minister D'Huxelles.

Although England and France were at peace or in alliance until 1743, one of the chief functions of the French envoys was to utilise their intimacy as family ambassadors to create jealousy against English trade privileges, and this process was revived after the peace of Aix-la-Chapelle. With this view attempts were made to bribe Grimaldo, who was not rich and was ruled by a covetous wife, and later the singer Farinelli, who proved nobly indifferent to unprofessional earnings. Above all the envoys were instructed to win Patiño, to whose great financial ability Alberoni first called attention in his talks with Marcieu, inducing him to believe that *il ne seroit pas difficile d'ôter cette ressource au roi d'Espagne*. Marshal de Tessé received from his government a document, attributed to Patiño, on the abuses of English trade, and was instructed to discover whether his reputation for capacity, experience, and briskness in handling the most difficult matters was justified. But Patiño was too patriotic to be popular abroad. Thus in 1727 Rottembourg was instructed that he was

très capable d'affaires, inaccessible à la corruption, et qu'on ne peut persuader que par la considération du véritable intérêt de sa patrie, mais en même temps on le regarde comme un homme faux, menteur et sans foi.

Much the same character of the great minister was transmitted to Brancas in 1728; he had proved his falsity in persuading the queen to hamper French trade at Cadiz, notwithstanding his affectation of French sympathies.

Il faut le regarder (continued the *instruction*) comme un de ces hommes qui pourroient faire le bien, mais qui ont une plus grande facilité à faire le mal.

Patiño was destined to be a dangerous foe to English trade encroachments, but he was no friend to France, and he played upon the jealousy of the two nations. The French were certainly singularly unsuccessful in pushing their trade both in Spain and the Indies. Maulévrier was ordered in 1720 to try and compass the cession of the Spanish half of San Domingo, but was by no means to listen to proposals for an exchange with Louisiana, the hostile possession of which the Spaniards foresaw would some day lead to the loss of Mexico, their most valuable possession. In 1749 Vaulgrenant was urged to oppose the exchange of Gibraltar for

Puerto Rico, owing to the vicinity of the latter to San Domingo. His *instruction* is full of interest, though generally speaking the reign of Ferdinand is a barren period for French diplomacy. A very just view is taken of the abuses alike of English smuggling and Spanish right of search in the Indies. While genuine hope is expressed that the two nations will avoid a rupture, it is insisted that Spain must strengthen her fleet, as France was doing, in order to protect their trade and colonies against the states which claimed the exclusive title of maritime powers. Such common action, it was urged, did not necessitate a junction of the fleets, for

l'expérience n'a que trop prouvé que la réunion des escadres françaises et espagnoles n'a jamais produit que des malheurs, des procès par écrit et d'aigreur

French and Spaniards, in spite of family compacts, did not get on well together. The *instruction* of La Marek in 1738 complains of the dry and haughty tone of the court of Madrid, of manners which would not have been tolerated on the part of a power not bound to the king by blood; dissimulation had proved useless, and the envoy was advised to reply by threats. The English ambassadors Stanhope and Keene understood the Spanish character better: of the latter prince of ambassadors an interesting appreciation is given in 1757.

Ce ministre joignoit à beaucoup d'esprit et d'expérience dans le maniement des affaires une adresse et un art d'autant plus efficaces qu'il les couvroit souvent du voile d'une simplicité qui paroissoit naturelle et d'une franchise apparente, qui alloit même quelquefois jusqu'à lui faire blâmer les opérations, tant militaires que politiques, de sa cour. Sa longue résidence en Espagne lui avoit appris à connoître la nation espagnole, à laquelle il avoit su se rendre fort agréable.

Keene was moreover credited with scattering money broadcast among the public offices and men of influence. This method, as Vaulgrenant was instructed, had been always employed by the English with marked success, and he was advised to follow their example. It was confessed that the French traders had brought trouble upon themselves by their infractions of the laws of trade and of common honesty.

Two letters to Ossun and a short *instruction* to La Vauguyon are unfortunately the only documents printed for the important reign of Charles III. This is due to the fact that the former had been for seven years minister at Naples, and accompanied Charles to Spain, where he remained until 1777. He was too conversant with the policy to be pursued to require instructions, and probably 'coached' his successor Montmorin. The editors have gone far to replace the lack of documents by their full introductions to these missions. Much light is thrown on the inherent difficulties of the family compact in spite of Charles III's Bourbon sympathies. Ossun was severely reprimanded in December 1764 for his neglect to safeguard French commercial interests. These alone could justify the aid granted to Spain in the event of war, without which aid she would lose America in two years; they were

le prix du contrat que nous avons fait avec l'Espagne, sans lequel prix nous ne serions pas attachés à un corps mort.

Choiseul was no believer in the vaunted revival of Spain under Charles III, which was, indeed, rather of intention than of realisation.

Cette puissance (he wrote) ne sera longtemps qu'un corps mort en temps de guerre, sur les forces duquel il seroit absurde de compter, et qui ne jouera pas de rôle que par ses pertes dans les guerres prochaines.

Again in 1785 the French Government had to complain that Spain took no pains to conceal her ill-will towards French trade, and would, if she dared, delight in excluding France from the privileges granted to other nations. The court of Madrid was not above coquetry with the common enemy.

La cour de Madrid ménage celle de Londres non par un sentiment d'affection mais pour en imposer à la France et pour la tenir dans la crainte continuelle d'une défection de sa part.

La Vauguyon's instructions conclude with a criticism of Florida Blanca, whom it represents as sincerely attached to the family compact, but as believing it to be of infinitely more use to France than to Spain: hence his want of manners, his reserve, his contradictions—extravagances to which his irascibility and high opinion of his own political sagacity contributed: he had an exaggerated idea of the resources of Spain and an excessive desire for her advance in all departments, without any calculation of either means or results.

The *instructions* of Urtubise and Bourgoing, with which these volumes close, fall within the revolutionary period. The latter envoy had the difficult task of persuading Charles IV that Louis XVI was not deprived of liberty, 'either moral or physical,' and that he voluntarily accepted the constitution: he must contradict the 'absurd charge' that Louis was secretly in sympathy with the *émigrés* and the hostile powers. The family compact was pressed upon the Spanish crown in its entirety. With this end Bourgoing was ordered to frighten Florida Blanca as to the results of a possible alliance between France and England. Thus the volume ends with the old refrain repeated throughout the century—the effect of the Anglo-French amity or hostility upon Spain. It seemed for a moment as if the Revolution might resume the alliance which the regent had inaugurated, and this too once more at the expense of Spain.

E. ARMSTRONG.

Characteristics of Men, Manners, Opinions, Times, &c. By ANTHONY, EARL OF SHAFTESBURY. Edited, with an Introduction and Notes, by J. M. ROBERTSON. Two volumes. (London: Grant Richards. 1900.)
The Life, Unpublished Letters, and Philosophical Regimen of Anthony, Earl of Shaftesbury. Edited by BENJAMIN RAND, Ph.D. (London: Swan Sonnenschein. 1900.)

SPEAKING broadly it has been the fate of the third earl of Shaftesbury to be answered in England and admired on the continent. What revival of interest there is in England—and that there are signs of such a revival the two works under review testify—has received its stimulus from the studies of Gizycki and Spicker. Nor is a taste for the author of the 'Characteristics' ever likely to strike any very deep root. His modish manner has lost much of its charm, his satire has become super-

fluous, and his amiable philosophy has ceased to satisfy. Of Shaftesbury himself it would be difficult to speak too warmly; but whatever merits his speculations possess they owe to the reflexion of a refined and delicate soul, and to the manner of one who had practised consciously and well the most exacting of arts, the art of noble living. Mr. Robertson does not suffer from any blindness of hero-worship. In his judicial and scholarly preface, while he perhaps does more than justice to Shaftesbury's claims as a stylist, he never extenuates his shortcomings as a thinker. Among the critics of Hobbes he was certainly not the least, but, like every optimist, he 'ends in verbally explaining to an uncomprehended infinitude, in terms of finite thought, the necessity of its infinite perfection from his own point of view—a laudably disinterested undertaking, but one which men might profitably forego in the pursuit of their own concerns.' Mr. Robertson justly points out a fact which is in danger of being forgotten, that Pope's 'Essay on Man' is 'in large part pure Shaftesbury, filtered through Bolingbroke;' but a contention of his own is less fortunate, or at least less demonstrable. That 'his philosophy as regards its basis is drawn more or less directly from Spinoza' is not only an intrinsically improbable and unnecessary assumption, but is rendered almost untenable by the publication of his 'Journal Intime,' which gives positive proof that his masters in moral philosophy were the Stoics. Mr. Robertson's volumes, which make no pretension to rival the Baskerville edition in sumptuousness, are neat and handy. His notes, elucidatory and historical, are to the point and compare favourably with those of Mr. Hatch's incomplete edition. The 'Letter concerning Design' and the 'Notion of the Historical Draught; or, Tablature of the Judgment of Hercules' are very properly omitted, but one regrets that with them should go the series of allegorical frontispieces, the 'three main lapidary plates,' and the 'six little grotesques' which diverted the ingenuity and disturbed the peace of the dying earl.

Dr. Rand's book consists of three parts—first, the sketch of Shaftesbury's life, written by his son, the fourth earl; next the 'Philosophical Regimen,' a journal hitherto unpublished; finally, a series of Shaftesbury's letters for the more part now for the first time printed. Of the historical interest of the latter we need only say it would have been far greater if Dr. Rand had entertained a more serious view of the duties of an editor. Allusions are not explained; no attempt is made to supply the blanks in proper names; an index is wanting, and the printing is shockingly careless throughout. The letter to Michael Ainsworth, bearing date 3 June 1709, contains at least nine serious errors of typography, which the mere reproduction of Toland's text would have avoided. The greater part of that of 10 July 1710 is quite different from the version printed by Toland; the editor gives no note on the point, but only indicates that he himself has omitted some portion. Has he left out what Toland had printed, and printed what he had not? A letter, dated by Shaftesbury 2 Dec. 1704, is referred by Dr. Rand to 2 Dec. 1704 (5) [*sic*], and consequently inserted among those of the winter of 1705. Is this merely an editorial freak? We have not compared the letters with the originals, and therefore refrain from positive statements, but it is difficult to conceive that Shaftesbury, who was a careful writer and a proficient

French scholar, should have committed *eighteen* gross outrages upon the French tongue in a single page (pp. 525-6). Unfortunately for the editor the remaining part of his work affords a strong presumption that Shaftesbury was *not* the offender.

The 'Philosophical Regimen,' or 'Ἀσκήματα,' was never intended for publication. It was an attempt on Shaftesbury's part to commune with himself, pen in hand, and in so doing to marshal his thoughts and his reading with a view, it may well be, for future literary uses. This philosophical journal, or commonplace book, is contained in two stout manuscript notebooks, one black and bearing a paper label on the back with the inscription 'ΑΣΚΗΜΑΤΑ'; the second bound in white vellum, with green tie ribbons. The first he began to use during his first visit to Holland, in 1698-9, and to it he continued to add a little after his return. He had written as far as p. 186 in his first notebook before he started on his second. This latter he evidently procured to be the receptacle of his reflexions during his second visit to Holland in 1703-4. The first page is numbered, continuously with the old notebook, p. 187, and bears as its inscription—

SECOND RECESS. HOLLAND. 1703.
Quod felix faustum sit.

Still he clearly had not left the first notebook behind. Not only is the matter continuous, but examples of cross-referencing show that he used the two notebooks together. We have been compelled to give these details, because the editor has strangely omitted any account. In publishing these *ἀσκήματα* Dr. Benjamin Rand has been guilty of every sin which an editor can commit. Although it would have been quite easy to date every paragraph precisely, he has only deigned to supply scanty and quite arbitrarily selected indications of chronology. An interval of years may separate two paragraphs. But of this we have usually no indication from our editor. Where he has attempted to redistribute Shaftesbury's matter he has nearly always interrupted the sequence of his thought. The scanty notes which he has provided are quite jejune and inadequate; and his translations of Greek and Latin quotations are often grossly incorrect. The punctuation is wretchedly careless, and italics and capitals are neglected or reproduced without sense or system. But this is not the worst of his offending. We are reluctantly compelled to warn the reader that he cannot trust the accuracy of a single line of Dr. Rand's transcript until he has verified it for himself. This is a serious charge, and we shall therefore adduce evidence to support it.

Shaftesbury's handwriting, though minute, is beautifully delicate and clear, and demands no expert to decipher it. This being so, why has Dr. Rand omitted three lines on p. 29, another sentence on p. 24, five lines on p. 198, four lines on p. 205, and on p. 171 an important paragraph? These are only a few instances of a painfully common feature. If the reader will turn to p. 144 he will discover without much trouble sixteen mistakes in nineteen lines. Is Dr. Rand satisfied with his reproduction of the opening passage of the section on the 'Artificial or Economical Self' ? (p. 124). On p. 171 Dr. Rand prints, 'A sale, bargain, exchange (nothing gratis),' where the manuscript reads within parentheses, '(nothing *gratis*—Lettices: Ench. vi. 32).' Being, we suppose,

unable to verify the reference, he thought it better to suppress the word 'lettices' altogether. And yet he would have found the clue in the 25th chapter of the 'Enchiridion.' We will now print two short passages as they stand in Dr. Rand's text and in the manuscript, side by side, and ask the reader to compare them. The first one he will find on Dr. Rand's p. 225 and p. 370 of the manuscript.

Dr. Rand's Version.

If *then*; and unknown? a madness, a mere blasphemy.—And would not this, indeed, be madness and blasphemy thus to reserve, and silence be, above all other, and not to expose, reveal, betray.—To expose the mysteries of cures.—Epict. Disc. Bk. iii., cxxi. § 13.

The next passage is shorter.

Dr. Rand's Version (p. 227).

How laugh when *death*? When *news*? When storm? (swallow the man!) 'when earthquake? (bury the whole town!)

The Manuscript.

If *then*; how much more now? now y^t the whole is a mystery and unknown? a madness, a meer Blasphemy And would not this indeed be madness and Blasphemy thus to expose what is thus sacred? . . . How sacred should this reserve and silence be, above all other, not to expose, reveal, betray The mysteries of Ceres. L: 3: C: 21.

The Manuscript.

How laugh when *death*? When* *news*? . . . when storm?* (swallow the main!) when earthquake?* (bear the whole town).

* Sup. 83 and 352.

* L. 2: c. 16.

*

If Dr. Rand had verified these references, he might perhaps have understood the elliptical allusions within the brackets, and have refrained from his emendations. We need not turn the page: a few lines from the above the eye is caught by a suspicious sentence: 'Remember Socrates and laugh with Apollodorus in the prison.' We turn to the manuscript and read, 'Remember Socrates's laugh with Apollodorus in the prison.' And once again (still on the same page) we feel there must be something of error in such a clause as, 'and this experienced first day of January 15th, 1704.' There is. The words 'day of' are not to be found in the manuscript.

But we have said enough to expose the character of this performance. Dr. Benjamin Rand has sinned against Shaftesbury and against the public. We can but trust that he will attempt no new editorial exploit unless he has learnt the elements of critical morality.

W. G. POGSON SMITH.

The Fight with France for North America. By A. G. BRADLEY.
(Westminster: Constable. 1900.)

THE outward form of this work shows that it makes but little claim to be regarded as a serious contribution to history. From first to last there is not a single reference to an authority. The book is too diffuse and too full in its description of incident for a mere manual, yet it has not scope enough or weight enough to take rank as a standard history. Mr. Bradley's preface shows a certain sense of these shortcomings. He admits that the subject on which he is working has been already fully occupied by

Parkman. That author no doubt has literary faults, defects of arrangement and composition. But the writer who follows him will not find much original material missed, nor will he easily bring out more fully and impressively the moral and political lessons of the struggle. Perhaps the best testimonial that could be found to the merits of Parkman's work is the extent to which Mr. Bradley is driven to follow him in general treatment, in arrangement, and in his choice of illustrative detail. But passing by the question of whether such a book as Mr. Bradley's was needed there is much to be said for the way in which he has done his work. The book is intelligent, interesting, stimulating. Mr. Bradley is a strenuous and enthusiastic imperialist. But he is a sane and well-judging imperialist, after the pattern of Sir John Seeley. He can describe an incident effectively, as he shows in his account of that purposeless tragedy, Abercromby's attack on Mount Defiance.

Mr. Bradley pays out to the full the shortcomings of the colonists, shortcomings strangely forgotten by the apologists of the American insurgents both in the last century and at the present day. He is careful to except New England, which under Shirley played a strenuous and honourable part. But he is vehement, and justly vehement, in his denunciations of Pennsylvania. There the legislature, wrangling over the limits of the fiscal rights enjoyed by proprietors, a question which was in no way vital, and might well have stood over till a later day, refused to grant a penny for military purposes, except clogged with conditions which, as they knew, the governor was forbidden to accept. Meanwhile the frontiers of the colony were devastated and deluged with innocent blood. To Virginia Mr. Bradley is, I think, somewhat unjust. He admits indeed that the Virginia legislature differed from that of Pennsylvania in that it raised money. He might have added that the sum voted—about eighty thousand pounds from first to last—was not illiberal, considering the economical and fiscal condition of the colony. But in two passages (pp. 132 and 205) Mr. Bradley complains bitterly that the 'tobacco squires,' as he rather oddly calls the planters, were 'lamentably wanting in generous and martial impulses.' May it not be urged in extenuation that the Virginians were incapable of military organisation, because the natural conditions under which they lived had left them with very little social or political organisation? Virginia, unlike New England, had no civic life to serve as a framework on which to impose military institutions. Nor can we wholly acquit the mother country and British statesmen of the responsibility for the shortcomings of Virginia. With the exception of Spotswood and Gooch the colonists had never lived under a governor whom they could respect and trust. Nicholson had statesmanlike instincts, marred by grievous faults of conduct and character. Dinwiddie, the governor at the time of the war, was no doubt honest, resolute, and public-spirited. But he was, as his letters show, irritable and unconciliatory, lacking in tact and in judgment of men. Moreover there is no doubt that the Virginians had seen the worst side of English soldiership displayed in Braddock's expedition—ignorant self-confidence on the part of the commander, a total lack of energy, self-reliance, and resource in his successor, Dunbar.

Mr. Bradley devotes a few pages to a kindly attempt to wipe off the

obloquy which historical tradition rather than history has attached to Braddock. Probably Mr. Bradley is in a measure right. Braddock is in truth a man of whose personal character we know but little. He was the central figure of a great historical tragedy. Thus historical writers have yielded to the temptation of building up a personal legend about him from scanty and imperfect materials. That eighteenth-century love for epigrammatic gossip which finds its perfect fulfilment in Walpole's letters is none too trustworthy a foundation. But if it is impossible to pronounce a confident verdict on the personal character of Braddock it is happily also unnecessary. His dealings with his rivals, his mistresses, and his sister do not concern the historian. It is enough that in a great crisis he embodied the faults of a vicious military system, with results disastrous immediately and more so remotely. Mr. Bradley pleads on his behalf that he did not advance into an ambush. At all events he advanced as no intelligent commander would have done in a woodland country, peopled by hostile savages. Mr. Bradley charitably passes over Braddock's worst error, his checking his men when they made a tardy attempt to imitate the Virginian rangers and to fight behind cover. That error made but little difference to the result. By that time all was lost, and the only question was the sacrifice of a few lives, more or less. But it showed the inadaptable temper which clung to traditional and inapplicable methods.

Mr. Bradley's style is for the most part well enough suited to his work. It is fluent and easy. But one protest I would make in the name of literary decency. Mr. Bradley's last sentence—I quote it complete—runs thus: 'It is quite certain that no genuine American would ever wish to!' The Muse of history may at times be allowed to exchange her brocade for dressing-gown and slippers, but the slippers should not be down at heel.

J. A. DOYLE.

Studien zur Vorgeschichte der französischen Revolution. Von Dr. ADALBERT WAHL. (Tübingen: J. C. B. Mohr. 1901.)

THERE is more that is interesting and instructive in these short essays than in many bulky and pretentious volumes. The knowledge, the sound common sense, the critical insight, and the impartiality they show are so great that we should rejoice to know their author to be engaged on some comprehensive work dealing with the last years of the French monarchy. It is true that the literature on the subject is already sufficient to fill a large library, and is constantly increasing; but the student, bewildered by the contradictory assertions of witnesses, the confident inferences and loud rhetoric of advocates, must be doubly grateful when a competent judge criticises the evidence and puts the facts of the case clearly before him.

Dr. Wahl's volume contains (1) a dissertation on the *cahiers* of the rural communes of Paris-hors-les-murs, 453 of which are published in the 'Archives Parlementaires.' The author points out the uncritical use generally made of the *cahiers* of 1789 by historians. They are not, as he says, to be relied upon as evidence of facts, and generally in the case of the rural *cahiers* not even as evidence of wishes. For instance, the unanimity with which certain constitutional points are insisted upon in

the parish *cahiers* indicates not that the peasants had reflected and formed deliberate opinions on matters so strange to them, in which moreover they never subsequently showed any interest, but that they had before them the same common forms or models. As for the statements of facts contained in them, many of these are demonstrably exaggerations or altogether false. It is difficult to reject Dr. Wahl's conclusion that the vast majority of the rural *cahiers*—and to some extent this is true of those of the *tiers état* generally—express not the 'cry of the people,' but that of professional agitators, accepted indeed and subscribed by the people, but without much consideration.

(2) An account of the *taille* and of its incidence and of the method in which it was levied in the Ile de France. He points out that the oppressiveness of the tallage was chiefly due first to the arbitrary manner in which the government varied the amount, rendering the tax eminently uncertain, and secondly to the way in which it was finally levied, one person in each parish being made responsible each year for the amount assessed on the parish and left to collect it as he pleased from his fellow parishioners. Necker in 1780, by declaring that henceforth the *taille* should not be arbitrarily increased, removed the one grievance; the other was abolished during the eighteenth century by various reforming intendants in their respective provinces, e.g. by Beaupré (1739) in Champagne, by Turgot in the Limousin, and finally wherever it still existed by the government in 1787. There then follows an account of the reforms introduced into his district—the Ile de France—by the excellent Bertier de Sauvigny, whose reputation has been most unjustly blackened by the ignorant and unscrupulous apologist of his murderers.

(3) An appreciative criticism of Arthur Young's 'Travels in France.' Dr. Wahl maintains Young's absence of prejudice, sound judgment, and accurate observation. He points out that Young must be reckoned among those trustworthy witnesses who testify to the comparative and increasing prosperity of France on the eve of the Revolution: that his evidence to this effect is given in his diary, where he is describing what he has himself seen, while the somewhat contradictory and less favourable account of the state of the country is contained in those parts of his writings where he is either following French authorities, such as Condorcet, Rabaud de Saint-Etienne or the *cahiers*, or seeking to establish some theory, or, as in the two tracts 'On the Revolution in France' and '1792,' endeavouring to influence English public opinion in favour of the Revolution.

(4) An investigation and explanation of the views and policy of Necker, a policy which at first sight appears inexplicable if we credit that minister with even the smallest political capacity. Dr. Wahl believes him to have been a convinced partisan of limited monarchy who purposely neglected to do what might have strengthened the government before the meeting of the states-general, because he wished the king and the court to be compelled to accept a constitution on the English model.

(5) An account of the 'feudist' Renaudon's 'Traité historique et pratique des Droits seigneuriaux,' in the course of which it is shown that

down to the time of the Revolution the government, the law courts, and the writers on feudal law worked together to minimise the seigniorial rights. When they were disputed the onus of proof was always thrown on those who claimed to possess them. The lord's tenure of them was, therefore, so precarious that a right to levy tolls (*péages*) or to grind the vassals' corn in the manorial mill (*banalité*), producing 100*l.* per annum, could be bought for 1,000*l.*—ten years' purchase—at a time when land sold for thirty years' purchase and upwards. The feudal dues and rights had been so diminished by the action of the government and the courts of law that, *e.g.* in the Nivernais, by the middle of the eighteenth century the price of an allodial, or freehold, estate was only ten per cent. higher than that of a property of the same extent subject to feudal obligations.

It is very easy to see what the link is which connects these five essays and which Dr. Wahl leaves the reader to supply. Had I space to state my grounds, there are one or two points in which I might venture to differ from the author, but I am not sorry to omit doing so, since I think it more than probable that I should be found to be mistaken. No one, it is said, mistrusts his own judgment, but without any false modesty I may bow to the superior learning of Dr. Wahl.

P. F. WILLERT.

Provintzialnaya Administratsia vo Frantsii v poslyedniuiu poru starago poryadka, 1774–1789. Provintzialnye intendanty. Tom I. By PAVEL ARDASHEV. (St. Petersburg: Balashev. 1900.)

MR. ARDASHEV'S work is based on the enormous stores of official documents preserved in the French National Archives, which he describes as 'virgin soil,' though cultivated, as he admits, to some extent by A. de Tocqueville and Taine. The most important series (H) comprises 5,000 bundles of papers. In order to inspect a complete *fonds* of an intendency Châlons was visited. In this review only a slight sketch of some of the chief results arrived at by the author's industrious research can be attempted.

In the financial organisation established in 1355 is the embryo of provincial administration, the power over which gradually passed into the hands of the intendants, acquiring a judicial and administrative as well as a financial character. In its latest period the intendency is an administrative institution with a judicial tint, but almost devoid of political or military powers; it is the administrative unit *par excellence*. The king's will is expressed generally through the council, which is *de iure* the focus of government action, supreme in legislative, judicial, and administrative matters; *de facto* the ministers are the springs of the machine. The predominant part is played by the comptroller-general, or minister of finance, who is the real head of the administration; the provincial administration is in the hands of that minister's nominees, the intendants. Thus, though the intendant is the king's commissary, the delegate of the council, he is cut off from direct contact with king and council, and is really the organ of the comptroller-general. On one hand he is the agent of the state, to inform and to execute; on the other hand he is a delegate entrusted with considerable power of initiative. Unlike other offices that of the intendant was not clearly defined; it was based

on a vague commission couched in antiquated terms. In practice his functions were of a very elastic kind, varying with the individual and the local conditions. Yet we find a unity and uniformity sufficient to enable the institution to be viewed as a whole. The judicial powers of the intendant were extensive; and though mainly used to protect fiscal interests they were often invoked by litigants themselves in ordinary civil cases. But the administrative action of the intendant was still more important; he was invested with police powers of the widest kind, including the prevention of political crime, the supervision of religious dissenters, control of the press; he was the assessor and collector of taxes, except in the *pays abonnés*; he had the custody of various moneys of the crown and partial control of their expenditure; he executed all public works, including ways of communication by land and water; he was the guardian of industry, agriculture, and trade, and saw to the subsistence of the people and the 'bread police'; public health and charity organisation demanded his yearly increasing attention; and finally he had to settle all questions arising in the sphere of military authority where it came into contact with civil government.

All this mass of business demanded a large staff of officials, and it is characteristic of the last twenty years before the Revolution that the intendants during that period were busily engaged in building official mansions to house the agents of a rapidly growing bureaucracy; the earlier intendants had not even fixed places of abode. The office involved such a heavy expenditure that it was in general only accepted by men of some private fortune, and although the emoluments were considerable it was only from love of power and desire to obtain still higher offices that candidates presented themselves for posts which were considered almost ruinous. Of the intendant's subordinates the sub-delegates are the most important. Throughout they were in a relation of personal dependence, temporary commissioners in theory, not holding an office under the state, appointed and removed without reference to the central authority; yet in practice they mostly held their posts for life and, like the intendants, tended to become an hereditary caste. The social, educational, and pecuniary qualifications were such that few candidates offered themselves, so the intendants were obliged to humour their sub-delegates and rarely removed them. They were far from being obedient tools. Their position in their districts was assured independently of their being sub-delegates, as holders of other local offices, as landowners or members of the liberal professions. The weak point about them was the inadequacy of their salaries, the rock on which all the reorganising efforts of the period were wrecked; there is no foundation for believing that they made illegal gains systematically. Many of them enjoyed great popularity, and were elected to the states-general in 1789. Their powers and functions were informing and executive, but it is rather as delegates than agents that they appear in their administrative and judicial work.

To follow Mr. Ardashev in his elaborate inquiries into the relations of the intendant with those local authorities and institutions, subordinate to him or not, with which he came into touch would carry us too far. Not the least interesting division of this subject is that dealing with the *parlements*, the intendant's most powerful competitors in the administra-

tion of justice and police; though, as representative of the royal power, the intendant was brought into political antagonism with the *parlements*, still in practice they agreed tolerably well, and the fact that so many of the sub-delegates were of the judicial body made a compromise easier. With the municipal and rural self-governing bodies but little success could be achieved in realising the ideal of an administrative guardianship, chiefly economic, and of the protection of popular interests against a privileged minority; local resistance was too strong, and the means at the disposal of the intendant were inadequate.

A captious critic might be disposed to inquire why this book, the first volume of which consists of 658 closely printed pages, was written in Russian, a language in which it will certainly not be read by any considerable number of people; but it should be remembered that many works of real value would never be given to the world at all but for the academical distinctions and endowments reserved to Russian scholars writing in their own language; and most of these which are worth translating appear sooner or later in a form more accessible to European students. Such a thorough piece of work as Mr. Ardashev's deserves presentation to the French reading public.

OLIVER WARDROP.

Le Voyage de l'Empereur Joseph II dans les Pays-Bas (31 Mai 1781—27 Juillet 1781). Par EUGÈNE HUBERT. (Brussels: Lebègue. 1890.)

THIS extremely solid piece of work seems to me almost a *unicum* of its kind, a result to which the nature of the subject, and the thoroughness of the treatment applied to it by the author, may be fairly said to have in equal measure contributed. The emperor's visit to the Austrian Netherlands, which in duration hardly reached that of a long vacation tour, in point of fact covered a personal inquiry into the whole administrative system and public life of the country, conceived in the broad spirit of a Trajan and carried out with the minute conscientiousness of the late king John of Saxony. In every one of the towns visited by him—Luxembourg, Namur, Mons, Tournai, Ostend, Bruges, Ghent, Antwerp, Malines, Louvain, Brussels are only a few among them, and in the middle of July he found time for a week's excursion into the United Provinces from Rotterdam to Limburg—

he closely examined whatever concerned the army, the administration of justice, and the condition of trade and manufactures. Eager to become acquainted with everything, he closely questioned all those capable of furnishing him with useful information; visited the barracks, the manufactories, the educational institutions, the collections of art, always finding time for acts of beneficence and words of consolation to the unfortunate and the suffering in the *hospices* and hospitals.

Everywhere he was beset with petitions, ranging over every conceivable sort of demand or grievance, requests for titles, places, [and gratuities of all kinds; complaints from *métiers* in decay; supplications from numerous communes for the restoration of 'the law of Beaumont;'] prayers for relief from the ruthless severities of the penal system.

Among the various branches of the public administration examined by the emperor the judicial was perhaps that which most largely engaged

his attention by its abuses, of which the continued use of torture was only the most conspicuous one. But he took a hardly less active interest in all questions of finance and public economy—by no means only or chiefly from the point of view of retrenchment, though no example could have been more salutary than that set by him of a careful control of expenditure. Unfortunately the public with which he was concerned, and in which love of display and ceremonial was ingrained, seems to have ignored the real liberality of spirit which accompanied his singular simplicity of bearing. His insight and determination as a practical reformer in the sphere of mercantile policy are best illustrated by the energy with which, in the year after his Belgian visit, he brought to a close a long protracted inquiry by declaring Ostend a free port. For the greatest mercantile boon desired by Belgium, the liberation of the Scheldt, the day had not yet come at the time of Joseph II's visit, and was not, in spite of his endeavours, to come to him afterwards; but a letter addressed by Starhemberg to Kaunitz in March 1783 shows that, notwithstanding the emperor's refusal to encourage the aspirations of the Antwerp magistrates, the whole of the policy which he afterwards sought to carry out towards Holland, including the opening of the great water-way as well as the renewal of the barrier garrisons, had been resolved upon by him two years before at Brussels. Finally, Joseph II would have been untrue to those principles which had become part of his nature if, while showing all personal respect to ecclesiastical institutions and usages in Belgium (for the stories to the contrary may be set down as malicious fictions), he had not endeavoured to infuse into its religious life the spirit of the *Toleranzpatent*, which he had so recently issued for his German dominions. Shortly after his return he issued an ordinance extending the application of the edict to his Belgian and Italian provinces; during his visit to the former he had abstained from any very elaborate inquiries on the subject, and at Ostend he seems to have based the expediency of toleration upon commercial rather than moral and spiritual grounds. On the specially delicate question of 'mixed' marriages he collected information at Brussels which as early as May 1782 led to an imperial decree obliging the catholic clergy in the Austrian Netherlands to celebrate them in their churches; and other outstanding controversies as to the relations of Belgian religious orders with foreign superiors, and as to the jurisdiction of foreign bishops in Belgian dioceses, were likewise examined by him, and the former of these regulated in a sense opposed to that of the policy of the Vatican.

These instances will suffice to indicate the great variety of ground covered by the emperor's journey of inquiry. Over the whole of it Professor Hubert's monograph follows him with indefatigable assiduity and closeness, thus expanding and developing the imperial itinerary into an exposition, remarkable alike for width of range and for accurate elaboration of the whole *status* of the Belgian provinces in this important period of their later history. This volume furnishes one more proof that few existing historical schools supply a better training in the use of documentary material than the Belgian of to-day; and many a writer, as well as many a student, may in the future have reason to thank Professor Hubert for the amplitude and the solidity of his labours.

A. W. WARD.

Correspondance de Le Coz, Evêque Constitutionnel d'Ille-et-Vilaine.
Publiée par la Société d'Histoire Contemporaine. Par le P. ROUSSEL
de l'Oratoire. (Paris : Picard. 1900.)

CLAUDE LE COZ, born in 1740 of a respectable Breton family, was educated by the Jesuits at the college of Quimper. After their expulsion he became a teacher in the college, and rose to be principal in 1778. In 1789 he sympathised warmly with the reformers. He published a pamphlet in defence of the civil constitution of the clergy, and in 1790 he was elected *procureur syndic* of the district of Quimper. In February 1791, as the bishop of Rennes had refused to take the oath imposed by the national assembly, the electoral body of the department pronounced his see vacant and appointed Le Coz bishop of Ille-et-Vilaine and metropolitan of the north-west. The correspondence on this subject given in the book before us (pp. 3-7) is entertaining. The bishop elect begins with a modest *nolo episcopari*, and begs the electors to choose, in his stead, one of 'the virtuous ecclesiastics with whom he had had the honour to compete,' but ends his letter with a postscript: 'I must add—my friends insist that I should do so—that if such an arrangement is not possible I shall yield to the wishes of the electors.' He wrote at the same time to M. Bateau de Girac, the nonjuring bishop, urging him to accept the civil constitution and thus retain his see. That prelate refusing with some temper, Le Coz replied, with virtuous and surprised indignation, very much to the effect of, *Ote-toi de là, que je m'y mette*. In September 1791 the new bishop was elected a member of the legislative assembly, and not the least interesting part of this book are the letters in which he gives an account to his constituents of events at Paris and of the proceedings of the assembly. These letters are full of revolutionary fervour, of the sentiment and jargon of the time, yet leave an impression that the writer was on the whole a moderate and certainly a well-meaning and courageous man. The last is dated 3 July 1792, and we gather from it that the outspoken indignation with which Le Coz had denounced the events of 20 June, 'deplored by every honest citizen,' and the misdeeds of a 'handful of scoundrels who dared to call themselves the French people' (p. 53) had been displeasing to the Breton Jacobins. He ceased to write, and in September he hurried from Paris. He had had enough and more than enough of politics.

Although a good liberal and a convinced member of the constitutional church, Le Coz was far too honest and moderate not to be persecuted by the terrorists. He was, however, so fortunate as to escape alive from the hands of Carrier, and returned to his diocese in 1794 after a rigorous imprisonment of fifteen months at Mont St. Michel. At Rennes his position was far from easy. His property had been confiscated or destroyed, and it was adding insult to injury to pay him in *assignats* an annual stipend of 1,000 livres at a time when a louis d'or exchanged for 9,000 livres in paper. He had repeatedly saved the lives of nonjuring priests, yet he dared not go outside the walls of the town for fear of the Chouans, and till 1800 he could only visit the more rural parts of his diocese at the risk of his life. He was at the same time denounced in the towns as no true republican by the Jacobins and by the intolerant preachers of

enlightenment, who were eager to impose on all the absurd farrago of impiety which they called the principles of philosophy.

Many who had enthusiastically welcomed what they believed to be the dawn of a new era of liberty, peace, and goodwill to men had begun, with less reason than Le Coz, to long for order at any price. The directory, indeed, inspired him with no confidence, for 'a government founded on injustice, violence, perjury, and immorality could not stand' (p. 224). The existing state of things was so bad that almost any change must be for the better; he hoped, therefore, that the *coup d'état* of 18 Brumaire would be productive of good. It would be in the interest of Bonaparte to restore order and to protect religion, the necessary condition of order (p. 338). In an undated letter, probably written in January 1800, he calls upon the First Consul to free the French people from the tyranny of revolutionists and the intolerance of unbelievers. He assures him that, were it not for the excesses of these men, the nonjuring priests and the Chouans, who were endeavouring in the west to fan the ashes of civil war into flame, would find no adherents.

In 1797 Le Coz presided over a council of the constitutional church. In 1801 he was chosen president of the national council. He was next to Grégoire the most prominent and well-known of the liberal bishops, and he was less compromised than Grégoire by opposition to Rome and complicity with the Jacobins; he had also shown himself well disposed to Napoleon, and it was therefore natural that he should, after the conclusion of the concordat, have been promoted to the archbishopric of Besançon. Although he was among the first to recognise the restored monarchy in 1814, the count of Artois, when passing through Besançon, refused to receive the archbishop. Perhaps it was owing to this affront that Le Coz eagerly applauded the return of the emperor from Elba. He died, *felix*, he would himself have said, *opportunitate mortis*, before the end of the hundred days (3 May 1815).

The constitutional clergy have rarely had justice done to them. They have been treated by historians very much like those angels displeasing alike to God and to his enemies—*non ragioniam di lor*. Nor is this unnatural. They were even more hateful to the orthodox than the avowed opponents of all religion, for schismatics and renegades have at all times been more odious than consistent enemies and unbelievers. The 'philosophers' were scarcely less scornful of men who having advanced some steps on the path of enlightenment obstinately refused to go any further. The sympathy even of the impartial has been repelled by the suspicion of time-serving which attaches to the constitutional church, and by the infamous character of too many of its adherents, for it was naturally joined by the dregs of the clergy, by men who had no taste for martyrdom, or who hoped to obtain the benefices of their more scrupulous brethren, or who looked forward to the licence of ecclesiastical anarchy. Nor does a church to which the apostolical succession had passed by the imposition of the hands of Talleyrand seem to be unfitly represented by such bishops as Pontard, Torné, or Gobel. The correspondence of Le Coz would, therefore, have been worth publishing, if only because it enables us to see that a conscientious and orthodox priest with democratic sympathies, who professed himself a follower of Bossuet (p. 104),

and steeped in the history of the assembly of 1682 (p. 386), could honestly accept the constitution of the clergy, even though he was the avowed opponent of the Jansenist tendencies of many of those by whom it had been framed and supported. A large proportion of the letters published are addressed to Grégoire. The freedom with which Le Coz criticises his influential friend is creditable to both (see, *e.g.*, p. 138 for Grégoire's Jansenist proclivities, p. 302 *et seq.* for disrespect to the pope).

Much that is told by Le Coz throws a lurid light on the condition of Brittany, on the atrocities perpetrated by both sides during the civil war which raged or smouldered for more than seven years. The constitutional bishop of Rennes was in constant danger of the fate which overtook his friend and suffragan the bishop of Quimper, assassinated by the Chouans in the autumn of 1800. He believed it to be the intention of the nonjuring clergy and their flocks to burn him if they could lay their hands upon him. He is, therefore, no impartial witness. Chouan is to him the antithesis of Christian (p. 207). But it cannot be denied that the royalist and orthodox party was stained by acts of cruelty and mean malignity which would have met with more general execration had they not been so far surpassed by the diabolical inhumanity of the revolutionists. The evidence of Le Coz is worth the consideration of those who would form an impartial judgment on events in Brittany during the revolutionary period. It must be added that Father Roussel has performed his task as editor with impartiality and judgment. His notes are short, and aim at giving the reader such help as will be useful, not at displaying the learning of their author. We are also grateful to him for an index, the place of which is in too many French books but ill supplied by a table of contents.

P. F. WILLERT.

The Logs of the Great Sea Fights, 1794-1805. Vol. I.: The 1st of June, St. Vincent, Camperdown. Vol. II.: The Nile, Copenhagen, Trafalgar. Edited by T. STURGIS JACKSON, Rear-Admiral. (London: Navy Records Society. 1899-1900.)

THESE two volumes certainly fulfil the object with which the Navy Records Society decided to publish them of 'throwing all available light on many controverted details.' The logs of the ships engaged in these battles are not absolutely fresh material. James made considerable use of them in preparing his accounts of the actions in question, and subsequent writers have consulted them at the Record Office from time to time. Still it is quite another thing to have them on one's own shelves, deciphered, printed, supplemented by several extracts from officers' journals, private letters, and other documents, and well edited by Admiral Jackson, whose introductions and notes contain many suggestions of great value. To the general reader ships' logs are hardly attractive; there is too much of 'made and shortened sail occasionally,' 'at 1 up courses, down jib and hove to,' 'moderate breezes' and 'squally with rain;' but if such details fill a somewhat disproportionately large share of the volumes there is an enormous amount, especially in the letters and private journals, at which no one need feel frightened. Of course these details are often of great importance, but if the non-essential changes of course and sail had been subjected to a little judicious compression Admiral Jackson might have

found room for that partial action in March 1795 when Hotham's caution let a splendid chance slip away under the eager eyes of the impatient Nelson.

The logs are, as is natural, of the most unequal value ; some are full, clear, and even vivid—the 'Marlborough's' on the 1st of June, the 'Director's' at Camperdown, the 'Orion's' at Trafalgar may be mentioned as specimens of the better sort ; but many are bald and jejune and pay far more attention to damage inflicted on masts and spars than to the incidents of the actions. The 'Royal George's' log for the 1st of June notices with concern the loss of 'a cask of pork—contents 120 pieces,' but has no room for the numbers of officers and men killed or wounded ; the 'Orion' at St. Vincent details at great length the destruction of '250 pieces of pork that was in steep for the ship's company's dinner.' For sheer stolidity it would be very hard to beat the 'Thunderer's' record of Trafalgar : 'At 12.15 the action commenced between the combined fleets of France and Spain, 33 sail of the line, and 27 of the English, and at 5 20 of the line had struck to the English.' Sometimes these inequalities may be accounted for by the death in the action of the officer responsible for making notes and keeping the register, and the deficiencies which make Admiral Jackson pronounce the 'Camperdown' logs the worst written and the worst spelt' of any copied for these volumes probably arose from the fact that the masters of the North Sea squadron who kept the logs were skippers of small vessels in the Baltic and North Sea trade. At the same time it is not always the longest accounts which are the best : we notice that Admiral Jackson sets little value on the 'Spartiate's' version of Trafalgar, which Mr. Laird Clowes in his last volume commends very highly, and which disagrees in many important points with those of its consorts ; and the 'Agincourt's' account of Camperdown was obviously written with a view to the court-martial in which her captain's conduct involved him. One thing which at first makes it seem quite hopeless to arrive at any conclusion on any given point is the extraordinary discrepancies between the times ascribed to the same event by different logs. Thus the blowing up of the 'Orient' at the Nile varies between 9.37 and 11.30, '10 o'clock,' which has the largest number of testimonies, looking suspiciously like a mere round number. Still, as Admiral Jackson remarks, 'though it is difficult to ascertain the absolute time of any particular occurrence, it is comparatively easy to determine the interval between two occurrences of importance . . . by comparing . . . the logs of different ships,' and after all it is the relative time which is important. Whether it was 11.30, 12.15, or 12.24 when the 'Royal Sovereign' broke the allied line at Trafalgar is not a matter of much importance, but one does want to know whether she remained unsupported for fifteen or twenty minutes, as is the usual story, or whether, as one would gather from some of the logs, the 'Belleisle,' 'Mars,' 'Tonnant,' and 'Bellerophon' were well up with her and were in action only seven or eight minutes after her.

Though in their essential features the ordinary accounts of these six battles are not altered by the evidence of these logs, there are a great many points of detail, many of them of considerable importance, which will now need reconsidering, and a good many theories which can be confuted or confirmed. Thus, although Admiral Jackson shows that at the time the

results of the 1st of June aroused no dissatisfaction, the journal of Captain Schomberg, of the 'Culloden'—quite one of the best accounts—and the diagram of the last stages of the battle drawn by Lieutenant Ballard, of the 'Queen,' show clearly that two more at least of the dismasted French prizes ought to have been secured. At the same time there are not wanting indications that there were some captains in Howe's fleet who had become a little 'rusty' during the years of peace, and that the fleet as a whole was not as efficient as it was soon to become. Similarly the logs give one an impression that Villaret Joyeuse had his fleet in better control than one might have supposed, and that it is possible that the incapacity of the French captains has been exaggerated; inexperienced they may have been, but the ex-lieutenants and sub-lieutenants of the old royal navy of France had not been so long cooped up in harbour as to lose touch with blue water, and they at any rate compare favourably with the exhibition given by the Spaniards on 14 Feb. 1797.

The theory that in wearing out of the line at Cape St. Vincent and plunging into the midst of the Spanish fleet Nelson was only obeying a signal from the flagship is disproved by the log and signal book of the 'Victory.' The signal to take stations for mutual support was hoisted at 12.51, six minutes after Nelson had made his celebrated move—on his own initiative. However it is clear that the 'Captain' and 'Culloden' were not left unsupported as long as Nelson believed, the 'Blenheim' was well up with the 'Culloden,' and the 'Excellent's' log shows that Parker's statement that 'most of the van began to engage again about the same time as the 'Captain' is correct, at any rate as regards the 'Prince George.'

An interesting point has been raised with regard to the battle of Camperdown by Duncan's successor and biographer, the present earl. He has contended¹ that Duncan's tactics anticipated by eight years those employed by Nelson at Trafalgar. In the signal log of the 'Monarch,' flagship of Onslow, the second in command, after the signal for the lee division to engage the enemy's rear (no. 41) occurs another signal (no. 39) for the weather division—Duncan's own—to engage the enemy's centre; and if this version is correct Duncan would not only have anticipated Nelson by attacking in two columns, but also by concentrating his whole force on the centre and rear of the enemy, the distinctive feature of the attack at Trafalgar. However, no. 39 is not mentioned in the log of Duncan's flagship, the 'Venerable,' and Admiral Jackson, quoting the evidence given at the court-martial on Captain Williamson, of the 'Agincourt,' for his misconduct at Camperdown, shows that as a matter of fact it was hoisted by mistake and was promptly hauled down. Still, when Admiral Jackson goes on to say that this evidence shows that Duncan 'intended to attack as Howe did on the 1st of June, and was only prevented from so doing by a series of happy blunders on the part of those under his command,' he hardly seems to be justified or to be fair to Duncan. From the logs, and from Duncan's own despatch, which Admiral Jackson quotes, it would appear that when he saw that the enemy were drawing steadily nearer the Dutch coast, and would soon be in the protection of its shallows, where the English could not follow, he did change his plan and bore down

¹ *Life of Duncan*, p. 230.

upon the enemy with two divisions in irregular clusters, resembling rather the columns in which Nelson attacked at Trafalgar than the formed line abreast of 1 June 1794. In the 'Monarch's' log the significance of signal 87, hoisted at 11.23, is given as 'Ships to windward' (*i.e.* astern of the 'Venerable') 'to keep in the admiral's wake,' and the account of the Dutch rear-admiral, Story, speaks of the English fleet coming down 'ranged *en échiquier*.'² One other point which is rather puzzling in the accounts given by James and those who have followed him—namely, that Onslow's division is spoken of as the 'lee or larboard' division, whereas in the actual attack it was to starboard and if anything to windward of Duncan's³—can be explained from the signals recorded: the fleet seems to have been steering west by north with the wind at north-west, apparently in two columns, Onslow's being to larboard and therefore to leeward; but when, in obedience to signal no. 17, hoisted at 9.26, it altered course south-south-east Onslow must have found himself ahead of Duncan; and the effect of the next order (no. 48, hoisted at 9.38), 'to form north-east and south-west,' must have been to place the two divisions in one line, Onslow, whose division is also spoken of as the van, being to the south-west and somewhat ahead. Possibly it may be to Duncan's division (actually to larboard) that the 'Russell' is referring when it speaks of the admiral making the signal for the 'larboard division to engage the centre of the enemy,' apparently a reference to signal 39.

Of the Nile we have very good accounts, as there are several letters from officers to supplement the logs. Admiral Jackson is of opinion that the 'Vanguard' was probably in action less than twenty-five minutes after the first gun was fired, a point on which there has been some discussion; the logs certainly support his view, showing clearly that with the exception of the 'Alexander' and the 'Swiftsure,' which were left far astern by the change of course from west to east when the French were sighted to the eastward, and the 'Leander'—standing by the stranded 'Culloden,'—the whole squadron was in action within forty minutes, and did not straggle up anyhow at great intervals. The evidence of the logs should also refute the theory advanced by Mr. J. B. Herbert in the *Times* in December 1896 that the idea of passing inside the French ships, and so doubling upon them, originated with Foley, of the 'Goliath,' and was in no sense a preconceived scheme of attack due to Nelson's forethought. Hood and Miller certainly expected Foley to pass inside, though Hood seems to have been in doubt whether there would be water enough for the move. Obviously its possibility had been discussed beforehand.

With regard to Copenhagen the logs leave no doubt as to Parker's signal; it was not permissive, nor was it intended to enable Nelson to withdraw with honour if he felt the task beyond his powers. Parker meant it to be obeyed, and the fate of the frigates which did obey it, and got raked in so doing, gives one a clue to what might have been the result but for Nelson's 'glorious disobedience.' The logs also show that when Nelson sent the flag of truce to the crown prince the Danish ships were 'mostly subdued,' and that it was by the batteries that the fight

² Lord Camperdown's *Life of Duncan*, p. 274.

³ Cf. the plan given in Mr. Laird Clowes's *History of the Navy*, iv. 328.

was continued until the offer was accepted. Midshipman Daubeny, of the 'Bellona,' adds an interesting fact in describing the prisoners as 'mostly from the plough,' which makes their gallant defence all the more creditable to them.

Nearly two hundred pages are devoted to Trafalgar, and are full of interesting points. The late Vice-Admiral Colomb published a few years ago an article in which he argued that the British fleet attacked in two divisions in line of bearing. No support, however, can be found for this theory in the logs; they always describe the fleet as in two columns, and there are constant references to vessels 'leading the line,' to one ship being astern of another, to 'the sternmost ships of our weather column,' which can only apply to a line ahead. Still Collingwood does seem to have hoisted a signal to the lee division about 11 A.M. to form larboard line of bearing, but probably only in order to let his faster sailing ships get up in front of slower vessels which happened to be ahead of them. By comparing with this the statement of the 'Colossus' (sixth in the lee line) that she fired her starboard guns in reply to a galling fire from the enemy's rear *before* breaking through their line, and the remark of Lieutenant G. Lathom-Browne, of the 'Victory,' that 'the lee division, having a less angle to make towards the enemy's line, arrived up with them a short time before the weather division,' one gets a clear picture of the English approaching the allies not direct at right angles, but at an angle rather less than ninety degrees, not in two lines of bearing, but in two columns, somewhat irregularly formed, but with most of the ships following in the wake of their leaders. As we said before the time during which the 'Royal Sovereign' was unsupported seems to have been much exaggerated, and it would appear that the interval between Collingwood and Nelson in coming into action was probably under twenty minutes, not nearly an hour, as the 'Spartiate' and 'Minotaur,' in great contrast to the other logs, assert.

Admiral Sturgis Jackson certainly deserves the highest praise for the way in which he has done his work; he declares that 'no attempt has been made to rewrite the history of these actions,' but it may be safely asserted that no attempt in the future will be made which will be able to dispense with these two volumes.

C. T. ATKINSON.

Daniel O'Connell. By ROBERT DUNLOP. (New York: Putnam. 1900.)

THE present work is not a mere verbal expansion of Mr. Dunlop's article in the 'Dictionary of National Biography,' the conditions of publication allowing a freer treatment than was possible or desirable in a biographical dictionary. We have here, indeed, a more complete picture of the man, a fuller statement of his views and aims—drawn largely from his public speeches and letters and from his private correspondence with his life-long friend Fitzpatrick—and a filling in to some extent of his surroundings. Mr. Dunlop has an undisguised admiration for O'Connell, which somewhat impairs the value of the work viewed as a contribution to history. Thus no real attempt is made to represent fairly the position of O'Connell's opponents, whether the English government, the Irish administration, or even the Young Ireland party. Matters of difference are never regarded from their points of view, nor are pains always taken

to render their actions even intelligible. Indeed, in at least one instance a base and criminal motive is ascribed without a particle of real evidence. The fact that the monster repeal meeting at Clontarf was proclaimed only late in the afternoon of the preceding day is made the ground for concluding that 'those responsible for the manœuvre really contemplated the perpetration of another Peterloo on a more extended scale' (p. 352).

Mr. Dunlop asks whether it is too much to say that O'Connell was the creator of the nation he represented (p. 380). At any rate O'Connell was a great representative Irishman, perhaps the only great leader since Owen Roe, who was sprung from the old native race. He was the first political leader in Ireland who carried the masses of the people with him, and he swayed them according to his will, as has never been done before or since. He was the first, since the days of the confederate catholics, who enlisted the Irish priesthood on his side, and thus had a subordinate officer in almost every parish throughout five-sixths of Ireland. He was the first to organise and collect the 'sinews of war' from the hamlets of the peasantry and from the emigrants over sea; and he anticipated modern boycotting in the exclusive dealing which he advocated in the tithe war. He is, above all, honourably distinguished from some other leaders in having resolutely set his face against crime and law-breaking, going so far as to assert that no political change whatever was worth shedding one drop of human blood. In the emancipation movement O'Connell succeeded in holding his followers in check, and the cause may be said to have been won without the aid of crime and outrage; but in the case of the tithe war which followed this was not so. The payment of tithes to support an alien church touched the interests and passions of the peasantry too closely, and O'Connell's system of exclusive dealing was supplemented by a secret society which was restrained by none of his scruples, but was guilty of many barbarous excesses. One of these, the treacherous murder of eighteen officers of the law at Carrickshock, is somewhat lightly characterised by Mr. Dunlop as a 'collision between the peasantry and the process-servers in which eighteen of the latter were killed' (p. 262). O'Connell's repeal agitation was a failure, and therefore, as seems plain now, worse than useless. O'Connell himself was not without misgivings as to the desirability of repeal, as when he made the remarkable admission that he would prefer to see justice done to his countrymen by parliament rather than by a local legislature (p. 273), and when he joined the whigs and supported the Mulgrave-Drummond administration in Ireland, and when he seemed ready to accept federalism instead of repeal. Indeed it must remain doubtful whether he ever really believed that he could carry repeal by the means he employed, and one is led to think that more than once he would gladly have retreated from the position he had taken up, if retreat had been possible. However this may have been, he never openly accepted the saner policy which Grattan finally adopted and embodied in the saying, 'The marriage has been made; let us make it fruitful.'

Mr. Dunlop writes lucidly, and the interest in the narrative is well kept up. The book is illustrated by some good reproductions of painted portraits, prints, and photographs bearing on the subject.

GODDARD H. ORPEN.

Das Leben Kaiser Friedrichs III. VON MARTIN PHILIPPSON.
(Wiesbaden: Bergmann. 1900.)

EIGHT years ago the author published a shorter life of Frederick III, but the subsequent death of most of the chief actors in the drama of German unity and the free access to many of their papers, which he has enjoyed, have prompted him to write another biography of the emperor on a much larger scale. In spite, however, of the new material which he has collected, we think that he would have produced a better book if he had been less prolix. He narrates many well-known facts, which have little to do with his hero's career, and indulges in tedious moral platitudes on almost every page. Frederick III was a noble man, but, as the author admits, he was not a strong character, while even during his temporary regency for his father in 1878 and 'the ninety-nine days' of his own reign he was prevented from exercising much influence on public affairs. To rank him with 'Marcus Aurelius, St. Louis, and Washington' is therefore an exaggeration, though he possessed many amiable qualities, which were lacking in the really great man who steadily kept him from all participation in politics for a quarter of a century. Frederick's liberal ideas, which Bismarck so much disliked, were not altogether of English origin. Influenced, no doubt, by his much abler consort, he had imbibed broader notions than those of the average Prussian squire from his enlightened mother, who was resolved that he should not be educated as a mere soldier. That he should be 'taken from her influence' was Bismarck's desire, and throughout the military party compared him unfavourably with his cousin Frederick Charles. At one moment, on 19 Sept. 1862, when William I wanted to abdicate in despair, he might have changed the history of Europe by ascending the throne, while his refusal, as his biographer says, 'condemned him for ever to political insignificance' and made Bismarck arbiter of Prussia. Putting aside his useful patronage of history and the arts—witness his interest in research about the Great Elector and in the excavations at Olympia—we take it that his greatest services to his country were his support of Bismarck against his father during the negotiations at Nikolsburg, his enthusiasm for the cause of unity, and, above all, his urgent pressure upon his father to take the title of *Kaiser*. After the Franco-German war he was studiously kept in the background, save when he did the honours at the Berlin congress. For our author's assertion that the crown-prince helped to persuade the emperor to sign the Austro-German alliance of 1879 is in direct conflict with Bismarck's remark that he 'had no influence on his father,'¹ and we see the heir apparent becoming more and more disheartened at the dull round of ceremonies which was allotted to him. The open criticism of his father's advisers, which, like the princes of Wales under George II and George III, he had attempted in his earlier days, had now given way to silent resignation. When at last he came to the throne a dying man, he found himself thwarted on every side, and the one enduring act of his brief reign was the blow at electoral corruption which he dealt by the dismissal of its leading exponent, Herr von Puttkamer. Of Frederick III

¹ *Reflexions and Reminiscences*, iii. 191.

it might indeed be said, *ostendunt terris hunc tantum fata*. If as a ruler he has left little mark, he appears in these pages, based on the testimony of many who knew him well, as a beautiful and disinterested personality.

W. MILLER.

In his work on *La Main-d'œuvre industrielle dans l'Ancienne Grèce* M. Paul Guiraud ('Bibliothèque de la Faculté des Lettres,' xii.) (Paris : Alcan, 1900) has put together a large collection of material on a subject which has not hitherto been fully treated. He has been careful to avoid the ground covered by Blumner's 'Technologie,' and has confined himself to the discussion of the social condition of artisans, slave or free, in Greece from the earliest times down to the Roman conquest, and in some cases later. The chapters on prehistoric and Homeric industry make the most of very scanty materials, but contain several suggestions of value; those on the chief industrial centres in Greece and on the organisation of industry form useful supplements to the corresponding sections of 'Büchschütz,' and incorporate a great mass of epigraphic and archeological material which has accumulated since his time. The chapter on wages is a little disappointing, but the material is, of course, very meagre. Full references are given, and there is a table of contents at the end, which will facilitate the use of the book; but there is no index or bibliography. The latter would have been invaluable. The preface states that one of the objects of the book is to determine what place is left for free labour in a slave-using society; and the result is a distinct addition to the literature of the question.

J. L. M.

Some English Benedictine nuns have abridged and arranged a German work on the *Life and Times of St. Benedict*, by Father Peter Lechner (London : Burns & Oates, 1900), in a translation which is stated to be, and obviously is, very free. 'Stories and traditions culled from old writers have been here and there inserted' to 'enhance the interest of the book,' and no doubt to increase its value for devotional purposes. The translators say, 'As regards dates many of them are the subject of controversy, but on this point it has been thought best to adhere strictly to our author.' We have, therefore, no means of judging how far advanced our English nuns may be in the methods of historical criticism. Here the facts and legends of the life of the founder of the Benedictine order have been fitted into an outline of contemporary history of the usual text-book order, with occasional disquisitions intended to 'edify' the young learner. Those for whose use the work is destined may derive from it some historical facts by exercising their powers of memory and of patient attention, but no appeal is made to intellectual qualities of a higher order.

M.

All who appreciate Dr. H. C. Lea's learned and comprehensive *History of the Inquisition of the Middle Ages* will be glad to learn that it is now being made accessible to a new public by means of M. Salomon Reinach's careful translation into French, of which the first volume is now before us (*Histoire de l'Inquisition au Moyen Age*; ouvrage traduit sur l'exemplaire revu et corrigé de l'auteur. Tome i. Paris : Société nouvelle de Librairie, 1900). It is, on the whole, very literal and conscientious. In fact it emancipates the reader from certain hindrances which the style of

the original must present even to an appreciative student. We may feel regret if occasionally an error is left uncorrected or a misconceived statement rendered without much regard to good sense. Thus *Gregory XI* for *Gregory IX*—a slip in the table of contents which is repeated in the translation, and on p. 152 we have the remarkable statement, concerning the punishment of a wicked bishop, that *on le pourvut, pour toute compagnie, d'une méchante servante*, the original of which runs, 'He was rightly adjudged a wicked and slothful servant.' It would not, however, be at all fair to the translator to judge of his work by this specimen. The changes made by the author since his first edition are not very important. Readers of the review in our issue for October 1888 will not find that much notice has been taken of the various points raised in it, such as the attitude of St. Dominic towards persecution, the possible influence of Guala in the foundation of the Inquisition, the relapse of Arnold of Brescia, &c. Certain parts—such as the growth of contempt for the flesh—formerly put in the footnotes, are now incorporated in the text. There are some slight additions, chiefly due to the publication of fresh treatises since the book first appeared, such as those concerning the relation of the Passagii to the Cathari, the question whether Priscillian really was a heretic, the grounds of the early persecution at Reims, the character and policy of Blanche of Castile, and the encroaching influence of inquisitorial methods in the secular courts. On none of these points, however, do we find much stress laid, so that the translation is not to be regarded as furnishing us with much new matter. The translation is preceded by an account of the historical literature of the subject by Professor Fredericq of Ghent. After giving some account of previous writings, Professor Fredericq tells us how, just before the publication of Dr. Lea's book, M. Molinier declared emphatically that the subject was as yet only in the stage for treatment by way of monograph; but the appearance of Dr. Lea's work changed M. Molinier's opinion. A. G.

The *Calendar of the Patent Rolls* of the reign of Edward I, of which the three later volumes were issued between 1893 and 1898, is now completed by the publication of the first volume, dealing with the rolls of the years 1272-1281 (London: H.M. Stationery Office, 1901). Enough has been said in our previous notices (vol. ix. p. 359, vol. xi. p. 150, vol. xiv. p. 350) of the high standard of excellence maintained in the work. But the new volume differs from the others, inasmuch as the rolls described in it have already been calendared in the 42nd to 50th Reports of the Deputy Keeper of the Public Records, though there the arrangement under each regnal year is not chronological but alphabetical. It is not easy to understand why no mention of this fact is made in the preface, for there are some discrepancies between the two calendars which call for explanation. Why, for instance, is an entry endorsed on membrane 19 of the first year, relative to land at Barway (see 42nd Report, pp. 475, 497), omitted in the present work? Documents concerning Ireland were long ago described in a special Irish calendar, but no references to this publication are given here. Still less do we find any mention of the numerous letters patent printed in full in the third volume of Prynne's 'Records.' No doubt to supply such references is a laborious task; but in a work published by authority we have a right to expect that the calendarer

possesses a conversance with materials lying outside the margin of the roll which he has before him. In the parallel series of Calendars of Close Rolls the practice of citing printed texts has been regularly carried out.

N.

The edition of the ledger—in the loose sense of that term—of any fourteenth-century merchant is sure to deserve the attention of historians; but a special interest must attach to that of a man like Johann Wittenborg, burgomaster of Lübeck, who as commander of the Hanseatic fleet was beaten by Waldemar Atterdag, near Helsingborg, in 1362, and in the next year suffered capital punishment in the market-place of his native city (*Das Handlungsbuch von Hermann und Johann Wittenborg*. Herausgegeben von Dr. Carl Mollwo. Leipzig: Dyk, 1901). That interest is, however, still increased by the fact that Wittenborg's business seems to have been on an entirely wholesale scale—it was chiefly in cloth from Flanders, in exchange for malt, barley, and furs from the eastern shores of the Baltic—whereas the only other fourteenth-century account-books of Hanseatic merchants hitherto known, that of Viecko von Geldersen, of Hamburg, edited by Nirrnhelm, and that of Johann Tölner, of Rostock, edited by Koppmann, show a curious combination of a wholesale and a retail trade. Wittenborg's book, therefore, supplies a valuable contribution to the question discussed by Professor von Below (*Jahrbücher für Nationalökonomie und Statistik*, vol. lxxv.) whether wholesale merchants in the strict sense existed at all in medieval Germany. Dr. Mollwo has furnished his edition with a full introduction, in which among other matters he treats of the various forms of medieval partnerships. The number of misprints exceeds the usual allowance; and as to the unexpected light supposed to be thrown on the extraordinary severity of the judgment passed on the unfortunate admiral, the editor seems to be labouring under the misapprehension that Louvain is in Flanders, instead of in Brabant.

F. K.

The merits of Professor A. J. Grant's book on *The French Monarchy, 1489–1789* (2 vols. Cambridge: University Press, 1900) are the author's; the faults are those which it is all but impossible to avoid when writing the abridged history of so long a period. Mr. Grant has used the best authorities, his style is clear and unaffected, he is accurate and instructive, but such historical pemmican as he gives us can scarcely be made either very palatable or very easy of digestion. Some historians of exceptional talent—Ranke, for instance, or in our own language Mr. Goldwin Smith—have been able to sketch the salient features of an epoch or a long period of history in a way to delight as well as to instruct their readers. The compiler of an educational handbook in the present day, even if he possessed the art of such happy omission, would probably imagine himself to be neglecting his duty should he venture to leave out so many facts. We almost sigh for the days when facts were spoken of as the dross of history. Trifling mistakes in this book here and there betray a somewhat hasty revision; we will take our examples from the end of the second volume. On p. 277 Malesherbes is said to have abolished *lettres de cachet*, and on pp. 287, 288 the well-known admiral count de Grasse appears as *la Grasse*.

O.

In the third part of *Les Grands Traités du Règne de Louis XIV* (Paris: Picard, 1899) M. Henri Vast publishes the text of the group of treaties dealing with the Spanish succession and the peaces of Utrecht, Rastadt, and Baden, and his work is fully up to the high standard of excellence attained in the two preceding parts, previously noticed by us. The foot notes are models of terse and lucid statement, the technical information clear and ample, and there is an admirably full index to the whole book. In his introduction of sixty pages M. Vast discusses these treaties themselves and the policy of France. As an erudite and lucid statement of the French point of view this introduction is worthy of M. Vast's reputation; and it is interesting to note that on the much-debated problem of Louis's sincerity in the Partition Treaties his verdict, based on a review of the diplomatic evidence, is that the king *ne considérait cet expédient que comme un pis aller* (p. 9, note 1). M. Vast, however, is less happy in dealing with England; e.g. *C'est au prix du sang allemand que l'Angleterre et la Hollande soutinrent pendant douze ans la guerre contre la France* (p. 29) is a remarkable statement. Again, the assertion that *des élections nouvelles* (1710) *font revenir aux affaires ce parti qui en était écarté depuis 1688* (p. 38); *lady Masham remplaça lady Marlborough dans l'intimité de la reine Anne* is certainly wrong; and it is a complete misinterpretation of the situation to pronounce calmly that *les avantages assurés pour leur navigation et leur commerce* decided the English *à se détacher de la coalition pour traiter séparément*. M. Vast reads English. The truth on these and many other points of English history is not to be found in the archives of the French foreign office, nor in the memoirs of Torcy and Saint-Simon, and we would recommend therefore as an addition to the list of authorities given on pp. 61 and 62 a reference at least to the works of Macaulay, Mr. Lecky, Mr. Wyon, Hill Burton, and Lord Stanhope and the correspondence of Bolingbroke, for without them the complicated issues of English and British policy from 1697 to 1713 must remain, as we fear it remains to M. Vast, amazingly simple and mysterious.

C. G. R.

The second number of the *Mittheilungen der K. Preussischen Archivverwaltung* (Leipzig: Hirzel, 1900), compiled by Dr. Max Bär, furnishes an interesting history of the royal archives of state at Hanover. It was not till 1640 that Hanover became the capital of the principality of Calenberg and the seat of the Calenberg archives, after the union of Calenberg-Göttingen with Brunswick-Wolfenbüttel and consequently the prospect of an amalgamation of the Wolfenbüttel and Calenberg archives had come to an end. The transfer of the Celle archives to Hanover was not effected till 1723, eighteen years after the death of Duke George William and the union of all the dominions of the house of Brunswick-Lüneburg under the elector George Lewis. The most remarkable incident in the history of these archives, which, strange to say, were not actually united till 1775, was the removal of the most important portions of them to England in the spring of the year 1803, just before the first French occupation of the electorate. Among the documents thus preserved from spoliation were the correspondences of princely personages, including those of the electress Sophia and the duchess of Orleans, and all the 'repertories' (*i.e.* contemporary or sub-

contemporary indices to records). The remaining contents of the archives were guarded with fidelity and tact by the unfortunate officials who remained behind and were obliged in turn to enter into the Prussian and the Westphalian service—more especially by the younger Kestner, like his father before him (the husband of the Lotte of the 'Sorrows of Werther') a valued public servant in this department of the Hanoverian administration. After the return, in a tolerably satisfactory condition, of the records sent to London, an attempt was made, chiefly under the influence of no less a personage than Pertz, to remove to Hanover the provincial archives of the principalities which the congress of Vienna had annexed to the new kingdom; but the proposal was only gradually and partially carried out, and indeed involved grave considerations on both sides of the question. In 1839-40, on the other hand, the royal archives at Hanover underwent a diminution extraordinary by the cremation of fifty-five out of eighty-three cases of official documents which on the dissolution of the personal union between Great Britain and Hanover had been transported to Germany from the German chancery in London. According to Dr. Bär, the catalogues of the entire collection still exist and give an idea of the greatness of the loss, the circumstances of which seem from more points of view than one to invite further investigation. The *personalia* of the present publication are by no means without occasional interest of a more general kind. The descent is no doubt great from Leibniz to Zimmermann; but though the former exceptionally anticipated the use of the Hanover archives for historical research, he too, with the wonderful versatility which characterised him, carried on this research as an official duty rather than as an independent scientific inquiry. The impulse given by Pertz communicated itself at Hanover as well as elsewhere to generations of workers; and the liberal administrative methods of Schaumann appear to have contributed to facilitate in our own generation the use of archives which later political events could not but throw more unreservedly open to historical workers. It is very satisfactory to learn that the third number of these *Mittheilungen* will contain a survey of the arrangement and distribution of the entire series of records now remaining at Hanover, which may, among other results, be also expected to lead to their increased use by English students.

A. W. W.

The Stanhope essay of last year (*Charles III of Spain*, by Joseph Addison. Oxford: Blackwell, 1900) is a very able historical sketch of an interesting period in Spanish history, showing considerable research and, what is rarer, a sense of proportion on the part of the author. Mr. Addison has not only freely consulted Spanish histories for his essay, but he has availed himself of manuscript authorities in our record office and in the Spanish archives. He has also succeeded in bringing out very lucidly the three chief points of importance in the reign, the foreign policy in respect to England and France, the ecclesiastical policy resulting in the expulsion of the Jesuits, and the economical and social improvements instituted by Florida Blanca. Mr. Addison's researches do not seem to have led him to any particularly novel view or conclusion about any of these points, and it is to his credit that he has not attempted to

be original at the expense of sane judgment, but he has succeeded in putting in a very compact and clear way what was known beforehand, and in giving fresh authority to this view by his own original researches. He does not attempt to theorise, and hardly to pass any judgments on the facts here related, such as the effect on Spanish history of Charles's more vigorous foreign policy and of his internal reforms; it would hardly, indeed, enter into the scope of so short an essay to do so. It may be suggested that, as in the case of Alberoni, Charles's administrative efforts were largely nullified by the vigorous foreign policy which prevented their reaching a conclusion, and by the want, so often seen in Spanish history, of a successor to carry on his policy. B. W.

Charles, duke of Brunswick, is remembered, if at all, for two great failures, the ineffective invasion of France by the German powers in 1792, and the disastrous campaign of Jena, in which he lost his life. Nevertheless Brunswick was a thoroughly competent general, perhaps the best disciple of Frederick the Great. If he had been allowed a free hand the campaign in the Argonne might well have overcome French resistance before the revolutionary government had had time to call the nation to arms. Similarly his plans in 1806 were calculated to hold Napoleon in check far better than the half-hearted schemes actually followed. Brunswick's fault was in not insisting that, if he was to hold the office of commander-in-chief, he was entitled to carry on the campaign according to his own judgment. To do this, especially with the king in the field, required a man of the highest political courage, and this quality Brunswick lacked, in spite of real military insight and personal courage above any possible criticism. Lord Edmond Fitzmaurice in his 'historical study' (*Charles William Ferdinand, Duke of Brunswick*. London: Longmans, 1901) fully realises this cardinal fact in Brunswick's character. The study of him which he has republished from a couple of articles in the *Edinburgh Review* is sympathetic with the duke, and well calculated to awaken in readers an interest in a personage who, partly by bad fortune, partly by his own defects, just missed a very great place in history. Apart from Brunswick himself, however, concerning whom he has apparently consulted every available authority, the author exhibits no great historical gifts, and does give evidence of vague and superficial historical knowledge. His sketch of the duke of Cumberland, for instance, is a mere caricature; his occasional references, by way of illustration, to other historical events are by no means always apt or true. The distinguished personages who urged Lord Edmond Fitzmaurice to publish his essays in book form should have counselled him to revise and verify carefully everything in his work which does not concern Brunswick immediately. H. B. G.

The *Briefwechsel König Friedrich Wilhelm's III und der Königin Luise mit Kaiser Alexander I*, edited, with certain supplementary princely correspondences, by P. Bailleu, and issued as vol. lxxvii. of the *Publicationen aus den K. Preussischen Staatsarchiven* (Leipzig: Hirzel, 1900), furnishes the most complete view hitherto accessible of the intimate relations between the Russian and Prussian dynasties during the first quarter of the nineteenth century. As the distinguished editor shows in a valuable introduction, the beginnings of this intimacy, which was to do so much

to strengthen the purely political bond forged by the statecraft of Catharine and Frederick, go back to the marriage in 1776 of the grand duke Paul to Princess Catharine of Württemberg, whose sister was the consort of the heir to the Prussian throne, and who as Empress Maria Feodorowna remained a faithful supporter of Prussian interests through a period extending beyond the years covered in this volume. At the time of the accession of Alexander I the good genius of the Russo-Prussian alliance was his sister the grand duchess Helena, who as the young wife of the hereditary prince Frederick Lewis of Mecklenburg-Schwerin had, on a visit to Berlin, taken by storm the reserved, not to say pent-up, disposition of King Frederick William III. She died only a year later, but there can be no doubt that much of the personal affection she had aroused was transferred to her brother. The third princess who contributed to give to the friendship between the two monarchs a warmth and tenacity which survived both the crisis of 1805 and the settlement of Tilsit two years afterwards, was the Prussian queen Louisa herself. This volume contains, in addition to her correspondence with the emperor, her notes in journal form of the meeting at Memel which in 1802 fully established the intimacy between him and her husband, and of the visit to St. Petersburg, which in 1808-9 renewed the close personal relations between the two families, probably at a heavy cost to her exhausted physical powers. Queen Louisa in these letters and journals once more shows herself a warm and true-hearted woman, nurtured in a sincere religiosity and in a sentimentalism of no particular depth, but endowed with the invaluable gift of quick sympathy and with a corresponding readiness to hate with a will. The letters contained in this volume conclude with a brief series addressed to the emperor Alexander and the empress Elizabeth by Queen Louisa's two sons, in whose 'systems' of foreign policy there was little mutual resemblance save in their common adherence to the dynastic tradition of the Russian connexion.

A. W. W.

To the three volumes of his valuable *Histoire de la Troisième République*, already noticed in this Review (vol. xii. p. 595, vol. xiv. p. 191), M. Zévort has added a fourth, entitled *La Présidence de Carnot* (Paris: Alcan, 1901). The author chronicles in a lucid style the chief events of that important period—abroad the rupture of commercial relations with Italy, the episodes of Cronstadt and Toulon, the campaign in Dahomey, and the Siamese difficulty; at home the collapse of Boulanger, the Exhibition of 1889, the new military law, the anarchist outrages, the Carmaux strike, and the Panama scandal. If lacking in philosophical insight, he is sensible and strictly fair; his sketches of leading men, especially MM. Carnot and Casimir Périer, are brilliant, and his only notable omission is the lack of any allusion to the danger of an Anglo-French collision about Siam in 1893.

W. M.

Sir J. G. Bourinot's *Canada under British Rule, 1760-1900* (Cambridge: University Press, 1900) may serve as a model for writers of colonial histories in brief. The earlier chapters, i.-viii., which may be said to deal with history properly so called, are concise and judicious. As a descendant of the Huguenots Sir J. Bourinot has a special interest

in French Canada, and his chapter on the French *régime* is made full of interest. Chapter iii. brings out with noteworthy clearness the reflex effect of the American revolution on the Dominion, which has been receiving much attention of late in Canada. On the open questions the writer's judgment is in the main trustworthy, though it must be said that his sketch of the banishment of the Acadians is still too much coloured by what may be termed the Longfellow tradition, and on p. 24 there is a strong statement that, in the view of all impartial writers, Montcalm did his utmost to prevent the lamentable sequel to his success at Fort William Henry. The later chapters bring down the story to the present day, and on the whole Sir J. Bourinot fairly succeeds in reciting facts as to which there is no dispute, while refraining from criticisms of men and motives. There is a separate chapter summing up from the Canadian point of view the questions which have been and are at issue between the Dominion and the United States, and the book is rounded off with an appendix showing, in parallel columns, the resemblances and differences between the constitutions of Canada and Australia, which the writer takes another occasion to comment on to the disadvantage of the latter. A full bibliography is added, and there are in the text interesting notices on the development of art and literature in the Dominion. Future writers will doubtless be at pains to add Sir J. Bourinot to the names there mentioned.

W. A. R.

Mr. C. F. Randolph's *The Law and Policy of Annexation, with Special Reference to the Philippines* (London and New York: Longmans, 1901) contains a very able presentment of the case, which has failed to commend itself to the majority of the supreme court. The appendix sets forth the full text of the treaty of Paris of December 1898.

H. E. E.

The Parish Register Society has issued to its members *Parish Registers: a List of those Printed, or of which Manuscript Copies exist in Public Collections, together with References to Extracts therefrom, Printed and Manuscript*, by George W. Marshall, LL.D. (London, 1900), a work which, so far as a limited acquaintance with its subject enables us to check it, appears to contain a remarkably complete list. The selection of printed extracts to be noted is, however, somewhat capricious. For instance, Dr. Marshall indexes several extracts from registers in the *Transactions* of the Cumberland and Westmorland Antiquarian and Archæological Society, but omits nine others which seem to be at least equally important. Whether the College of Arms is a 'public collection' may be doubtful, and it would have been better to refer only to collections which are open without payment of fees. The 'Index to the Owen MSS. in the Free Reference Library' (Manchester, 1900) should be examined by the compiler before he issues a new edition of his meritorious work.

R. J. W.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to the Editor, at Oxford, by the first week in March, June, September, and December.]

- Catalogue of Greek hagiographical manuscripts in the island of Chalce* [Halki, in the sea of Marmora]: by J. BOYENS.—Anal. Bolland. xx. 1.
- Inventories of the fifteenth century containing lists of manuscripts and printed books, preserved at Naples*: by G. BRÉSCIANO.—Arch. stor. Napol. xxvi. 1.
- Questions relating to the composition of Tacitus's Histories*: by E. WÖLFFLIN [arguing, from a comparison of 'Hist.' i. with Plutarch's 'Galba' and 'Otho,' that similarity of expression in Tacitus and Plutarch shows rather that the latter copied the former than that both borrowed from a common source. (For earlier discussion of this question see Mommsen in *Hermes*, iv. 295, and Nipperdey's introduction to the 'Annals,' p. 29, 8th ed.)].—SB. Akad. Wiss. München (phil.-hist. Cl.) 1901. 1.
- The origin of the Apostles' Creed*: by F. CHAMARD.—Rev. Quest. hist. lxix. 2. April.
- On Athanasius's Synodicon*: by P. BATIFFOL [compiled about 385 as a counterblast to the 'Synagoge' of Sabinos].—Byz. Zft. x. 1, 2. Feb.
- On John of Antioch's relation to John Malalas*: by E. PATZIG.—Byz. Zft. x. 1, 2. Feb.
- List of the acts of Frankish councils from 843 to 918*: by A. WERMINGHOFF [giving the incipits, the manuscripts and editions, and a bibliography].—N. Arch. xxvi. 3.
- The 'Passio S. Quintini' and other verses concerning the same saint* [of the ninth century].—Anal. Bolland. xx. 1.
- A supposed conciliar address of Hadrian II*: by H. SCHRÖRS. I. [The writer considers that the speech, which is commonly assigned to the Roman council or to the meeting at Monte Cassino in 869, and has been connected with certain Pseudo-Isidorian excerpts which follow it in the manuscript, must be judged altogether independently of them].—Hist. Jahrb. xxii. 1.
- A collection of theological pieces made by Heriger of Lobbes* [mentioned by Siebert, 'de Script. eccl.' c. 137, and rediscovered in the university library at Ghent]: by E. DÜMMLER.—N. Arch. xxvi. 3.
- The earliest French troper and its date*: by H. M. BANNISTER [who assigns the troper of St. Martial at Limoges (Bibl. Nat., MS. Lat. 1240) to the date 923-934, not (as Misset) to the end of the eleventh century].—Journ. Theol. Stud. 7. April.
- On the Chronicle of Symeon Logothetes*: by C. DE BOOR. Byz. Zft. x. 1, 2. Feb.
- On the 'Translatio SS. Alexandri et Iustini'*: by P. VON WINTERFELD [who argues that it does not belong, as it professes, to the middle of the ninth century, because it shows signs of the reformed rhythm systematised by John of Gaetà about 1088].—N. Arch. xxvi. 3.
- 'Miraculum de novitio Hispaniensi'* [an unpublished miracle of St. Bernard], by Herbert, abbat of Sobrado [1184].—Anal. Bolland. xx. 1.
- On the letters of Berardus, the papal notary* [1261-1268]: by H. OTTO.—Mitth. Oesterreich. Gesch. xxii. 2.
- Imperial documents from the Vatican archives and from Darmstadt and Heidelberg* [1335-1338]: printed by J. SCHWALM.—N. Arch. xxvi. 3 (continued from xxv. 3 and concluded).

