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# THE ENGLISH HISTORICAL REVIEW

EDITED BY

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# CONTENTS OF VOL. XXV.

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	PAGE
THE BATTLE OF LAKE TRASIMENE. By <i>M. O. B. Caspari</i>	417
NEWLY DISCOVERED LETTERS OF DIONYSIUS OF ALEXANDRIA TO THE POPES STEPHEN AND XYSTUS. By <i>F. C. Conybeare, D.Th.</i>	111
ROME AND ARMENIA IN THE FOURTH CENTURY. By <i>Norman H. Baynes</i>	625
ANTIOCHUS STRATEGOS' ACCOUNT OF THE SACK OF JERUSALEM IN 614. By <i>F. C. Conybeare, D.Th.</i>	502
THE BULGARIAN TREATY OF 814 AND THE GREAT FENCE OF THRACE. By <i>Professor Bury, LL.D.</i>	276
THE HORSING OF THE DANES. By <i>J. H. Clapham</i>	287
A MYTH ABOUT EDWARD THE CONFESSOR. By <i>Professor Karl Pearson, F.R.S.</i>	517
A POINT IN THE ITINERARY OF HENRY IV, 1076-1077. By <i>C. W. Previté Orton</i>	520
A CANTERBURY MONK AT CONSTANTINOPLE, c. 1090. By <i>Professor Haskins</i>	293
THE BATTLE OF TINCHEBRAI: A CORRECTION	295
A CHARTER OF STEPHEN OF JANUARY 1139. By the <i>Rev. H. E. Salter</i>	114
HENRY OF BLOIS AND BRIAN FITZ-COUNT. By <i>H. W. C. Davis</i>	297
THE KNIGHTS TEMPLARS IN THE BRITISH ISLES. By <i>Professor Clarence Perkins</i>	209
EARLY FINES. By <i>L. F. Salzman</i>	708
THE SERFS OF SAINTE-GENEVIÈVE. By <i>Miss Constance H. M. Archibald</i>	1
MARIE DE FRANCE. By <i>John Charles Fox</i>	303
THE PLEAS OF THE CROWN IN THE AVRANCHIN. By <i>Professor Powicke</i>	710
THE 'ITINERARIUM PEREGRINORUM' AND THE 'SONG OF AM- BROSE.' By <i>Miss Kate Norgate</i>	523
GENOA AND THE FOURTH CRUSADE. By <i>J. K. Fotheringham, D.Litt.</i>	26
CASTLE-GUARD AND BARONS' HOUSES. By <i>A. Ballard</i>	712
SECRETARIES IN THE THIRTEENTH AND FOURTEENTH CENTURIES. By <i>Miss L. B. Dibben</i>	430
THE FIRST PARLIAMENT OF EDWARD I. By <i>C. Hilary Jenkinson</i>	231

	PAGE
EDWARD BALLIOL'S SCOTTISH EXPEDITION IN 1347. By <i>Sir J. H. Ramsay, Bt., LL.D.</i> . . . . .	307
THE CLAN SYSTEM AMONG ENGLISH SETTLERS IN IRELAND. By <i>Edmund Curtis.</i> . . . .	116
SUETE DE PRISONNE. By <i>Miss B. H. Putnam</i> . . . . .	307
THE FOUNDER OF MONTENEGRO. By <i>William Miller</i> . . . . .	308
REQUESTS TO THE BLACK FRIARS OF LONDON DURING THE FIFTEENTH CENTURY. By the <i>Rev. Bede Jarrett, O.P.</i> . . . .	309
THE EARLY BIOGRAPHIES OF HENRY V. By <i>C. L. Kingsford</i> . . . . .	58
SIR WILLIAM OLDHALL. By <i>C. E. Johnston</i> . . . . .	715
LONDON AND FOREIGN MERCHANTS IN THE REIGN OF HENRY VI. By <i>Ralph Flenley</i> . . . . .	644
BISHOP SHIRWOOD OF DURHAM AND HIS LIBRARY. By <i>P. S. Allen</i> . . . . .	445
JEAN MALET, SEIGNEUR DE GRAVILLE, AND EDWARD IV, 1475. By <i>Miss Cora L. Scofield</i> . . . . .	547
AN ORDINANCE FOR SYON LIBRARY, 1482. By <i>Robert Jowitt Whitwell</i> . . . . .	121
A DISPENSATION OF JULIUS II FOR ERASMUS. By <i>P. S. Allen</i> . . . . .	123
LUTHER AND HENRY VIII. By <i>Preserved Smith</i> . . . . .	656
THE COURT OF FACULTIES. By <i>Wilfrid Hooper</i> . . . . .	670
THE CORONATION OF QUEEN ELIZABETH. By <i>Professor A. F. Pollard</i> . . . . .	125
_____ . By <i>C. G. Bayne, C.S.I.</i> . . . . .	550
EARLY PRIZE JURISDICTION AND PRIZE LAW IN ENGLAND. II. By <i>R. G. Marsden</i> . . . . .	243
THE MISSION OF SIR THOMAS ROE TO VIENNA, 1641-2. By <i>R. B. Mowat</i> . . . . .	264
THE FIFTH MONARCHY INSURRECTIONS. By <i>Champlin Burrage</i> . . . . .	722
RELIGIOUS TOLERATION UNDER THE GREAT ELECTOR AND ITS MATERIAL RESULTS. By <i>Professor Oliver H. Richardson</i> . . . . .	93
ENGLAND AND DENMARK, 1660-1667. By <i>Henry L. Schoolcraft</i> . . . . .	457
THE ORIGIN OF TITUS OATES' STORY. By <i>Professor W. C. Abbott</i> . . . . .	126
THE BERLIN LETTERS OF SOPHIA DOROTHEA AND COUNT KÖNIGSMARCK. By the <i>Master of Peterhouse, Cambridge</i> . . . . .	314
LORD GEORGE GERMAIN AND SIR WILLIAM HOWE. By <i>Professor Egerton</i> . . . . .	315
SIR WILLIAM HOWE AND GENERAL BURGoyNE. By <i>Professor Egerton</i> . . . . .	747
THE DUKE OF RICHMOND ON THE CONDUCT OF THE WAR IN 1793. By <i>J. Holland Rose, Litt.D.</i> . . . . .	554
AN ENGLISH SAILOR AMONG THE CHOUANS. By <i>Miss D. K. Broster</i> . . . . .	129
PAPERS RELATING TO THE IRISH REBELLION OF 1798. By <i>J. Holland Rose, Litt.D.</i> . . . . .	748
THE LAST YEARS OF THE NAVIGATION ACTS. By <i>J. H. Clapham</i> . . . . .	480, 687
REVIEWS OF BOOKS . . . . .	138, 317, 556, 753
SHORT NOTICES . . . . .	191, 392, 605, 804
INDEX . . . . .	835

THE ENGLISH  
HISTORICAL REVIEW

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*The Serfs of Sainte-Geneviève*

ABOUT the year 1173 there was a dispute in the Abbey of Sainte-Geneviève at Paris which was deemed serious enough to be taken to Rome. It was a question of four pence which two brothers of the village of Vanves refused to pay to the abbot for their heads. The sentence acquitted them of the four pence, but declared that they were none the less the abbot's men, bound by the conditions of the servile state.

Non possunt filios suos clericos facere, nisi ex concessione ecclesie. Filios suos aut filias suas non possunt matrimonio coniungere cum hominibus alterius ballive vel dominatus. Caducum vel manum mortuam debent. In necessitatibus ecclesie dabunt conveniens auxilium de suo iuxta consuetudinem regni.<sup>1</sup>

In 1179 there was a long and obstinate struggle between the abbot and its men at Rosny.<sup>2</sup> Here the whole village was denying its serfdom. The affair was taken before the king's council. The abbot declared that the men were his serfs; the men, runs the record, *id penitus negaverunt et sese tantum hospites ecclesie et colonos esse confessi sunt*.<sup>3</sup> The king, unable to decide on their status, had recourse to the trial by duel.<sup>4</sup> The men were to appear in the

<sup>1</sup> R. de Lasteyrie, *Cartulaire général de Paris*, p. 429; *Cartulaire de l'Abbaye de Sainte-Geneviève*, 356, p. 102, in the Bibliothèque Sainte-Geneviève, hereafter referred to simply as 'Cart. 356.'

<sup>2</sup> A village just outside of Paris to the east.

<sup>3</sup> Cart. 356, p. 68.

<sup>4</sup> The right to judicial combat and to act as witnesses had been formally granted to the serfs of Sainte-Geneviève by Louis VI in 1109.

abbot's court, *et ibi ecclesia, si eos habere vellet, per duellum servos esse suos approbaret*. On the day assigned the men appeared, but not to fight. They declined to take up their defence, and were condemned by default, *ut deinceps . . . ecclesie sancte Genovefe subiecti sint, sicut servi dominis suis*. The struggle however continued for fifty years, when the village was formally enfranchised.