- Three unpublished letters of John Cameron to Deodati and Rivet [1610-1622]* : by G. BONET-MAURY.—Bull. Soc. Hist. Protest. Franç. 1. 3. *March*.
- Gustavus Adolphus's prayer on landing on German soil [1630]* : by G. DROYSEN [who holds that it was not uttered at the time, but a prayer appointed for use in the army after the landing. The other prayer, before the taking of Stettin, is taken to be apocryphal].—Mitth. Oesterreich. Gesch. xxii. 2.
- Report of captain Truilhier to general Gardane [17 Feb. 1807]* on the best means of carrying an army from the Mediterranean to Persia : printed by H. FROIDEVAUX.—Rev. Quest. hist. lxix. 2. *April*.
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- The study of Greek origins* : by V. BÉRARD [who criticises the results of archæologists and prefers what he calls a topological method]. I.—Rev. hist. lxxvi. 1. *May*.
- The expedition of Julian against Constantius* : by P. ALLARD.—Rev. Quest. hist. lxix. 2. *April*.
- Byzantine imperial coronations* : by F. E. BRIGHTMAN.—Journ. Theol. Stud. 7. *April*.
- The Byzantine churches of Thessalonica and their inscriptions* : by P. N. PAPAGEORGIOU, with illustrations.—Byz. Zft. x. 1, 2. *Feb*.
- The year 1000 and the antecedents of the crusades* : by G. L. BURR [who repeats some of the arguments against the supposed panic with which the year 1000 was awaited, and summarises the grounds for denying that the movement of feeling which led to the first crusade can be traced back to an earlier date.]—Amer. Hist. Rev. vi. 3. *April*.
- The origins of Cîteaux, and the Benedictine order in the twelfth century* : by U. BERLIÈRE, continued.—Rev. Hist. ecclés. 1901. 1, 2.
- The translations of cardinals from Innocent III to Martin V* : by P. M. BAUMGARTEN [who examines the practice concerning options and supplies lists of appointments].—Hist. Jahrb. xxii. 1.
- Contributions to the history of the emperor Frederick II* : by K. HAMPE [1. Frederick's first marriage; 2. The outbreak of the conflict between Otto IV and Frederick].—Hist. Vierteljahrschr. iv. 2.
- Theodore Hellenicus, Orthodox Patriarch of Nice [elected in opposition to the Latins in 1211]* : by A. PAPADOPULOS KERAMEUS.—Byz. Zft. x. 1, 2. *Feb*.
- The unknown councils held at Cambrai during the Great Schism* : by L. SALEMBIER [on the mission of the Clementine cardinal, Guy de Malesset, legate to England, Brabant, and Flanders].—Rev. Sciences ecclés. 1901. 2.
- The Hussites and the council of Basle in the years 1431-2* : by L. HOFMAN [continued].—Český Čas. Histor. *April*.
- Lewis of Bologna, patriarch of Antioch* : by M. LANDWEHR VON PRAGENAU.—Arch. Oesterreich. Gesch. xxii. 2.
- Luther's journey to Rome* : by N. PAULUS [who dates it not in 1511 but in 1510, and thinks that he was sent not by Staupitz, but by the monasteries which objected to Staupitz's proposed union of the German Augustinian congregation with the Saxon province of the order, while Luther's main object was to visit Rome and make confession].—Hist. Jahrb. xxii. 1.
- Sleidanus and cardinal du Bellay [1533-1540]* : by V. L. BOURRILLY.—Bull. Soc. Hist. Protest. Franç. 1. 5. *May*.
- Danzig and Denmark in 1577* : by W. BEHRING [who describes the aim of Frederick II of Denmark to prevent Poland from conquering Danzig and thus threatening Denmark's control of the Baltic, as well as the large share of the Sound duties then paid by that city alone. The king directed thither Scottish troops who had done good service in the Low Countries; their colonel, William Stewart, with other officers named, landed at Danzig in July].—Zft. Westpreuss. Geschichtsv. 43.
- Russia and the papal see* : by P. PIERLING [on the story of the False Demetrius in the light of new documents].—Russk. Star. *April, May*.
- The defeat of marshal de Conflans in Quiberon Bay [1759]* and its sequel : by G. LACOUR-GAYET.—Rev. hist. lxxvi. 1. *May*.
- The invasion of Austria by the Bavarians and French in 1741* : by J. SCHWERDFEGER. I : The elector Karl Albrecht and the French in Upper Austria, with an appendix of documents.—Arch. Oesterreich. Gesch. lxxxvii. 2.

- The peace of Amiens and Napoleon's general policy*: by M. PHILIPPSON [who exposes the insincerity with which the First Consul concluded the treaty, and the bad faith and unscrupulousness of his subsequent conduct. The writer considers that the retention of Malta by England was completely justified, but that the weakness and *maladresse* of the Addington ministry placed them technically in the wrong].—Rev. hist. lxxv. 2, lxxvi. 1. *March, May.*
- The excesses of the allies at Paris in 1815*: by G. DEPPING [who describes the celebration by the Prussians of their king's birthday, 3 August].—Rev. hist. lxxv. 2. *March.*
- The emperor Nicholas and the Eastern question, 1826*: by N. K. SHILDER, concluded.—Russk. Star. *March, April.*
- Recollections of a prisoner of war*: by V. KLEVEZAL [details of the Russo-Turkish campaign].—Istorich. Viestn. *March.*

France

- The bastilles in the Landes and their municipal organisation* [from the thirteenth century to the revolution]: by J. J. C. TAUZIN.—Rev. Quest. hist. lxix. 2. *April.*
- The register of Pierre d'Etampes, keeper of the trésor des chartes* [1307-1324]: by H. F. DELABORDE [who describes and analyses several volumes, with extracts].—Bibl. Ecole Chartes, lxi. 5, 6.
- The title 'King of France and of Navarre' in the fourteenth century*: by J. VIARD [who states that it was never used by Philip IV or Philip VI, but only by the three brothers Louis X, Philip V, and Charles IV. Philip VI for two months in 1328 was styled regent of the two kingdoms].—Bibl. Ecole Chartes, lxi. 5, 6.
- The title of 'regent' in documents of the French chancery*: by E. BERGER [who shows that the style begins in 1316 with Philip the Tall, and that the usage in later times was various].—Bibl. Ecole Chartes, lxi. 5, 6.
- The leper-house of St. Denis de Léchères* [dio. Sens] in 1336: by L. LEGRAND [who prints a register containing an extent and customary of the property of the house].—Bibl. Ecole Chartes, lxi. 5, 6.
- The county of La Marche and the treaty of Brétigny*: by A. THOMAS [who maintains, against A. Longnon, that it was ceded to England, and supplies documentary evidence].—Rev. hist. lxxvi. 1. *May.*
- The political influence of the university of Paris in the middle ages*: by C. GROSS.—Amer. Hist. Rev. vi. 3. *April.*
- The duke of Saint-Simon's view of the states-general*: by A. LIARD.—Rev. hist. lxxv. 2. *March.*
- The masonic lodges of Toulouse* [1740-1870]: by J. GROS.—Révol. Franç. xx. 9. *March.*
- Robespierre's impressions of travel*: by A. AULARD [who prints a letter of 12 June 1783].—Révol. Franç. xx. 10. *April.*
- General Hédonville, Bonaparte, and the Abbé Bernier* (throwing some light upon the pacification of the Vendée in 1799 from notes written by Hédonville in 1799 and now lying in the Archives historiques de la Guerre).—Révol. Franç. xx. 12. *June.*
- A contemporary witness on the day of 19 Brumaire, an VIII* [extracted from 'Le Diplomate,' a little-known journal].—Révol. Franç. xx. 9, 10. *March, April.*
- Jean-Bon Saint-André, prefect of Mont-Tonnerre*: by L. LÉVY-SCHNEIDER.—Révol. Franç. xx. 11. *May.*
- The beginnings of Chouannerie in the Morbihan*: by G. DE CLOSMADÉUC [who prints the journal of Joseph Defay, an Angevin noble, who became a royalist leader in Brittany].—Révol. Franç. xx. 10. *April.*
- The conspiracy of 1804*: by G. CAUDRILLIER. I: The Chouan plot and its antecedents, concluded.—Rev. hist. lxxv. 2. *March* (continued from lxxiv. 2).

Germany and Austria-Hungary

- A breviarium* [of the twelfth century] anterior to the oldest terrier of Kremsmünster: by K. SCHIFFMANN.—Arch. Oesterreich. Gesch. lxxxvii. 2.
- Some new forgeries in the Moravian archives*: by G. FRIEDRICH [in the 'Liber Benefactorum' of the church of Olmütz and elsewhere].—Český Čas. Hist. *April.*

- The influence of French art upon Germany in the thirteenth century*: by G. DEHIO.—Hist. Zft. lxxxvi. 3.
- The question of Carinthia and Carniola and the territorial policy of the first Habsburgs in Austria*: by A. DOPSCH, with documents.—Arch. Oesterreich. Gesch. lxxxvii. 1.
- On the history of the synod of Bamberg [1451]*: by M. STRAGANZ [on cardinal Nicolas Cusanus and the mendicants], with documents.—Hist. Jahrb. xxii. 1.
- Itinerary of Maximilian I [1508-1518]*: by V. VON KRAUS, with notes on the system of the chancery under that emperor.—Arch. Oesterreich. Gesch. lxxxvii. 1.
- Contributions to the history of the imperial court-officers*: by F. MENČÍK.—Arch. Oesterreich. Gesch. lxxxvii. 2.
- The protestant movement in Berchtesgaden down to the middle of the eighteenth century*: by A. LINSSEN-MAYER.—Hist. Jahrb. xxii. 1.
- The ecclesiastical organisation of Albertine Saxony*: by E. BRANDENBURG [dealing with Sehling's working up of the fresh information on the church legislation under Maurice of Saxony and George of Anhalt, derived from the Anhalt archives at Zerbst].—Hist. Vierteljahrschr. iv. 2.
- The organisation of the Lutheran church in the archduchy of Austria under der Enns from the grant of toleration to the death of Maximilian II [1568-1576]*: by V. BIBL.—Arch. Oesterreich. Gesch. lxxxvii. 1.
- Contributions to the history of Roman catholic reaction in Bohemia*: by T. KALINA.—Český Čas. Histor. April.
- Kojakovice, a study of Bohemian village life from the sixteenth century*: by N. KARĚJEV.—Český Čas. Histor. April.
- The Magyar rebellion under Francis Ragoczy [1703-1711]*: by A. LEFAIVRE.—Rev. Quest. hist. lxi. 2. April.
- A comparison of the Austrian and the Prussian administrative system in the seventeenth and eighteenth centuries*: by O. HINTZE.—Hist. Zft. lxxxvi. 3.
- Confidential letters of Freiherr Peter von Meyendorff to his brothers Georg and Alexander [1840-1850]*: printed by T. SCHIEMANN.—Hist. Zft. lxxxvi. 3.

Great Britain and Ireland

- The companions of the Conqueror*: by J. H. ROUND [who examines the relative weight of authorities on which rest the claims to descent from Norman knights of William's time, and points out the rarity of the proved cases].—Monthly Rev. 9. June.
- The 'Leis Willelme'*: by F. LIEBERMANN [who discriminates two types of the French text, one of which is allied to the Latin version. On linguistic grounds the older of the French texts may be placed c. 1130; the Latin was probably made c. 1200. Only a part of the work was translated from Anglo-Saxon. The author made no pretence of passing off the laws as the work of William the Conqueror; he probably wrote c. 1100-1120].—Arch. Stud. neueren Sprachen und Litt. cvi. 1, 2.
- The appellate jurisdiction of the house of lords*: by T. BEVEN.—Law Qu. Rev. 66. April.
- John Grandisson, bishop of Exeter [†1369]*: by A. HAMILTON.—Dublin Rev., N.S., 38. April.
- The black death in Yorkshire [1349]*: by W. H. THOMPSON.—Antiquary, N.S., 137, 138. May, June.
- The crown as corporation*: by F. W. MAITLAND [tracing the growth of the conception in relation to the king, the government, the public, and the state.].—Law Qu. Rev. 66. April.
- The Harley papers* [an examination of the contents of the fifth volume of the report on the duke of Portland's manuscripts, running from June 1711 to Harley's death in May 1724].—Edinb. Rev. 396. April.
- The character of queen Victoria*.—Quart. Rev. 386. April.
- Mandell Creighton, bishop of London*.—Quart. Rev. 386, April; Church Qu. Rev. 103. April.
- William Bright [† 6 March]*.—Church Qu. Rev. 103, April. By W. SANDAY.—Journ. Theol. Stud. 7. April.

Italy

- Report on manuscripts in Italy* [with special reference to Saba Malaspina and Jamsilla]: by O. CARTELLIERI.—N. Arch. xxvi. 3.
- Recent excavations in the Forum and the Byzantine church of Santa Maria Antiqua* [deciding a long controversy as to the position of the latter]: by V. FEDERICI.—Arch. R. Soc. Rom. xxiii. 3, 4.
- The town of Luna and its territory*: by J. JUNG.—Mitth. Oesterreich. Gesch. xxii. 2.
- Recent studies on the origin, history, and organisation of the Sardinian Giudicati*: by E. BESTA [maintaining that the so-called judges owed their origin to the Byzantine archon, who became virtually independent. The four judges who succeeded the archon held an hereditary office with some show of election, and apparently belonged to the same family. Additional information is given on local organisation and tenure].—Arch. stor. Ital., 5th ser., xxvii. 1.
- The manuscripts of Boncompagnus's 'Liber de Obsidione Anconae'* [1201-1202]: by W. EBERHARD.—N. Arch. xxvi. 3.
- Herbert of Orleans, vicar of Charles I of Anjou*: by R. BEVERE.—Arch. stor. Napol. xxvi. 1.
- The brotherhood of the flagellants of Viterbo*: by P. EGIDI [who analyses the first statute, 1315-45, with a sketch of the fortunes of the brotherhood to the present day].—Arch. R. Soc. Rom. xxiii. 3, 4.
- Niccolò Spinelli da Giovinazzo*: by G. ROMANO. VI: 1377-78.—Arch. stor. Napol. xxvi. 1.
- The dowry of Valentina Visconti*: by F. E. COMANI. [The subsidy raised for the purpose was spent on the war against the Scaligeri and Carraresi; hence the delay of the marriage until another subsidy was levied. The article describes the methods of raising the impost, and gives a favourable idea of Gian Galeazzo's economy and consideration.]—Arch. stor. Lomb., 3rd ser., xxix.
- Preachers at Brescia in the fifteenth century* [from San Bernardino of Siena to Bernardino of Feltre]: by A. ZANELLI. [The preachers dealt mainly with usury and the indecent public games. The article is illustrated by documents.]—Arch. stor. Lomb., 3rd ser., xxix.
- Isabella d' Este and the court of the Sforzas*: by A. LUCIO.—Arch. stor. Lomb., 3rd ser., xxix.
- The assassination of Ottaviano Manfredi, 13 April 1499* [described by an eye-witness]: by A. VIRGILI.—Arch. stor. Ital., 5th ser., xxvii. 1.
- An episode of the pontificate of Julius II*: by G. GRIMALDI [on the deprivation of the schismatic cardinals in Oct. 1511, described by Bernardo di Bibbiena].—Arch. R. Soc. Rom. xxiii. 3, 4.
- Studies on the pontificate of Clement XI*: by F. POMETTI, concluded.—Arch. R. Soc. Rom. xxiii. 3, 4.

The Netherlands and Belgium

- Extent of the possessions of the abbey of Egmond in the time of abbat Walter* [1130-1161]: printed by C. PIJNACKER HORDIJK.—Bijdr. en Mededeel. Hist. Genootsch. Utrecht, xxi.
- The castellans of Utrecht, especially in the twelfth century*: by C. PIJNACKER HORDIJK.—Bijdr. vaderl. Gesch., 4th ser., ii. 1.
- The Brabantine and other chronicles of William van Berchem*: by J. F. D. BLÖTE.—Bijdr. vaderl. Gesch., 4th ser., ii. 1.
- Tournai during the English occupation* [from 1513]: by A. HOCQUET.—Ann. Soc. hist. Tournai, N.S., v.
- Memorial concerning the assessment of Gouda* [1514]: printed by L. M. ROLLIN COURQUERQUE.—Bijdr. en Mededeel. Hist. Genootsch. Utrecht, xxi.
- Letters of Joost van Cranevelt from Groningen* [June-July 1568]: printed by J. S. VAN VEEN.—Bijdr. en Mededeel. Hist. Genootsch. Utrecht, xxi.
- Contributions to the history of the separation of the Northern and Southern Netherlands*: by P. L. MULLER. VI: Anjou's campaign and defeat [1581-1582].—Bijdr. vaderl. Gesch., 4th ser., ii. 1.
- The official life of Constantijn Huygens*: by P. J. BLOK.—Bijdr. vaderl. Gesch., 4th ser., ii. 1.

Russia

- A. P. Volinski as cabinet minister*: by A. N. PHILIPPOV [from documents recently published by the Russian Historical Society].—*Istorich. Viestn. May.*
- The imprisonment of the Georgian queen at Bielgorod* [in 1801, on the cession of the country to Russia]: by A. TANKOV.—*Istorich. Viestn. March.*
- Smolensk under French rule in 1812* [from documents collected by A. Bezrodni].—*Russk. Star. April.*
- A foreign tradition about the emperor Alexander I*: by V. BILBASOV [as to whether the emperor died a Roman catholic. The author decides in the negative].—*Russk. Star. April.*
- The oath taken to the emperor Nicholas at Tula* [on his ascending the throne in 1825. Some important omissions were accidentally made from the printed form, for which the governor was severely blamed].—*Russk. Star. May.*
- Extracts from the Memoirs of general Arkas* [illustrating the early stages of the Crimean war].—*Istorich. Viestn. April.*
- The internal condition of Russia in 1855.* *Russk. Star. March.*
- Contributions to the history of the Polish insurrection in 1863*: by G. GORTINSKI [dealing with the relations of the White Russians to the insurgents].—*Russk. Star. April.*
- Memoirs of general Löwenstern.*—*Russk. Star. March, April.*
- Extracts from the Memoirs of D. Runich, continued.*—*Russk. Star. March, May.*
- Basil Bolotoff* [†18 April]: by N. ORLOFF.—*Journ. Theol. Stud. 7. April.*

Spain and Portugal

- The council of Oviedo* [900(?)] : by F. FITA [from an unpublished document].—*Boletin R. Acad. Hist. xxxviii. 2.*
- The council of Compostella* [959] : by F. FITA.—*Boletin R. Acad. Hist. xxxviii. 3.*
- The regulation of weights and measures by Alfonso el Sabio* : by R. A. DE LA BRAÑA and F. FITA, with documents.—*Boletin R. Acad. Hist. xxxviii. 2.*
- A massacre of Jews in Cordoba in 1391* : by R. R. DE ARELLANO, with documents.—*Boletin R. Acad. Hist. xxxviii. 4.*
- Henry the Navigator and the Portuguese academy of Sagres* : by J. MEES [who denies the existence of this academy].—*Bull. Acad. roy. Belg. 1901. 1.*
- The battle of Toro* [1476] : by C. F. DURO, with documents.—*Boletin R. Acad. Hist. xxxviii. 4.*
- The succession of inquisitors-general, from the first nomination in 1485 to 1594* : by C. F. DURO.—*Boletin R. Acad. Hist. xxxviii. 4.*
- The inquisition of Toledo, its record office and prison in 1552* : *Boletin R. Acad. Hist. xxxviii. 2.*
- The inquisition in Cordoba in the seventeenth century* : by R. R. DE ARELLANO [a curious description of the social and convivial aspects of the Autos de Fe, and of a quarrel between the inquisition and the municipality arising from a claim of the officials of the former to attend the theatre without payment].—*Boletin R. Acad. Hist. xxxviii. 3.*

Switzerland

- On the formation of states in the Alpine regions* : by A. SCHULTE [dealing particularly with the importance of the passes].—*Hist. Jahrb. xxii. 1.*
- On the origin of the inhabitants of the Val d'Anniviers (Eivischthal)* : by J. JOEBLEHNER [who takes them from the middle Vallais].—*Anz. Schweiz. Gesch. 1901. 1.*
- Abbat Gozpert of Rheinau and count Gozpert* [888-c. 910] : by G. CARO [who identifies the two].—*Anz. Schweiz. Gesch. 1901. 1.*
- The frontier dispute between Engelberg and Uri* [finally settled in 1513] : by I. HESS, with documents and a map.—*Jahrb. Schweiz. Gesch. xxv.*
- Treaty between the count of Werdenberg and the valleys of Bergell, Engadin, and Oberhalbstein* [1427] : by F. FRICKLIN.—*Anz. Schweiz. Gesch. 1901. 1.*

- The family chronicle of Hans Vogler and his son, the reformer* [begun in 1479]: by J. HÄNE.—Jahrb. Schweiz. Gesch. xxv.
- Rheinau and the reformation*: by A. WALDBURGER, with lists and documents.—Jahrb. Schweiz. Gesch. xxv.

America and Colonies

- A legal examination of the agreement of the Spanish crown with Columbus and of the privileges conferred upon him*: by A. DE ALTOLAGUIRRE [discussing the question how far a contract existed with the admiral, and to what extent the crown was bound by this contract and by the privileges granted which were not expressly included in it].—Boletin R. Acad. Hist. xxxviii. 4.
- Diary of a voyage to the East Indies* [1598–1599] by Jacob van Neck: printed by H. T. COLENBRANDER.—Bijdr. en Mededeel. Hist. Genootsch. Utrecht, xxi.
- The first criminal code of Virginia*: by W. F. PRINCE [who criticises the view that the code was derived from the military law of the Netherlands, forms an unfavourable estimate of Dale, and considers it 'safer to hold that the real prosperity of Virginia dates from 1619'].—Report Amer. Hist. Assoc. 1899.
- Legal qualifications for office in America* [1619–1899]: by F. H. MILLER.—Report Amer. Hist. Assoc. 1899.
- Memoir on the state of the Dutch West India company in 1633*: printed by M. G. DE BOER.—Bijdr. en Mededeel. Hist. Genootsch. Utrecht, xxi.
- The restoration of the proprietary of Maryland and the legislation against the Roman catholics during the governorship of captain John Hart* [1714–1720]: by B. C. STEINER.—Report Amer. Hist. Assoc. 1899.
- French experience with representative government in the West Indies*: by P. S. REINSCH [who shows the evils resulting from the concession of too much autonomy to the French Antilles, and from the attempt to assimilate the institutions of the islands to those of France, instancing from Martinique especially the incapacity of the coloured population for representative institutions].—Amer. Hist. Rev. vi. 3. April.
- The rise of journalism in New York* [1800–1840]: by G. L. BURR [giving specially a history of the early days of the *Herald*].—Amer. Hist. Rev. vi. 3. April.
- Miranda and the British admiralty, 1804–6* [a collection of documents showing the support given by the British government to Miranda's schemes for revolutionising Spanish America, and in particular to his abortive attempt upon Venezuela in 1806].—Amer. Hist. Rev. vi. 3. April.
- Correspondence of John C. Calhoun* [consisting of about eight hundred letters written by him, and nearly two hundred written to him].—Amer. Hist. MSS. Comm., 4th Report.
- The proposed absorption of Mexico in 1847–8*: by E. G. BOURNE [who shows that 'the growing realisation that territorial expansion and the extension of slavery were so inextricably involved that every accession of territory would precipitate a slavery crisis powerfully counteracted the natural inclinations of the people towards expansion'].—Report Amer. Hist. Assoc. 1899.
- Sherman's march to the sea* [1864]: by J. F. RHODES [discussing the wisdom of general Sherman's strategy and the extent to which the destruction of property was carried during the march].—Amer. Hist. Rev. vi. 3. April.
- A bibliography of Mississippi*: by T. M. OWEN.—Report Amer. Hist. Assoc. 1899.
- Review of historical publications relating to Canada* [1900]: by G. M. WRONG and H. H. LANGTON.—Univ. of Toronto Studies, i. 5.

Errata.

- P. 486 and in notes 72 and 75 for Cuba read Cubo.
- P. 486, n. 71 for $7\frac{1}{2}$ miles read 7 miles; for 116 metres read 81 metres; for 403 metres read 226 metres.
- P. 487, n. 78 for south of read at.

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*The Deification of Kings in the
Greek Cities*

FROM the end of the fourth century before Christ to the triumph of Christianity the peoples of classical culture regularly assigned to their earthly sovereigns those honours which their fathers had rendered to the gods—the divine name, altars, temples, priests, and religious festivals. We are familiar enough with the fact of this unhealthy development in ancient civilisation, but many questions connected with it still wait for a satisfying answer. It is a subject to which modern research might well give more systematic attention.¹ The object of this paper is rather to ask than to answer questions; it will be enough if I can show to what point discussion has so far brought us, what the questions are which call for more light, and what appear to me to be some determining facts.

The first question about this deification of the ruling man is *how it arose*. We know that the Romans borrowed it from the Greek East; but how did it begin there? Already in the lifetime of Alexander, about 324,² the proposition was made, and apparently carried, in the Athenian *ekklesia* to acknowledge the conqueror as a deity.³ At any rate in 323, on Alexander's final return to Babylon, 'embassies arrived from Greece, whose members both

¹ The chief study of the subject is E. Beurlier, *De divinis honoribus Alexandro et Successoribus eius redditus*. Paris, 1890.

² Niese, in *Histor. Zeit.* lxxix. (1897), p. 14.

³ Polyb. xii. 12 b, § 3; Plut. *Præcept. Reip. gerend.* 8, 6, 804 B (2, 982 Didot); *Vita X Orat.* 7, 22, 842 D (2, 1026, 42 Didot); Deinarch. in *Demosth.* 1, 94; Hyperides (Blass), p. 14.

wore crowns themselves when they approached the presence and crowned the king with crowns of gold; acted, that is to say, as if they were *theoroi*, who had come to offer worship to some god.⁴ The startling thing about such honours was that they were addressed to a living man. That after Alexander's death cults of him should be maintained at Alexandria, of which he was the *ἦρος κτίστης*,⁵ at Erythrai,⁶ and by the Ionian Confederacy,⁷ this of course was only the natural thing.

We owe it to the criticisms of Mr. Hogarth⁸ and Niese⁹ that the baseless character of that theory which represents Alexander to have made the worship of himself a regular state institution has been exposed. There is no suggestion of a cult established under royal direction in the provinces of the empire. If Alexander evinced pleasure in hearing himself put on a level with Dionysos and Herakles, even if he gave the Macedonian party in Athens to understand that such compliments were expected, it is also true that Athens, in conferring them, is a free agent. It is a question the Athenian assembly settles for itself whether the king is to be gratified or not, and what form the address is to take. And the case is ostensibly the same with the worship we find Greek states offering to human sovereigns in the next generation. We cannot, of course, prove in any instance that a hint had not been given by the court in question to its adherents in the state, but outwardly and formally at any rate the states act on their own initiative. There are variations in the mode of worship from city to city. In some cases a king or chief is worshipped by states which lie altogether outside his domain. Krateros, who died in 321, was honoured at Delphi with a *paean*.¹⁰ At Athens in 307 the cult of living men stands already full blown; the honours accorded to Antigonos and Demetrios exhaust all modes of expressing deity. It is no occasional act of worship, the proffer of a crown or a hymn, but the establishment of a regular priesthood, the canonising of the new deities for all time by changes in the calendar and the religious organisation of the people.¹¹ Skepsis a year or two earlier (in 310) had decreed almost equal marks of divine honour to Antigonos—*τέμενος* and altar, image, sacrifice, games, and *stephanephoria*,¹² and in 303 Sikyon honours Demetrios with sacrifice and games as *κτίστης*.¹³ Lysimachos during his lifetime had a

⁴ Arr. *Anab.* vii. 23, 2.

⁵ Diod. xviii. 28, 4.

⁶ Dittenberger, ed. i. no. 370 (ed. ii. no. 600, l. 110) = Michel, no. 839, l. 60.

⁷ Strabo, xiv. 1, 31, p. 644; *Bull. de Corr. Hell.* ix. (1885), p. 387 = Michel, no. 486.

⁸ *English Historical Review*, iii. (1887), p. 317 f.

⁹ *Histor. Zeit.* lxxix. (1897), p. 6 f.

¹⁰ Athen. xv. 696, e, f.

¹¹ Diod. xx. 46; Plut. *Dem.* 10 f.; Athen. xv. 697, a.

¹² *Journ. of Hellenic Stud.* xix. (1899), p. 335.

¹³ Diod. xx. 102, 3.

priest at Kassandreia,¹⁴ and was honoured with altar and sacrifice at Priene¹⁵ and in Samothrace.¹⁶

Ptolemy, the son of Lagos, was worshipped as a god by Rhodes immediately (it would seem) after its deliverance in 304, with the sanction of the oracle of Ammon. We hear of the dedication of a *τέμενος*, and the ascription of the divine surname, Soter.¹⁷ In Delos and in others of the islands there are traces of the cult of persons of the Ptolemaic house: Arsinoe is classed in a dedication with Apollo; Artemis, and Leto: ¹⁸ *Πτολεμεία* are celebrated in Lesbos,¹⁹ and by the Nesiotai.²⁰ At Halikarnassos one inscription associates the first Ptolemy (after his death) as *σωτήρ καὶ θεός* with Sarapis and Isis,²¹ and another speaks of a *stoa*, which the people builds to Apollo and king Ptolemy.²² At Athens Ptolemy I becomes the eponymous hero of a tribe.²³ The cult of the first Seleukos, during his life, at Ilion included an altar, inscribed as that of king Seleukos, the naming of a month after him, and the institution of games (*γυμνικὸς καὶ ἵππικὸς ἀγών*) similar to those held in honour of Apollo.²⁴ Games in his honour (*Σελεύκεια*) are also mentioned at Erythrai.²⁵ At Ilion again we find a priest of Antiochos I soon after his accession (about 277).²⁶ Then we have the Ionian Confederacy (*τὸ κοινὸν τῶν Ἰώνων*) making a decree to render to the same Antiochos and his queen, Stratonike, the honours with which we are now familiar — *τέμενος* and altar, image, sacrifice, games, and *stephanephoria*.²⁷ Towards the end of his reign, after he has acquired the surname of Soter, a *γυμνικὸς ἀγών* is celebrated in his honour at Bargylia.²⁸ Antiochos I and Stratonike seem to have continued to be worshipped after their death at Branchidai as *θεοὶ σωτήρες*.²⁹ Both the first Seleukos and the first Antiochos were worshipped after their death³⁰ by the Athenian colonists in Lemnos: special shrines (*ναοὶ*) were consecrated to them, and the name of Seleukos was substituted for that of Zeus in the festal libation.³¹ Smyrna

¹⁴ Dittenberger, ed. i. no. 142 (ed. ii. no. 196) = Michel, no. 323.

¹⁵ *Inscr. of the Brit. Mus.* CCCCI.

¹⁶ Dittenberger, ed. i. no. 138 (ed. ii. no. 190) = Michel, no. 350.

¹⁷ Diod. xx. 100, 3 f.; Paus. i. 8, 6.

¹⁸ Homolle, *Archives de l'Intendance*, p. 59, n. 2.

¹⁹ *Bull. de Corr. Hell.* iv. (1880), p. 435 = Michel, no. 360.

²⁰ *Bull de Corr. Hell.* iv. 324; Delamarre, *Revue de Philologie*, xx. (1896), p. 103 f.

²¹ *Inscr. of the Brit. Mus.* DCCCXVI = Michel, no. 1198.

²² *Inscr. of the Brit. Mus.* DCCCXCVII = Michel, no. 595. ²³ Paus. i. 5, 5.

²⁴ Hirschfeld, in *Archäol. Zeit.* xxxii. (1875), p. 155; Haussoullier, in *Revue de Philologie*, xxiv. (1900), p. 319.

²⁵ Dittenberger, ed. i. no. 190 (ed. ii. no. 250) = Michel, nos. 506, 507.

²⁶ *C. I. G.* 3595 = Dittenberger, ed. i. no. 156 = Michel, no. 525.

²⁷ Michel, no. 486.

²⁸ Dittenberger, ed. i. no. 165 (ed. ii. no. 216) = Michel, no. 457.

²⁹ *C. I. G.* 2852. Cf. Haussoullier, in *Revue de Philologie*, xxii. (1898), p. 121, n. 3; xxiv. (1900), p. 257.

³⁰ *ἄφην ἀποδίδοντας τοῖς Σελεύκου καὶ Ἀντιόχου ἀπογόνοισι.*

³¹ Phyl. ap. Athen. vi. 254 f.

instituted a special worship of Stratonike (whether before or after her death we do not know) under the name of Stratonikis Aphrodite,³² and maintained it till the times of the Roman empire.³³ In this cult her husband, curiously enough, does not appear; her son, Antiochos Theos, is associated with her. It is expressly mentioned that the cult of these two was maintained not only by the city but by individuals privately. The surname *Theos*, not hitherto borne, so far as we know, by a living man, not afterwards borne, as a rule, in Asia Minor by living men, was started in the case of Antiochos II, Appian says,³⁴ by the Milesians. This naturally implies the institution of a special cult in that city. In the second century B.C. the princes of the Pergamene house take the place of the Seleukids as objects of worship for the Greeks of Asia Minor. Cults of them are discovered in various cities, and probably existed in all those which belonged to the realm. A decree of Teos³⁵ shows a priest of the living sovereign Attalos II and the deceased Apollonis,³⁶ a priestess of Apollonis and the living queen Stratonike, and a special temple of Apollonis as *Εὐσεβῆς Ἀποβατηρία*. For a moment in this decree a visible picture stands out of these rites in operation, a fragment of the old Greek city life. The priests and magistrates of Teos, assembled in state, accomplish the prayers, libation, and sacrifice; the train of boys, sons of the free citizens, marshalled about the altar, sing a sacred ode (*παραβώμιος*); and the train of maidens, specially chosen by the *paidonomos*, go by in procession with the sound of a hymn (*ῥυμος*). It is a great occasion, for which they have been specially prepared during the year before under the eye of the city authorities. A temple of Apollonis existed in her native city, Cyzicus.³⁷ Another city (apparently Elaia) worships Attalos III Philometor as *σύνναος* with Asklepios, and maintains a priest, who offers *daily* on the altar of Zeus Soter, together with the *stephanephoros* of the city, a sacrifice of frankincense to the king.³⁸ At Sestos there is a priest of the same Attalos, who has to sacrifice each month on the king's 'birthday.' We gather that the office involved great expense in the way of public entertainment.³⁹ And beyond the limits of the kingdom, in Greece itself, Sikyon offers an annual sacrifice to Attalos I.⁴⁰ At Athens Attalos becomes the eponymous hero of a tribe⁴¹ and has a special priest.⁴²

In all this the cities appear as independent agents. And in this connexion a point, which I have not yet seen emphasised,

³² *C. I. G.* 3137 = Dittenberger, ed. i. no. 171 = Michel, no. 19; *Bull. de Corr. Hell.* xviii. (1894), p. 228 = Michel, no. 258. ³³ *Tac. Ann.* iii. 63.

³⁴ *App. Syr.* 63.

³⁵ Dittenberger, ed. i. no. 234 = Michel, no. 499.

³⁶ See Fränkel, *Inscr. von Pergamon*, nos. 43-5, commentary.

³⁷ *Anth. Pal.* iii.

³⁸ Fränkel, *Inscr. von Pergamon*, no. 246 = Michel, no. 515.

³⁹ Dittenberger, ed. i. no. 246 = Michel, no. 327.

⁴⁰ Polyb. xvii. 16.

⁴¹ *Ibid.* xvi. 25, 9; Paus. i. 5, 5.

⁴² *Ἱερὸς Ἀττάλου ἐπώνυμον* (*C. I. Att.* iii. no. 300.)

presents itself. There is a question akin to that of the cult of the sovereigns, the origin of their official surnames. They are almost certainly, some of them obviously (Soter, Epiphanes, &c.), religious and connected with the cult. Now a point to be observed is that wherever ancient authors attempt to explain any of these names they represent them, not as having been assumed on his own initiative by the sovereign, but as having been *conferred* by this or that people. The explanations they give may be plainly wrong in some of the individual cases, but their *consensus* on this one point, that the names are conferred, carries great weight. It may well be that the kings wished their cult to have as far as possible the appearance of spontaneity, and that they prided themselves on the popular origin of their surnames.⁴³

One often meets with the statement⁴⁴ that Alexander claimed divine honours *in order to conform to the oriental model*, that the worship of the king as god was an adulteration of Hellenism from the East. Plausible as this suggestion is, so long as we draw on vague conceptions attaching to the term 'oriental' to explain any extravagance, it is a theory which will hardly stand examination. It is true that the orientals rendered to their masters servile homage; that they regarded the king as raised to a pre-eminent place above the rest of men, the vicegerent, the offspring of the gods; but none of these things amounts to an ascription of *deity*, either in word or act. And this is what we have to explain in the case of Alexander and his successors. Only in the case of the Egyptians can we point to a formal worship of the sovereign: the king was the son of Ra, the 'good god,' served, like other celestials, with temples and altars and sacrifice.⁴⁵ Egypt was but a small part of Alexander's empire; the Egyptians were one of a number of vanquished peoples: the imperial traditions maintained by the Persian dynasty were derived rather from the old empires of the Euphrates and Tigris than from the valley of the Nile. If it was the object of Alexander to conform to the style of his predecessors,

⁴³ The surname Soter given to Ptolemy I by the Rhodians (Paus. i. 8, 6).

The surname Euergetes given to Ptolemy III by the Egyptians ('gens Aegyptiorum') (Hieron. ad Daniel, xi. 9).

The surname Philometor given to Ptolemy VIII (Soter II) ἐπὶ χλευασμῶ, *i.e.* by the people (Paus. i. 9, 1).

The surname Nikator given to Seleukos I. The phrase in App. *Syr.* 57 implies a name conferred, not assumed.

The surname Theos given to Antiochos II by the Milesians (*ibid.* 65).

The surname Epiphanes given to Antiochos IV by the Syrians (*ibid.* 45).

The surname Soter given to Demetrios I by the Babylonians (*ibid.* 47).

I cannot recall any instance in which the sovereign is said to have *assumed* his surname, as one so often finds it put in modern books. Of course this is not saying that the popular acclamation may not have been 'semi-inspired.'

⁴⁴ *E.g.* Droysen (French translation), i. 667; Beurlier, p. 26, &c.

⁴⁵ Even in Egypt the ceremonial worship of the sovereign seems to be an innovation of the New Empire (Erman, *Life in Ancient Egypt* [trans. Tirard], p. 58).

there is no reason why he should adopt the eccentric customs of one province. Neither among the Assyrio-Babylonian Semites nor among the Iranians do we find the sovereign worshipped as a god. In the case of the older Babylonian kings a star is affixed to the royal, as it is to the divine, names; but such a vague mark of reverence need mean no more than a recognition of divine authority or divine descent, and in the inscriptions of the later period the star is dropped: only the vertical *cuneus*, the ordinary sign of a proper name, appears. Kings are the ministers, the priests, of Bel. 'Towards the deity they show themselves humble and obsequious and profoundly conscious of their dependence. . . . Of temples built in honour of the kings, such as occur in such numbers in Egypt, of priesthoods for the practice of their cult, no trace is found either in Babylonia or Assyria.'⁴⁶ The Persian kings again are undoubtedly of divine descent, distinguished by an imagined halo from ordinary men, but they never in any of their inscriptions call themselves *gods*.⁴⁷

Now to claim divine descent and an especial sacredness for the ruling house is no peculiarity of the East, or any other part of the world. It is found equally among the Homeric Greeks, and among the Peruvians and Indians and Chinese. The ruling house in Macedonia had claimed to spring from Herakles, the son of Zeus, long before the son of Philip ever set foot in Asia. But it was something distinctly new when Alexander began to be worshipped as himself a god. Those, therefore, who try to make out that the apotheosis was a following of Persian precedent are obliged to build upon a verse of Aeschylus.⁴⁸ Isocrates too says that the Persians 'prostrated themselves to a mortal man, and addressed him as a supernatural being' (*δαίμων*).⁴⁹ But this is a very insecure foundation. One must remember that the Greeks, even when their object was to inform, and not to make impressive poetry or rhetoric, spoke of foreign customs and religions with anything but scientific precision. And in this case one can even discern the ground of the popular misconception that the barbarians regarded their kings as deities. Of all the forms of homage addressed to oriental princes prostration (*προσκύνησις*) was the one which most struck the earlier Greeks and filled them with a contemptuous abhorrence. It was a procedure which they themselves reserved exclusively for the worship of the gods.⁵⁰ When, therefore, they saw the servants of the Great King grovel before him and bid him 'live for ever,' what more natural than that they should say, 'These men worship their master as an immortal god'? It is true that we

⁴⁶ Tiele, *Babyl.-ass. Geschichte*, pp. 492, 493.

⁴⁷ Spiegel, *Iran. Alter.* iii. p. 600.

⁴⁸ Θεοῦ μὲν εὐνήτεια Περσῶν, θεοῦ δὲ καὶ μήτηρ ἔφους (Aesch. *Pers.* 157).

⁴⁹ Isocr. *Paneg.* 151.

⁵⁰ Arr. *Anab.* iv. 11, 2.

find later oriental kings, Arsacids and Sassanians, taking the title of *Θεός* upon their coins. But in doing so it was they who followed the Greek example. So far from its being the case that the Greek kings borrowed their apotheosis from the East, the exact reverse is the truth. The Athenians, the representatives *par excellence* of pure Hellenism, led the way; the East followed suit.⁵¹

If, then, research seems so far to father upon the Hellenes themselves the practice of worshipping men as gods, we are next confronted with interesting problems in psychological analysis. What did the worshippers mean by it? The impression, left by the account of the divine honours proffered at Athens to Antigonos and Demetrios and their subsequent repeal, is certainly that nothing was meant by them, except the desire to adulate in the extreme degree. Did any of those who offered sacrifice to the *Theoi Soteres* believe in their deities? It appears merely to be an instance of that use of superlatives out of place which is a common mark of intellectual decadence.

I think one must believe that in the case of a large number of worshippers the religious acts were mere formalities. They were a product not of superstition, but of scepticism. It was certainly in a rationalist age that the practice arose. These people were not afraid to pay divine honours to men, just because such acts had lost the old sense of awe, because religion as a whole had been lowered to a comedy. Hypereides, the man of the world, treated the question of Alexander's deification with light irony. It was exactly the old pious party, the men who had retained traditional belief, Lycurgus and his friends, who opposed the proposition as impious.⁵² But if a large allowance must be made for the element of insincerity, it would perhaps, in view of the wide extension and general popularity of such cults, be going too far to say that they were altogether and universally insincere, that they imposed upon nobody. They may not correspond with traditional ideas, but they must to some extent be based upon traditional ideas in order to be possible at all. It is not enough to dismiss the question why the Greeks hit upon deification as the form of homage to be rendered to great men by saying that it was all play-acting. Part of the answer has been indicated by Kaerst.⁵³ There was no room in the

⁵¹ 'Die Gottkönigs-idee jener Zeit ist griechisch, bei den Griechen entstanden und von ihnen ausgebildet.' Strack, in *Rhein. Mus.* N.F. lv. (1900), p. 164, note.

⁵² Lycurgus, *Vit. X Orat.*, *Lycurg.* 22; Pytheas, *Plut. Apophth.* Πυθέου; *Præcept. rei p. gerendae*, 8, 6. Cf. Philippides ap. *Plut. Dem.* 12:

δι' ὃν ἀπέκαυσεν ἡ πάχνη τὰς ἀμπέλους,
δι' ὃν ἀσεβοῦνθ' ὁ πέπλος ἐρράγη μέσος,
τὰς τῶν θεῶν τιμὰς ποιοῦντ' ἀνθρώπινας.

⁵³ *Studien zur Entwicklung der Monarchie im Altertum (Historische Bibliothek, iv. 51 f.)*

Greek scheme of things for a legitimate political over-lord. A Greek city was in its conception a sovereign body, which could only by a sort of violence to nature be held under the control of any outside power, as the Greek cities of Asia were under the rule of the Great King, or the subject states of Athens under that of the 'tyrant city.' The only legitimate power above that of the sovereign people and its magistrates was the power of the gods. To place, therefore, the supremacy of the Macedonian princes over each individual city upon a sound legal basis, deification was the only way provided.

But deification again, even if a legal fiction, was only possible by utilising some of the Greek ideas of deity. Now it is acknowledged that in the case of the *dead* the distinction between men and gods tended in the mind even of the earlier Greeks to shade away. The men of old time were locally worshipped as gods. We hear of Zeus Agamemnon.⁵⁴ There existed at Therapnai in the fourth century an old cult of Menelaos and Helen, 'not as heroes, but as gods.'⁵⁵ And it was not the men of old time only who were so honoured. There were historical persons like Theagenes of Thasos, who was worshipped with sacrifice in his native island 'as a god.'⁵⁶ 'It appears very questionable whether the distinction which existed between *divine* and *heroic* honours was always strictly observed in the case of honours paid to the dead.'⁵⁷ Then in the fourth century the spread among the educated classes of those conceptions, which found their chief exponent in Euemeros, tended to lower all the old gods to the level of simple *ἥρωες*, dead men. On such a view of Zeus and Dionysos there was no essential distinction between them and the living Alexander: the one respect in which they differed was that Alexander happened to be still alive. That was a slight bar. The step to the worship of the living was easy. It had even been made on occasion before the time of Alexander, as in the well-known instance of Lysander. Even at that date men already went beyond isolated acts of worship, built altars for the perpetuation of the cult, and changed the name of religious festivals.⁵⁸

I do not know whether any one has yet suggested that some light may be thrown upon this matter by the practice, which was not strange to the ancient states, of conferring in some cases the outward *insignia* and honours of an office upon those who did not, or did not yet, actually hold it. We have, for instance, in Ptolemaic Egypt besides an order of *συγγενεῖς* a class of persons described as *ὁμοτίμοι τοῖς συγγενέσιν*, *i.e.* although not strictly *συγγενεῖς*, they enjoy the honours, *τιμαί*, belonging to the order.⁵⁹

⁵⁴ Clem. Alex. *Protrept.* p. 32 (Pott).

⁵⁵ Isocr. *Enc. Hel.* 63.

⁵⁶ Paus. vi. 11, 2.

⁵⁷ Deneken, '*Heros*'—Roscher, p. 2526.

⁵⁸ Plut. *Lys.* 18.

⁵⁹ Strack, in *Rhein. Mus.* N.F. lv. (1900), p. 171.

Under the régime of Julius Caesar and Augustus the *ornamenta consularia* were granted apart from the actual consulship.⁶⁰ So too Augustus allowed the sons of senators, who were not yet qualified to sit, to wear the broad *clavus*.⁶¹ It would seem to belong to the same order of ideas if those who are not as yet actually gods are assigned honours equal to those assigned to the gods.⁶² Now such a view of the marks of worship paid to Alexander is exactly that which the speeches in Arrian present to us.⁶³ 'Dionysos and Hérakles,' it is argued, 'were once men like Alexander. After their death they were worshipped. Alexander will certainly in the ordinary course of things be worshipped after his death. But then he will get no good from it. How much more appropriate, if we want to give him some fruit of his labours, to start worshipping him while he is still alive!' 'Then he will get no good from it.' The frank rationalism of this says worlds for the way in which such honours were regarded, whether the speech was ever spoken, or the ancient author puts into the mouth of Anaxarchos what would be natural on such an occasion. Again, such a view explains what, even allowing for inconsistencies, is a somewhat too sensible anomaly. The deification is in many cases represented as taking place at the death of the sovereign. In Asia Minor the kings and queens do not, as a rule, bear the title of Θεός or Θεά till after their decease.⁶⁴ And that, of course, was the view adopted by the Romans in the case of the emperors, as is impressed upon us by the *Vae puto, deus fio* of the dying Vespasian.⁶⁵ The expressions used in mentioning a sovereign's death perhaps point the same way.⁶⁶ And yet the same person who becomes a god at his death receives ample divine honours during his lifetime. It appears to me that we must to a large extent regard these honours as given *by anticipation*.

It is perhaps reasonable to suppose in the case of the uneducated classes some measure of real faith in the god-man. There must have been always an indefinite feeling for that divinity which doth hedge a king, not extinct with ourselves, and but lately so strong that beliefs like that in the king's touch could

⁶⁰ Suet. *Jul.* 76; Dio Cass. xlv. 41.

⁶¹ Gell. i. 23.

⁶² Τιμὰ ἰσόθει (Inscr. in the Brit. Mus. no. DCCLXXXVII).

⁶³ Arr. *Anab.* iv. 10.

⁶⁴ For the case of the Attalids see Fränkel, *Inscr. von Pergamon*, nos. 43-45, commentary. And the same distinction seems to have been observed in the case of the Seleukids in Asia Minor, if we may judge by the Smyranean inscription (C. I. G. 3137): διὰ τὸ τὸν πατέρα αὐτοῦ θεὸν Ἀντίοχον καὶ τὴν μητέρα τὴν τοῦ πατρὸς θεῶν Στρατονίκην κτλ, l. 10; ὁ θεὸς καὶ σωτὴρ Ἀντίοχος (i.e. Antiochos I), l. 101. Antiochos IV Epiphanes is, I believe, the first Greek king who puts θεός upon his coins. Thenceforth it became common for the title to appear.

⁶⁵ Suet. *Vesp.* 23.

⁶⁶ Τῶν βασιλέων εἰς θεοὺς μεταστάντων. Dittenberger (ed. i.), no. 246 = Michel, no. 327, l. 16. Cf. Fränkel, *Inscr. von Pergamon*, 240, 4; Rohde, *Psyche* (ed. i.), p. 664, note. The most delightful expression is that of Memnon, 4, § 5 (F. H. G. iii. 529): Ἀλεξάνδρου ἐξ ἀνθρώπων ἀποπτάντος.

prevail in Europe, and that a statesman like Chatham burst into tears because George III spoke kindly to him. Such a feeling would be quite enough to give some substance to a religious ritual in the temper of the later Greeks, who were not restrained by the exigencies of a severe monotheism. It must also be remembered that the cult, even without faith, would have much to attract—the ceremonial, the holiday, the doles, and all the festivities and occasions of business and pleasure by which such affairs are naturally accompanied. A very small nucleus of faith may hold together a great mass of usages which are otherwise agreeable. The zeal of Demetrius the silversmith for the worship of Artemis was, as we know, not purely religious.

We certainly find the cult of the kings prosecuted not only by the states in their public capacity, but by individuals. That this was the case with the worship of Stratonikis Aphrodite at Smyrna is expressly asserted in the inscription.⁶⁷ Instances are preserved for us out of thousands in the altar which Praxidemos, a hellenised Phœnician, erects in Cyprus at Lapethos 'to 'Anath, the strength of life and the lord of kings, Ptolemy,'⁶⁸ in the altar erected by Nikomachos at Ptolemais to Ptolemy Philometor,⁶⁹ in the altar found at Pergamos, inscribed ΒΑΣΙΛΕΙ ΑΤΤΑΛΩΙ ΣΩΤΗΡΙ ΑΠΟΛΛΟΔΩΡΟΣ,⁷⁰ and in the base of the statue, also from Pergamos, inscribed ΒΑΣΙΛΕΑ [ἄτταλον] ΘΕΟΝ ΣΩ- [τήρα καὶ] ΤΟΝ ΒΩΜΟ[ν ὁ δεῖνα].⁷¹ The troops stationed in the Ombite nome erect an altar to the reigning Ptolemy and Cleopatra, as *σύνναοι* with Aroëris-Apollo.⁷² We even find special associations for the worship of the sovereign, calling themselves after him in the same way in which other religious associations for the worship of a particular deity form their names from the name of their god—in Egypt the *βασιλισταί*, who assemble in the island of Seti,⁷³ the *φιλοβασιλισταί πρόθυμοι*,⁷⁴ and the *φιλομητόρειοι*;⁷⁵ in Ionia the *'Ατταλισταί*, whose *νόμος ἱερὸς* had been drawn up at the court and who have a special temple, *'Αττάλειον*, for their rites;⁷⁶ in Delos (?) the *Εὐπατορισταί*, whose god is Mithridates Eupator.⁷⁷ Sometimes an association brackets the king, or the king and queen, with its particular deity. So we have in Ptolemais *οἱ τεχνῖται οἱ περὶ τὸν Διόνυσον καὶ Θεοῦς Ἀδελφούς* (Ptolemy II and Arsinoë⁷⁸), in Paphos *οἱ περὶ τὸν Διόνυσον καὶ Θεοῦς Εὐεργέτας τεχνῖται*,⁷⁹ in Teos *α κοινὸν τῶν περὶ τὸν Διόνυσον τεχνιτῶν τῶν ἐπ'*

⁶⁷ *C. I. G.* 3137.

⁶⁸ *Bull. de Corr. Hell.* ix. (1885), p. 141.

⁶⁹ Fränkel, *Inscr. von Pergamon*, no. 43.

⁷² *C. I. G.* 4860.

⁷⁴ *Pap. Paris*, no. 15, col. 1, l. 4.

⁷⁶ *C. I. G.* 3069-3071.

⁷⁸ *Bull. de Corr. Hell.* ix. (1885), p. 133 f. = Michel, no. 1017.

⁷⁹ *C. I. G.* 2620.

⁶⁸ *Corp. Inscr. Semit.* i. no. 95.

⁷¹ *Ibid.* no. 59.

⁷³ *Ibid.* 4893.

⁷⁵ *C. I. G.* 4678; *Pap. Taur.*

⁷⁷ *Ibid.* 2278.

Ἰωνίας καὶ Ἑλλησπόντου καὶ τῶν περὶ τὸν καθηγεμόνα Διόνυσον, whose *agonothetes* is at the same time priest of the reigning king Eumenes II.⁸⁰ Of this *κοινόν* the Attalists mentioned above form a section. Such phenomena might seem to imply a real acceptance of the king's deity among the people. That this is their ground is certainly possible. On the other hand other motives than a real belief might easily lead individuals or associations to set up the sovereign as the object of an especial worship. It might only be meant as a declaration of loyalty, designed to catch the eye of the court. Gratification simply of the social instinct might be the object of voluntary associations and clubs, and the adoption of the sovereign as patron deity be intended to disarm suspicion. Ancient despotic governments always looked uneasily at such associations, and found it hard to believe they were not dangerous.⁸¹ Or their relation to the king might be felt to give them a claim upon his substantial support, just as with modern charitable and religious societies it is a great point if they can write down the sovereign as patron.

So far we have regarded the question of divine honours from the point of view of the worshippers: it remains to do so from the point of view of the man worshipped. What importance did the sovereigns who received these honours attach to them? In the case of Alexander this very point has been a matter of controversy. Mr. Hogarth and Niese have contended that there is no evidence that Alexander himself ever claimed to be regarded as a god. Even if, however, we dismiss as mere gossip the stories current after Alexander's death, there remain, in the case of the Athenians, the expressions of contemporary orators, which admit, as Kaerst has pointed out,⁸² no other construction than that the speakers had before them, or believed they had before them, a claim emanating from Alexander himself.⁸³ When we come to the successors we have very scarce material to go upon. The most tangible evidence that importance was attached at court to the cult of the sovereign is that the court should establish a cult of this sort under its own direction. In the case of the Ptolemies a state cult of the first Ptolemy, as *Soter*, can be traced back to the early years of his son's reign, and becomes apparently, after the death of Berenike, a cult of Alexander and the Θεοὶ Σωτηῆρες. Another state cult, of Alexander

⁸⁰ C. I. G. 3068 = Michel, no. 1016.

⁸¹ Ἐταιρείας μὴ ποιείσθε μηδὲ συνόδους ἔνευ τῆς ἐμῆς γνώμης. αἱ γὰρ τοιαῦται συστάσεις ἐν μὲν ταῖς ἄλλαις πολιτείαις πλεονεκτοῦσιν ἐν δὲ ταῖς μοναρχίαις κινδυνεύουσιν (Isocr. *Nikok.* 54).

⁸² *Entwicklung der Monarchie*, p. 44.

⁸³ Ὡς οὐ δεῖ τῶν ἐν οὐρανῷ τιμῶν ἀμφισβητεῖν Ἀλεξάνδρῳ (Deinarch. *in Demosth.* i. 94). (A word like φθονεῖν would have left it undetermined whether Alexander asked for the honours or not; ἀμφισβητεῖν can only mean that Alexander himself was a party in the dispute.) Καὶ τοῦ Διὸς καὶ τοῦ Ποσειδῶνος εἶ[ναί ἐι βούλ]οιτο (Hyper. [Blass], xxv.)

and the Θεοὶ Ἀδελφοί (Ptolemy II and Arsinoe Philadelphos), begins after the death of Arsinoe, but *before* that of Ptolemy.⁸⁴

These two cults presently coalesce, and we find at Alexandria one priest of Alexander, and all the kings and queens of the Ptolemaic house, including those actually reigning. This cult is unquestionably an imperial cult (*Reichscultus*). Alexandria had no independent political existence, like other Greek cities, and the priest of Alexander and the kings is eponymous, together with the *kanephoros* of Arsinoe Philadelphos, the *athlophoros* of Berenike, and the priestess of Arsinoe Philopator, throughout all Egypt. There seems to me to be some doubt, on the other hand, whether the cult at Ptolemais is to be regarded as imperial or civic. Ptolemais enjoyed a larger measure of independence than Alexandria.⁸⁵ It is safe, at any rate, to say that in Ptolemaic Egypt a cult, even if civic in form, was not allowed to escape the hands of the court. In the case of the Seleukids the apotheosis of the *dead* sovereign by the court goes back to the very beginning of the dynasty. Antiochos I builds at his father's burial-place in Seleukeia a temple to the god Seleukos Zeus Nikator, and surrounds it with a *τέμενος*, a *Nikatorion*.⁸⁶ There is no definite evidence of the court establishing a cult of the living sovereign till the time of Antiochos II Theos: chance has preserved for us one of a number of rescripts addressed to the various satrapies of the empire, instituting in each a high-priestess of the living queen, Laodike.⁸⁷ This decree shows us high-priests of the reigning king already established throughout the several satrapies as a regular part of the state machinery. But for how long this had been so there is no indication.⁸⁸

To distinguish this imperial cult, initiated by the court, from the local cults of the several cities is not easy in particular instances. Our knowledge of the conditions is too fragmentary. Should we, for instance, consider the cult of the living sovereign (Seleukos IV Philopator) and his ancestors exhibited by the inscription of Seleukeia⁸⁹ as that maintained in the province under royal direction or a local institution of the city Seleukeia? The same doubt may be expressed as to the priest of Antiochos III, his son, and his ancestors in the Persian Antioch.⁹⁰ A cult which certainly belongs to the imperial system of the Ptolemaic realm is that represented by the high-priest of Cyprus.⁹¹ This high-priest seems to occupy in Cyprus exactly the same posi-

⁸⁴ H. von Protz, in *Rhein. Mus.* liii. (1898), p. 461 f.

⁸⁵ *Bull. de Corr. Hell.* xxi. (1897), p. 184 f. ⁸⁶ *App. Syr.* 63; cf. *C.I.G.* 4458.

⁸⁷ *Bull. de Corr. Hell.* xiii. (1889), p. 525; Michel, no. 40.

⁸⁸ The high-priest of Coele-Syria and Phoenicia under Antiochos III appears in an inscription of Soloi (*ibid.* xiv. [1890], p. 587).

⁸⁹ *C. I. G.* 4458.

⁹⁰ *Inscr. of Magnesia-on-Maeander*, no. 61.

⁹¹ Beurlier, p. 79.

tion which the high-priests of the Seleukid kings occupy in the various satrapies, according to the rescript of Antiochos II. On the other hand the different cities of Cyprus seem to have special cults of their own.⁹² What the relation, either in the Ptolemaic or the Seleukid empire, of the high-priest of the province was to the local cults I do not know that there are any means of determining. The high-priest of Cyprus was ἀρχιερεὺς τῶν κατὰ τὴν νῆσον ἱερῶν.⁹³ Did these ἱερὰ include the shrines erected by cities and individuals, or were there a separate set of ἱερὰ maintained by the central government? Documents which relate to a public cult of the Pergamene dynasts in their capital have not, as yet at any rate, come to light, except one which belongs to quite the early days of the dynasty, the time of Eumenes I, before the rulers of Pergamos had begun to call themselves kings.⁹⁴ *Eumeneia* are already at that time celebrated, and the sacrifice of a sheep offered to the prince.⁹⁵ It would be especially difficult to say in the case of Pergamos whether a cult of this sort were civic or of court institution. Perhaps such an ambiguity lies in the nature of the case, for the Pergamene dynasts seem to have been especially careful to veil their despotism under the forms of a free state.⁹⁶

But to say that the first *evidence* of a practice occurs at a certain date is not equivalent to saying that the practice itself begins at that date.⁹⁷ In the case of Seleukos and his line, where we have not even anything to take the place of papyri, and inscriptions have not yet been found in sufficient numbers to do more than light up at casual points the darkness of the period between the battle of Ipsos and Antiochos III, the argument from silence is more than usually inapplicable. It must remain to a great degree problematical what the attitude of the first Seleukos and the first Antiochos was to the worship offered them. I have argued elsewhere⁹⁸ that there is some ground for conjecturing that the identification of Seleukos with Zeus which we find after his death was countenanced, already during his lifetime, at court. However that may be, the coins of these two kings seem to prove that the claim to deity was officially advanced. The portrayal of the king's head is, according to the general view, in itself evidence to this effect. And Seleukos not only puts his head on coins, but appears with horns, an obviously supernatural being.⁹⁹ The claim to deity does not, of course, necessarily imply an established cult. On the other hand there is nothing, so far as I know, to make the supposition of such a cult impossible. With regard to the

⁹² Kition, *C. I. G.* 2621; Paphos, *J. H. S.* ix. (1888), p. 240.

⁹³ Le Bas-Waddington, *Inscriptions*, no. 2787.

⁹⁴ Fränkel, *Inschr. von Pergamon*, no. 18.

⁹⁵ *Ibid.* l. 34.

⁹⁶ *Ibid.* commentary.

⁹⁷ See the remarks of Strack, *Rhein. Mus.* lv. (1900), p. 164, note.

⁹⁸ *J. H. S.* xx. (1900), p. 26 f.

⁹⁹ Babelon, *Rois de Syrie*, p. xviii f.

(ostensibly) spontaneous worship offered to Seleukos I and Antiochos I by Greek cities the way in which we see it pressed upon the king's notice makes it plain that it was understood to be acceptable.

Looking, therefore, at the evidence as a whole, we may affirm that the kings, from Alexander onwards, set store by their deification, that they encouraged, or commanded, their Greek subjects to pay them these transcendent honours. The question presents itself why they did so. They were, many of them, practical statesmen, perfectly aware, we must suppose, both of their own plain human nature and of the formal and unreal character of all these religious mummeries and phrases. Perhaps in part the value of these cults in their eyes arose from the fact that some tincture of faith did after all enter into them. The king may have considered the strange propensity of the human mind to be influenced by imagination, where belief falls short; he may have felt that the repeated ceremonial insensibly raised his prestige, especially with the common people; yes, even he himself, though a practical man, may have found his weaker part illogically gratified.

But we may perhaps divine more solid reasons as well for the importance attached to these cults. In the first place, even if the cult was a barren formality as a *religious* act, it might be pregnant as a declaration of political loyalty. It might have the same significance as in our days the flying of a cloth of certain colours upon a pole does under some circumstances assume. And this is the light in which the inscriptions of Asia Minor seem to represent it. It is the time when the Greek world is being made the battleground of rival Macedonian princes. A city which, through violence and seduction, has adhered to one of the kings, can proudly declare in the day of his victory how always through the dark days sacrifice had gone up to him and his priest invoked his name. Had the temper of the Greeks in the fourth century been other than it was, other forms might have been found for the expression of loyalty to a human person. But when once the form of certain religious rites had become the regular thing, their omission would be invidious and the court might insist on their performance. It was just this view of the cult of the sovereign as a political test, which perpetuated itself under the Caesars. The refusal of the Christians to conform appeared civil rebellion.

There was, perhaps, another reason why the kings found their deification useful. In Egypt, where the natives were accustomed to worship their sovereign, the Ptolemies, with a clear eye to business, proceeded to divert the temple revenues to the royal exchequer, as a mere transference of riches from one religious purpose

to another.¹⁰⁰ Such a procedure implies a real religious scruple in the minds of the people who pay, and a real belief in the divine character of kings, or the device would have had no point. Such a scruple and such a belief existed in Egypt, but we do not know how far a similar policy was possible in the very differently constituted Greek world. The Egyptian example, however, may suggest to us that in some way or to some extent the kings found themselves put by their deification among the Greeks in a stronger position for dealing with the religious funds of the Greek cities. The odd story of Antiochos IV Epiphanes and the goddess of Hierapolis seems to illustrate this. He pretended, we are told, to marry her, celebrated a formal wedding, and, while the wine of the wedding feast was flowing, caused all the temple treasures, with one exception, to be carried off under the title of a dowry.¹⁰¹ The story becomes clearer when we remember that Antiochos IV identified himself in all probability with Zeus. This would explain his demand. For not only was the goddess of Hierapolis very generally identified with Hera, but Lucian expressly states that in the holy place, beside her image, was the image of a male deity, who was unquestionably Zeus.¹⁰² Whether the similar story in 2 Maccabees about Antiochos and the goddess Nanaea in Persia¹⁰³ is a reflexion of the same event, or whether Antiochos used the same device more than once, we do not know. At any rate we can see how useful to a man like Antiochos, who suffered from the combination of magnificent projects with a meagre purse, his godhead might promise to be. If, however, he hoped it would cover the spoliation of temples, he must have been disappointed; for he was driven with loss from the temple of Anaitis in Persia.¹⁰⁴ His violence done to the temple at Jerusalem caused the Maccabean revolt. The Asiatics could not all be treated as the Ptolemies treated the peasants of the Nile.¹⁰⁵

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¹⁰⁰ Grenfell and Mahaffy, *Revenue Laws of Ptolemy Philadelphus*, col. 36, 37; cf. p. 119.

¹⁰¹ 'Et se simulabat Hierapoli Dianam ducere uxorem, et ceteris epulantibus . . . abstulit in dotem, excepto . . . quem unum omnium deae donorum reliquit' (Gran. Licinianus, xxviii. [ed. philol. Bonn. heptas, Leipzig], p. 9).

¹⁰² Lucian, *De dea Syria*, 31.

¹⁰³ 'For Antiochus, as though he would marry her, came into the place, and his friends that were with him, to receive money in name of a dowry' (2 Macc. i. 14).

¹⁰⁴ Polyb. xxxi. 11; cf. 2 Macc. i. 13 f.

¹⁰⁵ An important article on the subject of the worship of kings has recently appeared, by E. Kornemann (*Beiträge zur alten Geschichte*, vol. i. Leipzig, 1901), which I had not the advantage of consulting at the time my own article was composed. It may be remarked that I have approached the question from a somewhat different point of view, and have come, in certain respects, to different conclusions.

The Dutch in Western Guiana

I. THE SETTLEMENT FROM TOBAGO.

ALL students of the Venezuelan boundary question (which was chiefly an historical controversy) are aware of the importance attaching to certain statements made by Major John Scott in his 'descriptions' of Guiana, Tobago, and Barbados, preserved in the original manuscript of the writer now in the British Museum.¹ They are also aware that Professors Burr and Jameson, on behalf of the United States Commission, endeavoured with a considerable measure of success to throw discredit on Scott's testimony in its bearing upon the history of Dutch colonisation in Western Guiana, and that their arguments were adopted and repeated in a manner implying that the last word had been said upon the subject by those engaged in presenting the case of the Venezuelan government before the court of arbitration.² A careful examination of all available evidence has led me to form an entirely different opinion upon the trustworthiness of Scott. I propose, therefore, no longer in the interests of a dead political controversy, but in order to throw more light upon the obscure annals of early colonisation in the Caribbean Sea, (1) to set forth briefly the grounds on which credibility may be claimed for Scott's statements, and (2) to corroborate circumstantially his accounts of the early Dutch settlements upon the Essequibo and Pomeroun.

The credibility of a writer relating otherwise unknown historical facts depends upon (1) his nearness to the events narrated, (2) his personal access to sure sources of information, (3) his motives in writing, (4) his proved accuracy in cases where his statements can be verified. All these tests are absolutely satisfactory in the instance of Major John Scott. That officer was the commander of

¹ Sloane MS. 3662. It is admitted that the descriptions of Guiana, Tobago, Barbados, &c., contained in this manuscript are in the handwriting of Scott. They were written by him about 1667, and are the extant fragments of a large projected work on the coasts and islands of America.

² *U.S.C. Report*, i. 62-4, 172-8; ii. 133-8. *Venez. Case*, iii. 358, 360-1. *Counter Case*, i. 36-8; ii. 62-5.

the English expedition which in 1665-6 captured the island of Tobago and the Dutch colonies on the Essequibo and Pomeroon. He himself tells us in his preface that he had always been a great lover of geography and history, and that from an early age he had purposed to write a large description of all America, also that he had personally been upon no less than one hundred and twenty-six islands in the Atlantic Ocean, and had travelled over (among other places) a great part of Guiana. His method of acquiring information about his subject is best given in his own words.

I made it my business to purchase or borrow all the history and Journalls that I could heare of whether Lattin, Itallian Spanish or Portugais French Dutch or in our Language, wherein I may say I have by reason of a general generous conversation had luck extraordinary, and herein wt paines I have taken what cost I have been att is so Notorious, that over and above the knowledge of a great number of Gentlemen which I have been obliged too for a communication of printed books, Mannuscripts, Pattents Commissions, and papers relating to those parts, the many booksellers of England and Holland will doe me Right to testifie my continuall inquisition.

As to his sources of knowledge for all that concerns Guiana in particular, our author speaks very fully. He tells us 'the two greatest Travailers that ever were in Guiana of Christians' were both prisoners in his hands on his voyage to Guiana in 1665.

The one was Matteson born at Gaunt, that had managed a trade 22 yeares for the Spaniards from ye City of St. Thome in Oronoque. The other was one Hendricson a Switz by Nation, that had served some Dutch Merchants in those parts 27 yeares in Quality of a Factor with the upland Indians of Guiana.

From these men, in that spirit of inquisition of which he tells us above, he appears to have gathered all the information he could, and compared it with the results of his own investigations as traveller and student, or, to use his own words, 'having besides my owne observacions, taken measures from the above mentioned Mr. Hendrickson and Matteson, and Journalls, I fortun'd to meet with.' To this may be added his statement that 'in this Colonie (Essequibo) the author had the good fortune to meet with some ingenious observations of the former Governor (Groenewegen) of what had been transacted in Guiana in his time.' It is clear then in the narrative given by Scott of the early history of the Dutch colonies in Western Guiana that we are dealing with the narrative of a contemporary, familiar with the localities about which he was writing, conversant with all the literature upon the subject, including documents and journals in manuscript, and having exceptional opportunities for personal commune with men intimately acquainted for a long period with the country and its history. It is further important to note that the work, which was never published

and of which only a fragment was committed to paper, was a long cherished design, the preparation for which was scientifically thorough and carried on for years, and that it is impossible to attribute to the writer any motives of political partisanship, or any other aim than that put forth by himself 'of giving new accounts from observations of my owne (or such living testimonies as I could credit) touching those places which have not been sufficiently sett forth by any man before me.' On *prima facie* grounds, then, the credibility of what is told by Scott should stand very high; it will be seen by what follows that such a claim is fully borne out by the accuracy which is shown by him in those parts of his narrative which can be historically verified.

The Pomeroun Colonies of 1650-1651.

In the description of Tobago³ the following passages occur:—

The Duke of Corland Anno 1639 sent a ship thither accomodated with trade to buy it (the island) of the Indians and to take possession of it in his Right, being before this sufficiently informed of their inclination to trade with the Dutch or English, he purchased it and the natives gave him a cleare possession dispersing themselves to Guiana, to Trinidada and some of them to St. Vincents an Isle north North west fourty Leagues from Tobago. These people being new hands, as they phrase them in these parts and having noe experienced Planters in their Collonie, and people that came soe far fro the Northward and not any amongst them that knew what was food or Physick in their proper seasons, did occasion their mouldering to nothing.

. . . . Anno 1642 one Captain Marshall from Barbados begun a second Colonie by the good liking of Robert Earle of Warwick, begun to plant tobacco and Indigo &c: but were often disturbed by the Caribees, and at length for want of supplies were forced to quitt it, went for Suranam, where the same fate followed them; these people thus drove of the Duke of Corland maketh a second attempt, by People from Zealand under the command of one Captain Coroon an old Brazillian, a gentleman of good conduct, but his old masters of Holland having an eye that way, advised him to carry a faire correspondency with the Arrawacoes which he did to the disgust of the Careebs of St Vincent who tooke their advantage and destroyed a great part of that hopefull Colonie. while they are in this distresse ye Arrawacoes fro Trinidada came to their reliefe, where there was but 70 left of 310 whome they relieved removing them to the river Bowroma on the coast of Guiana where they became a flourishing Colonie by the preservacōn of the Arrawacoes.

In the 'description of Guiana,'⁴ where a list is given of the various colonies established in this region by different nations, we read—

The twelfth Colonie was of Dutch settled by the Zealanders in the rivers, Borowma, Wacopow, Moroca, having been drove of fro Tobago Anno 1650,

³ Sloane M . 3662, ff. 47-8.

⁴ *Ibid.* f. 40.

and ye yeare following a great Collonie of Dutch and Jewes, drove of fro Brazile by the Portugaise settled there and being experienced planters that soone grewe a Flourishing Colonie.

It may be assumed that the colonies to the river Bowroma mentioned in these two passages are one and the same. This is admitted by Professor Burr, who nevertheless without any examination of the data furnished by the writer asserts that Scott is referring to the later formation of the Colony of Nova Zeelandia, but has made an error in date, writing 1650 for 1658.⁵ Now there is nothing whatever in common between the known circumstances of the foundation of Nova Zeelandia in 1658 and those related by Scott of the colony which left Tobago for the Bowroma or Pomerora in 1650. The twofold narrative, however, contains so many minute and incidental details that it is not a difficult task to show its remarkable historical accuracy, and thus to infer that the event that it records took place at the time and in the manner so circumstantially corroborated.

The history of the colonisation of Tobago, and especially of the part taken in it by the Dutch and the duke of Courland, is exceedingly complicated, and a correct knowledge of it furnishes us with a touchstone wherewith to test the trustworthiness of Scott's statement. There were three claimants to the ownership of Tobago during the greater part of the seventeenth century, the English, the Dutch, and the Courlanders. James, duke of Courland, was the godson and namesake of King James I of Great Britain, and it was common report in England at the time that the king presented his godson with the island of Tobago as a christening gift.⁶ Be this as it may, it is certain that Charles I, by letters patent dated 25 Feb. 1628, granted Tobago to Philip, earl of Pembroke, who afterwards disposed of his grant to Robert, earl of Warwick. The facts concerning these grants are given by Scott, who likewise recounts the abortive attempt of Captain Marshall to colonise Tobago, and sets forth at length a series of eight propositions made by Lord Warwick with the object of inducing colonists to settle on his island, which on the face of them are clearly authentic.

The first colony upon the island was made under the auspices of Jan de Moor, burgomaster of Flushing, an enterprising merchant and trader, long closely connected with the Dutch settlement on the Essequibo, and consisted of Zeelanders from Walcheren. This colony was destroyed by the Caribs aided by a Spanish force from Trinidad in 1637.⁷

⁵ *U.S.C. Report*, ii. 137.

⁶ Cruse, *Courland unter den Herzogen*, i. 146.

⁷ *U.S.C. Report*. Extracts from Dutch archives, nos. 18 and 37. The latter document contains a most interesting report to the West India Company of the fate of the colony, written by Jacques Ousiel, late public advocate of Tobago (*Brit. C.*, App. i. 83; *Ven. C.* ii. 21). Another account may be found in the British Museum, Egerton MS. 2395, f. 509, in a document entitled 'The Pretensions of the Dutch to Tobago.'

James, duke of Courland, was seized with the ambition to possess himself of new lands and avenues for commerce across the ocean. In Cruse's history we read of his sending ships in 1639 to the coast of Guinea, and in Scott that he further despatched a vessel to Tobago with the double object of buying the soil from the Indians and thus securing himself from their hostility, which had so recently proved fatal to the Zeelanders, and then of taking possession in his right—*i.e.* the right derived from the supposed donation of James I. This colony, being composed of Courlanders from the far north, unused to life in a tropical climate, mouldered away through disease. Then in 1642, on the failure of Marshall's English settlement, the duke made a second attempt by people from Zeeland under the command of an old Brazilian. There are several records of the establishment of the Courland colony, but none of them are so exact as Scott's in their details, the expedition of 1639 being blended with that of 1642, and both in certain particulars confused with the Walcheren colony, which came to an end in 1637. It is curious, however, to find that the discrepancies and mistakes in these accounts can be accounted for by Scott's fuller narrative in the Sloane MS.

In a work entitled '*Tobago Insulae Caraibicae in America sitae Fatum*,' dedicated to Frederick William, duke of Courland, by an author who signs himself '*J. C. P.*' in a preface dated from the Hague in 1705, the account runs thus in the original:—

Duas ex Curlandia ad Tobago insulam profectas memini colonias, quae parem fere sortem nactae sunt. Causa non eadem fuit ceu ex sequentibus colligere est. Prima expeditio suscepta est circa annum 1642 & sequentem. Res tunc suas constabilivere Curlandi exstructo & opposito Caribum excursionibus munimento cui a Celsissimo duce Jacobo nomen fuit. Haud ita multo post Selendorum naves aliquot ad insulam appulerunt & commorandi ibi, partemque agrorum sub levi in recognitionis legitima locum penso possidendi facultatem obtinuerunt ab illo.

In this passage the second colony referred to is that of 1654.⁸ Scott's colonies of 1639 and 1642 are comprised in the statement, 'The first colony was undertaken about the year 1642.' It will be noticed, however, that mention is made first of a colony of Courlanders, then of Zeelanders, as in Scott. The building of a fort⁹ to defend the colony against the incursion of the Caribs was the natural consequence of Captain Marshall's English settlers having just been driven off (according to Scott) by those warlike savages. On p. 24 is a quotation from an author who gave, in 1657, an account of the first Dutch colony:—

Mais les Indiens Caraïbes habitans naturels du Pays, redoutant le voisinage de ces étrangers en massacrerent une partie, ce qui obligea les

⁸ *Infra*, p. 649.

⁹ Cruse, i. 146.

autres qui etaient travaillees de maladies & qui apprehendirent un pareil traitement que leurs compagnons à se retirer ailleurs.

Here we have a blending of the catastrophe which overtook the Zeelanders, as narrated by Jacques Ousiel, with 'the mouldering' of the Courlanders some two years later as told by Scott.

Other striking coincidences may be found in the account given of these first Dutch and Courland colonies in a book by an anonymous author, with the title 'Tobago; or, a Geographical Description, Natural and Civil History, in which is comprehended whatever is to be met with in Spanish, Dutch, French, or English Writers relating thereto from its discovery to the present time, fully exploding the chimera of a French Title and clearly shewing the Sovereignty thereof ever was, and now is, in the Crown of Great Britain' (London, 1750?) This writer (p. 29) says—

About the time of the breaking out of our Civil wars which interrupted all schemes of improvement, the Dutch from Brazil having taken a view of the island, made so favourable a report of it upon their return to their own Country that a Company of Traders at Flushing resolved to undertake the settling of it, and to bestow upon it the name of New Walcheren.

Here follows a circumstantial account of the founding of the colony, set on foot by Jan de Moor and of its destruction by the Caribs, aided by the Spaniards from Trinidad, which is in entire accordance with the narrative of Jacques Ousiel. After stating that 'this was the beginning and end of the first Dutch settlement on the island of Tobago,' our author proceeds—

About ten years after this James, Duke of Courland, the godson of our King, James the First, a Prince of Great Prudence and Abilities, and who was particularly inclined to promote the commerce and navigation of his subjects, sent a ship or two into the American seas, in search of some uninhabited island, where a settlement might be made, and his Agents finding the island of Tobago, fruitful in itself, finely situated and very capable of improvement fixed themselves there, with which the Duke was so well pleased that he sent them over a reinforcement of men, and what supplies were necessary, so that at his expense they built a pretty good Towne and erected a strong Fort, to which they gave their Sovereign's name.

It is quite clear that the writer has seen an account of the expedition, recorded by Scott, which left Zeeland in 1642 'under the command of one Captain Coroon,' an old Brazilian, and has taken it to be the genesis of the colony planned years before by Guiana merchants at a time when no Dutch Brazil as yet existed. Probably the document used contained no reference to the duke of Courland, whose occupation of Tobago was studiously ignored by Dutch writers. Even the 'Histoire Naturelle et Morale des Iles Antilles de l'Amérique,' published at Rotterdam in 1658, which

contains much about Tobago, does not mention his name, nor does the Egerton MS. 2395, f. 509, on the 'Pretension of the Dutch to Tobago.' The fact recorded by the contemporary Scott furnishes thus an obvious explanation of what would otherwise have appeared to be an inexplicable mistake on the part of the writer of 1750. It will be noticed that this writer has the two Courland expeditions mentioned by Scott confused in his mind. He speaks of the duke first sending 'a ship or two into the American seas in search of an uninhabited island where a settlement might be made,' and that his agents fixed themselves in Tobago. He then says that at some later indetermined time 'the duke was so well pleased that he sent them over a reinforcement of men, and what supplies were necessary.'

At first sight it would appear exceedingly improbable that a body of Zealanders under the command of an old Dutch Brazilian would enter the duke of Courland's service with the object of colonising an island to which their own countrymen laid claim. The paper written by myself on the 'Swedish Legend in Guiana'¹⁰ proves the exact contrary. Thousands of Dutchmen were at this very time in the Swedish service. Swedish commerce was, in fact, in their hands, and Courland was in a sense a dependency of Sweden. There was nothing apparently that Dutchmen during this century more dearly relished than the opportunity of poaching upon their countrymen's colonial preserves under the shelter of a foreign flag. Curiously enough a namesake of our 'Captain Coroon,' the famous explorer and pioneer in the east, François Caron, who was the first man to open out Japan to European commerce, and who became, in 1647, director-general of the East Indian trade at Batavia, shortly afterwards left the Dutch service for that of the French king. The very unlikeliness, therefore, of Scott's statement to those unfamiliar with the byways of Dutch commercial history in the seventeenth century turns out to be the strongest guarantee of its veracity.

To proceed, Scott tells us that Coroon's

old masters of Holland advised him to carry on a faire correspondency with the Arrawacoes which he did to the disgust of the Careebs of St Vincent whoe tooke their advantage and destroyed a great part of that hopefull Colonie.

The Arawaks here mentioned are plainly those living on the Pomeroon, with whom the Dutch had already for many years through their resident factors cultivated friendly relations. It was an attempt to renew the project of Jan de Moor and establish regular intercourse between Tobago and the opposite Guiana shore. But, precisely as in the case of Jan de Moor's colony, this aroused

¹⁰ *Engl. Hist. Rev.* Jan. 1899.

the enmity of the Caribs of St. Vincent, some of whom Scott had previously told us had moved from Tobago when the island was originally purchased by the duke of Courland, and who were implacable enemies of the Arawaks. (Fray Pedro Simon writes of them, *Guerra han tenido siempre con los Caribes por tener entre ellos sangrientos enemistades.*) A sudden attack seems to have been made, with the result that the greater part of the colonists perished. The news appears to have reached the Arawaks of Trinidad, who hastened to their help and transported the poor remnant—seventy only out of 310 survived—to settle among their kinsfolk on the Pomeroun. (This is exactly in accordance with the Arawaks' habits as described by Fray Pedro Simon: *Assi salen a la mar de ordinario con piragues a buscarlos y pelear con ellos.*)

It remains for us to show that this emigration from Tobago to the Pomeroun took place in 1650, according to Scott's manuscript, and not in 1658, as Professor Burr assumes. Among the scanty records of the time it is fortunately possible to do this with something approaching to certainty.

In the anonymous English work on the history of Tobago already quoted we find immediately after the account of the Courland colony of 1642:—

It so fell out that two rich and potent Dutch Merchants, Magistrates of the province of Zealand, Messieurs Adrian and Cornelius Lampsins had formed a scheme for resettling Tobago, and accordingly fitted out A.D. 1654 some ships for that purpose, but upon finding the Courlanders already fixed and fortified there, and consequently in a condition to defend themselves, they knew not well how to execute their Commission. After some pretty warm expostulations it was agreed by both parties that as the Island was large enough the Dutch should settle at one corner; which they accordingly did under the Protection of the Duke of Courland, to whom, in consideration of this licence they were to pay an annual acknowledgment. Thus Tobago that was lately desert was in a fair way of being peopled by two Nations.¹¹

Cruse, drawing his information from Courland sources, tells us that the duke appealed to Cromwell to confirm his title as against the Dutch, and that it was through the influence of the Protector that the states-general, exhausted by the war with England, were unable to support the Lampsins in their effort to bring the island under Dutch sovereignty at this time. Be this as it may, it is certain that the duke remained lord of Tobago until 1658. At this date once more, to quote the author of 'Tobago,'

without the least previous Notice as well as without the smallest provocation the King of Sweden (Charles Gustavus) sent General Douglas with a

¹¹ Cf. A. J. van der Aa, *Biographisch Woordenboek der Nederlanden*, xi. 91, 92; Cruse, *Kurland unter den Herzogen*, i. 176.

body of troops into Courland which not only plundered the Country but seized the persons of the Duke and Duchess, tho she had lain in but a week and carried them away prisoner to Riga. . . . As soon as the news of this unfortunate Accident reached the ears of the Dutch in Tobago, they resolved to take advantage of it, and to make themselves Masters of the whole island,

the sequel being that they invested Fort James and compelled the governor to surrender. The duke, however, was a man of indomitable perseverance, and on his release from his imprisonment in 1662 he appealed to Charles II, who on 17 Nov. 1664 granted the island of Tobago to him, his heirs and successors.

From this brief sketch it is absolutely clear that between 1654 and 1664 no such event as that recorded by Scott could have taken place, since the Lampsins' colony was occupying a part or the whole of the island continuously during that time. Returning then to the original despatch of that colony from Zeeland, we may, I think, fairly assume that the brothers Lampsins would not have sent out an expedition to occupy and settle Tobago if they had believed that island to be already in the position of a foreign sovereign. But the intercourse between the ports of Walcheren and the West Indies by vessels of the Zeeland Chamber of the West Indian Company, of which these Flushing merchants were directors, was so frequent that the colonising of Tobago by the duke of Courland must have been a fact perfectly well known to them, more especially as the colonists were Zeelanders under the conduct of an old Dutch Brazilian. There exists, however, in the Hague archives a contract made in January 1649 by certain directors of the Zeeland Chamber, of whom Cornelius Lampsins was one, with the owners of the ship 'De Liefde' for the transport of commodities to and from the Wild Coast and the Essequibo,¹² the conditions of which make it probable that this ship would be absent from home for a lengthened period in the discharge of its commission. This, or some other ship (for others are mentioned in the contract), no doubt carried back to their employers at Flushing the news of the destruction of the Courland colony by the Caribs and the escape of the remnant under the protection of the Arawaks to the Pomeroun. Now, therefore, was the opportunity for the refounding of the 'New Walcheren,' which had perished so miserably in 1637, and we find that already in 1652 steps had been taken for obtaining the necessary sanction of the states-general. The outbreak of the war with England in May 1652 prevented any such expedition as was planned from leaving Zeeland, and in consequence it was not until after the conclusion of peace in 1654 that the vessels commissioned by Lampsins for the conveyance of his colonists to Tobago were able to set forth. When they arrived it

¹² *U.S.C. Report*, ii. 112.

was too late ; they found the island again in the occupation of the Courlanders, with the results above narrated.

The tidings of the catastrophe of 1650 would not be likely to reach the ears of the duke for many months, probably not for at least a year. To him, as to the Lampsins, the Anglo-Dutch war presented an obstacle in the way of any attempt to resuscitate his colony. At length, early in 1654 (probably, as Cruse says, with the connivance of Cromwell), an expedition from Courland managed to traverse the Atlantic in safety, to land on Tobago, rebuild the fort, and establish under the governor the authority of the duke. This is curiously authenticated by the letter of a well-known Brazilian official of the West India Company written to the states-general from Barbados, dated 8 Oct. 1654.¹³ M. Beck, the writer, was escaping from Seara, one of the last places of refuge for the Dutch in Brazil, with a body of fugitives for the West Indies. He tells their high mightinesses that

many persons from Brazil have come here (to Barbados) with the resolution of taking up their residence here, for they do not know what they could begin in Holland.

He then proceeds—

The prince of Courland has taken possession of the isle of Tobago, that we have touched at because of our loss of our rudder, so that we have passed six weeks there before finding an opportunity of continuing our course to the isle of Barbados with a large vessel of the prince of Courland that we have found there. I have profited by this occasion . . . and have learnt from monsieur the director there under what conditions he is charged by the prince to people and cultivate this isle, to wit. . . . The said director of the prince of Courland has erected a fortress, provided with seven pieces of cannon and a company of soldiers ; he is still expecting further forces.

Beck was, in fact, at Tobago precisely at the time when the Courlanders had just established themselves, but before the arrival of the Lampsins colony.

The circumstantial evidence for the accuracy of Scott's statement about the Pomeroon colony of 1650 could scarcely be stronger, and when he subjoins to his account of that emigration the further statement that 'ye yeare following (*i.e.* 1651) a great Collonie of Dutch and Jewes, drave of from Brazile by the Portugaise settled there and being experienced planters that soone grewe a Flourishing Colonie,' it can be easily shown to rest on an equally firm historical foundation. The quotation from Beck's letter shows how the fugitives from Dutch Brazil made their way to the West Indies, and how many of them settled there because of their unfitness to start life again in the old country. There is abundant evidence from other sources to the same effect (*e.g.* a pamphlet in the British

¹³ Varnhagen, *Os Hollandezes no Brazil*, notes and appendices, p. 354.

Museum, 'Cort, bondigh ende waerachtig verhael van't schandelijk overgeven ende verlaten vande voorname conquesten van Brazil e. 1654'). The exodus, however, in 1654, after the fall of the Reciff,¹⁴ consisted chiefly of soldiers and merchants; that of the planters had taken place earlier. All who are familiar with the history of the negotiations which preceded the treaty of Münster know how largely the fate of Brazil, threatened by the formidable Portuguese revolt, occupied the thoughts of the Dutch plenipotentiaries, and how the hopes of Hollanders and Zealanders were centred, at the time of the conclusion of that peace, on the great relief expedition which, after many delays, at length set sail under the command of the famous Admiral Witte de With, and reached the Reciff on 18 March 1648, and how their hopes were dashed to the ground first by the severe defeat suffered by the Netherlanders, 19 April 1648, then by the dissensions which arose between the admiral and the grand council, lastly by the crushing overthrow of 19 Feb. 1649, which Netscher rightly describes as a mortal stroke to the power of the Dutch in Brazil.¹⁵ It was followed by the unauthorised return of De With to Holland, by the arrival of a Portuguese fleet in Brazilian waters and the close investment of the Reciff. The planters were thus driven from the open country to take refuge in the fortresses, and Varnhagen (p. 252) tells how, believing that all was lost, desertion daily increased, and that, alarmed by the signs of an approaching rupture with England, fifty vessels left between 15 May and 16 July 1651. What so natural as the fact, related by Scott, that a body of these fugitives should have joined themselves to their countrymen who had recently settled on the Pomeroon? The statement that a considerable portion of these consisted of Jews is also entirely in accordance with the historical circumstances of the case. There were many Jews in Dutch Brazil rich and influential men, both planters and merchants. One of the most far-sighted and statesmanlike measures of the great governor-general, John Maurice of Nassau, had been to permit to the Jewish inhabitants of the colony the free exercise of their faith, a measure which had its share in stirring up the Portuguese to revolt. The Jews knew that they had no mercy to expect from Spaniard or Portuguese, and that their safety depended entirely on the maintenance of the Dutch dominion.¹⁶ On the departure of John Maurice a large body of Jews left Pernambuco for Surinam, where they laid the foundation of a Dutch colony, probably in 1645 or 1646. It is in no way surprising, then, to find that in 1651 the prospect of speedily falling into the hands of their implacable enemies should have led

¹⁴ The capital of Dutch Brazil. ¹⁵ Netscher, *Hollandais au Brésil*, p. 159.

¹⁶ See Elias Herckman's 'Sommiers discours over den staet van Brasil 1639,' in the Utrecht Hist. Soc. *Bijdragen en Mededeelingen*, 1879, ii. 284.

the Jews mentioned by Scott to betake themselves while it was yet time, in company with other refugees, to the Pomeroun.

The war with England in 1652-3, which cut off communications between the mother country and its colonies in the Caribbean Sea, doubtless dealt a death-blow to the prosperity of the infant settlement. It was formed, as we have seen, of refugees without resources. Many of them thus isolated must have perished, and others, as soon as the sea was open, would be glad to effect their escape to Europe. Some probably, on learning of the Lampsins' expedition, would return to their old homes in Tobago. Among these was the 'old Brazillian,' Captain Caroon, himself. A minute in the secret resolutions of the states-general, Monday, 21 Aug. 1656, makes mention of a missive for the directors of the West India Company concerning certain overtures made to them by Cornelis Caron from Tobago. He is apparently plotting to secure through the directors a private footing in the island, already jointly occupied by the Zeeland and Courland colonists. They, however, remark that 'this Caron is not altogether to be trusted, seeing that he both in Brazil and also here at home hath committed notorious crimes. They recommend that information concerning him should be sought from the Zeeland Chamber, 'who have some colonies in those parts.' Unfortunately the reply of the Zeeland Chamber and all other documents relating to Caron's petition are lost.¹⁷ Here, however, we have clearly the same roving adventurer, who is described by Scott at an earlier time as leaving the Dutch service for that of the Courland prince, and who then, to please 'his old masters of Holland,' had carried on 'a faire correspondency with the Arrawacoos,' and was thus the cause of the colony being destroyed by the Caribs of St. Vincent.

II. THE EARLY HISTORY OF DUTCH SETTLEMENT ON THE ESSEQUIBO, 1616-1664.

The sixth Colonie (says Scott) was undertaken by one Captain Gromwege, a Dutchman that had served the Spaniard in Oranoque, but understanding a companie of merchants of Zeeland had before undertaken a voyage to Guiana and attempted a settlement there, he deserted the Spanish service, and tendred himself to his owne countrey, which was accepted, and he despatched from Zeeland, anno 1616, with two ships and a galliote, and was the first man that took firme foteing on Guiana by the good likeing of the natives, whose humours the gent' perfectly understood. He erected a fort on a small island 30 leagues up the river Disseekeeb, which looked into two great branches of that famous river. All his time the Colonie flourished; he managed a great trade with the Spaniards by the Indians with great secrecy; he was a great friend of all new colonies

¹⁷ A search in the archives of the Hague was kindly made for me by Dr. Knuttel, of the Royal Library, but without result.

of Christians, of what nation soever and Barbadoes oweth its first assistance both for foode and trade to this man's speciall kindness, anno 1627, at what time they were in a miserable condition. He dyed, anno 1664, and in the 83rd yeare of his age; a wealthy man having been governor of that Colonie 48 yeares. In this Colonie the authour had the good fortune to meete with some injenious observacions of the former Governor of what had been transacted in Guiana in his time, to whome the world is obliged for many particulars of this story.¹⁸

On this passage so many discerning and competent critics have pronounced adverse judgment that it is with extreme diffidence that I venture to oppose myself to such a consensus of opinion. The Dutch historian of the Essequibo colony, Netscher, speaks contemptuously of it, as

a fragment out of a manuscript of the Sloane Collection (British Museum) wherein mention was made of a certain Dutch Captain Gromweagle, who in 1616 built the fort Kijkoveral, remained 48 years Commandeur of it, and at last died there in 1664 at the age of 83 years as a very rich man! This improbable narrative has however been contradicted so absolutely by a number of exact data concerning the Commandeurs of Essequibo during this period, which we found in the State Archives (Rijks Archief) and shall further impart below, that we will not trouble ourselves any further with it. We have only mentioned it, because the name Gromweagle seems to us to be a corruption formed in the English manner of Groenewegel, the name of a Dutch skipper, who really as we shall see from 1657 to 1665 or 1666 acted as Commandeur at Kijkoveral, which thus may have been the starting point of the above fantastical story.¹⁹

On behalf of the United States commission Professors Burr and Jameson²⁰ treat Scott's narrative with equally scant courtesy, though at considerably greater length. And yet the corroboration that has been given above of the minute accuracy of the Sloane MS. narrative of the 'twelfth Colonie' should lead us *prima facie* to look for similar accuracy in what is related about the 'sixth.' The assumption ought to be in the writer's favour, the burden of proof to lie upon the traducers. As a matter of fact the arguments used against the credibility of Scott, with a single exception, have been based entirely upon the silence of existing contemporary records, a method which is eminently fallacious, especially when,

¹⁸ Sloane MS. 3662; Brit. Case, App. i. 169; *U.S.C. Report*, i. 63-4, 175.

¹⁹ *Gesch. van de Colonien Essequibo, Demerary en Berbice*, 1888. Netscher has evidently not consulted the Sloane MS., where the name is spelt 'Gromwegle,' but the extracts published in Bronkhurst's *The Colony of British Guiana and its Labouring Population* (London, 1883), in which 'Gromweagle' is found. Netscher also (followed by Professor Burr) has blundered in saying that 'Gromwegle' is a corruption of the Dutch 'Groenewegel.' This is itself a misspelling of the real name of the commandeur 'Groenewegen.' The correct form appears repeatedly in the records of the colony, the incorrect only once in a minute dated 11 July 1658. The fact of his being a 'skipper' rests on no authority to be found in the Dutch archives.

²⁰ *U.S.C. Report*, i. 62-6, 172-5.

as in the present case, the contemporary records have to so large an extent disappeared. The single exception refers to Scott's statement about the duration of Groenewegen's governorship. Of this much will be said later; here it is sufficient to point out that the dictum of Netscher, followed by Professor Jameson and others, that Scott is here palpably wrong, because the records show that Groenewegen was commandeur from 1657 to 1665 or 1666, has been admitted by Professor Burr himself to be incorrect. From the additional evidence unearthed in the course of the Venezuelan boundary inquiry the last-named writer does not scruple to admit, with his usual fairness,²¹ that Scott has been proved to be right both in stating that Groenewegen was commandeur before 1657 and in placing the date of his death in 1664. The argument from silence is a treacherous weapon, liable at any moment to break in the hand of him that wields it.

Granting, then, that the presumption of credibility ought to be provisionally conceded to Scott, it is clear that such a presumption cannot but be greatly increased by a consideration of his sources of information. He himself tells us 'that he had the good fortune to meete with some injenious observacions of the former governor of what had been transacted in Guiana in his time, to whome the world is obliged for many particulars of this story.' Reference is here clearly to written memoranda by the hand of Groenewegen himself.²² In addition to this Scott must, after his conquest of the colony in 1665, have had personal intercourse with Groenewegen's son, who became commandeur in his father's place. Of the way in which the 'factors' Hendrickson and Matteson became his prisoners and companions on his voyage to Guiana, and how he used the opportunity to extract from their long and intimate acquaintance with the country and its inhabitants all facts that could serve as material for the account of that land, which it was his purpose to write, we have already spoken. With such first-hand sources to draw from as to the earlier history of the Dutch settlement on the Essequibo nothing but pure perversity and a desire to tell what was untrue, because it was untrue and to serve no purpose whatever, could have led Scott to speak of Groenewegen as the founder of the colony and as being associated with its fortunes throughout, unless this had been the case. The statement of Scott is, moreover, so full of what (in the supposition of a merely fictitious story) appear to be irrelevant and improbable details that it is not difficult, despite the lack of contemporary records, to find tests of his veracity.

²¹ *U.S.C. Report*, i. 175.

²² Scott translates 'out of the Nether Dutch,' and so was certainly acquainted with the language. His converse with Hendrickson and Matteson would most probably be in that tongue.

To do this the more effectually we will place ourselves in the position of Scott in 1665, and work backwards over Groenewegen's career from the known to the less known.

(1) *The Period 1645-1664.*

An absolute dearth of official information regarding the Essequibo colony for the decade 1647-57 confronts us, for the minutes of the proceedings both of the Nineteen²³ and of the Zeeland Chamber during this period are missing. In 1657, however, a new settlement was established on the Pomeroon by the three cities of Middelburg, Flushing, and Veere, under the auspices of the Zeeland chamber, and the minutes of the proceedings of the committee charged with the government of this settlement, styled 'Nova Zeelandia,' are extant. A minute under date 24 Dec. 1657²⁴ tells us of the appointment of a certain Cornelis Goliat as commissary, commandeur, and engineer to the new colony. Another, dated 24 Jan. 1658,²⁵ states—

There were read the drafted instructions for *Aert Adriaensen as Director*²⁶ and Cornelis Goliat as commissary;

and 2 Jan. 1659—

There was read a letter from the commandeur Aert Adriaensz Groenewegen and the commissary Goliat dated at New Middelburg 15 Sept. 1658.²⁷

On the evidence of these minutes, taken with that of a minute of the Zeeland chamber dated 20 Jan. 1667, dealing with a claim against Groenewegen's estate and mentioning that he had been succeeded as commandeur by his son,²⁸ who was in office when the colony was conquered by the English (*i.e.* by Scott), Netscher has, and with some show of reason, based his statement that Groenewegen was commandeur from 1657 to 1665 or 1666.

Now it will be noticed that the minutes above quoted do not record the appointment of Groenewegen as commandeur, and the underlined words in that of 24 Jan. 1658 seem to point to a distinction between him and Goliat other than that arising from inferiority of rank. Recent researches prove this to have been the case. A minute of the Zeeland chamber, 10 Jan. 1658, shows that Groenewegen had already for some time been commandeur before 10 Sept. 1657. It runs—

Jacob van den Heuvel requests the payment of the 100 pounds Flemish, in pursuance of the minutes of 20 Sept. 1657, for our commandeur in Essequibo, Aert Adriaensen, together with the accrued interest.²⁹

²³ The supreme council of the West India Company.

²⁴ Brit. C. App. i. 145.

²⁵ *Ibid.* i. 146; *U.S.C. Report*, ii. 128.

²⁶ Underlined in original.

²⁷ Brit. C. App. i. 148; *U.S.C. Report*, ii. 129.

²⁸ Netscher, *Gesch. van Essequebo*, p. 358.

²⁹ *U.S.C. Report*, ii. 129.

Another minute of 9 March 1671 carries us still further back.

Pieter Wollefrans appeared before the Chamber, and demanded payment of the fourth part of the sum of 563*fl.* 19 : 6 : being the balance of the account for the salary earned and deserved by Aert Adriaensen Groenewegen as commandeur in Essequibo from 6 Nov. 1650 to 19 Aug. 1664, date of his death, and therefore due to his heirs.³⁰

Here we find incontrovertible proof of the truth of Scott's assertion that Groenewegen died in 1664. We also find that arrears of salary were due to him from 1650. When in connexion with this last extract we take another dated 9 March, 1645—

After a vote had been taken it was resolved that the letter of Aert Adriaensen van Scherpenisse,³¹ commandeur at Fort Kijkoveral, in Rio Essequibo, mentioning

it must be granted, as Professor Burr has candidly admitted, that the case for the continuity of Groenewegen's tenure of office from the end of 1644 to August 1664 may be regarded as proven.

(2) *The Period 1616-1644.*

In Scott's account of the 'sixth colonie,' quoted above, a reference occurs to the early history of Barbados, to the following effect:—

And Barbadoes oweth its first assistance both for foode and trade to this man's (Gromwegle's) speciall kindness, anno 1627, at what time they were in a miserable condition.

It will be noticed that here is an incident introduced into the narrative of Groenewegen's career in Guiana, the mention of which would be quite inexplicable if untrue, but whose truth, if sustained by other evidence, will furnish a most convincing, because undesigned, test of the veracity of the writer. It does more. Just as in the account of the Pomeroon colony of 1650 the mention of Tobago led to an investigation of Scott's description of that island and the discovery of much additional matter of great interest bearing upon the subject, so is it in this case. Scott has also written a description of Barbados³² containing a number of facts and allusions concerning the neighbouring colony of Essequibo, and throwing light upon our knowledge of its early settlement both directly and indirectly. The first colonising of Barbados is thus told:—

In the year 1624 a ship of Sir William Curteen³³ a Merchant of London in her voyage from Brazile put into the roade since called the

³⁰ Brit. C. App. i. 172.

³¹ *U.S.C. Report*, ii. 129 (note). There are no data to explain why Groenewegen is here called 'Van Scherpenisse.' It was, however, extremely common for old families in Holland to bear such territorial additions. In this manner one branch was distinguished from another. Thus we find Adrian van Groenewegen van Bleiswijk.

³² Sloane MS. 3662. ³³ This name Courten is spelt variously Curteen, Curton, &c.

Austin's and after short stay sayled from thence, visiting all the Bayes on the West and Southerne parte of the Island, and finding the Lande to promise much of the nature of Brazile, and adorned with curious Prospects and stored with wild Hoggs, judged it worth especiall notice, particularly one Captⁿ Thomas Powell then in the same ship, who after their arrivall in England presented his observations to the then Earle of Pembroke a great lover of plantations. Thereupon the Earle by Permission of King James prepared a ship wth a hundred and 60 passengers who left England the 26 of January Anno 1625 and arrived in Barbados May ye second 1626 at w^{ch} time Powell entred upon and tooke possession of the Island in his Ma^{ties} name, for the use of the Earle of Pembroke; after w^{ch} the said Captaine Thomas Powell remayned Governo^r on the Island and having understood the Dutch had a plantacion in the river Dissekeeb on the maine of Guiana, whose Gover^r one Gromwegle he was particularly knowne too, dispatched his sonne Thomas Powell to desier Cap^t Gromwegle to send him such things as were proper to plant for food & for Trade. The gentleman willing to gratifie an old ffriend (for Powell & Gromwegle had been comrades in the king of Spaines servis in the West Indies) perswades a Family of Arawacoes consisting of ffourty persons to attend Powell to Barbados to learne the English to plant, and to carry with them Casava, yams, Indian Corne and other pulses, Plantains, &c. . . .

A number of details follow having no relevance to Guiana, and then we come upon another curious passage of quite singular fullness about 'the Dissekeeb' and 'Captain Gromwegle,' which, slightly abbreviated, states that

Captain Hawley Anno 1628 was sent in the ship Carlisle to visit and supervise the Earl of Carlisle's affaires in those parts, who invited Captⁿ Powell and his secretary aboard and then clapt them into irons. . . . The Indians not likeing the change pressed their contract made between them and M^r Powell at Dissekeeb, which Captain Gromwegle had undertaken should be performed, i.e. that if they did not like the country they should be sent back at the expiration of two years with a reward of fifty pounds worth of axes, knives and other goods. . . . Anno 1631 one of these getting on board a Dutch ship got passage for Dissekeeb, wh: proved of all consequence to Captain Gromwegle, who had like to have lost his fort and Colony and for this cause only was forced to marry a woman of the Carib nation to balance the power of the Arawaks, and afterwards was at the charge of great presents to make up the business between the Dutch and the Arawak nation.

[*Note.*—In this same description of Barbados the following passage occurs:—

The sugar cane was brought to Barbados first by one Pieter Brower of North Holland from Brazil Anno 1637, but came to no considerable perfection till the year 1645, and so forward to the year 1652 at which time the Dutch by the great credit they gave the planters brought the island to its utmost perfection, when an Act of Parliament excluded the trade.

The name of Pieter Brower is here introduced as that of a man who was for many years known in connexion with the sugar industry (from 1637 to 1652) in Barbados. But this reference to him, like that to 'Captain Gromwegle' above, rests on the sole authority of Scott. Now it happens that among the very few references to the colony of Essequibo during the years 1647-57 is one by Colonel Modyford, the Cromwellian governor of Barbados at the time of the passing of the act referred to. Writing home upon the subject of colonisation in Guiana,³⁴ he remarks 'that the Dutch have already on two or three rivers built sugar works, one of them at Marawini, another at Essequeke (Essequibo).' Comparing this with the petition of a certain Jan Doensen to the Zeeland chamber in 1664,³⁵ who asks that 'a certain piece of land of which he had taken possession at Browsershoek, in the river Essequibo, for the furtherance of a regular sugar-mill there, should be registered,' and seeing on the map that this Browsershoek is a point of land exactly opposite the Dutch fort and adjoining a stream called the Sugar Creek, there is a very high probability that it derived its name from the planter, who migrated from Barbados in consequence of Cromwell's legislation. This survival of his name and memory down to the time of Scott's conquest of Essequibo would account for the prominent place he gives him in his narrative.]

In reading these extracts it strikes one at once that the passages relating to 'Gromwegle' are full of detail, having little or no connexion with 'a description of Barbadoes.' Their presence is unaccountable on any other supposition than that which obviously suggests itself—i.e. that the story of Groenewegen's life, the particulars of which Scott had himself recently learnt in Guiana, had interested the writer and remained fresh in his memory. The main facts about the early history of Barbados³⁶ were, no doubt, gleaned from that 'examination of all the records' which Scott says he caused to be made 'during the time he was commander in the island.' It is difficult, however, to see how he could have known (for to suppose such a statement an invention is absurd) that Powell and Groenewegen were 'old friends and had been comrades in the king of Spaines servis in the West Indies,' unless he had been told it by some one well acquainted with the adventures of the old commandeur in his early days, or had found it set down in those 'ingenious observacions of the former Governor' to which he acknowledges his indebtedness.³⁷

³⁴ Record Office, *Calendar of State Papers*, Col. series, 1594-1660.

³⁵ *U.S.C. Report*, ii. 132.

³⁶ The general accuracy of Scott's 'description' can be tested by comparing it with another manuscript narrative of the end of the seventeenth century (Sloane MSS., Brit. Mus., 2441) entitled 'An account of His Majt^y's island of Barbados.'

³⁷ The information may have come from the younger Groenewegen or from

However this may be, the evidence³⁸ still existing as to the Englishman's visit to Essequibo is of a quite exceptional character—viz. the sworn depositions of Henry Powell himself in 1656 and 1660, and of his nephew John in 1660, as well as a petition of the former in 1647. In 1656 Henry Powell was called upon to give evidence concerning the expedition to Barbados before the commissioners of bankruptcy on behalf of the heirs and representatives of his old patron Sir W. Courten. He states in his deposition

that he landed about 40 people on Barbados from the William and John of London about Feb^{ry} 20th 1626. being in the employ of William Courten and Company . . . at the end of a fortnighte time this dep^t sailed to the maine upon the coast of Guayana and furnished himselfe with rootes, plantes, fowles, tobacco, seeds and other materialls together with thirty two Indians, which he carried to the said island for the plantinge thereof.³⁹

Before proceeding further it will be observed that this statement agrees in all essential respects with Scott's narrative, except that here there is no mention of 'Gromwegle's' assistance. This, however, is precisely what there would not be. William Courten died in 1636 a ruined man, and his heirs were for a long series of years engaged in lawsuits both in England and the United Provinces to compel the Dutch representative of the old firm of Courten & Co., Pieter Boudaan Courten, to refund a large sum of money, said to have been fraudulently appropriated by him in 1631. It is clear that the very last thing a witness on behalf of the plaintiffs would voluntarily admit would be this very fact that the Courten settlement in Barbados was indebted for help to a man at that time in the employment of the defendant.

To show how this might have been the case, and for the clear understanding of what is to follow, a few facts relating to the Courtens⁴⁰ must be placed before the reader. This family occupied a remarkable position in the commercial world of the early seventeenth century. By descent they were Flemings. The founder of their prosperity fled from Menin to London to avoid Alva's persecution, and there succeeded in establishing lucrative trade connexions with the Netherlands, and became a great merchant. His

Hendrickszoon, the Switzer, who may be identical with Jan Hendriksz Benckelaer, who went out first to the Essequibo as 'assistant' in 1628 (*U.S.C. Report*, ii. 56, 66). Benckelaer indicates a man of Bencken, in Switzerland. Scott can hardly have been personally acquainted with Powell, or he would not have named him 'Thomas' instead of 'Henry.'

³⁸ The first in date is found in the almost contemporary *True Travels, Adventures, and Observations of Captain John Smith*, published in 1630. Smith had just visited Barbados.

³⁹ Public Record Office, *State Papers*, Col. Series, xiv. no. 39.

⁴⁰ For the history of the Courten or Courteen family a rich store of material can be found in the Brit. Mus. Sloane MS. 3515, and in a lengthy notice in Kippis's *Biographia Britannica*.

two sons, William and Peter, followed in his steps. William in his youth acted as his father's agent, first at Courtray, then at Haarlem, where he married an heiress of the name of Crommelin. Peter, who never married, was agent at Middelburg. Their sister Margaret became the wife first of Matthias Boudaan, of Rotterdam, then of John Money, a London merchant. In 1606, on the death of the elder Courten, the brothers entered into partnership with John Money, and formed a firm known as Courten & Company. William settled in London and became a naturalised Englishman, but Peter continued to live in Zeeland. The company was thus Anglo-Dutch; but the Dutch element was predominant, for the books were not kept at London, but at Middelburg, where Peter Boudaan⁴¹ acted as his uncle's bookkeeper and manager, and looked after the interests of a quite cosmopolitan business. The firm, then, which despatched the expedition to Barbados in 1626 had as one of its partners a man who, as the Dutch records of that date show, had been for years a pioneer in the West India trade, and was, at the very time when this first planting of Barbados was being planned, serving as a director of the Dutch West India Company on a committee of the Zeeland chamber for considering the distribution of additional colonists on the Guiana rivers, the Amazon, the Wiacopo, and the Essequibo.⁴²

Scott states that both before and after 1626-7 Groenewegen was the head of a Dutch settlement on the Essequibo. If this were the case his presence there must have been known to and had the sanction of such a committee. It will be shown later that in all probability he was the chief factor of a private company of Zeeland merchants, one of whom was Peter Courten himself.

In that portion of his deposition of 1656 already quoted Powell states that he landed in Barbados in a ship named the 'William and John,' and that in a fortnight he sailed to the Essequibo to obtain the necessaries he required for the new settlement. Later on he proceeds to say that his brother John landed from England in the ship the 'Pieter'⁴³ about forty-eight hours after his return. The fact that the one vessel bears the names of the two English partners, the other of the Dutch one, of itself suggests a Dutch partnership in the venture. This, however, is rendered practically certain by an examination of the evidence contained in some further depositions of the Powells preserved in the Bodleian Library.⁴⁴

⁴¹ Known later as Pieter Boudaan Courten, son of Matthias Boudaan and Margaret Courten.

⁴² Brit. C. App. i. 62. Both the uncle and nephew are named together in these minutes, a proof surely that at this time they had some exceptional interest in the Guiana trade.

⁴³ The Dutch form of the name is in the original manuscript.

⁴⁴ MSS. Rawlinson C. 94. Transcripts were kindly furnished me by Mr. F. Madan, the sub-librarian.

In a petition of Henry Powell in 1660 to the then governor and council of Barbados about certain of the Guiana Indians, who had been kept in slavery, the old commander of the 'John and William' gives an account of his expedition of 1626. He there states that among those who bore the cost and charge of the voyage was 'Sir Peter Courten,'⁴⁵ and his narrative leaves little doubt as to the share of the Dutchman in the undertaking. Powell tells first of his landing some forty men or more in Barbados, and these, as he avers distinctly in a sworn deposition of 1647, were 'for Sir William Courten, and Sir William paid them wages.'⁴⁶ Then in his petition he goes on—

Having left the aforesaid servants upon this Iland I proceeded in my voyage to the Maine to the river of Disacaba, and there I left eight men and left them a Cargezon of trade for that place.

From this it is clear that the continuation of the voyage to the mainland was part of the original plan,⁴⁷ and that its purpose was to leave eight men there with a cargezon of trade. The fact that 'cargezon' is the technical Dutch word for goods sent out to a trading port for bartering with Indians⁴⁸ makes it wellnigh certain that these eight men (who would never have been abandoned alone on an unknown and inhospitable coast, among wild Indian tribes, some of whom were reputed to be cannibals) were despatched by Peter Courten as a reinforcement to the Zeeland trading settlement, whose head, we are assuming, was Groenewegen. When we combine this statement of Powell with the narrative of Scott all becomes plain sailing and intelligible. The visit to the mainland, made so quickly (only a fortnight) after landing at Barbados, had been all prearranged, the English skipper being charged to convey some fresh settlers and a cargezon of goods to his old friend the Dutch factor, while he in return received a supply of roots, seeds, and materials for the new plantation on the island, as well as a number of Indians, skilled in cultivation, and already, through

⁴⁵ Fol. 33.

⁴⁶ Fol. 13.

⁴⁷ Fol. 32. A sworn deposition of John Powell, jun., in 1660 'concerning the right of William Courten, son of Sir W. Courten, to the island of Barbados' explains the discrepancy in dates between Scott and Henry Powell. From him it appears that an abortive expedition started in 1625, and that his father, John Powell, with his ship 'Peter' and pinnace 'Thomasine,' landed in May 1627. May not the name of the pinnace account for Scott's slip in calling Powell 'Thomas' instead of 'Henry'?

⁴⁸ The following extract from the minutes of the proceedings of the Zeeland Chamber for 26 Nov. 1626 exactly illustrates my argument (Brit. C. App. i. 62): 'De commissarisen over de goederen werden geautoriseert een bequaem cargezoen te fornieren voor het jacht "Arnemuyden." Is geresolveert met het voorssjacht "Arnemuyden" te zenden 20 aencommende jongens om die te landen in de Amazones Wiacopo of Isekepe (Essequibo) daer het volc van onse camer zonde mogen gevonden worden.' In the next minute, 3 Dec. 1626, Messrs. Boudaan, Courten, and de Moor are authorised to give instructions as to locating these colonists. See also Brit. C. App. i. 129.

several years' peaceful intercourse, friendly to the white man. Such things are not picked up haphazard on a savage coast.

Before leaving 'the description of Barbados' one or two other points claim our attention. The first is the extraordinary statement that Groenewegen, because of the dissatisfaction caused among the Arawaks by the treatment their kinsfolk above named had received at the hands of Lord Carlisle's officers, had married a woman of the rival Carib race. The reason is given that he wished to secure the friendship of the Caribs as a counterpoise to the resentment of the Arawaks, though it is added that by means of large presents he was able 'to make up the business.' Here again we have a positive statement, which could scarcely be an invention. There can be assigned no rational motive why Scott should make an assertion in itself so improbable, and one which could have been so easily disproved. Corroboration, however, is not wanting. The records of the colony tell us that Amos van Groenewegen, who was postholder of Demarara during the last decades of the century, was the son of Aert Adriaansz van Groenewegen by an Indian mother.⁴⁹ To find this half-breed son of the old commandeur bear the honourable patronymic 'van Groenewegen' would of itself indicate that he was recognised by his father as his lawful offspring. That marriages, at the very time to which Scott refers, did take place between prominent Dutchmen and Carib women is proved by a despatch from the *cabildo* of Trinidad to the king of Spain, dated 27 Dec. 1637. In this despatch the writers state—

The Dutch threaten this island of Trinidad with a powerful fleet and are in league with the numerous Indian tribes . . . the Dutch being so mixed with the Indians that they marry with the Indian Carib women, as well as with those of other tribes.⁵⁰

The dealings of Groenewegen (according to Scott) with the Indians generally, and the Arawaks in particular, may be illustrated by the following quotations from Spanish despatches of 1637 :—

It is known from Arawak Indians . . . that they also receive bribes from the Dutch and have trade and intercourse with them.⁵¹

The Indians frequent them very willingly for the sake of the considerable articles of barter they (the Dutch) give them.⁵²

With many gifts of articles of barter and clothing they (the Dutch) hold all the country on their side.⁵³

A number of similar extracts from contemporary documents might be given, but these are sufficient to show that Scott gives a true picture of the relations of the Dutch with the natives at this period. The inference can only be that he had access to authentic

⁴⁹ Brit. Counter-C. App. pp. 55, 76, &c. ; Netscher, *Geschied. v. Essequibo*, p. 738.

⁵⁰ Brit. C. App. i. 88.

⁵¹ *Ibid.* i. 101.

⁵² *Ibid.* i. 107.

⁵³ *Ibid.* i. 115.

sources of information, and further that from these was also derived all that he has to tell us as to the leading part played by Groenewegen in 1627 and the years following.

Let us now turn our attention to the period preceding the Barbados incident. 'The Courtens,' says Kippis,⁵⁴ 'traded very extensively to Guinea, Portugal, Spain, and the West Indies.' We may then safely infer that among the many vessels hailing from Dutch ports which entered the king of Spain's service as carriers of salt from Punto de Arraya, in Venezuela, for European consumption there would be some during the twelve years' truce from a firm which already had an English as well as a Dutch nationality and strong Flemish ties.⁵⁵ Nothing then would be more natural than for two youthful adventurers, like Groenewegen and Powell, to have served together during the first years of the truce in a Courten vessel under the Spanish flag, and then for the former (who came of a catholic stock) to have been tempted by good pay to remain on the Orinoco as the Indian factor of the Spanish authorities at Santo Thomé, in a similar position to that occupied in 1665 by Scott's prisoner Matteson. While at Santo Thomé his travels among the Indians would lead to his becoming acquainted with the possibilities of the Essequibo at its point of junction with the Cuyuni and Mazaruni as a centre of trade; and hearing that certain Dutch merchants had attempted to make a settlement lower down the coast, but had failed,⁵⁶ he resolved in 1615 to desert the Spaniard and to offer his services and his newly acquired knowledge of the district and its inhabitants to his own country and old employers. All this sounds quite reasonable, and may, indeed, be said to represent a sequence of events quite likely to have occurred.

Scott does not here tell a tale in any way incredible. Assuming then for the nonce that Groenewegen did thus return home, possibly in one of the salt ships referred to, let us next examine the records of the time, and see whether he would on his arrival find the state of affairs propitious for carrying out his project. We shall discover that at no other period in Dutch history was there such intense eagerness among the people of Holland and Zeeland for pushing commercial enterprise in every part of the globe.

The East India Company, whose charter dated from 1603, had already established factories in India, Ceylon, the Indian Archi-

⁵⁴ *Biograph. Brit.* under 'Courteen.'

⁵⁵ They had places of business at Courtray, Menin, and elsewhere in the Spanish Netherlands. A petition to the states-general in 1603 (?), probably written by the well-known Willem Usselinck, shows that the first proposals for Dutch colonisation in Guiana were connected with the salt trade from Punto de Arraya (*Brit. C. App. i.* 22-7; *Brit. Counter-C. App.* pp. 3, 4).

⁵⁶ Compare *Brit. C. App.* pp. 39, 40, 42 with p. 169. The attempts to colonise on Cayenne and the Wiacopo appear to have collapsed precisely in 1615.

pelago, China, and Japan, and the conquest of Java had begun. Dutch ships had sailed round Cape Hoorn, others had penetrated far into the Arctic Regions, others again had found their way to New Guinea and the Australian continent. There seemed no limit to the spirit of adventure in search of fresh outlets for trade. Repeated efforts had already been made to erect a West India Company, on the same lines as that which had been so successful in the east, but for political reasons this was not accomplished until the close of the twelve years' truce in 1621. Nevertheless in 1614 we find the states-general and the states of Holland openly encouraging discovery and settlement in new lands by the offer of temporary trade monopolies, and both from Spanish and Dutch sources we learn that attempts at colonisation⁵⁶ had been made at several points on the Guiana coast in 1613 and 1614, and we further find these early efforts specially connected with the name of the well-known burgomaster of Flushing, the great merchant Jan de Moor.⁵⁷

The year 1614 also gave birth to two companies, the Northern (Noordsche) Company, for carrying on the whale fishery in the northern seas, and the first New Netherland Company, for effecting a settlement on the newly discovered Hudson River in North America. These companies had a close relation one with the other, and the known facts connected with their early history, when compared with the known facts concerning the Essequibo colony after 1626, will enable us to draw certain inferences and to arrive at certain conclusions of the highest historical probability concerning the beginnings of the last-named colony.

The points connected with the New Netherland Company to which I wish to draw particular attention are these: It came into existence six months⁵⁸ after the Northern Company, and its promoters were almost all of them directors of the Amsterdam chamber of that company. The closeness of the two companies' relations afterwards is shown by the fact that the skippers Block and May, who made most of the early trips to New Netherland, served in the whaling fleets of the Northern Company in alternate voyages. In 1621 New Netherland fell within the limits of the charter of the newly created West India Company, but the Amsterdam chamber was able to maintain its old exclusive rights, so that when in 1622 a fresh New Netherland Company replaced that of 1614 those who furnished the bulk of the capital were leading directors of the Amsterdam chamber of the West India Company. It is to be noted that during the existence of the first company not a single colonist, properly so called, was sent to New Netherland; 'factors'

⁵⁷ *Nederl. Jaerboeken*, August 1751, ii. 1085; *Zeeland Adm. Minutes*, 18 July 1618; *U.S.C. Report*, i. 158, 161, 169.

⁵⁸ 27 March and 11 Oct.

only were maintained in defensible posts for bartering and trading with the natives, and, though the settlement had been in existence since 1614, not till 1624 was an official governor of the colony, representing the company, appointed in the person of a certain Pieter Minuit.⁵⁹

In the Northern Company the chambers of Amsterdam and of Zeeland were from the first in strong rivalry.⁶⁰ Each chamber accordingly, for the sake of peace, had its own depôts and fishing preserves, the headquarters of the Zeelanders being on the north-eastern end of Spitzbergen, at a spot named by them 'De Zeeuwsche Uitkijk,' *i.e.* the Zeelander's Outlook. The two leading directors of the Zeeland chamber were Jan de Moor and Pieter Courten, men like-minded in the boldness and variety of their trading ventures, and who were now perhaps trying to recoup themselves for failures in the West Indies by lucrative returns from the whaling industry. Their hopes, however, were for the moment dashed, this time not by Spanish but by English opposition. Their quiet occupation of the 'Zeeuwsche Uitkijk' was disputed by King James, who in 1616 sent out eight large ships and two pinnaces to defend what he considered to be his prior rights to the fishery.⁶¹ In consequence of this armed interference but few Zeelanders put in an appearance in the northern seas during this season.⁶²

According to Scott this is the precise time when Groenewegen returned home from the Orinoco to tell from his personal knowledge of the advantages of the Essequibo for a trading settlement, and to offer his own experienced services for the conduct of an expedition to that river. We can well imagine that Zeeland merchants, like De Moor and Courten, already pioneers in the West Indian trade, should have readily opened their ears, and, at a time when their joint enterprise in the Spitzbergen waters was temporarily hindered, should have seized the chance of emulating on this unoccupied South American littoral that which their rivals

⁵⁹ W. E. J. Berg, *Bijdragen tot de Geschiedenis onzer Kolonisatie in Noord Amerika*, in the 'Gids,' 1848, pp. 538-51.

⁶⁰ A single instance of the continuous jealousy and opposition of the provinces of Holland and Zeeland throughout the seventeenth century.

⁶¹ For details see Muller, *Geschiedenis van d. Noordsche Compagnie*; Zorgdrager, *Groenlandsche Visscherij*.

⁶² In a memorial presented in 1618 to James I by the Muscovy Company, protesting against the injuries done to them by the Dutch, the following passage shows that at that date the fishery dispute had again reached an acute stage. It is very interesting from the light it throws on the character of the Courten firm. 'Les deux navires susd^{ts} de Middleburgh appartient à Pierre Courtin, demeurant audict lieu et Guillaume Courtin de Meurant à Londres, qui sont freres, confors ence voyage de Grenelande qu'en le tout reste de leur traffiq, ainsi que led^t Guillaume Courtin a luy meme confesse et les maistres, aussi de leurs navires en Grenelande disans que ce leur estoit tout un de mener la charge diceulx à Middleburgh ou à Londres parceque les proprietaires diceulx demeuroyent en l'un et l'autre lieu' (*Verbaal der Ambassade*, 1618-9).

of Amsterdam were already achieving on the banks of the Hudson in the north. Everything that can be gleaned from the records of the time tends, in fact, to confirm the probability and substantial accuracy of Scott's narrative. Guided by the analogy of New Netherland, it is not difficult to understand exactly what took place on the Wild Coast⁶³ of Guiana. The description given by Groenewegen of the position of the little island, on which he proposed to establish a trading post, commandingly situated, as it was, at the point of confluence of the main estuary of the Essequibo, with its three great inland tributaries, offering, as it did, by these waterways splendid facilities for traffic with the natives, while at the same time screened by its distance (thirty leagues) from attack from the sea, could not fail to win to his project the support of his old patrons. The acquaintance with such a spot proves that the leader of the earliest expedition to Kijkoveral, as the island was fitly called, must have had some such previous career⁶⁴ as that of Groenewegen (according to Scott), and the name given to it by the new comers, recalling as it does the 'Uitkijk'⁶⁵ where some of them had possibly spent the previous summer engaged in whale fishing, affords another piece of confirmatory evidence as to the date, slight indeed, but cumulative.

With the erection of the West India Company in 1621, here as in New Netherland, we may believe a change was wrought. The private trading establishment continued, but it henceforth became the appendage of a regular colony under the Zeeland chamber. The records of the actual beginning of this colony have indeed disappeared, but we learn that a certain Jan Adriaanszoon van der Goes became its first commandeur in 1624,⁶⁶ the same year that Minuit was appointed first governor of New Netherland. But the colony, we hold, did not do away with the private trading establishment; they went on side by side, the former under the Zeeland chamber's commandeurs, the latter under the old chief factor Groenewegen, until under changed circumstances in 1644 he at last became himself the official head of the colony.

We will endeavour to substantiate this at present hypothetical statement, step by step, from the various authorities (and they unfortunately are very meagre) which throw any light upon the subject. The only official records of the Essequibo colony earlier

⁶³ The Dutch name for the whole coast between the Amazon and the Orinoco, but more particularly applied to the western portion.

⁶⁴ The strong traditions to the effect that the Dutch fort at Kijkoveral stood on the site of an older fort (reputed Portuguese) is probably true. These ruins no doubt attracted Groenewegen's attention when in Spanish service he first penetrated among the Indian tribes of the interior. Hartsinck, *Beschryving van Guiana*, i. 207, 208, 262; *U.S.C. Report*, i. 185-6.

⁶⁵ 'Kijkoveral' = look-everywhere; 'Uitkijk' = look-out.

⁶⁶ *Brit. C. App.* i. 63.

than 1657 are to be found in the minutes of the proceedings of the Zeeland chamber of the West India Company, which are extant for the twenty years 1626-46. The minute of 23 Aug. 1627, 'It was resolved to raise the wages of Jan van der Goes in Essequibo after his first three years,' carries us back to 1624, but no further. The minutes of the proceedings of the Nineteen (the Supreme Council of the West India Company) are unfortunately all lost, save those for 1623-4.

The existence of a settlement on the Essequibo before 1624 is, however, proved by the following evidence.

In the middle of the eighteenth century a dispute arose as to the exclusive rights of trading on the Essequibo, which the Zeelanders claimed. In the autumn of 1750 the provincial estates of Zeeland set forth their case in a lengthy report. In this they state

that this colony (of Essequibo) was already known and frequented by the Zeeland chamber at the time of the granting of the charter in 1621, as is shown by the old books and registers, and among others a journal of 1627.⁶⁷

About a year later we find the directors of the Zeeland chamber⁶⁸ asserting that

- (1) The first author and founder of this colony has hitherto not been by name rightly known.
- (2) A certain memorial was presented by the Heer Jan de Moor in 1639 to the assembly of Nineteen, from which it appears that the colonies on the Wild Coast (Guiana) in the year 1613, eight years before the charter, were already in existence.
- (3) There is evidence in the then extant books, registers, and minutes of the company that an establishment on the river,⁶⁹ guarded by a fort, was already in existence when the West India Company was erected.
- (4) The early (but unknown) founders of the first settlement must have been members of the later Zeeland chamber of the West India Company.

The statement made by Jan de Moor in the above-named memorandum of 1639 is confirmed from Spanish sources, which conclusively show that the Dutch began to make settlements on the Guiana coast in 1613-1615.⁷⁰ It appears from the Zeeland admiralty minutes of 18 July 1618 that *Jan de Moor and his partners* asked permission to arm their ships engaged in the West Indian trade, and permission was granted under the condition that such arms be used only in self-defence.⁷¹ In the following year

⁶⁷ Kok's *Vaderlandsch Woordenboek*, xiv. 404. This proves the existence in 1750 of authorities, since lost.

⁶⁸ *Nederl. Jaerboeken*, ii. 1085-6.

⁶⁹ Essequibo.

⁷⁰ *Brit. C. App.* i. 36-8, 41.

⁷¹ *U.S.C. Rep.* i. 158; *Zeeland Adm. Min.*, 18 July 1618.

the Spaniard Geronimo de Grados, sent from Santo Thomé to reduce the Indians to obedience, was taken prisoner in the Essequibo by six Dutch and English ships.⁷²

In his 'Apologie for his Voyage to Guiana' ⁷³Raleigh, after mentioning that he had sent some boats into the Essequibo in search of pilots for the Orinoco, proceeds—

In a letter of the Governours to the King of Spaine of the eighth of July he not only complaineth that the Guianians are in arms against him, but that even those Indians, which under their noses live, doe in despite of all the Kings edicts trade with Los Flamnicos & Engleses enemigos (with the Flemish and English enemies).

Surely here the Spanish governor's testimony ⁷⁴proves that there must have been in 1617 a Dutch trading post sufficiently near the Orinoco to tamper with the Indian tribes of that district. If Raleigh does not mention that his boats visited such a post, it was because that post was, as Scott relates, on an island thirty leagues up a stream of most difficult and intricate navigation, and native pilots would naturally be found in the creeks ⁷⁵close to the mouth.

It has already been mentioned that at a meeting of the directors of the Zeeland chamber, 23 Aug. 1627,⁷⁶ 'it was resolved to raise the wages of Jan van der Goes in Essequibo after his first three years.' This first official governor, then, of the company's colony on the Essequibo may be taken to have begun his duties not earlier than the end of August 1624. Now it happens that the journal of a voyage made by a ship named the 'Pigeon' in 1623-4, under the sanction of the directors of the West India Company, for the purpose of visiting the Amazon and the rivers of the wild coast of Guiana, exists in the British Museum.⁷⁷ The manuscript contains also charts of each of the rivers entered, with the course of the vessel and place of anchorage carefully marked. A fortnight, 12 Aug. to 28 Aug. 1624, was spent in the Essequibo, and merchandise was brought away. The narrative is of the briefest, and no details are given, but the accompanying chart places the anchorage exactly before the small island, where (according to Scott) Groenewegen and his companions had established themselves in 1616. The length of time spent by the 'Pigeon' in the river, the distance to which it penetrated by a difficult and tortuous channel, and the merchandise which was shipped are facts which all tend to corroborate Scott's story.

The presence, then, of a settlement at Kijkoveral for some eight

⁷² Brit. C. p. 24. These Dutch ships were, no doubt, those of Jan de Moor and his partners.

⁷³ *Essays and Observations*, p. 56.

⁷⁴ Note the prominence given to the word 'Flamnicos.'

⁷⁵ The smaller streams running into the Essequibo are called 'creeks' locally.

⁷⁶ Brit. C. App. i. 63.

⁷⁷ Sloane MS. 179 B.

years before 1624 under private auspices can scarcely admit of reasonable doubt, but the assumption made above that the foundation of the official colony caused no interruption in the existence of this private trading venture remains to be verified. The analogy of New Netherland and the facts adduced in connexion with the Barbados incident in 1627 lend it probability, but nothing more. As a preliminary, however, to the examination of the further evidence bearing on the question, a misconception must be cleared away. In the Venezuelan Boundary Arbitration case the condition and extent of Dutch settlement upon the Essequibo and its dependent rivers before the treaty of Münster in 1648 was the subject of elaborate arguments, written and spoken, but it is not too much to say that all of these, more particularly those of the advocates of the Venezuelan (Spanish) claims, were vitiated by the failure to recognise this existence, side by side, of two settlements. The evidence that has been mainly relied upon is that contained in the minutes of the proceedings of the Zeeland chamber, but the deductions that have been made from this evidence are fallacious, because of a fundamental misunderstanding of its bearing and limitations. The minutes have reference solely to the affairs of the company and of the officers and servants in the pay of the directors of the Zeeland chamber, the colonists in the strict official sense of the word. This can be easily demonstrated. An examination of contemporary Spanish evidence shows with quite overwhelming conclusiveness that at the very time the 'colony' was, according to the minutes, at its lowest ebb, Dutch enterprise in the Essequibo district was actually extending itself far and wide and threatening to drive the Spaniards from the Orinoco.

The minutes of the Zeeland chamber for the proceedings of 17 Aug. 1637⁷⁸ contain the following:—

Inasmuch as Jan van der Goes had written from Essequibo that he, with the folk⁷⁹ that were with him, was minded to come home by the first ship, it was some time ago resolved to send thither in the place of the said Van der Goes, by the ship 'De Jager,' Cornelis Pietersz Hose; and on account of the great demoralisation⁸⁰ of the folk and their wish to come home it is resolved that they be allowed to come home, and the colony provided anew with twenty-five other respectable persons, from whom the company may receive more service, and more edifyingly withal.

Yet at this very time, when the colony was denuded of the company's colonists—*i.e.* during the autumn of 1637—we find from the reports of the Spanish governor that successful attacks were made by the Dutch of Essequibo on Trinidad and on Santo Thomé itself. In a despatch, dated 17 Nov. 1637,⁸¹ we read—

⁷⁸ *U.S.C. Rep.* ii. 72.

⁷⁹ 'Het volck' = those in the pay of the Zeeland chamber. See *Brit. C. App.* i. 64, 'coloniers ofte volck.'

⁸⁰ Debauch.

⁸¹ *Brit. C. App.* i. 91.

In those three settlements of Amacuro, Essequibo, and Berbis the enemy have many people, especially in those of Essequibo and Berbis; he could not say what was the number of their force except that it was large, and that all the Aruacas and Caribs were allied with them.

In another despatch, of 28 May 1637,⁸² the governor speaks of Essequibo, a fort lying in his province of Guyana, where the Dutch were carrying on a great trade with the Indians, and were keeping the inhabitants of Orinoco in continual alarm.

Enclosed in a despatch dated 11 April 1637 is a letter from the *cabildo* of Santo Thomé; in this the statement occurs—

The forces of the enemy have increased in this government (Guyana) on the mainland, with new settlements among the Carib and Aruac nations, who are allied with them, and they are settled on the River Essequibo, which is 20 leagues to windward of this River Orinoco, on the same mainland coast, with two forts well supplied with artillery and soldiers and a quantity of negroes . . . their correspondence and traffic (with the Indians) reach such a height that they pass above this town through the hands of the natives, and sometimes the Dutch come with them. . . .⁸³

The condition of things revealed in these Spanish extracts would be in absolute contradiction to that represented in the minute of the Zeeland chamber, unless we assume that this extraordinary activity of the Dutch in Western Guiana represented the successful efforts of some capable agent of private enterprise. It was not Van der Goes and his demoralised 'folk' who kept the inhabitants of Orinoco in continual alarm, and carried their correspondence and traffic by the hands of the Indians far up the great river, but the man of whom Scott tells us that he

was the first man that took firme foteing on Guiana by the good likeing of the natives, whose humours the gent' perfectly understood. . . . All his time the Colonie flourished; he managed a great trade with the Spaniards by the Indians with great secrecy.

The fact, moreover, that private enterprise was permitted to take part in the development of the Essequibo colony at this time does not rest on inference alone. The Zeeland chamber had indeed no desire to have their monopoly infringed, and a minute of their proceedings for 23 June 1635 records that a deputation was sent to the Supreme Council of Nineteen

to insist on the trade on the Wild Coast, and that nobody navigate there save those who have a contract to that effect from this chamber with the

⁸² Brit. C. App. i. 86.

⁸³ *Ibid.* i. 109. It should be noted that the 'cabildo' speak here of two forts on the Essequibo ('dos castillos bien guarnecidos'). In another letter of the following year, 1638, telling of the destruction of Santo Thomé by the Dutch, we find 'they have another settlement in Essequibo, where they have forts' (p. 115). This second fort is probably referred to in a minute of the proceedings of the Zeeland chamber for 23 Aug. 1627, p. 63.

approval of the Council of Nineteen, those being excepted who have such interests there as the councillor De Moor and company, but without anybody further being at liberty to navigate there.⁸⁴

And on 24 April 1636

there was read and adopted the letter for Essequibo to Jan de Moor and others.⁸⁴

To Councillor de Moor and company, then, liberty of trading was permitted, to the exclusion of all other private persons, and the privilege still existed nine years later, when the period of the charter⁸⁵ of the first West India Company was drawing to a close, for in the minutes of the proceedings of the Zeeland chamber for 29 May 1645 we find,

the commissioners are of opinion that the River Essequibo has now for some time been navigated with small profit to the company, for the reason that private colonists are permitted to trade there as well as the company, so that the goods coming from there cannot fetch their proper price on account of competition; they are, moreover, of opinion that at the expiration of the charter either the trade ought to be reserved exclusively for the company or it were better the aforesaid place should be thrown open under payment of proper dues.⁸⁶

This expression of petulance was, no doubt, owing to two separate causes—(1) the heavy strain upon the company's resources caused by the Portuguese revolt in Brazil; (2) the recent death of Jan de Moor. The private company of which this great merchant had so long been the head had now passed into other hands, and his old servant Groenewegen had, as the proceedings of 9 March 1645 inform us, recently become commandeur under the Zeeland chamber.⁸⁷ Scott's statement, however, that in 1665 he took prisoner in Essequibo

one Hendricson⁸⁸ a Switz by Nation that had served some Dutch Merchants in those parts 27 yeares in Quallity of a Factor with the upland Indians is a proof that the wish of the Zeeland chamber to have a monopoly remained ungratified.

If Scott's narrative be trustworthy, this private trading company began its operations in 1616, and it has already been pointed out that, just as the early New Netherland Company was an offshoot of the Amsterdam chamber of the Northern (Greenland fishery) Company, so in all probability did this early Essequibo Company take its rise out of the Zeeland chamber of this same

⁸⁴ *U.S.C. Rep.* ii. 70.

⁸⁵ The charter was for twenty-five years, from 1621 to 1646.

⁸⁶ *Brit. C. App.* i. 131.

⁸⁷ *Ibid.* See above, p. 655.

⁸⁸ This man must have gone out in 1637, the year in which we learn from Spanish sources of the great extension of Dutch trading among the inland Indians. We find him mentioned in Gen. Byam's narrative of the loss of Paramaribo (Sloane MS. 3662): 'One younker Hendryck, a Switts, [was sent] to still the Indians,' August 1665.

Northern Company. About the chief promoter and patron of the Essequibo expedition there can be no question; all the evidence points to Jan de Moor, and with him there is at least very considerable probability that, among others, Peter Courten was associated. Their names appear as the leading directors of the Zeeland chamber of the Northern Company in 1615, and among the earliest minutes that are extant of the proceedings of the Zeeland chamber of the West India Company in its relations with the Wild Coast of Guiana we find them once more joined together.

The minutes of 3 Dec. 1626 and of 22 April and 5 July 1627 exhibit (as we have already seen) the name of Burgomaster de Moor, coupled with those of Boudaan and Courten, as a committee of the Zeeland chamber to deal with certain matters relating to Guiana colonisation.⁸⁹ That the names of both the uncle and nephew should appear is a proof of the large interest they must have had in such undertakings. On the death of Peter Courten in 1630, unmarried, Boudaan became his heir, assumed the name of Courten, and at once took possession of all the books, goods, shipping, and money at Middelburg, to the utter loss and ruin of his uncle William, whose heirs were still endeavouring thirty years later to obtain legal redress in the law courts. The influential position of this man, as a leading director of the Zeeland chamber interested in the Guiana trade, may be gauged by the facts that two of his sons-in-law,⁹⁰ Jan van der Merct and Abraham Bischoep, were likewise directors of the Zeeland chamber, and that both served on special committees dealing with the affairs of Essequibo.⁹¹ Probably all three had in their private capacity a share in the fortunes of De Moor & Co.

However this may be, the existence of such a company must be conceded, and, further, we believe that the Spanish documents of 1637 and 1638, to which reference has already been made, contain an account not merely of its flourishing condition but of its powers for aggressive action. It has been pointed out that at the very time when the official colony was at its lowest ebb, Dutch traders had gained the confidence and alliance of all the Indian tribes, had established themselves at the mouth of the Amacuro, and were steadily pressing inland.⁹² In 1637 they found themselves threatened by the action of Don Diego Lopez de Escobar, the Spanish governor. The Spaniards from Santo Thomé and Trinidad had under his command attacked and utterly destroyed Jan de Moor's colony on the island of Tobago, and had carried off a number of prisoners, and among these Cornelis

⁸⁹ Brit. C. App. i. 62, 63. Compare above, pp. 659, 660 n. 49.

⁹⁰ Kok, *Vaderlandsch Woordenboek*, vii. 884.

⁹¹ *U.S.C. Rep.* ii. 64, 67, 78; Minutes of Zeeland Chamber for 24 Oct. 1630, 7 Apr. 1631, 24 June 1632, 16 July 1632.

⁹² Brit. C. App. i. 104, 110.

de Moor, the son of the patron.⁹³ In such circumstances what could be more natural than that De Moor's Essequibo settlers and traders should feel alarmed for their own safety, and should take vigorous measures to avenge the overthrow of Tobago and the capture of their patron's son?

A series of Spanish despatches⁹⁴ describe in detail how for this purpose a large force of Dutch and Indians made their way up the Orinoco, and on 22 July 1638 carried the town of Santo Thomé by storm, and then sacked and burnt it. The Spanish governor himself, to use the words of a letter from the *cabildo* of Guiana, 'escaped by a miracle.'⁹⁵ On the following 14 Oct. the Dutch and their allies were again successful in surprising the town of San Joseph de Oruña, in Trinidad, which they likewise plundered and burnt. Among the many documents in which these events are told the letter from the *cabildo* of Guiana is specially interesting, for it contains the name of the Dutch leader. It was drawn up and signed in Feb. 1638 by the eight members of the *cabildo* in the presence of the public notary, and was forwarded by special messenger, together with a letter from Escobar to the Spanish governor at Caracas, by whom certified copies were duly sent to the king.⁹⁶ Its authority therefore is unexceptionable. In this letter the following passages occur:—

The captain who has done these things [at Santo Thomé] is called Captain Llanes, who speaks the Carib and Aruaca languages⁹⁷ well. . . . Immediately this war was finished the same fleet of pirogues⁹⁸ took supplies of food at the Amacuro, a river which is at the east entrance of the Orinoco. From thence the said Captain Llanes⁹⁹ passed to Trinidad, where the same thing happened an hour before daybreak.

Who then was this formidable Captain 'Llanes,' who spoke the Indian tongues so well? The information about the Dutch and their doings appears to have been chiefly derived from Spanish-speaking Indian prisoners, and particularly from a man named Andrés, captured by the Dutch at Santo Thomé, who was afterwards compelled to serve as a guide, but who effected his escape during the assault on San Joseph de Oruña. It is scarcely possible not to

⁹³ A full account is given by one of the prisoners, Jacques Ousiel (Brit. C. App. i. 83-8). The destruction of this colony has already been mentioned above, p. 643).

⁹⁴ Brit. C. App. i. 88-114.

⁹⁵ *Ibid.* i. 103: 'fue milagro escapar el Senor Gobernador.'

⁹⁶ *Ibid.* i. 100-4.

⁹⁷ 'Gran lenguaras de caribe y aruaca.'

⁹⁸ 'Pirogues' = Indian boats.

⁹⁹ The record of this name does not rest solely on this document. In a report by Major Maldonado, who was sent with a body of troops from Granada to restore Spanish authority in the Orinoco district, written perhaps in 1639, the writer refers to General Llanes as a well-known personage, 'en tiempo de Don Diego Lopez de Escobar el general Llanes quemando la ciudad . . .' Brit. C. App. i. 125 (where there is a slight mistranslation here).

recognise in the word 'Llanes' the transformation,¹⁰⁰ after passing from Dutch into Indian and from Indian into Spanish, of the well-known patronymic 'Adriaensz,' by which Groenewegen was familiarly known among his countrymen.¹⁰¹

It is noteworthy that in the minutes of the proceedings of the Zeeland chamber no allusion of any kind is made to these important events, nor is the great trading post at the mouth of the Amacuro¹⁰² so much as mentioned, although there are several entries in the minutes for the years 1638, 1639, and 1640¹⁰³ about an expedition to the Orinoco under Jan van der Goes in quest of silver. The exploits of Captain 'Llanes' made the venture of Van der Goes possible; but the directors, in their official capacity, entirely ignore the private company and the doings of its agents. The explanation is, no doubt, that so long as Jan de Moor lived he and those associated with him were all-powerful at the board of the Zeeland chamber, and they took good care that their privilege of private trading derived from first possession should not be interfered with.

Nothing can be more instructive than to compare the official minutes of Aug. 1637 concerning the wretched condition of Jan van der Goes and his folk and their desire to return home, and the tale told in a Spanish despatch¹⁰⁴ dealing with the same period and giving evidence of the extraordinary energy of the Dutch traders among the Indians on all the rivers of Western Guiana.¹⁰⁵ 'It is known,' say the writers, 'for certain from the same Aruacs who always report these occurrences that the Dutchman¹⁰⁶ (*i.e.* Llanes) sent to Flanders before that they took Guiana (Santo Thomé) for ships and barter, in order to settle it through the influence they possess with all the natives of the Orinoco and interior, who are in communication with one another by land.'

Later Spanish documents¹⁰⁷ of the year 1640 show that the Dutch were then still strongly posted on the Amacuro in a fortified trading station. This, as the silence of the official Dutch records proves, was not, like that on Essequibo, financed by the Zeeland chamber. We may fairly assume that at this time it was the centre of Groenewegen's activity.

¹⁰⁰ Spanish writers always have a difficulty with Dutch names; thus, Brit. C. App. i. 110, we find 'Cornelio de Morg [Moor] de Frechilingues [Vlissingen].' Schonten appears as Estopa and Oustens, Hein becomes Moyno, and so on.

¹⁰¹ Brit. C. App. i. 146. In a Spanish despatch of 1662 he is spoken of as 'governador de ellas Adrian Arnoto' = Adriaensz Aert.

¹⁰² Brit. C. App. i. 110, 'en la dicha pvoablacion y Puerto de Amacuru de ordinario tienen quatro y seis navios de olanda y muchas eces doce' (p. 124); 'los erexes que estan en una casa fuerte en la boca del Rio de Amacuro.'

¹⁰³ *U.S.C. Rep.* ii. 96-8.

¹⁰⁴ Brit. C. App. no. 45.

¹⁰⁵ Here Aguire, Barima, Amacuro, and Guayapiche are mentioned.

¹⁰⁶ 'El Olandes' (Brit. C. App. i. 116).

¹⁰⁷ Brit. Counter-C. App. pp. 12-14: 'esta fortificado en aquellas costas en los puestos que llaman de amacuro y esquivo,' 1640.

The days of Jan de Moor were now drawing to a close, but a minute of the proceedings of the Zeeland chamber, 5 May 1644, stating that a letter had been read from 'Adriaen Jansz, commandeur at Fort Kijkoveral, in Essequibo,' probably shows that his influence remained unimpaired to the end. In 1641 a daughter of the great Flushing merchant married Adriaen Janszen (de Jonge), son of the burgomaster of Middelburg, who was likewise named Adriaen Janszen,¹⁰⁸ and it is probable that his father-in-law's powerful recommendation caused this man shortly after his marriage to be nominated as commandeur in place of Cornelis Pieterse Hose.¹⁰⁹ In March 1645¹¹⁰ we find Aert Adriaensen [van Scherpenisse] commandeur at Fort Kijkoveral. In the interval between May 1644 and March 1645 Jan de Moor had died, Adriaen Janszen, then at the end of his three years' engagement, had returned home, probably to claim his share of the inheritance, and Groenewegen, now that the master whom he had served so long was no more, had placed his experience and intimate knowledge of the country at the service of the directors, and had by them been appointed to the office which he was to hold until his death in extreme old age in 1664. How valuable such an offer must have been at a time when the whole resources of the West India Company were strained to their utmost by the successful revolt of the Portuguese in Brazil it is needless to say.

Such an explanation of the circumstances makes the whole story hang together in the most natural and consistent manner, and the feeling that it is in all probability correct is enhanced and borne out by the minute of 29 May 1645, to which reference has already been made, where we find the commissioners of the Zeeland chamber, appointed for negotiating the renewal of the company's charter,¹¹¹ complaining of the damage done to the company's profits by private competition, and seeking to get rid of it. Their efforts to attain this monopoly did not apparently meet with entire success; but, if it were to be attained, what time could be so propitious as that immediately following the death of Jan de Moor and the transference of Groenewegen's tried abilities and unrivalled influence with the native tribes to the service of the company?

But one more point remains to be noticed, the Delft element in the early history of the Essequibo settlement. Both Groenewegen and Van der Goes, who, as we have shown, must have worked side by side in positions of authority for some sixteen years, were sprung from the Delft burgher aristocracy. Their fathers had filled high

¹⁰⁸ A 'De Moor' pedigree may be found in the *Kroniek van het Historisch Genootschap te Utrecht* for 1850. This marriage is there recorded. The exact date of Jan de Moor's death is wanting, but it took place in 1644 or 1645.

¹⁰⁹ Hose became commandeur in 1637 (*U.S.C. Rep.* ii. 72).

¹¹⁰ *Brit. C. App.* i. 131; *U.S.C. Rep.* ii. 103.

¹¹¹ The charter of the W.I.C. was granted in 1621 for twenty-five years.

municipal offices in the town, both had remained true to the Roman catholic faith though adherents to the house of Orange, and the families to which they belonged were connected by inter-marriage with those of Van der Dussen, Van der Burgh, and De Bye.¹¹² Jan Adriaansz van der Goes was the son of Adriaan van der Goes, advocate, of Delft, and Maria van Cromstrijen.¹¹³ Aert Adriaansz van Groenewegen was (most probably) a younger son of Adriaan van Groenewegen, burgomaster of Delft in 1575, and Maria van der Burgh.¹¹⁴ In those days of exclusive monopolies it appears at first sight strange that Zeeland directors should have selected, as the first governor of a Zeeland colony, a native of Delft. It becomes quite explicable when we consider that De Moor and his partners would naturally be anxious that the newly appointed official should be acceptable to the man who had taken on their behalf the first settlers to the Essequibo, and who was in charge of their private interests upon that river, and that they may indeed have been guided by Groenewegen's advice in their choice of a commander with whom he must, through family and local ties, have been well acquainted. Such a relationship between the two men removes one more and the last difficulty in the way of the acceptance of Scott's narrative, and adds the final link to the long chain of cumulative evidence which has firmly established its general trustworthiness.

GEORGE EDMUNDSON.

¹¹² The family tree of the Van der Dussens in Kok's *Vaderlandsch Woordenboek*, xiii. 58, is particularly interesting.

¹¹³ Communicated to me by Mr. C. J. Gonnert, archivaris at Haarlem and editor of *Briefwisseling tusschen de Gebroeders van der Goes*, 1899.

¹¹⁴ Communicated to me by Mr. A. A. Versterman van Oijen, of the Genealogisch en Heraldisch Archief at Ryswick.

*England and Sweden in the Time of
William III and Anne*

THE present article is intended to be introductory to others treating in detail of the relations of George I of England with Charles XII of Sweden. Their hostility was the result of events which occurred in the years when George was only, to use the common term, elector of Hanover. These led him to exchange alliance with Sweden for confederation with her assailants, and he naturally sought to further his Hanoverian interests by the power of his new kingdom. But the necessities of commerce required that Great Britain and Sweden should remain, if possible, on friendly terms. They did so until in 1710 on the one hand Queen Anne failed to comply with the impossible demand of Charles for the literal fulfilment of her guarantees of the treaties of Travendal and Alt-Ranstädt, and he on the other imposed restrictions on Baltic trade which could not be allowed. The queen's last ministry, pacific as its aims were, found itself obliged to equip a squadron for the protection of the northern traders. The same causes that compelled it to this action gave to George year after year British fleets for service in the Baltic. I propose now to present first some notes upon the Baltic trade, secondly a short survey of English relations with Sweden in the years 1688 to 1709, and thirdly a more particular examination of the northern policy of the Oxford ministry.

In the first place we must remark that at the beginning of the eighteenth century the Baltic was practically a Swedish lake. The fleets of Denmark, the other naval power there, could not meet those of Sweden in the open. Charles XII inherited the whole coast round from the Sound to the frontier of Prussia, and on the southern shore Pomerania from the Oder to the Recknitz, and Wismar and its dependencies in Mecklenburg. Three-fourths of the coast were his. Russia had no outlet of her own to the Baltic till Peter the Great early in the century built St. Petersburg and took Narva.

For commercial purposes five divisions of the north of Europe

were recognised in England. Sweden and Finland were one; Denmark and Norway, then under one crown, another; the others Germany, Russia, and the 'East Country.' The trade to northern Germany does not concern us, as it passed almost entirely through Hamburg. That with Russia had been since 1554 the monopoly of the Muscovia or Russia Company, which traded partly to Archangel on the White Sea, partly by the Baltic through the Swedish port of Narva. The East Country was served by another chartered company, the Eastland, founded in 1579 in opposition to the Hansa league. Its privileges had originally extended to Norway, Sweden, Finland, Copenhagen, and Elsinore, but the great increase of English trade to the Baltic in the middle of the seventeenth century caused them to be restricted in 1672 to the provinces between the Oder and the Gulf of Finland. Half this extent of coast belonged to Sweden, the other half to Prussia or to Poland.

The official returns of English trade with other countries for a series of years from 1697 were printed long ago by Sir Charles Whitworth.¹ It appears from them that in the years 1697 to 1714 the annual value of imports from Sweden (including Finland) varied, in round numbers, from 143,000*l.* to 246,000*l.*, with a mean of 182,000*l.*, while the exports thither only in one year exceeded 70,000*l.*, and fell in another as low as 22,000*l.* For Denmark and Norway the figures show an average of 76,000*l.* for imports, and, omitting 1697, of 43,000*l.* for exports. The trade with Russia varied greatly. The imports had a value of 223,000*l.* in 1704, of 29,000*l.* in 1706, and an annual average of 124,000*l.* The exports, nil in 1697, rose in 1710 to 212,000*l.*, with an average, excluding again the former year, of 107,000*l.* For the last three years of the period they were respectively 49,000*l.*, 58,000*l.*, and 94,000*l.* Of course the trade to Archangel is included in these figures, but in the last years of the period named as much as possible of this was diverted by the tsar's orders to his new city of St. Petersburg. The Eastland Company, lastly, imported in these years goods to the average annual value of 146,000*l.* (maximum 224,000*l.*, minimum 64,000*l.*), exporting, up to 1708, to the value of 137,000*l.*, but afterwards, in consequence, no doubt, of the commercial blockade imposed by Charles XII upon the ports taken from him, very much less, the figure for 1710, when the blockade was first imposed and specially strict, being only 29,634*l.*

The chief exports from England to the north were woollen cloth and other textile fabrics; hardware and earthenware; metals, as wrought iron, lead, and tin; and foreign merchandise, in particular the tobacco, sugar, rice, and other produce of the

¹ *State of the Trade of Great Britain in its Imports and Exports progressively from the Year 1697.* London, 1776.

American plantations. The woollen manufactures reached the average annual value of 157,000*l.*, of which three-fourths went to Russia and the East Country.² The imports were the produce of the northern pine forests, pitch and tar, masts and deals ; of the mines, iron in large quantities and copper ; of the fields, hemp and flax, wheat and rye ; besides furs, tallow, and other articles. The hemp and flax came almost entirely from Russia³ and the East Country, the iron and copper from Sweden, the pitch and tar from Sweden, Norway, and Russia, and most of the timber from Norway. Denmark exported little but cattle to the Netherlands.

Considerable as this Baltic trade was, the economic maxims of the time condemned it as injurious. Two centuries ago the national value of a commerce was measured not by its volume, by the capital it engaged or the labour it employed, but by the preponderance of exports over imports. Money, the measure of wealth, was identified with wealth itself, and the object of commercial legislation was to increase the country's store of coin and bullion. If the imports of a trade exceeded in value the exports the nation was held to be poorer by the resulting outflow of the precious metals. To preserve the 'balance of trade' the reverse must be the case. To illustrate this we may quote the commissioners of trade in a report of 1697.⁴

Finding that we have imported from some countries goods to a much greater original value than we have exported thither ; and it being certain that some private persons may enrich themselves by trading in commodities, which may at the same time diminish the wealth and treasure of the nation, to which no addition can be made by trade but what is gained from foreigners and foreign countries ; and that such an over-balance has not been made by any circulation in trade or exchange, so as to make such trades advantageous for this nation, as they have of late been carried on ; we have in our inquiries particularly distinguished the same from others that have a better foundation, conceiving that such trades have occasioned the exportation of coin or bullion, or hindered the importation thereof.

In the forefront of such offending commerce the commissioners place that with Sweden, the East Country, and Denmark and Norway. The evil was magnified by the fact that these countries, and Sweden in particular, made every effort to have their commodities carried in their own vessels. The report continues—

² Record Office, Board of Trade, Trade Papers, 23.

³ The Muscovia Company brought from Archangel in the twelve months ending 1 March o.s. 1704 6,150 tons of hemp and 216 tons of flax. The whole of the flax and 1,368 tons of the hemp were imported by one firm, Edward Haistwell & Co. The number of the company's ships sailing to Archangel was seventy-eight, of which one was taken and six were lost (British Museum, Add. MS. 15898, f. 141).

⁴ 'A Report concerning the General Trade of England made by the Board of Trade Dec. the 23rd 1697,' Record Office, *ubi supra*.

The iron, hemp, pitch, tar, wire, masts, and deals imported from Sweden and south side of the Baltic Sea we find hath much increased upon us, and that the first cost of late years amounts to above 200,000*l.* per ann., viz.

Iron	70,000 <i>l.</i>
Hemp	90,000 <i>l.</i>
Wire	10,000 <i>l.</i>
Pitch and tar	15,000 <i>l.</i>
Copper, masts, deals, furs, and other goods	20,000 <i>l.</i>
	<hr/>
	205,000 <i>l.</i>

and that the ships employed of late in that trade are not above one-half English bottoms, and that the king of Sweden did about the year 1680 lay a duty of above 50 per cent. upon our woollen goods imported there, and encouraged woollen manufactures in his own dominions carried on by the help of wool from England (as we are informed), but exported thither by way of Scotland,⁵ and encouraged the expense of such by the example of the court; and also having anno 1696 laid such difficulties on the English merchants, as have constrained them to leave the country, did by these means so discourage the importation of English goods that we have not exported thither the value of 40,000*l.* per annum since the laying of those duties, by which we are overbalanced about 200,000*l.* per ann. in goods and freight.