What was the condition of these workers of the soil on the abbey lands of Sainte-Geneviève? No record exists, like the *Polyptique* of Abbot Irmino for Saint-Germain-des-Prés, that gives any details of the early internal economy of the abbey lands. There is little direct information before the twelfth century. The earliest documents which throw any light on the condition of the people show the seignorial system strongly established. The centre of exploitation was the Mont-Sainte-Geneviève. On this sloping vine-clad land to the south of the Seine, which the Romans had chosen for their palace before him, Clovis had built, and dedicated to St. Peter and St. Paul, the abbey that was later to take the name of the patron saint of Paris. The city itself lay at that time almost wholly within the Isle, and was low and easily flooded. The Bourg was a favourite place of escape for the king and his aristocracy, who had built themselves houses there, but for the most part it was inhabited by the serfs who cultivated the vineyards. Besides this land on the hill, Clovis had endowed the abbey with various properties round Paris. These formed a number of rural exploitations, worked very much like small seignories, but depending closely for administration and justice on the abbot, who was generally represented by a prior and one or two canons. In these seignories the lowest class of cultivator was the serf, and, at the time when we first have clear information about him, birth was the main origin of his serfdom. There are few records of donation or oblation. These must of course have played their part, for the eleventh and twelfth centuries were the age when the giving of a serf or two to the Church was a recognised act of piety. As late as 1231, John, a knight, gave *Robinum de Maroliis, hominem suum de corpore*, to the abbey, 'for his soul's sake.' But by this time most of the serfs were serfs of the abbey because their parents were so.

What then on these lands are the distinctive marks of the servile condition? We find them plainly stated in the judgment of Vanves, first in regard to the person of the serf, secondly, in regard to his goods. He could not marry his sons and daughters out of the seignory.<sup>5</sup> The serf belonged to his master. Far from possessing his own person, he might not lawfully move it away. It was part of the value of his lord's land. Hence we expect to find the *droit de*

<sup>5</sup> See above, p. 1.

*poursuite* zealously kept on the abbey lands. Apart from the loss of his labour, indeed, the serf out of his seignory was a source of new and disturbing elements. He came into relation with a new lord while still belonging to his old. Uncertainty as to his status and complications of ownership were bound to arise. We see clearly the difficulty of keeping a hold on the serf, once he was off the land, in the long dispute between the abbey and the commune of Meaux. In 1179, Henry, count of Troyes, had granted the privilege of commune to his men in Meaux and in some of the neighbouring villages. But, settled on his lands and owing him *taille* and *justice*, were some serfs of the abbeys of Saint-Denis and Sainte-Geneviève. The franchise seems to have included them unduly, to the detriment of their real owners, the two abbeys. Hence, in 1184, the charter of the countess of Troyes, who, knowing, as she expressed it, that her husband had no intention of depriving the abbeys of their rights over their subjects, declared that the said men were to remain in the same condition as before the formation of the commune, and were to pay to their respective abbeys the *capitagia, forismaritagia, allevia interfectorum, sanguinem, et manummortuam*, rights which her husband's charter cannot touch. The men are here in a double relationship. They are on the land of the count, probably as *hôtes*, owing him the *taille* and *justice* characteristic of *hôtes*. But they are still serfs as regards their former abbeys and owe these all the usual dues of servitude. The difficulties however are not at an end. Someone must be responsible for the payment of the servile dues of these outside serfs to their abbeys. It is unlikely that the men would be zealous in raising it themselves. It would cost the abbeys too much to send men round to collect in all the places in which a serf or two might be. So, here it devolves on the mayor of the commune, who is to have one third of the receipts for his trouble. It is the thin end of the wedge. A century later, in 1273, there is a case—this time against the mayor and his *scabini*—for illegally trying *talliare et iusticiare quosdam homines et feminas de corpore ecclesie sancte Genovefe*.<sup>6</sup> The only final solution is for the mayor and commune to buy the disputed persons outright, which they do for 1000 pounds tournois.<sup>7</sup>

If the serf who moved out of the seignory was a source of trouble, the serf who married out was still more so, because of the children. Within the seignory, and subject to his lord's consent, marriage was by this time legal. The church had seen to that in 1135, when

<sup>6</sup> Arch. Nat. K. 34, No. 52.

<sup>7</sup> This method of settling such disputes seems to have been not uncommon. In 1269 Guy le Bouteiller gives up four sous of cens, to which he has the right on a certain tenure belonging to the abbey at Borest (near Senlis), and presents the abbey with an arpent of land, in return for two men and a woman, serfs of the abbey, who had settled on his lands: Arch. Nat. S. 1612.

it declared the marriages of serfs indissoluble. But if two serfs married from different seignories, one or other had to leave, and his or her lord stood to lose in various ways. Hence, at first, the absolute prohibition against *formariage*. This could not however be kept up. It would lead, in the smaller seignories, to intermarriage within the degrees prohibited by the church.<sup>8</sup> It was to the lord's interest that his serfs should marry. The way was therefore opened by compromise and exchange. The exchanges on the abbey lands are usually of women and are variously worded. Sometimes the woman is to go under the law of her husband. Hugh, abbot of Saint-Germain-des-Prés, for love of Odo abbot of Sainte-Geneviève grants that a certain *ancilla* of his *cuidam servo sancte Genovefe . . . lege matrimonii iungetur . . . et in eam legem servitutis in qua maritus suus tenetur transiret*.<sup>9</sup> The exchange is nearly always accompanied by a manumission, which is however purely a legal fiction, the serf being freed *ab omni iugo servitutis* of one master, only to fall under the yoke of another. Sometimes two men are exchanged. In one case a man is exchanged for a woman, but this seems to be a concession.<sup>10</sup> There is no question of their holdings; there would, in any case, be no exchange of these. The exchanged persons apparently step into each other's shoes. Mathildis and Ascelina are exchanged in such a way that *in eadem servitute et subiectione qua dicta Ascelina tenebatur nobis, dicta Mathildis nobis tenebitur*.<sup>11</sup> There are several cases of the exchange of married women. This does not necessarily mean a breaking up of the family, but more probably the reverse. The family of the serf is, by this time, solidly constituted. Some exchanges seem to have no other object than to bring a woman, already married, under the lord of her husband. As it is for marriage, the exchange will not always be immediate. The abbot of Saint-Medard of Soissons gives two women for two others, whom he will choose later.<sup>12</sup> Occasionally a wholesale contract is passed between two seignors. In 1124 Louis VI confirms an ancient custom, evidently of Germanic origin, called *befeht*, which held between the king and the abbot of Sainte-Geneviève. In any intermarriage of their respective serfs in three specified towns, the women on either side were to leave their seignory and belong to

<sup>8</sup> Compare the complaint of the men of Rosny to the pope, in 1219, that, owing to the oppression of the abbey, they were forced to marry within the forbidden degrees of consanguinity: Cart. 356, p. 88.

<sup>9</sup> Cart. 356, p. 176.

<sup>10</sup> While Guy le Bouteiller of Senlis was in prison at Damascus, his wife had arranged an exchange of two women with the abbey of Sainte-Geneviève. Guy however in 1220, a *vinculis rediens*, not only ratifies his wife's act, but offers them a man instead: *Gallia Christiana*, vii. 244.

<sup>11</sup> Cart. 356, p. 245.

<sup>12</sup> ' . . . quales eligere voluerimus quando opportunitas et occasio sese offerent ' Cart. 356, p. 167.

the lord of their husband.<sup>13</sup> This created a standing relation and did away with the necessity for individual concessions.

The difficult question in exchanges was that of the children. To whom did they belong? By nature the child seems to be considered to belong to the mother, and therefore to the mother's lord.<sup>14</sup> Thus we should expect to find, in an exchange of a woman out of the seignory, that the children already born remain to her first lord, and this is generally the case. In 1136 there is an exchange of a woman with all her children for a single serf of Notre Dame,<sup>15</sup> but as a rule the exception of the children is clearly stated. In 1203 one Luciania is given to the abbey *cum prole sua preter Hugonem filium suum quem habuerat antequam fieret concambium*.<sup>16</sup> In 1172 a woman of the abbey is exchanged for a woman of Saint-Faron in the diocese of Meaux who is already the mother of three children. These are to belong to the abbey of Saint-Faron; *reliqui vero tam filii quam filie, qui ex eadem Emelina post hoc concambium nascentur, de familia beate Genovefe erunt*.<sup>17</sup> It is probable that in these cases of exchange the woman was already living in her husband's seignory, and the charters are simply stating the legal rights of the two lords over the different members of the household. It was not incompatible for the family to live in unity while the various members belonged to different lords. Sometimes special arrangements were made to ensure a family to each side. In 1203, the dean and chapter of Saint-Marcel, because of the sacredness of marriage and for the continuance of the race, agree to a marriage between two of their men and two women of Sainte-Geneviève, on condition that one of the women shall come to them in exchange for one of their men.<sup>18</sup> The same plan was followed at Vanves in 1233.<sup>19</sup> A simpler method was however also adopted, that of the payment of a sum of money by the serf, as the price of his loss to his lord; and this became gradually the rule.

Cases of exchange are rare by the beginning of the thirteenth century. This was, in a sense, a concession to the serf, though

<sup>13</sup> Et talis est consuetudo, befeh appellata vulgo, quod mulieres utriuslibet prefate ville (Ville Nove, Moncii, Caloili) nuptu viris mutuo date, remanent in maritorum hinc et hinc servitute, a natali ancillatione penitus destitute': Lasteyrie, *Cart. gén.* p. 221.

<sup>14</sup> In 1164 the abbey is claiming back the children of a servile woman who has married without their permission out of the seignory, on the ground that the mother belongs to them. And at Borest, in the thirteenth century, there is a question as to the *mainmorte* of a man who should die without an heir, 'vel etiam filios habeat, qui non sint homines domini sui sicut homines eius cuius mater sua femina fuit de corpore': *Cart.* 356, pp. 167, 168.

<sup>15</sup> *Arch. Nat.* L. 879, No. 17.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Cart.* 356, p. 168.