From Norway and other parts belonging to the king of Denmark we find the importation of timber and deal much augmented since the Fire of London and increase of buildings, and so much thereof in foreign bottoms that from Michaelmas 1691 to Michaelmas 1696 there were entered in the custom house at London 1,070 foreign ships from those parts, and but 39 English, our ships being charged there with some duties more than the Danes, and our exportation of goods thither not 10,000*l.* per ann. (those people supplying themselves with that they want chiefly from Holland and Hamburg), and therefore we are overbalanced in that trade by goods and freight at least 150,000*l.* per ann.

As remedies for this the commissioners advised that the ships called 'cats,' employed in the Norway timber trade, which alone were suitable and were built very cheaply on that side, might be naturalised as English-built ships, and that privileges should be obtained for English merchants to reside and trade in the ports of Norway.

From Russia, say the commissioners, 'our importations, computed upon the first cost there, have not exceeded our exportations,' and they only recommend that the Russia Company, reduced to thirteen persons, should be thrown open to all the king's subjects upon the payment of a small fine, a suggestion carried out in 1699.⁶

⁵ There being strong enactments against the exportation of wool from England.

⁶ The fine was fixed at 5*l.* The Eastland Company had been similarly thrown open in 1672 for a fine of 2*l.* (Macpherson, *Annals of Commerce*, ii. 706, 563.)

The measures recommended to place the Swedish and East Country trade upon a better footing were, first, that the growth of hemp and flax should be encouraged in Ireland, and the production of pitch, tar, and copper in New England, in both of which cases there would be the additional advantage of employing only English ships; secondly, that the use of English and Spanish iron should be promoted; and thirdly, that every endeavour should be made to obtain the removal of the burdens and disabilities under which the English merchants laboured.

To the first of these recommendations effect was speedily given; the Irish linen industry had already been founded by the well-known act of 1696, and to encourage importation from the North American plantations one was passed in 1703, and was supplemented by later legislation of the reign. Bounties were allowed for pitch and tar, resin and turpentine, hemp, masts, yards, and bowsprits imported of proper quality. Regulations were made for the preservation of the pine forests. Among other measures may be noted the planting of a colony of Palatine refugees on the Hudson River in 1710, with the express purpose of manufacturing pitch and tar from the forests of New York.⁷

This sowing returned a quick harvest, at least in respect of pitch and tar. The importation of these from North America rose from 177 barrels in 1701 to 11,639 in 1714, and 25,279 in 1715. This was fortunate, for in the two latter years Sweden sent only 18,817 and 2,579 barrels respectively, as against 42,856 in 1704. Moreover the pitch was of excellent quality, and the first runnings of tar as good as the best of Stockholm. There came also from the plantations in 1715 565 tons of resin and turpentine. Hemp, we learn, had been successfully grown, the soil being found very suitable for it; there was iron in plenty, giving satisfactory tests; and abundance of dark cypress, cedar, and pine, giving boards free from knots 20 to 40 feet long. Ships were being built as good as those launched from the home yards.⁸

We may append some statistics of Baltic imports in the years 1716 and 1717, taken from a return of 1721.⁹ The figures denote round numbers of pounds sterling. In the latter of these years trade with Sweden was prohibited. The exports thither from England were nil, though in 1716 they had still reached the value of 24,000*l*.

⁷ See *Calendar of Treasury Papers*, 1708-14.

⁸ Board of Trade Report, 28 March o.s. 1717, Record Office, *ubi supra*. Much of it is evidently based upon the 'Letter from an Inhabitant of New England,' 1715, cited by Anderson, iii. 68. Some further particulars relating to the importation of naval stores from America are to be found in the Record Office volume labelled 'Plantations, General.' In 1719, says Macpherson (*Annals of Commerce*, iii. 73), so much came in that quantities could be re-exported.

⁹ *Political State of Great Britain*, vol. xxii. November 1721.

1716	From Denmark and Norway	From the East Country	From Sweden	From Russia	Totals
Pitch and tar . . .	£ 9,300	£ 60	£ 2,300	£ 12,600	£ 24,260
Iron	4,600	700	122,700	300	128,300
Hemp	—	15,900	700	110,500	127,100
Masts	7,500	400	1,200	900	10,000
Other goods . . .	52,500	86,600	10,000	72,400	221,500
	73,900	103,660	136,900	196,700	511,160
1717					
Pitch and tar . . .	9,800	700	7	4,200	14,707
Iron	4,000	400	14,300	1,910	20,610
Hemp	200	44,100	—	99,300	143,600
Masts	6,800	170	400	6	7,376
Other goods . . .	64,000	92,400	1,600	104,500	262,500
	84,800	137,770	16,307	209,916	448,793

The third recommendation of the commissioners of 1697 had reference to the burdens imposed upon British traders to the Baltic. These were unquestionably heavy and vexatious, the Swedes naturally trying to protect their own nascent industries, to increase their revenues, and to promote their shipping interest in every possible way. The complaints of the merchants form a large portion of the contents of the British envoys' despatches from Stockholm. First of all Swedish vessels were exempted by treaty from the Sound and Belt passage duties levied by the Danes. The freedom extended not only to Swede-owned ships, but to Swedish shares or cargoes in other vessels.¹⁰ Then differential tariffs were levied in Swedish ports on the so-called whole-free, half-free, and strangers' ships, a deduction of one-third being made for the first-named class and one-sixth for the second. The result of these privileges was almost a monopolisation of the carrying trade, at least in time of peace, by Swedish shipping.¹¹ Further,

¹⁰ See Scherer, *Der Sundzoll: seine Geschichte*. The exemption was obtained in 1645 and abolished in 1720.

¹¹ John Robinson, *Account of Sweden*, published in 1694, reprinted in 1711 and 1717. (He was secretary and afterwards envoy at Stockholm for some thirty years from 1680; he then became successively dean of Windsor, bishop of Bristol, and bishop of London, and was one of the British plenipotentiaries at Utrecht.) When Sweden was at war, he says, English ships 'had the whole employ;' but when at peace, in consequence of the differential customs, 'English bottoms cannot be used in that trade, but only while Sweden is unprovided with a number of ships sufficient for the transportation of their own commodities.' To quote from another account (of 1675) by William Allestree, secretary at Stockholm to Sir Edward Wood (Record Office, Sweden, 18, 'Regni Suecorum Status Forma ac Constitutio'), 'these impositions are very high, though they are not lay'd so much upon merchandize, as upon the shippes which bring it, which are divided into wholefree, halfefree, and strangers shippes, and accordingly pay more or lesse duties, except only in the case of salt, which is so necessary a commodity (I speak of Portugal salt, for they condemne all other) that whatever shipp, though a stranger, bring it, hee pay'es no more custom's in, or out, then a free Swede, during this warr.'

Elsewhere I find a whole-free ship described as 'a great ship fit for fetching salt,

there was a long array of burdens and disabilities, which may be summarised as follows from a Board of Trade report of 1710¹²:—

1. By an ancient edict, revived in 1695, foreign merchants were forbidden to stay in Sweden more than five months in the year.¹³

2. At Stockholm British merchants were not permitted to store salt and other bulky goods in warehouses, but were forced to sell them off the ship. Those goods which might be warehoused were placed under the city lock, and the owners could only visit them by leave. These two regulations had indeed been suspended, but might be renewed again at any time.

3. If a British ship landed goods intended for re-exportation, the usual customs were levied thereon, and no drawback was allowed for such re-exportation; nor might this be done in a different ship.

4. If a British merchant died in a Swedish town, the government thereof demanded one-third of his estate. It was no relief that merchants of other nations were similarly treated.

5. At Reval British goods could not be consigned to British merchants, but only to the burghers, who thus reaped the commission.

6. Nor could a British merchant at Reval deal in Sweden except with a burgher.

7. At Riga the British merchants were compelled under penalty to sell their salt within twenty days.

from Portugal and qualify'd to serve the king in his wars' (Record Office, Trade Papers, 23, in 'A Written Pamphlet relating to y^e Trade of the Baltick').

¹² Record Office, Sweden. But the grievances were of old standing. We have, for instance, a similar list in July 1678 (*ibid.*), and an almost identical one in a parliamentary paper seemingly of 1696-9, being concerned with the agitation for the enlargement of the Russia Company (British Museum, no. 121 in vol. xi. of the collection of tracts marked 316 m).

¹³ Robinson says two months, and further that, but for the want of capacity and capital among the Swedes to advance their own manufactures, foreigners would hardly be permitted to live or trade in Sweden at all. 'Even as the case stands, their treatment of them is as rigorous as in any country, occasioned chiefly by the envy of the burghers, who cannot with any patience see a stranger thrive among them. This is less sensible to Hollanders and others, many of whom become burghers, and the rest by their near way of living are less subject to envy, but is more especially the case of the English merchants, who find it not their interest to become burghers, and usually live somewhat too high.' Allestree writes on this point in another dissertation (September 1676, Record Office, Sweden) that it was alleged 'that our merchants' humours do by no means agree with theirs, that we are ruff and surly, and unpractic'd in those submissions which all who address themselves here should be endow'd with; that wee cannot brook with delays, nor attend with patience till they please to do us justice; nor, above all, give our goods upon credit, and wait their leasure for the payment. That wee never naturalize ourselves, or take wives amongst them, or enter into any other familiarities which may shew wee are pleas'd with their society, or desire to live friendly with them. Whereas, on the other hand, the French and Hollanders at their first arrivall comply readily with their customes, are flexible and submissive, us'd to attendance, willing lenders and patient expectours of pay; they presently make themselves burghers, marry amongst them, encrease the number of his Majesty's subjects, and if they gett an estate they keep it here.'

8. British merchants were not allowed to go up into the country to trade. They could not visit the ironworks or forges to see that the goods bespoken answered in quality and size to the agreement.

9. The duty on woollen cloth, half a crown a yard, was the same for all qualities. British cloth worth two shillings a yard paid as much duty as fine Holland cloth worth twelve or thirteen shillings, and this amounted to a prohibition of the importation of cloth from the northern parts of Britain. The duty was believed to be imposed in the interest of Swedish cloth, which was very coarse.

10. When the queen had no minister resident in Sweden the British there were denied the exercise of their religion.

A supplementary document gives the following further inflictions.

1. A British ship partly loaded with iron in Sweden, and then proceeding to Riga to complete her cargo, was obliged to pay duty there on the iron a second time.

2. If the iron bought stood 'in the weigh' for more than one month, double weigh money had to be paid, whereas Swedes paid only once without regard to time.

3. If goods were omitted from entry, and the master of the ship desired to make a post-entry, he was not allowed to do so, but the goods were confiscated.

4. The importation of cut or roll tobacco was forbidden.

5. Herrings and other provisions imported were not allowed to be sold till after ten days.

Merchants leaving the country, says Robinson, were sometimes mulcted of one-sixth of the gains they had made, nor were they free from forced contributions, or from having soldiers quartered upon them. New burdens were frequently imposed, and, in fine, the Swedes' treatment of the English had only reference to their own convenience. The duties imposed, wrote the British Minister at Stockholm in 1712, had for almost thirty years past amounted to little less than a total prohibition.¹⁴

Then there were monopolies. The Tar Company of Stockholm, for instance, established in 1689, refused to let pitch and tar leave the country except at its own prices and on its own ships. In 1703 it resolved not to sell them to foreign merchants at all, but only through its own factors in the different ports. It was this action in particular that brought about the American act of that year. Secure in the belief that its commodities must command the market, the company was deaf to complaint and protest.¹⁵

If, then, this Baltic trade was only carried on, according to the

¹⁴ Robert Jackson, $\frac{7}{17}$ June (ep. 10 Feb.) 1712, Record Office, Sweden.

¹⁵ Board of Trade Report, 14 Feb. o.s. 1710, British Museum, Add. MS. 10543, f. 200; Record Office, Sweden, *passim*.

notions of the time, at a grave national loss, and was burdened by such heavy restrictions, why did its interruption bring first most forcible complaints and remonstrance, and then, when these proved useless, powerful fleets to protect it at enormous expense and at the risk of war with Sweden? We find our answer in the nature of the commodities imported.

It is not too much to say—indeed, we must emphasise the fact—that at the beginning of the eighteenth century the maritime prosperity of Great Britain and of other seafaring nations depended upon the produce of the Baltic regions. These were no luxuries, such as the merchants brought at great profit over the southern seas, but necessaries of the national life, the naval stores without which the ships that nourished that life could not be built or fitted. Only from those regions could these materials be obtained in sufficient quantity. Hulls might be built of British oak, but pine timber for the masts and yards, hemp for the ropes, flax for the sails, pitch and tar for their various uses, must come for the present from the north. Stoppage of the supply meant staying of man-of-war and merchantman in port.¹⁶ Liberty to prosecute the Baltic trade was vital to the prosperity of England.

So much said, we may leave commerce for politics. During the seventeenth century the political relations of England and Sweden were distinctly friendly. This might not have continued to be the case, after William of Orange had brought the former country into line against France, but for the fact that Charles XI of Sweden, guided by his new chancellor, Oxenstierna, had embarked eight years before upon a novel policy. This was nothing less than to discard the traditional alliance with France, and to seek the friendship of her determined enemy. In 1681 and 1682 Charles made treaties with Holland and with Austria. The former, signed on the very day upon which Louis XIV seized Strassburg and Casale, was the germ of the great league which was to be fatal to him. The new policy was extremely perilous, for Denmark and Brandenburg waited but the word of Louis to fall upon the defenceless Swedish provinces in Germany. But Oxenstierna carried it safely through. In 1686 Charles could go so far as to join the definitely anti-Gallic league of Augsburg.

At the same time that he made alliance with William the Swedish king had sought that of England also. As in the former interest Oxenstierna persuaded him to ratify at length the obnoxious commercial treaty concluded with Holland at Nimeguen, so he

¹⁶ If the Baltic convoy miscarried, Townshend wrote in 1715, 'such a scarcity of naval stores must ensue as would disable his majesty from fitting out a fleet next spring upon any event' (2 Aug. o.s. 1715, British Museum, Add. MS. 28154, f. 248, and similarly as quoted by Coxe, 22 Sept. o.s. 1716, *Life of Sir Robert Walpole*, 4th ed. ii. 88).

would have granted to England a series of much-desired commercial concessions, could he have obtained thereby her political friendship. But Charles II in his last years and James after him were too dependent upon their French patron to enter into schemes to his detriment. The revolution had first to come. Charles XI sympathised with William's English enterprise, offered 6,000 men in aid, rejoiced at the early successes of the allies on the Rhine. Further troops were promised for the prosecution of the war, and if, year after year, these were not forthcoming, it was intrigue by the powerful French party at Stockholm that kept them back, not want of will on Charles's part.

He would not, however, take actual part in the war. The most urgent solicitations to this end could not move him; he confined his interference to offers of mediation, which became irksome by their repetition. The pleas which he advanced of the exigency of the Holstein-Gottorp question, and of other hindrances, were not real. He wanted peace—leisure to complete his trenchant domestic reforms, economy to rehabilitate his shattered finances.

But for this the accord with England might not have continued, for it was sorely tried. It was a political accord, imposed upon England by William in the interests of his European schemes, but brought with it no redress of the burdens of which English merchants complained. And on their side the Swedes suffered much from incidents of the war.

Thus one of the earliest measures of the sea powers was to forbid trade with France, and they extended the prohibition to neutral ships carrying neutral goods. The Swedes were heavy sufferers, for their exports to France were important. Their vessels were often stopped by English or Dutch frigates or privateers, taken into port and their cargoes confiscated. French privateers also were about, and sometimes the same ship would be overhauled by both parties. Actual collisions too occurred, as when in 1690 seven Swedish merchant ships under armed convoy were stopped and taken by an English squadron, or when in 1695 two English frigates attacked a Swedish man-of-war.¹⁷ Charles and his ministers protested strongly, but to little purpose, against this unhandsome treatment by friendly nations, and against the violation by the Dutch of their treaty of commerce. A proposal that the sea powers should purchase the Swedish products at the price they would have commanded, had they been sold in France, came to nothing. It was only the conclusion of treaties between Sweden and Denmark for the mutual armed protection of their commerce that procured from Holland the payment of a good round sum in damages, and orders from William to his captains to refrain from a too severe enforcement of the prohibition.¹⁸

¹⁷ Carlson, *Geschichte Schwedens*, v. 423, 586.

¹⁸ *Ibid.* pp. 447, 561.

In truth an alliance of Sweden and Denmark in the French interest would have ruined William's cause, and nothing was more feared by him, or desired and furthered by persuasion and bribe by Louis. More than once in the course of the war it seemed certain that such an alliance would be brought about; on one occasion the treaty for it was practically concluded. Charles himself wavered under the pressure put upon him by his ministers in French pay, but Oxenstierna stood firm. But for him the reversion of Sweden to her old alliance would have obliged William to accept an earlier peace than that of Ryswick. As the result of the chancellor's stand the friendly political relations of Sweden with England remained in 1697 unimpaired.

In this very year of Ryswick Charles XI died, leaving to his son a throne again prosperous, and the proud position of mediator to the great powers. Charles XII, a boy of fifteen, was courted on all sides. A peaceful reign seemed in prospect. The year 1698 was for Sweden a year of alliances. Treaties or conventions of various content were concluded with Holland, Hanover, Brandenburg, France, Austria, England, and Denmark.¹⁹ The young monarch and his sister were besieged with matrimonial proposals from every available quarter.

But the time of quiet proved short. Denmark had her old grievance against Holstein-Gottorp; Peter of Muscovy was ready now to push his frontiers to the Baltic and create the empire of Russia. Charles showed which side he would take in the former quarrel when he received the young duke Frederick at his court with the highest honour, and gave him his sister Hedvig Sophia in marriage. And now another fiery youth, another Frederick, came to the throne of Denmark. Immediately the flame burst forth. Besides Peter, Augustus of Poland was ready to aggrandise himself at the expense of Sweden, and the three fell upon young Charles in concert. They did not know his mettle.

The Danish onslaught was soon repelled, for the sea powers now partially absolved their debt to Sweden by sending squadrons to the Sound in her support. These Frederick had it in his power to destroy before the Swedish fleet could join them, but he wisely appreciated the consequences and forbore. The straits cleared of the hostile ships, Charles performed his first great military exploit, transported an army into Zealand, and threatened Copenhagen. The Danish forces were away south, across the water. Frederick, his fleet blockaded, must submit; the treaty of Travendal was forced upon him, as that of Altona had been upon his father. Sweden was rid of this adversary for nine years.

The treaty of Travendal was guaranteed by the king of England, the states-general, the emperor, the king of Prussia, and

¹⁹ Carlsson, *Geschichte Schwedens*, vi. 57, 72.

the elector of Hanover. In the same year 1700 was concluded a defensive treaty between England and Sweden,²⁰ under which William bound himself and his successors to send at least 6,000 foot to the help of the king of Sweden, in case he should be attacked in his land provinces, his privileges, or his freedom of navigation or commerce. These guarantees, and this treaty, became the subject of persistent appeal by Charles XII in the days of his misfortune.

Victorious in 1700, Charles might have refrained from further fighting. Envoys from the emperor, France, England, Holland, Hanover, and Brandenburg awaited his return at Helsingborg.²¹ All sought eagerly his alliance, all to induce him to accept the terms of peace offered by Augustus. But he would not even hear their arguments. He was as shy of diplomatists as of women,²² and he passed on Guiscard and the rest to talk with his ministers about various inconsequent affairs, while he himself hurriedly pushed on his military preparations. He had tasted blood. Even at this age, when he had adopted a resolve, nothing could shake it; the soul of honour himself, he deeply felt the treachery of Augustus and deemed it expiable only in the field. Eight weeks after the treaty of Travendal was signed he sailed for Livonia; seven weeks later he annihilated an enormously superior Russian force at Narva. War became his mania; he regarded himself as under the direct protection of God; at eighteen years of age his military reputation was the greatest of his time.

In this same autumn the war cloud gathered once more over the west. Charles of Spain died; his will named as his heir the younger grandson of Louis XIV. Careless of the Partition treaty, Louis accepted the testament. The prospective adversaries sought to turn their treaties with Sweden to account. These were not offensive; those with England and Holland contained provision for the supply of men, ships, and money for mutual defence only, that with France but general expressions assuring friendship.²³ Louis had desired that Sweden should participate in the Partition treaty; now he pressed for a guarantee of his grandson's succession.

The marquis de Guiscard followed Charles to Reval. But the

²⁰ Lamberty, i. 36; Macpherson, *Annals of Commerce*, ii. 709.

²¹ Carlson, vi. 154.

²² On this point see Fryxell, iv. 169, 170 (transl. Jenssen-Tusch) and the *Egenhändigå Bref* (Ernst Carlson), p. xviii. A Polish adherent wrote, 'Charles is Mars, Alexander, and Caesar, but Mars without Venus and love of women, Alexander without wine, Caesar without oppression of freedom' (Brit. Mus. 580, d, 27 (8)). On the other hand the count de Croissi, who was very intimate with Charles at Stralsund in 1715, wrote that he was 'gay de la conversation, faisant volontiers des contes sur les femmes, et est ravy qu'on luy en fasse' (Correspondance, Paris, Ministère des Affaires Etrangères).

²³ Carlson, vi. 187.

young hero was steadily bent upon the humiliation of Augustus, to the exclusion of other objects, and would not involve himself in a second war, neither would Louis grant the subsidies he asked. England sent supplies for his army, Holland advanced money; but the Swedish troops which they requested were refused.²⁴ Either side strove in its own interest to induce Charles to grant terms of peace. Louis and William alike declared that there could be no more favourable opportunity; the emperor urged it strongly; Augustus and Peter desired it; the loudest in its advocacy were Charles's own ministers, despairingly aware of the insufficiency of their country's resources.²⁵ But all for nought; Charles had the one idea fixed firmly in his head; Augustus had deceived him, and he would have his revenge upon Augustus.

During the years following this autumn of 1701 we have always the same story—fruitless court on the one side, obstinate refusal on the other. John Robinson penetrated in mid-winter to the depths of Poland; ²⁶ English, Dutch, Austrian, and French envoys besieged Charles when he had reached Warsaw. An armed intervention was talked of.²⁷ But all in vain: Charles would not make peace; the western combatants could not obtain the tried soldiers of Sweden to fight their battles. It became the main object of the allies to prevent the extension of the northern war into Germany, for, should Saxony or Pomerania be endangered, they feared the withdrawal of German troops from Italy, from the Rhine, and from the Netherlands to defend their own frontiers.²⁸ Terrible apprehensions on their side, great hopes on that of France were roused when Charles in 1706 invaded Saxony, and when in 1707 he seemed to be on the verge of war with the emperor. Marlborough himself travelled to Alt-Ranstädt to exercise upon the conqueror those acts of diplomacy of which he was as great a master as of war. Great was the relief at London, at the Hague, and at Vienna when Charles at length, believing Augustus crushed, Poland secure, departed to attack the remaining Russian in his own territory. For two years the allies were freed from the menace of the northern meteor.

²⁴ Carlson, vi. 190. ²⁵ *Ibid.* pp. 215-6. ²⁶ Early in 1703. ²⁷ Noorden, i. 221.

²⁸ Marlborough in 1709 estimated the Danish, Saxon, and Prussian troops serving under him at 40,000 men, and those of Hanover and Holstein-Gottorp at 20,000. All these he feared might be withdrawn should Saxony or the German provinces of Sweden be invaded (Coxe, *Life of Marlborough*, iii. 123).

In May 1712 the foreign troops in English pay in the Netherlands, who refused to obey Ormonde's orders, were 6,260 Danes, 10,400 Hanoverians, 8,737 Prussians, 5,912 Saxons, 3,965 Hessians, and 701 of Treves. Besides these there were 2,000 Palatines in garrison at Maestricht; 2,442 of Münster, 807 of Osnabrück, and 797 East Frisians were in Dutch pay; and 1,441 Holsteiners, 1,300 of Saxe-Gotha, and 581 of Walef's regiment of Liège cuirassiers retired with Ormonde—a total of 45,343 (British Museum, Add. MS. 10453, f. 356). And other hired German troops were serving the allies in Italy and Spain.

In 1709 we enter upon the second period of Charles's career, the period of defeat and exile, which served the more to exhibit his unconquerable resolution. We lament at the same time his utter disregard of his country's welfare and admire the inflexible courage which crushed misfortune. Not long after the battle of Poltava he could write to his sister: 'Here all has gone well. Only at the finish, only by a particular accident, we happen by a misfortune in arms to have had a loss, which I hope will shortly be repaired.'²⁹ For more than five years he dictated the foreign policy of Sweden from a Tartar town on the remote Dniester, or as a prisoner of the sultan in Turkey. During all that time he presented the same unquenchable spirit and unchanging purpose. An ordinary man in his position would have been glad to compound with his adversaries, by abandoning something to regain most, and make a fresh start. Of opportunity there was plenty; the nations grew timorous of the rising power of the tsar; Augustus more than once proposed conditions of peace, Frederick of Prussia advantageous terms of alliance; Peter himself was disposed to secure his conquests by a treaty. But Charles would give up nothing—not a foot of Swedish ground, not a single privilege, not even the sovereignty of Stanislaus, which that unfortunate himself desired to resign. Only to the humiliated Dane would he grant peace, he to request it.³⁰

From the course thus marked out no persuasion on the part of friends or ministers could induce Charles to swerve. Their efforts to do so only made him the more obstinate. The mere suspicion of compulsion was odious to him, and would drive him, pig-like, in the opposite direction,³¹ a foible well known to and utilised, it was believed, by his enemies. Advice with him was dictation, and dictation was that which, after receipt, he most abhorred. Firmness might be folly, concession necessary and

²⁹ Bender, 9 Aug. o.s. 1709; *Egenhändigå Bref*, p. 97. See also the remarkable passage in his despatch to the 'Commission of Defence' from Otchakov, 11 July o.s., *ibid.* p. 363.

³⁰ There is a special work by F. F. Carlson on the peace negotiations of Charles after Poltava, *Om Fredsunderhandlingarne åren 1709-18*, Stockholm, 1857. He duly calls attention (pp. 4, 27, 38) to the disadvantage of Charles's attempt to direct affairs from so great a distance. By fast travelling Vienna could be reached from Bender in about three weeks; but the journey usually took a month, and another fortnight or so was required before the courier could reach Vellingk at Stade. Despatch and answer therefore required a period of at least three months, and in that time the face of affairs would be completely changed.

³¹ For example: 'Vous connoissés le Roi, et vous savés, que vouloir empecher une chose, ou la lui defendre, est lui en donner l'envie & l'y obliger' (Fabrice to Goertz, 24 Dec. o.s. 1710);—'He thinks he has been neglected by the Allies, who instead of assisting in his misfortunes have taken occasion to prescribe him laws; this is what he can't bear' (Jefferyes, 15 June o.s. 1711, Record Office. Though Jefferyes was accredited to Charles XII, his despatches are preserved in a Poland volume, because he first joined Charles in that country). For Fabrice see below, p. 694, n. 50.

wise ; but in such wisdom he scented dishonour, and to preserve his honour he would, and did, sacrifice all else.

No sooner was the catastrophe of Poltava known than Augustus grasped again at the crown of Poland, while Frederick of Denmark hurled an army upon the Swedish mainland. The troops which Charles had left in Poland under General Krassow retreated into Pomerania, menacing the neighbouring countries with hostilities and the plague. The treaties of Travendal and Alt-Ranstädt were torn up, and it seemed inevitable that the flames of war should now cross the frontiers of the empire.

To consider what should be done in the emergency, the allied powers contending against France assembled a conference at the Hague. As the outcome of negotiations conducted and resolutions of the states-general passed during the winter it was proposed to establish a system of neutrality ; the Swedish army in Pomerania to remain there inactive, while the confederates in return should agree to attempt nothing against that province or the duchy of Bremen. To Frederick and Augustus this scheme was quite acceptable. The former, indeed, and the tsar helped to forward the negotiation. The Danish invasion of Scania had been ignominiously repulsed, reprisals were feared in Jutland and elsewhere. Augustus was living in terror of an irruption by Krassow into Saxony. The two signified their adhesion, and the government at Stockholm did the same from sheer necessity.³² A convention, embodying the agreement, was signed at the Hague by the sea powers and by Austria on 31 March 1710. Force was to be employed, if necessary.³³

This famous convention, if carried out, might have saved for Sweden her German provinces ; but it gave her no protection elsewhere, and deprived her of the power of counter-attack. It cannot be denied that the allies, in making it, were less solicitous for her welfare than for the maintenance of peace in the empire, in order that they should retain in their service the full number of the Danish and German contingents. This was natural enough, in view of the magnitude of the interests involved. Lord Stair from Dresden urged most strongly upon his government the necessity of protecting Saxony.³⁴ A treaty of defensive alliance even with

³² Gyllenborg, the Swedish minister in London, was urgent in representing the miserable state to which Sweden was reduced, and in expressing the hope that England and Holland would not abandon her. One long memorial from him about this, and on the dangerous increase of the Russian power, is dated 20 April o.s. 1710 (Record Office, Sweden). Jackson, the English resident at Stockholm, came to London at this time on a special mission to represent the same to his government. The original letter which he brought from the Stockholm regency, dated 18 Feb. o.s. 1710, is preserved at the Record Office (Sweden, royal letters).

³³ For the documents see Lamberty, vols. v. vi.

³⁴ Record Office, Poland ; and to Robethon, British Museum, Stowe MS. 223 (first months of 1710).

Great Britain was discussed there. Marlborough wrote to Stair that the three great powers were 'unanimously resolved to maintain' the electorate of Saxony 'against any aggressor whatsoever.'³⁵

Yet it had been well had Charles accepted the convention. The war would then have been confined to his provinces east of the Baltic, and these, or at least their ports, his navy might have saved. But in his view the guarantors of the treaties of Travendal and Alt-Ranstädt³⁶ were bound to protect not Denmark or Saxony from him, but his German provinces, and indeed all his dominions, from them. It was true that they could not with the best of will, involved as they were to the utmost of their resources in the French war, carry out their guarantees; that his lust of war had made these in fact obsolete. That did not matter. Promises with him required performance. If the allies would not fulfil their undertakings they had perjured their troth and must accept the consequences. In due course he would have vengeance.

The threat was by no means idle. It is the fact that Charles at Bender was not less confident, and little less feared, than Charles at Warsaw or in Saxony. He did not at first, it appears, intend to remain in Tartary, but, as soon as his wounded foot was healed, to make a dash to join Krassow in Poland. From this design he was diverted partly by Krassow's retreat and partly by expectations held out to him of escort homewards by a Turkish force. It does not seem that there was any sincerity in this proposition, but that the intention was to keep Charles in hand and play him off against the Muscovite.³⁷ But he took the pashas at their word, regarded their hints as promises, and stayed to insist on their performance.³⁸ It was fully expected in Christian Europe, and by Charles himself, that he would shortly reappear in Poland at the head of an irresistible array of Turks and Tartars,³⁹ to impose his will on foes and friends alike.

³⁵ 1 April 1710, *Despatches* (Sir George Murray), iv. 707.

³⁶ Augustus promised by art. 21 of the latter treaty to obtain the guarantees of the emperor, the queen, and the states-general thereto within six months. These, if never formally obtained, were promised and regarded as given. See the quotation from Bolingbroke's despatches, 5 Dec. o.s. 1712, below, p. 699, n. 64.

³⁷ Carlson, *op. cit.* p. 9; Sir Robert Sutton, 1 Oct. o.s. 1710, Record Office, Turkey; Fabricce to Goertz, 15 Dec. o.s. 1710.

³⁸ In the same spirit as is described by Fabricce later (31 Jan. o.s. 1713): 'Ce Prince qui se pique de tenir la parole qu'il donne, prétend qu'on en use de même à son égard, et ne veut entendre parler d'aucun temperament; c'est là ce qui nous a retenu depuis si longtems en Turquie, et me fait craindre que nous n'en sortions pas encore sitot.'

³⁹ Sir Robert Sutton, British ambassador at Constantinople, wrote that besides Charles's Swedes, Cossacks, Wallachs, and Poles, 10,000 Turks and a great body of Tartars would follow him into Poland (16 Nov. o.s. 1710). Later these forces were magnified in public report; 80,000 janissaries and spahis and 40,000 Tartars were by one account to be expected (Jackson, from Stockholm, 25 March (4 April) 1711, Record Office, Sweden). 80,000 was the number given by Poniatowski in February 1711 (Jefferycs, 20 Feb. o.s.)

Staying on then, Charles did his utmost to stir up the sultan to make war upon the tsar. The Turks themselves from the sultan downwards,⁴⁰ we learn, were anything but desirous of war. But the Muscovites had a bitter enemy in the neighbour on whose country they were constantly encroaching, the Tartar khan, and he zealously advocated Charles's cause at Stamboul. Three times, while the latter was at Bender, was the desired end attained; three times did the crafty Russian baulk his rival's hopes. During two and a half years European politicians watched with anxiety the alternating states of peace and war. The French ambassador at Constantinople, Des Alleurs, worked hard in the latter interest, and even hoped for a rupture of the peace of Carlowitz. On the other side Sir Robert Sutton and his Dutch colleague, Count Colyer, made strenuous efforts to preserve the peace. As the hostilities began and ceased, reopened and ceased again, so waxed and waned the terror of Charles's return, so were the western allies uneasy or content, the king of Denmark inclined to or averse from terms, Augustus and Peter anxious or indifferent to see the neutrality enforced.

Long before Charles heard of the convention—the day, in fact, after it was signed—he sent to his home government orders that no terms were to be made without his knowledge. This news reached the allies in June 1710. It disquieted them wofully, for it meant that Charles would not recognise the act of neutrality, and that Krassow might assume the offensive. Not that the latter's troops were really dangerous; badly equipped, plague-stricken, and half-starved, they were good for little more than to garrison the towns of Pomerania and guard its frontiers. But they were veteran and used to victory; the fears of Augustus magnified their strength; the Danish defeat at Helsingborg had opened the prospect of reinforcements to arrive from Sweden. Proposals to hire them, or a part of them, for the service of the allies failed, for Charles sent word that he required them for his own purposes. Frederick and Augustus, even with Peter's help, had not forces at home sufficient to resist them; they would have to recall the battalions so much required in the Netherlands. The signatories to the convention feared an immediate irruption into Poland or Saxony, and felt themselves obliged to give effect to that clause thereof which provided for the use of force. On 4 Aug.⁴¹ a supplementary convention was signed, prescribing the contingents to be furnished by England, Holland, and Austria, as well as by Prussia, Hanover, and other consenting states, to form a force which should hold Krassow in check.

But as the weeks went on, and Charles's affairs seemed not to

⁴⁰ Sutton, 29 May o.s. 1711; and similarly 12 Jan. o.s. 1712, 20 Jan. o.s. 1713.

⁴¹ Not 4 May, as Erdmannsdörffer, ii. 310.

prosper at the Porte, the necessity of assembling this 'neutrality corps' became less urgent. That the trouble and expense of its collection need not be incurred was held particularly by the new British government. St. John, secretary of state for the northern province, rebellious from the first against interference in continental affairs, gave expression to this opinion. 'They will not find it easy,' he wrote, to persuade us to comply in this affair, who have so much on our hands already.'⁴² He sympathised with Sweden in her misfortune; it was not, he confessed, to the interest of England that she should be ruined for the benefit of 'the Muscovite and the Pole,' but that a proper balance of power should be maintained in the north.⁴³ Townshend at the Hague concurred, and advised that the Danes should rather be repressed, threatening as they were to take up winter quarters in Holstein.⁴⁴

But towards Christmas time came startling news from Constantinople. Charles on hearing of the convention had been angered in the extreme, and had absolutely refused his consent. He had besieged the sultan with increased vehemence, and had been successful; the horsetails had been set up early in November, and war declared upon the tsar. On the last of that month Charles signed his famous protest against the convention, threatening with his vengeance all and every who should oppose his designs.⁴⁵

The northern confederates did not await the arrival of this document to renew their urgent solicitations with the allies, who fully realised the danger.⁴⁶ Alarmist reports of the Turkish

⁴² To Lord Raby at Berlin, 24 Oct. o.s. 1710 (Record Office, entry books, Prussia).

⁴³ Cp. to Marlborough, 10 Nov. o.s. 1710, *ibid.* Holland; a despatch of great length upon the affairs of the north.

⁴⁴ 7 and 31 Oct. 1710, *ibid.*

⁴⁵ 'Quod si autem praeter omnem spem et expectationem quisquam amicum animum exuens remoram aut obstaculum ipsi objiceret, tum cum in eo fuerit, et justis armis ipsi sit persequendus conjuratus hostis, declarat Sua Regia Majestas se non posse eundem alio quam aggressoris loco habere.'

⁴⁶ We may quote St. John to Palmes at Vienna, 29 Dec. o.s. 1710, Record Office, entry books, Germany: 'The Rupture of the Turks, and their attacking Muscovy or Poland, would not have any great or immediate influence on our affairs were we well secured from any Enterprize on the side of Pomerania. But that is the capital point at present, and ought to be fenced against with the utmost precaution, since the King of Sweden has openly avowed his dislike of the Neutrality, and at the same time increased his Troops to a considerable number. These steps leave no room to doubt of his intentions, when he shall have an opportunity of employing that Corps. And therefore as the danger seems to be very imminent on that side, the remedy ought to be applied both very quickly and effectually. You may be sure that her Majesty is not willing to engage in another Warr, or draw herself into the Quarrells of the North. But if the Empire should be embroiled, there are so many inconveniencys that will apparently ensue, that there seems to be no way of avoiding them, but by putting it out of the power of the King of Sweden to disturb the Neutrality from that Quarter. We would rather see this done by the Princes chiefly concerned, than have an immediate hand in it ourselves. But it is agreed that some timely and effectual

intentions reached Vienna,⁴⁷ and infected the Hague and London. St. John was fully persuaded that Charles meant to attack the empire in concert with France—he from Pomerania, Louis on the Rhine.⁴⁸ All recognised the necessity of immediately assembling the neutrality corps, and set themselves in earnest to do so. But they failed. It was hard enough to procure troops for service against France; now some 20,000 men were to be found for an independent object. For all his efforts Marlborough remained short of three battalions to complete the contingent to be paid for by England. Equal difficulty was experienced in providing the other quotas. The place of rendezvous could not be fixed; some were for the frontier of Holland or Holstein, some for the Pomeranian, others for Silesia. The command of the force was in dispute between George of Hanover and his son-in-law, the prince royal of Prussia. One much-discussed expedient was to employ for the purpose, under the command of Augustus himself, the Saxon troops engaged to the allies; but the various forms of this idea were finally rejected as inconsistent with the scheme of the neutrality.⁴⁹

We may present here a brief review of Charles's present estimate of his position, from the despatches of Frederick Ernest de Fabrice, who was sent by the administrator of Holstein-Gottorp to attend him at Bender, and who was further charged with instructions from the elector of Hanover.⁵⁰ As the envoy of a closely allied state, and in constant communication with Charles both in public and in private, Fabrice had exceptional opportunity of observing him.

measures must be taken to prevent the recalling of Troops from the Service of the Allies, and quiet our apprehensions on that side.'

⁴⁷ Palmes to St. John, 20 Dec. 1710, Record Office, Germany.

⁴⁸ For instance, to Wich, 23 Jan. o.s. 1711; to Peterborough, 13 Feb.; and to Palmes, 20 March, *ibid.* entry books, Hamburg and Germany. To Peterborough St. John wrote of the combined attack by Sweden and France as 'the scheme which there is no room to doubt has been concerted between them.'

⁴⁹ See Townshend's despatches from the Hague of January and February 1711, and those of St. John to him, and to Raby at Berlin (Record Office, Holland and Prussia). If Augustus, wrote St. John, would recall his troops definitely from the *pay* of the allies, good; the latter would be able to allege this as cause for not marching their contingents, and would hand over the responsibility of repressing Krassow to him. But Augustus, he said, knew better than to take that measure, as he wished to have the allies engaged in hostilities with Charles (to Townshend, 30 Jan. o.s. 1711).

⁵⁰ Fabrice, to whose despatches we have already referred, was the second son of Weipart Louis Fabricius, an old minister of the duke of Celle; by birth therefore a subject of the elector of Hanover. His despatches to the administrator and his minister Goertz have been printed as *Anecdotes du Séjour du Roi de Suède à Bender* (Hamburg, 1760). I use here an unpublished despatch to Bernstorff of 25 March o.s. 1711, a copy of which was furnished to the British government (Record Office, Sweden). Despatches of the end of December 1710 to Bernstorff and to Goertz are of similar effect; an extract of the former by Robethon is at the British Museum (Stowe MS. 223, f. 440).

Charles piqued himself, he says, upon his promise not to interfere in the affairs of others. He would not brook the slightest menace; menaces and danger but whetted his desire to brave them. In his past conduct he had never given any sign of a desire to aid France; the contrary was the case. But the allies, guarantors of the treaties of Travendal and Alt-Ranstädt, had limited their efforts in his behalf to remonstrance. Charles had reminded them of their duties, but only the elector of Hanover had thought fit to explain in return the reasons of his inability to perform them. The allies had sent no envoy to Charles. They had recognised Augustus as king of Poland. They had set on foot a scheme of neutrality, of which the first end was their own interest, and only the second, or perhaps one of several, to preserve the German provinces of Sweden. So far from aiding Charles they had moved heaven and earth to foil his efforts to rouse the Porte. When these had been successful they asked for assurance that he would not disturb the empire. But they had given no assurances in his favour in return, and he demanded as much consideration at Bender as in Saxony. The Turkish war was not directed in any way against the empire, nor against the republic of Poland. It was only desired to reduce the power of the tsar, daily becoming more redoubtable. Indeed, the mere suspicion that Charles meditated injury to the emperor or his allies was offensive to him. If the allies desired further assurance, they must send to Charles able ministers to convince him of their good intentions. The most essential token that they could give thereof would be to force a peace upon Denmark;⁵¹ in regard to Augustus they might offer their mediation. If they sent a force to prevent Krassow from entering Poland, within a year, Fabrice thought, they would see Germany in flames.

The offer of the elector of Hanover of a loan of 250,000 crowns to secure the safety of Bremen and Verden Charles took as a mark of friendship. But to avoid misunderstanding he had ordered the government at Stade to accept money only from private persons, and for the same reason had declined a similar offer of 200,000

⁵¹ This, Fabrice insisted, was 'le grand Article.' Sir Robert Sutton too wrote that this peace 'would be the greatest obligation the queen and states-general could lay upon his Swedish majesty' (Record Office, Turkey, 12 Feb. o.s. 1711). Indeed, the advantages to be gained from it were too obvious for even Charles to overlook. The troops employed in watching the south coast of Sweden and the Norway frontier would be set free for service across the Baltic. The fleet might be greatly reduced. Commerce would be relieved. Krassow could break into Poland, relieved of the fear of invasion from north or west. The enterprise of the Turks would be sensibly aided (Carlson, p. 16, note, from a memorial by Müllern). Charles would not, perhaps, have considered the matter had not his pride been gratified by the defeat of the Danish forces in the field. As it was, he instructed the senate to arrange terms with Denmark as soon as he heard of the victory of Helsingborg (26 April o.s. 1710, *Egenhändiga Bref*, p. 365).

crowns from the administrator of Holstein-Gottorp. An alliance with Hanover, he said, would always be preferred to one with Prussia.

Here then was a defeated exile, not crushed or despondent, but confident of his powers and resources, demanding, not praying, dictating rather than accepting terms.⁵² What to reply to his demands, or what to do at all, the allies frankly did not know. The British government tardily sent to Bender Captain James Jefferyes, who had attended Charles in his last campaign, and had been taken prisoner at Poltava. But he could not be heard from for months; leaving in January, and staying on his way at the Hague, Hanover, and Vienna, he did not reach Bender till 28 April. And now, at the beginning of March, Charles's protest was formally presented at the Hague, with the specific demand that the conditions of the peace of Travendal should be restored, and the declaration that, if that could not be done, the guarantors must excuse the measures which he should take.⁵³ St. John in his despatches gives full expression to the embarrassment of the British government, its disgust at the way in which the Dutch had managed the neutrality—for to them, he insisted, the conduct of that business had been left—and his own ignorance of what course to advise.⁵⁴ 'Every measure that occurs to one's thoughts,' he wrote, 'is immediately attended by a crowd of objections; and yet the necessity of resolving on something presses us very hard.' To force a peace upon Denmark would be to quarrel

with those northern powers who are at present our certain friends, and whose troops are employed in our service against the common enemy, and that in favour of a prince who is a very uncertain friend to us, and from whose troops we have many just apprehensions of disturbance, without the expectation of any assistance.

Augustus, 'a good ally,' and Peter, could not be abandoned to Charles's fury.⁵⁵ A 'trimming dilatory game' was the only one that could be played.⁵⁶ A truce in regard to the empire had been proposed, and if that were accepted, 'whether the peace succeed

⁵² Very instructive as to Charles's defiant confidence is his despatch to the senate of 3 Feb. o.s. 1711, absolutely refusing any accommodation with Russia, and insisting upon uncompromising resistance (*ibid.* p. 369)

⁵³ Townshend, 3 March 1711, enclosure, Record Office, Holland.

⁵⁴ See to his Amsterdam confidant, John Drummond, 27 April, printed by Gilbert Parke; and in the Record Office entry books to Marlborough, same date, and to Raby, 24 April, 18 and 22 May (Holland), and to Whitworth, 8 and 18 May (Prussia), all old style.

⁵⁵ To Raby, 24 April o.s. *ibid.* It was not likely, St. John banteringly remarked, that Charles would admit Peter to a peace on any terms, 'since in that case he would have no Enemy left at all; and to have always one seems to be an article very essential to his happiness.'

⁵⁶ To the same, 22 May o.s.

or not, we shall have consumed the summer, and shall be got over the crisis of our present distemper.' ⁵⁷

But of a truce Charles would not hear. The Danes, said Gyllenberg, had been beaten, Augustus was not to be feared, the Muscovites had conquered all they could. A cessation of arms would oblige Charles to keep his army starving in his own devastated provinces. It would deprive him of the fruits of his efforts at the Porte, and be of advantage only to his enemies. ⁵⁸

In the meantime the desire to aid Sweden was growing in England. To a natural sympathy with the losing side was added the consciousness that it was not to the interest of the one country to witness the destruction of the other. The apprehension of what Charles might do was being allayed. Whitworth, on whose advices St. John particularly relied, reported that the Swedes in Pomerania were not really to be feared, and that an outbreak on their part was much less to be expected than an attack upon them by the confederates. ⁵⁹ The chances too of the Russians in south-eastern Europe were just now preferred to those of the Turks. ⁶⁰

But at length, on 8 July o.s., Jefferyes's first despatch reached London. He had been instructed on three points—to obtain Charles's consent to the neutrality convention, to discover whether mediation by the queen and her allies would be accepted, and to obtain the revocation of the commercial blockade imposed by Charles upon the ports which Peter, reaping his harvest, had lately taken to himself. He was forced to report that neither to the allies nor to England separately would Charles yield anything. The convention, he said, had been made without his knowledge, and was of advantage to his enemies rather than to himself. As to mediation, the queen was bound by treaty to compel the Dane and Saxon to make peace; negotiation with the tsar was the business of the Porte. The blockade must and should be maintained, as long as Peter held the ports in question.

This plain uncompromising refusal dispelled any remaining hopes of accommodation. Charles would not accede to the proposals of the British government; it could not give effect to his demands. His inflexibility riveted the fetters of the French war. St. John branded his conduct in reference to the blockade

⁵⁷ To Whitworth, 8 May o.s. Whitworth, accredited to the tsar, had written on 14 May from Hanover: 'If time can be gained till next winter the allies will certainly then have a better prospect of turning the whole affair' (Record Office, Russia).

⁵⁸ 5 June o.s. 1711, Record Office, Sweden.

⁵⁹ From Berlin and Dresden, May and June 1711, *ibid.* Russia.

⁶⁰ 'The Muscovites are, without dispute, in greater forwardness than the Turks, and the king of Sweden in little condition to support that *fierté* which he put on when he protested against the act of neutrality' (St. John to Marlborough, 10 July o.s. 1711, Gilbert Parke).

as 'groundless and intolerable,' and talked of force.⁶¹ He vented his spleen by denouncing in scathing terms the whole northern policy of the allies from the treaty of Alt-Ranstädt.⁶² His government at length consented to, or rather declined to dissent from, the invasion of Pomerania, a formal resolution as to which was adopted at the Hague on 14 Aug.,⁶³ and which itself at once took place. Before the end of the month the Saxon army, allowed by the king of Prussia to traverse his dominions, crossed the Tollense to Demmin, while the Danes attacked the northern fortress of Dammgarten. The neutrality convention was a dead letter.

In the same month changes of the first importance occurred elsewhere. In the Netherlands Marlborough performed the impossible, passing in the face of the superior army, which Villars dared not risk, the lines which both generals had deemed impregnable. From Turkey came the news of Peter's marvellous escape on the Pruth, of the treaty he had procured, and of the ruin, not indeed of Charles's hopes, but of any immediate prospect of their fulfilment.

Marlborough's success, and subsequent capture of Bouchain,

⁶¹ To Drummond, 3 Aug. o.s. 1711, Gilbert Parke; Jackson from Stockholm, 14 (24) July (Record Office, Sweden).

⁶² To Whitworth and Marlborough, 12 and 10 July o.s. 1711, Gilbert Parke. In further illustration of St. John's mind in regard to the Swedish war at this time we may quote a despatch to Marlborough of 20 July o.s. (Record Office entry books, Holland): 'I would speak to Your Grace concerning the situation of the Northern affairs, but they are now come to such a pitch of distraction, the demands made upon us by both sides are so high, and so peremptory, every expedient which can be thought of is lyable to so many objections, in short it is so dangerous to the common cause to do anything, and so impossible to do nothing, that her Majesty and all those who have the honour to serve her, are at a loss what measure to take upon the Resolution which the States-Generall are come to, and have transmitted hither. The only Overture they seem to have thought of, through which to extricate themselves and us from the present difficulty is, a proposition that the Saxon Recruits should continue where they are, and that these Forces with the Corps of Neutrality should stand by, whilst the Confederates of the North do, by a very gross connivance on our part, march into Pomerania, and attack the army of Sweden, in which case the States hope that these Princes will go no further than barely to deliver themselves from the apprehension which they are under of that Body. Your Grace sees how little likely it is that King Augustus and his allies will exert much moderation in their success, and how destructive it may prove of the Ballance of Power in the North, and of the Protestant interest in Germany, if those provinces of Sweden should be subdued and parcelled out. . . . The Dutch have had the whole conduct of this affair; if they get as well out of it, I shall have a great opinion of their ability or of their luck.'

And similarly to Orrery, 24 July o.s. *ibid.*: 'To enter into an actual Warr with Sweden, either by employing the Corps of Neutrality, or by paying the Saxon troops whilst they are employed according to the desire of King Augustus, is contrary to the inclination of all our Engagements. On the other hand to stand by and behold the Destruction of Crassau's army, and the conquest of Pomerania, has something very mean and cruel in it.' See also to Dayrolle and Orrery, 10, 13, and 17 July o.s. *ibid.*

⁶³ The articles are given by Lamberty, vi. 468. St. John wrote of the 'expedient': 'It is a pretty considerable stretch for Neuters to take, and nothing but the King of Sweden's obstinacy, which made it necessary, could render it tolerable' (to Whitworth at Vienna, 28 Aug. o.s. 1711, *ibid.* Germany).

might, under the late whig government, have opened the road to Paris. For a ministry intent upon peace they smoothed the way to Utrecht. Preliminaries were actually signed in October. But eighteen months were to elapse before the peace was an accomplished fact. Denain was needed to convince the Dutch that, as England had made up her mind to retire from the war, they must do the same. During those long months of negotiation the British government continued to plead the exigencies of the war as an excuse for standing a spectator of the northern tragedy. The dismemberment of Sweden went on apace, regardless of its yea or nay.⁶⁴

Peter the Great now becomes the leading actor in the drama. His troops formed the backbone of the confederate army, he alone could wring from reluctant subjects the money which was more necessary than men. Credited on his return from Turkey with the widest designs of conquest, the allies were conscious that they could not baulk him. He was known to be gravely incensed with the court of Vienna on several counts; it was believed that he had arranged a definite treaty with France. To conciliate him the British government took great pains. Whitworth was at length able to meet him at Carlsbad in October 1711, and followed him to St. Petersburg, where he remained in attendance for several months. Already in November he was able to send home reports of a reassuring character in regard to Peter's relations with Vienna and Paris, but that was the limit of his success. He failed to detach Augustus from the Russian alliance,⁶⁵ or to obtain more from Peter than assurances of goodwill and satisfaction, even when in May 1712 the news arrived that the efforts of the British and Dutch ambassadors at Constantinople to obtain for him a peace had been crowned with success. Peter steadily prepared his armaments, built ships, impressed men, and levied contributions. In June he set out in person for the scene of war before Stralsund. It was

⁶⁴ During the whole of 1712 St. John, who became in July Viscount Bolingbroke, harps in his despatches on the necessity of making peace with France before attempting to interfere in northern affairs. The queen, he wrote to Breton at Berlin, must delay interference in the affairs of the north till peace was concluded. She had 'her hands tyed up from meddling in them more perhaps than any other power in regard to her former engagements.' The treaty of Travendal obliged her not to favour the king of Denmark, and that of Alt-Ranstädt, he promised guarantee of which was 'in justice as obligatory as if it had been actually given,' not to espouse the interest of Augustus. On the other hand 'nobody but his Swedish Majesty would imagine, that in the present posture of affairs any scheme of Peace can be entered upon; wherein greater regard will not be had to King Augustus, and the King of Denmark, than is stipulated by those Treatys. One advantage we have however resulting from this misfortune, that we are furnished with a good excuse for keeping our selves at present from meddling at all' (Record Office entry books, Prussia, 5 Dec. o.s. 1712). Cp. other despatches to Breton, and to Scott at Dresden and Pulteney at Copenhagen, *ibid.* Poland and Denmark.

⁶⁵ See the arguments used in his despatch of 4 March o.s. 1712, *ibid.* Russia.

clear that he would follow his own ambitions, and none knew what limit he might set to them. That he was not inclined to favour British trade was evident from the failure of Whitworth to obtain redress for the hardships of which the merchants complained, or to push to a successful issue the negotiations for a treaty of commerce.⁶⁶

The kings of Denmark and Poland were not in a position to demand similar consideration. Loans which the former obtained from Hanover were stopped when his predatory designs upon Bremen became manifest. Neither could get money from England when their troops were no longer required to fight against France. St. John, in his anger that those whom the queen paid refused to obey her orders, following Eugene instead of Ormonde, not only notified that no further sums would be forthcoming, but threatened confiscation of arrears. He had already given vent to expression of the grievances of his government against the two kings. The former had been guilty of 'flagrant injustice' in seizing as Swedish ships vessels bought by Englishmen in Sweden. Augustus had long offended by his slackness in supplying the stipulated troops, and by his continual threats of withdrawing those that had arrived.⁶⁷ The British government had neither need nor desire to consult their interests.

In the autumn of 1712 a fresh phase of the northern war opened. Stenbock, the victor of Helsingborg, arrived from Sweden, and shortly smote the Danes once more at Gadebusch. The next months were occupied with his retreat into Holstein, his vicious resistance against overwhelming odds, and his final surrender. Sweden lost her last army. Its disappearance was followed in the summer of 1713 by a third and final peace between the sultan and the tsar.

The advent of Stenbock determined the emperor to endeavour afresh to enforce neutrality in the north of Germany. A congress of the powers most nearly interested, Prussia, Hanover, Wolfenbüttel, Hesse-Cassel, and Münster, assembled at Brunswick in December 1712 under the presidency of Count Damian Schönborn. A *résultat* of its deliberations was quickly arrived at and made known.⁶⁸ It was distinctly hostile to Sweden, Stenbock being regarded as the

⁶⁶ On all these matters see Whitworth's despatches, *loc. cit.* He followed the tsar to Pomerania, and after spending the autumn at Berlin returned home. A detailed list of the merchants' grievances will be found in a memorial by his successor, George Mackenzie, 10 March o.s. 1715, *ibid.*

⁶⁷ See St. John's despatches to Marlborough and Strafford, autumn of 1711, *ibid.* entry books, Holland.

⁶⁸ Printed by Lamberty in summary viii. 295, and in full viii. 324. He is confused, attributing the former to a conference at Hamburg. A copy at the Record Office (Sweden) is dated $\frac{20}{30}$ (Swedish style, that is) Dec. 1712. The congress, Robethon wrote to Grote in England on 16 Dec. 1712, was to meet next day (Brit. Mus., Stowe MS. 224, f. 323).

aggressor. The powers named, and the elector Palatine, were to send across the Elbe a force of 20,000 men; the combatants were to be summoned—the Swedes in strong terms, the tsar *avec ménagement*—to retire beyond the frontiers of the empire within three weeks, the former across the sea; in case of the defeat of either side the neutral force was to be used against the victor. But these were words only, for the fears and jealousies of the deliberating powers prevented any effect being given to their resolutions.⁶⁹ The landgrave of Hesse-Cassel, the marriage of whose son to the princess of Sweden was already in prospect, was in particular blamed for the failure. Separating in March 1713, the congress was summoned afresh for the following December. But the members were tardy in assembling, and their consultations void of result. It was still sitting when George of Hanover became king of England.

The year 1712 had seen the temper of Charles towards England improved. In November 1711 Jefferyes had again urged his acceptance of the queen's mediation, but had been told that the king, in view of the recent proceedings of the allies, 'had reason to look upon her offers as words of course and compliment rather than anything in reality.' Jefferyes's argument, that those proceedings were the consequence of Charles's own line of conduct, and the result of necessity rather than of inclination, was of no use. Nor had he the least success in urging afresh the removal of the Baltic blockade.⁷⁰ Charles's anger reached its height when Sutton and Colyer at Constantinople in the spring of 1712, as has been said, succeeded in thwarting his plans of war. Sir Robert himself believed his efforts for peace to have the queen's approval; he was convinced that Charles and those with him were entirely in the French interest, and that their return to Poland would be disastrous to the common cause,⁷¹ views which were shared and confirmed by Jefferyes. But in August we find Gyllenborg, whose complaints of the ambassador's conduct had been loud, claiming to be officially informed that her majesty's government condemned his proceedings,⁷²

⁶⁹ D'Alais exposes the position of Hanover: 'On pourroit concourir à l'exécution de ce project, si cela se pouvoit faire sans frais et sans exposer ses propres frontieres, dont on cherche seulement à assurer la preservation, comme on l'a souvent déclaré, et il n'y a pas apparence qu'on entreprenne rien au delà' (21 Feb. 1713, Record Office, Regencies, 7).

⁷⁰ 10 Nov. o.s. 1711, received 23 Jan. o.s. 1712, *ibid.* Poland.

⁷¹ 19 April o.s. 1712, and the rest of Sutton's despatches from December 1711, *ibid.* Turkey.

⁷² 22 August, 5 Sept. 1712, *ibid.* Sweden. St. John had written in April: 'I can't help being of opinion from severall accounts which I see my Lord Dartmouth receives from Sr. Robert Sutton, that both he and Monsr. Collyar have been too busy in acting the part of Mediators at the Port. Since if that matter were intirely ended, we should have much more reason to apprehend the Tsar, tho' we have enough to be jealous of him at present. And, till we have finished our great work with France, it is without doubt our interest to keep the fire alive in those Parts.' And again: 'Sir Robert

and when Jefferyes was instructed to inform Charles that the queen had no intention of withdrawing from her guarantees and treaties, that she would have sent a squadron to the Baltic but for the lateness of the season, and would certainly do so in the following year, and that she had the welfare of Sweden seriously at heart, Charles replied that he was now confirmed in his confidence in her good intentions, and that it would be his constant resolution to maintain with her a sincere friendship.⁷³

The belief that Charles was intriguing with France to the detriment of the allies was natural, but had no foundation in fact. In the first place he denied it himself, and assertions by him are to be credited. In the second place in a despatch to his envoy at Constantinople, while instructing him to cultivate good relations with the French ambassador, and to intimate that he was displeased with the sea powers, and might be led to take measures against them, he stated on the other hand that, as a member of the German empire, he would not help France against the emperor.⁷⁴ And thirdly we have the statement of the French king. Louis XIV was accustomed to provide the envoys whom he sent abroad with instructions of the fullest and most confidential character. In a document of this kind he complains that throughout the war Charles had declined to respond to his advances, and to give him the aid he had reason to expect. Although he had shown his goodwill by offering to bring him back from Turkey by sea, by sending money and corn to Stenbock in Pomerania, and by letting his ambassador at Constantinople stir up war between Turkey and Russia, yet he had never been able to procure any undertaking in response.⁷⁵

Such was the position of affairs when the treaty of Utrecht brought to a formal end the long struggle between France and the sea powers. According to their protestations the British government should now have actively taken up the cause of Sweden. But it did not do so. The squadron promised to relieve Stenbock in Tönning did not sail.⁷⁶ The reason was that Great Britain, in

Sutton has undoubtedly acted in many things without order, in some against order; and in the whole he has erred in laying aside the merchant, and affecting to act the Politician.' It was not without reason that the king of Sweden was provoked. (To Whitworth 8 April and 8 July o.s. 1712, Record Office, entry books, Russia.)

⁷³ Extract from a letter of Charles, 5 Nov. o.s. 1712, *ibid.* Sweden, misplaced as though of 1713. Cp. Jefferyes, 10 Nov. o.s., *ibid.* Poland. The latter advised that the chief service the queen could do to Charles would be to procure peace with Denmark.

⁷⁴ *Egenhändig Brev*, p. 329, 19 Nov. o.s. 1711.

⁷⁵ Instructions to the count de Croissi, 1715, *Recueil des Instructions données aux Ambassadeurs et Ministres de France, Suède.*

⁷⁶ This was the subject of earnest appeal from the Swedes in February 1713 (Gyllenborg and others, Record Office, Sweden; Vellingk's letters, printed in vol. vi. of the *Handlingar rörande Skandinaviens Historia*). Bolingbroke (St. John) a month before the treaty was signed instructed Shrewsbury in Paris to assure the

freeing herself from foreign engagements, deprived herself of allies. The treaty of Utrecht, which secured for her great commercial advantages, alienated her continental friends. It sacrificed that leadership in Europe which William had inaugurated and Marlborough by his victories confirmed. Holland had profited little by the peace; she was hard pressed by the claims of Prussia, and financially was on the verge of bankruptcy.⁷⁷ Austria, left to fight France with only such aid as the empire could afford—and indeed her persistent pursuit of private ends during the war deserved no better fate—felt and resented the desertion of the sea powers; the emperor even excluded them from a part in the Brunswick conferences.⁷⁸ The elector of Hanover, now on the worst terms with the tory ministry in England, was as determined an enemy of France as the emperor himself. He declared, as St. John had done, his inability to interfere in the affairs of the north while the French war lasted.⁷⁹ No sufficient aid was to be expected from the minor princes of Germany. It was earnestly sought from the new friend, France, but Louis XIV was in no condition to co-operate except by words.

Consequently the British government found that, if they would interfere in favour of Sweden, they must do it by themselves. But that they dared not. To support Sweden by force was to quarrel with the tsar. If Holland would join in such a strife it might be risked; but Russia now controlled in great measure the Baltic commerce, and if Great Britain opposed her alone the Dutch would regain their former monopoly. No action could be ventured, except conjointly with the states-general or with France, the power, to use the words of Bolingbroke, 'which can best be played off against the Muscovite.'⁸⁰

During the remainder then of Anne's reign the help her ministers could give to Sweden was confined to diplomatic negotiation, to Swedish envoy there that 'a very strong squadron' was being got ready (3 March o.s., Gilbert Parke).

⁷⁷ Droysen, *Geschichte der preussischen Politik*, iv. ii. 6 foll.

⁷⁸ This was resented by the British government. Bromley, who in August 1713 succeeded Bolingbroke as secretary of state for the northern province, wrote to the peace plenipotentiary Robinson, bishop of London, instructing him to consult with the Dutch ministers upon what should be done in regard to 'such an unaccountable treatment of the States as well as of her Majesty, who thō she is not fond of being a Mediator, yet sees no reason why she should be in such a manner excluded from it after the Guaranties she has given' (November 1713, Record Office, entry books, Holland; cp. to Pulteney at Copenhagen, 11 Dec. o.s., and Pulteney to Strafford, 25 June 1714, *ibid.* Denmark).

⁷⁹ Cp. D'Alais, 14 and 18 July 1713, Record Office, Regencies 7.

⁸⁰ To Shrewsbury, 29 May o.s. 1713, Gilbert Parke. The Dutch, wrote Pulteney to Strafford a year later (25 June 1714, Record Office, Denmark), imagined that England would have to do the work, and they share the benefit, not to say obtain important advantages in trade with Russia. The French no doubt had views to the same effect; otherwise they would be foremost to succour Sweden, instead of being loth even to join England in the matter.

exhortations which were ineffectual, and threats which were disregarded. They took refuge in denying the force of guarantees to treaties, whose provisions they averred had not been observed by the parties themselves. The defensive treaty of 1700, now the special subject of Gyllenborg's appeals, could not, they said, oblige the queen to engage in an offensive war, or make her 'a partner in all the new designs grafted upon the original quarrel.' The queen would not, indeed, sit by to see Sweden subdued, and the balance of power in the north destroyed, but if she was to interfere the Swedes must definitely declare their willingness to treat for peace. On the other hand the ministers of Denmark, Russia, and Poland were informed of the importunate demands made upon the queen to fulfil the guarantees and the obligations of the defensive treaty, and were admonished that neither she nor the French king nor the states-general would allow the ultimate catastrophe to be accomplished. Let their masters take heed in time, and not refuse to meet Sweden in the negotiation into which she was being urged to enter.⁸¹

At the Hague Strafford made a special effort. At a meeting of the ministers of the powers interested he advised that the good offices of the sea powers should be offered to procure a peace, and that a plan therefor should be submitted to the combatants, the part of those who accepted it to be taken against those who declined it. The ministers were requested to state the pretensions of their various courts as a basis for the plan. This was in July; on 7 August he presented a memorial about Tönning. The town, he protested, having been evacuated by Stenbock, and the Russian and Saxon troops withdrawn, there was no further reason for prosecuting war in those parts. The action of the Danes in no way helped them in the war with Sweden, since Tönning was not Swedish. But the careful and evasive reply of the states-general amounted to a refusal, and Stafford's exertions remained fruitless.⁸²

And so with France. Bolingbroke as late as July 1713 indulged the hope that the probability of interposition by Louis XIV might move the Dutch to action,⁸³ but in August he had to confess its futility. The queen, he wrote to Pulteney, would do nothing, waiting 'for such incidents as either chance or management may create

⁸¹ See especially Bolingbroke's despatches to Scott at Dresden, 27 March o.s. 1713, to Shrewsbury, 19 April o.s. (Gilbert Parke), to Pulteney at Copenhagen, 3 May o.s.; then after Stenbock's capitulation in almost identical language to Scott, Pulteney and Wich, 26 May o.s., to Shrewsbury, 29 May o.s., and to Jackson, 30 May o.s.; and finally Bromley to Jackson, 15 Sept. o.s. (Record Office, entry books, Poland, Denmark, Hamburg, Sweden).

⁸² Documents in Lamberty, viii. 307-12. One reason which the Danes alleged for the necessity of crushing Holstein-Gottorp was that the young duke, as son of Charles's elder sister, was heir to the throne of Sweden, and that the possession of his dominions by that crown would be too dangerous for themselves to endure.

⁸³ To Shrewsbury, 4 July o.s., Gilbert Parke.

in order to dispose the parties concerned to a reasonable composition.'⁸⁴

Charles in the meanwhile was no whit cast down by the events of February, the capture of his person and his removal to Demotika. His prospects, improved for a time,⁸⁵ had gone from bad, when a third peace between Turkey and Russia was probable, to worse, when it was concluded and ratified.⁸⁶ Yet he still demanded the execution of the guarantees.⁸⁷ In a declaration delivered by Gyllenborg in September⁸⁸ he expressed his entire dependence on the friendship of the queen, and on the accomplishment of the promises made to him, professing solely to desire by her good offices a solid and honourable peace, which, however, must not be imposed upon him, but be the result of an enforcement of the treaties.⁸⁹ The queen might, he suggested, announce publicly her intention of not withdrawing from those treaties—a proceeding the more necessary, seeing that the general report to the opposite effect had done him infinite harm at the various courts of Europe. At the Porte in particular so much mischief had been done that, remembering also the ill-conduct of Sir Robert Sutton, he might possibly have lost his faith in the good intentions, the friendship, the justice of the queen. A declaration such as he proposed would restore his confidence.

Moreover Charles continued his negotiations with other powers, in particular a very private and perfectly futile one with Augustus.⁹⁰ Many members of the Swedish senate would have been glad to have a peace forced upon them in spite of their monarch, but act contrary to his injunctions they dared not, fearing for their heads; and they were compelled to declare so.⁹¹ Charles entirely declined to have peace imposed upon him against his will, and still refused mediation, whether by the sea powers or by the emperor.⁹² He

⁸⁴ 12 Aug. o.s., Record Office, entry books, Denmark.

⁸⁵ Fabrice to Goertz, 17 and 29 March o.s. 1713.

⁸⁶ Sutton, 12 May and 15 Sept. o.s., Record Office, Turkey. On the latter date Sir Robert wrote: 'Whatever is now desired by the King of Sweden, his Ministers or Officers, is certainly refused.' Charles was now confined at Demirtash, or Timurtash, a seraglio of the sultan half an hour from Adrianople (Jefferyes, 13 May and 12 June o.s., *ibid.* Poland; Fabrice, 14 April o.s.). He was taken back to Demotika in December (Sutton, 18 Dec. o.s. *loc. cit.*)

⁸⁷ To Queen Anne, 15 May o.s. 1713, 'a Demitache auprez d'Adrianople' (Record Office, the original in Sweden, Royal Letters). The answer to this letter, 1 Oct. o.s., is printed by Lamberty, viii. 326.

⁸⁸ 3 Sept. o.s., Record Office, Sweden.

⁸⁹ *Egenhändiga Bref*, p. 396.

⁹⁰ See Carlson, p. 51 ff.; *Egenhändiga Bref*, p. 397. He also turned now to France.

⁹¹ Jackson from Stockholm, July, &c., 1713; the bishop of London to Bolingbroke, Utrecht, 8 May 1713, holograph; Gyllenborg, 10 Sept. o.s. 1713 (Record Office, Sweden).

⁹² Carlson, pp. 50, 58; cp. *Egenhändiga Bref*, p. 396.

even sent instructions to enforce in full rigour the Baltic blockade, which the senate had for some time past relaxed. Certainly no assistance to those who sympathised with the country was to be obtained from the king.

Desirous then to save Sweden, but thwarted by Charles, incensed on various grounds with Denmark, but fearful of a breach with Russia, resolved against single intervention, but unable to procure help, the British government viewed with satisfaction a new development in northern affairs, which formed indeed an incident such as Bolingbroke had hoped for. This was the intervention of Prussia, which happened not so much in consequence of her inclusion in the peace of Utrecht as because the accession of a new king made her mistress of her own resources.

Frederick, the first king of Prussia, always paid earnest heed to the doings of his Swedish and Polish neighbours. More than once he was on the point of joining either Charles or Augustus, to have his share of any spoils that might result. The old Hansa town of Elbing was his special object of desire; after that Stettin and as much of Swedish Pomerania as might be attached thereto. But there were yet greater attractions in the west, Juliers and Berg, Neuchâtel and Vallengin, the Orange inheritance, prizes which could only be obtained by adherence to the grand alliance. Now Frederick was drawn in one direction, now in another, lowering more and more by his vacillation the credit of his state.⁹³ The ultimate cause that limited his action to the west, and kept his splendid troops employed year after year in Italy or in the Netherlands, was an empty treasury. An incompetent, not to say corrupt administration, unsound finance, and extravagant expenditure on vain display made the successor to the great elector as dependent as any other German prince upon the gold of the sea powers.

The first act of Frederick William, his son, was to dismiss hordes of court functionaries, to reduce with ruthless hand salaries and pensions, to save money by every possible economy. The able, if untruthful, Ilgen headed a triumvirate for the conduct of public policy; every department of state was subjected to searching

⁹³ 'Während der grosse Doppelkrieg im Norden und um die spanische Succession dem preussischen Staat immer neue Gelegenheit bot, seine Bedeutung in Deutschland und in Europa zu entwickeln, liess Friedrich I unter dem rastlosen Doppelspiel höfischer und fremder Einflüsse sich mehr und mehr zur Seite schieben, sich schon auch von Kursachsen, von Hannover überholen, sich schon auch in seinem Recht auf die oranische Erbschaft verkürzen. Die anderen Mächte, die grossen wie kleinen, gewöhnten sich daran, dass man Preussen nicht zu fürchten und nicht zu schonen brauche, dass man es missachten und missbrauchen dürfe' (Droysen, *Geschichte der preussischen Politik*, iv. ii. 4). Under Frederick I, writes Waliszewski, 'la Prusse a suivi un système que l'on pourrait résumer ainsi : ne rien faire, mais tâcher d'obtenir quand même quelque chose; laisser les autres se battre et profiter de la bagarre pour s'adjuger une part du butin' (*Pierre le Grand*, p. 370).

reform; the money saved was devoted to the army.⁹⁴ Prussia began to be the great military state which she has remained since. Master of his own troops, Frederick William could look the confederates in the face and bring them to an understanding.

Had Charles been of another temper, Frederick William might perhaps have been his ally, instead of, as he became, an annexer of his provinces under guise of neutrality. His father, in the previous year, unable to obtain from Peter the Great the objects he desired, had imagined a confederacy in opposition. The main condition was that Charles should allow Stanislaus to resign, as he desired to do, the Polish crown. That done, Augustus recognised, an army of 60,000 Prussians, Swedes, Poles, and Saxons would recover for Charles his lost provinces, and drive Peter back behind his old frontiers. Prussia was to have Elbing, and anything else that might offer without prejudice to her allies. That Charles himself should return home was indispensable.⁹⁵

But Charles had declined. That his proposed allies could hardly have been depended upon to carry out the scheme was not the ground of his refusal. Partly his sense of honour again objected; he had made Stanislaus king, and Stanislaus must remain so; partly he chose still to rely upon the sultan, who in November 1712 declared war upon Russia for the third time. The news of Stenbock's landing in Pomerania steeled his resolution. That Prussia should fight for him was well enough; but to restore his rights, not for her own profit. The chance was lost: Frederick died, and Frederick William was free to pursue his own course with regard to Sweden. The friendly letter, desiring his alliance and support, which Charles wrote to him from Demirtash in May,⁹⁶ could not reach him until the policy now to be described was complete.

He entered the arena as a friend of Holstein-Gottorp. A treaty of June 1713, arranged by the Holstein minister Goertz, and approved by Vellingk, provided that Stettin and Wismar should be occupied jointly by Prussian and Holstein troops until the conclusion of the war. On the other hand the king of Prussia was to concert with Great Britain, Holland, and Hanover, or, in the case of refusal of the others, with Great Britain alone, measures to save the dominions of the duke from the clutch of Denmark.

But the treaty was doomed to failure. The commandants of Wismar and Stettin refused to give them up; the latter fortress capitulated only after a long siege, and then fell into Russian hands. The troops of Prussia and Holstein occupied it not by permission

⁹⁴ See Droysen, iv. ii. 7 ff.

⁹⁵ See Carlson, p. 32 ff.; Droysen, iv. i. 419 ff.

⁹⁶ 18 May o.s. 1713, *Egenhändigæ Bref*, p. 223. The letter is very instructive as to Charles's views. All the right was on his side, and his enemies were persecuting him 'gegen Treu und Glauben.'

of the Swedes, but by virtue of a treaty made with Menshikov at Schwedt, a treaty which robbed the Dane and Saxon of their promised booty, and gave the southern shore of the Baltic to be the heritage of Prussia.⁹⁷

The British government was willing enough that Prussia should pull the Holstein chestnuts out of the Danish fire.⁹⁸ Inquiries at Berlin received the answer that Frederick William was very desirous to concert with the queen all proper measures to compose the troubles of the north, and awaited communication of her designs.⁹⁹ The king wrote himself to her three times,¹⁰⁰ earnestly protesting that he fully shared her sentiments in regard to Holstein-Gottorp, and inquiring what measures she proposed to take, in order that he might further them. He fully intended, he said, strenuously to exert himself, *enixa virium nostrarum contentione*, in the duke's cause; but the king of Denmark would be much more easily controlled if the queen would join her arguments to his own. Bonet in London, Ilgen at Berlin emphasised these expressions, asked for help in men, ships, and money, and added the hope that the British government would favour their master's aspiration, in the end to have Stettin and the neighbouring country for himself.¹⁰¹ Their requests were backed by Strafford.¹⁰² But all in vain. Active aid was refused. Breton was particularly instructed 'not to engage her majesty in any part of the expense necessary for those expeditions.'¹⁰³ As to Stettin, he was to 'give room to hope,' but cautiously, and without engaging the queen to anything particular, lest her majesty should be hereafter brought under difficulties to

⁹⁷ 'So der Schwedter Vertrag, einer der wichtigsten, die Preussen geschlossen hat. Wichtig nicht blos darum, weil er der Grundstein der Entwicklungen, die fortan die nordischen Dinge genommen, geworden ist; es war nach langen Zurückweichen der preussischen Politik ein erster Schritt vorwärts, man darf sagen der entscheidende Schritt' (Droysen, iv. ii. 59).

⁹⁸ 'We are of opinion that the Treaty made by the Administrator of Holstein with the King of Prussia might prove some skreen to Sweden, might give them some breathing time, and afford to their friends a foundation whereon to raise somewhat of advantage to them' (Bolingbroke to Jackson, 18 Aug. o.s. 1713, Record Office, entry books, Sweden). 'As to the Dutchy of Holstein, it is agreed on all sides that the only method now left to preserve it will be that of a Sequestration into the hands of the King of Prussia, which the Queen will press his Maj^{ty} to take upon him' (Bromley to the same, 15 Sept. o.s. *ibid.*) As neither the states-general nor the elector of Hanover would send troops to succour Tönning, 'nothing remains to save that place and country, but the King of Prussia's taking upon him the sequestration of Holstein' (Bromley to Breton, same date, *ibid.* Prussia).

⁹⁹ Breton from Berlin, 10 June 1713, *ibid.*

¹⁰⁰ 15 Aug. 1713, *ibid.* (copy or translation); 4 Nov. 1713 and 23 Jan. 1714, *ibid.* (royal letters, the Latin originals).

¹⁰¹ Bonet, Nov. and Dec. 1713; Breton, 5 Aug., 31 Oct., 11 Nov. 1713, 17 Jan., 14 April 1714, *ibid.*

¹⁰² 1, 15, and 29 May 1714, *ibid.* Holland. See also Bromley's despatches to him in this month.

¹⁰³ Bromley to Breton, 26 Oct. o.s. 1713, *ibid.* entry books, Prussia.

perform it, from his Swedish majesty's intractable temper.'¹⁰⁴ What could be done by words was done. The king of Denmark was urged to agree to the inclusion of all the dominions of Holstein-Gottorp in the sequestration.¹⁰⁵ When Rosenkrantz, the Danish minister in London, complained that the king of Prussia was endeavouring by his letters to excite the queen to hostile action against Denmark, answer was made to him that whoever first broke the neutrality of Holstein, the Swedes having evacuated the country, that neutrality should be restored.¹⁰⁶ When in February 1714 Tönning fell, and the battle near Wasa sealed the fate of Finland; when a Danish army was expected to cross the Sound, a Russian fleet to capture Stockholm; the Swedes were urged to make Frederick William their friend by ceding to him Stettin, rather than let him owe its acquisition to their enemies.¹⁰⁷ But the help asked for was not granted, and the scheme of Prussian intervention in favour of Holstein-Gottorp from this and other causes fell through.

In the meantime Sweden was on the verge of revolution. Taxes had long been intolerable and impossible. The loss of Finland, the granary of Stockholm, was ascribed to treachery. A report spread of Charles's death. The senate was compelled to put the princess Ulrica at its head, and to summon the estates. Vellingk was authorised to conduct negotiations for peace in its name. But then, towards the end of January 1714, came letters from Charles absolutely refusing peace, and expressly ordering the dissolution of the estates, if they had been convoked. Consternation reigned, ruin seemed imminent. An outbreak was only averted by the firmness of Chancellor Horn. The senate declared that they must obey the king; that it only remained to fight desperately to the end, and so perish.¹⁰⁸

¹⁰⁴ The same, 13 and 17 Nov. o.s. *ibid.* To Bonet Bromley wrote, 25 Nov. o.s.: 'La Reine ne se croyant pas en droit de disposer des Places d'autrui, Elle ne sauroit pas s'engager que Steitin ni aucune autre Place nommement lui soit cedée par cette Couronne.'

¹⁰⁵ Bromley to Pulteney, 14 Oct. o.s. 1713, *ibid.* Denmark.

¹⁰⁶ *Ibid.* 13 Nov. o.s.

¹⁰⁷ Bromley to Strafford, 26 March and 27 April o.s. 1714, *ibid.* Holland; cp. Bolingbroke to the same on the latter date (Gilbert Parke).

¹⁰⁸ Jackson, October 1713 to January 1714; appeal of the princess and senate of Sweden, 27 March o.s. 1714, delivered by Gyllenborg 2 May o.s.; *ibid.* Sweden. See Bain's account of the state of the country and of the proceedings of this riksdag in his *Charles XII.*, p. 254 ff.

Here may be noted a striking memorandum of Vellingk to Sparre at Paris, of date 23 April 1714, printed in the *Handlingar rörande Skandinaviens Historia*, vi. 226. The writer urged that it was of the last necessity that Charles should consent to the negotiation of a general peace. A reconciliation with Augustus was indispensable, seeing that the king of Prussia would engage himself to nothing without this. Charles ought not to persist in being the only one to refuse the emperor the title of king of Spain. He should rather send a minister of importance to Vienna. The old friend-

In the meantime the renewed rigour of the Baltic blockade, causing increased clamours on the part of the mercantile community, and a growing scarcity of naval stores, forced the hands of the British government. It was determined to send to the Baltic a small squadron of men-of-war to convoy the traders. But the uncongenial resolve was accompanied by fresh efforts to procure peace. Strafford at the Hague, Matthew Prior at Paris were instructed to make every possible endeavour to obtain concerted action.¹⁰⁹ At Copenhagen more threats were launched. The queen, it was declared, would resume reluctantly the arms laid down, rather than suffer Sweden to be totally destroyed. Although the parties in the war were all her friends, although Frederick was her near relation, she must interpose. The growing power of the tsar in the Baltic was as dangerous to Denmark as to others.¹¹⁰ To Russia was despatched George Mackenzie, formerly at Dresden. His instructions¹¹¹ included a strongly worded paragraph in favour of Sweden, described as a nation with whom the queen had important alliances, and in whose preservation the interest of her people was deeply concerned. The tsar was to be induced to assent to a peace, reaping thereby glory and the fruits of his successes.

But these representations had no better result than former ones. The states-general only replied to the queen's letter of 25 March that they would be glad to help in procuring a good peace, but were overcome by embarrassments resulting from the late war. Deputies told Strafford that they had little inclination to aid Sweden, who had done their commerce so much harm. He notified that the Dutch would do nothing that might be disagreeable to any of the confederate princes or to the emperor, that their chief interest was in the completion of their Barrier treaty, and that if they took action in regard to the Baltic trade it would be on their own account, and not conjointly with the queen. Neither the Dutch nor the French could be prevailed upon to join either in active measures or in a congress to procure peace.¹¹²

Foreign nations in fact declined to place any dependence upon a ministry accused of betraying its allies and known to be shattered by internal dissension. Its declarations and threats were laughed at on the continent. Goertz could write from Berlin—

Je vous dis à regret que tout ce que l'on sauroit prêcher à la Cour

ship too with Hanover should be restored, especially in view of the high credit the elector now enjoyed and the respect held for him by the tsar.

¹⁰⁹ Bolingbroke to Prior, 6 May o.s. 1714, Record Office, entry books, France. He sets forth the situation at length.

¹¹⁰ Bromley to Pulteney, 4 May o.s., *ibid.* Denmark.

¹¹¹ 23 May o.s. 1714, *ibid.* Russia.

¹¹² Strafford, March to August 1714, *ibid.* Holland.

icy de la vigueur de la Cour Britannique n'est regardé que comme des chansons.¹¹³

A Danish statesman

se mocquoit des menaces de l'Angleterre, étant convaincu qu'Elle n'oseroit rien faire par la crainte qu'Elle a pour le Czar, qui ne manqueroit pas de faire massacrer les Marchands Anglois, et de se saisir de leurs effets.¹¹⁴

Prince Kurakin told Strafford that his master had ships of war as well as the English and Dutch, and did not see what right they had to send fleets into the Baltic.¹¹⁵

The squadron prepared consisted only of three ships, the 'Woolwich,' 'Dolphin,' and 'Flamborough.' The command was entrusted to Captain Archibald Hamilton. By his first instructions from the admiralty, of date 9 July old style, he was to accompany the merchantmen all the way to St. Petersburg. Later he was ordered to take particular care to protect them from any Swedish men-of-war with which he might fall in. But on 1 August he sent in news of thirty Dutch and English sail seized and taken into Stockholm, and further on the 4th that twenty-four Swedish men-of-war, of from 30 to 70 guns, were on the look-out, with orders to 'sink by their sides' rather than allow English or any other ships to reach the forbidden ports. Fresh instructions, therefore, were given to him on the 7th to the effect that on his arrival at Elsinore he was to inform himself by every possible means whether the news he had reported were true, and if he found it to be so to return with as many of the merchantmen as would accompany him to the Nore.¹¹⁶

He did ascertain the truth of the report, and he did not enter the Baltic, but the story of that belongs to the next reign. Six days before the last-named instructions were given him Queen Anne died, and the sovereignty of her kingdoms passed to her foreign cousin.

J. F. CHANCE.

¹¹³ 26 June 1714, *ibid.* Sweden. See also there to the same effect extracts from letters of Sparre, Vellingk, and others to Gyllenberg in May and June.

¹¹⁴ Pulteney to Strafford, 25 June, *ibid.* Denmark.

¹¹⁵ Strafford, 6 March, *ibid.* Holland.

¹¹⁶ Record Office, Admiralty, Orders and Instructions 46, Captains' Letters, H 9. According to Bromley (*ibid.* Secretary of State's Letters 13, 15 July o.s.; and Home Office, Regencies 11, 7 August o.s.) four ships were appointed. But only the three mentioned sailed.

A British Agent at Tilsit

IN an article entitled 'Canning and Denmark in 1807,' published in this Review in January 1896, I dealt with the subject of Canning's ulterior and highly statesmanlike aims in sending the British expedition to Copenhagen in the early autumn of that year. I propose in the present article to discuss the very obscure question how he acquired the news as to the designs of Napoleon and the tsar Alexander, which were matured in their famous interviews at Tilsit. It is hardly too much to say that no thoroughly satisfactory explanation has ever been advanced, and that which I am about to set forth is not quite complete and convincing. Nevertheless I think it will be found to be far more satisfactory than some of the conjectures that have been hazarded.

One of these is that a British spy hid himself somewhere on the raft on which the first interviews took place. But it is clear, from the accounts of the various memoir writers who have described that scene, that the first interview was somewhat hurriedly arranged, that the raft was either one of the ordinary Niemen rafts, or (as Lejeune affirms) was hastily put together by the French general Lariboisière.¹ In either case it is most unlikely that any convenient hiding-places would be left near to the central pavilion, or tent, in which the emperors met for confidential converse; and the story may be dismissed as the invention of some busybody, or possibly of the British agent who furnished news to our government, and then sought to invest it with a halo of romance that would double its importance. It was in vain that the Opposition in parliament sought to compel Canning and other ministers to reveal the source of their information. They stoutly refused to tell the secret; and at the close of this article we shall see that Canning had every reason for keeping the extent of his information carefully concealed; for we have documentary proof that it was not so complete as could have been desired. Then again it has been suggested that Talleyrand played Napoleon false and yielded up the secret to English agents. This is more than

¹ Lejeune states that he made a sketch of the whole scene, which was afterwards engraved. Unfortunately no copy of it is in the British Museum.

doubtful. Talleyrand was not so thoroughly trusted by Napoleon as to be taken into his secrets at the first two conferences at Tilsit, and it was apparently at, or just after, these that our government gained the news which led to the Copenhagen expedition. Lastly, it has been asserted by Dr. Bell, in his 'Life of Canning,' that the decisive news came not from Tilsit but from Lisbon. According to this version the prince regent of Portugal secretly declared to the Prince of Wales that early in the month of May 1807 Napoleon had most threateningly summoned the court of Lisbon and Copenhagen to side with him against England. This seems to me incredible. It is true that the French emperor was always putting secret pressure on those states to compel them to join his continental system and exclude British goods. But in that month Napoleon was in too precarious a position in East Prussia to venture on any threat of immediate violence on the borders of Holstein, still less on those of Portugal, where he had not as yet any means of extorting obedience. He was too good a diplomatist to attempt so much when he already had his hands full beyond the Vistula. He made his diplomatic *coups* after a great victory, not in a time of suspense and anxiety such as followed upon his sanguinary check at Eylau. Besides, if that report from Lisbon is correct, why was there no sign of urgent naval activity in our ports before Midsummer? Why was not a British squadron sent to protect Lisbon as well as to overawe Copenhagen? Why, finally, is there no mention of Napoleon's threats to Portugal in our Foreign Office archives? I have examined our correspondence with Lisbon, and can testify that no great alarm was felt there until after Napoleon's return from Tilsit, when he bent his energies to the task there agreed upon of forcing Portugal and Denmark to declare against England? We may, therefore, dismiss the notion that our ministers gained their knowledge of this resolution through Lisbon as no more tenable than the story that some English spy was hidden on the raft at Tilsit and heard the momentous words of the emperors.

In searching through our Foreign Office records for Russia, Prussia, and Denmark I think that I have found a more trustworthy clue. We had at the headquarters of the Russian and Prussian sovereigns at or near Tilsit a group of distinguished officers—Lord Hutchinson, Sir Robert Wilson, and others—besides our ambassador to Russia, Lord Granville Leveson Gower. On the first news of an armistice between Russia and France they were treated with marked reserve and were kept at a distance from the Tilsit negotiations. But with them was a British agent, Mr. Mackenzie, who was left in a more favoured position near General Bennigsen, and seems to have used his opportunities to the best advantage. From his report, dated

Thuload, 23 June 1807, to his chief, Leveson Gower, I give the following passages:—

My Lord,—Soon after Lord Hutchinson left this forlorn quarter, young (*sic*) Talleyrand made his appearance and accepted the General's invitation to dinner. At first his stile (*sic*) of address was lofty, but lowered gradually as he found the temper of the company some tones higher than he had expected. Prince Lobanoff accompanied him to the other side in reply to his first question about the distance of the [Russian] force about to join the army. Duroc has been three times since at the head-quarters and received last night (as I am just informed) the Emperor's ratification of the Armistice, which is not to be annulled without a month's previous notice. . . . As Lord Hutchinson declined presenting me to General Bennigsen at the moment of his departure, and, wishing that some private friend of my own should undertake this office, Prince Troubetzkoi and Dr Wylie offered immediately their assistance, and my reception was at once courteous and kind, and I received, on presenting Count Woronzow's letter, a general invitation to dinner, acceptable on more points than one, as the difficulty of procuring anything like bread is beyond conception. The formidable reinforcement of 30,000 men is arrived at Urianborg, but the disposition for continuing the struggle is not very lively here. The General declared yesterday he would undertake to beat the enemy again and again with 60,000 men, but no one replied. A French officer who accompanied Duroc observed to a Russian that all hands must now be wearied by the length and obstinacy of the campaign: if the rival Emperors wished for another let them fight together! I am told the French soldiers saluted Prince Lobanoff with loud cries of *vive la paix!* Accounts are received of six of the fourteen missing pieces of artillery having arrived on the Russian frontier with great numbers of the wounded, who it was supposed had fallen into the hands of the enemy, and likewise of 7000 deserters being on their way to their different corps. I propose setting out for Memel the day after tomorrow, and am, &c.,

A. MACKENZIE.

We here see that a British agent was a welcome guest at the table of the Russian commander-in-chief up to the very day on which the famous interview took place on the raft; and he announces that he will leave for Memel, the port for Tilsit, on that day. He is in close touch with the Russian general, who is smarting under the slights to which his master subjected him after his blundering at Friedland. He hears the first news that there is an armistice for at least a month. What more natural than that he should glean some precious hints from the malcontent commander on 25 June? Bennigsen would be certain to know as soon as any one whether his master intended to come to terms with France. Though the tsar disliked Bennigsen, and, indeed, soon described him to Savary as a possible traitor, yet the general must have known whether it was to be war or peace. Moreover it is certain that Mackenzie left for Memel on 25 June, and that he

forthwith set out for London. His letter quoted above was enclosed with Leveson Gower's despatch of 26 June 1807 from Memel, which was received by our Foreign Office on 16 July.

In our Danish archives I also find that Mr. Garlike, our ambassador at Copenhagen, forwarded to London by the overland route through Tönning an important letter dated Memel, 26 June, which concludes thus :—

On the morning of the 14th an action commenced which lasted until 7 o'clock in the evening, when *we* were completely beaten with a loss of between 20,000 and 30,000 men. *We* were forced to retire in great confusion over the Pregel and then over the Memel River at Tilsit, where *we* passed on the 19th, having been first joined by Generals Lestocq and Kamenskoi. On the whole *we* lost near 40,000 men. After the army had passed the Memel General Bennigsen sent Prince Lobanoff to Bonaparte to propose an armistice, which has been agreed to ; and yesterday an interview took place at Tilsit on a *pont volant* in the middle of the river between Bonaparte and the emperor of Russia. They separated in the most amicable terms. As soon as the negotiation began Lord Hutchinson left the army.

I have italicised the words *we*, because their repeated use shows that the writer was a Russian officer who had taken part in the battle of Friedland, where no Prussians were engaged. He was probably in the pay of our agents, and sent off his information so promptly that his despatch, quoted above, reached our Foreign Office on the same day as Mackenzie's letter, viz. 16 July.

But what evidence had Canning that the *volte-face* of the tsar portended pressure on Denmark to compel her to shut the Baltic against us? Here our Danish archives supply the materials. Mr. Garlike, our ambassador at Copenhagen, had for several weeks been reporting to Downing Street the covert hostility of the Danes to us and their subservience to Napoleon. He had also noted with alarm the threatening increase of French and allied troops (especially Spaniards and Dutch) near the frontiers of Holstein. Ostensibly they were menacing the left flank of the Anglo-Swedish force under the king of Sweden and Lord Cathcart, about to co-operate in the neighbourhood of Stralsund. But he suspected that they would, at the first favourable opportunity, be marched into Holstein, in order to compel the prince royal of Denmark to declare the Baltic a *mare clausum*, and so prevent the arrival of English reinforcements for Cathcart. The English envoy therefore pressed the Danish minister, Count Bernstorff, to declare that his government would repel by force any attempt of the French to occupy Holstein. Bernstorff denied that any pressure was being exerted on Denmark by France ; but we now know from Napoleon's 'Correspondence' that he had pressed her to declare the Baltic a *mare clausum*, and was exceedingly annoyed at her allowing Cathcart's expedition to sail

through the Sound, *and thus violate her seas.*² Garlike evidently took Bernstorff's denial as a diplomatic device; and on 5 July he wrote to Canning that the Danes were in much fear of a French military occupation; 'the danger still remains, and too many precautions cannot be taken against it.' This despatch also reached Downing Street on 16 July.³

Thus on the same day Canning received from Mackenzie, from the unknown Russian officer, and from our ambassador at Copenhagen warnings that our only remaining powerful ally, the tsar, had come to terms with Napoleon, with an effusive display that portended a Franco-Russian alliance, while the movements of Napoleon's troops on the borders of Holstein were evidently designed to drive Denmark into open hostility to England. Her leanings had of late been so notoriously favourable to France that in the Russo-Prussian treaty of Bartenstein (April 1807), to which we were accessories, the courts of St. Petersburg and Berlin had proposed *to use force to compel her to join the coalition against France.* And it should be remembered by those who denounce Great Britain's violation of international law at Copenhagen that those governments had been the first to propose it, should it be deemed necessary. Of its necessity under present circumstances Canning could now have no doubt. The defection of the tsar from the coalition, the practical certainty that Napoleon and he would now compel Denmark to shut the Baltic against British reinforcements to Cathcart, were dangers that had to be instantly faced. And we have proof that Canning lost not a moment. On that same day he drew up secret instructions for Brooke Taylor, who was to proceed forthwith to Copenhagen and replace Garlike, that envoy being moved on to Memel, as though it was an ordinary exchange. In reality Canning desired to have an ambassador at Copenhagen who knew his innermost mind in regard to the new and threatening situation. Brooke Taylor was to proceed at once to the Danish court and demand an explicit statement as to its future policy towards us. A powerful British fleet would be sent at once to the Sound for the defence of Sweden and of our reinforcements proceeding to Stralsund, as well as for the protection of British commerce in the Baltic. But the new envoy was also to avow that this menacing step was taken in order to assure the friendly neutrality of Denmark and her resistance to any military pressure exerted by France. The last part of these instructions deserves quotation.

However willing his Britannic majesty may be to give every credit to the declaration of the Danish Minister that the attempt by France to occupy Holstein would be considered as an act of war and resisted

² Letter to Bernadotte, 3 Aug. 1807.

³ Foreign Office Records, Denmark, no. 52.

accordingly, it cannot but be evident that the presence of a British fleet in the Baltic may be of great use in giving countenance and support to such a determination on the part of Denmark. . . . But for this purpose it is requisite that the fleet of Great Britain should be decidedly superior to that of Denmark. It is for the interest of Denmark that it should be so. Her safety is to be found, under the present circumstances of the world, only in a balance of opposite dangers. For it is not to be disguised that the influence which France has acquired from recent events over the north of Europe might, unless balanced and controlled by the naval power of Great Britain, leave to Denmark no other option than that of complaisance with the demands of Bonaparte, however extravagant in their nature or repugnant to the feelings and interests of the Danish Government.⁴

A balance of opposite dangers: such is the phrase in which Canning summed up his policy towards Denmark. But the news from the Baltic soon convinced him that the balance of power in that sea would not be preserved by any mere naval demonstration. On 22 July he wrote to Brooke Taylor a 'most secret' despatch.

Foreign Office.

Sir,—Intelligence reached me yesterday, directly from Tilsit, that at an interview which took place between the emperor of Russia and Bonaparte on the 25th of last month the latter brought forward a proposal for a maritime league against Great Britain, to which the accession of Denmark was represented by Bonaparte to be as certain as it was essential. The emperor of Russia is described as having neither accepted nor refused this proposal. But the confidence with which Bonaparte spoke of the accession of Denmark to such a league, coupled with other circumstances and particulars of intelligence which have reached this country, makes it absolutely necessary that his majesty should receive from the court of Denmark some distinct and satisfactory assurances either that no such proposition has been made to that court by France, or that, having been made, it has been rejected, and some sufficient security that, if made or repeated, it will meet with the same reception. . . . I am therefore commanded by his majesty to direct you to demand a conference with the Danish minister, and to request, in a firm but amicable manner, a direct and official answer upon these important points.

The 'sufficient security' which we claimed was the Danish fleet. Canning accompanied this despatch with the draft of a secret Anglo-Danish treaty which was at once to be proposed to that court. It stipulated that, as it was indispensable for the safety of Great Britain that the Danish fleet must be placed beyond reach of a French attack, it should be handed over to us, to be kept in pledge, until the end of the war between England and France, and that, if handed over to us, we would pay Denmark 100,000*l.* for every year that it should be held in pledge. At a somewhat later date

⁴ Foreign Office Records, Denmark, no. 53.

Canning proposed the formation of an Anglo-Scandinavian alliance which should array the forces of England, Denmark, and Sweden against the aggressions of the two emperors. But his scheme fell through, owing to the refusal of Denmark. Her fleet was thereupon seized by force, and Sweden finally succumbed to the attacks of Russia and Denmark.

With these later events we are not here concerned. What I have striven to show, from official sources, is the trustworthiness of the information which led to our Copenhagen expedition. It was not, as the Danes asserted, based on idle gossip. It resulted from inquiries made by Mr. Mackenzie at Tilsit in the Russian headquarters at the beginning of the emperors' interviews. His letter, quoted above, decided Canning to despatch a fleet and a special envoy to Copenhagen; and there is good reason to think that it was Mackenzie's interview with Canning on 21 July that led to the demand for the deposit of the Danish fleet. The wording of Canning's despatch last quoted bespeaks a personal interview rather than the receipt of a written communication. We know from Garlike's despatch of 18 July⁵ that Mackenzie passed through Copenhagen on his way to London *via* Tönning about 10 July. With ordinary good luck as to weather he would reach London by 21 July. There is no definite proof of this; but the circumstantial evidence as to Mackenzie's arrival at London with oral news from Tilsit is fairly complete.

Canning was most careful to conceal the source of his information, and to invest it with a greater importance than it really possessed. Some of his ardent supporters claimed that he knew the tenor of the secret articles of the treaty of Tilsit before he gave orders for the taking possession of the Danish fleet. This can be refuted from our archives. As late as 4 Aug. 1807—that is, one month after the signature of that treaty—he charged Leveson Gower to seek to discover the terms of the treaty, and whether there were any secret articles. Now it was in the secret articles that the two emperors finally agreed to summon Denmark and Portugal to declare against England. Thus at the time when Cathcart and Wellesley were off Elsinore Canning did not know of the existence of the secret article which is now seen to be the final justification of his conduct. But if his knowledge was incomplete it was sufficient to prompt him to vigorous action. He knew through Mackenzie the general purport of the emperors' plans at Tilsit; and it is clear that our agent drew his information from the quarter whence it was likely to leak out the soonest—namely, from the malcontent Russian commander Bennigsen and his *entourage*.

J. HOLLAND ROSE.

⁵ Foreign Office Records, Denmark, no. 52.

Notes and Documents

THE BEGINNING OF THE YEAR IN THE ANGLO-SAXON CHRONICLES.

IN an appendix to the introduction to his admirable edition of the Chronicles (vol. ii. p. cxxxix) Mr. Plummer says—

Gervase, the monk of Canterbury, at the beginning of his own Chronicle calls attention to the divergence among chroniclers as to the commencement of the year: *Quidam enim annos Domini incipiunt computare ab Annuntiatione, alii a Natiuitate, quidam a Circumcisione, quidam a Passione* (i. 88). To this should be added *quidam a Resurrectione*.

Technically, I believe, such an addition would have been incorrect, for the reckoning *a Passione* was the same as that which Mr. Plummer distinguishes as *a Resurrectione*. It did not begin with Easter Day, but either with the *Benedictio cerei* on Holy Saturday or else on Good Friday.¹ But though the practice of beginning the year at that season was by Gervase's time becoming established in the French chancery, no writer on historical chronology has ever observed an example of this *mos Gallicanus* in any English text or document. With us the ancient custom was to begin the year with Christmas, though the use of calendars might occasionally lead to the adoption of the 'solar year,' beginning with the first of January. In the course of the eleventh century, possibly through the influence of the great monastery of Fleury, the practice of beginning the year with the Annunciation—the *calculus Florentinus*—was introduced into England; but it was not common until the reign of Henry II and not universal until the fourteenth century.

The notion that some English writers began the year at Easter appears to be traceable to the 'Monumenta Historica Britannica,' where Henry Petrie remarked on the annal for 1044 in the Abingdon chronicle (C), 'Henceforward, to the year 1053, it can hardly be questioned that the computation from Easter is followed in that copy' (p. 435, note a).² Sir Thomas Duffus Hardy, however,

¹ Grötefend, *Zeitrechnung*, i. 140 f.; Rühl, *Chronologie*, p. 34.

² Petrie may have derived the suggestion from the annal 1043 (C), which begins with the first day of Easter.

in the introduction (p. 118, n. 3) cautiously gave the alternatives, 'Easter or the 25th of March.' Mr. Plummer now attaches himself to the side of Petrie. Speaking of the reckoning from the Annunciation he says, 'Of this mode of beginning the year I have found no trace in the Saxon Chronicles,' and he decides without hesitation for Easter :

The part of the Chronicle in which the Easter commencement of the year appears most clearly is the latter part of MS. C, from 1044 onwards. This appears clearly in 1044-1047, 1049-1055, 1065, 1066. (Curiously enough 1055 and 1056 C seem to use the other system.) The Easter commencement occurs also 1066 D (which comes from the same source as C). It is also found in C, D, E, F in the two annals 1009, 1010. It seems also to be implied in 1041 D and 1067 D . . . as well as in E 1075, 1077, 1083, 1085, 1086, in which Christmas ends the year. This would, however, be also compatible with a commencement on 1 Jan. (vol. ii. pp. cxl, cxli).

With two exceptions all the annals cited by Mr. Plummer in favour of his view agree with the reckoning from 25 March. The following are the details :—

1009 includes Lent at the end.

1010 begins with after Easter.

1041 (D) includes 11 January at the end [not in C].

1044 (C) includes 23 Jan. at the end.

1045 (C) „ 20 March „ „ „

1046 (C) „ Candlemas „ „ „

1049 (C) „ Midlent „ „ „ [Cf. E. a. 1047 and Plummer, ii. 233.]

1050 (C) includes Midlent at the end.

1051 (C) „ 14 March. „

1052 (C) supplies no chronological data.

1053 (C) begins with mention of Easter (11 April).

1054 (C) supplies no data.

1065 (C) includes 6 Jan. at the end.

1066 (C) mentions Easter (16 April) at the beginning.

1075 (E) „ Christmas near the end.

1077 (E) „ 20 Feb. at the end.

1083 (E) „ after Midwinter near the end.

1085 (E) „ Christmas near the end.

1086 (E) „ Easter (5 April) at the beginning.

The two anomalous annals to which I have referred are 1047 in C and 1067 in D. The former ends with a notice of the death of Athelstan, abbat of Abingdon, 29 March, and with the mention of Easter Day on 5 April (1048). It is, therefore, compatible with a beginning neither on 25 March nor at Easter. Mr. Plummer says (ii. 228), 'If once the fact that C's year begins with Easter is clearly grasped . . . it will be found that C is the only Chronicle the chronology of which is correct during the years 1040-1052.' But

this annal ends with Easter. The fact is that, as Mr. Plummer has himself noted (i. 167), a new scribe begins *with* the entry of 29 March, and, as happens elsewhere, he begins a year too soon. He next writes the number 1048, with the events of that year, and then stops. Another hand begins 1049. Still less can any argument be based upon D's record of 1067, for it first mentions St. Nicholas' Day (6 Dec.) and rambles backwards and forwards from the previous summer to the Easter (23 March) and Whitsuntide (of 1068) and beyond. Mr. Plummer in his notes (ii. 260, 261) suggests alternative divisions of the years.

It is plain that these two annals must be disregarded in any consideration of the evidence. All the other places referred to by Mr. Plummer will equally suit the reckoning from Easter and from the Annunciation. What reason can there be for choosing Easter? Mr. Plummer (ii. 228) admits that it 'does not seem to be much used in England,' but he cites Nicolas and Bond, who do not recognise its use in England at all. Nor will any trace of such a practice be found in Grotefeld or Rühl, and it is expressly denied by Giry.³

REGINALD L. POOLE.

THE EARLY CHARTERS OF ST. JOHN'S ABBEY, COLCHESTER.

AMONG the 'things that want printing,' Mr. Freeman wrote in his preface to 'The Reign of William Rufus,' there lurks in manuscript a cartulary of Colchester Abbey, which contains distinct proof that Henry I spoke English familiarly; so at least he was informed, not having seen it himself, by Mr. Chester Waters (p. viii). This cartulary, which belongs to Lord Cowper, the heir of the Lucasas of St. John's Abbey, was printed at his expense for distribution to the members of the Roxburghe Club in 1897, but, owing to its being issued in this private fashion, its contents, although of much interest for the students of the Norman period, are probably not familiar. Unfortunately the editor, Mr. Stuart Moore, on principle gives us no notes to the text, and makes no attempt to estimate the authenticity of the documents in it, or to construct from their evidence an outline history of the house, its foundation, and its endowments. There is no index at all to the personal names, but one of localities in which the place-names are not even identified, or their modern equivalents given, as might easily have been done.¹ On the other hand we are given the antiquated history of the foundation of the house from the 'Monas-

³ *Manuel de Diplomatique*, p. 111, n. 4.

¹ For instance, on the last page of the first volume the heading of a charter describes it as relating to 'land in Estidon,' and this weird place is so indexed, though it might easily have been identified as East Donyland, which occurs frequently in the cartulary.

tion' in full, and a list of the abbots avowedly taken from Morant's 'History of Colchester.'² As for the text itself, we learn that Mr. Stuart Moore was very specially indebted to Mr. G. F. Handcock of the Public Record Office for the most careful and accurate transcript from which these volumes have been printed (p. xxxviii). So this, no doubt, is as accurate as we have a right to expect from an officer of the Public Record Office.

But for one matter, a most important matter, the editor is himself responsible. This is the dating of the documents. As much depends on the right dating of the earliest documents in the manuscript I give them here in order with Mr. Stuart Moore's dates.³ The titles are those given in the table of contents to the cartulary.

(1) Carta Eudonis Dapiferi de fundatione ecclesie Sancti Iohannis et donationibus suis [undated]. 1119.

(2) Narratio qualiter abbas Gilebertus cartam Henrici senioris impe-traverit. 1119.

(3) Carta Henrici Regis senioris de confirmatione ecclesie Sancti Iohannis ac suis rebus et libertatibus [dated 1119]. 1119.

(4) Eadem carta eiusdem de libertatibus sed abbreviata ad deferendum. 1119.

(5) Bulla Calixti Pape omnia praemissa confirmantis.

(6) Alia carta Henrici senioris de omnibus predictis sed minor prima [undated]. 1119.

It is with the last of these that I am specially concerned. This charter is assigned by the editor, 'from internal evidence,' to 1119 as a 'specific' date (p. x): it has the following long and interesting list of witnesses:—

Queen Matilda (*d.* 1118).

Eudo Dapifer.

Waldric the chancellor (succeeded by Ranulf in 1107).

Gilbert Fitz Richard (de Clare, brother of Eudo's wife).

Gerard (*sic*, the archbishop of York, *d.* 1108).

Maurice, bishop of London (*d.* 1107).

Sampson, bishop of Worcester (*d.* 1112).

Gundulf, bishop of Rochester (*d.* 1108).

Herbert, bishop of Norwich.

Robert, bishop of Lincoln.

Robert, bishop of Chester (*d.* 1117).

Ralf, bishop of Chichester.

Gilbert, abbot of Westminster (*d.* 1112).

² Mr. Stuart Moore even reproduces without question the story of Eudo's part in the accession of William Rufus, which Mr. Freeman pronounced 'wholly mythical and pure fiction,' together with the tale of how Eudo obtained the office of dapifer, which the professor described as 'almost too silly to tell' (*William Rufus*, ii. 643-5).

³ Two charters, I may add, of Henry VI, 'rex Anglie et Francie,' written 'in a hand-writing of the fifteenth century,' are assigned to 'Henry III,' one of them being even dated by Mr. Moore as '1232.'

Richard, abbot of St. Albans.
 Stephen, abbot of St. Mary's, York.⁴
 Ralf, abbot of Sées.
 Gunter, abbot of Thorney (*d.* 1112).
 Richard, earl of Chester.
 Henry, earl of Warwick.
 William, count of Mortain.
 Roger Bigot.

It is abundantly evident from the dates I have added that this charter of Henry I must be considerably earlier than 1119; and as William, count of Mortain, who was overthrown at Tinchebrai (1106), is stated to have finally quarrelled with Henry I, and fled to Normandy in consequence in 1104, it follows that the charter cannot be later than this last date.⁵ Now it is remarkable that the year 1104, or thereabouts, is that which is assigned to the benediction of the first abbot by Maurice, bishop of London, in the 'Historia Foundationis.'

I look on the above charter as the original confirmation by the king of Eudo's foundation of the house. We have now, therefore, to account for the other charter of confirmation granted by Henry I and dated, according to the cartulary, thus:—

Data Rothomagi Deo gratias solemniter et feliciter anno ab incarnatione Domini M^oC^oXIX^o. Quo nimirum anno pretaxatus filius regis Henrici Willelmus et rex designatus puellam nobilissimam filiam Fulconis Andegavorum comitis Mathildem nomine Luxovii duxit uxorem.

I do not attempt to defend as genuine in its inflated form the text of this charter as transcribed in the cartulary; indeed, as I observed long ago, when discussing its peculiar character, 'that its form, in the cartulary, is that in which it was originally granted we may confidently deny.'⁶ But the names of the twenty-six witnesses, as I also then pointed out, are in perfect accordance with the date and are of interest for their own sake. Moreover closer examination reveals internal evidence in favour of this charter of 1119, representing a document of later date than that which I assign to 1104 (?). For while both charters contain a clause headed 'Hec infra scripta homines sui dederunt,' several additional gifts, which are not found in the earlier charter, are included in this portion of the later one, having, evidently, been made in the intervening years.

Now the special interest for historians of the charter dated 1119 is that it is preceded, in the cartulary, by the narrative (p. 4) on which is based the belief, which proved so attractive to Mr. Fre-

⁴ According to the *Historia Foundationis* it was from St. Mary's, York, that came the twelve monks who formed the original convent at St. John's.

⁵ The absence of Anselm and the bishops (Winchester, Hereford, Salisbury) awaiting consecration from him in the above list of prelates should be observed as affording some clue to the date.

⁶ *Geoffrey de Mandeville*, pp. 423-7.

man, that Henry I could read English. The story, we are told in this narrative, is that, on Gilbert, a monk of Bec, becoming abbot of St. John's, he found no record evidence of any consequence in its muniment room (an odd statement in view of the king's earlier charter), and consequently

cartam unam fecit conscribi quam Eudoni et Rohaise coniugi eius per Osmundum priorem trans mare perferri fecit, petens ut a rege Henrico tunc in Normannia posito impetrarent confirmari. Hanc cartam scriptam Osmundus trans mare Pratellis detulit, ibique communicato consilio, Eudo cum Rohaisa uxore sua Rotomagi Regem adeunt, petitionem tam abbatis quam suam exponunt. Legit itaque cartam Iohannes Baiocensis clericus nobilis et regis consanguineus,⁷ cumque ventum esset ad consuetudines Anglice scriptas cessavit, profitens nescire quid essent. Tunc Rex ipse, erat enim optime litteratus, cartam accepit, legit, et iis qui aderant exposuit. Deinde cartam manu tenens et quatiens, diu secum tacitus deliberavit. Tandemque conversus ad Eudonem, 'Si non esset,' inquit, 'vestri amor vestrique reverentia invitus ista concederem. Set nunc, pro Dei amore et vestro, libens omnia concedo libensque subscribo.'

It is a pretty story, but even if all its details were true it would prove, as I have before contended, not that Henry I was able to read English, but only that he understood the meaning of the well-known law terms which are thus given in the cartulary:—

Mundbryce, Burhbryce, Miskennige, Sceawinge, Hlestinge, Fryth-sokne, Flymenasfyrnthe, Wergeldweof, Vthleap, Forfeng, Fygfeng, Fyrdwite, Fyhtwite, Weardwite, Hengwite, Hamsokne, Forstall, Infangenethief, Saka, Sokna, Toll et Theam, aliasque omnes leges et consuetudines que ad me pertinent (p. 7).⁸

It is tolerably clear that the compiler of the cartulary—which is said to be written in a hand of the time of Henry III—had a very hazy conception of the relation between the documents he transcribed. The gorgeous and high-flown charter of 1119 is immediately followed by a document headed 'Facta est autem horum abbreviatio que et levius ferri et tantundem posset operari: hoc modo; eadem carta per omnia set abbreviata.' This description is wholly inaccurate. The document in question is a perfectly normal, straightforward charter of Henry II, of which the form at least is open to no criticism. But, so far from being an abbreviation of the long charter preceding it, it is concerned solely with its last portion and does not purport to grant or confirm anything but *eandem libertatem et easdem leges quas habet ecclesia sancti Petri Westmonasterii, scilicet Sakam et Socam, &c. &c.*⁹

⁷ Natural son of Odo, bishop of Bayeux.

⁸ This list is of some independent importance, representing as it does the earliest version of the *Monbreche* form of the *Expositiones Vocabulorum*. Its existence seems to have been overlooked. See the *Red Book of the Exchequer*, iii. pp. cclvi-cclxiv, 1032-8.

⁹ This is the *Saca* form of the *Expositiones*, and ends with 'Infogenatheof,' the last four terms of the other list having been transposed.

But to me the suspicious part of the story told by the monks in connexion with the charter of 1119 is that the charter itself gives no reason for believing that Eudo was present when it was granted. He does not appear among the witnesses, nor does the charter purport to be granted at Eudo's instigation. My own belief is that Eudo was dying, or at least seriously ill, when this charter was granted, and that he never came to Rouen at all. It is certain, from a charter to which we shall come, that he was already dead in Lent 1120, and, as he had no heir, it was of vital importance to the monks to secure a confirmation of their possessions from the king, to whom Eudo's fief would escheat. I have, indeed, sometimes thought that this escheat had already happened, and was the cause of the charter, but it would seem that the actual death of Eudo was later than the date of the grant of the charter.¹⁰

I have still to deal with the charter with which the cartulary opens, and which is alleged to be Eudo's actual foundation charter. It is, as we have seen, among those assigned to 1119 by Mr. Stuart Moore, but it does not contain any date; it has not any witnesses; and it obviously is not genuine in the form in which it is transcribed. In addition to this charter there is one of William Rufus, of which the editor writes—

Of Eudo Dapifer's early attempts to settle a monastery we have only one piece of evidence in the present work, which commences with Eudo's charter granted in 1119, shortly before his death, which occurred in the following year. This is a charter of King William II (at p. 18) confirming Eudo forthwith (*sic*) of the monastery and his grants (p. xviii).

The charters of William Rufus are by no means easy to criticise, and the opening of this one is odd; it is addressed *omnibus episcopis et fidelibus suis Francigenis et Anglicis salutem*. It is, moreover, somewhat suspicious that the three manors specially named as having been given by Eudo to the abbey are Brightlingsea, Weeley, and Hallingbury, of which Brightlingsea (royal demesne in 1086) was only given by Eudo on his death-bed, while Hallingbury was a gift of his widow later still.¹¹ It might, however, perhaps be urged that other manors were given by him at the final foundation under Henry I in the place of Brightlingsea and Hallingbury.

¹⁰ The charter clearly belongs to the summer of 1119, and it is remarkable that the three counts who, according to Orderic, fought on Henry's side at Brémulé (20 August), together with his natural sons Robert and Richard, and with Roger de Bienfaite, Nigel d'Aubigny, and William de Tancarville (*i.e.* eight in all), are among the witnesses to the charter. Consequently its definite statement that William the Ætheling (who was also a witness) was married in 1119 is of value for the date of that event (*cf.* Ramsay's *Foundations of England*, ii. 284-5).

¹¹ Both these gifts are also included in the alleged foundation charter with which the volume opens.

There is one passage in Eudo's charter which arouses one's curiosity. He gives

ecclesiam sancte Marie de Westchepinge Lundonie que vocatur Niewe-cherche concedente Ailwardo grosso presbitero qui in eadem ecclesia ex donatione antecessoris mei Huberti de Ria personatum consecutus fuerat, postmodum vero iuri personatus sponte renuntiavit pensionarius ecclesie Sancti Iohannis de eadem ecclesia factus (p. 2).

This passage, I say, arouses our curiosity, for one would hardly expect Eudo to describe as his *antecessor* Hubert de Rye, who was his father. Moreover, so far as I know, we have no other evidence of Eudo's father preceding him as a holder of lands in England. The church to which the words refer was clearly a bone of contention between the abbeys of Colchester and of Westminster, the latter house claiming to have obtained it by the gift of the above-mentioned 'Ailwardus.' Now those who found themselves at strife with Westminster needed, if not 'a long spoon,' at least the pen of a ready writer. The Colchester monks had two stories to tell of the triumph of their case before Henry I. The first is a simple narrative in which they set it forth (p. 50); the second is an alleged charter of Richard, bishop of London, dated 1115, setting the circumstances on record (p. 82). These, if absolutely trustworthy, would be interesting bits of history, for they show us the king pronouncing judgment in his own words and in his own court.

P. 50.

Recognitum fuit coram Rege Henrico et curia eius apud Westmonasterium quod anno et die quo rex Willelmus iunior obiit erat ecclesia de Nieuwecherche Lundonie de feudo Eudonis dapiferi. Istud testabantur Hamo de Sancto Claro,¹² Radulfus de Amblia,¹³ Robertus de Duouerend, Robertus de Caron, Esmelmus de Argentinein, Amfridus capellanus Eudonis et alii barones de honore illius. Erantque parati probare istud quibuscumque modis curia considerasset. Tunc curia decrevit ita debere remanere sicut erat quando rex suscepit coronam regni. Quoniam non existente herede aliquo res Eudonis essent in regis arbitrio et iure. Ita rex iudicio curie tradidit abbati Colcestrie cum

P. 82.

Ricardus Dei gratia Lundoniensis episcopus omnibus sancte ecclesie filiis . . . salutem. Noverit universitas vestra controversiam inter monachos de Westmonasterio et monachos de Colcestria supra ecclesiam de Niewecherche talem tandem finem esse sortitam. Cum in presentia domini regis Henrici presentibus nobis, cum ceteris episcopis, comitibus, ceteraque multitudine tam clericorum quam laicorum utraque pars litigantium fuisset constituta et suas utraque pars proponerent allegationes, ex precepto domini regis utriusque partis instrumenta quibus inniti videbantur palam prolata, lecta, audita, et diligenter sunt considerata. Ex quorum tenore curie satis constitit quod monachi

¹² Had charge of Eudo's fief after his death.

¹³ Geoffrey de Amblia heads list of knights on Eudo's honour in 1166.

carta possidere ecclesiam illam dicens: 'Per mortem dei, domine abbas, hodie promerui inicitiam meam a vobis. Quia vos liberavi de magno placito. Cavete iterum placitare.' Istam veritatem nuntiaverunt conventui abbas Gilbertus, Osmundus prior, Gunduinus monachus Becci, Wlward, Simeon, monachi.

de Westmonasterio prescriptam ecclesiam ex donatione cuiusdam Elwardi Grossi et confirmatione Regis Willelmi primi quasi ad se pertinentem vendicabant. Monachi vero de Colecestria eandem ecclesiam ex donatione Eudonis dapiferi possidebant. Interrogante igitur domino rege quis ille fuisset Elwardus, ex assertione seniorum totius curie et monachorum evidenti probatione domino regi et nobis luce clarius constitit ipsum Elwardum primo notarium et postmodum capellanum fuisse Huberti de Rie ex cuius beneficio, non ius patronatus, sed tantum personatum in sepedicta consecutus fuit ecclesia. Quo audito Rex inito consilio cum episcopis ceterisque consiliariis suis in propria persona sententiam protulit dicens ipsum Elwardum non potuisse cuilibet conferre quod non habuit, nec etiam quod habuit, idem personatum, sine consensu et voluntate domini fundi. Conversus vero ad abbatem Colcestrie dixit: 'Domine abba, vade in pace, et nulli ulterius sine mea iussione super hac ecclesia nec super aliis donationibus Eudonis omnino respondeas. Quia, cum ego sim heres ipsius Eudonis, ad me pertinet ipsius warantizare donationes.' Rogatus vero rex multis precibus ab abbate de Colcestria et suis consiliariis ut ipsam adiudicationis sententiam scripto et sigilli sui patrocini roboraret, 'Tutius,' inquit, 'erit vobis ut episcopus nostra suaque fretus auctoritate hoc faciat, ut nulla deinceps inde posset orriri dubitatio.' . . . Hec autem omnia facta sunt anno . . . M^oC^oXV^o regnante in Anglia victoriosissimo rege Henrico fegni eius anno XVI^o.

The contents of the bishop's alleged charter are of such exceptional interest that one is quite sorry to have to explain that Eudo is not said to have died till 1120, and certainly did not die before

1119. The old belief that he left an only daughter and heiress, who brought his fief to William de Mandeville, father of the first earl of Essex, is traceable to Dugdale's assertion to that effect, Dugdale deriving it, as usual in the case of these errors, from a monastic chronicle. It is exploded by better proof than that of the above documents, namely, by the record evidence which shows that Eudo's fief escheated to the king. One of the results of this escheat is seen in a group of charters which I here bring together from sundry places in this cartulary. One which is given at Caen, and witnessed by Nigel de Calne,¹⁴ Nigel d'Aubigny,¹⁴ William de Pirou, and Otuer Fitz Count,¹⁴ grants to the abbey the manor of Brightlingsea (which Eudo is said to have given it on his death-bed) *sicut melius tenuerunt die qua Eudo dapifer vivus et mortuus fuit* (p. 21). Another, also given at Caen, has the same witnesses, with the addition of Hamo de St. Clare¹⁵ and Roger *nepos Huberti*¹⁶ (p. 24); it confirms to Fulc *dapifer* all the land that he held of Eudo *dapifer* 'by the service of two knights,' with 'Erlea,' which Robert de Erlea held 'by the service of a quarter of a knight.' As Otuer Fitz Count perished, with his charge the Ætheling William, in the 'White Ship,' these charters can be closely dated to 1119-1120; Mr. Stuart Moore dates them 1120-1135. A third charter, given at Arganchy (*Apud Archenci iuxta Baiocas in Quadragesima*), must belong to the Lent of 1120; for its first witness is William the Ætheling, and it grants to Eudo's widow Rohaise (de Clare) the dower that Eudo had given her, and the addition he had made to it subsequently (p. 42). It affords further evidence that Eudo must have died in the winter of 1119-1120. Mr. Stuart Moore, who places his death early in 1120 (p. xvii), strangely assigns this charter to 1100-1119 (p. xlv).

From these early charters of St. John's we are able to obtain an interesting little contribution to the history of Oxfordshire. I have elsewhere shown that they correct Hasted's statements as to the descent of a Kentish manor, which can be proved from their evidence to have come to Eudo from his brother Adam, who had held it in 1086 as an under-tenant of the bishop of Bayeux. Reverting to the crown on Eudo's death, it was granted, with others, by Henry I to Eustace, count of Boulogne.¹⁷ It is clear from the charters of St. John's Abbey that the devolution of Sandford St. Martin and Great Barton, Oxfordshire, followed for a time the same course; they are found in Domesday, where they are entered as 23 $\frac{3}{4}$ hides, held by 'Adam' as an under-tenant of the bishop of Bayeux. From him they must have passed to his brother

¹⁴ These three are among the witnesses to the great Rouen charter of 1119.

¹⁵ Found in charge of Eudo's fief in 1130.

¹⁶ Father of the well-known Gervase de Cornhill.

¹⁷ See *Studies in Peerage and Family History*, pp. 163-6.

Eudo, who gave tithes from both to St. John's and settled them both on his wife, Rohaise (p. 42). On her death, shortly after his, they would revert to the crown with the rest of Eudo's lands, and they must have been then granted to Thomas de St. John, who, oddly enough, is one of the witnesses to the above Rouen charter of 1119. As the Oxfordshire St. Johns were benefactors of Osney, the monks of that house and those of Colchester had certain matters to adjust, and two agreements between them are found in the cartulary with which I am dealing.

The charter in favour of Fulc *dapifer*, which is not later, we have seen, than 1120, seems to me of some importance for its mention of land being held 'by the service of a quarter of a knight.' It has hardly, perhaps, received sufficient attention that the *cartae* of 1166 show us a considerable number of fees 'of the old feoffment' (*i.e.* fees created before 1136¹⁸) held by the service of the fraction of a knight. We have fourths and eighths, fifths and tenths, and even twentieths of a knight, and, possibly less often, thirds and sixths. I do not think that these fractions can be so grouped as to suggest that they combined to find a knight; nor do they occur in such a way as to suggest the splitting up of what were entire fees. The inference, therefore, that I draw from their existence is that they point to a money payment levied at the rate of a pound from the fee, for all the fractions I have mentioned would adjust themselves without difficulty to a levy at such a rate. Further, as the fees of 'the new feoffment' show clearly a higher proportion of these fractional holdings, I gather that they were a development later than the original introduction of subinfeudation in England. In that case they would point to a money commutation, a service *in denariis*, being introduced perhaps as late as the days of Henry I. But this can only be conjecture.

To return, however, to the cartulary, we find in it one document of quite peculiar interest for students of knight service. It is well recognised that the phrasing of the clause in Henry I's charter of liberties which relates to knight service is of somewhat unusual character; it grants exemptions *militibus qui per loricas terras suas defendunt*. The prominence here of the *lorica* reminds the student of the subject of the French equivalent for a knight's fee—namely, a *fief d'hauberc*. Now an early writ of Henry I¹⁹ found in this cartulary contains the curious clause—

exceptis illis militibus qui cum lorice serviunt et totum feudum suum integre habent de predictis maneriis; illos videlicet, dico, quibus Gosfridus de Magnavilla dedit feudum. Et si aliquis miles de illa terra habet partem feudi sui, et non totum, ita ut serviat cum lorica, illum cum

¹⁸ See *The Commune of London, and other Studies*, pp. 58–61.

¹⁹ It is witnessed at Caen by Richard de Redvers, and is therefore virtually previous to 1107, though dated by Mr. Moore '1100–1120.'

ipsa parte feudi quam de illis maneriis tenet Eudoni dapifero concedo (p. 25).

Here we have again the *lorica* recognised as the distinctive mark of the tenant by knight service; and we have further a reference to the subinfeudation of such tenants by Geoffrey de Mandeville the first, the companion of William the Conqueror and the Domesday tenant in chief.

J. H. ROUND.

‘BACULI CORNUTI.’

In Dr. Gairdner's edition of ‘Gregory's Chronicle’ (Camden Society, 1876) there is a passage descriptive of the rules to be observed in trial by combat, which lays to rest one small but curious question connected with this subject. The weapons with which the combatants fought, the *baculi cornuti*, have been variously described as ‘staves tipped with horn,’ or as a form of the Frankish battle-axe. Gregory's account excludes the first hypothesis and is hardly consistent with the second.

They schulde have in hyr hondys ij stavys of grene hasche, the barke beyng a-pon, of iij fote in lengthe, and at the ende a bat of the same govyn owte as longe as the more gevythe any gretenys. And in that othyr ende a horne of yryn i-made like unto a rammys horne, as scharpe at the smalle ende as hit myght be made (p. 200, a. 1455-6).

The description contains some other curious details. Both the appellant and the defendant ‘moste be clothyd alle in whyte schepys leter, bothe body, hedde, leggys, fete, face, handys, and alle.’ If their weapons should happen to break ‘they moste fyght with hyr hondys, fystys, naylys, tethe, fete, and leggys.’ But this last condition, like others of an even more repulsive kind which Gregory mentions, may be the invention of a fifteenth-century judge who wished to discourage litigants from reviving trial by battle.

H. W. C. DAVIS.

A DIARY OF THE EARLY DAYS OF THE LONG PARLIAMENT.

MANUSCRIPT Kk. 6. 38 in the Cambridge University Library (formerly in the possession of Bishop Moore) consists of a diary of the long parliament from 3 Nov. 1640, when it opened, to 18 Dec. 1640; there is also a note as to the proceedings on 4 Jan. 1641.

I being returned burgess for Stamford in Lincolnshire was sworne before Sr Walter Earle; Sr Anthony Erbie Mr Lisle and Mr Kerle of the Midle Temple being sworne with me.

The two members for Stamford were Geoffrey (afterwards Sir Geoffrey) Palmer and Thomas Hatcher, and that it was the former

who kept this diary is made evident by an entry on 23 Nov. 1640, in which, speaking of the committee to examine the power of the court of the earl marshal (obviously that mentioned in 'Commons Journals,' ii. 34), he says, 'Of this committee I haue the Hon^{or} to be one.' Palmer was, and Hatcher was not, a member of this committee. For the position taken by Sir Geoffrey Palmer, who was a moderate, reference may be made to Mr. Rigg's article in the 'Dictionary of National Biography,' xliii. 126.

1. At the end of the notes on Thursday, 5 Nov., we find—

N^a The lord keeper before hee spoake laide his eare to the king as seeming to take his speeche from him.

2. On Friday, 6 Nov., amongst other notes—

A committee to be appointed for Irish affaires of the wholl howse was propounded that those were off opinion for the wholl howse should say I. The others noe.

Resolved the I should goe out. the howse being divided and they were the greater number.

The speaker did nominate 2 of the Is and two noes to tell.

The order the whole howse should bee the committee and meete on Thursdaie. to morrowe the first daie.

In the debate; itt was moued that Ireland had parliaments to releiue ther owne greiuaunce. But the generall opinion that they might bee hearde here for a writt of error lies off a judgment there in the Ks Benche here much more a redress in parliament.

3. The following is, in full, the account of the great debate of 11 Nov.

Wednesdaie moued & orderde that Alderman Able should bring in his patents concerning wines.

Vpon information by Alderman Pennington that there was cawse of suspition off ill intentions against the citie by reuening the fortification at the tower now latelie. S^r Tho: Rowe informed itt was onelie to shewe the king what preparation were made in the tyme off my lord cottington service there that all his monie was not spent in vaine.

M^r Rigbie produced a lettre directed to one M^r Sandes in Lancashire; by Anthony champnes signifying Rosettos lettre of the Queenes pleasure for a fast everie Saturdaie; for her good intentions.

M^r Pymme remembred the business of the woman that complained off the preist who is now in prison for words tending to alteration off religion & cutting protestants throates & iff the King as hee beleueed hee would not did not consent hee would cut his throate. vpon this inferde a full purpose off innovation in religion.

S^r Tho: Rowe affirmed hee had the exam' & would produce them.

S^r Jo: clatworthy informed a passage from S^r Geo: Ratcliffe that there being an armie here, another to bee sent out of Ireland the K: was not well advised iff hee had not what he would.

M^r Glinn that a popishe preist vpon breache off the parliament sayd hee did knowe there would bee an alteration of religion by violence &

force. itt was mentioned there was a greate prelate in itt. But that was hushed.

Mr Cooke reported one Newtons relation off a preist whom hee prosecuted and by a judge was a cesset processus etc. by warrant from Mr Secretarie windebanke Another by Sr H. Spelman. Another by Secretarie windebanke & another by him. Another by the King att the Queenes instance.

Moued that Newton & Graie might bee sent for to the howse & so itt was orderde they should bee sent for forthwith and noe member off the howse to goe forth in the meane tyme vntill the messenger retourne backe againe.

Moued by Mr Pymme that it may bee orderde the lord leiuetenant should declare himself whither hee had advised the Irish armie to bee brought in.

Mr secretary windebanke hee had done nothing in this cawse concern- ing recusants but ministeriallie.

Sr Jo: Packington that mr Ch: price affirmed that secretary windebanke should saie hee thought all the lower howse last parliament were traitors because they would not giue the K: monie.

Mr Price sayd hee was yonge & might forgett. For which manie calde him to the barr. But hee explained hee did forget the words were that those denied shipp monie were traitors.

Mr Pymme moued the lord might rise before the howse had deter- mined therfore asked leaue to goe out & did not doubt to intimate to somme that they might sitt. And had leaue vpon debate to goe out being a faithful member but not as a messenger.

The chief Justice of K. B. and J: Foster brought a message from the lords that the lords commissioners were commanded by the K: to acquainted both howses with the Scottish affaires & therfore desired a conference at ¹ 3 in the afternoone.

The answer was that the howse was in consideration off a weightie business and feared they should not haue tyme but would send answer by a messenger off their owne.

Newton & Graie who were sent for being comme; the speaker sayd hee was to examine them by direction off the howse and therfore desire hee might haue direction.

Itt was directed the speaker should examine Newton how hee had byn vsed concerning the discharge off preists.

Although they came as witness yet the barr to bee downe & the seriant to stande by them with his mace. iff as a witnes then standing iff as a delinquent kneeling. But att a committee the barr is not to be downe when witnesses are sent for.

Before the witt. cumme in Mr Pymme brought in his reporte from the Committee apointed for preparation off the conference with the lords viz. that this jealousie is in respect off the papists & off the lord leiuetenant.

The groundes touching the popish plott are that off the woman & the Irishe preist.

2. A report from Mr Stevens who brought vp witt. last parliament and one Littleton told him that my lo: of Wocester had 500 armes we knowe

¹ In manuscript ' &.'

hee had a commission. And that one M^r Hall was imployed 40 dozen off spades etc.

3. The letter into Lancashire for a fast for somme praiers to bee made, and we haue advertisement from beyond sea that the like was there for the cawse off religion in england.

4. monie prouided for them.

5. The business att the tower & the danger to the K's person.

6. The taking 36 musketts in chancerie lane tale. cawse of suspition.

7. M^r Hammond had 60 armes prouided for him in Dorsetsh.

The other part concernes the leiuetenant.

1. S^r Ge: Ratcliff's speech to S^r Robert King that the Irishe forces were to comme hithyr and doth inforce itt was intended against england not ag^t the Scotts.

2. That Ferebie a servant off my lord leiuetenant should saie hee did not dout but hee would shortlie subdue the citie.

3. monie leuied by his commande by musketeers.

4. That since the coming of the leiuetenant the preparation att the town increased although the court discharged.

4. his endeavors to bring the Scotts cawse to blood. hee wrote a lettre to surprise somme Scotts in Durham.

The designe to destroie both nations & make waie for recusants.

The case off the lord Mountnorris wheroff manie presidents off offences off that nature to condeme him to deathe without lawe is highe treason.

other proofes not yett ripe that his designe was to destroie the lawes & liberties & religion.

The opinion off the Committee that the lords should bee attended to ioine with them to accuse the lo. leiuetenant off highe treason & that hee may be sequestred & committed

omitted that the lo. leiuetenant did declare in Irland that the Scotts would haue 4 counties in England & demanded 600 000^l which hee affirmed vpon his credit.

S^r Ph: Stapleton added that the L. had made a warr^t to leuie monie in yorksh. which hee sayd was by the lords direction & conceaued they would denie itt.

Sergeant wilde. cited the president in tempore H. 6 complained first here & transmitted to the lord howse the case off W^m de la poole.

The case off the duke off Buckingham moued they might attende the lords for his sequestration.

The speaker opened the opinion of the committee that in the name of the commons they accused him of highe treason & desired the lords for justice that hee might bee committed.

Ordered that the howse shall repaire to the lords & accuse the leiuetenant off highe treason; and that hee may bee sequestrated from parliament & bee committed and that wee shortly attende them with particulars.

2. That the lords should bee desired proclamation might bee for witt. to comme in.

Respected

1 R 2 Alice peres accused her off treason and the commons desired the lords proclamation should be made for witt. to come in & they did.

3. That the ports of Irland may bee open to those that shall comme to accuse the lo: leiuetnt. But this onelie to desire the lords & they the king that somme fitt course to bee taken that there may bee free passage betwene Irland & England for the Ks subjects notwithstanding the proclamation to the contrarie or other impedim^t.

N^a The accusation generally without particulars the name was incerted Thomas Lord Wentworth earle of Strafford lord leiuetnt of Irland.

Mr Pyme delivered the accusation att the barr of the lords howse.

The lords sent the 2 chief justices with a message that they had taken the charge against the lord leiuetenant into consideration as they doubted not but the house had done it vpon consider. & they had sequestred him & committed him. And would take course for free passage betwene England & Irland.

In the matter concerning secr. windebanke ; for the words that they were traitor that denied the K: supplie last parliament. But price vouched the words to be those that denied the shipmonie Dr Baskerville being vouche to bee present was called to witnes & denied hee heard the words

so nothing done.

The secretarie was avoided the howse during the debate.

The like with Price but both restored againe. Price not called to the barr although hee did not prooue the words against the secretarie.

4. The following, which comes in the notes of Monday, 16 Nov. (misdated the 15th by an obvious error), gives a slightly different account of one particular from that current :—

Alderman Pennington. reported they had intimated to the lord maior the desire the citie should furnish monies. They had mett and were acquainted with the necessitie off a speedie releife in respect off the dangers iff the armie should disband which may bee more pernicious than an enemy.

They objected the greivances vpon them The greatnes off the somme. Yet a greate readines & chearfulness. But considering the greate summes they had furnished alreadie they could furnishe noe more then 25000^l for present and 25000 with in a short tyme after.

The howse turned into a committee touching the 100,000 & securitie for the cittie Mr Sollicitour to take the chair.

5. On 21 Nov. 1640 there is a list given of those who guaranteed the city loan.

6. On 24 Nov. 1640 is the following account, given in full, of the debate. It may be compared with the somewhat slighter notes of Northcote's 'Diary':—

Tuesdaie 24 9^{bris} 1640 Mr Pymme acc to the order for the report to be made concerning the charge against the lo: leiuetenant and did make it thus viz.

Mr speaker I now to speake of a cawse great in expectation more greate then can be in our apprehensions against a greate person whom I never knewe but by favour, the cause needs no art or reason to perswade that subvertion of lawes an offence that slaverie shame etc. This exceeds

all others, in extent & comprehension not one but divers reducing government into a state of treasons murder rapines extortions.

2. exceeds in malignitie. viz. pietie justice nature humanietie publique good.

3. The mischeivous effects bereaues the crown of glorie people of libertie and saftie bringe in destruction vpon the present likelie to perpetuate in future manie spiritts in wo.

Articles off the commons against Tho: Earl off strafford in maintenance of their accusation wherby hee standes charged with highe treason. Reade 1 that hee endeavored to subvert the lawes & government of England & Ireland & to introduce tirannical & arbitrarie government & giving advise to the K. by armes to submitt therunto, which hee hath declared by traiterous words counsell & actions & givinge advise by force etc.

This will bee proved manifestly & manifoldlie. These not in the articles.

1. By Sr Geo: R: words they knewe how to take off the armies.

2. one sayd england was sicke of peace stode in neede to bee newe conquered. These spoke by one of his blood.

3. words by himself That the lord leiutenant sayd to the Earl off Thomond desiring the benefitt off the lawe, answ: you shall have noe other lawe then commes out of my brest. This by a lord off the counsaile here.

4. That hee advised the K. to make vse of Irish Armie to subdue England and advised the K: vpon breache of parliament to make vse off the nobilitie to engage their lives & fortunes.

A greater then these but now comme in.

These speeches counsailes.

Itt was sayd hee had levied monie by musketers. Itt will be proued hee sayd itt was little better then treason to refuse monie.

Therivpon a warrant to levie monie vpon payne of death.

2 Article. Hee traiterouslie did assume to himself regal power government over the K's people in England & Ireland tirannicallie over their lives & estates & exercised itt over the peers & others. That hee caused judgment of death to bee given against a peare in tyme off peace when courts of justice open & bereaued divers off their landes offices good vpon petitions to himself alone & counsell table without proces of lawe. an instance off whole counties taken awaye The remonstrance of Irland.

3. displaced judges & officers & placed in their roome divers dependents as in lo: chancellors case & lo: ch: baron his dependent putt in. The lo: Mountnorris in whose place is secretarie Manwringe & laide taxes & impositions vpon merchansies himself being farmor etc. That of tobacco & other monopolies to his owne vse acted by his Instr. somme punished That would not submitt others that would not act being officers. This is a legall & arbitrarie waie.

3 Article. To enriche & further his traiterous designes had got detained into his handes his majesties treasure into his owne coffers without account when his majestie necessitated & his majesties armie vnprovided. The revenue off allum 40000*l* out off theschequer in Irland to buy tobacco hee having the monopolie. This by a letter. The Irishe remonstrance.

4 Article. Abusing his authoritie for encreasing papist to make them

of his partie to promote his tirannicall designes & settle mutuall dependence.

In Irland poperie without restraint there are monasteries erected & erecting entercourse with roome which treason The popish armie there better payd then protestants; his guard in the north papists. A newe information came in this morning.

5. Malitiouslie endeavored to stirr vp enmitie & hostilitie betwene the subjects of England & those off Scotland. This off greate importance.

6. Traiterouslie broken the trust off leiuertnt off the armie by wilfullie betraying leauing the armie vnprouided; & the warr being begun to engage the 2 nations the more deepelie in bloud not in fauour to the Scots. plaine he did knowe the Scottish armie neare wrote to lo: Conwaie to fight come on itt what would. This sent without the K's privitye yett the K: neare him so willfullie betraied the K^s subjects to danger. For Newcastle. hee had information in tyme to prevent itt yett did nott & was advised to make fortificat' but neglected itt.

7 article. To preserve himself from question for these & other traitorous course laboured to incense his majestic against parliaments & to subvert those proceedings. In Irland because townes would not submit to put in such burgesses as hee pleased brought Quo warranto being now questioned in parliament are restored.

S^r Geo: R: threatned to putt troops off horse vpon them did their dutie. Althoughe the declaration not his which so much reproche to the last parliament thoughte not whollie his yett will.

By which hee hath laboured to sett division etc. to alienate the hearts of people & destroe the kingdom for which they impeache him of treason etc. And this conclusion added the commons saying to themselves libertie to add any other accusations & impeachments & furthur proove pray hee may answeare & such proceedings examination trial & Judgment to bee had as agreeable to law & justice.

Vpon these interr. are prepared somme prepared & readie when the lord, shall require them.

The articles being reade the speaker did demande the opinion off the howse & that hee should enter into consideration what to determine. Thend hee sayd must bee to vote the title & everie particular for everie one concernes life which was done viz. the title & everie article severallie voted. And after the conclusion was voted.

Vpon m^r Seldens mocion added to the conclusion. And hee the sayd earle off Strafford was lord deputie and leiuertenant of Ireland & leiuertenant of the armie & privie counsellor & lord deputie of the north in the tyme the offences were committed & lord leiuertenant of the armie in the north in the tyme the offences in 5 & 6th articles were committed.

And this was voted to bee inserted.

That there is need for further light on the earlier days of the long parliament is evident from Mr. Gardiner's note ('Hist. of England,' ix. 231), and this diary may be found useful in supplementing what is already known.

W. A. J. ARCHBOLD.

A SUSPICIOUS DOCUMENT IN WHITELOCK'S 'MEMORIALS.'

IN Whitelock's 'Memorials,' under the date of 22 Sept. 1656, is printed a 'Remonstrance unto the People of England,' purporting to be subscribed by the secluded members of Cromwell's second parliament. This document has been accepted without question for over two hundred years, and yet the matter of it is so extraordinary that its genuineness may justly be suspected. It intimates that Cromwell is a 'publick Capital Enemy, whom every man ought to destroy,' declares that the exclusion is the 'total subversion of all Law and Right,' asserts that the Protector 'hath assumed an absolute Arbitrary Sovereignty (as if he came down from the throne of God) to create in himself and his Confederates such Powers, and Authorities, as must not be under the Cognizance of the People's Parliament,' that 'he takes upon him to be above the whole body of the People of England, and to Judge, and Censure the whole Body and every Member of it, by no other Rule or Law than his Pleasure, as if he were their absolute Lord, and had bought all the People of England for his Slaves,' that 'the violent exclusion by any Governour, or pretended Governour, of any of the Peoples chosen deputies, doth change the State of the People from freedom unto a meer slavery: And that whosoever hath advised, assisted or adhered unto the Lord Protector in so doing, is a Capital Enemy to the Commonwealth.' It protests that all members taking part in such a parliament 'ought to be reputed Betrayers of the Liberties of England, and Adherents to the Capital Enemies of the Commonwealth,' that the parliament without the secluded members 'is not the Representative Body of England,' and that it sits 'under the daily awe, and terror of the Lord Protector's armed Men, not daring to Consult, or debate freely the great Concernments of their Countrey: not daring to oppose his Usurpation, and Oppression;' that all 'Votes, Orders, Ordinances or Laws' 'pretended to be made, or enacted' by this 'Assembly' are 'Null, and Void in themselves, and of no Legal Effect, or power;' and finally it appeals 'unto God and all the good People of England for Assistance, and Protection,' declaring that the subscribers are willing, if they receive such support, to 'Expose' their 'Lives and Estates to the uttermost hazards' in attending their duties as parliament men.

Surely there was not a man in England at that time who could put his name to such a remonstrance and remain unmolested. Yet one will seek in vain for any action taken by Cromwell in regard to the matter, or indeed for any attention paid to it in speech or in discussion at the council table. Even Thurloe, who in his letters to Henry Cromwell omits no other important fact in regard to the exclusion of the members, is absolutely silent about this, the most striking act of all.¹ Not only so, but the extraordinary document

¹ Yet he certainly knew that the 'Remonstrance' had been printed.

apparently created no comment whatever in England, for there seems to be no trace of it in the newsletters of the day. Furthermore, it will be found that the republican orators and historians, who might be expected to triumph in the memory of such a protest, are absolutely dumb in regard to it. Hezilrigge, in his long speech reviewing the history of the country from 1640, says nothing of this; ² Scott, too, is silent: and yet the names of these men headed the long list of subscribers. Nor does Ludlow mention an act which he would have welcomed with heartfelt satisfaction. Finally the author of the first and second narratives of the parliament of 1656, a bitter republican, is in complete ignorance of this paper. Speaking of the secluded members in his first narrative, published in 1657, after mentioning the protest to the Speaker, he says, 'These gentlemen, rather than they would yield to so great a violation of parliamentary power, resolved to depart to their own countries again, which accordingly they did;'³ while in the second narrative, published in 1658, he reproves the excluded members 'for not declaring at their first seclusion to inform the people of the wrong and injury done unto them,'⁴ a reproof utterly absurd and meaningless if such a remonstrance had actually been published.

All experience shows the extreme difficulty of securing the assent of any considerable proportion of a given number of men to a pronounced public act in opposition to the ruling power, yet here is a violent document signed, so far as known, by every one of the secluded members. And these men were not of one party. The ninety-eight names appended to the 'Remonstrance' are names of republicans, cavaliers, and even Cromwellians. This fact in itself is sufficient to render the document suspicious. Let it be added that to the modest and temperate protest to the Speaker only 'about 56'⁵ of the secluded members put their signatures, while all subscribed to the offensive and violent 'Remonstrance.'

The men who could openly approve a publication containing such bitter reflexions upon the Protector and the parliament could not consistently sit and vote in that body thereafter, and particularly could not vote that Cromwell should be made king. Yet later the majority of the 'Remonstrants' did sit in this parliament, and it is a well-known fact that several of them voted for the kingship. As to the others, so far as can be gathered from Burton, not one of them ever protested against the acts already passed by the parliament, not one of them asserted that even the Humble Petition and Advice was not legal, despite the brave words about 'Votes, Orders, Ordinances or Laws' passed by the 'Assembly' being 'Null and Void.'

² Burton, iii. 101.

³ *Harleian Miscellany*, edition of 1810, vi, 458.

⁴ *Ibid.* p. 480.

⁵ Thurloe, v. 453.

There exists moreover absolute proof that the remonstrance was not signed by all whose names were affixed. In Thurloe⁶ appears a fragment of a letter to Herbert Morley, one of the secluded members, wherein the writer declares his conviction that Morley could not have been a party to the 'Remonstrance,' since he was 'too wise to play at such game.' This confidence was well founded, for Morley, in a letter to his father-in-law, Sir John Trevor, disavows 'that ever' he 'knew of it, or gave any direction to affix his signature.' He adds that he knows that his 'brother Fagg' is also guiltless of any such act, and that he fears 'it may be done purposely to blemish the integrity of the excluded members.'⁷ So that in the opinion of the man whose name stands third in the list of 'Remonstrants' the act was that of one unfriendly to the secluded members instead of to Cromwell. Is it not to be supposed that the case of Morley and Fagg was also the case of more than one of the others concerned?

The excerpt from the letter to Morley throws a little more light upon the nature of this supposed 'Remonstrance.' It was printed secretly, and was to be published secretly. In other words, those who were bold enough to subscribe did not have the courage openly to utter their remonstrance. Apparently some one who had a hand in the 'business' warned the authorities, and the police seized the boxes containing the copies without the public being aware that such a document ever existed, and it probably would have remained buried in oblivion to this day had not Whitelock reprinted it.

The conclusion seems justified that the 'Remonstrance' was not the work of the men whose names were appended to it. Whose work it was it is not possible to say, but from the tone, the contents, and the method of presentation one would conclude that it came from the pen of some irreconcilable and irresponsible Commonwealth man, who did not scruple to affix the names of the secluded members without the least authority.

RALPH C. H. CATTERALL.

SIR GEORGE GREY AND THE CHINA EXPEDITION OF 1857.

In the 'Life and Times of Sir George Grey, K.C.B.,' by W. L. and L. Rees (1892), occurs (vol. i. ch. xxvii.) an astounding historical error, which does not seem to have been hitherto pointed out. The chapter is entitled 'The Indian Mutiny and the China Army.' It begins by recording Sir George Grey's exertions as governor of Cape Colony in August 1857, in response to an appeal from Lord Elphinstone, governor of Bombay, to forward troops drawn from

⁶ Thurloe, v. 456.

⁷ *Ibid.* v. 490.

the Cape garrison for the suppression of the Indian Mutiny, and his successful endeavours to induce the commanders of other troops sent out from England in aid of Lord Elgin's Chinese expedition, which happened to put into Cape Town at the time, to proceed to India instead of to China. No exception can be taken to this. The error and injustice of the narrative lie in following up (p. 250) the quotation of Lord Malmesbury's statement that

Lord Elgin, to his eternal honour, complied with Lord Canning's request, and this accidental reinforcement probably saved India,

with this allegation :

No public mention was made of the fact that this timely and invaluable aid was rendered not in the first instance by Lord Elgin, but by the exercise of a great responsibility on the part of Sir George Grey.

Not only is it thus sought to deprive Lord Elgin of the 'eternal honour' due to an act of rare magnanimity, but it is distinctly asserted that Lord Canning himself was averse to the diversion of the Chinese expedition to aid him in putting down the mutiny.

Reinforcements were sent in the face of the evident disbelief of Lord Canning in their necessity or in the gravity of the crisis which had arisen in India (p. 252).

These steps were taken against the advice of the governor-general (*ibid.*)

No reader who derived his knowledge of this episode of Indian history solely from the Messrs. Rees could fail to conclude that the credit of diverting the Chinese expedition belonged solely to Sir George Grey, and that he thus saved India in spite of Lord Canning and without the participation of Lord Elgin.

It is, however, perfectly easy to demonstrate that if, as Lord Malmesbury thought, the reinforcement of the troops originally designed for China was the salvation of India, Lord Canning and Lord Elgin between them had saved India two months before Sir George Grey so much as knew that there was a mutiny in India at all. It is merely necessary to follow the dates given in Lord Elgin's letters and journals, edited by Walrond (1884). Lord Elgin reached Ceylon on his way to China on 26 May 1857. He there heard alarming reports from India, and that very day he wrote to Lord Clarendon urging the expediting of the troops intended for China, that they might be free for service in India as soon as possible. He then pursued his voyage to Singapore, where he arrived on 3 June. What he found and what he did there is best described by himself :

June 3. Just arrived at Singapore. Urgent letters from Canning to send him troops. I have not a man.

June 5. I received letters from Canning, imploring me to send troops to him from the number destined for China. As we have no troops yet, and do not well know when we may have any, it is not exactly an easy matter to comply with this request. However I did what I could, and in concert with the general [Ashburnham] have sent instructions far and wide to turn the transports back, and give Canning the benefit of the troops for the moment.

Lord Malmesbury, in the diary already referred to, writing in London on 11 July, says that the troops diverted from the China expedition are arriving at Calcutta every day. They must consequently have begun to come in by the second half of June. It appears then that Lord Canning and Lord Elgin had, early in June, without the least reference to Sir George Grey, done all that men could do to insure the services of the Chinese troops for the suppression of the mutiny, and had rendered it unnecessary for Sir George Grey to do anything. It is no disparagement of the latter's most laudable action to point out that even if he had done nothing, or if the commanders of the troops had refused to be guided by him, they would nevertheless have found orders directing them to repair to Calcutta at the first eastern port at which they touched.

In endeavouring to establish a direct action of Sir George Grey upon Lord Elgin, Messrs. Rees represent the latter as receiving a letter from Sir George Grey two months before, on their showing, Sir George had written it; they say (p. 249)—

When the first detachment of the China army reached Calcutta Lord Elgin was at Singapore, waiting for the passage of his troops to the land of the Celestials. It is said that while at dinner one evening with his staff a man-of-war, commanded by Captain Peel, came into the harbour, bringing despatches from the governor-general. *Probably Sir George Grey's letter was among them.* He thus learned that his troops, without his authority, were already mustering under Sir Colin Campbell for the relief of Havelock. Lord Elgin rose from the table, and, retiring, read his correspondence. For two or three hours he was heard walking to and fro on the balcony. He then went on board with Captain Peel and steamed up the Bay of Bengal.

We have seen that Lord Elgin arrived at Singapore at the beginning of June, in advance of his troops, and that he had not been there two days ere, in response to an urgent appeal from Lord Canning, so unjustly represented as apathetic in the matter, he had taken steps to intercept the troops and direct them upon Calcutta. Sir George Grey, two months later, showed great public spirit in despatching troops from the Cape upon receiving a similar appeal from Lord Elphinstone, but he neither did nor could communicate with Lord Elgin about the mutiny before he knew that the mutiny had occurred. The man-of-war commanded

by Captain Peel was the 'Shannon.' She arrived at Singapore about the middle of June. She was a part of Lord Elgin's own naval force, had followed him from England, and could no more bring despatches from Calcutta, where she had not touched, than she could bring a letter from Sir George Grey two months before Sir George Grey had written it. Lord Elgin did go on board of her, but instead of steaming up the Bay of Bengal steamed away from it, proceeding to Hong Kong. Finding that nothing could be done there he returned, and arrived at Calcutta on 8 August, about the time when, according to Messrs. Rees, 'Sir George Grey' (very unnecessarily) 'sent a letter of apology and explanation' to Lord Elgin for doing what Lord Elgin himself had done two months sooner. On arriving at Calcutta Elgin transferred the 'Shannon' and her crew to Lord Canning, and the exploits of the naval brigade thus constituted form a brilliant page in Indian history. He returned to China in September, and, having received troops to replace those which he had surrendered, carried out his mission with success. Sir Colin Campbell, who is represented as 'mustering troops for the relief of Havelock' in June, did not arrive in India until August.

Sir George Grey was a great man, and the empire is under great obligations to him. He was successively the saviour of South Australia and of New Zealand. It is surely sufficient distinction to have saved two colonies, and his fame is not enhanced by the preference on his behalf of a groundless claim to have saved India also, at the expense and to the disparagement of those who actually did save it. Had he been in Canning's or Elgin's place, he would no doubt have done as they did, and he could not have done better.

R. GARNETT.

Reviews of Books

The Early Age of Greece. Vol. I. By WILLIAM RIDGEWAY. (Cambridge : University Press. 1901.)

PROFESSOR RIDGEWAY'S work has long been expected. The appearance of the first volume, at a time when our knowledge of the early age of Greece is being year by year greatly enlarged and transformed, may seem inopportune. But from another point of view the new discoveries make it more necessary to survey the data, both literary and archaeological, which already exist. Professor Ridgeway's work is not, like that of Tsountas, a systematic account of the remains of the Mycenaean age, nor is it, like the recent volume of Mr. Hall, a discussion of the principal problems raised by those remains. It is rather a deliberate attempt to establish a particular view in regard to the Mycenaean and their civilisation, and the whole book is planned in reference to that view. In his second chapter Mr. Ridgeway observes that any attempt to solve the Mycenaean problem 'must be conducted with extreme caution and freedom from dogmatism' by 'a careful use of the strictest method possible.' But, like many doctors, he does not take his own prescription. The discussions in this book are interesting and suggestive. They bring together a mass of facts bearing on the history of early European civilisation, some of which are relevant to the questions at issue. But method is certainly not Mr. Ridgeway's strong point; and his notion of caution is quite Hibernian.

Mr. Ridgeway's guiding theory as to the Mycenaean origins may be stated in a few words. It is a sort of compromise between the two views which at present hold the field. The verdict of the majority of archaeologists is in favour of the Achaean origin of the culture of Mycenae. So I wrote in 1896, and such is at the present moment the fact. Mr. Ridgeway, however, denies the correctness of my statement and substitutes two of his own. At p. 85 he writes, 'Scholars are now practically unanimous in regarding the civilisation of the Mycenaean age as the product of the Achaean race,' and at p. 267 he calls the Achaean theory as much out of date as the geocentric scheme of astronomy. Of these statements the first exaggerates in one direction, the second in the other direction, while my statement represents the sober truth. For while the majority of competent scholars accept the Achaean view, a minority has maintained that the Mycenaean civilisation belongs to the pre-Greek races of Hellas, who did not speak Greek and were probably

not Aryans. In recent years this view has been strongly maintained by the Italians Sergi and De Cara. Mr. Ridgeway's own view is that this civilisation belongs to one race only, the Pelasgians, a dark-haired, long-headed, and dark-skinned race who dwelt in Greece in pre-Achaean days, but who spoke Greek. On these the Achaeans, who were a fair-haired race of Celtic origin, came down from the north. Their civilisation, an age of iron as contrasted with the bronze age of the Mycenaeans, is reflected for us in the poems of Homer. They adopted the language of the conquered, and their strain gradually died away into the mass of the existing population.

Any opinion in regard to this main question must now take account of the remarkable discoveries made in Crete by Mr. Evans and the Italian explorers. These discoveries seem to me to prove that in Crete at least the race of the Mycenaean civilisation was not Hellenic and not Aryan. The character of the palace of Cnossus, its mural paintings, and the numerous inscribed tablets found there all seem to point to a culture in relations with those of Egypt and Babylon, a cousin perhaps of the Canaanite civilisation, but having no relation whatever to anything Greek. Whether the Mycenaean remains in Greece proper also belong to a non-Aryan race may be regarded as an open question, for it is now generally recognised that the question of race and the question of character of civilisation, which Mr. Ridgeway hopelessly confuses, must be kept carefully apart. It is quite a maintainable view, and one accepted in Mr. Hall's recent book, that the Mycenaean civilisation belonged to a variety of races, Aryan and non-Aryan. However that may be, it is certain that views formed before Mr. Evans's recent discoveries in Crete must be regarded as out of date until revised.

There are many of Mr. Ridgeway's contentions with which I for one would fully agree. I think that only a proportion of the historic Greeks were of Aryan blood, and that the similarities between the Homeric culture and that of Mycenae have been greatly exaggerated. I welcome Mr. Ridgeway's chapter on the Homeric age, though I cannot always agree with it. For example, he supposes that the gable roofs of Greek temples had a counterpart in the sloping roofs of Mycenae. But Dr. Dörpfeld has shown in the preface to *Tsountas and Manatt* that the roofs at Mycenae were not sloping, but flat and made of clay, since no tiles have been found on the site. Here then Mr. Ridgeway gives away part of his case; but for the general argument of the chapter there is much to be said.

What Mr. Ridgeway has really to add, in the form of new theory or suggestion, to views already current consists mainly of two propositions—first, that the race that produced the Mycenaean culture was a Greek-speaking race called by the historians Pelasgi and nothing but Pelasgi; and second, that the Achaeans who before the Homeric age had superseded the Pelasgi, were Celts who came from the north. These two specific views are in my opinion not in the least likely to win the suffrages of scholars, and in fact are baseless and extravagant.