<sup>18</sup> 'Tali condicione quod alter predictorum hominum, O, a familia nostra in famulatum sancte Genovefe transferatur, et altera predictarum ancillarum, D, a familia beate Genovefe in ancillatum ecclesie sancti Marcelli commutetur.'

<sup>19</sup> *Arch. Nat.* L. 887, No. 75.

it was one which in some places cost him dear. At Marisy in 1386 *formariage* involved payment of one third of his goods.<sup>20</sup> Sometimes parents obtained the privilege for their children in advance. In 1340 two parents, serfs, get permission for their sons to marry, on condition that they sign the agreement when they come of age. This is practically an enfranchisement, and is accompanied by the restriction that if either of them marry a woman of servile condition he shall return to his former servitude to the abbey.<sup>21</sup> Marriage out of the servile condition was a form of *formariage* which was at first entirely prohibited to the serf. In some cases it included the freeing of the children,<sup>22</sup> who in the lands of Sainte-Geneviève, as in the country round, seem to have followed the condition of the mother.<sup>23</sup> So strong was the feeling against mixed marriages, that in this region, at this time, they seem invariably to have involved loss of liberty of the free person. In 1164 there is a dispute between a certain Hugh and the abbey of Sainte-Geneviève, over a woman whom the abbey claims as its serf, *quam tamen predictus Hugo dicebat esse suam, eo quod homini suo Turpino data fuerat in uxore pro libera.*<sup>24</sup> There is the usual difficulty in proving one thing or the other, and the usual resort to compromise. But the ground on which Hugh bases his claim is clear. That loss of liberty was the rule, and applied both to men and to women, is evident from the care with which the abbey, in its manumissions of the thirteenth century, stipulates that the servitude is to be to themselves again. No new lord is to benefit by the lapse. The clause is always in the same words :

Si aliquis eorum vel heredes eorumdem hominum . . . in dicta terra . . . vel alibi contraxerint matrimonium cum aliquibus mulieribus servilis conditionis, vel mulieres . . . contraxerint matrimonium . . . cum aliquibus hominibus servilis conditionis . . . nichilominus tam[en] homines et mulieres . . . sint et remaneant perpetuo servi et ancille ecclesie supradicte.<sup>25</sup>

Second marriages were always discouraged by the church, and sometimes involved servitude again. In 1370 Jehan Pitens of Marisy,

nagairre homme de corps de ladite eglise Sainte Genevieve, promet que non obstant que a present il ait obtenu et obtiengne des religieus abbé et

<sup>20</sup> Arch. Nat. L. 885, Nos. 93, 94.

<sup>21</sup> Arch. Nat. L. 885, No. 17.

<sup>22</sup> ' . . . pour ce que li enfant de l'homme pueent aquerre franchise se li peres se marie en franche fame, mes ou que la serve se marie, tuit li enfant demeurent serf . . . ': Beaumanoir, *Les Coutumes de Beauvaisis*, ed. Salmon, ii. 231.

<sup>23</sup> ' Emelina . . . recognovit quod ipsa et mater eius sunt femine de corpore ecclesie beate Genovefe ': Cart. 356, p. 328.

<sup>24</sup> Cart. 356, p. 167.

<sup>25</sup> See charters of enfranchisement in Cart. 356, p. 285, and in the *Livre du Celerier* (1243-1272) pp. 95-99, etc., MS. 351 in the Bibliothèque Sainte-Geneviève, referred to hereafter as ' *Livre du Celerier*.'



couvent . . . lettre de liberte et de grace sur sa dicte servitude et condicion, se yceluy Pitens avient venir secondement a lestat de mariage il, ce nonobstant retournera homme de corps de ladicte eglise.<sup>26</sup>

The serf was also expressly forbidden to take orders, for ordination was equivalent to enfranchisement.

*Caducum vel manum mortuam debent* was the sentence concerning the men of Vanves.<sup>27</sup> The man who could not possess himself could not lawfully possess his goods. The abbey had the right *ipsorum bona arrestare et saisir*. There was no legal limit to its power. But so long as the customary dues were paid it does not seem to have interfered. The men were, as we see, subject to *mainmorte*. If they died without children the abbey was heir to their possessions. But *mainmorte* was in itself a concession. That the serfs of the abbey were, in many places, allowed a right to their savings is evident from the relatively large sums they paid for their freedom.<sup>28</sup> Their *mobilia* and *immobilia*, which are pledged for the payments, are clearly considered their own. By a somewhat curious inversion the serf seems able in practice to possess 'things' before he may possess himself. In 1249, John of Rungy and his son sell one arpent of land to the abbey for sixty sous and for the freedom of themselves and three other children, who are not yet of age.<sup>29</sup> John, the serf, then, may own *immobilia* that he can dispose of. The same year Hubert de Procheterre and his wife sell three-quarters of land at Rungy to the abbey, for forty-two sous and for the freedom of themselves and their son.<sup>30</sup> It seems a recognised thing—at least in some of the lands of the abbey—that, by the beginning of the thirteenth century the serf could not only possess, but also alienate, as we find, in a recognition of servitude of the men of Rosny, the words *possunt enim sicut homines de corpore, emere, vendere, dare de rebus suis*.<sup>31</sup> His holding of course he may not dispose of, but he cannot, on the other hand, be dispossessed: his right to it is hereditary.<sup>32</sup> As to legacies, the practice on the abbey lands is not quite clear. In 1257 Emelina, a serf, has lost her husband. The abbey has apparently been taking its *mainmorte*, and has found it a good opportunity to get a recognition of her servitude from Emelina. It was never time wasted to confirm such facts. Anyhow she is made to promise that,

in ultima voluntate . . . nihil de bonis suis mobilibus vel immobilibus alienabit, dum ecclesia beate Genovefe possit habere portionem suam,

<sup>26</sup> Arch. Nat. L. 885, No. 91.

<sup>27</sup> See above, p. 1.

<sup>28</sup> At Nanterre, in 1247, about ninety-four persons pay between them 200*l.* paris for their freedom. At Vanves, in the same year, 100 families pay 600*l.* Rungy and the neighbouring villages, about ninety families in all, pay 500*l.*: Cart. 356, pp. 285 &c., Livre du Celerier, p. 99 &c.

<sup>29</sup> Arch. Nat., S. 1575, no. 16.

<sup>30</sup> *Ibid.* S. 1575.

<sup>31</sup> Cart. 356, p. 98.

<sup>32</sup> 'Cum enim . . . nullus homo qui non sit homo noster de corpore ius hereditarium habet in terris nostris': Livre du Celerier, p. 130.

sicut consuevit habere de hominibus et feminabus ecclesie, hoc salvo quod ipsa poterit facere in ultima voluntate sua legatum sicut homines dicte ecclesie facere consueverunt.<sup>33</sup>

It would appear as if the serfs of the abbey had by this time, to a limited extent, the power to bequeath over and above the few privileged sous to the church; but it is impossible to judge from the scanty evidence.

Besides the *droit de formariage* and *mainmorte*, to which the serf of Sainte-Geneviève was subject, we find in a few places a mention of *capitagium* and *taille*. The former was a tax of four deniers per head, and one of the most characteristic signs of servitude. It is difficult to say to what extent this existed, or the principle on which it was levied. At Vanves the two serfs who disputed their status were exempt.<sup>34</sup> This may however have been a concession. At Rosny some serfs owe it, others do not.<sup>35</sup> The serfs who are settled on the lands of the Count of Troyes in 1184 owe it to the abbey.<sup>36</sup> In a division of rights at Lisy between the abbey and five knights (*avoués*), the latter are given a certain amount of the *taille*, *mainmorte*, and *justice*, but are allowed no share in the *capitagium*.<sup>37</sup> By the middle of the thirteenth century it seems to have disappeared. In none of the charters of general manumission is there any allusion to it. The *tallia ad voluntatem* existed in a few places. There is however little direct mention of it. We find it at Marisy, Mology, and La Ferté-Milon in 1247,<sup>38</sup> where it is practically fixed. That there was a *taille* for *serfs*, as distinct from *hôtes*, is evident. In 1250 Johannes de Tremilliacio is freed from *taille*, *mainmorte*, and *formariage*. Henceforth he is only to pay a *taille* if he settles at Borest, or in places in which the *taille* is exacted from the *hôtes*, and then he is to pay it as *hôte*, not *serf*.<sup>39</sup> This is evidently a fixed *taille*. It is assimilated to that of Borest, which by this time consisted simply in the payment by the village of the 40*l.* due annually for their freedom. A special *taille* was levied when necessary for the king's army. It was a fixed sum and varied only in one or two of the villages in the three years recorded (1240, 1242 and 1272).<sup>40</sup>

<sup>33</sup> Cart. 356, p. 328.

<sup>34</sup> In 1173-1179; cf. Lasteyrie, *Cart. gén. de Paris*, p. 429.

<sup>35</sup> ' . . . quattuor denarios non debent, nisi pauci ' : Cart. 356, p. 98.

<sup>36</sup> Arch. Nat., L. 885, no. 57.

<sup>37</sup> Cart. 356, p. 236.

<sup>38</sup> At Mology it was about 1*l.* tournois per annum. At Viletein the men paid ' unum modium bladi ad mensuram de Firmitate Milonis, vel plus si domini voluerint ' : Livre du Celerier.

<sup>39</sup> Cart. 356, p. 319. In 1245 some other men are freed on similar terms : Arch. Nat., L. 885, no. 8.