In discussing the ancient accounts of the Pelasgi Mr. Ridgeway is constantly misled by want of historic imagination and of critical method. He seems to suppose that Greek writers had formed views of ethnology,

and that when they spoke of Leleges, Pelasgi, and such shadowy peoples, they had in their minds definite notions as to colour of hair, shape of skull, and so forth. The Greeks had a general notion that those who spoke Greek were Hellenes, and other people barbarians; but as to barbarian ethnology their notions were of the vaguest. They used the term 'Scythian' to cover a multitude of races. They made Thebes into a Phoenician colony, and thought that the Roman nobility were of Trojan race, while the Tarquins were derived from Corinth. Their genealogical lists were in great part mere learned invention. Any attempt to make a system out of statements which had no relation to system can only end in confusion worse confounded. But Mr. Ridgeway's want of historic method plunges him still deeper into the mire. He actually takes the utterances of poets and dramatists as grave historic evidence. Thus in the 'Supplices' the Danaides are called dark—very naturally, since they came from Egypt, just as Cleopatra is dark to Shakespeare. But Mr. Ridgeway gravely enrols this passage among the proofs of Pelasgic swarthy-ness. In the 'Iliad' Periphetes of Mycenae is spoken of as having a tall shield, over which he stumbled. Mr. Ridgeway at once sees the propriety of a Mycenaean having a long shield, if he was of the old race, and not an Achaean. Take again the following passage (p. 277):—

The Pelasgians fulfil our third condition, that the successful claimant should have employed a script similar to the Cypriote syllabary, and non-Phoenician letters in the Lycian and Carian alphabets. But Homer proves that Proetus, who wrote at Tiryns a letter intelligible to the king of Lycia, reigned in Argolis generations before either Achaean or Dorian ever set foot in Peloponnesus; and a large body of traditional evidence has shown that Proetus was a Pelasgian.

Mr. Ridgeway then takes Homer, not merely as a witness to the events of the Trojan war, but as evidence for precise details of transactions in Greece of far earlier date. His faith in Homer resembles that of Schliemann, though he has not Schliemann's excuses. His way of citing and of trusting ancient writers is one which is generally supposed to have been extinct among scholars since the days of Niebuhr.

In dealing with monumental evidence Mr. Ridgeway is sometimes as rash and uncritical as in dealing with ancient texts. For example, at p. 455 he gives a cut of Roman *Salii* bearing *ancilia*. Mr. Ridgeway gives no authority for the cut; Mr. Marindin in Smith's 'Dictionary of Antiquities' (ii. 590) shows that the gem from which it is professedly taken is not Roman. At any rate the cut is obviously an untrustworthy reproduction, whether the gem is ancient or not. So again at p. 469 he figures, without giving any authority, two warriors and a eunuch, whom he calls, without any apparent reason, Agamemnon, Odysseus, and Thersites. It really does not do to build with materials picked out of the dust-heap of old books written before archaeology had become scientific.

The second theory, that the Achaeans were a Celtic tribe, must be said to be almost without a vestige of evidence. That the Achaeans were a fair-haired race, and that they came down into Greece from the north, we may readily grant. Mr. Ridgeway's description of the flowing down of successive waves of northern race into the Mediterranean lands is

spirited and vigorous. But why should the Achaeans be Celts rather than Germans if they are not to be (what seems after all most natural) Hellenic? Mr. Ridgeway brings up two lines of argument. First he shows the similarity of the Achaean culture as presented in the Homeric poems to that of the races of central Europe, especially the races which buried their dead at Hallstatt. He accepts dates for Hallstatt which the best authorities will not allow. In any case the analogy points only to a northern origin of the Greeks, not to their Celtic strain. More definite is the argument from philology. The names of the heroes of the 'Iliad' have no meaning in Greek, and so must be taken from another tongue. Possibly; but why need that tongue be Celtic? No Celtic derivation for such names as Achilles and Odysseus is suggested by Mr. Ridgeway. Then we are told that there are in the Homeric dialect traces of labialism which point to a Celtic contamination of a Greek dialect. This is a question with which only a philologist can deal. I have referred it to the highest authorities to whom I have access, and the reply is adverse to giving any weight to Mr. Ridgeway's view. If the only pillar is thus removed, his construction falls into ruins.

The interest of the readers of the *English Historical Review* will probably be concentrated on the main lines of Mr. Ridgeway's theory. I therefore do not propose to criticise in detail his views on special points. No doubt there is in the book before us a great deal of interesting and useful matter, though it is certainly not written with the strict method and wise caution which are necessary, as Mr. Ridgeway himself reminds us, in dealing with difficult historic problems. In many cases Professor Ridgeway's views are full of suggestion and will be helpful to study. And above all the book is certainly alive; no mere dull compilation, but a work which has grown up in the mind of the author. In books of this sort, however the main drift may go astray, there is always interest and profit to be found in parts.

P. GARDNER.

Synesius the Hellene. By W. S. CRAWFORD, B.D. (London: Rivingtons, 1901.)

THIS account of the neo-Platonic bishop of Ptolemais is evidently the work of one who has studied most carefully all the extant writings of Synesius, and has felt the fascination of his character. It has suffered somewhat from the fact, most frankly acknowledged in the preface and elsewhere, that the writer has had access to only a limited number of books on the subject, and those not always the most important for his purpose. Thus he has been unable to procure a copy of Clausen's 'De Synesio,' in which he would have found a more thorough, even if not always successful, inquiry into the chronology of the letters than is to be seen elsewhere, which might have made some historical points a little clearer. With regard to what is, after all, the most interesting, to modern readers, of the spiritual and intellectual movements of the time, Mr. Crawford writes, 'What I have said in that [the second] chapter as to the recrudescence of paganism in the second and third centuries, and the popular influence on philosophy, is derived from De Pressensé.' He complains that he has not been able to get hold of the 'Enneadae' of Plotinus

nor the 'Athanasian' life of Antony. His task might have been accomplished without them, but why should he voluntarily enter on ground where he feels the need of them? Yet, as we have said, he knows excellently well the works of Synesius himself, and if these alone had been sympathetically and critically handled the result might have been quite satisfactory. Unfortunately the work does not show signs of sympathetic appreciation or of critical acumen. The author cannot by an imaginative effort adopt a neo-Platonic point of view and look out on the world with the eyes of Synesius himself. He has a kindly, patronising affection for his hero, which sometimes rises to admiration. But in summing up he says, 'The character of Synesius, when looked into, reveals, like the characters of most persons, a mass of contradictions.' The most appreciative student of Synesius cannot complain if a fault is attributed to him and at the same time to the majority of the human race. Yet such a student will probably find a good deal more of consistency of and permanence as to ideals and in action in the life of Synesius—as pagan student and as Christian bishop—than in the lives of most of us. A want of capacity to comprehend the neo-Platonic or even the Platonic view of the universe is shown by Mr. Crawford when he remarks on the want of logic in one who regarded matter as evil and yet could admire the beauties of nature. But we seem yet further removed from reasonable criticism when long passages from Dr. Liddon and Professor Mason are quoted to prove the superiority of Catholic dogma to neo-Platonic speculation. Here, however, we are concerned with the book only so far as it is historical, not in its theological bearings.

The arrangement of the work is not such as to impress us with the unity of the subject. The life of Synesius is disposed of in forty-five pages; then we have chapters dealing with the different characters under which Synesius appeared—as philosopher, as a man of science, poet, ecclesiastic, *man*, &c.—next we have chapters on his friends and on his works. The chapter on his Life suffers most from this division, since the most important episodes are only to be explained by means of letters and writings which are reserved for later chapters. On first reading we thought it strange that the author had hardly a word to say as to the energetic action of Synesius during the barbarian incursions into the Pentapolis in 404-5, which action furnishes a clue to his later fortunes, as it must have given him a great reputation throughout the country. But we afterwards saw that these stirring events had to be reserved for the chapter on 'The Man of Action.' Again, the chapter on Synesius as Humourist is not so delightful as the author would like to make it. If a collection of the bright things that any man had said or written were brought together without much regard to their connexion, we should not find them very amusing, even if we were constantly told how charming they were. In reading Synesius, or even choice pieces from Synesius, any person would enjoy his sallies of fun unless such pieces had been chosen simply on the ground of the humour they displayed. In treating of the Friends of Synesius Mr. Crawford has done good work in looking up and comparing all the information that can be obtained about each—no easy task where several of them (as in the case of 'John') bear the same name. He has also done us very good service, and merited the gratitude of

bibliographers, by drawing up a long, if not exhaustive, list of the quotations made by Synesius from classical authors; to find out all his quotations from post-classical writers would be a yet more useful, but perhaps quite impossible feat. The chapter on the 'Works' is mainly a summary of the principal treatises of Synesius. The criticisms are slight. A certain abruptness in style aggravates the impression of disjointed work, and an unfortunate tendency to bring in colloquial remarks and jocose illustrations which are not always relevant sometimes gives an appearance of flippancy to the book which is not wholly merited. Our interest is apt to flag when theories of French or German commentators, rejected by the good sense of the author, are nevertheless discussed not only in the footnotes but also in the text. Mr. Crawford has not quite solved the difficulty of dividing the traffic between road and pavement.

In spite of the defects, however, which are visible in the book, it would be ungrateful to lay it down without an expression of thanks to the author for what seems to have been a genuine labour of love, and for the pains he has taken to investigate a subject of so great historical interest.

Alice Gardner.

The Syriac Chronicle known as that of Zachariah of Mitylene. Translated into English by F. J. HAMILTON, D.D., and E. W. BROOKS, M.A. (London: Methuen & Co. 1899.)

THIS important historical work now appears for the first time in English. It is taken from a Syriac manuscript in the British Museum which was published by the late J. P. N. Land some thirty years ago. Unfortunately Land, though an indefatigable worker, did not revise his transcript; consequently his text is far from accurate and needs constant emendation. The present translators have not only been able to use the manuscript itself, but by a careful study of allied historical matter have also given us the very best results attainable. They have dealt skilfully with the not too easy Syriac text, and have produced a work which will be welcomed by students of the history and theology of the fifth and sixth Christian centuries.

The Syriac Chronicle commonly, but erroneously, known as that of Zachariah of Mitylene is really the work of an unknown Jacobite of Amid, or at least of Mesopotamia, who brought it down to the year 569. Zachariah, as a matter of fact, did write an ecclesiastical history of the years 450-491 in Greek, which is now lost. In epitome, however, it practically forms the only source of books III.-VI. of the present work. But the compiler has drawn from other authorities. He inserts epistles of Julian of Halicarnassus, Severus, Rabbula, Theodosius, Anthimus, and others; and his relation to certain other historians (John of Ephesus and others) constitutes a problem to the solution of which Mr. Brooks contributes a few remarks in the course of his useful introduction. It would be impossible here to do more than call attention to the value of this chronicle. The anonymous compiler is trustworthy, and it is evident from his naive explanatory note at the close of the opening chapter that he desired to be as honest as possible, not to call 'the kings victorious and mighty, and the generals valiant and astute . . . and the monks chaste and

of honourable character, because it is our object to relate facts . . . and it is not our intention on our own account to praise and extol rulers with flattering words, or to revile and insult with rebuke those who believe differently, provided only we do not find something of the kind in the manuscripts and epistles which we are about to translate.' And as another proof of his honesty we have his straightforward remark in book x. i., 'He freed the king from distress of mind, but in what way I have not sure enough information to state, and therefore keep silence.' Of the twelve books of which the work was originally made up the whole of xi. and parts of x. and xii. are now wanting. The first book is very largely composed of well-known legendary matter, which has no bearing upon the history and is rightly omitted by the translators. Books ii.-ix. are almost wholly ecclesiastical, but the last three contain much secular matter, and are of some importance for the light they throw upon relations between Rome and Persia. The last chapter of the tenth book gives an account of the city of Rome, of interest to archaeologists, and the seventh chapter of the last book contains an epitome of the geography of Ptolemy, whom the compiler has taken for an Egyptian king. A translation of the epitome is not included, but Mr. Brooks has noted a number of interesting variations from the *textus receptus*. In conclusion we may add that the Syriac chronicle has recently been translated into German by Drs. Ahrens and Krüger. The German work commends itself chiefly for its elaborate introduction and notes. Unfortunately it is based upon Land's text, and although the editors have incorporated admirable—but sometimes unnecessary—emendations of Nöldeke and Hoffmann, the translation on the whole is less trustworthy than that of the English scholars. A comparison of a translation from the original manuscript with one based upon a faulty copy, and corrected by keen textual criticism, is highly instructive, and it is worth noticing that some of the suggested emendations actually agree with the original manuscript, and were omitted by Messrs. Hamilton and Brooks (see the *Journal of Theological Studies*, 1900, p. 623). S. A. Cook.

Die ökonomische Entwicklung Europas bis zum Beginn der kapitalistischen Wirtschaftsform. Von MAXIME KOWALEWSKY. Vom Verfasser genehmigte Uebersetzung des russischen Originals. I. Römische und germanische Elemente in der Entwicklung der mittelalterlichen Gutsherrschaft und der Dorfgemeinde. (Berlin: Prager. 1901.)

EVERYTHING we come to know of Mr. Kovalevsky's work increases our regret (speaking for the majority of English scholars) that we cannot read it in the original. We learn from the author himself that the substance of the chapter on Anglo-Saxon tenures in this volume—naturally the one which interests English students most—was published in Russian as long ago as 1884. Thus Englishmen who, like the present reviewer, know no Russian, have been fifteen years outside a locked store of good things. The continental chapters appear to be more recent, but there is nothing to show their original dates, as the references to recent literature, or some of them, may have been added for the purpose of the translation. As to the translator's work, we cannot say that his German

style is elegant or makes easy reading; and we have to complain of the total omission, still far too common on the continent even in serious and systematic work, to provide an index or an analytical table of contents. This is a book which eminently deserved both, as it contains detailed examination of generically similar phenomena in several countries. If Mr. Kovalevsky had thought fit to add a general summing up to his series of discussions, the want would have been partially supplied. But he has not done so, and we cannot say he was bound to do so.

This is perhaps the first systematic attempt to apply the comparative method in the field covered, broadly speaking, by the 'Leges Barbarorum.' We have plenty of monographs, some of first-rate and many of considerable merit, on Frankish, German, English, and Italian institutions at the opening of the middle ages; but hitherto we have had no comprehensive survey.

It will be no news to those who have read Mr. Kovalevsky's Stockholm and Oxford lectures that he holds in the main with the Germanic and not with the new Romanising school. He is ready to supplement and at need to correct the work of the Germanists, but he wholly refuses to accede to the sweeping and extravagant Romanism of Fustel de Coulanges, whose dogmas have been taken up with more zeal than judgment by one or two English followers. Incidentally Mr. Kovalevsky has to show that, notwithstanding Fustel's professions of critical accuracy, which were undoubtedly sincere, his methods of dealing with evidence were at times singularly uncritical. Not that Mr. Kovalevsky underrates the existence or importance of Roman elements in early medieval society, or (what is perhaps more important) Roman forms and ways of doing business. The fault of the new Romanists has not been in calling attention to such facts, but in assuming, as a matter of faith rather than argument, that where there is anything Roman there cannot be anything Germanic. The truth seems to be that in institutions, as in language, there has been wide-spread and complex interaction. In many cases the contact of more or less similar Germanic and Roman ideas has led either to a complete fusion, producing something different from either of the originals, or to what the philologists call contamination. Thus the sturdy Teutonic warrior Gewere took to wife the highly educated patrician Carta, and begat all the founders of our modern systems of conveyancing. Such results, until quite recent times, were cheerfully called 'feudal,' which was supposed to explain everything; any very peculiar features were ascribed to 'monkish' perversity, or, in England, to the mysterious influence of 'Norman-French.' Over and over again in these pages we find evidence that the complexity of the facts has hitherto been underrated. What can look more medieval and less like any Roman law than the *merchetum* of villein tenure? Yet we find marrying off the estate prohibited in the south of Italy as early as the time of Gregory I. If we are asked whether we think the clerks who recorded custumals for Angevin lords in the thirteenth century had studied the epistles of Gregory, we answer with a decided negative. But it is good to remember that popular Roman, especially provincial, law both before and after Justinian was not the same thing as the law of the 'Corpus Iuris,' and that many barbarian customs probably were much less strange to the Romans of the later

empire than they are to us. Maine's pregnant suggestion of the way being prepared by the existence of large companies of Teutonic and other barbarian slaves, doubtless living in their own fashion, should also not be forgotten.

The process of fusion or admixture was aided by the independent continuance, in many parts of Europe, of Roman and Germanic institutions side by side. On this point, which, as soon as it is appreciated, explains many apparent discrepancies, Mr. Kovalevsky is particularly effective. Among the Franks, for example, their own archaic communalism and modern Roman individualism almost certainly went on together, as has been the case in modern Russia, while the king's power and privileges were developed by contact with the Roman official system. Roman forms and the Roman principles of free alienation were fostered everywhere by the example of religious houses, mostly (not always; see the case of Farfa) living under Roman law. Meanwhile the law *de migrantibus* and all its analogues (there are some pretty English ones later than the period now dealt with) stand, far into the middle ages, for the venerable and seemingly universal refusal of archaic law to give any force to a majority vote. Note, learned reader, that the unanimity of the English jury of trial is not to be sought here, though it is tempting, but in the sanctity of the number twelve; it is not among the earliest features of our jury system. The grand jury was never required to be unanimous. We suspect that in the county and hundred courts the doom was, in theory, the doom not of a majority but of all the suitors. Evidence, however, is wanting. The continuous antiquity, one may say the prefeudality, of medieval customs is brought out by Mr. Kovalevsky in a very striking manner. Personal lordship, commendation, full predial services, rights of common in every variety, the distinction between land in demesne and land in service, the free tenant who 'could go where he would with his land'—all these occur in Italy in the eighth century. What feudalism really did was to produce a Germanic reaction or arrest of Romanising development, which in the Anglo-Norman period impressed a lasting stamp on our own real property law. The class of base tenants who were not personal slaves arose long before the properly feudal stage; it was recruited from above by the commendation of freemen, who sometimes assumed quite servile conditions by contract, and from below by emancipation. We may pick out one point of detail. Mr. Kovalevsky shows (at p. 267) that there is no necessary connexion between the common-field system and joint ploughing. Therewith the ingenious and fantastic structure raised nearly twenty years ago by Mr. Seebohm on the supposed universality of 'co-aration' finally tumbles down. Was it Mr. Kovalevsky or Mr. Vinogradoff who, about that time, cut short the lubrication of an enthusiastic disciple on the eight-ox team with the fatal remark, 'In southern Russia we have always ploughed with one horse'?

We have not attempted to follow Mr. Kovalevsky through the separate legal-economic histories of the various conquerors of the Roman empire from the Danube to the Seine. That would be to supply the missing analytical table of contents. It would be charity if some younger scholar would do it. As in private duty bound, we shall now turn to the English chapter. Mr. Kovalevsky has already, at the very outset of the book—but

in a passage apparently written some years later—repudiated the Romanising theory in sufficiently plain terms. ‘If any one—Ashley, for example—talks of the details of Roman agrarian methods having continued without a break in a country so little Romanised as England, and of the villa having been turned into the Norman manor by a process of imperceptible growth, this can be accounted for only by overmuch confidence in the *verba magistri*’ (i.e. Fustel de Coulanges, who never examined English evidence or indeed committed himself about England) ‘combined with inadequate knowledge of the authorities and total want of critical judgment.’ There is Mr. Kovalevsky’s glove for any champion bold enough to take it up. As to positive results, he holds that the original Anglo-Saxon settlements in Britain, like those of other Germanic nations, were clan settlements; and this both on such direct evidence as there is and on the collateral evidence of the law of blood-feud as we find it in the early Anglo-Saxon polity. Various interesting citations are made from sources hitherto rather neglected by English scholars, such as the ‘Liber Eliensis,’ published by the ‘Anglia Christiana’ Society as long ago as 1848. The body of the chapter, as above mentioned, is rather old work, and some few blemishes remain uncorrected. Reference is made without apparent suspicion to spurious Kentish charters of Æthelbirht and his successors, and it is still assumed (following Kemble’s unlucky conjecture) that ‘ethel’ and ‘alod’—or rather some English form of it, of which there is no trace—were terms of early English land tenure. There is a curious misreading of one letter in dealing with ‘Cod. Dipl.’ 1228, where, according to Mr. Kovalevsky, there is a grant of *aliquantula ruris particula vicinis comparata cassatis*. This is supposed to show a purchase of land from neighbouring owners (the existence of some and even much strictly private ownership at an early time is not denied by Mr. Kovalevsky, and never has been by any competent Germanist from Tacitus downwards). The word, however, is not *vicinis* but *vicenis*, and a few lines lower down we read *predictarum . . . mansarum . . . XX . . . scilicet patruus meus . . . largitus est hereditatem*. It is an ordinary grant of lordship, with nothing to show any peculiarity in the king’s title. These errors, however, are of no importance with regard to the main argument. Mr. Kovalevsky does well to call attention to the early commencement of the process of rounding off estates by the consolidation of common-field strips acquired by sale or exchange—a process which may be caught in full swing in college estate maps of the early seventeenth century. As to methods of agriculture, our author is clear that the two-field system was that of the earlier settlements. The land, still covered with dense forest over a large proportion of the country, was not ripe for three-field tillage. The two-field system, as is well known, was not extinct in the thirteenth century. Reference might have been made to the very late persistence of lot meadows in many parts of England. They are elaborately described in the class of maps just mentioned. We believe there is still living witness to them. While English scholars familiar with Mr. Vinogradoff’s and Mr. Maitland’s work will not find much actual novelty in this chapter, they will still find pleasure and profit in seeing the facts with the eyes of a master fresh from a wide range of similar observations in other parts of Europe.

F. POLLOCK.

Western Civilisation in its Economic Aspects (Medieval and Modern Times). By W. CUNNINGHAM, D.D. Cambridge: University Press. 1901.)

THREE years ago the earlier part of this work, which was concerned with the economic history of ancient peoples, was noticed in these pages. It is the wish of the editor that the work of reviewing the second part should be done by the same writer, who consents, not without hesitation, as being but indifferently qualified to judge of works on modern economic history. But it is a pleasant and a most instructive task to read and re-read a book of such wide range as this, marked by a most unusual power of co-ordination and generalisation, yet based, as may be felt in every page, on a sure foundation of detailed knowledge. It might seem almost impossible, in less than three hundred pages, to cover the whole stretch of medieval and modern history from the dissolution of the Roman empire to the present day without either bewildering or repelling the reader; yet Dr. Cunningham not only has done this, but has succeeded in keeping up the interest of his story, continually stimulating us by new and suggestive ideas, and making us promise ourselves that we will explore more fully in this or that direction, where he has only been able to indicate in passing the stores of knowledge awaiting us. This is exactly what a book of this kind should do, and it may be doubted whether any book of equal educational value for its size has appeared for many years past. Strange to say, this excellent result is attained without any peculiar charm of style. Dr. Cunningham is not one of those rarely gifted writers who by some happy metaphor or illustration contrive to fix a fact or an idea for ever in the memory, and indeed it sometimes happens that a sentence of his needs a second or even a third reading, owing to the amount packed into it, or to allusions which are beyond the reach of the ordinary reader. A spoilt taste might find the book occasionally dry or the cast of the sentences a trifle monotonous. But all this is amply made up for by the masterly arrangement of the work, which falls into chapters, sections, and paragraphs in a way that seems perfectly natural, yet must have cost the writer a vast amount of thought and labour. One who knows the real difficulty of good paragraphing may well pause to admire the skill with which that art is handled here. The impression made by a book depends far more upon this than we in England are accustomed to think; Dr. Cunningham at least seems to know the secret.

The work falls into three main divisions, and is preceded by an introduction which indicates what these are and why they are adopted. In the first, which covers the long period from the fifth to the thirteenth century, Dr. Cunningham sketches the economic tendencies and ideas of the great social union for which the only name is Christendom. In the second he deals with these same ideas and tendencies during the era of the growth of nationalities, from the fourteenth to the eighteenth century, bringing it to a close with an interesting chapter on the succession of rival commercial empires. The third division, headed 'The Expansion of Western Civilisation,' will be to many students the most interesting of the three; it starts with the industrial revolution of the last century, and leads the reader on to contemplate with wonder not unmingled with doubt the

extraordinary results of that revolution in providing ways and means for spreading European civilisation over the whole world.

In this volume the survey is taken up from the point when the Roman empire had shown itself no longer competent to protect, much less to extend, civilisation. The foundations of society had to be laid afresh. The architect was the orthodox western church: 'civil government, when acting independently, had failed to restore law and order; there was better hope that they would be successfully fostered when spiritual power was also brought to bear.' This spiritual power helps to provide the conditions for material progress; this is the keynote of the chapter called 'The Foundations of Society,' and Dr. Cunningham illustrates his point by brief references to Theodoric and Cassiodorus, to the life of the monasteries, which he happily calls 'Christian industrial colonies,' and to the work and aims of Charles the Great. Charles 'made a magnificent effort to organise society through the influence of one civil but consecrated authority.' It is as well to draw special attention to this feature of the earlier part of Dr. Cunningham's work, for we seem all too liable to forget that it is not with nationalities and their political history that we have to deal in the middle ages, but with Christendom; and that even when the spiritual forces of Christendom were seriously enfeebled, as in the ninth and tenth centuries, they were still the only substantial hope for civilisation. The common religious life, the system of the canon law, and the regular acknowledgment of the duty of paying dues to Rome, apart from the appeal which every lay ruler must make for his authority to the spiritual sanction of the Church, were the 'threads which ran through the whole social system,' making men feel that they belonged to a great polity which called on them to behave as civilised beings.

All this might seem to have little to do with economic history, but Dr. Cunningham, after turning for a while (in sections 85 and 86) to the more strictly economic subjects of the 'household system' and the origins of town life, returns at the end of this chapter to its main thesis, and in an admirable concluding paragraph points out the absolute necessity of studying the Christianity of that age in order to understand its economic history.

To maintain law and order when once they are established is comparatively simple; it is a different thing to create respect for life and property anew. We can only understand the reconstruction of society when we enter into the definite ideals which the men of the dark ages set before themselves as concrete things to be aimed at, and the motives which appealed to them personally, with their experience and their beliefs. We must not only consider the enormous difficulties to be faced, but the means that were available for dealing with them. When we thus understand the complexity and conditions of the problem, we may see that there is only one suggestion which offers a simple, and at the same time a sufficient, solution of all the difficulties of the case. Christianity furnished the new ideals, and furnished also new and powerful motives which appealed to individuals strongly, so that they set themselves to realise their aims.

In the two solid chapters which follow, and complete the first part of the work—viz. on the transition from natural to money economy, and on the relations with heathen and Moslems, this power of Christianity as a

guide to men's motives and actions is continually kept in view and illustrated; and on p. 106 we find an emphatic and well-timed protest against the prejudice that would see in the papal claims nothing but priestly ambition, and only lifeless forms in the religious system of the age.

The second division of the book (Book V. of the whole work), dealing with the rise of nationalities and of a national economic policy, will probably be more interesting than the first to the ordinary student, because the ideas which assert themselves in this period are more familiar to him, and his knowledge of the historical outline is presumably fuller. Yet the difficulty of getting the subject-matter into concise and intelligible form has been here very great; materials become richer and more complex: the age of the disappearance of one set of phenomena is also the age of the appearance of another: it is impossible to fix dates and periods with sufficient clearness to give anything like a definite outline. One feels that the picture is not, and cannot be, in perfect focus. Yet Dr. Cunningham's complete mastery of his subject has here come to the rescue with the best result, and in no part of his work is his method seen to greater advantage. The secularising of administrative work, the adoption of civic economic methods in the development of a national policy, and the lessons which kings had to learn in the pursuance of such a policy—these are the principal themes of the first chapter of this division. Then follows a chapter on the beginnings of capital, showing how essential it was to the development of society and how all its later sinister influences were at this time checked by the unfavourable conditions with which it had to struggle. Lastly we have a sketch of the story of the commercial rivalry of nations which followed on the intervention of capital and the discovery of the New World. Portugal had not the strength for the work she tried to do; Spain foundered on the rock of a bullionist policy; the Dutch wanted enterprise, and were too exclusively merchants to become successful colonists; the French failed because Richelieu and Colbert were 'economic despots,' and individual enterprise was wanting both at home and in the colonies. It is to the individual ambition and perseverance of Englishmen that Dr. Cunningham, who is thoroughly individualist in feeling, ascribes the eventual success of England, together with the strength of patriotic feeling that had been steadily growing since the reign of Elizabeth. The commercial supremacy to which England thus attained in the eighteenth century, and the comparative freedom under which it was exercised, reacted on our manufactures and developed our mineral wealth: and thus when the era of invention came, with steam-power and machinery, her commercial supremacy became also an industrial supremacy, and a revolution followed which we have only of late years begun to understand. This industrial revolution is the subject of the third and last division of the book.

In the department of manufactures the effects of this revolution have in recent years been carefully studied, and Dr. Cunningham's remarks on the loss of stability, and the consequent dangers threatening the material prosperity and the political power of this country in particular, will be understood and appreciated by most of his readers. But the results of the capitalistic organisation of agriculture, *i.e.* of the system of enclosing for

the sake of improved tillage, which was in full swing in the late eighteenth and the earlier part of the nineteenth century, are much less generally understood, and only a page and a half of this chapter are devoted to them. The history of the agricultural classes in this period of revolution is still to be written. What has become of the yeoman farmer, who with his family worked a yardland or so of strips in the open field, and lived in what was little better than a cottage in the village street? Probably, says Dr. Cunningham, he has sunk to the position of a mere labourer; and here the word *probably* would seem to indicate that parish historians have neglected this part of their work, as is indeed unfortunately the case. The present writer can speak confidently for his own parish, which was only enclosed in 1843, and in which there are still one or two old men living who remember the revolution itself and the condition of the parish before it took place. The old yeoman families have almost all of them vanished from the village; old freeholders and copyholders, who had tried to keep themselves afloat by raising money on mortgage, left the home of their ancestors and were swallowed up in Birmingham and other big towns. As a rule they did not sink into the position of labourers; they preferred to go. In one case only, that of a decaying family which sold its tenement some twenty years ago, does the enclosure seem to have brought ruin within the parish itself; their holding was some forty acres of strips in the arable fields, with a few more of pasture and hay meadow. The equivalent amount which they received under the enclosure could not save them; they had neither the capital nor the enterprise to compete with the capitalist farmer, and their one surviving member has now dropped to the lowest stratum of the labouring class. These facts are mentioned only in order to suggest that the economic history of many parishes might be of singular interest, if investigated with sufficient knowledge by men living on the spot.

I forbear to touch on Dr. Cunningham's very interesting remarks on the present economic outlook, which is occupying the attention of economists both in this country and others. He is hopeful, if not actually optimistic, but at the same time well aware of the rocks ahead of us. But I may quote in conclusion a few lines from his introductory chapter, in order to show that quite early in the book the reader is earnestly warned against limiting his point of view by attending only to the 'blind play of economic forces,' and urged not to leave out of sight the ethical dangers which inevitably accompany a period like that in which we are still struggling.

It is thus that Western civilisation has come to launch out on its ruthless career of conquest. Its two salient features, the subjugation of natural forces, and its extraordinary facility for procuring material wealth, have a fitness of their own; they are sure to survive, they are bound to find their entrance into all lands and to compel society to adapt itself to them. And herein lies the danger; we may come, in our admiration of these marvels, to regard material progress as an end in itself, and to lose sight of the ideals for human progress, society, and for individual life which are the most precious of earthly possessions. It will be sad indeed if, while multiplying the opportunities that might be devoted to the cultivation of a truly noble life, we lose the power and the desire to use these opportunities worthily.

Keltische Kirche in Britannien und Irland. Von H. ZIMMER. (Extract from the *Realencyklopädie für protestantische Theologie*, X. 1901.)

By a trenchant criticism of sources and a vigorous skill in combining the remotest details of Celtic philology and Latin medieval literature Professor Zimmer has been led to several revolutionary theories, which deserve the serious attention of all students of early Britain and Ireland. In the following notice we limit ourselves to giving an account of some of his striking results. The fable of King Lucius seems to have been invented about 690 by a Romanist against the independent Britons. It was probably the Gaulish or Rhenish intercourse that brought Christianity to Britain, first to Roman stations, before 300. No safe argument can be drawn from Tertullian, Origen, or the story of St. Alban. Heterodox doctrines about the Holy Trinity were tolerated in Wales and Ireland about 600; Gildas's remark, therefore, about British Arianism must not be slurred over. British monks and Irish-Welsh relations transplanted Christianity, after 350, from south-western Britain into south-eastern Ireland. From this early time Irish monks preserved more classical traditions than Britain and Gaul could retain. Suetonius, born in 386 near Darenty, was captured in 402 by Irish pirates, whom he does not describe as heathen. He wandered about 424 to Auxerre and then to Rome, where in 429 he caused Germanus to be sent into Britain, as Pelagianism, elsewhere suppressed by imperial authority, could here be refuted by persuasion only. He romanised his name *Εὐπόλεμος* into *Palladius*, and, overrating his father's dignity, took the title of *Patricius*, which the Irish pronounced *Cothrige*. In 431 he was consecrated at Rome as bishop for Ireland. In 432 he landed at Wicklow, played some not very important part in southern Ireland, and died there in 459 without having gained lasting success. This comes out from his writings, viz. 'Confessio' and 'Epistola ad Coroticum,' i.e. Ceretic, *rex Aloo* (Ail, Alcluyd, Dumbarton). The fable that Patrick, a distinct person from Palladius, was the apostle of heathen Ireland and chief of the Irish church at Armagh was invented after 600 in southern Ireland on the model of Columba and Augustine, and from its first mention by Cumman, 633-636, served the Romanising party, in the controversy about Easter, as a bribe to conciliate the hostility of Armagh and win it over to the *unitas catholica*. In the same way Aed of Sletty caused the oldest 'Vita Patricii' to be written, and submitted with his clan to Armagh, which succeeded in winning the primatial dignity, 730-850. In this way Armagh was rewarded for its opportune yielding to Rome, while Hi (Iona) lost its influence through its stubborn opposition. The Patrick legend was further developed in the interest of Armagh. Patrick is made (c. 1000) to forbid heathendom of distinctly Scandinavian type, to convert the Dublin Northmen, and to participate with a viking representative in the writing down of the Irish laws. By such fables Armagh hoped to get Patrick's pence from Dublin, then gravitating to Canterbury. As late as 1181 Jocelin declared that Dublin fell to Henry II, because it *Patricii reditus neglexit persolvere*. Irish loan-words from the British for ecclesiastical notions must, judging from phonology, have been imported before Patrick's time. His Latin is miserable, while Irish erudition surpassed all the western schools, especially in Greek. Prosper indeed com-

mends Pope Celestine (422-32) in that he *fecit Christianam* [*Hiberniam*]; but this Professor Zimmer considers to be mere panegyric exaggeration. The works of Pelagius, possibly Irish himself, were used by Irish monks for centuries when elsewhere they had been forgotten; his authority cannot have begun after 433, when Pelagianism had been put down even in Britain.

The British church of Gildas's time is the direct continuation of that of the fourth century. National hatred of the English was the principal reason for its isolation. Elbodug of Bangor was induced to accept the Roman Easter by the prospect of becoming metropolitan of Wales. It is not true that the Irish church was revived under British influences in the sixth century; rather it retained its monastic organisation (while the Welsh church had an episcopal system) and was able to spread knowledge and religion in Wales and Brittany, as Breton names prove. The original motive of the Irish *consuetudo peregrinandi*, which brought Irish monks to Iceland, to the mouth of the Severn (where Christian ogam inscriptions exist), and to Bobbio, was anachoretic; but its offshoots became, through external causes, missionary and educational. The wife of the Norwegian king of Armagh giving oracles from the altar of Clonmacnoise is a parallel to Veleda.

Irish monasticism, once so strong that even the pope appeared to the Irish as the abbot of Rome, suffered under the emigration of learned monks, who escaped from the viking havoc and took a great number of manuscripts to the continent; one hundred and seventeen Irish manuscripts, written before 1000, still exist there. Monasticism therefore lost the power to resist the intrusion of the episcopal system. The dogma and institutions of the Celtic church in the seventh century were not apostolic, and differed from the remaining west only in so far as they maintained the status of the fourth century, or, in consequence of the want of any central ecclesiastical organisation, had yielded to local influences, while the Roman church, with which Celtic intercourse ceased after the invasion of the barbarians, had soon developed a number of modern features. The monastic type of Hi must not be considered as Pan-Celtic: in the older Irish monastery, which was the centre of a diocese, the abbot was bishop also, though his governing function depended on the abbatial dignity, because his house was as a rule founded by and connected with the chief of the clan. The humble and liberal spirit of Celtic Christianity allowed more individual freedom than the intolerant energy displayed by Rome in fixing and unifying the ecclesiastical forms. The Romanist zealots introduced into the British Isles religious persecution, pious forgery, and the veneration of relics, which had been unknown to the independent Celts. We have stated these views of Dr. Zimmer without comment. F. LIEBERMANN.

Clovis. Par G. KURTH. 2^{me} Edition. (Paris: Retaux. 1901.)

THIS work, the first edition of which appeared in 1895, is a critical narrative of the rise of the Franks and the reign of the first Christian king, followed by three appendices, of which the first treats of the sources, the second (added in the present edition) of the controversy as to the place and date of the king's baptism, and the third (by M. Demaison)

of the topography and antiquities of Rheims in connexion with that ceremony. M. Kurth has a thorough knowledge of the literature of the subject and writes in a clear and attractive style, but, writing as a fervent catholic and an ardent admirer of his hero, he is often too credulous towards that which favours his case, and too sceptical towards that which tells against it, though the honesty with which he states the facts and arguments prevents this from constituting a serious blemish in his work. Thus, while he represents the catholics of Aquitaine as groaning under Arian tyranny and welcoming the Franks as deliverers, he treats all accusations of collusion as unfounded calumnies, and as a result is led into positions which appear contradictory. Again, he puts down Gregory's story of the murder of the Ripuarian kings as legend, and that it is not literally true will certainly hardly be denied; but it is very difficult to believe that the kingdom fell to their Salic kinsman through an accidental extinction of the royal line. On the other hand, in the case of the Alamannian war and the baptism, M. Kurth's prepossessions compel him to follow Gregory; but, though he makes out a plausible case against the attack of Dr. Krusch, he cannot make it probable that Gregory drew from any trustworthy source; a life of Remigius, written between 533 and 592, can hardly be accepted as such. Moreover, he fails to notice, and the absence of a map prevents the fact from being apparent, that, if the Salic king fought against the Alamans before the annexation of the Ripuarian country, it can only have been as an ally of the Ripuarians; but, even if this were not so, the statement (ii. 1) that after this war his kingdom was the largest in Europe would still be inexplicable. Certainly the war of 506, which, unlike that of 496, rests upon contemporary authority, cannot be thus explained. The difficulty arises, however, from Chloderic's presence in the Gothic war, and, if we may suppose this statement to be due to some confusion and place the annexation of the Ripuarian lands before 506, we solve not only this difficulty but possibly also the Burgundian enigma, for which M. Kurth does not suggest any solution; the retreat and subsequent inactivity of the Franks may then have been due to Ripuarian defection. Where his prejudices do not apply, M. Kurth's criticism is often acute and his suggestions worthy of all consideration. Thus his analysis of Gregory's sources is excellent, and his identification of Chararic with the Toring king, and consequent dating of the annexation of the Salic kingdoms soon after the overthrow of Syagrius, is attractive. Further, he has, I think, proved that the Gothic war was undertaken in collusion with the emperor; surely, however, Anastasius was not actuated by any visionary idea of recovering power in Gaul by keeping the barbarians at strife, but by the more practical purpose of crushing the ally of his enemy, Theodoric. In earlier history M. Kurth is less successful, his account of the early fortunes of the Franks being largely vitiated by his use of the worthless statements in the Augustan history.

Great stress is laid on the point which he has tried to prove in the *Revue des Questions historiques*, vol. lvii., that Franks and Romans were wholly merged into one people. For this he makes out a strong case, but he omits to deal with the difficulties arising from the principle of personal law as shown in the numerous codes, and once he even appears to surrender his position by admitting (ii. 229) that law remained personal,

though how this is to be reconciled with the statement (ii. 223) that a man's race could only be known by family traditions I am unable to understand.

The utility of the book would be increased by a map and by a more liberal use of dates. Indices to each volume have been added in the new edition, but other headings besides proper names should have been included. In conclusion, I note the following minor points. In i. 52, the statement that Aetius was of barbaric origin, though often made, is, I believe, without authority. M. Kurth is too fond of finding barbarians (especially Franks) among the Roman generals. P. 139, Gratian was killed in 383, and could not therefore have been watching games in 386. P. 190, the Massagetai, whom M. Kurth seems to take for an actual tribe, is merely a pseudo-classical term for any Turanian people. In ii. 77, I can hardly think that Gregory means to say that Alaric was killed by the king's own hand, and, if he does, it is somewhat uncritical to accept the statement. P. 280, Chlodoswintha was not the 'queen of Italy' in 561 or at any other time, but died before the Lombards entered the country in 568.

E. W. BROOKS.

Eduard Winkelmann's allgemeine Verfassungsgeschichte. Herausgegeben von ALFRED WINKELMANN. (Leipzig: Dyk. 1901.)

IT was a happy thought which impelled the editor of this volume to publish his father's favourite course of lectures; for though it contains very little that is original in thought or novel as information, it bears witness to an immense range of reading and a sound critical faculty. Sketches of European history are plentiful; but sketches dealing entirely with the origin and growth of political constitutions in the leading European states are rare, and we know of none which cover precisely the same ground as this volume. Commencing with an account of the political ideas of antiquity, it deals succinctly in twenty-seven chapters with the principal phases of constitutional development in Germany, France, England, Poland, Russia, Switzerland, until the end of the seventeenth century. The interests of the author lay in the direction of medieval history. Developments subsequent to the Reformation are dismissed by him in seven chapters, and we shall not be far wrong in assuming that his purpose was to deal with the origin, growth, and decay of the political institutions of the Middle Age. From this point of view these lectures will be useful. They do not, except possibly in so far as they deal with Germany, supply all or nearly all the facts that will be needed by the student of any single constitution. But they furnish some data for those comparisons of constitutional development in different countries without which no special study of institutions can be made very interesting or valuable.

The book is not easy reading. Winkelmann made no claim to be a stylist, and what is printed here is in all probability no more than the bare *résumé* which he was in the habit of dictating to his class. Hence there is an excessive condensation; many sentences and paragraphs will scarcely be intelligible to the most quick-witted of beginners. The connexion between the lectures considered as a series, or even between different parts of the same lecture, is not always obvious. There is

another fault which, we should imagine, must be attributed to the way in which the lectures were compiled. The editor tells us that they were delivered over and over again, and that on each repetition the author did his utmost to incorporate in them the results of the most recent researches. In consequence he seems to have excised from the first draft a good deal of matter which he doubtless considered elementary and superfluous, but which was none the less indispensable, if a due proportion and coherence were to be preserved. More advanced students will therefore find it to their advantage to look through his pages and note the theories which he discusses. But as a first guide and expositor of outlines he is not so satisfactory.

He was more interested in origins than in fully developed institutions, and we are inclined to think that his knowledge becomes more and more limited the farther he advances beyond the Carolingian epoch. On German history, of course, he is always to be trusted. But so far as France and England, after the tenth century, are concerned, he does not seem completely at home in his subject. He has read many books, he has formed opinions on many controverted questions; but one cannot feel sure that his special disquisitions rest upon the foundation of accurate general knowledge. Thus, in dealing with England, he fails to realise the supreme importance, for the constitutional historian, of the reigns of Henry II and Edward I. He leaps from the treaty of Wallingford to Magna Carta, apparently without being conscious that he has omitted anything worthy of note. He is so much occupied with Simon de Montfort that he forgets to mention the parliamentary experiments and the legislative activity of Montfort's great opponent and disciple. In the chapter on England in the seventeenth century there is an equally surprising omission: nothing is said about the development of the cabinet system. Nor are these the only defects in the English chapters. One has of course no right to complain that the author's acquaintance with the modern school of English research is limited. It is less wonderful that a German historian should ignore the works of Professor Maitland or even Dr. Prothero's 'Statutes and Documents,' than that he should be acquainted with Gross' 'Gild Merchant' and the 'Domesday Studies.' But when he calls Normandy a model state of the feudal type (p. 130), accepts the fable of the division of England by the Conqueror into 60,000 knight's fees (p. 131), falls into mistakes concerning the origin of the jury (p. 136), finds the first mention of a *firma burgi* in Henry I's charter to London (p. 213), and speaks as though the gild-merchant were rarely mentioned in charters before the thirteenth century (p. 214), one begins to doubt whether he has assimilated the ordinary authorities.

French critics may have similar remarks to make upon the chapters which deal with medieval France. Winkelmann seems to follow in the main the excellent works of M. Luchaire, which are duly cited in his bibliographies, but not to improve the material which he borrows by his method, or want of method, in discussing it. The chapter on French feudalism is jejune and disjointed. We miss an account of the means by which the *politique royale* of the early Capets was worked out, though such an account, with the help of Viollet and Luchaire, could have

been easily compiled. Some of the space devoted to discussing the imperial regalia and coronation ceremonies would have been more profitably devoted to explaining the importance of Philip Augustus and Louis IX. Finally it shows a defective sense of proportion, even in one who writes for German students, when the French communes are dismissed in four pages, and twenty-eight are devoted to German municipal institutions. The section which deals with the origin and the government of German towns is most valuable as a guide to the polemical literature of the subject. Those who have patience to grapple with Winkelmann's cramped and allusive discussion of the leading theories and the latest evidence will be thoroughly rewarded for their trouble. But the ordinary student of the Middle Age has, after all, far more to learn from a study of the French commune than from its German counterpart. The relative importance of historical subjects is not to be measured by the amount of controversy which they happen to have produced.

In short, this book will be used, but hardly for the purpose which the author intended it to serve. His interests are not so wide as his subject. His knowledge of foreign history is less thorough than we might expect from his reading. His chapters on German institutions may continue to be useful for a long while to come. Those on the institutions of other countries may be superseded without much difficulty.

H. W. C. DAVIS.

The County Palatine of Durham. ('Harvard Historical Studies.' VIII.)
By GAILLARD THOMAS LAPSLEY, Ph.D. (New York: Longmans. 1900.)

HARVARD University is fortunate in the possession of a fund for the publication of the results of historical research and of scholars of Dr. Lapsley's stamp to take advantage of it. It is not altogether to our credit that the first full and critical study of so striking a phenomenon as the English medieval palatinate should be the work of an American historian. Dr. Lapsley's contribution to the constitutional history of the middle ages in England is of the highest value and a model of thoroughness and scholarly method. Based upon a vast mass of material mostly unedited, it combines ample reference to sources with orderly arrangement and lucid presentation. The origin and use of the term *comes palatinus* in England and the origin of the Durham franchise are first dealt with, and after a concise account has been given of the general nature of the fully developed regality of the bishop the bulk of the work is devoted to an elaborate study of the various institutions of the palatinate. The preliminary questions alluded to are not free from difficulty, and, as Dr. Lapsley differs more or less from all the views that have hitherto been put forth as to the origin of the episcopal regality, we should like to draw attention to some of the points at issue. There is no good ground for disputing the conclusion here arrived at that the expression *comes palatii* or *palatinus* did not get a firm footing in the legal terminology of England until the thirteenth century. Originally the title of a Merovingian officer whose duties corresponded to those of the Anglo-Norman chancellor, it had subsequently become localised in the kingdoms into which the empire of Charles the Great broke up, but in France at

all events it had not altogether lost its earlier application in the last half of the eleventh century. Baldwin of Flanders, for instance, assumed it when acting as regent for Philip I. To this French use of the term *Dr.* Lapsley would refer its application to Odo of Bayeux by Orderic Vitalis, the only writer before the thirteenth century who employs it in connexion with England. Orderic's words certainly support the contention that Odo was so styled as regent (with William FitzOsbern) during William's absence from England in 1067, but the *palatinus Cantiae consul* of one of the passages in Orderic introduces a difficulty which Dr. Lapsley evades rather than explains. The publication of Mr. Round's 'Calendar of Documents preserved in France' seems to have come too late to provide him with what he would naturally regard as a striking confirmation of his view. A gift which William made of some English land to the abbey of Holy Trinity at Rouen is described as due to the suggestion of William FitzOsbern *qui erat comes palacii*.¹ But here again a difficulty presents itself. The gift belongs to 1069, and there is no evidence that FitzOsbern acted as regent after 1067. It is practically certain too that as earl of Hereford he enjoyed privileges to which the term 'palatinate' would in later times at all events have been applied.

The question here raised does not, however, really concern us in dealing with the regality of Durham. The bishop of Durham was not a *comes* at all, and not until the thirteenth century did the close analogy of his position to that of the earl of Chester lead to the attribution to him of the *status comitis palacii*. The *iura regalia* of the bishop were undoubtedly ancient. How ancient and how originated, authorities have not been able to agree. Dr. Lapsley deals very summarily, and quite rightly so, with the common view that the bishop was invested with these powers by William the Conqueror to act as a buffer against the Scots. But it is hardly fair to Bishop Stubbs to say that 'it is impossible to tell how he stands on this point.' One of the passages to which we are referred is so compressed as to appear ambiguous, but the words 'created or suffered the continuance of great palatine jurisdictions' are carefully guarded, and the second passage shows that he placed Durham in the latter category. The rejection of the theory of a Norman creation of the palatinate does not, as Dr. Lapsley proceeds to show, compel us to accept the view that it was instituted by the deliberate act of some Anglo-Saxon king, Alfred or another. A more accurate conception of Anglo-Saxon institutions will lead to the conclusion that the Durham franchise is a case of that *Zersplitterung* of governmental powers which was so characteristic a feature of early England. But is it to be regarded as a survival of local independence or as the result of royal grants of immunity? Mr. Page, in an article published some years back in 'Archaeologia,' had recourse to the former alternative. In his view the palatinate of Durham was a survival of the independence of the ancient kingdom of Northumbria, which, he sought to show, remained almost intact even after its annexation by the West-Saxon kings. He laid stress upon the fact that as late as the thirteenth century the palatinate was merely described as a liberty within the county of Northumberland, and that its south-eastern corner, the wapentake of Sadberg, was actually part of the county down to the end of the twelfth.

¹ *Calendar*, p. 21.

His theory is that the special privileges of the Durham franchise dated from the union of the bishopric and the earldom of Northumberland in the hands of Walcher under William the Conqueror, the local independence of the earldom becoming attached thereafter to the lands of the see, which had down to that time formed an integral part of the county. This theory has the merit of attempting to provide a single explanation of all the Northumbrian regalities, but its weak point is that no adequate reason can be seen why the brief union of the earldom and the bishopric should have conferred such extensive privileges upon Walcher's successors.

Dr. Lapsley's theory that the franchise originated in pre-Conquest immunities bestowed with the lands granted to the see of St. Cuthbert is much more probable and is supported by evidence. There can be practically no doubt that even before the Norman Conquest these lands had ceased to form an integral part of the county of Northumberland, though even in the twelfth century there was still a debatable ground between the county and the franchise, and the *homines Northumbrenses de comitatu* claimed rights of hunting in the episcopal forests. Our information is too scanty to afford a full and clear picture of the franchises of St. Cuthbert and the machinery by which they worked at this early date. Probably at first they did not sensibly differ from those of other ecclesiastical liberties, such as the soke of Peterborough. But the wide extent of the 'Dominium S. Cuthberti' and its situation on a remote and dangerous border enabled a series of able and ambitious prelates to develop their regality into a palatinate whose only parallel was that of Chester. Yet even at its greatest height of power it did not technically rank as a county, since it was not an ancient shire, like Cheshire, but only a fragment of one, and its holders were not earls. For long too it did not include the whole of the district between Tyne and Tees which constitutes the present county. The south-eastern corner, the wapentake of Sadberg, was first acquired by Bishop Pudsey at the end of the twelfth century, until when it remained part and parcel of the county of Northumberland. Possibly this was not the only district between the two rivers which stood at first outside the franchise. The original status of the Balliol fief of Barnard Castle and the Bruce manors of Hart and Hartnesse is not quite clear, and we could wish that Dr. Lapsley had gone more fully into this. It is true that in the fourteenth century the crown admitted the bishop's rights over them in theory, while in practice treating them as fiefs held direct from itself. But what was their position when first granted out to the two great rival families? We cannot, however, enter here into the many interesting points raised by Dr. Lapsley's valuable treatise. Two apparent slips may be noted in conclusion. At p. 42 Hartlepool is said to be included in the manors of Hart and Hartnesse, but at p. 319 in Sadberg. A note on p. 60, on the disafforesting of the land between the Ouse and the Derwent in Yorkshire by Henry III, contains a puzzling statement that 'the Ouse and the Derwent include the greater part of the palatinate.' Can Dr. Lapsley be confusing the Yorkshire Derwent with the more northern river of that name?

JAMES TAIT.

The Commune of London, and other Studies. By J. H. ROUND.
(Westminster: Constable. 1899.)

Studies in Peerage and Family History. By J. H. ROUND. (Westminster: Constable. 1901.)

THE title of 'The Commune of London' is not very informing, for only one of the fifteen essays that the work contains is devoted to discussing the particular subject. The others range over a great variety of topics from the settlement of the South-Saxons in the fifth century, to the battle of Bannockburn, and events connected with the coronation of Richard II. It is impossible, therefore, to treat the book as a whole, and, indeed, difficult to know where to begin. Mr. Round, however, is obviously of the opinion that his discoveries connected with the 'commune' have the most interest, and so perhaps it will be best to devote most attention to these.

The discoveries in question consist in bringing to light from a manuscript in the British Museum two documents, one of which speaks from 1193 and the other from 1205-6. In the earlier of these we purport to have set before us the terms of an oath, sworn to by the general body of the commune, and binding them to show due obedience to the mayor, the *skivini*, and the other *probi homines* of the city. In the latter we get the terms of another oath, which is described as being taken by a body of 'twenty-four,' presumably on their entry into office. Now several of the chroniclers mention the granting of the 'commune' in 1191, and the mayor first meets us in documents in the spring of 1193, but hitherto nothing has been known of the existence in London at any time of officers known as *skivini* (*échevins*) or *probi homines*, and not much of any council working with the mayor, though there is one reference in 1200-1 to a body of 'twenty-five.' The questions, therefore, that arise are, When did these officials first come into being, and what were their relations to each other? The solution propounded by Mr. Round (p. 124) is that we have here 'a foreign organisation transplanted bodily to London' on the granting of the commune in 1191, or immediately afterwards, an organisation 'wholly unconnected with the old and English system;' that accordingly we must look abroad for a model, and that we shall find this model in the constitution of the commune at Rouen, the capital of the continental dominions of the English crown. For a 'conclusive proof' of these assertions Mr. Round refers us to the description of the government of Rouen contained in the document known as the 'Établissements de Rouen.' This shows us an administrative body called the 'Vingt-Quatre,' composed of twelve *eschevini* and twelve *consultores*, assisting the mayor and annually elected. The headings too of the oath taken by these officers correspond roughly with the clauses of the oath ascribed to the London 'twenty-four.' Hence Mr. Round takes it for granted that there was a complete correspondence between the two organisations; that in both cases the council comprised twelve *échevins* and twelve 'councillors,' and that in London, as at Rouen, one of its chief duties was to administer justice. It follows too, if the model was faithfully copied, that the 'twenty-four' had nothing to do with the wards

or the aldermen, but were elected by the city as a whole, though Mr. Round admits that we cannot 'define the franchise.'

This outline of Mr. Round's argument, though it necessarily is too brief to do the argument justice, sufficiently shows the nature of the new chapter that Mr. Round considers he has added to the story of the development of London. The question is, is he justified in claiming (p. 239) that the evidence he adduces amounts to a 'conclusive proof' that 'London possessed in 1193 a fully developed *commune* of the continental pattern,' or even, if this were to be admitted, that the origin of the organisation was as he supposes?

We hardly think that he has proved either point, and certainly not the former. For surely the chief feature of a fully developed commune was the annual election of the officials; but where is the evidence before 1215 that either the mayor or the *skivini* or the *probi homines* were annually elected, or even elected at all? The chief fact that we know about the first mayor of London is that he was mayor for life, and there is nothing to show that he was not appointed by the crown in the first instance, and maintained in office by the crown's authority; and, if the mayor, why not the lesser officials? Then again, why should John specially issue a charter in 1215 granting the Londoners the right to elect their mayor annually, if they had already enjoyed the privilege of election as regards both the mayor and his council for over twenty years? Surely, too, if the commune was as well established and developed in 1193 as Mr. Round supposes, it is a little odd to find that both John's charters to London in 1199 and 1215, like the charters of Henry I and Henry II, are grants to the citizens merely and not to the mayor. Then as to the origin of the *skivini* and *probi homines*, it is certainly not necessary to assume that they were borrowed from Rouen because a parallel to them can be found there. *Échevins* were common enough elsewhere in France, Flanders, and Germany, and it is not improbable that analogies could also be found elsewhere for the *probi homines*. The parallel, too, between London and Rouen, as Mr. Round admits, is not complete; for an essential feature of the Rouen organisation was the body of electors, the *centum pares*, and of these we have as yet no trace in London, either at this time or later. Then again it is not by any means conclusive that the *skivini* were of foreign origin because in the document they are described by a foreign name, or that something like them had not existed all along in London, though, owing to the scantiness of our materials, we have no reference to them. Already before the Conquest, as Domesday proves, there were officials in some towns practically occupying the position of the continental *échevins*, and their number, where noted, is recorded to have been twelve. But if Chester, Lincoln, Cambridge, and Stamford had their *iudices*, or 'lawmen,' in 1066 it is quite possible that London had also. Anyhow it is quite clear that, whether mentioned or not, all towns, at the close of the Anglo-Saxon period, must have had some organisation for performing the duties carried out in Cambridge or Lincoln by the 'lawmen,' and there is no reason (except the argument from the silence of the documents, which is no argument) for supposing that, whatever it was, it was swept away by the Normans. The *skivini* of 1193 may, therefore, so long as there is no positive proof against it, be

quite well assigned to an English origin, so far as their office and duties are concerned, and only their name be foreign; and even this foreign touch may only be due to the document that brings them before us being penned by a writer of foreign extraction. These suggestions are, of course, not made under the impression that they are any more convincing, or even as plausible, as Mr. Round's hypothesis, but merely to emphasise the position that Mr. Round's explanation, valuable and suggestive as it is, is only an hypothesis and not the 'proof' he claims it to be.

Another case, where Mr. Round speaks confidently, but where quite a different explanation of the facts from the one he suggests seems equally possible, occurs in another part of the essay on the commune, in a section dealing with the changes in the amount of the *ferm* of London and Middlesex, which, as the Pipe Rolls show, took place in the years 1174-1176. The facts are as follows: Down to 1173 the *ferm* accounted for amounts to 547*l.* a year, but in 1174 the crown substituted its own *custodes* for the sheriff, and the *ferm* immediately dropped to 238*l.* In 1175 it remained at the lower figure, but in 1176, on a sheriff once more taking charge of the county, it again leapt up to the 547*l.* formerly exacted. How are these changes to be explained? Mr. Round sees in them (p. 232) a heavy loss to the crown, submitted to in order to reward the Londoners for remaining loyal during the great feudal revolt, and also a proof that the sheriffs were the victims of extortion. But is it not possible that the explanation is rather to be sought in the Pipe Roll of 1173? Here we find the citizens furnishing a *donum* of 666*l.* (1,000 marks), which if added to the two sums of 238*l.* collected in 1174 and 1175 by the *custodes*, makes up a total of 1,132*l.*, or slightly more than the sum which would have been realised if the *ferm* had never been altered and no *donum* levied. In other words, what we have to do with is not a loss to the crown or a relief to the citizens, but a case of the crown, to meet its difficulties, getting a large part of its income from London two years in advance, and at the same time by means of its *custodes* taking not only the value of the *ferm* but also the sheriff's profits as well, when collecting the balance.

For advancing the study of English institutions the papers of most value, next after the paper on the commune, are probably those dealing with 'the origin of the exchequer' and 'the marshalship of England.' In the first of these Mr. Round turns the lens of criticism on to the historical statements made in the 'Dialogus de Scaccario,' and shows good reason for thinking that the author was not free from the effects of family pride, with the result that he tends to exaggerate the changes made in the exchequer organisation under Henry I by the founder of his house. This is particularly noticeable in what the 'Dialogus' has to say about the origin of the 'blanch ferm' and the *firma comitatus*. Both these are claimed by Nigel as novelties under Henry I, but both can be traced in Domesday as existing before the Conquest. More than ever, in fact, the evolution of the exchequer is seen to be a gradual process and not the result of any one set of reforms. For its original germ we must look to the treasury at Winchester before the Conquest, and it was at Winchester, and not at Westminster, that many of its practices first took shape. The transfer to Westminster was only very gradually effected, the treasure

being kept at Winchester even as late as 1130, when there is evidence of a Winchester audit of the treasury accounts taking place distinct from the exchequer audit at Westminster. Similarly with some of the exchequer officials, their history seems connected with Winchester rather than Westminster, their salaries consisting of the rents of estates in Wiltshire and Hampshire, which they held in serjeanty.

Mr. Round obtains these results by an ingenious piecing together of many small scraps of evidence, and he uses the same method to very good purpose in tracing the history of the marshalship. Since Camden's time the notion has been prevalent that there were originally two offices, 'the marshal of England' and 'the marshal of the household,' which subsequently became united. Mr. Round, however, clearly shows that there was never more than one office, and that the mistake has arisen from an error in the account that has come down to us of the claims made to perform the duties of the office at the coronation of Richard II. In this the daughter of Thomas de Brotherton is represented as claiming to do the service, as her predecessor, Gilbert Marshal, earl of Strigul, had done it at the coronation of Henry II. But there never was such a person in 1154 as Gilbert Marshal, earl of Strigul, and Mr. Round has no difficulty in showing that the reference really should have been to the coronation of Queen Eleanor in 1236. Hence there is no longer any reason for asserting that in Henry II's day the Clares as well as the Bigods were holders of the marshal's office. In tracing the subsequent fortunes of this office Mr. Round comes to the conclusion that the title 'earl marshal,' as opposed to 'marshal' simply, was first conferred by a grant, which he has brought to light, dated January 1386; and this enables him to illustrate the indirect uses to which his researches may be put. For it is by this new title that the marshal is referred to in the '*Modus tenendi Parliamentum*,' and consequently Mr. Round claims that the date of this famous document, which has never been settled, cannot be earlier than 1386. In fact he concludes that it may most probably be assigned to the constitutional crisis in that year, from the prominent part given to the constable, the steward, and the marshal in the document, all three of whom were at that time leaders of the opposition to the crown.

Turning now to the articles that bear less directly on the growth of our institutions, the one that has the most importance is probably that entitled '*The Great Inquest of Service, 1212*.' This inquest, though compilations from the returns to it form a large part of the matter both of the '*Red Book of the Exchequer*' and the '*Testa de Neville*,' has not hitherto attracted the attention it deserves. In fact it has hardly been apprehended that there was a great inquest at this date; for the entries in the '*Testa*' are undated and sandwiched in between other returns of a much later date, while those in the '*Red Book*' are not assigned by their heading exclusively to the year 1212, but to both the twelfth and thirteenth years of John's reign. Mr. Round's first object then is to show that there was really only one inquiry, made in return to a writ dated 1 June 1212, which is still extant, and ordered to be completed by 25 June. In this enterprise Mr. Round would appear to get rather the better of Mr. Hall, who, in his edition of the '*Red Book*' for the Rolls series, speaks as if there were two, if not more, inquests. But the point

cannot be finally settled till the returns have been carefully collated; nor, even if it were, need we maintain that the compilers of the versions of this inquest found in the 'Testa' and the 'Red Book' drew their matter solely from the one source, and never filled up lacunae from other official records in their possession, if it was necessary. Mr. Round seems inclined to assert this, but some, for instance, of the Cambridgeshire returns in the 'Red Book' (pp. 524-30) seem only explicable on the opposite theory. For among these we find inserted a list of the knights holding in Cambridgeshire of the honour of Richmond, among whom are Roger de Tornes, holding one fee in Wyken, and William de la Mare holding three fees in Wood Ditton. Two pages further on, however, we are informed that Hugo Malebise holds the Wyken fee, and Thomas de Valoniis the three in Ditton, and it is quite possible to show from other evidence that the two latter were really the tenants in 1212, and that the other names are those of their predecessors, a not improbable explanation of the repetition being that, though the compilers had some information for Wood Ditton and Wyken for 1212, they had no information for the Richmond fief as a whole, and so inserted another return of an earlier date, which to some extent fills the gap, but only partially, and which is in conflict with other statements they have inserted in their compilation.

Having argued that there was only one inquest, Mr. Round next discusses the comparative importance of the two versions of the returns that have survived, maintaining that the one in the 'Testa' is by far the most valuable. But surely there is no need for the comparison. The two are obviously complementary, neither being free from lacunae or mistakes, and if the inquest is ever to be understood it will only be by collating and combining the two. The 'Testa,' indeed, is better spelt and has more detailed returns, but, on the other hand, the 'Red Book' gives us returns for eleven counties where the 'Testa' is entirely silent. It would seem also as if the object of the compilers in either case was somewhat different; for in the writ of 1 June we find that practically two distinct inquisitions were ordered, one setting forth the fees that were held of the crown *in capite*, and the other a statement of what tenements, formerly held by the crown, had been alienated, and to whom they had been granted; but in the 'Red Book' very little is reproduced of the returns under the second category, whereas the special feature of the 'Testa' is that it devotes a great deal of space to them, and reproduces the returns in many instances in full, hundred by hundred, just as they were sworn to by the local jurors. This last point is interesting, as it shows that at any rate the second part of the inquisition was made in the same way as was the Domesday survey, a conclusion which is in harmony with a reference to it in the 'Annals of Waverley,' where it is spoken of as made *per singulos hundredos*. But it does not seem clear that in all the counties the first part of the inquiry was made in the same way; nor would it need to be, for the sheriffs had made frequent returns before as to the number of the fees in their districts, and must have had the information ready to hand, except, perhaps, for here and there an occasional new infeoffment.

Space forbids us to follow Mr. Round much further, though there is much that is interesting and of value in the other papers, especially in

the two devoted to the conquest of Ireland and the authenticity of the Bull 'Laudabiliter,' and in that on 'London under Stephen,' where he traces the existence of a succession of 'justiciars' of the city. His exposure, in the first essay, of the untrustworthiness of Kemble's list, professing to give the English place-names ending in 'ing,' is also important, but we cannot follow him in his theory that place-names ending in 'ham' indicate an earlier settlement than place-names ending in 'ton.' This theory is only supported by evidence drawn from the distribution of the names in Sussex and Essex, and Mr. Round does not seem to be aware that the suffix 'ham' is not always to be interpreted as meaning a 'home,' but in many cases represents the Anglo-Saxon 'hām,' meaning a 'meadow.' As part of his argument is based on the 'hams' being on the rivers, this distinction is obviously of some importance.

Most of the eleven essays which make up the 'Studies in Peerage and Family History' appeal more to the general public or the genealogist than to the student of history proper. Their main object is to expose the methods of the Heralds' College both in the past and in the present, and by the examination of actual instances to show how difficulties have been glozed over, and what little faith can be placed in many famous pedigrees that have been duly certified by the heralds and long accepted both by the families in question and by the public. This makes entertaining reading, but it must not be thought that because of this Mr. Round is not very thorough in his work. On the contrary he is obviously very much in earnest, and we feel that we are following the guidance of a master as he points out ruthlessly all the weak spots in one pedigree after another. Incidentally, too, much side light is thrown on historical problems. For instance, one of the pedigrees that Mr. Round deals with is that of a family claiming descent from the Stewards of Scotland, and Mr. Round utilises this opportunity not only to demolish their claim, but also as a peg on which to hang an inquiry into the true origin of Alan Fitz Flaald, from whom the kings of Scotland descended. This is made completely plain, Flaald being identified beyond any possibility of a doubt as one of the sons of Alan the dapifer or steward of Dol, thus showing that the ancestors of the Scottish house were already 'stewards' in Brittany before ever they came to Britain. Similarly the descent of the family of Ballon leads Mr. Round to discuss a number of points in the history of the conquest of South Wales, and it is only to be regretted that the subject is not treated more systematically. Mr. Round, however, would doubtless reply that it is only by following up the clues afforded by family history, and tracing the members of a house by their benefactions to religious houses from manor to manor, that he is able to obtain so much new material from nooks and corners where it would not otherwise be searched for, and that consequently it would be wasting time for him to throw his results into a more easily intelligible shape, which after all can be done by others.

Quite another field of research is opened in the paper on 'Henry VIII and the Peers.' In this the attempt is made to work out the process in detail by which the decided clerical majority in the house of lords was done away with, and a decided lay majority substituted in its place.

This is usually attributed to the removal of the abbots in 1539 on the dissolution of the monasteries, but Mr. Round's calculations, if admitted, show that for ten years before this date the lay majority had already existed. The question then is, was the shifting of the balance accidental, or was it due to an intentional action taken by the king to get over the opposition of the spiritual peers to the reform legislation of 1529-36? Mr. Round maintains that there is sufficient reason for holding the latter view, and that the seven new barons created in 1529 were expressly added to the 44 lay peers already existing, in order to get a lay majority over the 50 spiritual peers. The weak point about this is the smallness of the majority attained—namely, a majority of one—for if it was designed to shift the balance surely it would have been done more effectively. It is true that the lay majority was subsequently increased to four in 1534, but it is evident that even so, as all the 104 peers never attended, there could be no certainty which way the voting would go in an emergency.

W. J. CORBETT.

St. Gilbert of Sempringham and the Gilbertines. By ROSE GRAHAM.
(London: Eliot Stock. 1901.)

MISS GRAHAM was well advised in taking the Gilbertine order as the subject of her first monastic monograph, for as the only order which took its origin in and was peculiar to England, and as one of the orders of 'double' monasteries, it has a twofold claim on the interest of English readers. The story can be dealt with, too, in reasonable compass, for the order was not large, rich, or learned, and the cartularies and registers of its houses are neither numerous nor unwieldy. Major Poynton's papers on the Sempringham charters have opportunely prepared the way, and of the other twenty-five houses only one has bequeathed us a considerable register—that of Malton, which has been freely drawn upon by Miss Graham. No visitation records exist (the order was exempt from episcopal visitation), and the literary obscurity of the Gilbertines encouraged no one to make bulky collections of biographical notes for the history of the order. The chief source is the life of St. Gilbert, by one of his canons who knew him well, and the long and detailed but somewhat confused rules and institutes for the canons, the nuns, the lay brethren, and lay sisters. Miss Graham briefly summarises the rule from the version in the 'Monasticon,' not neglecting some necessary enlargements from the manuscript which was used for that edition. For the rest the scattered references in the chronicles, the criticisms of Walter Map, Giraldus Cambrensis, and others, the occasional entries in the calendars of patent and close rolls and papal registers, and the records of the dissolution, yield a rather fragmentary collection of notes which have been industriously pieced together. An appendix of extracts from Mr. St. John Hope's paper on the interesting excavations at Watton, and better still his ground-plan, serve to bring the arrangements for a double house before the eye. As the poverty of the Gilbertines prevented the order from leaving any great architectural memorial, this curious ground-plan, saved to us by the earth itself, has a moral of its own. The book is further illustrated with photographs of some of the houses that have been converted to other uses, and of some of the Gilbertine churches, all of humble

character, which still stand. St. Gilbert, adopting largely the Cistercian rules, was in favour of a stern simplicity, and though at one time the canons seemed likely to earn a Cistercian reputation as sheep farmers, no very vast wealth seems to have accrued to any of the houses, tempting the canons to give the rule a wide interpretation. Save for the enduring interest that must always surround the story of St. Gilbert himself and his method of organisation, the history of the order is curiously tame. Whatever scandals we have record of took place in the founder's lifetime, and Miss Graham gives the references, but refrains from all comment. After St. Gilbert's death the White Canons maintained, it would seem, a very placid existence. Having no great architectural aspirations, there was no need for wonder-working relics. Of their financial dealings in connexion with the wool trade little seems to be known, but the allusions in John's reign to 'cloth of Sempringham' (apparently a good quality of stuff) would show, perhaps, that the sheep farming of the canons had led to the starting of a weaving industry.

In education, where the founder had shown himself so conspicuously successful, his followers played no important part. The canons were forbidden to teach any boys other than novices, lest the work should interfere with their care for the nuns, and in 1223 the order was forbidden to admit any girls to be nurtured or taught who did not intend to become nuns. But the canons, whose convents were nearly all in the eastern counties, had their house for students at Cambridge, and St. Edmund's was well endowed with acre strips in the Cambridge fields. The only named writer of the order was Robert Mannyng 'of Brunne,' and he translated from the French. His versification of Langtoft and his rendering of the 'Manuel des Pechiez,' with the anonymous French continuation, written at Sempringham, of the 'Livere de Reis de Brittanie, 1280-1326,' is the total literary output, so far as is known. Sempringham alone occurs in the list of libraries made by 'Boston of Bury.' It was a rule of the order that Latin should not be spoken by the nuns except in case of necessity, but the unlettered—those who had no knowledge of the holy offices—had to join the ranks of the lay sisters. The rule contemplates the employment of the canons in literary labours of some sort—they were permitted to enter the common room to dry their parchments at the fire—and it is not safe to conclude, as the author does, that writing was in any way discouraged, because the rule orders that there shall be no *secret* writing and no hiring of writers.

Here and there Miss Graham's book seems to call for some pruning, here and there for expansion. A far fuller account of the rule should have been presented, for it would yield a rich harvest of information for those who cannot read the rule in the shape in which the 'Monasticon' presents it. Some statement, too, was to be expected as to the relations of St. Gilbert's order to its predecessor and prototype, that of Fontevrault, as also to Norbert's Premonstratensians, who at one time seemed likely to rank among the orders of double monasteries. The points of resemblance between men so nearly contemporary as Robert of Arbrissel and Gilbert of Sempringham are not to be ignored. Gilbert's debt to the Augustinians and his debt to the Cistercians should be traced out through the rule. A map showing the situations of the houses, or a list of them, and

a statement of their relative importance at the dissolution would have been useful additions. There is a reference in Hardy's 'Catalogue' to a manuscript of the Sempringham annals, giving all the priors from the foundation to 1396, which one would fain have seen followed up. Space for all this could have been found by the excision of some discursive historical narrative which is but slightly connected with the order's history. Some small errors show a want of care in matters that are merely incidental to the main theme. Boston was not a fen monastery; Geoffrey Fitz Piers did not marry the sister of Geoffrey de Mandeville; Vermuyden did not drain the fens in the sixteenth century; there was no hospital of Corpus Christi at Cambridge; Waleran was count of Meulan, not Mellun.

MARY BATESON.

Rôles Gascons. Transcrits et publiés par CHARLES BÉMONT. Tome II. 1273-1290. (Paris: Imprimerie Nationale. 1900.)

THOSE interested in Anglo-Gascon history have long been anxiously expecting the remainder of M. Bémont's edition of the 'Gascon Rolls' of the reigns of Henry III and Edward I, the first part of which, noticed in vol. xii. pp. 344-6 of the *English Historical Review*, was published in 1896. Though properly only a supplement to Michel's imperfect labours, this instalment showed all scholars how fortunate a thing it was that an editor of M. Bémont's rare qualifications should have been entrusted with their publication. It is, however, a disappointment to have had to wait for five years before any of Edward's Rolls have been published. And even now we get only the text of the Rolls down to 1290, with a rather ominous reminder that the editor is not responsible for the long delay and a hint that the completion of the work is still *peut-être lointaine*. May we express a very devout hope that the whole of Edward's Roll will soon see the light? As M. Bémont's own introduction, apparatus, and index for the whole of Edward's Rolls are reserved until the whole of the text is published, it is perhaps a rash thing to say very much about the value and importance of the documents which are before us. But this welcome addition to our texts gives a fresh reason for associating oneself with the reviewer of the earlier portion of M. Bémont's labours in speaking very emphatically as to the excellent method, the unflinching accuracy, and the scholarly precision which are to be found in the editor's work. M. Bémont's vigilance seems never to fail. Here and there a document has strayed from its right place and is registered in the wrong year of the king's reign. M. Bémont's extraordinary care and profound knowledge of the period at once enable him to detect the error and in a brief note to show conclusively the real date of the entry. Thus he has found in the last roll of 17 Ed. I several important relics of the missing roll of 16 Ed. I. But the best instance of his skill is the conclusive proof that the roll hitherto regarded as 10 Ed. I on the faith of a modern manuscript note on the parchment is the missing roll for the part of the second and third years of the reign.

Not less admirable is M. Bémont's skill in the identification of place-names. The towns and villages of southern France, which have been such stumbling-blocks to most English editors, have no terrors for him. Here and there he confesses himself baffled, as, for example, by the

mysterious 'Baa,' in the neighbourhood of Bordeaux, a *bastide* whose limits are partly known, but whose exact site has not been located; or by another *bastide*, Saint Osbert, whose situation can only be defined as *peu éloignée de Langon*, but whose founder was certainly not the seneschal Osbert, as M. Curie Seimbres¹ seems to have thought. With regard to the *bastide* of Baa, which Curie-Seimbres does not mention, and whose name first occurs in a casual reference in 1289, is it not possible that the name, a well-known corruption for 'Bath,' was given by or in honour of Robert Burnell, Edward's famous minister, of whose mission to Gascony in 1278 along with Otto of Granson this volume gives copious particulars? Unluckily the numerous foundation charters of *bastides* given in this volume do not include that of 'Baa.'

M. Bémont has been nearly as successful in his identification of English as of Gascon place-names. The doubtful ones that I have noticed are both few and unimportant. On p. 30 'Stanstede' is not Stanstead in Kent, but a mistake for Banstead in Surrey, as is shown in Mr. Gough's recent 'Itinerary of Edward I' (i. 71), whose view is confirmed by the previous and subsequent movements of the king. *Comté de Flint* as a description of Rhuddlan is, of course, accurate in modern phrase, but it is perhaps regrettable that M. Bémont follows the doubtful example of our own Record Office officials in locating places in counties that at the time did not exist. On p. 34 'Wydindon' is clearly Withington in Gloucestershire, and not, as M. Bémont says, Widdington in Essex. On p. 2 there is a wrong reference to Peckham's Letters: *lettre I.* should be *lettre II.* It may also be worth while to place on record a correction in M. Bémont's earlier volume which escaped the notice of his reviewer. On p. 155 of the supplement to Tome I 'Pervethelac' is ingeniously but unhappily identified with Llantilio Pertholey, near White Castle, in the modern Monmouthshire. It should, of course, be 'Perveddwlad,' the district of the well-known Four Cantreds of the vale of Clwyd, in North-east Wales.

M. Bémont tells us that Edward's Gascon rolls are nearly complete. It is very unfortunate, however, that there are two bad lacunae in the rolls, and doubly unlucky that these gaps should occur at the time of Edward's two chief visits to Gascony. Of the first of these M. Bémont speaks rather too lightly. *Il n'y en a point*, he says, *pour la première année, où le roi était encore en Palestine.* As a matter of fact Edward left Palestine only a few weeks before his father's death, the news of which first came to him in Sicily. He spent the greater part of the first year of his reign in Italy, in France, and in Gascony itself. In August 1273 he moved from Paris to the south, and was at Saintes by the 27th of the month.² He remained in Gascony until June 1274, a date which carries us half through the second year of his reign. The first entry in the rolls of 2 Edward I is on 12 Nov. 1274. It is a great pity that the acts of the king during the war of Limoges and the war of Béarn are thus destined to remain in obscurity. Even the itinerary of Edward during that year is very imperfectly known. To Mr. Gough it is almost absolutely unknown, but from French chroniclers and other sources Mr.

¹ *Essai sur les Bastides*, p. 243.

² Langlois, *Philippe le Hardi*, p. 75.

Gough's somewhat limited researches can largely be added to. If an itinerary of Edward is to be made complete, it must not simply be compiled from the English public records, but from all available sources of information. For instance, the minute details of Edward's whereabouts almost from day to day during his visit to the Limousin in May and June 1274 can be got from the 'Marius Chronicon Lemovicense,' published in the twenty-first volume of Bouquet. But Mr. Gough only knows vaguely of a visit to Limoges from two or three references in the 'Foedera,' and there is a strange contrast between the precision of M. Bémont's identification of place-names and the haphazard guesses of the English scholar.

The other chief lacuna in the Gascon Rolls is equally regrettable. It includes the earliest part of the long visit paid by Edward to the south in the years 1286 to 1289. For April 1286 to February 1288 we have, I think, no Gascon acts of Edward. For the greater part of 1288 we have only those which the vigilance of M. Bémont has detected as enrolled in the 17th, instead of the 16th, year of the king. But we have a compensation in the important roll of 17 Ed. I, the last year of the king's sojourning in Gascony. It is by far the longest roll in the volume, and bears wonderful testimony to the king's energy and many-sided activity. Its fulness makes us regret the more the loss of the rolls for the 15th and 16th years. From the elaborate roll of 17 Ed. I a full itinerary of Edward can be drawn, and Mr. Gough has well employed the manuscript roll in his careful itinerary for that year. As I have already remarked on the limitations of Mr. Gough's work, it is but fair to add cordial testimony to the care with which he has laboriously got from the manuscript roll nearly all that can be learned from the printed roll now before us. It is only when we get to the case of the entries of acts of the previous year on the roll of 17 Ed. I that Mr. Gough goes astray, and even here he has once or twice found out for himself what M. Bémont has now proved conclusively. But the Aquitanian identifications of Mr. Gough are quite terrible in their badness. A true and complete itinerary of Edward during his foreign journeys still remains to be done.

An important feature of this volume is the rich series of charters of *bastides*. So greatly was Edward smitten by the characteristic *Städtegründungsfieber* of his age, that on one day he founded four *bastides*. His work was made the simpler by giving all these new towns absolutely identical institutions. And no sooner was the Agenais handed over to him by the treaty of 1279 than a new crop of foundations in that district attests the continued activity of the king and his seneschal. But it will be well to wait until the whole of the rolls of the reign are published before speaking of these at length.

Other points strongly illustrated in the volumes are the frequency of appeals from Edward's Gascon subjects to the court of Paris, and the strong and not always very legitimate means taken by Edward to frighten or bribe appellants into being content with his own courts. The factions of the Gascon nobles and townsmen, the ending of Bordeaux feuds by the almost compulsory intermarriages of the leaders of rival parties, the taking into the king's hands of the mayoralties of Dax and Bordeaux in a way that served as precedents for Edward's famous interruption of the liberties of London, the persistence with which Edward

continued to find offices and heiresses in Gascony for the Savoyard friends of his youth, his long and disturbed relations with Gaston of Béarn—these and many other similar points are amply illustrated in the new material provided for us by M. Bémont. If Arnold de Gavaston was, as is generally thought, the father of Piers Gaveston, we learn on p. 291 that the wife of Arnold, and therefore the probable mother of the future favourite, was Claremonde, lady of Marsan (dept. Gers, arr. Auch), and that she was dead before 1289, leaving a daughter for whose maintenance Edward made liberal provision in that year (no. 975, p. 291). It is characteristic that Mr. Dodge, the recent biographer of Gaveston, to whom these facts were partially known, speaks of Arnold's wife as 'called Lady Marcia while she lived.' The Latin is 'Domina Marciani.'

M. Bémont has in this edition rendered a real service to English and French historians alike. We wait with impatience for the conclusion of his labours.

T. F. TOUT.

Lettres Secrètes et Curiales du Pape Jean XXII (1316-1334) relatives à la France, extraites des Registres du Vatican par AUGUSTE COULON. Fasc. I-III. (Bibliothèque des Écoles Françaises d'Athènes et de Rome.) (Paris: Fontemoing. 1900-1901.)

THE grand enterprise of the French school at Rome marches onward with extending front. Although but one of the twelve distinct series of registers of thirteenth-century popes has been as yet brought to completion, nearly all are well advanced, and the school has energies to spare for the development of a new plan of campaign, in which the first movement is now revealed. If not quite on the same level of magnificence as the scheme for the earlier registers, that adopted for the fourteenth-century popes will still be an object of despairing envy to subjects of less liberal governments. The documents published or calendared in the present series are to be those relating to French affairs only, but it is not only to French historical students that access to them will be indispensable, for there cannot be any question as to the importance of the documents contained in them, and the period is one that has suffered in some measure from neglect. The fortunes of the sons of Philip the Fair possibly lacked interest to writers of the old dynastic school. Yet it seems a mistake to suppose these princes lacking in individuality. There are indications of rather definite lines of policy in their conduct, though the brevity of their reigns prevented any clear development of results. The pope, on the other hand, still suffers from the naturally unsympathetic treatment of Italian chroniclers, and the interest of his modern biographers has been rather in the quarrel with the Fraticelli than in his relation to France. But the part played by John in the intricate family quarrels and negotiations, which were necessary to the firm establishment of Philip V on the French throne, is worthy of study, and the subject occupies a very large space in the three parts now issued, which comprise the first four years of his pontificate. On the whole we gather that the vigorous action of Philip as prince, by which the sacred college had been persuaded to end the abeyance of the papacy, found its reward in a tactful support afforded by the new pontiff to Philip as regent and as king. In the first stage of Philip's rule, while he acted as regent, until the queen dowager, his sister-

in-law, should be delivered, we have a dispensation granted for the marriage of the queen's son or daughter, as the case might be, with Philip's daughter or son. When the birth and death of the infant king John had made this means of securing Philip's authority useless, a worse chaos began, but the pope continued active on Philip's side. Besides a multitude of letters in which he admonished the various princes of the houses of France, Valois, and Burgundy of their duty to their chief, and expounded the blessings of peace and unity, substantial aid was given, as well in the instructions to the *nuntii* who were ordered to assist at the conference, as in the pope's consistent policy in regard to matrimonial dispensations. Applications for these were frequent, both as a means of reconciliation between Philip and his possible rivals, and as a means of cementing alliances of the rivals among themselves. By means of the double marriage arranged with Burgundy Philip was able to induce that house to waive the substantial claims of their ward, the daughter of Louis X, to the sovereignty, if not of France, at least of Navarre and Champagne, so the dispensation is readily accorded. A subsequent treaty of marriage between a daughter of Philip and a son of the comte de Nevers was necessary to the final arrangement of a protracted dispute with Flanders, in which much astuteness on the Flemish side is met by strong powers of coercion given to the papal nuncio, and here too dispensation is readily given. On the other hand applications by the comte de Valois to ally his house with that of Nevers or that of Artois are as consistently refused. For the details of all this scheming, complicated as it is by intrigues against Philip's minister Henri de Sully, and disputes with the queen dowager, the letters now first printed are indispensable. Among many other subjects dealt with are the conspiracy against the pope in 1317, plans for a crusade which actually got as far as the formation of a joint Franco-papal squadron of ten galleys—though this was promptly disposed of to the king of Naples—and ecclesiastical reorganisation consequent on the formation of the archbishopric of Toulouse. Gascon affairs occupy much space, but these letters are mostly to be found in the work of M. Guérard. English affairs are touched on in the mission of the cardinals Gaucelm—M. Coulon decides for *m* against *in* on the evidence of a seal—and Luke, with a few other letters of no great importance. For social interest may be noted inquiries into sorcery, lectures to Philip on the wickedness of going to the barber on Sunday, and remarks on the virtue of a *cornu serpentinum*.

The first impression given by the parts now issued is favourable to the editor's work, but it is early to speak definitely, while index and prolegomena are still in the future. Some disappointment, we think, will be felt in the character of the register itself. We had looked for something rather more authentic and definitive than we find here. The two volumes from which most of the letters here printed or calendared are taken seem to be almost entirely without dates, to be far from chronological in order, to include many letters never sent or sent in a different form, and lastly to be only transcripts of other registers now lost; at least so we seem to gather from transcribers' notes quoted by the editor, but the prolegomena will no doubt explain this point. The lack of dates and chronological order in these two books has given the editor a world of trouble, causing

him to abandon the accepted rule of printing in the order of the registers, and to try to date every document from internal or other evidence. The task seems to have been done with skill, but we are not quite convinced as yet of the wisdom of the plan. After all the order in the register is pretty sure to mean something, and the reader who wishes to know all about the letters will probably be driven into reconstructing it, a work which is rendered considerably harder by numerous misprints in the references at the head of the letters. A middle course might have been taken in this matter between that of Mr. Bliss and M. Coulon.

J. P. GILSON.

The Cely Papers : Selections from the Correspondence and Memoranda of the Cely Family, Merchants of the Staple, 1475-1488. Edited for the Royal Historical Society by H. E. MALDEN. (London: Longmans, Green, & Co. 1900.)

FROM a mass of material bearing on the history of this family, and now included in the series known at the Record Office as 'Ancient Correspondence,' Mr. Malden has selected a considerable number of accounts, notes of sales, private and business letters, which enable us to form a very good idea of the ordinary life and transactions of a stapler towards the close of the fifteenth century. By that time the staplers were, as we know, holding their own with difficulty, and of this the correspondence before us bears ample evidence. Trade risks, piracy, complications and changes in foreign relations, an increasing home demand for wool, the indirect competition of the merchant adventurers, all these things combined to render profits more or less precarious for the stapler, who could be certain of little beyond the unfailing demand for customs. But the Celys, notwithstanding their many difficulties and grievances, were prosperous people, with their private house in Essex, their place of business in London, and their warehouse in Calais, interested in the price of hawks and horses no less than in that of wool, and able to gratify their tastes in both directions. It is striking that such independent and apparently successful merchants should have worn the livery of the Prior of the Hospitallers. As Mr. Malden points out, 'it extends our view of the evil, against which Henry VII set himself successfully, to find well-to-do merchants becoming the dependents in that way of a nobleman' (p. viii). To the student of the wool trade the documents furnish many valuable illustrations of fifteenth-century practice. Many of them touch points of considerable interest, such as the transport of wool, and the ordinary negotiations of the stapler with the English producer and the continental dealer. They tell of difficulties as to payment and as to rates of exchange, and more than once they hint at possibilities of sharp practice, of smuggling and of undoubted evasion of the law. In addition to a sketch of the family history Mr. Malden has, in a valuable introduction, given some account of the organisation of the Staple, and also of those tangled political relations which reacted so directly and so rapidly upon commercial life. The complicated currencies of the Low Countries, which puzzled the Celys as they puzzle us, are carefully explained, and various suggestions are made as to the identification of obscure markets mentioned in the letters, which deserve further consideration.

ELLEN A. McARTHUR.

La Russie et le Saint-Siège : Etudes Diplomatiques. Par le P. PIERLING, S.J. Tome III. (Paris: Plon. 1901.)

IN this third volume Father Pierling sums up the latest evidence and gives us a clear, connected narrative of the extraordinary career of the false Demetrius. This mysterious person, who ruled Russia from 31 July 1605 to 27 May 1606, was probably the renegade monk Grishka Otrepiev, as many writers of Russian history have thought him to have been. Certainly he was not the real Demetrius, the son of the terrible Ivan, who was killed at Uglitch. An important contribution to this *vxata quaestio* has been the discovery in the papal archives by Father Pierling of the letter which the supposed Demetrius wrote to Pope Clement VIII on 24 April 1604, when putting forward his claims. This letter is entirely in the handwriting of the pretender. The Polish style is excellent—for it is written in that language—but the spelling is just such as a Russian imperfectly acquainted with Polish might use. There are many small inaccuracies. Father Pierling has enabled those who have not seen the original to form an opinion by means of an excellent photograph. The difference between the orthography and style of the letter is explained by its having been dictated to the pretender by Father Sawicki, a Polish Jesuit. Father Pierling traces the subsequent career, as far as it can be known, of the wife of Demetrius, Marina Mniszek, who rather than return in humiliation to her native country chose to remain in Russia after her husband's death and again try her fortunes. In the album of the Jagiellon Library of Cracow she had proudly written her name, *Maryna Carowa Moskiewska*, as may still be seen. The story is full of dramatic incidents, not the least of which are the gorgeous parade of the bride's arrival at Moscow and the assassination in so short a time of the bridegroom. We cannot wonder that it attracted attention in countries very remote from the scene of action. Thus Lope de Vega, a contemporary, wrote a drama upon it. The death of the false Demetrius was so sudden that posterity was to be deprived of any confessions he might have made. He carried his secret with him into the darkness. He had just time to recommend his wife to look out for herself, when the assassins were upon him. His riddle even now is only partially solved. Yet the man had some attractive qualities, such as his loyalty to the daughter of the impetuous Mniszek when he might have wedded a royal bride, as his rule was considered established. He was also fond of books, and very liberal-minded for his time and country. We must heartily congratulate Father Pierling on the termination of this valuable work, in which he has shown so much learning and impartiality and furnished an important contribution to Russian history. From this time no serious student can ignore his conscientious labours. It must be added also that his narrative is very lucid and very readable.

W. R. MORFILL.

The Speeches of Oliver Cromwell, 1644-58. Collected and edited by CHARLES L. STAINER, M.A. (London: Frowde. 1901.)

MR. STAINER has successfully accomplished a rather thankless task. It is difficult to decide how best to give speeches to the world of which in some cases we have several different versions, perhaps none of them

exactly authoritative. Mr. Stainer has chosen the plan of selecting one text and printing it with fidelity and care, inserting nothing more than is absolutely needed to make sense, and sometimes not even that. He has given variants from other texts in footnotes, and although, as he says, 'but a few selected from an immense variety,' yet very rarely has he missed a point of any importance. And he has evidently done his work conscientiously (and for the most part very accurately) from the manuscripts themselves, the only exception to this being in the case of the Add. MS. 6125 at the British Museum, where he has sometimes allowed the editor of 'Burton' to be his interpreter. He has also assiduously gathered together various fragments that may serve as links in the chain; but it is a pity that he has left out Cromwell's attack upon the bishops on 9 Feb. 1640-1. He has also omitted the short speech of Sunday, 3 Sept. 1654, when his Highness sent for the newly assembled parliament, and 'saluted them with a most excellent (but short) speech,' declaring that 'he desired the spirit of union might go along with them, and that the work of the Lord might be effectually carried on for the peace and tranquillity of all the saints in Sion,' after which he appointed the meeting with him next morning.¹ There is, indeed, another omission in Mr. Stainer's volume, which is made deliberately, for he rejects the last speech ascribed to Cromwell in the debate at Putney on 1 Nov. 1647 (beginning, 'I cannot but renew the caution that we should take heed what we speak in the name of the Lord'), first, because he thinks that if this refers to the previous argument with Goffe, Cromwell would not have renewed it after the other's apology, and secondly, because when Wildman attacked the speech, Ireton promptly responded as the speaker. But as to the first point, Cromwell was now not answering Goffe but Sexby, who had just confidently declared that God designed the destruction of their enemies; and the phrase 'I cannot but renew' is an evident allusion to his previous speech on the danger of believing mistakenly that God was speaking in them. Ireton had never said anything of the sort. As regards the second point, it is just as possible that the two short speeches following have been ascribed by mistake to Ireton, as that this one was ascribed by mistake to Cromwell. But apart from these points the whole speech is so like Cromwell and so unlike Ireton; the involved strain of religious argument—of which Cromwell was so fond—is so different from Ireton's clear, sharp, businesslike style, that it seems impossible not to believe that Cromwell was the speaker.

Mr. Stainer truly says in his preface that the value of the texts is a question of some interest; it is, in fact, a question of the greatest importance. He is, perhaps, inclined rather to undervalue them, or at least some of them, as, for instance, those of no. 49 in his book (no. xvii. of Carlyle). Of this speech Smythe, the clerk of the House, and Burton, M.P. for Westmorland, and probably Rushworth also, took notes, and when the speech was over all three met at Rushworth's rooms to 'confer notes.' The speech had gone on until it was so dark that they could not see to write, and thus, as regards the last part, they evidently got into difficulties, and went to the Protector (who, however, could not help them);

¹ *Faithful Scout*, no. 175.

but as regards the earlier part we can hardly doubt that the joint efforts of three such practised hands would produce an excellent report, which was given to the House by the Speaker on the following Thursday morning. Mr. Stainer thinks that, as we have not the 'notes,' the text of this speech is hardly trustworthy, but we have the original paper used by the Speaker (although it did not get printed in the journals), as it is preserved among the duke of Portland's MSS. at Welbeck. The version in Sloane MS. 2905 is identical with this, and more interesting, for it is apparently the draft from which the other was taken. Mr. Stainer remarks, moreover, that 'this speech is incomplete, as his Highness makes no mention of his paper concerning the state of the Public monies,' which Mr. Speaker spoke of when he reported the speech to the house. But the fact is that his Highness had forgotten all about the paper on the moneys while he was making his speech, and only remembered it afterwards, when he sent off a note to the Speaker saying so, and also that he had left it behind, but would send it them when they wanted it.

All the Speaker's reports to the House are probably good, as they would be taken down and written out by the clerk of the House, or some other practised reporter, and he certainly would not exercise his fancy when the speech was to be read to an audience many of whom had heard it given. This brings us to Mr. Stainer's next point, that the transcribers probably doctored the speeches, and that we are 'quite unable to check the result.' But are we quite unable? If we have two or three different versions of a speech, with so many small differences that it is impossible to believe them to be copied from the same 'original' (if one may use the term), and yet a remarkable agreement, not only in substance but in actual phrase and wording, we may be pretty sure that we are not far from having Cromwell's own words. Mr. Stainer instances the 'additional remark' inserted in speech 44, 'all are angry at it.' But in the first place this occurs in 'Monarchy Asserted,' and of all our texts that is about the worst; and secondly, we incline to think that the true reading would be, 'Though a great many are angry at it, [yea, if] all are angry at it,' and that it is not an interpolation at all. The Lansdowne MSS. reports, sent off straightway to Pell in Switzerland, were as good as Moreland or Hartlib could get, and their letters guide us in the matter. The little book at the British Museum, Add. MS. 6125, appears to be a faithful copy of what is generally (though not always) a good text, and the Clarke versions are valuable, as they appear to be from an independent source, and so both give emendations and help to 'check results.' Best of all, no doubt, is speech 27 (no. iv. of Carlyle), for this Cromwell himself corrected for the press; and probably nos. 24 and 25 (ii. and iii. of Carlyle) are very fairly good, as they were taken, we are told, 'by a gentleman most skilled in Bracygraphie, who stood very near,' and were published in a semi-official way. These two speeches were, however, apparently 'censored' (perhaps by Oliver himself). At any rate we know from the French ambassador's letters that there were passages in the earlier one which do not appear in the printed text; and as regards the later one, Pell wrote that he heard from England that if it were printed some passages were to be left out, 'as not fit to be seen by the eyes of all the world, though very convenient for the ears of parliament.'

As to the difficulty which the reporters had in writing, Mr. Stainer's remarks are very just, but he does not suggest what seems the key to many mistakes, though a key which happily helps us to correct them. We think there is little doubt that William Clarke used Shelton's system of shorthand, as Mr. J. E. Bailey has shown that Pepys did, and as we believe Nicholas did—that is, Shelton's second system, or 'Tachygraphy.' Other reporters probably used either this or Riche's, which is very similar. Clarke himself sometimes wrote pages of shorthand only, but the more usual plan was to employ it for the short words, using ordinary writing for the long ones. This was a fruitful source of error. To take one example out of several, in this system an upright stroke, a little longer or a little shorter, leaning so much to the right or so much to the left, meant half a dozen different words. These, written in haste, were very liable to be mistaken for each other in transcribing from short to long. Therefore if the text has 'but' where the sense requires 'that,' it is pretty safe to suggest the emendation. Again, a single line, if rather faint, might very well escape notice altogether, and this helps us out of several difficulties. For instance, in speech 48 (no. xv. of Carlyle) Cromwell is made to say that the bishops 'without injury to themselves cut off themselves,' which certainly was not the fact. If, however, we imagine a short line after injury, and read 'without injury but to themselves,' the sense is clear. In the same way in speech 51 (xviii. of Carlyle), which was the theme of Sir R. Palgrave's brilliant attack upon Carlyle, the Pell version has, 'I cannot say it in the presence of God' (that I would rather have kept a flock of sheep, &c.) Here the probability is that we should read, 'I cannot but say,' which brings it into line with the other versions of the speech. Some attention to the shorthand symbols is particularly useful in the army speeches of 1647.

For speech 42 (no. xi. in Carlyle) Mr. Stainer takes as his text an Ashmole manuscript, which as a rule is better than 'Monarchy Asserted,' but not always. For example, when Cromwell is arguing that it does not matter in what name (Protector or King) the supreme authority is wielded; he says (according to 'Monarchy Asserted') that 'the signification goes to the thing and not to the name.' This the Ashmole MS. turns into 'the signification goes to the thing and not the thing to the name' (p. 291, Staines), which is nonsense. Here it would have been better to quote the other version, as also on p. 294, where, after stating that all ranks and sorts of men have given obedience to his rule, Cromwell goes on to say (according to the Ashmole MS.), 'and to begin with the highest degree of majesty,' which Mr. Stainer interprets as [the law]. 'Monarchy Asserted' has 'the highest degree of magistracy,' which fits in much better with the remark directly afterwards that though the judges were startled they obeyed. On this same page *Custodes Libertatum* is a mistake. The style was *Custodes Libertatis Angliæ, Auctoritate Parliamenti*. But we can easily forgive the Ashmole MS. these small sins for the sake of the excellent emendation which it gives us (p. 299), when, in recounting his conversation with Hampden, Cromwell says, 'Your troopers' (not 'troops,' as in 'Monarchy Asserted') 'are most of them old, decayed tapsters, &c.,' it being quite evident, as Mr. Gardiner pointed

out long ago, that Cromwell's remarks were only intended to apply to the cavalry of the two armies.

At the end of speech 43 (No. xii. of Carlyle) the Protector speaks of a paper of notes upon the 'Petition and Advice,' which he wishes to give in to parliament. In the next speech he again alludes repeatedly to it, and to another paper, both of which he gave in on this second day (see pp. 315, 333, and 473, last line). The editor of the old 'Parliamentary History' lamented that these papers were hopelessly lost; but they are in fact among the Nalson MSS. at Welbeck. They are in Thurloe's handwriting, and the first has marginal notes in Oliver's own hand. The second is a note concerning the revenue, and was found by Zachary Grey in his search among the Nalson papers, as he printed it in the appendix to his 'Examination of Vol. III. of Neale's History of the Puritans.' This paper gives us two important emendations. On p. 347, after stating that the revenue is 1,900,000*l.*, Oliver goes on to say, 'You settle 1,300,000*l.*' The original paper of notes has, 'You settle but 1,300,000*l.*,' which clinches his argument that they are allowing him 600,000*l.* less than the revenue. Also both our texts make Oliver say, 'Considering the pay of the army, coming to upwards of 1,100,000*l.*, and the government 300,000*l.*, it will be necessary . . . that there should be raised over and above the 1,300,000*l.* the sum of 600,000*l.* per annum, which makes up the sum of 1,900,000*l.*;' *i.e.* the expenses come at least to 1,900,000*l.*, and you must make up the revenue to that amount. But, as the text stands, the sum does not add up correctly. Mr. Stainer has tried to improve matters by suggesting 1,000,000*l.* instead of 1,100,000*l.*; but this does not satisfy the argument, as Oliver wants not thirteen but nineteen hundred thousand pounds. The paper of notes has, after the 1,100,000*l.* for the army, an item of 500,000*l.* for the navy, which exactly brings the amount up to the required total.

One or two other small points may be noted. On p. 225 '[Cologne] country' is hardly correct as the place of Manning's assassination, as the Bishop Elector refused to have the poor man killed in his dominions and he had to be taken over the border into the duchy of Juliers. On p. 245 the word rendered 'archfire' is clearly 'artifice' (*i.e.* firework) in the manuscript; on p. 246, line 3, the words 'and I can rather act with comfort and simplicity on necessity' are omitted; on p. 247, line 13, 'counties' should be 'countries,' and line 18, 'strike' should be 'stick'; and on p. 484, by what is no doubt a printer's error, 3^o *Caroli* becomes 30 *Caroli*, which would be a very puzzling date indeed. On p. 155 the alteration from 'it' to 'they' (became communicative) is a mistake, for, as Mr. Gardiner has shown, the former is the old phrase and the latter a more modern one. And on pp. 182, 203 we think Mr. Stainer needlessly changes the word 'rod' to 'Lord' or 'God.' Rod, as an emblem of God's punitive power, was a word common enough in the mouth of the puritan. 'The rod hath a voice' would simply mean that God speaks by his chastisements, and the other phrase, 'the rod of his strength,' pretty certainly means 'the sceptre of his power.'

Mr. Stainer has done very good work, and the notes at the end of his volume are both interesting and useful, especially one or two remarkably clear synopses of speeches and their dates.

SOPHIE C. LOMAS.

Menasseh Ben Israel's Mission to Oliver Cromwell. By LUCIEN WOLF.
(London : Published for the Jewish Historical Society of England by
Macmillan & Co. 1901.)

THIS volume consists of a facsimile reprint of three pamphlets published by Menasseh Ben Israel to promote the return of the Jews to England, viz. 'The Hope of Israel,' 1652; 'The Humble Addresses presented to the Protector in 1655,' and 'Vindiciae Judaeorum,' which was printed in 1656. Prefixed is an introduction by Mr. Wolf, tracing the movement which led to Menasseh Ben Israel's mission, and the progress and result of his negotiations with Cromwell. There are also very useful notes to the tracts, a good index, and three excellent portraits of Menasseh. In short, it is a volume of which the Jewish Historical Society may justly be proud, and one which every student of the Cromwellian period should possess. Mr. Wolf's preface is mainly based on the papers upon different aspects of the subject, which he has from time to time printed in the *Jewish Chronicle* and other periodicals, but it is not a mere *réchauffé* of them. 'Those papers,' he says, 'were written at successive stages of an uncompleted investigation. The present essay is a re-study in the light of all the facts, and it will be found that some of my former judgments have been modified, and a few even reversed.'

Menasseh Ben Israel's mission may be briefly summed up. Mr. Wolf argues that he was invited over to England by Cromwell, and that 'Cromwell was the mainspring of the whole movement, and Menasseh was but a puppet in his hands' (pp. xxix, xxxvi). This statement seems rather exaggerated, but it is clear that Menasseh came over to England in consequence of an intimation or invitation from Cromwell, and not simply of his own motion. It is evident also that the protector was more eager for the re-admission of the Jews than any of his counsellors were, and that he did his utmost to obtain an expression of opinion favourable to their petition. Owing to the opposition of the merchants and divines taking part in the conference called by Cromwell, it proved impossible to grant the legal toleration the Jews demanded. Nevertheless, thanks to the personal protection guaranteed by the Protector and the connivance of the government, an organised Jewish community came into the light of day in London, protected by definite rights of residence, worship, and trade (pp. lvi, lxvi). Mr. Wolf very justly points out that the restricted character of the settlement arrived at in 1656 was one of the reasons which rendered it permanent. An act of parliament passed in 1656 would have been invalid at the Restoration, a proclamation would have been annulled, but it was easy for Charles II to maintain a privilege which rested solely on the will of the government; and Charles II was for many good reasons disposed to favour the Jews.

A few minor errors may be noted. Mr. Wolf does not refer, as he should have done, to the article on Menasseh by Professor Alfred Stern, printed in the '*Revue des Etudes Juives*' for January 1883, although Professor Stern prints there six out of the twelve documents relating to Menasseh and his mission which are reprinted in the present volume. On p. xix Mr. Wolf mistakes the meaning of the term 'Council of Mechanics' used by the royalist newspaper he quotes. It is simply a

derogatory description of the Council of Officers, and does not refer to any distinct and independent body. In the description of the debates of the conference which discussed the readmission of the Jews, there is also a mistake. 'Even strangers,' says Mr. Wolf, 'took part in these tirades, and a Mr. Lloyd, who was not a member of the conference, distinguished himself by a "fierce" harangue' (p. li). A reference to Burton's diary, i. 309, which is the authority given for this statement, shows that Mr. Lloyd's speech was made in the Committee of Trade on the question of the Merchant Adventurers, and had no connexion with the debates about the Jews.

C. H. FIRTH.

Calendar of State Papers. Domestic Series. October 1672 to February 1673. Edited by F. H. BLACKBURNE DANIELL. (London: H.M. Stationery Office. 1901.)

DURING the period covered by this volume the Dutch war was still in progress. No important action at sea took place, but the papers calendared are full of accounts of the depredations of Dutch privateers, and sometimes describe spirited fights in which they were repulsed by English merchantmen. Equally numerous are complaints of fraud and maladministration of every kind in connexion with the navy. The government was, as usual, short of money, and the sailors suffered in consequence. Even when they were paid, their pay was unduly reduced. 'There is a general complaint and cry of our seamen,' says one letter, 'that being paid off they were paid but 18s. a month instead of 23s., which makes the seaman speak desperate words, and swear to strange resolutions as never to enter into the service—to die first' (p. 99). In ecclesiastical affairs, the chief event was the conclusion of the Indulgence to the non-conformists. At the beginning of March 1673 the pressure of parliament forced Charles to withdraw his declaration, and the last licences to ministers and places of worship were issued on 3 Feb. 1673. Mr. Daniell takes the opportunity, in his preface, to sum up and tabulate the licences issued, in order to show the relative strength of the different sects and the localities in which they were strong. The total number of persons licensed was 1,481, of whom 864 or 865 were presbyterian ministers, 394 or 395 congregational or independent, and 205 baptists (xliii). The presbyterians were strongest in London, in the western counties, and in Lancashire and Yorkshire. The independents were likewise strong in London and the district round, very weak in the west, but more powerful in Norfolk, Suffolk, and Gloucestershire. In Bedfordshire 20 out of 25 nonconformist ministers belonged to this body, while Kent, Somerset, Wiltshire, and Dorsetshire were the strongholds of the baptists. On the results of this system of indulgence the papers calendared do not throw much light, though a letter from Chester says that the assemblies of the dissenters are 'already grown so full that our episcopal congregations look very thin' (p. 300). At Bristol the bishop boldly disregarded the declaration, and prosecuted conventicles with vigour. 'How slender soever the evidence, the bishop never rests till it is made strong enough for conviction, and never lets the justices rest till warrants are signed for distresses' (p. 333).

The volume contains an unusually large number of papers relating to the

history of Ireland, which was during this period under the wise and moderate government of the earl of Essex. Irish finances were in an unsatisfactory condition: there was a continuous dispute between the farmers of the revenue and the government. The dispossessed catholic proprietors were in some cases attempting to oust the new proprietors by force, and there were many 'tories.' The Cromwellian officers, who formed so important a part of the new proprietary, were regarded with suspicion by the government, and believed to be ready to rebel if an opportunity offered. The case of captain Thomas Walcott, which is related at length, affords an example of the manner in which the most trifling and most doubtful evidence was accepted against persons belonging to this class. Walcott was arrested and imprisoned on a charge of conspiracy of which he was obviously innocent, as an examination of the depositions printed here proves.

There is very little of literary interest in this volume except some papers relating to the censorship of the press, and some others illustrating the history of the university press at Oxford. A petition from Dr. Hyde, the librarian of the Bodleian, stating that the salary of his office was only 50*l.* per annum, and begging that some sinecure might be attached to the post, may be noticed (p. 171).

The editorial work is very well done, and Mr. Daniell's preface is excellent. Unlike some other editors he is careful to point out to the reader which documents have been printed before, and where these are to be found. He fails, however, to note that the satirical poem calendared p. 335 is given at length in 'Poems on State Affairs,' i. 137. The index to the political poetry of the period compiled by Mr. Solly, and published in *Notes and Queries* for November and December 1876, will be found very useful for these identifications. One criticism, however, must be made. Mr. Daniell is inclined to calendar at too great length some very trifling letters relating to the navy, such as the letters abstracted on pp. 89, 403, from Camborne and Watts; a line apiece would suffice for them instead of 11 lines for the two. It is desirable that unimportant papers should be dealt with more summarily in order that the publication of the calendars may progress more quickly.

C. H. FIRTH.

A Century of Scottish History: From the Days before the '45 to those within Living Memory. By Sir HENRY CRAIK, K.C.B. (Edinburgh: Blackwood. 1901.)

THE years of which Sir Henry Craik treats (1690-1843) number considerably more than a hundred, and they have no distinctive characteristic which might render the word 'century' otherwise appropriate. The book, moreover, is not a history of Scotland from the revolution to the disruption; it is an essay on certain aspects of the making of modern Scotland. If Sir Henry Craik had written a formal history, we might naturally have expected from him some account of his materials, and more frequent reference to his authorities, nor could we have been satisfied with his occasional allusions to industrial and agricultural development. But if on these and similar points the book has received an undue amount of criticism, the fault lies largely in the choice of title. There are, of course, inaccuracies in the narrative, and in a definite history some of them; at

least, could scarcely have failed to catch the author's attention. But the book is not an explicit historical narrative, it is a series of essays upon the political, social, intellectual, and ecclesiastical conditions of Scotland from the end of the seventeenth century to the middle of the nineteenth.

Of these varied interests, two are clearly predominant: the political and the ecclesiastical; social and economic considerations are subsidiary, and the chapter on the universities and on Scottish philosophy is the only one in the book which might fairly be called inadequate. Perhaps Sir Henry Craik, whose knowledge of the development of elementary education in Scotland must be unique, will some day give us a sketch of the history of education in the last two centuries, and, more particularly, of the results of the Education Act of 1872. It is, at all events, very welcome to the student of Scottish history to find that the head of the Scottish Education Department so fully recognises that 'a new educational system, resting upon different foundations, guided by different forces, kept alive by different resources, must hope for much of its success by retaining some features of the parish school system, and carefully adjusting these as far as possible to the needs of a changed society.' It is significant that this book, which ends with the Education Act of 1872, begins with a discussion of the chances of a Jacobite revival. Sir Henry Craik has been caught by the glamour of the lost cause, and his description of the Jacobite movements is the portion of his book which will appeal most strongly to the general reader. It is an oft-told tale, but it was worth telling again as it is here related. Sir Henry has grasped the reasons for the continuous failure of Jacobite efforts, and he has placed the various incidents of the long story in due connexion, and has indicated their relative importance in the national history. Jacobite history has been so frequently written from the purely personal standpoint that this concise account of its place in eighteenth-century politics is all the more useful. Sir Henry Craik is not always fair to the other side: he sees in the more advanced presbyterians of 1700 the progenitors of his enemies of the secession and the ten years' conflict, and treats them accordingly.

Next in point of interest to his treatment of Jacobitism is Sir Henry Craik's analysis of Scottish politics from the accession of George III to the Reform Bill. Except for Professor Masson's brilliant sketch, we have had no study of the Dundas Despotism, to which Sir Henry has assigned its proper place in the history of Scottish politics. Similarly, in dealing with the little-known incidents connected with the revolutionary movement in the beginning of the nineteenth century, the book is fresh and suggestive; it is probably in these chapters of his second volume that the author has added most to our knowledge. We do not intend to enter into the arena of ecclesiastical discussion. Sir Henry Craik has taken up a brief for the Moderate party in the church of Scotland, which, he thinks, regenerated the country in the eighteenth century, although he admits that 'moderatism was essentially unfitted to deal with the problems of the new generation,' and pays a tribute to the great personality of Chalmers. The Moderates have been generally misrepresented and misunderstood, and there is much in their attitude which is considerably more modern than was the evangelicalism that succeeded; but had

Sir Henry Craik's *apologia* been less aggressive it would have been more convincing. Scotland probably owes more to moderatism than is generally recognised, but its debt to the seceders is not thereby cancelled. The book, in spite of slips here and there, is a substantial contribution to Scottish history, and it remains an essay which future investigators will read with interest and profit.

ROBERT S. RAIT.

Etudes sur l'Histoire Economique de la France (1760-1789). Par CAMILLE BLOCH. (Paris: Picard. 1900.)

THESE interesting essays are the work of an author well qualified by his knowledge as well of economical theory as of history, by his judgment and impartiality to deal with a subject on which much has been written, but which still remains imperfectly explored, the economic history of France during the eighteenth century.

In his first essay, which treats of the corn trade in the generality of Orleans, M. Bloch does full justice to the good intentions of the central government and of many of the local officials in the middle of the eighteenth century, and to their honest wish to carry into practice the free-trade principles of the Pompadour's physician, of the economist whom Louis XV styled his own philosopher. But he points out that the administration was too timid to act consistently. It dared not, for instance, trust the food of Paris to the unimpeded operation of the laws of supply and demand. Hence the contract with Malisset & Co., whose agents represented themselves as buying on the king's account, thus giving rise to the legend of a 'pact of famine'—a royal 'corner' in wheat. Or, as at Orleans, the intendants, although honestly converted to free trade in theory, alarmed by popular clamour, or fearing disorder, or from a love of interference, not easily to be eradicated from the bureaucratic mind, continued to regulate and restrict the markets, so that the experiment of internal free trade in corn was never fairly and fully carried out.

The second essay is an interesting analysis of the lists of the land-owners in fifteen parishes of the generality of Orleans, prepared in 1787 for the assessment of the land tax. These parishes, distant from each other and different in character, are typical, so that M. Bloch's investigation throws much light on the ownership of land in this part of France on the eve of the Revolution.

Next follow a study of the economic character and composition of the municipal assemblies (parish councils) instituted in 1787, and an attempt to deduce some conclusions from the *cahiers* of 1789 as to the condition of the rural population of the province of Orleans. Like most writers who use the *cahiers* as authorities, M. Bloch accepts what is asserted in them with too little criticism. Yet he points out, when discussing the municipal councils, the crass ignorance of the inhabitants of many rural parishes. In some the priest, although by law ineligible, was of necessity elected 'syndic,' because he was the only inhabitant who could read and write, an indispensable qualification for the office. The provincial assembly of Orleans declared that many of these parochial assemblies needed to be guided step by step, and could not be left a minute to their own devices. From this the conclusion surely is that when we find in the parish *cahiers* tirades about the oppressiveness and inequality of taxation,

the injustice of feudal dues, the vices and luxury of cities, the expropriation of small landowners, the rise of prices, and the other commonplaces of discontent, expressed in the emphatic verbiage of the pamphleteers and journalists of the period, we are reading not the spontaneous and unsophisticated outpourings of rustic experience, but a cento from the common forms, the model *cahiers*, and suggestions which were diligently distributed throughout France. It is only when particular facts are recorded, or when there is some marked divergence from the beaten track, that we can feel some confidence that we have before us independent evidence of any value. Even then, although the words may not have been put into the witnesses' mouths, we must remember that they are almost certain to fall into exaggeration or misrepresentation, either of deliberate purpose in order that their case may be put with sufficient emphasis, or from honest incapacity, when so biassed by self-interest, to see clearly and to speak soberly.

The last chapter of M. Bloch's book is a summary based on the correspondence preserved in the Record Office of the negotiations between William Eden and the French government previous to the conclusion of the commercial treaty of 1786. The abuse lavished in their respective countries on both governments suggests the presumption that the treaty was fair and reasonable. But the desire of the French government to conclude a commercial treaty was known in England. Hailes, the secretary of the British embassy, wrote from Paris to Carmarthen as early as 20 May 1784 that he had learnt from M. de Rayneval that the wish of the French ministry was to establish their trade with England on the broadest basis possible and to open all their ports. 'I had heard indeed before,' Hailes continues, 'that the most liberal system was what they wished for.' Since, therefore, Eden was aware of the strong desire of those with whom he was dealing to do business, it is certainly probable that he, as his correspondent Lord Sheffield remarks, got the best of the bargain, and this also is the conclusion of M. Bloch.

P. F. WILLERT.

Un Diplomate Français à la Cour de Catherine II, 1775-1780: Journal intime du Chevalier de Corberon. Publié, avec une Introduction et Notes, par L. H. LABANDE. 2 vols. (Paris: Plon. 1901.)

As a contribution to a chapter of diplomatic history which could well bear a little additional light, these volumes are very disappointing. But to many readers they may in other ways make up for their shortcomings in this respect. The chevalier (or, as he became after his return from Russia, the baron) de Corberon had the pen of a ready writer, and his private journal, extending with many gaps over the years 1775-1784, fills six manuscript volumes. Only the earlier portion of it, dealing with his experiences as secretary of embassy and temporary *chargé d'affaires* at the court of Catherine II, is printed by M. Labande, and this again with large and frequent omissions, for which in most cases one would be duly grateful, but which in the present instance one is fain to regret. From the beginning of 1777 M. de Corberon's journal, in accordance with the literary fashion of the age, takes the form of letters addressed to his familiars—his brother in France, the lady whom he left

behind him there, but long continued to style *la Préférée*, the other lady whom he ultimately preferred and married, and their relations. But the very fact that when he wrote publication proper was far from his thoughts adds a further charm to the felicity of his style; and though he finds fault with the imperfections of his *pinceaux*, whose products, he says, seem to him to have *ou la sècheresse d'un gazetier ou le personnel d'un épicurien*, he will not as a writer be judged so hardly by the public for which he has been rediscovered. He was unmistakably a man of considerable intelligence, and, so far as his opportunities went (they clearly did not admit him to the *penetralia* of Catherine's court), a keen observer. He was alive to social, including economical, interests; he had some conception of the significance of education, and was filled with contempt by the wretched parodies of it which came under his notice at St. Petersburg; and, in general, he had an eye for national as well as personal characteristics. He had, moreover, his share of humour, nor were those touches lost upon him which prove the prince and the *moujik* kin. At the same time he interests us by his weaknesses as well as by his capabilities, and perhaps most of all by showing himself, like so many quick-witted and sensitive men of his stamp, a true child of his times, who is ever unconsciously holding up a mirror to their influences. Thus in the earlier of these volumes we find him tinged with a sentimentalism in which there is a little of Rousseau and a good deal of Sterne; his farewell to the lady of his affections in France, the episode of the *assiette cassée* and the weeping waitress on the way, as well as another incident of travel which it is unnecessary to specify, are pure 'Sentimental Journey;' and his gallantries at St. Petersburg, even if due in part to the hint conveyed to him at Paris by M. de Vergennes as foreign minister, *qu'étant jeune, il serait plus à portée par les liaisons de femmes de découvrir des choses essentielles*, came natural to one whose soul had *un besoin réel de s'attacher*, and who believed women to be necessary to his existence. But as we proceed we find him beginning to pass without difficulty towards different spheres of (shall I say) thought and emotion, spheres where not long afterwards the monarch was held in special honour whom during his visit to St. Petersburg as prince of Prussia M. de Corberon had found so gracious towards himself, and who had then said to him concerning Cagliostro that he was 'not without knowledge, but lacked essential powers.' At Avignon, whither Corberon retired after he had lost the appointment as minister to the duke of Zweibrücken (important because of his Bavarian expectations), and after he had gradually come to understand that his diplomatic career was over, he had hoped to find consolation in Illuminatism and Higher Masonry. But he was soon overwhelmed by the Revolution, and only narrowly escaped the guillotine. He died in obscurity at Paris on the last day of the year 1810, and it appears to be unknown how the manuscript journal kept by him in the one decade of the world during which he played a part in public life found its way into the city library at Avignon. The authorities of that institution and the present head of the Corberon family have been extremely well advised in authorising and encouraging the publication of a selection from so veracious and interesting an autobiographical fragment, and in confiding the work of editor to M. Labande,

whose admirable introduction and generally sufficient notes place these memorials in their proper relation to the political transactions with which the writer was brought into personal contact.

This contact was, so far as Russian affairs of higher policy were concerned, never very close, except during the brief period in which, after the departure of the marquis de Juigné and before the arrival of his successor, the marquis de Vérac, the chevalier de Corberon was left in charge of the business of the French embassy at St. Petersburg. This period extended from the middle of October 1777 (misprinted 1778 on p. lxxviii of the introduction) to the beginning of July 1780; but of these months there unfortunately remain in the 'Journal' only a few records from the earlier half of 1779. These entries are full of interest, especially as bearing upon the efforts of the empress Catherine to lay the foundations of the League of Armed Neutrality, which she actually brought about in the following year; and upon the mediation which the Russian government, at peace with Turkey through the good offices with France, was successfully exercising in conjunction with France at Teschen, as well as upon that which it offered in the quarrel between France, as the ally of the American colonies, in Great Britain. (The British application to Russia for assistance against the colonies belongs to an earlier date.) But unfortunately these notes are meagre, and have to be supplemented from the 'Recueil des Instructions; ' nor is it clear what was Corberon's personal influence upon Count Panin, who seems afterwards to have been well disposed towards him, though, with characteristic sluggishness, he was not to be brought to exert himself actively in behalf of the *ex-chargé d'affaires*. Nor, again, do we learn anything as to his efforts in this critical period to counteract Harris's influence upon Potemkin, by which the former sought to undermine the authority of Panin, with whom he could effect nothing. From the 'Diaries and Correspondence of the First Lord Malmesbury' we know how deeply the British ambassador suspected Corberon, and from the 'Journal' of the French diplomatist it appears repeatedly that he returned this mistrust with interest. But it remains doubtful whether Corberon had any important share in defeating the great design of a Russian alliance with which the British government had sent one of the very ablest of its agents to St. Petersburg. Sir James Harris found his match in Catherine herself, though then already in the days of her decadence—a decadence on which the writer of this 'Journal' dwells with appalling, though far from cruel, truthfulness.

When M. de Corberon, who had hoped against hope that he might himself succeed M. de Juigné as ambassador, had instead to receive in that capacity his old chief, M. de Vérac, he was obliged once more to descend into a position of insignificance. That it was and remained such seems to have been largely due to his inability to place himself on terms of cordiality with either of the two ambassadors under whom he served at St. Petersburg. The earlier of the pair he describes as niggardly and narrow and led by the Czernicheffs, the latter as ostentatious and unbusinesslike and led by the Cobenzls. It does not occur to him that part of the fault may after all have lain with the secretary of embassy, who was bitterly jealous of any influence exercised over his chiefs, but seems to have had a tendency towards forming divers kinds of *liaisons* on his own account.

Some of these may not have been acceptable to the ambassadors, and some to the great lady to whose court they were attached, and by whom he was very much ignored to the last. An indiscretion, of which he thinks the blame attached to the marquis de Juigné, seems to have added to her doubts, so that for a time he was practically excluded from court. In the earlier years of his secretaryship he was distinguished by several ladies of position, and much sought after as an amateur actor of distinction. One of his chief friends was much attached to Count Andrew Razoumofski (whose name, familiar down to the days of the Congress of Vienna, is oddly misprinted 'Rosamonsky' in the 'Malmesbury Diaries'), until her death the *cicisbeo* of the unfortunate Grand Duke Paul's unfortunate first wife. Under Vérac he seems to have borne himself in some ways more circumspectly, having made up his mind to settle down by a marriage with the daughter of a high Russian official of German descent; on the other hand, he was probably too anxious to give good advice to his chief, and perhaps showed too openly his resentment that the Austrian ambassador Cobenzl's was often taken instead. In any case his 'Journal' shows him to have as secretary persistently played the part of a malcontent, and to have aired his grievances with excessive freedom outside the embassy as well as within its walls, and in the former case not always in the most appropriate quarters.

But though debarred during the greater part of his sojourn in Russia from much intimate intercourse with the leading personages in the public life of the country, Corberon occupied a place very near the footlights, and saw something of what was in progress behind the scenes. His estimates of Orloff, Potemkin, Panin, and the few other really powerful personalities standing forth from the dead level of ordinary selfishness and corruption around him, seem both fair and candid. Of many of the minor notabilities of the Russian court and government he speaks with a contempt which it is difficult to think undeserved; and he presents us with equally lifelike types in the persons of some of the ladies of his acquaintance, from the experienced Madame Nelidinski to the innocent *frêles* (maids of honour) of the empress. On his references to Catherine II herself I have already touched. Of foreign princes King Gustavus III of Sweden and, as aforesaid, the prince afterwards known as Frederick William II of Prussia appear on the scene, together with, greatest of all, the emperor Joseph II, travelling under his celebrated *incognito* of count von Falckenstein. The first-named of these, we are told, offered as a gift to the empress a beautiful piece of Sèvres, on which she was represented as weighing in a balance the destinies of Europe. And undoubtedly the *prestige* of her power had never been greater and more widely acknowledged than in this, when, as the adversaries Harris and Corberon agree in believing, her moral deterioration had reached a point where recovery had become virtually impossible. 'With the loftiest ideas and the best intentions,' writes the Frenchman, 'Catherine II is destroying her country by her immorality, and ruining it by her prodigality, and will in the end be judged to have been a feeble woman with a turn for romance.'

M. Labande, whose notes seem as a rule not less accurate than succinct, has on p. 301 of vol. ii. made a curious slip. The 'Cumberland'

there mentioned as conducting a diplomatic mission at Madrid is not, as he supposes, King George III's brother, the duke, but Richard Cumberland the dramatist, who in his well-known 'Memoirs' gives an account of this curious (and in every way unlucky) business. A. W. WARD.

South Carolina in the Revolution, 1775-1780. By E. McCrady, LL.D.
(New York and London: Macmillan. 1901.)

MR. McCRADY, whose previous volumes on South Carolina have been favourably noticed in this Review, deals in the present work with the part played by it in the American revolution. The author, as a fervent state patriot and as a veteran of the American civil war, may be pardoned for seeking to emphasise, though never at the expense of truth, the importance of the doings of his native state in the War of Independence. He clearly shows that the people of South Carolina were, in the beginning, very lukewarm on the side of congress. If the British governor had 'acted with promptness and efficiency, the whole proceedings of the provincial congress would have been overthrown.' The decision to form a new government was arrived at when less than two-fifths of the members were present, and was supported by only one-fourth. When it is remembered that the outlying districts had never received their share of representation, the figures become still more significant. Real as were the grievances of South Carolina, they would never, by themselves, have led to revolt. The true temper of the more sober-minded was probably represented by Henry Laurens when he wrote—

When intelligence of that event [the declaration of independence] reached Charlestown, where I was, I was called upon to join in a procession for promulgating the declaration. I happened to be in mourning, and in that garb I attended the solemn and, as I felt it, awful renunciation of an union which I, at the hazard of my life and reputation, most earnestly strove to conserve and support. I thought and openly declared that, in my private opinion, congress had been too hasty in shutting the door against reconciliation, but I did not know at that moment that Great Britain had first drawn the line of separation by the act of parliament which threw the resisting colonies out of her protection.

Another outward and visible sign of lukewarmness South Carolina shared with the rest of the revolted colonies. Their 'military defence was based on no general uprising of the people. There was no call for volunteers, as in . . . 1861.' To call out the militia would have been

to call out, perhaps, as many friends of George III as of the new government. . . . When the people would not take the trouble at such a time to go to the polls to vote, under the new constitution, it was scarcely to be expected that they would turn out to fight for it.

The utmost of Washington's ambition was 'a permanent standing army,' and John Adams wrote, 'Was it credible that men who could get at home better living, more comfortable lodgings, more than double the wages in safety . . . would bind themselves during the war? I knew it to be impossible.' 'To the shame of America,' writes Mr. McCrady, 'in 1780 there were more Americans, it was claimed, serving in the provincial regiments of the British army than in the continental service

of the States.' In this state of things it is less surprising to find the South Carolina legislature enacting that all idle and disorderly persons who had no fixed home and all sturdy beggars were to be compulsorily enlisted in the continental forces.

The main purpose of Mr. McCrady's work is to show how, under British blundering and the rapine and cruelty of the loyalist soldiers, this state of things became altered, and a temper roused in the people the full fruits of which will be dealt with in a subsequent volume. It is, unfortunately, impossible to resist the accumulated evidence of atrocities committed by the British troops. It is true that sometimes there had been provocation, and that the soldiers were, in part, colonials (*e.g.* Tarleton's Horse, the worst offenders, had been recruited in New York). But there was little or no attempt on the part of British officers to repress such wrongdoing, while the action of the commanders was as unjust as it was impolitic. Thus, after the surrender of Charlestown, the citizens had been placed on the footing of prisoners on parole, and yet, for no reason save in pursuance of the ministerial policy of 'subduing America by Americans,' the paroles were recalled, and the unfortunate people treated as outside the pale of law, when, thus goaded, they were found in the ranks of the enemy. It was measures such as these which made the rebellion a living force and caused the results achieved by the local irregulars. The loss of Charlestown and the defeat of Camden were, in great measure, counterbalanced by the series of small successes which culminated in the victory of King's Mountain. In the opinion of Mr. McCrady the achievements of Greene, in the final campaign in the south, have unfairly put in the shade the services rendered by the partisan leaders and their bands, but this subject remains to be treated in a further volume.

HUGH E. EGERTON.

The Baroness de Bode, 1775-1803. By WILLIAM S. CHILDE-PEMBERTON.
With Portrait. (London: Longmans, Green, & Co. 1900.)

MADAME DE BODE was Mary Kynnersley, the daughter of a Staffordshire squire, who, not much to the satisfaction of her friends nor, till her sixteen quarterings were made clear, of her husband's family, married a German gentleman in the French service, of good birth but slender means. The baron, according to his wife 'a model of tenderness, perfection, and goodness, joined to resolution and courage,' appears to have been an honest, worthy gentleman, well content to second her schemes for the support and advancement of a rapidly increasing family.

By means of the sale of the baron's commission and of a loan from the baroness's brother-in-law, Mr. Adderley of Coton, the Bodes were able to raise 8,000 guineas, for which sum, and by using all the interest of their numerous foreign friends and relations, they obtained from the elector of Cologne the investiture of the fief of Soultz in Alsace, which had reverted to him by the death of the last prince of Rohan-Soubise. By this transaction Madame de Bode hoped firmly to establish the fortunes of her family. The feudal dues which the lord of Soultz possessed were valued at 10,000 livres per annum, and the mineral rights to which he was entitled were capable of the most profitable development. But 1788 was not a lucky year for the purchase of feudal rights in France.

In less than twelve months the dues, which the baroness had enumerated to a correspondent with so much satisfaction, were swept away: the gratuitous service for ten days in the year of all the men, horses, and oxen, the greater and lesser tithes, the tax on butchers' shops, the 700 fowls, the right of pasturage for 300 sheep and 60 pigs, the eighth pot of wine; yet, even after the fourth of August had abolished all these sources of profit, the 8,000 guineas would have been well invested had the baron been able to retain the mines of salt and asphalt which he worked with much enterprise and success. In order that they might not incur the confiscation of their property as *émigrés*, he almost continuously, and his wife at intervals, lived on at Soultz in the midst of alarms till the winter of 1793-4. The letters written during this period by Madame de Bode are very interesting and give a vivid picture of the state of things in Alsace and on the German frontier. The Bodes were strangers, they had no connexion with the country except as the recent purchasers of feudal rights; they represented therefore all that was hateful to the revolutionists and nothing else, yet they were able to reside in France till the worst days of the Terror, and even in 1793 the baron was confirmed by a legal judgment in the possession of his mines, which he then valued at 1,000,000 livres. When he crossed the frontier in 1794 he of course forfeited this as well as all other property.

Madame de Bode at this crisis formed and executed an extraordinary plan, most characteristic of her energy and spirit and indefatigable hopefulness. She had heard that Catharine II wished to attract settlers to her newly acquired dominions in the south, and had offered a fief to Condé. Why should not she also obtain an estate from the empress? She hoped to be well received at the Russian court through the influence of the grand-duchess Elizabeth, the wife of the grand-duke Alexander, with whom she was acquainted. Her letters give an account of the journey she accomplished in a chaise and pair, accompanied by her son, to half the courts of Germany to collect the means for her venture from her royal and princely patrons, and to obtain their recommendations to the empress, of her experiences and adventures in Russia, and of her final establishment with her family, not in the Crimea but on an estate of 200 souls near St. Petersburg. Unfortunately the prudent discretion of the writer allows her to tell comparatively little about court and society in Russia. But although for this reason the later letters are of no great historical interest, they are none the less well worth reading. It is impossible not to sympathise with the dauntless spirit of the writer. Not the Bruce's spider could be more determined in repairing the broken meshes of his web, than this lady in beginning afresh after each disappointment her schemes for the establishment of her family. Not the crash of a falling universe could shake her firm purpose. She is at St. Petersburg when her husband dies 1,500 miles away in the centre of Russia. Her children are left sick and helpless, exposed to the severity of a Russian winter in a hovel of canvas and boards; her eldest son, who alone is with her at the capital, is too ill with fever to go to their assistance, but she does not lose heart.

This unfailing cheerfulness and good humour may have been the secret of her success in courting 'those from whom advancement might

befall.' The empress Catharine, Zouboff, the maniac Paul and his gentle wife, Alexander, ministers, great ladies and ambassadors, almost all this lady meets are willing to befriend her. Only the jade Fortune is not to be conciliated and ever plays her some sorry trick at the critical moment.

As a final recommendation to the intending reader, it should be added that Mr. Childe-Pemberton has done his part well, and that paper, print, and pictures combine with the interest of the subject to make a very attractive volume.

P. F. WILLERT.

Fouché. Par LOUIS MADELIN. (Paris : Plon. 1901.)

THE six years of laborious study which M. Madelin has spent upon the career of Joseph Fouché have resulted in the appearance of two solid and excellent volumes, which form an excellent contribution to historical knowledge. Not content with searching thousands of uncatalogued and little-known *cartons* in the Archives Nationales, he has explored the local records in four departments of France, read unpublished journals in the Ambrosian library at Milan, and prosecuted lengthy researches in the archives of Trieste and Laybach. Such devotion carries with it its own reward, even if the actual results attained should not appear to be commensurate with the labour expended. If, after all, M. Madelin can tell us nothing about 'La Ténébreuse Affaire,' or about Fouché's attitude to the emperor's Spanish schemes, we are pretty well assured that it is not he that is to blame, but the archives. Nor are we disposed seriously to quarrel with M. Madelin for the guarded note of palliation which he strikes in these volumes. Fouché, he assures us, is not so black as he has been painted; he was not cruel, only base and time-serving; under the consulate and the empire he rendered great services to the cause of order; he was kind and obliging to all men, a welcome guest in the Quartier St-Germain, and clement in the use of terrible and noiseless weapons; he saved lives, he kept Brittany and the Vendée quiet, he was Napoleon's one minister of the interior, he worked steadily for the conservation of the imperial régime. In facilitating the restoration of the Bourbons after Waterloo, and in urging upon Louis XVIII a policy of amnesty, he was the true friend of France. Biographers may be excused a little partiality, and M. Madelin, who conceals nothing, enables his readers to make such discount as they may deem requisite. There is one reader, at any rate, who thinks that M. Madelin's book has only added an extra coat of blacking.

Let us take two incidents, out of many, upon which M. Madelin's researches have cast new and interesting light: Fouché's vote on the death of the king, and Fouché's attitude on the divorce of the emperor. The trial of Louis XVI began on 10 Dec. 1793, and the issue from the first appeared to be very doubtful. Fouché at this time was a kind of independent member of the Girondin party, connected by ties of friendship with Daunou and Condorcet, who were going to vote against the death sentence. At one of the sessions of the convention the deputy from Nantes leant over towards Daunou, and said to him, 'You will see my opinion when it is in print, and will be astonished at the courage which I shall exhibit against those who wish for the death of Louis.' On the evening of the 15th he gave Daunou the manuscript of the speech

which he intended to deliver, saying, 'Do me the pleasure to read my speech, and to make all the changes of style which you may think necessary. An old oratorian ought to speak French.' The speech in question pronounced against the death sentence, it was corrected by the ex-professor of humanities in some points of style and returned to the author. On the 16th the Representation of La Loire Inférieure was called up to vote. To the amazement of Daunou, Fouché appeared at the tribunal and declared for death, saying according to the *Moniteur* two words only, *La Mort*. Then next day he published what M. Madelin justly styles 'a violent and impudent commentary on this terrible monosyllable' which was to be taken by the reading public as a speech delivered in the convention on the occasion of the vote. One sentence in particular deserves to be recalled: *Je ne m'attendais pas à énoncer à cette tribune d'autre opinion contre le tyran que son arrêt de mort*. In answer to Daunou's recriminations the ex-oratorian replied 'that he had really wished to save Louis XVI; that he had still wished to do so on the preceding evening, but that the representatives of La Loire Inférieure had received terrible menaces; the people, so ran the message, was disposed to burn their properties, and probably to commit the greatest excesses against the families of the deputies who did not vote for death:' upon all of which M. Madelin remarks that for three months Nantes had hardly lost an occasion to affirm an opinion favourable to the king, that an agent Sottin had been specially charged to recall the deputies of Nantes to a sense of their duties, and that five out of eight of the deputation from La Loire Inférieure voted against the death.

Of the ministers of the emperor, Fouché was the only personal friend of Josephine. 'On the eve of Brumaire,' says M. Madelin, 'she had been his best information-agent, and so she remained at the Tuileries; in Nivôse she supported him almost alone, protected him against an imminent disgrace, and when in the year X this disgrace fell upon him, she had not concealed her regrets or disapproval. She had contributed to recall him in 1804.' Yet when the peace of Tilsit disclosed the possibility of an alliance which would not, like the Austrian or Saxon alliance, spell reaction in France, Fouché declares himself the ardent supporter of the divorce. 'It would be a good thing if the empress were to die; that would remove many difficulties,' was a statement attributed to him. His interview with Josephine herself, in which he cynically urged her to take the initiative, and to appeal to the senate to support her in her demand for a divorce, has been told in all the memoirs and was reported by Metternich to his cabinet on 30 November 1807. What is less well known is the method pursued by the minister of police to ripen his scheme, for the story can only be fully told with the aid of the unpublished ministerial notes submitted to the emperor, of which M. Madelin gives us copious extracts. During the winter of 1807 and the spring of 1808 Fouché was attempting on the one hand to manufacture public opinion in favour of the divorce, and on the other hand to impress the emperor with the unanimity of the public desire for this decisive step. Meanwhile Napoleon continued to scold Fouché, telling him to mind his own business, and 'to meddle neither directly nor indirectly with an affair

which cannot concern him in any manner.' Whether the emperor was serious or not—and there is little reason to think that he was—the minister of police pursued his own course. He saturated his master with a constant trickle of reports and insinuations and calumnies, admirably calculated to sow dissension between husband and wife.

The friends of the empress say that they are perfectly aware of what the emperor says on such and such a day to the empress, of their conversations before and after the coronation, of the quarrels of the Bonaparte family, of the intrigues against it and the intriguers. The friends of the empress pretend to know that the sterility of the empress is not her fault, that the emperor has never had any children,

and so forth. The foolish expenditure and the secret debts of the empress are all exposed with pitiless severity. It was in vain that the emperor expostulated, declaring 21 May 1808 that the police must stop the rumours of divorce. Fouché answered that there was not a person in France who was not convinced that the duration and prosperity of the dynasty depended on the emperor having children. 'Never,' said M. Madelin, rightly appreciating the emperor's sincerity, 'had Fouché been so precious.' It was he in fact who prepared public opinion for the repudiation. In so doing he consolidated a position which had been rendered insecure by the first conspiracy of Malet, and procured for himself two more years of power. In any other career this procedure would have seemed the climax of baseness.

M. Madelin's book would have gained by compression. He could have told his story adequately in half the space, and it must be confessed that much of the erudition displayed in his pages does not materially assist our understanding. There is perhaps a little too much of what a French critic has called *la fureur de l'inédit*, but this after all is a venial error in a book so solid and valuable.

H. A. L. FISHER.

Lettres de Madame Reinhard à sa Mère (1798–1815). (Paris: Picard. 1901.)

THIS volume is published by the Société d'Histoire Contemporaine, and well edited by the granddaughter of the writer. She was daughter of a Hamburg physician and made the acquaintance of M. Reinhard when the latter was minister plenipotentiary of the French republic at that town. Reinhard was the son of a protestant pastor of Würtemberg, made his way to Vevay as a teacher, thence to Bordeaux, where he plunged into politics in 1787 and was elected deputy along with Vergniaud, Ducos, and Gaudet. More fortunate than they, he was sent as secretary of M. Chauvelin to London, thence to Naples, and later on to Hamburg, being finally appointed by Talleyrand minister to Tuscany in 1798. Both husband and wife were now thoroughly gallicised, and there is scarcely a touch of German feeling even in these letters of the wife to her mother at Hamburg. Her first letter of much interest is from Florence, 31 Aug. 1798, describing the arrival of Madame Leclerc (Pauline Bonaparte).

She is young, pretty, very natural, gay, and a charming child. She is fond of amusement and talking about dress; and she deems the latest fashions of the

utmost importance. She has left her husband at Milan, travels with her brother-in-law, and has come to Florence to entertain herself. I have in vain sought for an elegant woman to associate with her.

Then came tidings of the battle of the Nile, the attack of the Neapolitans on Rome, the French reprisals, and the war of the second coalition, which sent the Reinhardts back to Paris. In passing we may notice the curious footnote (p. 17) on Sir William and Lady Hamilton. *Sa seconde femme, célèbre par sa beauté, a publié les lettres de Nelson.* Madame Reinhardt's letters from Paris at the time of the *coup d'état* of Brumaire are of great interest. Her remark (25 Vendémiaire)—*Brune et Masséna se sont vaillamment battus, mais les yeux de tous sont fixés sur Bonaparte*—prepares us for the sequel; and equally noteworthy is her regret that he did not divorce Josephine outright. *Azara me disait encore hier combien la faiblesse de Bonaparte vis-à-vis de sa femme était regrettable : elle-même demandait la séparation il y a six mois lorsqu'elle était sans nouvelles de son mari.* The following reply made by Bonaparte to a request for his interest with the Directors is, I think, an addition to our stock of anecdotes about him: *Je ne puis vous rendre ce service. Là où je suis, je commande ou je me tais.* The fleeting reports about the course of the *coup d'état* show in what ignorance Paris was kept. Madame Reinhardt writes (19 Brumaire) that Gohier and Moulins at first thought the movement directed solely against Barras, and (20 Brumaire) that Bonaparte thought the majority of the *cinq-cents* was for him; that this majority reassembled in the evening at St. Cloud, while the rest wandered *piteusement* in the park, owing to a thick fog; and that the assassination of Bonaparte and *Aréna* had been attempted. Three days later she writes, *Le peuple est en liesse et croit avoir reconquis la liberté.* Reinhardt was for a time envoy at Bern (1801-2), where he was charged to make much of the nobles; but he was replaced in one of the many shifts of Bonaparte's Swiss policy. It is unfortunate that there are no letters for the interval from April 1802 to April 1806; and the later letters are of no great interest, except those that describe the Reinhardts' intercourse with Goethe at Carlsbad in 1807, and his preference in female society for *une nature vulgaire à une intelligence plus raffinée* (p. 336). There are a few good touches about Napoleon at Dresden (after Tilsit) looking stout and well and hurrying so fast through the picture galleries that no one had time to stop to look at anything, while Frederick Augustus was visibly hurt at the lack of interest taken by the conqueror in the artistic treasures.

J. HOLLAND ROSE.

L'Île de France sous Decaen, 1803-1810. Par HENRI PRENTOUT.
(Paris: Hachette et Cie. 1901.)

THIS elaborate and valuable monograph is based partly on the unpublished papers of general Decaen (the interest of which was first pointed out by M. Tessier in the tenth and twelfth volumes of the *Revue Historique*) and partly on extensive researches in the archives of Paris and London. Indeed, so industriously has M. Prentout reaped and garnered his heavy crop, that little can be left for the gleaners. Upon the internal history

of the Mascarenhas, upon the policy of general Decaen, captain-general of the Ile de France from 1802 to 1810, and upon French schemes in the Indian Ocean and French designs upon India itself, during the Napoleonic period, this volume is likely for a long time to come to enjoy the highest authority. Incidentally, too, it is worth noticing that the Decaen correspondence throws some interesting light upon affairs at the Cape during the period of the Batavian government 1803-1806, but M. Prentout's account of these transactions would have been improved if he had consulted Theal's *History of South Africa*.

Eight days after the signature of the peace of Amiens, Forfait, formerly minister of marine, in a memoir upon the colonial state of France, argued that in view of the extreme weakness and dispersion of the French colonies it was futile to continue a policy of espionage in India, and that the only wise course for France was to allay English suspicion and quietly build up a navy. It was useless, even in his opinion, to fortify Pondicherry. Decrès, who succeeded Forfait at the French ministry of marine, was practically of the same mind, and advised that no effort should be made to form a military establishment in India, but that all attention should be concentrated on the Ile de France. Those counsels were, however, too moderate to please the first consul. General Decaen, a soldier formed in the excellent school of Moreau, who had shone at Hohenlinden, was sent to Pondicherry to observe and report upon the situation in India. His instructions, though professedly pacific, breathe the most bellicose intentions; he was to behave 'with softness, dissimulation, and simplicity,' to cultivate relations with the native chiefs, and to sound the depths of Indian antagonism to British rule.

The mission of the captain-general is primarily one of observation; but the first consul instructed by him, and by the punctual execution of the preceding observations, may give him the opportunity of one day acquiring the glory which prolongs the memory of man beyond the duration of centuries.

That opportunity never came, nor is it clear that general Decaen would have been the man to use it in the most effective way. That he was frank, sincere, and high-spirited, we are willing to believe upon the authority of our author, who has read all the 148 registers of prolix memoirs and documents which lie in the archives of Caen. But he was quick-tempered and impetuous, prone to believe the optimistic reports of ill-informed spies and to read his desires into facts, apt to quarrel with his colleagues, and blind to the true importance of sea power.

'Il est sévère votre frère,' said Napoleon to René Decaen, alluding to the general's standing quarrel with admiral Linois, 'il est vif et veut que tout aille comme il entend, mais il doit savoir que la marine est une arme qui ne se manie pas comme les autres.'

It is also a curious fact that during the whole period of his administration of the Ile de France he never once set foot upon the sister island La Réunion, or made any personal effort to win popularity among the royalist inhabitants of that colony. His treatment of Matthew Flinders, the Australian traveller, is incompatible with that breadth of temperament which is an essential part of greatness, and leaves a stain upon an honourable career. It may be true, as M. Prentout suggests, that

General Decaen suspected that Flinders had come to spy out the French military establishment at the Ile de France, just as the French naturalist Denon had spied out the strength and weakness of Port Jackson. If so, the captain-general should have sent him away. Flinders had a passport for all the French colonies from the First Consul; yet Decaen detained him in the island, deprived him of a portion of his maps and papers, and in a prolix and shifty despatch justified his action on the ground of English proceedings at the Cape and Pondicherry, and English designs in the East. The English authorities demanded his liberty, and on 11 March 1806 the emperor consented to grant it, yet it was not until 1810 that Decaen released his prisoner, and even then he refused to return to him part of his papers. We have no reason to believe with M. Prentout that the papers retained by Decaen were quite unimportant; the evidence points the other way. Flinders was not the man to carry about with him masses of unimportant papers, and if they were unimportant, why should he have stirred heaven and earth to regain them?

The Ile de France was no doubt, as M. Prentout says, a place of great strategic importance. When it became clear that the English did not mean to surrender Pondicherry, the island of La Bourbonnais naturally became the chief French naval and military station in the Indian Ocean. It possessed a good harbour in Port Louis, and was favourably situated for trade with Madagascar and the Persian Gulf. Port Louis had been made a free port under the monarchy, and there is much testimony from Bernardin de Saint-Pierre and others as to its commercial prosperity. Nor did the rupture between England and France in 1803 produce at once a cessation of trade. During the wars of the revolution and the consulate, and during the first years of the empire, England had very few ships in the Indian Ocean, and though the war locked up French merchantmen, the commerce of the island was carried on briskly enough in neutral bottoms. As late as 1806 Captain Marbot could write that the neutrals had brought so much merchandise and wine into the colony that the prices were lower than they were in Europe. All this, however, was very precarious. The island, largely owing to the wastefulness of slave labour, was unable to support itself even with the assistance of La Réunion, which was subjected to it by the fiscal policy of Decaen. There were years when the slaves were put on short commons and died of starvation. In 1806 a great tempest made havoc in the island, and traders, fearing that they might not obtain a return cargo, fought shy of Port Louis. Nor was there anything to expect of the mother country. 'The Ile de France,' wrote Napoleon 23 June 1805, 'lives from the product of its prizes. . . . All the money sent thither will be squandered.' In consequence the subsidy of two millions ceased and the island was instructed to 'live of its own,' or rather to prey upon English commerce. The corsairs were not unsuccessful, robbing the East India Company of fourteen richly laden vessels in three years, 1807, 1808, and 1809, but nevertheless there was constant uncertainty about the supplies. Nor was this merely a matter of local concern. If a large French force was ever to be landed in India, it would have to be revictualled in the Mascarenhas. When Napoleon was discussing the Indian project with René Decaen in 1808, he doubted whether there would be biscuit enough in the colony,

and asked anxiously after possible sources of supply; and he had felt the same questionings earlier in September 1805, when Stanislas Lefebvre, the second aide-de-camp of the captain-general, urged the eastern design upon him at Mainz in a remarkable interview, the report of which is here printed for the first time. But, supplies or no supplies, the French inferiority at sea rendered the emperor's Indian projects utterly incapable of execution. It was a miracle, as the emperor himself admitted in 1808, that the *Ile de France* contrived to remain so long in French hands, for at no time were there as many as 2,000 regular troops in the Mascarennas, and when Port Louis capitulated in 1810 the garrison on the island stood at 1,204 men only. The wisest heads in France, Talleyrand, Forfait, Decrès, recognised unpleasant facts, but Napoleon could not surrender a gorgeous illusion. Again and again, in 1799, in 1801, in 1803, in 1805, in 1807, in 1808, in 1812, the vision of oriental conquest floated before him. The French agents in India wrote glowing and misleading reports to Decaen; Decaen forwarded them countersigned with his own approval to his master. Napoleon was bombarded with despatches and emissaries urging him on to the enterprise, and it is one of the merits of M. Prentout's book that it shows that the emperor was not the only man who at that time dreamt dreams or saw visions.

H. A. L. FISHER.

Bernadotte, Napoléon et les Bourbons. Par L. PINGAUD. (Paris : Plon. 1901.)

CHARLES XIV of Sweden has been the subject of much serious study among his adopted fellow-countrymen.

Numerous historians [says M. Pingaud], Schinkel, Brinkman and Rogberg in their voluminous compilation 'Minnen ur Sveriges nyare historia,' Engeström, Trolle-Wachtmeister, Geiger, Ahnfeldt in studies or collections of documents have thrown light upon the better portions of his life; they have celebrated in him the beneficent monarch, the loyal protector of public liberties, attentive to justify his device, 'The love of my people is my recompense.'

All this literature is, however, in Swedish, and those who, like the present reviewer, do not possess that tongue, are forced to study Charles XIV at third hand. Luckily in M. Schefer's discriminating psychological sketch and in a series of articles published some fifty years ago in the '*Revue des deux Mondes*,' by the late M. Geoffroi, they are able to follow the later stages of a very interesting career under skilled and competent guidance. The volume which M. Pingaud has just published does not attempt to give the complete story of Bernadotte. It is in the main a study, and a very careful study, of the earlier life and of the policy pursued by the crown prince of Sweden during the years 1810 to 1814. It is true that there follows an epilogue, but this is restricted to the relations between Charles XIV and the Bourbons. The volume, in other words, seems to divide itself into three very finished monographs: the first upon the early life, the second, which is far the longest and weightiest, on the diplomatic tergiversations of the crown prince during the war of Liberation, and the third on the attitude of the French king at Stockholm to his fatherland and to the dynasty which ruled it. M. Pingaud has spared no pains to give solidity to his volume, which is largely based upon un-

published correspondence in the archives of Paris and St. Petersburg. We notice, however, that he has not consulted the Foreign Office papers in the Public Record Office in London, though they contain matter which would have been valuable to him. On the other hand full and sufficient use is made of Castlereagh's 'Letters and Despatches'—a most important source for the history of Bernadotte—so that the English side is not unrepresented.

The distinctive feature of this book is that it presents a view of Bernadotte mainly drawn from the reports of diplomatists, such as Alquier and Rumigny, Gabriac and Montalembert, Stewart and Bloomfield, Pozzo di Borgo and Suchtelen, who made it their special business to penetrate his designs and to sound his character during the most critical period of his career—the year which followed his first coming to Stockholm. It must be confessed that the situation in 1810 was one in which it was difficult for a man in Bernadotte's position to play a straightforward and honourable part. He owed much, his enemies said that he owed everything, to Napoleon, and yet as a Swedish prince he could no longer, after the French occupation of Swedish Pomerania, decently accept the only terms upon which the French alliance was offered to him. Nor was a policy of neutrality possible or wise. He must either fight the Russians with the distant chance of regaining Finland, or he must fight the French with the assured prospect of acquiring Norway. The latter course was the one which he elected to adopt. From the point of view of Sweden's interests it was the better alternative, but Charles John was not purely animated by a passion for Swedish interests. M. Pingaud brings out very clearly the complex incoherence of his aims, and the mixture of Gascon ruse and Gascon 'bounce' which characterised his diplomacy and his utterances. Perhaps he hardly makes sufficient allowance for the extreme difficulty of the situation. Bernadotte could not trust either the allies, or the Bourbons, or Napoleon; he knew himself to be an upstart, and felt uncomfortable at the prospect of restoring the *ancien régime* in France, knowing that the Bourbons would certainly despise him and probably intrigue for his deposition. At the same time a continuance of the Napoleonic empire was for him a prospect full of perils, though it was one which he might have to contemplate. His own ambitions were only partially defined. He wished to secure the Swedish throne for his son, and to play a part in France as well, posing as the intermediary between his countrymen and Europe, deleting by some act of beneficent statesmanship the uncomfortable suspicions of treason which clustered round his path. The exact shape which this act was to assume had not yet been fixed in his mobile intelligence. Possibly he might restore the Bourbons under conditions, possibly he might mount the French throne himself, possibly—but that was a *pis aller*—he might assist in securing the continuance of the imperial régime. A Viennese doctor, by name Franzenberg, sent to Liège by Joseph found the crown prince amenable to overtures. It is said that he actually pledged himself in writing to pass over to the side of Napoleon, if the emperor would promise in writing that he would procure him a sovereignty in case his defection should cause the loss of the Swedish heritage. The statement rests upon the testimony of the duke of Ragusa, and, though

accepted by M. Pingaud, should, we think, in view of Bernadotte's proved dislike of committing himself, be accepted with caution. Later on he is said to have entered into direct negotiations with Napoleon himself. What was the tenor of his communication we do not know, but that a letter was written M. Pingaud firmly believes. On 24 March it was intercepted and carried to Blücher. Three days later the French minister of war arranged that a duplicate of the Franzenberg documents should fall into the hands of the Russians in order that dissension might be sown between the allies. The manœuvre succeeded, for the courier was taken by a Russian patrol in the night of 27-8 March, and when Alexander reached Paris he was put in possession of the incriminating documents. The unpublished memoirs of Langeron from which these facts appear to have been taken contain the following addendum :

Je parlai à l'Empereur de cette dépêche interceptée ; il me dit : 'Croyez-vous qu'il fût le seul dont je devais me défendre ? J'étais obligé de combattre les amis autant que les ennemis.' Je vis bien qu'il voulait parler de Metternich.

There is quite enough in this volume to destroy the ideal figure which the enthusiastic imaginations of Benjamin Constant and Madame de Staël created. We are very far here from the 'inspired' biography of Touchard-Lafosse, who so dexterously avoids the doubtful and perilous passages, but the curious conversations recorded in the memoirs of Rochechouart, as well as Thornton's letters in the Castlereagh correspondence, had fully prepared us to entertain some such view as that which M. Pingaud here presents with copious knowledge and real literary distinction.

H. A. L. FISHER.

Souvenirs Politiques du Comte de Salaberry sur la Restauration, 1821-1830. Par le COMTE DE SALABERRY, son petit-fils. 2 vols. (Paris : Picard. 1900.)

THE author of these memoirs was the head of a younger branch of the ancient house of Irumberry, long settled in that part of France which was once the kingdom of Navarre. When Henry IV came to the throne this family migrated northwards, and acquired large properties in the neighbourhood of Blois. Charles Marie, comte de Salaberry, came into possession of these estates on the death of his father by the guillotine in 1794. He was then twenty-eight years old. He fought for a time against the republic, but subsequently married and settled down on his ancestral property, no part of which appears to have been confiscated. During the consulate and the empire he remained in seclusion, devoting himself to agriculture and occupying his leisure by writing novels and books of travel. When the Restoration brought back the Bourbons and established a form of constitutional government, he took his place in the chamber as deputy for Blois, and continued to sit until the revolution of 1830 drove him again from public life. He declined to serve the monarchy of July, and returned to history and literature and the cultivation of his estates. He read many papers on a large variety of subjects before the Société des Sciences et des Lettres of Blois, but does not seem to have produced any work *de longue haleine*. He died in January 1847, in his eighty-first year.

The 'Souvenirs' of the comte de Salaberry cover a very important period in the history of France, but cannot be said to throw much new light on the subject, except through the typical character of the author—a vehement monarchist—which is displayed with the utmost frankness and decision throughout. He was clearly one of those who had forgotten nothing, and he certainly had not learnt much. Villèle and Corbière are his heroes, *fidèles serviteurs de Dieu et des Bourbons*. Villèle is especially *l'unique et véritable homme du roi, de la monarchie et de la France*. Decazes, whose enforced resignation in February 1820 was fatal to the legitimist monarchy, is a *misérable*. Between the ministry of Decazes and that of Richelieu (the second) the author sees no difference save that between *gueuserie* and *niaiserie*, and he prides himself—*un infiniment petit qui est moi*—on having taken a prominent part in upsetting the latter of these ministers. The Martignac ministry is a *ministère de concessions*, a *ministère royaliste si l'on veut*: on the other hand Polignac and his supporters are *véritablement dignes de la confiance du monarque et des espérances des chrétiens*. The count's pet aversion seems to have been Chateaubriand. He condemns that distinguished author for taking the place of Montmorency: 'it is only in China that lettered mandarins become ministers.' He is the 'evil genius' of the monarchy, and when he falls he deserves his fate, *comme faux frère, comme mauvais ministre, et encore plus mauvais Français*. Clearly there is no lack of decision in the count's personal views; he is equally decided about all political questions. Representative government, he says with truth, is 'an exotic plant in France;' but he goes further, and declares it to be, *par excellence*, 'le gouvernement du scandale.' France is a country governed on monarchical principles: *nous sommes régis par une charte selon la monarchie, et non par une monarchie selon la charte*. For the constitutionalist opposition he has, naturally, not a good word to say; if Royer-Collard and the famous 221 protest, it is *un manifeste de révolte ouverte et proclamée*. On the other hand he condemns the extreme right, for whom Villèle was not reactionary enough. But it is for journalism and journalists that he reserves the most furious vials of his wrath.

Le paradoxe de la monarchie selon la charte introduit la concession de la liberté de la presse, qui proclame la monarchie selon les journaux, c'est-à-dire l'ochlocratie, dont l'élément est la boue . . . Un journaliste n'est pas autre chose que la particule *on*; on dit, et on n'est qu'un sot.

Even the respectable *Journal des Débats* is a 'gallows-bird' (*pendable*). Journalism is 'a lever of incontestable power,' but it is 'a monster in the social order.' *La liberté de la presse politique, qui a engendré le journalisme, n'est-elle pas grosse de l'anarchie?* Here is the true inwardness of the Reaction; this is the spirit which destroyed the monarchy of Charles X.

From such quotations as these, which might be indefinitely multiplied, it is easy to estimate the value of the 'Souvenirs' as an historical authority. The count never held office, and, though a personal friend or acquaintance of Villèle and other prominent men, he does not seem to have been entrusted with their confidences. He has nothing to tell of the great springs of action during the period, and his judgments of the

relative importance of events are generally inadequate or erroneous. His interest is far more in persons than in things, and he passes over many important events with hardly a remark. On foreign affairs he has very little to say, and what he says is of no importance. As one would expect, he condemns the Greeks and the Neapolitans—*les misérables lazaroni*—and he highly approves the Spanish expedition. He seldom makes a general observation that is not tinged with prejudice, and he rarely sees below the surface of things. He displays, for instance, no perception of the effects produced by the proposal to restore the *droit d'aînesse*; he has no notion that the creation of 76 peers in 1827 was a *coup d'état*; he smells Carbonari everywhere, but he does not see, or he shuts his eyes to, the presence of the Congregation behind the ministry; he persists to the last in believing that the journalists represent no one but themselves. At the same time the 'Souvenirs,' in addition to the general light which they throw on the Reaction, are by no means devoid of interest or value. The count wields a fairly dexterous pen, and his analyses of character are often epigrammatic; of La Bourdonnaye, for instance, he says—

Il n'a pas d'amis, ne cherche point à s'en faire, parce qu'il vise à un but et n'a pas de plan: il n'a pas d'esprit de conduite, parce qu'il a du talent et pas d'habileté . . . il ne peut pâlir que de colère; il ne sait sourire qu'amèrement; il ne se commande pas à lui-même, et veut gouverner l'État.