<sup>40</sup> E.g.—

	1240.	1242.	1272.
Rosny . . .	50 <i>l.</i> parisis . . .	57 <i>l.</i> parisis . . .	57 <i>l.</i> parisis.
Borest . . .	50 <i>l.</i> „ . . .	60 <i>l.</i> „ . . .	60 <i>l.</i> „
Rungy . . .	60 sous . . .	60 sous . . .	60 sous „
Vanves . . .	12 <i>l.</i> parisis . . .	15 <i>l.</i> parisis . . .	15 <i>l.</i> parisis

There seems to be no distinction between the serfs and the *hôtes* in the payment of this sum.

We have seen that, alongside of the serf on the lands of Sainte-Geneviève, there was another class of worker called *colon* or *hôte*.<sup>41</sup> What is the condition of this *colon* or *hôte*, who, to the envious eyes of the men of Rosny, enjoyed a position akin to freedom? The *hôte* is essentially a man of a particular profession. His work is to bring waste lands under cultivation (*colere, dirumpere, extirpare*). The church had always been indefatigable in reclaiming, and the *hôte* figures largely in the rural population of the abbey. Distinct from the serf, he held his tenure by contract.<sup>42</sup> He was, as a rule, an outsider to the seignory; and, as an outsider for whom there was a considerable demand, he held it generally under good conditions. He was subject in his capacity of *hôte* neither to *mainmorte* nor *formariage*. There was, of course, the usual tendency, once he came within the seignory, to regard him as fixed. In 1203 Gaucherius de Castellione promises not to take in any of the abbey's *hôtes*.<sup>43</sup> In 1224 the Knights Templars do the same.<sup>44</sup> But, apparently, custom round the abbey lands allowed the *hôte* to move when he had acquitted himself of his *devoir de s'ostise vers son seigneur ou par quitance, ou par vente, ou par don, ou par eschange*.<sup>45</sup> The main thing was that he should not leave his *hostise* empty. He will not necessarily have broken with his old master. There were serfs of the abbey, as we have seen, settled as *hôtes* on the lands of the Count of Troyes. In 1223 the lady of Carcassonne is forbidden to levy exactions from the *hôtes* of the abbey at Draveil and Vigneux, unless she can prove that they are also her serfs.<sup>46</sup> And at Borest, in the thirteenth century, the case of a *mainmortable* of another lord holding a *hostise* of the abbey is specially provided against.<sup>47</sup> Sometimes a whole colony of *hôtes* is settled by a seignor. In 1202 Mathieu de Montmorency, with the consent of the abbey, gives a vineyard called Mauvoisin, on the Mont-Sainte-Geneviève, which he held from the abbot, to be

<sup>41</sup> The terms have evidently become synonymous.

<sup>42</sup> In 1201 the abbey gives a man land for two *hostises*: 'ipse autem . . . et heredes eius pro iamdicta terra persolvent annuatim . . . octo solidos censuales talis monete que pro tempore curret apud Firmitatem Milonis . . . et 2 sextaria avene et 4 panes de consuetudine et 4 capones in natali. Sic liberi erunt quantum ad nos a tallia et corveia, salvo in omnibus dominio nostro et iusticiis': Arch. Nat., L. 885, no. 82.

<sup>43</sup> *Gallia Christ.* vii. 228.

<sup>44</sup> The Templars own a *measure* at Rosny in which they have 'plenum dominium cum omni iusticia,' except that, if any inhabitants or *hôtes* from Rosny take refuge there, they must turn them out; strangers they may keep: Arch. Nat., L. 887, no. 40.

<sup>45</sup> Beaumanoir, *Coutumes de Beauvaisis*, i. 491.

<sup>46</sup> Arch. Nat., L. 885, no. 33.

<sup>47</sup> If a *hôte* of the abbey were to die at Borest, who is, at the same time, the *mainmortable* of another lord ('quod nullo modo sustineri debet,' says the record), 'non ideo dominus habebit manum mortuam in terris vel hostisia nostra, nec in segete que in ea erit, sed tamen habere poterit manum mortuam in rebus mobilibus que ipse habebat': Livre du Celerier, p. 132.

turned into *hostises*. Regulations are drawn up for the administration of the colony. The *hôtes* are to be parishioners of the abbey, paying it the *dîmes* and other parochial dues. The rest are to be divided between the two seigneurs. Duels are to be fought in the abbot's court, and he is to have half of the fines.<sup>48</sup> The tenement of the *hôte* consisted generally of a cottage and garden and one or two arpents of land,<sup>49</sup> often with some special advantage attached, such as freedom from *taille* and *corvées* or some usage in the woods. For this he paid an annual fixed *cens* and, as a rule, some dues in kind. He is not subject in all places to a *taille*, and where he is, we have seen that it is lighter than that of the serf.

This, then, to the mind of the serf of Sainte-Geneviève in the twelfth century is the free man; this the condition he would fain appropriate.<sup>50</sup> Can we, from such a conception of his, gather any idea as to what freedom meant to him? Were his persistent efforts towards it a move merely in the direction of material gain; or do the heavy prices he was often willing to pay for it cover some satisfaction that does not appear? If we turn to the actual charters of enfranchisement we may perhaps find what the important element in his freedom was.

In the middle of the thirteenth century there was a general movement on the abbey lands towards the enfranchisement of the serfs. The movement was not unheralded. As far back as 1179 we saw the men of Rosny assert their independence. In 1219 they appealed to the pope against the *droit de formariage*. The struggle with the abbey lasted forty-seven years, and it was costly on both sides. If the men were forced to yield in 1226, worn out by the long procedure and the expense, the abbey had found itself obliged to obtain eight bulls from the pope, at a heavy charge, to judge from a remark of Etienne de Tournay.<sup>51</sup> Nor was the movement uniform. The old servitudes last in some places till the fourteenth century. In 1341 the abbot is complaining before the king that Adam Raoul of Marisy is their

homme de corps de mortemain et fourmariage et que il sest mariez senz leur congie et licence.

<sup>48</sup> *Gallia Christ.* vii. 225.

<sup>49</sup> Thus the Abbot Herbert grants to 'Hildeburgi La Carree de Soisiaco et heredibus suis in perpetuum, domum cum porprisio et bosco adiacenti, circiter duos arpennos; ad censum quinque solidorum,' in return for which he declares, . . . 'dictam H. et heredes suos quitamus a talia. Si vero domus . . . ad manum aliorum per commutationem vel venditionem, sive quolibet alienationis titulo deveniret, talia et etiam alia teneantur nobis reddere sicut ceteri hospites eiusdem ville': Arch. Nat., S. 1616, no. 1.

<sup>50</sup> Compare the dispute of 1179 regarding status, above, p. 1.

<sup>51</sup> Referring to the use of lead at Rome and in England, he says, 'isto nudantur ecclesia, teguntur illo': Du Molinet, *Histoire de Sainte-Geneviève*, Bibl. Sainte-Geneviève, MS. H. 21.

To add insult to injury, the said Adam

se transporte en divers lieux et juridictions en lui portant aucune foiz comme clerc et autrefois comme lay en leur grant damage et preiudice.

The king calls on all the justices of the kingdom to give

force et ayde ausdiz religieux a leurs despenz toutefois que vous en serez requis de penre ledit Adam en quelque lieu que il se trouve hors lieu saint.<sup>52</sup>

In 1386 Richard and Giles Arruby of the same place are condemned to pay *formariage* (one-third of their goods) and a fine according to the custom of the district, for having married women

dautre condition et servitude que de la leur sans la congie et licence desdis religieux.<sup>53</sup>

There are charters of manumission at Jossigny in 1325 and 1348. As late as 1393 there is a sentence of the Chatelet maintaining the abbot and his community in *saisine* and possession of all the goods (*meubles*) of the late Agnesot, because of the rights of *formariage* and *mairmorte* which they had over her on the day of her death.<sup>54</sup>

But the absolute fixity of the serf in his seignory could not, in the nature of things, be maintained. The concessions granted by seigneurs in the matter of *formariage* were bound to shake it. In many regions the serf could, by the twelfth century, leave his seignory and become the subject of another by the formal act of *désaveu*. By the middle of the thirteenth century individual charters of freedom are not rare.<sup>55</sup> The idea is in men's minds. Emelina of Chanteloup, in her recognition of servitude (1257), is speculating on the day when her neighbours will be freed, and stipulates that she shall not be left out.<sup>56</sup> The years 1246–1250 however see wholesale charters of *affranchissement* given to many of the villages. These are ratified by the king, and are in many cases preceded by charters of obligation on the inhabitants to pay the amounts stipulated for their franchise. A certain number of men make themselves responsible for the payment. At Nanterre, in 1247, out of some ninety inhabitants about nineteen men make a formal recognition that they owe 200*l.* paris to the abbey for their franchise, and promise to pay it within four years. If the payment fail in any way, they will go to prison within the walls of Paris till the sum is made good. If any one of them die, his *mobilia* and *immobilia* are bound

<sup>52</sup> Arch. Nat., L. 885, no. 90.

<sup>53</sup> Arch. Nat., L. 855, nos. 93 and 94.

<sup>54</sup> Arch. Nat., S. 1618.

<sup>55</sup> Jacob Cotereel and his heirs are freed in 1247 unconditionally. Geoffrey of Choisy is enfranchised in 1248, for 20*l.* paris to be paid within two years. Other grants of the same tenor are in Cart. 356, pp. 283 &c.

<sup>56</sup> The recognition states that, if the men of Chanteloup 'requirent manumissionem suam ab abbate sancte Genovefe . . . liceret ei habere manumissionem suam cum aliis, istis litteris non obstantibus': Cart. 356, p. 328.

to the amount due. The charter of franchise follows a month or so later.<sup>57</sup> The wording of the charter is generally the vague *ab omni iugo et onere servitutis penitus liberamus*. Custom has probably, by now, fairly well defined what is servile. The seignorial dues are always expressly reserved,<sup>58</sup> and when required, the men are to give *auxilium et subsidium ecclesie nostre pro rebus et personis ecclesie nostre defendendis*. They are to come in person, but only the first day is to be at their own expense. Thereafter each man is to receive six deniers daily till dismissed.<sup>59</sup> The abbey reserves in all cases the power *omnem iusticiam exercere . . . libere sicut ante facere solebamus*. Sometimes the payment consists of a single sum once for all, to be paid within a certain stated time.<sup>60</sup> Sometimes it is an annual fixed sum, called *rente* or *taille*, assigned on the tenures and goods of the villagers in such a way that *ad quamcumque manum teneure [sic] . . . devenient, cum onere isto transibunt*.<sup>61</sup> This takes the form of a *cens* on the land, which carries the burden with it. It is levied at the cost of the village by five or six of the worthiest men (*fidedigni*), or, if the village cannot agree in its choice, by the *camerarius* of the abbey, and is to be brought to the abbey headquarters at Paris.

To pay an annual sum for one's liberty seems only another way of acknowledging one's servitude. Thus we find the men of Rosny doing all they can to get rid of this *taille*. In 1276, thirty years after their charter of freedom, they buy a reduction of 6*l.* paris for a payment down of 200*l.*<sup>62</sup> A century later they appear to have denied the seal of St. Louis and the validity of the act of enfranchisement; for, on 11 August 1390, King Charles orders it to be verified by the Prévôt of Paris, and the villagers to be fined, as an example to others.<sup>63</sup> In 1392 there is another dispute. This time they are in arrears with their annual *taille*, which they have now reduced to 50*l.*<sup>64</sup> What eventually happens to it we do not know. At Borest

<sup>57</sup> Livre du Celerier, p. 99.

<sup>58</sup> 'Salva nobis . . . omni iure, dominio et iusticia, censivis et consuetudinibus, redevantiis, costumis, corveis, tallia quotienscumque fieri contigerit pro exercitu domini regis et etiam omnibus aliis que recipere et percipere consuevimus': *ibid.* p. 96; Cart. 356, p. 285.

<sup>59</sup> ' . . . prima die ad sumptus suos, ceteris vero diebus dabimus unicuique dictorum hominum sex denarios par. quousque ex parte ecclesie licententur: ' *ibid.* This seems a large sum. The average wage of a day labourer at Bagneux in 1450 was two deniers a day: Arch. Nat., S. 1545, Compte-rendu de Bagneux.

<sup>60</sup> The men of Creteil and Chenevières-sur-Marne pay 80*l.* paris as follows: 20*l.* at the Nativity of John the Baptist, 40*l.* at St. Martin's in Winter, 20*l.* again at the Nativity of John the Baptist. The men of Vanves and the neighbouring villages, about 100 persons in all, pay 600*l.* paris. Those of Rungy, 500*l.* At Nanterre, about ninety-four men pay 200*l.* at the rate of 50*l.* a year during four years. (For others, see the Livre du Celerier.) The sums seem to have been promptly paid. They are down among the receipts for the years 1246-1249. The total sum for manumissions during these three years is 1660*l.* paris.

<sup>61</sup> This is probably the *taille* so often referred to at Borest.

<sup>62</sup> Arch. Nat., L. 887, no. 43.

<sup>63</sup> Arch. Nat., S. 1572.

<sup>64</sup> *Ibid.*

it seems to have been equally obnoxious. In 1372, 'on the remonstrance of the inhabitants,' the abbey relieves them of the payment of their *taille* (40*l.*) during four years, as they are behindhand with some dues which they owe to the abbey of Chaalis. We find it referred to in 1401 and 1412, after which it disappears from sight.<sup>65</sup> In some cases the *taille* for their freedom seems to have been personal. At Glancy and Freneel in 1245 about thirteen persons are freed from *taille*, *mainmorte*, and *formariage* for an annual payment of half a pound of wax 'of the pound of Senlis,' which each person over fifteen years is to give for his body (*pro corpore suo*).<sup>66</sup> In the cases of Rosny and Borest, where the payment was an annual sum, there were no separate charters of obligation. The abbey simply reserves to itself the right to take *de rebus ville* until the amount is reached. The inhabitants of these two villages are expressly forbidden to form a commune, or even to belong to one, so long as they remain within the villages. If they go to live elsewhere, whether they belong to a commune or not, their goods are bound to the payment of the annual sum. The object was, evidently, to prevent the burden from falling unduly on those who remained. The measure does not seem to have been always effectual. In 1412 there is a bitter complaint to the king from Borest that, owing to the refusal of some, *ayans heritages* in the village but not inhabiting it, to pay their share of the 40*l.*, the rest of the villagers are being *executez pour eulx et pour le tout*. The absentees are ordered to pay their share.<sup>67</sup>

What, then, has his freedom brought to the serf of Sainte-Geneviève? In the first place, it has given him no political existence. His relation to society is, as before, through his lord. The right to assemble is indeed admitted, when it is a question of partitioning out seignorial dues. The common interests of the *domaine* have, probably, all along created a certain amount of united action. But such rights as result are purely domanial and are in no case against his own seignor.<sup>68</sup> A certain amount of liberty in the disposal of his goods and chattels the serf of the abbey had already acquired. His charter, indeed, frees him from the *taille* (where it existed), *formariage*, and *mainmorte*,<sup>69</sup> and thus to some extent formally detaches him from

<sup>65</sup> Arch. Nat., S. 1546. The seignory of Borest is let with all its revenues, except the annual *taille* at St. Martin's in Winter.

<sup>66</sup> Cart. 356, p. 157.

<sup>67</sup> Arch. Nat., S. 1546, no. 15.

<sup>68</sup> This is specifically stated in 1398, when the village of Borest is given permission to choose *procureurs* to guard its rights and liberties: Arch. Nat., L. 885, no. 18.

<sup>69</sup> If the amounts for *formariage* and *mainmorte*, given under the heading 'redditus ecclesie beate Genovefe in denariis per annum,' represent, as they apparently do, the returns for the whole domain of the abbey ('de forismaritagis et manibus mortuis circa 100 lib. quolibet anno), then, indeed, the latter made a good bargain out of its charters. The annual sum for freedom at Rosny and Borest alone came to 100*l.*, not to speak of the large sums paid down at Vanves (600*l.*), Rungy (500*l.*), &c.

his holding; but it is fairly evident that, by this time, whenever it was to his interest to leave, he could do so; and it is a question whether his franchise would make it easier to break the ties of association and interest that kept him in his place. And so long as he remained within the seignory he was subject to all the conditions of his tenure. Nor, it would seem, did his new status affect these directly. The seignorial rights reserved in the charters appear often of much more importance to the abbey than the actual concessions given. The *salva nobis* sometimes includes so much that we are tempted to ask what it is that the serf is paying so dearly for.

Are we, then, justified in thinking that, for the serf of Sainte-Geneviève, freedom involved some element of moral gain that cannot be calculated? Is it no longer natural for him to consider himself a serf? Has public opinion from other circles penetrated his? <sup>70</sup> Has some fuller conception of life made him feel the *incommoda que ex huiusmodi servitute contingebant*? <sup>71</sup> It is difficult to say. One thing is certain: if the charters of franchise throw very little light on his state of mind, they throw no more on his material condition within the seignory. If a change of status is admitted in the charter—and it is often no more than the admission of the fact—there is often no real change in the condition of the person. If, then, we would know what material gain his freedom brought, we must seek the serf within the seignory itself and ascertain if we can, through the working of the *domaine*, what his position was on the eve of his liberty. This we are to some extent enabled to do from the thirteenth century account book of the abbey lands, <sup>72</sup> and especially from a few pages on the working of a small seignory of the abbey at Borest, before its enfranchisement, which may be taken as fairly typical of the rest. <sup>73</sup> And the first thing that strikes us is that, however it may have been in earlier times, the *domaine* now sees no importance in the question of status. Neither in the description of Borest nor in that of the other villages (1242–1243) before their charters is there any indication of a distinction of rank. The words *servi* and *villani* are never found. In the actual charters, where it is the question of status that is at issue, the men are referred to as *homines de corpore*. But in the accounts of their dues and services, when not *hôtes*, they

<sup>70</sup> At Borest, before the charter of freedom, it was a serious offence to use the term ‘servile.’ Compare the custom, according to which, if a man ‘alicui homini servitium vel opprobrium obiecerit,’ he must, after peace has been made, take food to the injured man’s house and eat with him before the offence could be considered wiped out: *Livre du Celerier*, pp. 130–133.

<sup>71</sup> Charter of franchise to the village of Rosny (1246), *ibid.* p. 83.

<sup>72</sup> *Livre du Celerier* (1242–1272). See above, p. 6, note 25.