His descriptions are often detailed and vivid, especially when, as in the case of the funeral of General Foy (1825), they give him an opportunity for girding at his opponents. He quotes frequently from contemporary journals; he gives extracts from speeches in the chamber; he quotes satirical songs and pasquinades; but there is a striking lack of humorous or illustrative anecdote. We gather, in short, that the count was a high-minded, virtuous, loyal, and enthusiastic man, but that his intellect cannot be rated highly; he was one of those whom his contemporary Richelieu described as being 'used to guide their conduct rather by impulses of the heart than by reflexion of the mind.'

The exact epoch covered by the memoirs is from December 1821, the fall of the Richelieu ministry, to June 1830, the eve of the Revolution. They are not entirely contemporary; and it is the more necessary to mention this since nothing is said by the editor as to the method of composition. The count began to write in the latter part of 1824, when the Villèle ministry had been three years in office (i. 12, 107), when the duc de Berri had been dead four years (i. 18) and the septennial law had been some time passed (i. 90). His first book, which covers the last three years of Louis XVIII, is, therefore, not strictly contemporary. From the accession of Charles X (with which book ii. opens) in September 1824 the memoirs appear to have been written contemporaneously with the events which they discuss. *Nous sommes en 1825*, says the author a little later (i. 142). But it is evident that at some subsequent date—probably after the author's retirement—the memoirs were largely rewritten, and thrown into more consecutive and literary form. For instance, observations are made about the Martignac ministry (ii. 178–181) which could not have been written till after its fall; and the bitterness of many of the author's remarks has a post-revolutionary flavour. These facts impair somewhat the historical value of the 'Souvenirs.' They were, on the

whole, worth publishing, but the historical student must not expect to learn much that is important from them. G. W. PROTHERO.

La Duchesse de Berry (S.A.R. Madame), 1798-1870. Par H. THIRRIA. (Paris: Plange. 1900.)

THOSE who are interested in the history of France under Louis Philippe or in the fortunes of the legitimist party will find entertainment in this book, especially if they happen to be republicans. The French royalists are in sad want of a hero. They have nothing which they can oppose to the Napoleonic legend. The *vert galant* and his fowl in the pot are all very well, but the popularity of Henry IV is somewhat dimmed by the mists of three centuries. For some few months in 1832 the more ardent partisans of the house of Bourbon believed that in default of a hero in the mother of their future king they would find a heroine. Madame, the duchess of Berry, was to play the part of a royal and matronal Joan of Arc, to rally army and nation round the white flag, and to drive the usurper headlong from the throne. The drama opened with all the circumstances of romantic heroism, but unfortunately the *dénouement* at Blaye, although it reflected little credit on the government of Louis Philippe, covered the adherents of the duchess with confusion, and, what was worse, ridicule.

M. Thirria has written this book, as it would seem, to show that the legitimists had no reason to blush for their heroine, that her character and her acts were such that her name ought still to stir the enthusiasm of all loyal Frenchmen. It cannot be said that he is successful. No one ever doubted the spirit and courage of the duchess, and M. Thirria leaves our opinion of her wisdom and discretion unaltered. He is a violent partisan, but too honest. The reader expects a writer who so evidently holds a brief for the defence to admit only what cannot be denied, to extenuate much, to conceal much. M. Thirria concedes so large a part of the case against his client that he disposes us to believe the whole. He allows that all appearances were against her, that her behaviour was indiscreet and undignified, her language indelicate, that scandalous imputations on her good fame were accepted and circulated by her friends not less than by her enemies (p. 29). The evidence of the clandestine marriage of the duchess with Count Lucchesi-Palli in 1831 may be accepted as conclusive (pp. 233 *et seq.*) Her refusal to satisfy her father-in-law that she had been married by showing her marriage certificate may be explained by an evident wish to gratify her ambition by retaining the political status of the faithful widow of the duke of Berry and at the same time to indulge her personal inclination by being the wife of Count Lucchesi; in other words, it may be explained by a determination to keep her cake and to eat it. On the other hand no evidence that could satisfy a jury is adduced to prove the paternity of the child born at Blaye. If Lucchesi-Palli visited Nantes in the summer of 1832, his visit must have been known to some of those about the princess, and in that case it is incredible that they should not have come forward to testify to so material a fact. But although M. Thirria has failed to show that Madame possessed any of the qualities of a heroine except

courage, or of a politician except perseverance, he is, I think, not unsuccessful in exciting the sympathy of his readers for a woman who, although her faults were many, was not without charm. Her character was not unlike her face, full of blemishes, yet far from repulsive. She squinted, and the lids of her prominent eyes were often inflamed. A large and coarse mouth, generally open, revealed irregular and defective teeth. Yet to most of those whom she met she appeared attractive. M. Thirria, commenting on a letter to Madame de Meffray written by the duchess in 1848, sums up her character not unfairly. *Légère et sérieuse, Madame est là tout entière; elle parle à la fois de révolutions et de vignettes. Elle a cinquante ans et on croirait entendre une enfant; nature aimable et bonne, mais superficielle et impressionnable* (p. 375). This is charitable, and perhaps true; but such a character is not heroic.

M. Thirria passes rapidly over the Vendéan adventure of 1832, which, desperate though it was, an admirer ought hardly to have mentioned in the same breath as such an episode of burlesque as the landing of Louis Napoleon with his tame eagle at Boulogne (p. 69). Madame's chance of success was, it is true, even smaller than that of the Bonapartist pretender, since it was just possible that the memory of the great emperor might have gained for him the support of the army, while nothing but wilful infatuation, which has ever been the characteristic of the legitimists, could have blinded the duchess and her advisers to the absurdity of expecting French soldiers to rally round the white flag. M. Thirria pours contempt on Louis Philippe and his ministers. Certainly their treatment of the duchess showed neither chivalry nor generosity. But it ought perhaps to have been mentioned that in September 1832 the government, who knew that Madame was at Nantes, though they could not discover her hiding-place, let her friends know that they would connive at her escape from the country. Moreover when she had fallen into their hands they refused to treat her and her followers as rebels. The duke of Broglie admitted that his friends, rather than their opponents, were the offenders against the law, that the revolution was illegal. It would have seemed consistent with this view to land the duchess at once at the nearest English port. Instead of this she was kept in prison at Blaye, the king apparently having received information which encouraged a hope that the dishonour of so near a connexion could be exploited in the interests of his dynasty. It is true, though again M. Thirria is silent, that Madame was told that she might go free if she would allow her condition to be attested by four physicians, and it is difficult to see why, in view of the inevitable, this offer was rejected. That the delicacy of the duchess shrank from a medical examination is an explanation disposed of by the extraordinary and repulsive details, which M. Thirria has thought fit to extract from the earlier reports of doctors who had visited the princess. To a woman of the slightest refinement or delicacy the imprisonment at Blaye would have been a terrible martyrdom. It appears to have affected neither the good humour of Madame nor the buoyancy of her spirits.

The latter half of the volume before us is only likely to be read by those who can be interested in the unprofitable bickerings and futile intrigues of the legitimists. The letters written by the duchess chronicle the birth and fortunes of her annual children, and contain some particulars which

would be valuable to a biographer of that respectable but uninteresting man, the count of Chambord. M. Thirria also introduces a long statement of the ignoble intrigues by which the Orleanist family secured the vast inheritance of the Condés. It is hard to understand the object of this digression. It may be inspired by the desire, the not unnatural desire, of a partisan of the duchess of Berry to blacken the character of her enemies. But as a royalist M. Thirria should not go out of his way to discredit the family of the man whom he regards as his legitimate king.

P. F. WILLERT.

Franz Heinrich Reusch, 1825-1900: eine Darstellung seiner Lebensarbeit. Von D. LEOPOLD KARL GOETZ, Professor am altkatholisch-theologischen Seminar in Bonn. (Gotha: F. A. Perthes. 1901.)

THIS is a simple but adequate estimate of a noble life. Like the subject of the memoir it is plain, unpretending, and effective. Those who know the writings of Franz Heinrich Reusch, and still more those who have had the happiness of his personal acquaintance, will find in this sketch of his life's work enough to remind them of the chief turning-points in his life, of his steady and conscientious productiveness, and of his unflinching but most amiable character. Those who as yet have never read any of his works will perhaps be induced by this memoir to make trial of some of them, and this will certainly be to their advantage. Some of them are likely to be the best sources of information on the subject of which they treat for some time to come; and one or two may easily remain the standard work on the subject for many generations. The Vatican council broke his life in two, and turned his thoughts and his energies into new channels. In the forty-five years which preceded that crisis, as in the thirty years which followed it, he was the enthusiastic student, with the same scrupulous care about details and the same firmness of touch in finishing; but before that crisis he was mainly occupied with the relations between Scripture and science, while the crisis itself forced him to devote himself to the relations between doctrine and history. Previously to 1870 one of his main objects was to show that the earnest believer in a supernatural revelation has nothing to fear from scientific research. Since 1870 his chief aim was to show that doctrine must be studied historically, and that much which the church of Rome now requires its members to believe is either a corruption of the Christian faith or an unjustifiable addition to it. It is in the works which he produced during the last thirty years of his life that the readers of this Review will have most interest. The amount which he published, and the excellent quality of it, is very surprising. A great deal of it was done in conjunction with and under the guidance of his great friend Döllinger, almost the only man who in these subjects was competent to guide Reusch. Döllinger was excommunicated in March 1871 for rejecting the Vatican decrees, Reusch in March 1872. He said that it was one of his consolations that he had to suffer in company with his revered teacher for holding fast to an honest conviction. It was characteristic of him that he still continued to say his Breviary. He wished to be quite clear with his conscience that the

desire to be free from such burdens had nothing to do with his opposition to papalism.

The promulgation of the infallibility dogma made the appeal to history more general and more searching. There were many in the Roman church who had for long had misgivings about certain things in her doctrine and discipline, misgivings which for the most part they scarcely liked to own to themselves. But it was impossible to treat the Vatican decrees in this way. They must be tested by historical criticism, and, when the court of critical inquiry had once been opened, it found that it had a long list of arrears to deal with, and that in the course of dealing with them many other points, hitherto unsuspected, presented themselves for examination. It was as contributions to the patient sifting of evidence which this appeal to history involved that the chief works of Reusch during the last thirty years of his life were produced. 'Luis de Leon und die spanische Inquisition' (1873) marks the transition from his earlier to his later work. It shows what a commentator on the Old Testament had to suffer in the sixteenth century from the bigotry of Rome. 'Der Prozess Galileis und die Jesuiten' (1879) draws the moral from the condemnation of the Copernican system (1616) and of Galilei (1633) with special reference to papal infallibility. 'Der Index der verbotenen Bücher' (vol. i. 1883; vol. ii. 1885) is perhaps the greatest monument of Reusch's industry and learning, 'an inestimable contribution to the history of culture in Europe,' as Friedrich has said. Then followed, in co-operation with Döllinger, 'Die Selbstbiographie des Kardinals Bellarmin' (1887), 'Geschichte der Moralstreitigkeiten in der römisch-katholischen Kirche seit dem sechzehnten Jahrhundert' (1889), 'Die Fälschungen in dem Traktat des Thomas von Aquin gegen die Griechen.' Döllinger's death, 10 Jan. 1890, put a stop to this union of forces. After that Reusch edited some of Döllinger's unfinished writings and himself produced 'Beiträge zur Geschichte des Jesuitenordens' (1894). His articles and essays in dictionaries and periodicals were endless. Students of history, and especially of the ecclesiastical history of the last four centuries, cannot easily do too much honour to Reusch; and the most fitting honour is to make use of his work.

ALFRED PLUMMER.

Leading Documents of English History, together with Illustrative Material from Contemporary Writers and a Bibliography of Sources.

By GUY CARLETON LEE, Ph.D. (London: Bell. 1900.)

THE first part of this book is an attempt at a bibliography of English history, and the second purports to be a collection of the leading documents relating thereto. There is a serious lack both of bibliographies and of documentary collections in English historical literature, but unfortunately Dr. Lee's book cannot be regarded as supplying either deficiency.¹ His bibliography of 'sources' entirely neglects those in manuscript, and among printed materials the scores of volumes published by the Historical Manuscripts Commission, the Rolls of Parliament, most of the Record Office publications, and the Proceedings of the Privy Council

¹ Since Dr. Lee wrote, the publication of Dr. Gross's *Sources and Literature of English History* has admirably supplied the deficiency so far as the medieval period is concerned; see above, pp. 539-542.—ED. E. H. R.

seem to have escaped his notice. He vaguely says that the calendars of State Papers extend in a broken series from the reign of Henry VIII to the end of the eighteenth century; but there is no indication, for instance, that the Foreign Calendar covers only thirty years of those three centuries. Other indispensable guides which find no place in this bibliography are the various catalogues of manuscripts in English libraries from Bernard downwards. Chevalier's 'Répertoire,' the first book of reference for things medieval, Mr. G. K. Fortescue's 'Subject Index,' equally valuable for modern times, and class bibliographies like Oudin, Wadding, Sbaralea, Villiers de Saint-Etienne, Gesner, Fabricius, Quétif, Tissier, are equally ignored. When Dr. Lee comes to arrange his authorities chronologically his omissions become even more glaring. To take one instance, under Edward III's reign he says nothing of Murimuth, Geoffrey le Baker, Walsingham, the 'Eulogium Historiarum,' the 'Chronicon Angliae,' Jehan le Bel, and the calendars of Close and Patent Rolls; while for the Reformation or the civil wars it would be easy for any moderately equipped student to name four or five times the number of first-rate authorities given by Dr. Lee. Those which he does mention are, moreover, arranged and described with an amazing disregard of accuracy. The first seven authorities given under the 'Hanoverian Period' are in fact concerned exclusively with the later Stuart reigns. The 'Fasciculi Zizaniorum' and Wyclif's 'Works' come after the 'Arrivall of Edward IV' and the 'Paston Letters,' being sandwiched between Pecock's 'Repressor' and More's 'Richard III.' Narcissus Luttrell, whose 'Relation' begins in 1678, comes long before Nalson, who ends in 1642, and Thurloe, who ends in 1660. Evelyn is placed before Pepys and both before Whitelock, and after Burnet's 'Own Time.' The Record Commission's edition of Rymer is properly declared the best, but there is no indication of the fact that it stops at 1383. On p. 39 we have 'Continuation of the Croyland Chronicle: Petri Blesensis Continuatio ad Historiam Ingulphi,' which is said to be 'important for reign of Edward IV. Not to be confounded with the Ingulfian [*sic*] forgery;' so a work by Peter of Blois, who lived in the twelfth century, is 'important for reign of Edward IV.' Of course Peter of Blois wrote no continuation of Ingulf, and the continuation ascribed to him has little to do with that which is a valuable authority for Edward IV. On p. 40 Polydore Virgil is said to be a 'very high authority for the time of Henry VI;' Sir Thomas More (p. 39) is a 'contemporaneous' authority for Edward V and Richard III; on p. 61 the 'Cornwallis Correspondence' is said merely to refer to 'colonial affairs;' the references on p. 15 to Jaffé and Potthast imply that they print papal letters from 64 to 1304; and Miss Lamond (p. 49) in the edition described proves that the 'Compendious Examination' was not by William Stafford, to whom Dr. Lee ascribes it. On p. 4 we are told that Boston of Bury was the first English bibliographer, that he died in 1410, and that his 'Catalogus' is reprinted (*sic*) in Tanner, all of which statements are inaccurate.

The 'leading documents' confine themselves to domestic affairs, and there is not a treaty or convention with any foreign power except the Boer states of South Africa. A student will seek in vain for the treaties of Utrecht and of Paris, which gave Britain her empire, and will have to

content himself with the Sand River, Pretoria, and London conventions. There is no document relating to the Hundred Years', the Spanish succession, the Seven Years' wars, or the great war with France between 1793 and 1815. Even in domestic affairs whole centuries are left dark; there is nothing between 1438 and 1530, or between 1707 and 1763, save a few passages about the Jacobite rebellions. In the chapter devoted to John Wilkes there is nothing about general warrants or the rights of the Middlesex electors. Part viii. is devoted to the 'Nineteenth Century,' and the first document in it is Wraxall's account of the Gordon riots, which took place in the eighteenth. There is no mention of the 1552, 1559, or 1662 acts of uniformity, and the 1549 act is given a wrong date, a wrong regnal year, and no chapter at all. Lady Jane's claim to the throne, which exercised men's minds for nine days, is given in full, but Henry VIII's will, which exercised them for sixty years, is not mentioned. The documents are generally quoted at third hand or from inferior editions; charters, even when given by Stubbs, are printed from other versions; Edward VI's Journal is taken from Burnet instead of from the Roxburghe Club edition, and acts of parliament from some edition of the statutes at large instead of from the statutes of the realm. Even then they are 'edited,' the dangers of which process may be gauged from the fact that Whitgift's articles of 1583, which are professedly given verbatim from Strype and occupy only one of Dr. Lee's pages, contain fourteen variations from the original, to say nothing of the omission, without any notification, of six out of Whitgift's twelve articles. In his preface Dr. Lee remarks, 'In deciding upon translations I have selected and edited those which in my opinion most faithfully present the meaning of the best manuscripts,' but we are bound to say that this volume affords no evidence that Dr. Lee has ever seen a manuscript at all.

A. F. POLLARD.

A Dictionary of English and Welsh Surnames, with Special American Instances. By the late CHARLES WARING BARDSLEY, M.A., revised for the Press by his Widow. (London: Henry Frowde. 1901.)

In the introduction to this book the author says that it is intended 'to supply materials for an etymological dictionary of English and Welsh surnames.' Judged by this modest description of its purpose the work must be pronounced to be remarkably successful. Some notion of the amount and value of the 'materials' collected by Mr. Bardsley may be gathered from the statement that his dictionary contains about 10,000 articles, most of which include documentary examples of the surname treated of (or of the individual designation from which it is presumed to be derived) in the spelling of the thirteenth and fourteenth century, extracts from parish registers (often beginning with the sixteenth century), and a statement of the number of instances in which the name occurs in various recent directories, English and American. It is astonishing that a single worker should have been able to bring together such an enormous mass of well-selected documentary evidence. Of course the book, as a repertory of data for the etymology of surnames, is not, and could not possibly be, exhaustive. The author does not profess to have examined unpublished

documents, and there are many printed authorities of the first importance which he had not consulted. Still, although future investigation may supply many deficiencies in Mr. Bardsley's collection of materials, there is a large portion of his work which is likely to have a permanent value. In a great number of instances the evidence which he presents is already sufficient to establish etymological conclusions; and when it is not sufficient there may often be no more extant to be discovered. One rather important deficiency, however, may be mentioned: Mr. Bardsley rarely cites any of the recognised medieval Latin renderings of Anglo-French surnames, which, though of course not in every instance correct, do at any rate show how the names were understood at an early period. At first sight it appears as if these Latin names had been ignored of set purpose, but the truth probably is that the author had made little or no use of the particular classes of documents in which they are chiefly to be found.

Excellent as is Mr. Bardsley's work, regarded as a collection of materials for the historical study of surnames, it cannot be unreservedly recommended as a trustworthy etymological authority. The author had evidently not acquired the modicum of philological knowledge which is indispensable for the investigation of its more difficult problems. It is true that for the discovery of the etymology of a large number of surnames no qualifications are needed beyond good sense and an acquaintance with the documentary facts. In such instances Mr. Bardsley's conclusions are nearly always right, and he often shows considerable acuteness in recognising, for instance, a known place-name in the corrupted form in which it appears as a surname. Where, however, there is need for any knowledge of historical phonology, of Old English or Scandinavian personal nomenclature, or the like, he usually goes astray. Miss Yonge's laborious but unscientific work on the 'History of Christian Names' is constantly referred to as an authority, and is the source of many errors. Very often Mr. Bardsley's etymological conjectures are disproved by the very evidence which he adduces in their support. For example, he maintains that Goodenough is, like Birchenough, a compound of *haugh* (which, by the way, does *not* mean 'mound,' nor is it a variant of *how*); but the thirteenth-century form, *Godynogh*, proves that it means just what it seems to mean. How any man came to have such a nickname one can only guess: perhaps 'good enough' was an expression that he was fond of using. Another instance in which the obvious etymology appears to be the true one is Godbehere, though Mr. Bardsley thinks this explanation 'absurd,' and refers the surname to a personal name, 'Godber, perhaps a corruption of Godbert.' The present spelling, however, occurs as early as 1273, and surely 'God-be-here' as a cognomen is not more unlikely than 'Crist-us-helpe,' of which an example is given in this book. It would be easy to produce a long list of more or less grave errors by way of justifying what has been said about the weak points of Mr. Bardsley's methods, but to do this would give a somewhat unfair impression, unless it were possible to exhibit in something like their due proportion the substantial excellencies by which the faults are outweighed. The book needs to be used with caution, but it is quite indispensable to all who have occasion to investigate its subject.

H. BRADLEY.

American History told by Contemporaries. Edited by ALBERT BUSHNELL HART, Professor of History in Harvard University. Vols. II. III. (London: Macmillan. 1898, 1901.)

Indianer und Anglo-Amerikaner; ein geschichtlicher Ueberblick von GEORG FRIEDERICI. (Braunschweig: Vieweg. 1900.)

The Silver Map of the World: a Contemporary Medallion of Drake's Great Voyage (1577-80). By MILLER CHRISTY. (London: H. Stevens. 1900.)

THE third volume of Professor Hart's interesting and varied historical miscellany brings the work down to the year 1845. As an undertaking of this nature advances the materials become more abundant and the work of selection increasingly difficult; but Professor Hart's immense knowledge of books and well-balanced judgment, to say nothing of his experience as a teacher of history, admirably qualify him for the task, and he has every reason to be satisfied with the result.

Constitutional documents (he says) have been avoided, both because they are not self-explanatory and because good collections of them fortunately now abound; diaries, travels, autobiographies, letters, and speeches have been preferred as being more real and more human. . . . The foundations of true historical knowledge of our past are the actual conditions of common life; of country, town, and city; of farmer, artisan, merchant, and slave-owner; of church, school, and convention. If this book leads people to understand how their forefathers felt, it will have done its work.

Pursuing this attractive programme, Professor Hart spreads the feast for his readers with a liberal hand.

Feasts, however, are sometimes interrupted by ghosts; and the ghost of the American historical feast is the Red Indian. At the bidding of Herr Friederici, a German officer who has been travelling in the States, this blood-boltered Banquo starts up to make our hair stand on end. Herr Friederici has evidently had the run of a good library, and his little *brochure* of 147 pages contains the substance of many recent American books and pamphlets in which the Red Man's wrongs in the past have been abundantly exposed. Mr. Bryce is doubtless right in saying that the American people have always desired that the aborigines should be justly and honourably dealt with, and that the wrongs inflicted on them in recent times have been mainly due to the supineness of the executive government and the incompetence or bad faith of subordinate officials. However this may be, the United States in their dealings with the Indians have run up an ugly score on the wrong side of the ledger. Herr Friederici's book is written with good taste and moderation, and might usefully be translated into English.

The 'Silver Map of the World' is a small circular medallion showing a hemisphere on each surface, and obviously executed by some Dutch artist towards the end of the sixteenth century. Two specimens may be seen at the British Museum, and the late Sir A. W. Franks described it fully in a paper printed in the *Proceedings of the Society of Antiquaries*, vol. vi. pp. 161-163. He attributed it to Joos de Hondt, or Iodocus Hondius, a well-known Flemish engraver who was born in 1563, settled in London in 1583, married there in 1587, and removed to Amsterdam in 1594. Mr. Christy is induced by the prominence given to Drake's

route, which is marked on the map in dotted lines, some of the incidents of the voyage being noted in their places on the track, to conclude that the medallion was struck to commemorate it. If so, the silver map could scarcely have been engraved later than 1581, the date assigned to it by Mr. Christy, and it is not probable that an obscure youth of eighteen residing in Flanders would have been entrusted with it. Mr. Christy overlooks the fact that the name Virginia, which appears on the map, was not conferred until 1584. Mr. Christy draws attention to some striking coincidences between the silver map and one dated 1587, and signed 'F. G.,' which is inserted in Hakluyt's edition of Peter Martyr's 'De Orbe Novo,' published at Paris in that year; and he infers that both maps are by the same author, or were taken by the engravers from the same original. It seems more probable that the map of 1587 was used by the engraver of the medallion as an authority; and, as Hondius was then working in London, the chief objection urged against his authorship disappears. Besides excellent reproductions in facsimile of these two maps Mr. Christy's volume contains copies of several contemporary charts, among which that drawn by William Borough, by which Frobisher is understood to have sailed in 1576, and now in the marquis of Salisbury's library at Hatfield, is especially interesting. E. J. PAYNE.

More than thirty years ago Dr. Heinrich Brunner contributed to Holtzendorff's 'Encyclopädie der Rechtswissenschaft' a short sketch of the history of German law. This he has retouched and enlarged from time to time as new editions of the Cyclopædia were published. He has now issued it in the shape of a little book of about three hundred pages (*Grundzüge der deutschen Rechtsgeschichte*. Leipzig: Duncker und Humblot, 1901), which should certainly be in the hands of every one who is interested in the subject with which it deals. To say that its author is one of the greatest living masters of German legal history would be needless, but we may add that this handbook is well written and well arranged: indeed a more thoroughly useful book for beginners we have not often seen. Though it speaks of private as well as public law, it can be confidently commended to all who are desirous of studying the constitutional history of Germany. To those who are making their first steps in that puzzling region it will be of the highest value, and its aid should not be despised by those who, though they have read many larger books, can seldom if ever have seen so much of the long and tangled story told in so few and such well-chosen words. At the end of every section sufficient references are given, and these, even if they stood by themselves, would be worth the price of the book, for they have been carefully selected. To make periods in legal history is not in general an easy task, but undoubtedly the Germans are entitled to hold that a period began with the beginning of the year 1900 when the new civil code of the empire became law. It is with pardonable pride that a 'Germanist' can look back upon the work that was done in the nineteenth century towards the unification and deromanisation of German jurisprudence. In a large measure that work was forwarded by those historical investigators of old German law among whom Dr. Brunner has long been one of the foremost leaders. This gives an additional interest to his survey of the centuries. F. W. M.

Western Europe, which is defined by one of the writers as 'ethnologically the peoples of Romance and Teutonic languages,' 'in culture the lands of Latin Christianity,' forms the subject of the last two volumes of Dr. Helmolt's great *Weltgeschichte*. Of these the former (Band vii. Leipzig: Bibliographisches Institut, 1900) is now published. It is modern progressive civilisation with which we have here to do. All Europe is included except the Slavonic, Hellenic, and Turkish states, though Russia cannot practically be kept out, and the Turkish wars have some mention. Since chronological arrangement is, by the principles of the editor, excluded, and geographical division is here, happily, out of the question, the subjects to be treated are apportioned among the several writers according to the department of history to which they belong. The first section, by Dr. Richard Mayr, gives us the Economic History of Western Europe from the crusades onwards. It comprises a history of the Hansa, and of its relations with the seafaring powers of Europe, and goes on to the period of maritime discovery, the development of modern forms of capital and credit, the mercantile system, and the chief problems of international trade down to the present day. The second section, by Dr. Armin Tille, called 'Renaissance, Reformation, and Counter-Reformation,' bears a rather misleading title; although it gives the names of many persons illustrious in art and letters, and some information about the chief Reformers, it is less occupied with these movements considered in their origin and progress than with the political history of the chief European countries during the period which extends from the middle of the fourteenth century to the peace of Westphalia. We have general reflexions on the Reformation and the other movements taken as a whole, but some of the most important elements are crowded out. The next section, by Dr. Wilhelm Walther, on 'Western Christianity and Missionary Activity since the Reformation,' is naturally more concerned with the mental and moral aspect of things than is the previous one. But few pages are allotted to the subject, and the treatment is quite inadequate; this is especially evident in the part which deals with various reactions against eighteenth-century scepticism. The influence of Kant on religious thought had better been left untouched than so summarily dismissed; and the English reader will not find in the writer a familiar acquaintance with the movements or with the institutions of our time and country. The 'Social Question,' by Dr. Georg Adler, comes next. He divides his subject according to the forms it has assumed in England, France, Germany, and the other states of Europe. England is, in his opinion, the most advanced on the way to a peaceable settlement of the relations between capital and labour. As we hear a good deal about the English socialists, we may be surprised to find no estimate of contrary influences—of Jeremy Bentham and his following—but 'Smithianismus' has already been disposed of in section 1. The last section, by Professor Dr. Hans von Zwiédineck-Südenhorst, is, again, wholly political, and treats of the rise of the Great Powers and of the general course of European history from the accession of Louis XIV to the end of the seven years' war. As in examining previous volumes, we are troubled by the question, Is this to serve as a book of reference or as a popular introduction? For the former purpose, it requires details and references; for the latter, either brilliant generalisations (such

as the pen of a Guizot or a Seeley could give us) or else those elements of the personal and the dramatic which the nature of the work precludes. Yet one may grant that the attractive form of the book is in its favour, and that the maps will be helpful to students and teachers, while the illustrations ought to please and instruct the general reader. A. G.

Mr. Joseph McCabe's book on *Peter Abélard* (London: Duckworth, 1901) is the work of a partisan rather than of an historian. The author is inaccurate and deficient in criticism, and his use of authorities is capricious. P.

Louis IX of France deserves well to be included in a series of the Heroes of the Nations (*Saint Louis; the Most Christian King*, by Frederick Perry, M.A. London: Putnam, 1901). If his public career was not strictly heroic he has nevertheless become an accepted type of his native land, and still more the model of medieval and saintly kingship. In his personal character at all events he was attractive, and he is perhaps a unique example of the triumph of supreme qualities of the heart over the more commonplace power of mind. On the other hand his career does not lend itself well to biographical treatment within the compass of a small volume. His reign was a long one, and until the latter part of it, and then perhaps only in certain aspects, his own personality was not so commanding as to afford a centre of interest. The difficulties inherent to such a subject have hampered Mr. Perry; the earlier part of his book consists rather of a history of the time than of the man: so far as there is a personal centre it is Queen Blanche, and not her son. The narrative moreover is somewhat cramped, perhaps more cramped than the circumstances of the series should render necessary. The later chapters, on the other hand, are satisfactory, and bring out clearly enough the fine side of Louis's character and the essential lesson of his life to those 'who regard the moral qualities of action rather than the splendour of the stage on which it is displayed.' Mr. Perry's difficulties are no doubt in part due to the contrast between the graphic narrative of Joinville and the prosaic details available for the earlier period. Still it is impossible to avoid the conclusion that this life would have gained at every point if the author had kept his readers more visibly in touch with his authorities. It is rather disappointing, for instance, in the account of the 'English war' of 1241-1243 to find Matthew Paris figure only as an anonymous chronicler. How far authorities should be definitely cited in a popular work is no doubt a difficult question, but educationally a history is valuable in proportion as it forces the student to realise how the facts presented themselves to the eyes of contemporaries. Putting this criticism on one side, Mr. Perry's life of St. Louis, regarded simply as a popular account for the general reader, is satisfactory enough. The illustrations are well chosen, though perhaps too many of them come from a fourteenth-century manuscript to be strictly authentic and appropriate. The index leaves room for improvement; it is not exhaustive, and fathers and sons of the same name (as the two Enguerrands de Coucy and the two Simons de Montfort) ought to be distinguished.

In the account of Taillebourg Mr. Freeman's description of the town and bridge might have been used with advantage. C. L. K.

The first volume of the *Calendar of Close Rolls, Edward I, 1272-1279* (London: H.M. Stationery Office, 1900), comes close on the heels of the last instalment of the now complete 'Calendar of the Patent Rolls' of the same reign. It is a sufficient guarantee that the laborious undertaking has been thoroughly well done when we know that the 'Calendar' is the work of Mr. W. H. Stevenson, whose mastery of his subject has been sufficiently shown by his model calendars of the Close Rolls of Edward II and of the early years of Edward III. The summaries are full and precise, and the manifest care taken that nothing of importance to be found on the roll is withheld from those who use the 'Calendar,' is illustrated, for example, by such a short paleographical note as that on p. 77. The index, compiled by Mr. C. H. Woodruff, is a worthy companion to the text. One may specially praise the extent to which it serves as a subject index, as, for example, under the entry 'Bream,' which refers us to a document that shows that the bream of Ellesmere Lake were worthy to go to the king's use in 1275. The slips that call for notice are very slight. On p. 713 'Oléron, Charente,' should, of course, be 'Charente Inférieure,' and on p. 715 the bailiff of Ross is not, as the index says, of 'Ross, County Hereford,' but, as the previous entry on pp. 563-4 clearly suggests, of the Cantred of Rhos, in Perveddwlad, North Wales. The 'Abrunol' of p. 51 is indexed on p. 585 as 'Abrunob.' It seems impossible to locate its site with any exactness. T. F. T.

Father H. Thurston's book on *The Holy Year of Jubilee* (London Sands, 1900) hardly appeared in time to instruct or edify those who were interested in the Roman Jubilee of last year; but he has compiled a comprehensive and useful account of the institution. It is naturally written from a Roman point of view, which means to say that by one means or another the Roman church always appears to have been in the right. Sometimes, we are told, it is popular and erroneous interpretations of the church's meaning which have given rise to misconceptions; and in this connexion it must be allowed that the author has not much difficulty in showing as against Mr. H. C. Lea that the Jubilee indulgence was never intended to dispense with preliminary contrition and confession, though he avoids the question of the popular impressions on the subject, which is what Mr. Lea was chiefly concerned with. Sometimes, as in the case of the miraculous pictures and objects in the Roman basilicas, we learn that the sanction of the holy see 'does not involve any infallible pronouncement upon a question of pure history,' but only implies reasonable care to exclude error in the light of 'the canons of historical criticism prevalent at the period' (p. 190). Though the devotions to such objects are still encouraged at Rome to the fullest extent, Father Thurston confesses that in most cases the evidence for their antiquity is very weak or non-existent. But he should not have suggested that there is any historical evidence for the apocryphal statue of Christ at Paneas (p. 154). We think it would be difficult to maintain

that at the present day 'the treasury of the holy see is not usually benefited in any way by the liberality of the faithful' (p. 82). Father Thurston rightly takes credit to himself for making one new point—viz. that the opening of the holy door was not an invention of the sixteenth century, but was known much earlier. The rather superfluous descriptions of the great basilicas are neither better nor worse than many other accounts of the same nature, but they serve to give variety to the book. More interesting are the contemporary pictures of life at Rome by English and Scotch visitors of the seventeenth and eighteenth centuries, though the inferences drawn from them as to the beneficence of the papal régime in Rome are exaggerated. Rome and Italy generally were comparatively civilised when the rest of Western Europe was barbarous; but it must always be remembered that in the nineteenth century the conditions had been reversed, and the popes had not saved Rome (before 1870) from falling far below the standard of European civilisation. The book is well illustrated, mainly by reproductions of old drawings and prints.

G. McN. R.

In the second volume of his *Documents relatifs à l'Histoire de l'Industrie et du Commerce en France* ('Collection de Textes pour servir à l'Etude et à l'Enseignement de l'Histoire.' Paris: Picard, 1900) M. Gustave Fagniez gives us one hundred and sixty-six documents illustrative of the industry and commerce of France during the fourteenth and fifteenth centuries. To these he prefixes a fairly long introduction, which is a sketch of the general course of French economic affairs in the age that we have just mentioned, and he appends a very valuable glossary of technical terms. It should be enough to say that this volume is fully worthy of its predecessors, of its author's high reputation, and of a place in the admirable collection in which it appears. English students will find this book all the more useful because in many cases the documents which are printed in it are derived from sources with which they are not likely to be familiar—from municipal archives and the like. Even if they are thinking rather of medieval England than of medieval France, they will find here many suggestions that deserve pursuit. Also, M. Fagniez in his introduction has much to tell of the effects of the Hundred Years' war, and what he says will be interesting even to those who do not desire to plunge deeply into commercial or industrial details.

F. W. M.

When the *Paston Letters* were reissued five years ago we regretted (vol. xii. p. 607) 'that Mr. Gairdner was not given the opportunity of adding a postscript to his preface' to explain the rediscovery of the missing three volumes of the manuscript which were presented to George III in 1787. He has now, we are glad to say, taken matters into his own hands. The stereotyped plates, indeed, still stand in the way of a really thorough revision of the text; but short of this Mr. Gairdner has done all that was necessary to bring the edition up to the level of present information (Westminster: Constable, 1900-1901). The three volumes containing the text of the letters remain substantially unaltered, but deprived of their separate introductions. These are now, placed in a volume by themselves, combined into a single narrative, printed in better type and

style, and revised throughout; and to them is prefixed a preface explaining all that is known of the fortunes of the several volumes and scattered elements of the Paston correspondence. A supplement, moreover, contains 105 other letters hitherto unpublished. Most of these had been calendared in the third appendix to vol. iii. They then belonged to the Roydon Hall collection, but are now in the British Museum. It is a pity that the inventory in that appendix, which reappears in the present edition, has not been supplied with references to the numbers which the letters bear in the new supplement. The remaining letters are also in the British Museum, with the exception of five which belong to Pembroke College, Cambridge, and one which had been published in Palmer's 'Foundacion and Antiquity of Great Yermouthe.' Mr. Gairdner is to be congratulated on the shapely form in which his famous edition is once more given to the public. Q.

We need do no more than barely chronicle the receipt of another volume of the abbé P. Feret's learned and laborious work on *La Faculté de Théologie de Paris et ses Docteurs les plus Célèbres* ('Epoque Moderne.' Tome second, XVI^e Siècle, Revue Littéraire. Paris: Picard, 1901). As the work goes on it assumes more and more the form of a biographical dictionary, and the present volume contains few names which will awaken much interest in the mind of a reader who is not a specialist in the history of Gallican theology. R.

The New History of the Book of Common Prayer, by the Rev. F. Procter and the Rev. W. H. Frere (London: Macmillan, 1901), deserves its title. It is not merely a new edition of Mr. Procter's standard 'History,' for the work has been to a very large extent rewritten, and in part remodelled, by Mr. Frere. The changes to which attention is chiefly directed in the preface relate to the history of the Edwardine Prayer Books and the treatment of older liturgical materials made use of in the Reformed books; but every page bears witness to the thoroughness and scholarship of the revision. No one could have done the work better than Mr. Frere has done it. In this Review it is only necessary to say that the book is now, in a much higher degree than previously, indispensable to students of the religious history of the second half of the sixteenth century, and that it may be accepted as a safe and conveniently arranged text-book for those who wish to study as well the *origines* as the later revisions and proposed revisions of the English Prayer Book. S.

Roger Ludlow, a kinsman of the regicide Edmund Ludlow, who emigrated to New England in 1630, was deputy governor of Massachusetts and afterwards of Connecticut, but owes his fame to the fact that he drew up the constitution of Connecticut and codified its laws. Mr. John M. Taylor in his monograph *Roger Ludlow, the Colonial Law-maker* (New York: Putnam, 1900), traces his career carefully and adds new information about Ludlow's employment in Ireland after his return from America. From December 1654 to December 1659 Ludlow was commissioner for the administration of justice and for the adjudication of claims to land, and he was still living at Dublin in July 1664. These facts were not known to the author of the article on Roger Ludlow

in the 'Dictionary of National Biography.' Mr. Taylor argues that Ludlow probably returned at the instance of the Lord Protector, but no direct evidence of this is adduced. While the author has industriously collected all contemporary references to his hero, and a number of later criticisms upon his legislative work, he has not the gift of sketching a character, and inserts an excessive amount of irrelevant matter in the biography.

C. H. F.

Mr. Walford D. Green's little volume on *William Pitt, Earl of Chatham* (New York: Putnam, 1901), is a carefully prepared account of the main facts of the statesman's life, but that it at all supplies one of the great needs of English literature, an adequate biography of him, the author would probably be among the first to deny. For one thing, the only period of commanding interest in Chatham's career, and the only period on which his supreme reputation depends, was his short ministry, and this period occupies only a bare hundred out of nearly four hundred pages in this book. As usual, a great deal of attention and space is devoted to the tiresome negotiations among themselves which seem to have formed the chief occupation of statesmen in the first ten years of George III's reign; it is true the memoir-writers give ample material for these accounts, but they are excessively dull and profitless except in the pages of the memoir-writers themselves, and an historian who would dare to pass over them cursorily, especially when dealing with Chatham, would be very welcome, and would show a due appreciation of the relative importance of facts. The book cannot be said to be inspiring, or even to be a really good account of Chatham: his biographer would require some of his own picturesque eloquence, even bombast if you will, to do him justice, and certainly Macaulay has not yet been superseded. The only sentiment of Mr. Green which may be noticed as showing superficiality of treatment is in his account of Walpole's foreign policy. He says of him that 'in foreign affairs he had reversed the old whig policy of hostility to France, and had sought peace and ensued it to the verge of ignominy,' and goes on to develop that idea. In the first place it was not Walpole who reversed the whig policy; he found it reversed when he came into power; and as to his ensuing peace with France or even with Spain to the verge of ignominy, a study of his foreign policy forbids such a conclusion.

B. W.

In his book on *L'Affaire du Collier, d'après de nouveaux documents recueillis en partie par A. Bégis* (Paris: Hachette, 1901), M. Frantz Funck-Brentano has probably found out all that will ever be known about the matter of the queen's necklace, and he has put together the results of his work with much skill. Very many people were more or less concerned in the *affaire*, and it is no slight literary achievement to have told the story of it, as it is told here, in full detail and yet with perfect clearness and considerable dramatic power. His book presents an amazing picture of the gullibility of the Parisians of the time. A dissolute adventuress such as Madame de la Motte was, an impudent rogue like Cagliostro, and other lesser impostors found that no trick was too transparent and no pretence too audacious to deceive their dupes. Madame de la

Motte certainly showed much ability as a swindler, for she employed many agents, both male and female, to carry out her plans, and kept most of them in ignorance as to what she was doing. One of these agents was another Madame de la Motte, and M. Funck-Brentano has thrown some new light on her history, as well as on several other matters connected with the *affaire*. By pretending that this woman had been a mistress of Cardinal de Rohan, for whom he was anxious to provide, Jeanne hoped to show that the cardinal was in special need of money at the time that she robbed the jewellers of the necklace. Good reasons are given for discrediting Jeanne's assertion that she had herself been the cardinal's mistress. Witty as Rohan was, he appears to have been extraordinarily credulous, and he was blinded by his dream of becoming first minister of France. The queen's dislike was, he believed, the only obstacle in his way, and Jeanne persuaded him that he could purchase her favour. That the queen knew absolutely nothing of the whole business is, of course, established beyond question. The book would have been more complete if it had given an account of Jeanne's escape from prison and her death in London. One of the twelve illustrations which it contains is an engraving of the *collier* made from the design left by the makers Böhmer and Bassenge.

W. H.

Mrs. Helen Ainslie Smith's book on *The Thirteen Colonies* (New York: Putnam, 1901) seems to fall between two stools. It is too detailed and prolix for a mere effective summary, but not scholarly enough in style nor careful enough in its methods for a solid history. One instance occurring early in the first volume is enough at once to excite serious distrust, and to show how little the writer has profited by works of recent and easily accessible authors. Her account of Patrick Henry's career and of the famous 'Parsons case' is nothing more than a reproduction of Mr. Wirt's most untrustworthy biography. Patrick Henry, we are told, 'had never had a case, nor spoken in public.' Mr. Tyler in his life of Patrick Henry has shown from Henry's carefully kept fee books that he had before the trial in question conducted 1,185 cases. Mrs. Smith speaks of the act, which the king in council vetoed, thereby giving rise to the 'Parsons case,' as one 'forcing them (the clergy) to share the affliction of their flock.' Mr. Tyler's summary of the question is worth reproducing as a contrast:

Finally, it was by no means the welfare of the poor that 'was the object, or the effect, of the law;' but it was 'the rich planters' who, first selling their tobacco at about fifty shillings the hundred, and then paying to the clergy and others their tobacco debts at the rate of sixteen shillings the hundred, were 'the chief gainers' by the act.

Such, then, in all its fresh and unadorned rascality, was the famous 'option law,' or 'twopenny act,' of 1758, an act firmly opposed, on its first appearance in the legislature, by the noble minority of honourable men; an act clearly indicating among a portion of the people of Virginia a survival of old robber instincts of our Norse ancestors; an act having then the sort of frantic popularity that all laws are likely to have which give a dishonest advantage to the debtor class; and in Virginia unfortunately, on the subject of salaries due to the clergy, nearly all persons above sixteen years of age belonged to that class.

When Mrs. Smith comes to deal with the revolution in Massachusetts she shows an equally uncritical temper. She eulogises Warren as 'gentle.' In the face of his well-known declaration, 'By heavens I hope I shall die up to my knees in blood,' the epithet seems rather ill-chosen. Bernard, again, is 'an avaricious thief and liar.' That strenuously patriotic American writer, Mr. Moore, in his life of Samuel Adams, describes Bernard as 'a man of refined and scholarly tastes,' an honourable and well-meaning man, and by no means wanting in ability.' In dealing with Bernard's successor, Hutchinson, there is the same contrast between the measured, well-balanced attitude of Mr. Moore and that of Mrs. Smith. Franklin, she says, 'secured a bundle of letters written by Hutchinson upon other crown officers, revealing a plan to deliver the province into the king's hands.' Mr. Moore's account forms an interesting contrast. 'Less than half of the letters were from Hutchinson, and in these not a sentence can be found inconsistent with his public declarations, or expressing more than a mild disapproval of the course of the whigs.' 'He writes in no unfriendly spirit and makes suggestions remarkable only for their great moderation.' A book conceived in this tone of reckless and inartistic partisanship needs no further examination. We will only say in conclusion that we very much doubt whether a careful study of New York records will lead any thoughtful and judicially minded person to the opinion expressed by Mrs. Smith that Leister was 'a patriotic martyr,' who 'set up an enlightened government,' or that he was anything but a shallow and self-confident agitator, without any redeeming touch of constructive statesmanship or administrative capacity. J. A. D.

As a review of M. Charles Seignobos's *Political History of Contemporary Europe since 1814* in the original French was published in this Review in January 1899, it is unnecessary on this occasion to do more than consider the adequacy of the English translation which has now appeared (2 vols. London: Heinemann, 1901). The work of M. Seignobos is so valuable to all students of modern history that it certainly deserves to be translated; and Mr. Heinemann, who has already done so much to familiarise the English public with contemporary foreign literature, is to be congratulated on his determination to present the best existing summary of European history during the nineteenth century in an English form. The original is written in a clear and straightforward style, eminently suited to its purpose, and presents no special difficulties to the translator, who has discharged his task with success. A cursory examination reveals, it is true, some inaccuracies here and there. 'The Trades Union, a *fabulous* association of Owen's' (p. 50), is hardly an adequate rendering of 'la Trades Union, *rêvée* par Owen.' 'A vast forest peopled with *monsters*' (p. 388) does not represent *une vaste forêt peuplée d'aurochs*; and 'kingdoms and *nations*' (p. 521) misinterprets *royaumes et pays*, a phrase used of the 'countries' or 'provinces' of Austria-Hungary, which in no case correspond to distinct 'nations.' A word-for-word comparison would probably detect more of these errors, but no translation of a work of this nature can be expected to be faultless; and such slips as have been observed are of slight importance. The English is as a whole careful and correct, and generally

reads well. It is perhaps to be regretted that the opportunity was not seized to bring the story down to the end of the century—it stops at 1896—or to mention such historical works of value, *e.g.* the second and third volumes of Stern's great work or Mr. Bolton King's 'History of Italian Unity,' as have been published since that date. Unfortunately too the translation, like the original, suffers from the grave defect of having no index. On the other hand it is encouraging to note that the mistakes in the portion dealing with British history, pointed out in this Review two years ago, have been corrected. G. W. P.

M. H. Léonardon's sketch of *Prim* (Paris: Alcan, 1901) forms the second volume of the series of *Ministres et Hommes d'Etat*. As the author admits, it is difficult even now to estimate the character of the man, who was perhaps the most successful of Spain's political soldiers during the last century. The famous Catalan was trained in a bad school, and from his first *pronunciamiento* against Espartero to his last against Isabel II he was careless of legal obstacles to his career. Of his success in Morocco, which is still commemorated by Fortuny's picture at Barcelona, we are told but little, whereas a quarter of the book is occupied with the less interesting Mexican question. With his Mexican connexions through his wife, Prim saw that Spain had nothing to gain from keeping her troops in a country which could not accept a Bourbon as its sovereign, and he proved to be a truer prophet than Napoleon III. In the revolution which overthrew Isabel in 1868 he was the real force behind Serrano, and for the next two years 'the true ruler of Spain.' He retained power by the device of playing off parties against each other, nor did he scruple to break his word in order to remain in office. A French writer naturally differs from the usual German version of the origin of the Hohenzollern candidature, but there is no proof that Bismarck suggested it, nor yet that Ferdinand of Portugal's final refusal was due to Teutonic intrigues. M. Léonardon attempts too to fix the authorship of Prim's assassination, and thinks that, having failed to unite Spain and Portugal under one sceptre by a Portuguese candidature, he should have anticipated the restoration of Alfonso XII. A few misprints need correction, and *piastres* (p. 78) is a slip for *pesos*. W. M.

Professor Stanley Lane-Poole's account of *Sir Harry Parkes in China* (London: Methuen, 1901) tells in concise and popular form much that was contained in the larger biography which he wrote in collaboration with Mr. F. Victor Dickins seven years ago. Dealing with the career of one who was mixed up in all the chief events of the far east between 1842 and 1885, the volume, which includes three maps, can be justly called 'a handbook to the China question.' The author is in full sympathy with his hero, whose Palmerstonian methods he thoroughly approves and whom he compares with Lord Stratford de Redcliffe in the near east. Recent events have lent special interest to this narrative of first and second Chinese wars. Apart from the biography itself the book is valuable as a study of policy; but to judge this lies outside the province of the *English Historical Review*. W. M.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to the Editor, at Oxford, by the first week in March, June, September, and December.]

On the Life of St. Paul of Thebes: by F. NAU [who claims one of the Greek texts, which has been supposed to be a version from the Latin, as the original Life, written to correct and supplement St. Athanasius's Life of St. Anthony].—Anal. Bolland. xx. 2.

The dispositive and the evidential charter: by O. REDLICH [who shows how the former was deprived of its dispositive character among the Germans in consequence of the persistence, in grants of land, of the practice of declaring the grant in public and handing over the sod or the like, or the unwritten parchment, to the grantee, so that the document became merely evidential and formed no part of the formal act of conveyance. Even royal grants, it is urged, were not in all cases of a dispositive nature].—Mitth. Oesterreich. Gesch., Ergänz.-Bd. vi.

Fragments of Novalician history: by C. CIPOLLA. [Among them are collations of manuscripts of Paul the Lombard's Life of St. Gregory the Great: notes on documents relating to the abbey of St. Justus at Susa (1029, 1037—a falsified copy of Conrad II's privilege for Susa—1147, and 1212), and on F. Pingon's collections bearing on the history of Novalesa; topographical notes; on two manuscripts formerly in the library of Novalesa (from materials supplied by H. M. Bannister).—Bull. Ist. stor. Ital. 22.

Scrinium and Palatium; an inquiry into the history of the papal chancery in the eleventh century: by P. KEHR [showing how the substitution of the palace notaries for the old regionary notaries, the *scriniarii*, like the substitution of the chancellor for the librarian (a suburbicarian bishop), was part of a policy directed to the establishment of a secretarial staff personally connected with the pope in place of one locally fixed at Rome. The fact that some popes brought with them clerks from abroad, and themselves often lived away from Rome, explains the appearance of the Frankish minuscule instead of the curial hand; and the two are found to alternate according to the pope's absence from or presence in the city. But the palace comes by degrees to supplant the *scrinium* altogether].—Mitth. Oesterreich. Gesch., Ergänz.-Bd. vi.

The Life of St. Servatius, bishop of Utrecht [printed from a manuscript at Ghent].—Anal. Bolland. xx. 2.

The manuscript of the 'Collectio Canonum' of Deusdedit (cod. Vatic. 3833) and the earliest Gallican *Libri Canonum*: by H. STEINACKER.—Mitth. Oesterreich. Gesch., Ergänz.-Bd. vi.

'*Litterae tonsae*' in the Roman chancery in the thirteenth century: by L. DELISLE [who explains, with a facsimile of a bull of Gregory IX, the peculiar elongated characters (of the same type as those in which the pope's name was written at the head of the document) used in the exemplifications of damaged documents to represent words or letters which had perished or were partly illegible].—Bibl. Ecole Chartes, lxii. 3.

An act of the Rota in 1323 [deciding in favour of a forged charter of Fulda]: printed by M. TANGEL.—Mitth. Oesterreich. Gesch., Ergänz.-Bd. vi.

- Miracles of St. Cornelius at Ninove, in Flanders* [extracts from a manuscript of the Premonstratensian abbey of Ninove now lost].—Anal. Bolland. xx. 2.
- New documents relative to the marriage of Valentina Visconti with Louis of Orleans*: printed by E. JARRY [who discusses the reasons which led to the long delay in the marriage].—Bibl. Ecole Chartes, lxii. 1, 2.
- Two registers from the camera of Martin V, containing the oaths of officials*: by O., Freiherr von MITIS.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- The library of Angliberto del Balzo, duke of Nardo and count of Ugento in the kingdom of Naples* [†1487]: by H. OMONT [who prints a catalogue].—Bibl. Ecole Chartes, lxii. 3.
- Liturgical documents on St. Turiaw, bishop-abbot*: by F. DUINE [nine lessons taken from the office in the breviary of Saint Malo, printed in 1537, of which only one imperfect copy is extant in the Saint Malo town library; also hymns to Turiaw from the Dol breviary of 1519, and miscellaneous documents illustrating his cultus].—Ann. de Bretagne, xvi. 4.
- Pierre Hamon* [secretary to Charles IX] *and his paleographical collections*: by H. OMONT. [He was a Huguenot and was hanged in 1569].—Bibl. Ecole Chartes, lxii. 1, 2.
- A political testament of Augustus the Strong of Poland*: by P. HAAKE [on his 'Regel pour la Postérité' preserved in manuscript at Dresden].—Hist. Zft. lxxxvii. 1.
-
- The study of Greek origins*: by V. BÉRARD.—Rev. hist. lxxvii. 1. *Sept.* (continued from lxxvi. 1 and concluded).
- Greece and Asia* [in connexion with A. J. Evans's discoveries in Crete].—Edinb. Rev. 397. *July.*
- The dawn of Greece* [on the Pelasgic, Mycenaean, and Achaean questions].—Quart. Rev. 387. *July.*
- On the origin of the medieval conception of art*: by J. VON SCHLOSSER.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- The ante-Nicene Monarchians*: by V. ERMONI.—Rev. Quest. hist. lxx. 1. *July.*
- Apiarius*: by J. CHAPMAN [who discusses the question of papal jurisdiction].—Dublin Rev., N. S., 39. *July.*
- The plight of fealty in the documents of Charles the Great*: by E. MÜHLBACHER.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- On the early documents of St. Gall with reference to the distribution of property in north-east Switzerland and the neighbouring Alaman lands in the Carolingian period*: by G. CARO.—Jahrb. Schweiz. Gesch. xxvi.
- On the history of the emperor Otto II*: by K. UHLIRZ. I: The campaign against Harald Bluetooth [arguing that there was only one campaign, in the autumn of 974]. II: The Bavarian conspiracy of 974 [holding that the Bavarian duke was brought to trial without warfare in the course of the summer]. III: The origin of the first Austrian dynasty [inclining with hesitation to accept Otto of Freising's account of its descent from Adalbert of Babenberg].—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- Master John of Toledo*: by H. GRAUERT [who treats (1) of the English cardinal John the Cistercian, known as of Toledo, and his activity in the struggle against Frederick II, and in the promotion of Richard and Edmund to the thrones of Germany and Sicily; and (2) of John David of Toledo, or Johannes Hispalensis, of the twelfth century. The prophecy of the wise men of Toledo in 1179 about the conjunction of the sun and five planets on 16 Sept. 1186 was, it is argued, subsequently combined with a prophecy of Frederick Barbarossa's death, and this was applied (possibly by John of Toledo, the Englishman) to Frederick II in 1229. The long currency of the 'Toledo letter' is explored down to the fifteenth century. In an appendix is printed a prophecy of 1256, by the English cardinal, concerning the future universal emperor].—SB. Akad. Wiss. München (phil.-hist. Cl.) 1901. 2.
- The ancient formalities on entry into the Norwegian comitatus*: by O. DOUBLIER.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- The Hussites and the council of Basle* [1431-1432]: by L. HOFMAN [continued].—Český Čas. Histor. *July.*

- Francis I and the defence of Rhodes*: by C. DE LA RONCIÈRE.—Bibl. Ecole Chartes, lxii. 3.
- The embassy of La Forest and Marillac to Constantinople [1535-1538]*: by V. L. BOURRILLY, who prints a long letter by the former [13 July 1537].—Rev. hist. lxxvi. 2. July.
- Russia and the pope*: by P. PIERLING, continued [throwing new light on the diplomacy connected with the False Demetrius].—Russk. Star. June-August.
- The relations of Henry IV with Lorraine [1608-1610]*: by L. DAVILLÉ.—Rev. hist. lxxvii. 1. Sept.
- Public opinion in France and the question of the Valtelline in the time of Richelieu*: by H. NABHOLZ.—Jahrb. Schweiz. Gesch. xxvi.
- The German auxiliary troops in the Turkish war of 1664*: by H. FORST.—Mith. Oesterreich. Gesch., Ergänz.-Bd. vi.
- Austria, France, and Bavaria in the question of the Spanish succession [1685-89]*: by G. F. PREUSS.—Hist. Vierteljahrscr. iv. 3.
- Saint-Simon's relations to Dubois, and his embassy to Madrid [1721-1722]*: by P. BLIARD.—Rev. Quest. hist. lxx. 1. July.
- The last campaign of Marshal de Rochambeau [1792]*: by A. DE GANNIERS.—Rev. Quest. hist. lxx. 1. Jan.
- Suvorov's correspondence during the campaign of 1799*: by H. HÜFFER.—Hist. Vierteljahrscr. iv. 3.
- Philippe Buonarroti [1761-1837]*: by G. WEILL [a life of the conspirator, partly from unpublished sources].—Rev. hist. lxxvi. 2. July.
- Unpublished letters of Ugo Foscolo from Switzerland [1815]*: by MARIA A. MARCA.—Arch. Stor. Lomb., 3rd ser. xxx.
- The concordat of 1816; the embassy of Cortois de Pressigny and the comte de Blacas to Rome*: by P. FERET.—Rev. Quest. hist. lxx. 1. July.

France

- Texts relative to St. Ouen*: by E. VACANDARD.—Anal. Bolland. xx. 2.
- An unpublished diploma of Pepin I of Aquitaine [probably 835]*: printed by R. GIARD. Bibl. Ecole Chartes, lxii. 3.
- The arrangement of the treasury of charters prior to the death of St. Louis*: by H. F. DELABORDE.—Bibl. Ecole Chartes, lxii. 3.
- The inventory of the jewels of Jouis I, duke of Anjou [1364-1374]*: by H. MORANVILLÉ.—Bibl. Ecole Chartes, lxii. 3.
- The administration of the duchy of Brittany under John V [1399-1442]*: by C. BELLIER-DUMAINE [dealing with John's relations to the nobles, the towns, and the rural parishes, and showing the absolute power of the duke over all these classes of his subjects].—Ann. de Bretagne, xvi. 4 (concluded from xvi. 1, 2).
- On the source of some passages in Monstrelet*: by H. MORANVILLÉ [who finds evidence that he made use of a chronicle written in Latin].—Bibl. Ecole Chartes, lxii. 1, 2.
- Louis XI and Tournai after the death of Charles the Bold*: by A. LESORT [who prints the minutes of the negotiations of the envoys from Tournai at the French court, Sept. 1478-Febr. 1479].—Bibl. Ecole Chartes, lxii. 1, 2.
- The last three Huguenot wars [1621-1629]*: by M. G. SCHYBERGEN [reviewing the Memoirs of Jean de Bouffard-Madiane].—Hist. Vierteljahrscr. iv. 3.
- Protestantism in Saintonge in the years 1679 to 1686*: by C. PASCAL.—Bull. Soc. Hist. Protest. Franç. 1. 8, 9. Aug., Sept.
- The condition of the peasants in the sénéchaussée of Rennes and their wishes on the eve of the Revolution*: by E. DUPONT.—Ann. de Bretagne, xvi. 3, continued from xvi. 2.
- The landed property of the clergy and the sale of 'biens nationaux d'origine ecclésiastique' in the Seine-Inférieure and specially in the district of Caudebec*: by G. LECARPENTIER.—Rev. hist. lxxvii. 1. Sept.
- The last years of Le Tourellet de Breteuil, bishop of Montauban [†14 August 1794]*: by C. DAUX [who relates his sufferings during the reign of terror].—Rev. Quest. hist. lxx. 1. July.

- The ministerial crisis of December 1876*: by T. STANTON.—*Amer. Hist. Rev.* vi. 4. July.
- Arthur Giry* [1848-1899]: by H. OMONT [an obituary notice, with a bibliography].—*Bibl. Ecole Chartes*, lxii. 1, 2.
- Arthur de la Borderie* [1827-1901]: by the comte DE LASTEYRIE.—*Bibl. Ecole Chartes*, lxii. 1, 2.

Germany and Austria-Hungary

- On the miracles of SS. Everard and Virgil, bishops of Salzburg*.—*Anal. Bolland.* xx. 2.
- On the documents of the Saxon emperors for Osnabrück*: by E. VON OTTENTHAL [who examines the recently discovered diplomas published by F. Jostes].—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- On the use made of Bruno 'de Bello Saxonico' in the Annals of Melk and Admont*: by J. LAMPEL.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- On Transylvanian-German historiography*, with special reference to the question of the settlement: by F. ZIMMERMANN.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- On the materials for Hungarian history*: by R. F. KAINDL, continued [on the 'Gesta Hungarorum vetera,' the anonymous 'Gesta Hungarorum,' Keza's 'Gesta Hunorum,' the 'Grundchronik' (or Franciscan chronicle of Ofen), and other sources].—*Arch. Oesterreich. Gesch.* lxxxviii. 1, 2.
- On Herbold's dialogue on the life of Otto of Bamberg, the apostle of Pomerania, and its relation to the other biographies*: by F. WILHELM.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The documents of King Bela III of Hungary* [1172-1196]: by L. VON FEJÉRPATÁKY.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- A genealogy of the Carinthian counts of Spanheim and the original Codex Traditionum of St. Paul in Carinthia* [traced back to the end of the eleventh century]: by A. VON JAKSCH.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The legend of the sevenfold partition of Hungary*; a contribution to the criticism of the Hungarian chronicles: by R. F. KAINDL.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- On Frederick II's golden bull for Moravia* [1212]: by B. BRETHOLZ [who emends the perplexing 'Mocran et Moerā' into 'Marchionatum Moravia'].—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- Traces of the Lex Romana Curiensis in Tirol*: by H. VON VOLTELINI [with remarks on the forms of Raetian documents].—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The imperial advocates (Landvögte) in Upper and Lower Suabia down to 1486*: by T. SCHÖN.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The agrarian question in Bohemia in the middle ages*: by J. PEKAŘ.—*Český Čas. Histor.* July.
- On the history of the archives of the University of Vienna*: by K. SCHRAUF.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- On the history of king Wenceslaus down to 1387*: by J. LECHNER, with documents.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The books of the confraternity of St. Christopher on the Arlberg*: by S. HERZBERG-FRÄNKEL [of heraldic interest. Two plates are added].—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- On the materials for, and literature of, the history of Baumkircher and the 'Baumkircherfehde'*: by F. VON KRONES.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- Taxation in Austria below the Enns at the beginning of the sixteenth century*: by M. VANCŠA [from the earliest preserved concessions of the estates].—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The origin and development of the German articles of war*: by W. ERBEN.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The Vienna town-guard* [1531-1741]: by A. VELTZÉ.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.
- The sermons of bishop Musso in Vienna* [1560]: by S. STEINHERZ.—*Mitth. Oesterreich. Gesch., Ergänzt.-Bd.* vi.

- Archduke Ernest and the counter-Reformation in Austria* [1576-1590]: by V. BIBL.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- The counter-Reformation in Inner Austria and the lower nobility*: by J. LOSERTH.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- Klesl's letters to Adam, Freiherr von Dietrichstein* [1583-1589]; a contribution to the history of the counter-Reformation in Lower Austria: by V. BIBL.—Arch. Oesterreich. Gesch. lxxxviii. 2.
- A trial for high treason in the time of the counter-Reformation in Inner Austria*: by J. LOSERTH [who prints the documents of the cases of Hans Georg Kandelberger and Hans Adam Gabelkofer, 1599-1600].—Arch. Oesterreich. Gesch. lxxxviii. 2.
- The transfer of the college of secular, afterwards Augustinian, canons at Eberndorf, in Carinthia, to the Jesuits* [1602-1603]: by A. STARZER.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- Wittelstach letters* [1609-1611]: printed by the late F. STIEVE.—Abhandl. Bayer. Akad. Wiss. (Hist. Cl.), xxii. 1.
- The life of prince Kaunitz*; a fragment [extending to 1750]: by the late A., Ritter von ARNETH.—Arch. Oesterreich. Gesch. lxxxviii. 1.
- Baron Hompesch and Joseph II*: by E. WERTHEIMER.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- Antipapal movements in the (first) university of Bonn* [in the last quarter of the eighteenth century]: by J. R. HAARHAUS.—Hist. Vierteljahrscr. iv. 3.
- The retreat of count Kinsky from the Vorarlberg to Bohemia in Nov. 1805*: by O. CRISTE.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- The crown prince Frederick William and the estates in 1820*: by P. BAILLEU [who prints a protest by him addressed to Hardenberg].—Hist. Zft. lxxxvii. 1.
- An apocryphal letter of the prince of Prussia* [Jan. 1851, printed in Poschinger's 'Manteuffel,' pp. 407 sq.]: by A. STERN [who decides against its genuineness, and thinks it is probably by Stockhausen].—Hist. Zft. lxxxvii. 1.
- Benedek and the patent of February 1861*: by A. KRIENAST.—Mitth. Oesterreich. Gesch., Ergänzt.-Bd. vi.
- Recent Bismark literature*: by F. MEINECKE.—Hist. Zft. lxxxvii. 1.
- Bernhard Erdmannsdörffer* [† 1 March]: by D. SCHÄFER.—Hist. Zft. lxxxvii. 1.

Great Britain and Ireland

- The British section of Antonine's Itinerary*: by J. J. RAVEN. IV.—Antiquary, N.S., 141. Sept. (continued from 134. Feb.)
- The tribal hidage* [a reconstruction, written in apparent ignorance of W. J. Corbett's paper (Trans. R. Hist. Soc., N.S., xiv.), and ascribing the document to the time of Wulfhere].—Notes and Queries, June 8, Aug. 3.
- The English coronation orders*: by H. A. WILSON.—Journ. Theol. Stud. 8. July.
- The site of the battle of Ethandune*: by C. W. WHISTLER [who places it at Edington on Poldens, between Bridgewater and Glastonbury].—Antiquary, N.S., 138, 139. June, July.
- Ecclesiastical peculiars*: by C. B. MOUNT.—Notes and Queries, June 1 and 15.
- The early history of the law merchant in England* [on the laws of Oleron, piepoudre courts, the merchant law in the 'Little Red Book' of Bristol, &c.]: by A. T. CARTER. Law Qu. Rev. 67. July.
- The risings in the English monastic towns in 1327*: by N. M. TRENHOLME [dealing with St. Alban's, Bury St. Edmund's, Abingdon, and other places].—Amer. Hist. Rev. vi. 4. July.
- The constitutional position of the king of Scots prior to the union*: by J. A. LOVAT-FRASER.—Law Qu. Rev. 67. July.
- Medieval life at Oxford*: by J. B. MILBURN.—Dublin Rev., N.S., 39. July.
- The arms of the university of Oxford*: by P. LANDON.—Antiquary, N.S., 139, 140. July, August.
- The newly found York Gradual*: by W. H. FRERE.—Journ. Theol. Stud. 8. July.
- Drake and his successors* [on J. S. Corbett's publications].—Edinb. Rev. 397. July.

- The Commonwealth, Cromwell, and the church.*—Church Qu. Rev. 104. July.
Recent literature on Oliver Cromwell.—Quart. Rev. 387. July.
Cromwell and Magna Charta: by C. H. FIRTH [who gives reasons for supposing Clarendon's statement that Cromwell used insulting expressions about it to rest on a story first circulated in 1659, and to be perhaps confused with the language charged against Judge Keeling in 1667].—Notes and Queries, June 22.
The French protestant communities in London after the revocation of the edict of Nantes: by baron F. DE SCHICKLER.—Proc. Huguenot Soc. of London, vi. 3.
The Huguenot colonies in Ireland and the negotiations which led to their formation: by the baronne ALEXANDRE DE CHAMBRIER.—Proc. Huguenot Soc. of London, vi. 3.
The Irish pensioners of William III's Huguenot regiments in 1702: by W. A. SHAW. Proc. Huguenot Soc. of London, vi. 3.
The betting book at Brooks's: by G. S. STREET [giving extracts chiefly from 1771 to 1814].—North Amer. Rev. clxxiii. 1. July.
The philosophical radicals.—Quart. Rev. 387. July.
London society in the nineteenth century.—Quart. Rev. 387. July.
The earldom of Norfolk [documents relative to the petition of lord Mowbray and Stourton for the determination in his favour of the abeyance in this peerage].—Genealog. Mag. 52. August.
William Stubbs, bishop of Oxford.—Church Quart. Rev. 104. July.

Italy

[Including SAN MARINO]

- Bibliography of recent works on medieval Italian history* [1898]: by C. CIPOLLA, continued.—N. Arch. Ven., N.S., i. 1.
Bibliography of Lombard history [March to June 1901].—Arch. Stor. Lomb., 3rd ser., xxx.
The Lombards: by L. C. CASARTELLI.—Dublin Rev., N.S., 39. July.
The causes which made Pavia the seat of the Lombard kings: by G. ROMANO.—Boll. Soc. Pavese di Storia patria, i. 1.
The notaries of the Lombard kings: by L. M. HARTMANN [who examines the obscure traces of such officials previous to the last quarter of the seventh century, after which date two notaries, the 'dictator' and the scribe, regularly make their appearance in the subscription of documents. The occasional omission of the latter is due to defective transcripts].—Mitt. Oesterreich. Gesch., Ergänz.-Bd. vi.
Documents of the monastery of SS. Peter and Theonestus in the Trevisan territory: by C. CIPOLLA [who prints or describes nineteen documents, 710-897, twelve from originals], with three facsimiles.—Bull. Ist. stor. Ital. 22.
The monastery of Nonantola, the duchy of Persiceta, and the church of Bologna: by A. GAUDENZI [on the relations of Nonantola with its neighbours and the forgeries connected with its disputes with the bishop of Bologna, &c.].—Bull. Ist. stor. Ital. 22.
The Norman counts of Nardo and of Brindisi [1092-1130]: by G. GUERRIERI, with documents.—Arch. stor. Napol. xxvi. 2.
Social factors in the constitutional history of the Florentine republic: by K. SCHALK.—Mith. Oesterreich. Gesch., Ergänz.-Bd. vi.
The republic of San Marino: by W. MILLER.—Amer. Hist. Rev. vi. 4. July.
A preface to the Civil Statutes of Venice previous to 1242, edited for the first time by E. Besta and B. Predelli: by E. BESTA [an important article in the early statutes, the publication of which is due to the acquisition of a manuscript by the Biblioteca Nazionale di S. Marco in 1893].—N. Arch. Ven., N.S., i. 1.
A sermon on St. Syrus, bishop of Pavia: printed by R. MAJOCCHI.—Boll. Soc. Pavese di Storia patria, i. 1.
On the battle of Falconaria [1299] and the siege of Trapani in 1314: by S. ROMANO [rectifying the identification of the site of Falconaria and supplying information about Giovanni Berardo di Ferro, a noble of Marsala, who assisted both in that battle and in the defence of Trapani].—Arch. Stor. Sicil., N.S., xxv. 3, 4.

- The date of Dante's vision* [an argument for 1300].—Quest. Rev. 387. July.
- The beginning of the year and the indiction at Siena*: by A. LUSCHIN VON EBENGREUTH [who shows that the Sienese used the *calculus Florentinus* and had a peculiar indiction beginning with the Nativity of the blessed Virgin, 8 September].—Mith. Oesterreich. Gesch., Ergänz.-Bd. vi.
- The Byzantine influence on Italian miniatures in the fourteenth century*: by M. DVOŘÁK.—Mith. Oesterreich. Gesch., Ergänz.-Bd. vi.
- The control of public officials by the syndics and by popular action in early Sicilian law*: by G. SAVAGNONE, with documents [1325-1489].—Arch. stor. Sicil., N.S., xxv. 3, 4.
- The robbers of the papal treasure in the territory of Pavia [1328]*: by R. MAJOCCHI [who prints the act of their absolution in 1345].—Boll. Soc. Pavese di Storia patria, i. 1.
- On the manuscripts of the Anonymus Ticinensis 'de Laudibus Civitatis Ticinensis'* by L. DE-MARCHI.—Boll. Soc. Pavese di Storia patria, i. 1.
- Bernabò Visconti as he appears in contemporary literature*: by G. VITALE.—Arch. stor. Lomb., 3rd ser., xxx.
- Giovanni Travesio of Cremona and his teaching of grammar and rhetoric at Pavia*: by V. ROSSI, with documents.—Boll. Soc. Pavese di Storia patria, i. 1.
- Niccolò Spinelli da Giovinazzo*: by G. ROMANO. vii: 1378-1384.—Arch. stor. Napol. xxvi. 2.
- An early description of Lombardy* [from the Bonetta manuscript of the Anonymus Ticinensis]: printed by V. BELLIO [with a map].—Boll. Soc. Pavese di Stor. patr. i. 1.
- Stephen III, duke of Bavaria, in the service of the league against Gian Galeazzo Visconti [July-August 1390]*: by P. L. RAMBALDI [explaining the ineffectiveness of Stephen's aid, and the suspicious character of his negotiations with Gian Galeazzo; showing that he wished for peace in North Italy, that Visconti might aid him in his Neapolitan projects, which depended on his marriage with Margaret, widow of Charles of Durazzo; and supporting this hypothesis by two despatches of Filippino de la Molza, Mantuan envoy at Milan].—Arch. stor. Lomb., 3rd series, xxx.
- On the letters and other works of Antonio Panormita in two manuscripts in the Barberini library*: by M. NATALE.—Arch. stor. Sicil., N.S., xxv. 3, 4.
- Lazzara Bonamico and the university of Padua*: by G. MARANGONI [on the revival of the university after the cessation of the war of the League of Cambrai].—N. Arch. Ven., N.S., i. 1.
- Vaudois synods [1536-1596]*: by J. JALLA.—Bull. Soc. Hist. Protest. Franç. i. 8, 9. Aug., Sept.
- The attempt at a constitutional reform of the papal states under Paul IV*: by J. ŠUSTA.—Mith. Oesterreich. Gesch., Ergänz.-Bd. vi.
- Calendar of documents relating to the college of Jesuits at Messina [1597-1676]*: by V. LABATE.—Arch. stor. Sicil., N.S., xxv. 3, 4.
- A trial for witchcraft in Sicily in 1623*: printed with an introduction by G. MILLUNZI and S. SALOMONE-MARINO.—Arch. stor. Sicil., N.S., xxv. 3, 4.
- Murat and the movement for union in 1815*: by F. LEMMI.—Arch. stor. Napol. xxvi. 2.

Russia

- The riot at Tomsk [1637-1638]*: by N. OGLOBLIN.—Istorich. Viestn. July.
- Cornelius Cruys*: by G. GROVE [showing that Peter the Great's admiral was of Danish, and not, as is generally supposed, of Dutch origin].—Istorich. Viestn. August.
- The emperor Paul*: by V. TIMIRIAZEV.—Istorich. Viestn. July.
- Contributions to the history of the Polish insurrection of 1863*: by V. KRASNIANSKI.—Istorich. Viestn. June.
- Nicholas Turgueniev and the Dekabristis*: by A. THOMU [giving details of the plot]. Russk. Star. August.
- The memoirs of general Levenstern, continued*.—Russk. Star. June-August.

Spain

- Unpublished bulls addressed to Odo, bishop of Gerona*: printed by F. FITA [the first by Sylvester II in 1002, the second by John XVIII in 1007].—Boletin de la R. Acad. de la Hist. xxxviii. 6.
- An unpublished grant of Henry IV to Santa Maria de Almadena de Madrid*: by F. FITA. [The text is a confirmation by queen Juana made in 1508 of the grant of the 'royal thirds' bestowed by Henry IV on this church in 1467 in compensation for lands taken from the Hermitage of Santa Maria del Tomero, attached to the benefice, which were annexed to the grounds of the Pardo. It is an interesting illustration of the alienation of this portion of tithe vested in the crown.]—Boletin de la R. Acad. de la Hist. xxxviii. 5.
- The Cortes of Valencia in 1645* [the last Cortes held in Valencia as a separate kingdom]: by M. DANVILA [who gives a full and most valuable account of the proceedings and petitions.]—Boletin de la R. Acad. de la Hist. xxxviii. 5.

Switzerland

- Notes on some tenth-century charters relative to count Turimbert*: by C. MORET.—Anz. Schweiz. Gesch. 1901. 2.
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NOTE.

It has been pointed out in 'Notes and Queries,' 9th ser. viii. 156 (17 August), that the List of English Towns published *ante*, pp. 501-503, already appeared in that journal in 1883 (6th ser. viii. 223 f.) The editor was the late Professor Thorold Rogers.

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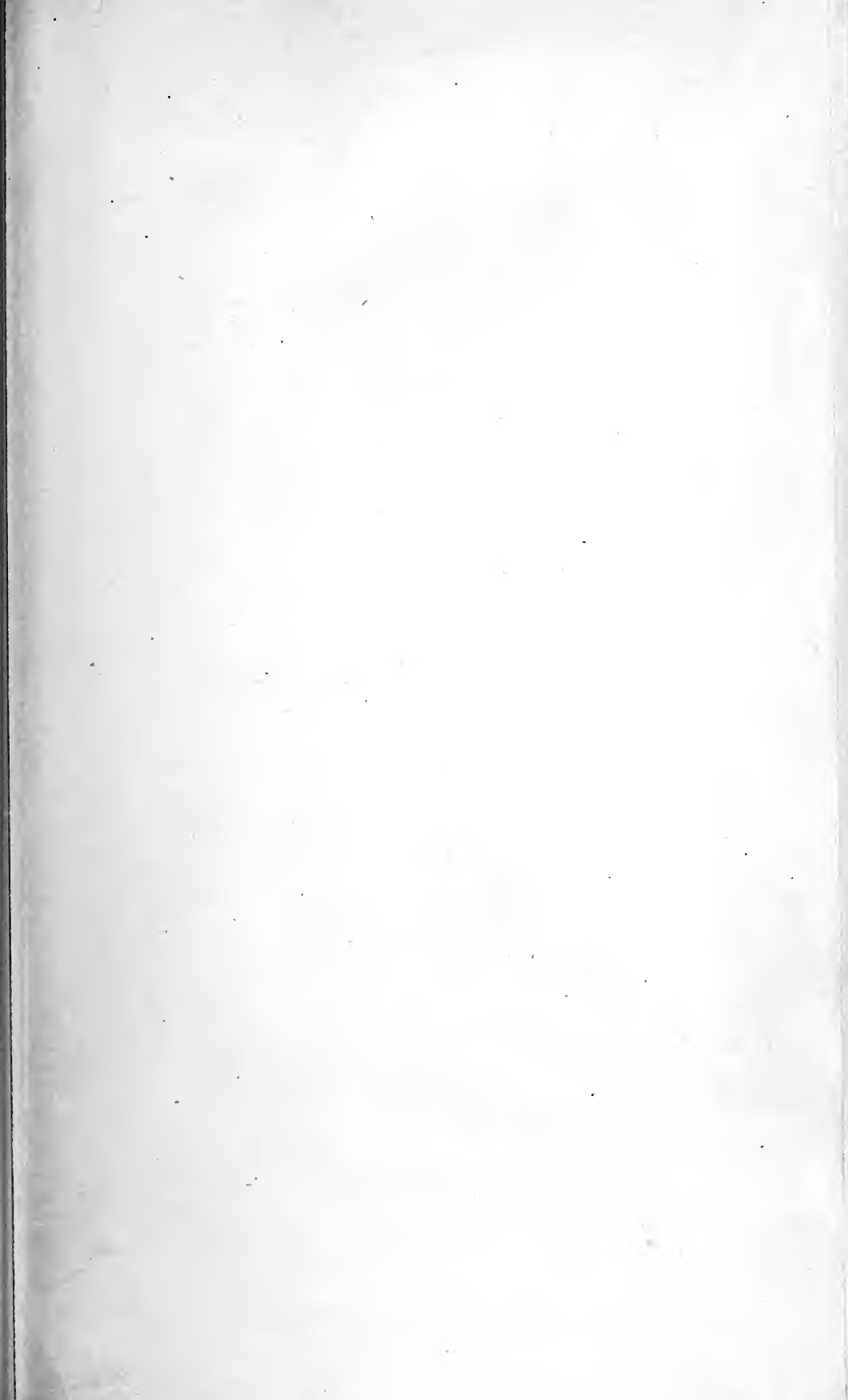
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