<sup>73</sup> The date of the account of the seignory of Borest is not given, but internal evidence places it before the general franchise of 1244. It is apparently included under a description of the abbey lands for the years 1242–1243. There is also no mention of the 40*l.* annual payment for the franchise, which is found in the accounts of a later year (1247).



are simply referred to as *homines agriculture dediti, homines qui terras tenent*. Nor can we gather from the details of their holdings that there was any distinction between them except in size.<sup>74</sup>

We do not know when the seignory of Borest came into the hands of the abbey. In 1186 it was cultivated by *colons*, who seem to have been there for some time, if we may judge by a reference to their *antiqua pascua*.<sup>75</sup> But we have few details regarding the working of the *domaine* till the account of the steward about 1242. Then we find the mayor at the head of the practical administration. On the lands of Sainte-Geneviève he was originally almost always a serf.<sup>76</sup> His children were given and exchanged by the abbey like those of any other serf. His position was however bound to give him a superiority over the others. We find mayors marrying almost solely within their own ranks.<sup>77</sup> In 1247 the mayor of Borest is even claiming exemption from the annual *taille* for freedom. His neighbours however will not allow this, and he is forced to pay like the rest.<sup>78</sup> His office is for life, unless, as his engagement always runs, *tale fecerit forefactum, pro quo eam debeat amittere*. The strong feudal tendency of the time does not fail to exercise its influence on the post. In spite of the oath of office, *quod nec ipse nec heredes in maioria . . . aliquid de cetero iure hereditario reclamabunt*,<sup>79</sup> the abbey is sometimes obliged to compromise. In 1224 the son of a mayor has considered his hereditary right so secure that he has built a domicile on part of the holding belonging to his father's office. The abbey for the sake of peace grants it to him as a fief, for which on his death his heirs are to pay 60 sous, *pro releuamento feodi*.<sup>80</sup> By the thirteenth century, although the reservation regarding non-heredity is always made, it is practically an established fact that the son gets the *maioria*. At Saint-Germain-sous-Ecole, in 1240, the abbey goes so far as to sell the revenues of his office to the mayor for six years.<sup>81</sup> So fixed in practice has heredity of tenure become, that we apparently find women holding office. In 1225 *Maria*

<sup>74</sup> The *cens, rentes, coutumes, &c.*, are put down on the same principle, and consist of the same amounts, *after as before* the charters of freedom.

<sup>75</sup> Arch. Nat., L. 885, no. 5.

<sup>76</sup> In 1124 Louis VI confirms the manumission of the mayor of Vanves (Cart. 356, p. 69).

<sup>77</sup> In 1116 the daughter of a mayor of Sainte-Geneviève is exchanged for the daughter of a mayor of Notre Dame: Arch. Nat. L. 879, no. 59. In 1172 two daughters of mayors are exchanged between the abbeys of Sainte-Geneviève and Saint-Faron in the diocese of Meaux: Cart. 356, p. 74. The same year Louis VII gives the daughter of the mayor of Clichy to Sainte-Geneviève to marry Walter, mayor of Vanves: *ibid.*

<sup>78</sup> Cart. 356, p. 335.

<sup>79</sup> Cart. 356, p. 76.

<sup>80</sup> *Ibid.* p. 267.

<sup>81</sup> 'Nos . . . Reginaldo maiori nostro de sancto Germano super Scolam et Adam de Bria vendidimus ad sex annos fructus et proventus terre nostre pertinentes ad custodiam maiorie nostre quam tenet iamdictus R . . . pro 28 libris par. quolibet anno dictorum sex annorum': Cart. 356, p. 269.

*maiorissa de Leudevilla* has acquitted to the abbey *siquid iuris habebat in decima Leudevilla*.<sup>82</sup> The mayor had to have an accurate knowledge of all the tenures within his boundary. It was his duty to point out to the collector of the abbey which lands owed *dîme*, *champart*, or *cens*. He was responsible for the guard of the crops and vines, of which he received a certain proportion in payment.<sup>83</sup> It was he who collected the *consuetudines* and handed them over to the abbey at Paris; he who marshalled the men if summoned for war and led them up to the abbot's court; or who collected the *taille* for the king's army, if that were wanted instead.<sup>84</sup> For all these things he had small payments besides his tenure.<sup>85</sup>

The holders of tenures at Borest are referred to as *hôtes*, *coloni*, *homines agriculture dediti*; and all, whether subjects of the abbey or not, are bound by the claims of their land. A certain uneasiness is evident at Borest. The abbey had a strong objection to any but its own men holding its land. *Nullus homo qui non sit homo noster de corpore, ius hereditarium habet in terris nostris*.<sup>86</sup> It was alert against the danger of any other lord claiming *mainmorte* within its precincts.<sup>87</sup> It seems to have been specially on its guard against the *bouteiller* of Senlis<sup>88</sup> and any encroachment of the king's officers. The *bouteiller*, who has a small *measure* at Borest (*circiter medietatem quarte partis unius arpentis terre*) worked by a *hôte*, is subject in its regard to exactly the same obligations as any other tenant.<sup>89</sup> The

<sup>82</sup> This may be, as in some other cases, on behalf of a son; but a widow is generally referred to as 'uxor quondam maioris.'

<sup>83</sup> Two mayors at Boran in 1222 get 'messagium, quod accipiat a colonis pro messium custodia.'

<sup>84</sup> Livre du Celerier, p. 54.

<sup>85</sup> Five sous when he collected the King's *taille*; 5 sous on the *cens* paid on the city of St. Remy. 'Investiture,' i.e. 6 deniers each time an unbuilt *measure* changed hands; 18 deniers if built: Cart. 356, pp. 265, &c.

<sup>86</sup> Livre du Celerier, p. 130.

<sup>87</sup> 'Si dominus rex, vel aliquis episcopus, vel buticularius, vel aliqua ecclesia, vel aliquis miles habet aliquem hominem in Borreto, et ille homo moriatur absque herede . . . et ita dominus illius, qui mortuus est, habet manum mortuam in homine mortuo, si homo . . . hostisiam de nobis vel terras nostras tenebat, quod nullo modo sustineri debet, non ideo dominus habebit manum mortuam in terris vel hostisia nostra, nec in segete que in ea erit, sed tamen habere poterit manum mortuam in rebus mobilibus que ipse habebat': *ibid.* p. 132.

<sup>88</sup> Guy of Senlis, the king's butler, a powerful seigneur of Senlis, whose family held the office of *bouteiller* during nearly all the twelfth and the first quarter of the thirteenth centuries, and who, in virtue of his office, had a right to levy a fixed due on certain ecclesiastical establishments, especially monasteries of royal foundation. (Cf. Luchaire, *Manuel des institutions françaises*, p. 525.) At Borest he had a right to 40 setiers of oats per annum. He had evidently, at one time, usurped more than his due. There are repeated assertions by the celerier that 'famuli . . . regis de Silvanectis nullam omnino habent potestatem super Borretum': Livre du Celerier, pp. 130-133.

<sup>89</sup> 'Habemus in ea mansura omnimodam jurisdictionem, sicut in aliis mansuris. Nec potest aliquis manens in ea coquere panem nisi ad furnum nostrum, nec molere annonam nisi ad nostrum molendinum, nec vendere vinum, nisi persolvat nobis foragium nostrum, nec aliquod omnino habet privilegium vel libertatem in aliqua re magis quam alii qui tenent alias mansuras': *ibid.* pp. 130-133.

same is the case of Odo, a knight, who has a *masure* at Borest.<sup>90</sup> Some *hôtes* of Notre Dame at Senlis hold *hostises* of the abbey at Borest. Not being dangerous they are not specially prescribed for, but are simply mentioned as owing the same *corvées* and dues as the rest of the men of the village. The tenures are referred to as *masure* and *hostisie*. It is not easy to see whether there is a distinction between them. Originally the *hostisia* was, of course, a piece of reclaimed land held on more favourable terms than the ordinary servile holding, and probably on the outer edge of the seignory. But as time went on and more land was settled, the economic distinction between the older *hostises* and the ordinary tenure of the serf would tend to disappear. The clearing process on a particular piece of land was bound to reach its limit. Apparently two years were enough to bring the waste under cultivation.<sup>91</sup> By this time, at any rate at Borest, the dues and taxes are based, not on the quality of the tenure, but on its size and the number of plough beasts. The holdings are, as a rule, small, containing about one or two arpents,<sup>92</sup> and at Borest they are mainly agricultural.<sup>93</sup>

The right to a certain amount of use of woods and pastures generally goes with these tenures. There is no trace of communal ownership in the forests and pastures of Sainte-Geneviève. As early as we have any mention of them they are the private property of the abbey. The use is sometimes given as a concession, especially if it is a question of establishing *hôtes*.<sup>94</sup> Generally however it is paid for. Thus the village of Nanterre pays 20 sous a year for its pasture. Indeed it would seem that in some districts the payment of a *cens* or *rente* was what, in the thirteenth century, constituted the validity of the claim. In a disputed case of usage at Creil, near Senlis, the verdict on the claimants was, that *li lons usages qu'il avoient proposé ne leur valoit riens pour ce qu'il ne rendoient dudit usage cens, rentes ne redevances*.<sup>95</sup> Long usage however, if it did not create an absolute right to the land, did come in time to form a sort of property. In donations of forests, &c., by the abbey the peasants' rights of use are often reserved. In acts of exchange

<sup>90</sup> 'Debet et idem Odo pro prefata mansura alias consuetudines quas debent alii homines qui tenent mansuras in Borreto': Livre du Celerier.

<sup>91</sup> In 1116 Louis VI grants a wood to Notre Dame at Paris on condition that the chapter establishes *colons* there. They are to clear and cultivate one part of the wood for two years, after which they are to go on to another part and do the same: Tardif, *Cartons des rois*, no. 364, p. 208.

<sup>92</sup> At Saint-Germain-sous-Ecole, 25 arpents are divided into 14 *hostises*. At Rungy there are 74 arpents of land and seventy-five men pay *coutumes*. The *hôte* of Guy le Bouteiller holds a *masure* of half a quarter of an arpent: Livre du Celerier.

<sup>93</sup> About 1242, Borest consists of 280 arpents of land and 13 arpents of vineyard. In 1247 it has 320 arpents of land, 11 of vineyard, and 5 arpents of meadow: *ibid.*

<sup>94</sup> In 1190 Abbot Stephen gives the *hôtes* of Soissy 'usuarium . . . in mortuo nemore . . .': Cart. 356, p. 60.

<sup>95</sup> Beaumanoir, *Coutumes de Beauvaisis*, i. 351.

their consent is sometimes referred to<sup>96</sup>; and in 1191, in the case of a wood bought by the abbey of Chaalis, compensation is given to some *hôtes* of Sainte-Geneviève for their *usuarium et ius pascendi*.<sup>97</sup> The *usage* that goes with a tenure is generally about two arpents.<sup>98</sup> This right is, of course, confined to the surface of the land, which may not be turned to arable or changed from its original purpose.<sup>99</sup>

The land at Borest is held in two ways, *ad censum* and *ad terragium*.<sup>100</sup> The tenures held at a *cens* pay their rent in money (generally a few sous) and in kind. They are hereditary as distinguished from those held in *terrage*, which are not, and pay the usual *ventes* on any change of ownership.<sup>101</sup> The holders are expressly forbidden to charge them with a surplus rent.<sup>102</sup> A good deal of the land seems to have been held *ad terragium*, to judge by the minute description given of the manner of collecting the proportion due to the abbey. When harvest time comes, the tenant, if he inhabits Borest, after he has bound his sheaves, must come to the court of the *domaine* (*curia*), where the agents of the abbey (*famuli*) who have charge of the seignor's proportion are to be ready waiting. He is to declare how many sheaves he has, the field in which they are, and ask permission to remove them. He may then cart the whole to his own courtyard, but he may not unload, nor even loosen the cord that binds the sheaves to the cart, till the collector has arrived. He is then to get up on the cart, loosen the cord, and throw down the sheaves, counting them one by one. Out of every eleven he takes eight, the collector takes the ninth for *terrage*, the tenth for *dîme*, and the eleventh goes to the reaper. The proportion due for *terrage* the farmer must himself convey to the seignorial grange at Borest and count them over

<sup>96</sup> In 1227 Guy du Port gives 'unum arpentum mallerie' in exchange for 'veterem malleriam,' which the abbot of Sainte-Geneviève gives him 'communi suo assensu et assensu hospitum suorum de Iauseniaco' (Jossigny): Cart. 356, p. 139.

<sup>97</sup> Arch. Nat., S. 1546, no. 10.

<sup>98</sup> In a dispute between the abbey of Sainte-Geneviève and the abbey of Chaume, in the diocese of Sens, in 1224, it is arranged that each inhabitant of a certain parish is to have two arpents of usage ('memoris, pascuorum, piscationum'), for which he is to pay 4 deniers an arpent: Cart. 356, p. 255.

<sup>99</sup> In 1226 the abbey gives a tenure to Hildeburg la Carree, with two arpents of wood adjoining, which however are not to be cut down or turned into *masures*: Cart. 356, p. 171.

<sup>100</sup> Land held in 'terrage,' 'champart,' 'gerbage,' &c., is land held for an annual payment proportional to the return of the crop.

<sup>101</sup> 'Si quis vero emat terras que sunt ad terragium non debet dare vendiciones . . . quod nemo antiquitus habebat ius hereditarium in nostris terris que sunt ad terragium': Livre du Celerier, pp. 130-133.

<sup>102</sup> Beaumanoir gives the reason in his treatise on Beauvaisis, 'pour ce que li aucun chargeoient si leur mesons ou leur eritages de teus cens quant il avoient mestier de deniers, que l'en lessoit après les mesons pour ce qu'eles estoient trop chargies . . . et pour ce sont maintes mesons decheues et maint eritage agasti et pour ce est la defense bonne': i. 359.

before the custodian there. The abbey takes charge of the sheaves for the *dîme*. In the case of a man not actually living at Borest, the *terrage* and *dîme* are to be fixed on the field, the mayor accompanying the collector to point out the right lands.

There is no indication that the *corvées* are looked on as servile at Borest. As a service essentially necessary for the cultivation of the seignorial land they fall on every tenant in virtue of his tenure. The knight who has a *masure*,<sup>103</sup> the man who inhabits the *masure* of the Bouteiller<sup>104</sup> are subject to them along with the *hôtes* and the *homines agriculture dediti*. At Borest they consist chiefly of transport and plough work. Both are fixed. There are four plough *corvées* in the year.<sup>105</sup> Each *corvée* consists in ploughing a little under an arpent.<sup>106</sup> Every plough on these occasions gets one denier or bread. If a man cannot make up a team (four horses and two men) he is to join with others to form one.<sup>107</sup> Those who have no plough beasts pay two deniers in August on each *masure*. The *masure* seems to be the unit of assessment. If a man has two *masures* he is to pay four deniers. If he lives on a *masure* and owns horses he apparently pays the *corvée* in labour for that *masure*; for every other one that he holds he pays two deniers.<sup>108</sup> The transport is mostly that of the lord's corn to his grange. Every man who has two horses to his cart gets one sheaf of whatever crop he is carrying; if one horse, half a sheaf. So, too, he must send his carts once a year for *lignaria*. He must mend the road between Borest and the abbey of Chaalis. The men of Chaalis, on the other hand, look after the bridge. In most of the abbey's *domaines* the tenant must do a certain amount of cutting of trees, hay, corn, &c., on the seignorial land. There is no trace of a man of lower condition owing more days' work or paying higher. Even commutation is no test. It is the men who cannot afford horses who pay in deniers. When they can afford horses, they have to pay in labour and the deniers are reduced.<sup>109</sup> The burden seems relative to the size of their tenures, as indicated by the number of plough horses. Indeed, all the charges within the *domaine* are based on the economic principle of ability. The 'forty-eight setiers of oats' that Guy le Bouteiller levies annually on the signory of Borest are collected by men of the village whose business it is to find out how much each man is able to pay: *qui plures*

<sup>103</sup> 'Debet et idem Odo pro prefata mansura . . . citationem, corveias, tallias et avenam': Livre du Celerier, pp. 130, &c.

<sup>104</sup> 'Buticularii sicut alie mansure debent': *ibid.*

<sup>105</sup> 'In marcio scilicet et in gascheriis et in binaliis et in terralliis': *ibid.*

<sup>106</sup> 'Unum arpentum terre uno dextro minus': *ibid.*

<sup>107</sup> It was apparently also the custom to use asses for the plough. We find the words 'unaquaque carruca, sive de equis, sive de bobus, sive de asinis sit': *ibid.*

<sup>108</sup> 'Unaquaque enim mansura in qua non habitat qui terram colat cum equis debet duos denarios': *ibid.*

<sup>109</sup> 'Imminuitur quando homines equos emunt de quibus terras excolunt, et ex eis corveias nobis reddunt': *ibid.*

*potest persolvere plus persolvat et qui minus minus.*<sup>110</sup> The *coutumes* (*consuetudines*), like the *corvées*, are fixed. The tenant knows exactly the amount he has to pay and the time it is due.<sup>111</sup> They vary in the different *domaines* and sometimes within the same *domaine*.<sup>112</sup>

Contributions were often owed to some outside seignor in his capacity of *avoué*. They consisted generally of a proportion of the fines of justice and dues in kind. In 1040 we find the village of Borest paying ten measures of oats to Count Geoffrey Martel of Anjou, as *avoué*.<sup>113</sup> By the beginning of the eleventh century the office was hereditary and much abused. There is a constant struggle between the abbey and the neighbouring lay seignors. At Marisy, in 1183, Agatha, lady of Pierre Fontaine, is made to promise that she will not exact more for her protection than Raoul Turc and other *avoués* were in the habit of getting, viz. one-third of the *mainmorte* and *formariage*.<sup>114</sup> In 1186 Guy de Garlande is forced to admit that he has no rights in the village of Jossigny (*nec custodiam nec advocacionem*).<sup>115</sup> In 1229 Odon Turc possesses serfs, *taille* and *justice*, as *avoué* of the abbey at Villette, four-fifths of which he sells back to the abbey for 100*l.* paris.<sup>116</sup> At Lisy five knights had, at one time, been excommunicated for their treatment of the serfs under their guard.<sup>117</sup> We can understand the misgivings of the abbey, and the care with which it secured charters of non-prejudice against what was called in those days *surprise frauduleuse*. Even the king did not hesitate to take advantage where he could. Once, says the cartulary, it happened that the officers of the king's household begged, *ex gratia et amore*, some hay for the king's palfreys; and they had it for several years. Now, *ex consuetudine petierunt quod primo datum eis fuerat ex gratia*, and the hay is down for ten sous on the debit account ever after.<sup>118</sup>

At Borest the mill and the oven of the village are *banal*. The inhabitants must grind their corn at the seignorial mill or it may be seized, and the very beasts that are drawing it elsewhere forfeited. This obligation (*droit de ban*) on the village to use the abbey's mill, oven, or press is on the land, not on the person, and apparently

<sup>110</sup> Livre du Celerier, pp. 130, &c.

<sup>111</sup> All Saints' Day, Christmas, Easter, and St. John's.

<sup>112</sup> At Rungy the *coutume* consists of 1 sext of oats, 2 bushels of wheat, 2 capons and 6 denarii. At Nanterre it is 2 capons, 2 panes or 2 denarii, 1 sext of oats. The total number of *coutumes* the abbey has for the year 1242 is 312½, as follows:—Oats, 21 sext; fowls, 623; bread, 220; deniers, 4*l.* 17*s.* 1*d.*: Livre du Celerier. At Jossigny, the *coutume*, which consisted of 1 setier of oats, 2 fowls, and 2 loaves, was bought off for an annual payment of 10 deniers for a whole *coutume*, 5 deniers for a half, &c.: Arch. Nat., S. 1557.

<sup>113</sup> *Gallia Christ.* vii. 222.

<sup>114</sup> 'Salva michi . . . tertia parte, que iure advocacionis michi debetur': Arch. Nat., L. 885, no. 80.

<sup>115</sup> *Ibid.* no. 88.

<sup>116</sup> *Ibid.* no. 88.

<sup>117</sup> Cart. 356, p. 236.

<sup>118</sup> Livre du Celerier.

goes with the *haute justice*. The *masure* of the Bouteiller, says the account book, though it is not *de censu nostro, tamen est de viaria nostra et ideo hospites qui in ea habitant debent molere ad molendinum nostrum*.<sup>119</sup>

There is no trace of communal ownership by the village of the *four*, *moulin*, or *pressoir*.<sup>120</sup> In disputes regarding the *droit de ban*, it is always on the possession of the *justice* that the question turns. In 1310 two knights of Chenevières are trying to force the inhabitants of Vémars to bake in their oven, *en disant grosses paroles et manaçant vilenement lesdites bones gens*. The *bones gens* deny that they ever were *hôtes* or subject in any way to the *justice* of the said knights, and gain their case.<sup>121</sup> A dispute in 1228 shows the *justice* and the *property* of an oven in different hands. The abbot of Sainte-Geneviève is claiming an oven at Saint-Medard called Old Ear (Vieilleoreille)<sup>122</sup> on the ground that it is in his *censive* and has paid him *capitalem censum ab antiquis temporibus*.<sup>123</sup> The abbot of Les Fossés, on the other hand, maintains that it moves from his fief. The dispute is taken before the prior of Saint-Martin-des-Champs and others, and it is decided that the abbot of Sainte-Geneviève shall continue to take his two sous a year denoting property, but that the abbot of Les Fossés has *dominium feodi cum omnimoda iusticia ad dictum feodum pertinente*. Sometimes only part of a holding may be under the *ban*. In 1270 Robert of Vanves exchanges an arpent of vineyard with the abbey for another, on condition that quarter of the harvest 'is to be pressed at the abbey's press at Vanves and the rest where he likes.'<sup>124</sup>

The mill, oven, or press are sometimes worked by an agent of the abbey.<sup>125</sup> More often however they are let out to tenants on the *domaines*. In 1276 two men held the oven at Rosny for seventeen sous six deniers a year.<sup>126</sup> The tenant had generally to make

<sup>119</sup> Livre du Celerier, pp. 130-133.

<sup>120</sup> Cf. the discussion on communal ownership of mills and ovens between M. Thévenin (*Revue historique*, xxxi. [1886], p. 241) and M. Paul Viollet (*ibid.* xxxii. [1886]).

<sup>121</sup> Arch. Nat., S. 1588B.

<sup>122</sup> *Ibid.*, S. 1503, dossier II.

<sup>123</sup> *Census capitalis seu fondi terrae* is the *cens* which denotes seignory; e.g. in a lease of the year 1370 we find a *place vuide* taken 'pour et parmi le pris de dix sous parisis de . . . rente annuel et perpetuel . . . et aussi parmi un denier de fons de terre en reconnoissance de seignourie et que ladite place est en la juridiction haute moyenne et basse de ladite eglise de Sainte-Geneviève.' The *justice* may however, as we see, be separated from the property. This *chefcens* (*capitalis*) cannot, like the ordinary rent, be bought off. In 1425 Jehan Guerart, a mason, who had taken four small *masures* of the abbey at a rent of 40 sous, and 4 deniers for *fonds de terre*, buys off the 40 sous for 40*l.*, but is made to declare that he owes the 4 deniers *a tous jours*. They are symbolical and quite out of proportion to the value of the lease: *ibid.* S. 1495, dossier I.

<sup>124</sup> *Ibid.* S. 1579.

<sup>125</sup> At Nanterre, about 1243, the payment of *furnagium* is to be made 'furnerio aut priori dicte ville . . . seu alii mandato nostro': Livre du Celerier.

<sup>126</sup> Arch. Nat., S. 1626<sup>1</sup>.

good the repairs, and it was sometimes a risky bargain. A certain Matthew took a mill from the Abbey on the banks of the Seine. It collapsed into the river and he and his heirs found themselves burdened thereafter with an annual payment of forty sous, which his daughter, on his death, is assigning on a house (1276).<sup>127</sup> Sometimes a piece of land is let out on condition of building an oven. In 1247 the abbey grants a *domum* to a man and his wife for an annual *cens*, on condition that they build there, at their own expense, a *furnum bonum et magnum ad coquendum panem burgensium et hospitum ecclesie nostre*.<sup>128</sup> At Vanves, in 1241, it is recorded that about eighteen men, including the mayor's son, sell to the abbey *quoddam pressorium cum eius pertinentiis situm apud Vanves*, for 35*l.* paris.<sup>129</sup> They are evidently co-proprietors of a press, but we know nothing more of it. The value of a mill, oven, or press would, of course, depend on the number of persons who came, and the monopoly was therefore jealously guarded by the seignor. Any new mill, oven, or press set up diminished his revenues. At Borest in 1402, a certain Thomas Camus has built an oven in his house without the abbot's permission. As soon as it is known, a sergeant is sent to strike the oven a blow. The attention of the village being thus secured to the fact that the oven has no right to exist there, Thomas is given permission to keep it going for five years.<sup>130</sup> Payment for the use of these seignorial monopolies was made either in money or in kind.<sup>131</sup> This *droit de ban* seems to have been very burdensome. The inhabitants of the various villages are constantly being brought to task for evading it. At Trianon in 1385, after a dispute with the abbey, the inhabitants buy off the *servitude et bannerie* of the oven for one arpent of meadow in four pieces, and are thereafter allowed to bake their bread in their own houses.<sup>132</sup> In 1393 the inhabitants of Rosny are given the privilege of pressing on their own places for one year, against custom, on condition of paying a higher rate per tun.<sup>133</sup> But, as a rule, the abbey held its monopolies closely.<sup>134</sup> The records of the fifteenth, sixteenth, and seventeenth centuries are full of sentences against men who have taken their produce elsewhere.

At Borest, the mill and oven were, evidently, at the time of the

<sup>127</sup> Arch. Nat., S. 1506, no. 4.

<sup>128</sup> Cart. 356, p. 281.

<sup>129</sup> *Ibid.* p. 150. Arch. Nat., S. 1577, no. 1.

<sup>130</sup> *Ibid.* S. 1547.

<sup>131</sup> At Vanves in 1234 it is every fourth pot for the *pressoir*; at Rosny in 1405 every third pot. In 1687 the abbey has five presses at Rosny and the payment is still every third pot.

<sup>132</sup> *Ibid.* S. 1616.

<sup>133</sup> In 1611 the men of Rosny beg the abbey to remove the *pressoirs banaux* from the open fields to the village, as in wet weather the contents of the vats were spoiled with the rain: *ibid.* H<sup>5</sup>. 3636<sup>2</sup>, dossier II.

<sup>134</sup> The inhabitants of Epinay in 1735 are still bound to go to the *pressoir banal* and pay, some every fifth pot, others every sixth pot: *ibid.* S. 1617.



steward's account, worked by a seignorial agent. The payment to the *molendinarius* varied according to the season. Sometimes it was a heaped bushel of corn, sometimes a level one, for every setier ground.<sup>135</sup> It was to the abbey's interest to attract outsiders and minute regulations existed as to the preference to be given to those who came *per gratiam* as distinct from those who came *per bannum*.<sup>136</sup> The mill was still *banal* in 1735. To the abbey's *serviens* of the oven each man paid one loaf on every setier baked. Not more than twenty or twenty-two loaves were to go to the setier. On certain special days he received in addition *unum turtellum panis*.

In regard to the disputed question as to whether the unfree were liable to military service, we have seen that, on two occasions, in 1240 and 1242, the men of Borest have been called upon to pay the *taille* for the king's army before their freedom,<sup>137</sup> and that this *taille* is always specially reserved by the abbey in all its general charters of franchise. If it is the case, as M. Prou maintains,<sup>138</sup> that in Carolingian times only free men were called on to serve in war, by the thirteenth century the obligation seems to have become a domanial due falling on all alike. Whether the *homines de corps* of the abbey were actually liable to be called out for service along with the rest, is difficult to discern under the vague and collective term of *homines*. *Homines eiusdem ville*, says the record, *debent ire in omnes expeditiones et exercitus regis*. They are to be led to Paris by the mayor.<sup>139</sup> This is before their charter of freedom, so that there were both *hôtes* and serfs within the seignory. No reference however is made to the fact. If the *homines de corpore* are not mentioned among the number, neither are they specially excepted. One thing certain is that, whether or not the serf was liable to actual service, he was not exempt from the payment of the tax for it.<sup>140</sup> It would indeed be contrary to the whole spirit of seignorial exploitation at the time, that the most servile class should escape its share of a tax on the resources of the *domaine*. In his *vidimus* of the charter of freedom for Borest, the king specially reserves, at

<sup>135</sup> ' . . . a festo sancti Iohannis usque ad Natale molendinario . . . unum bossellum bladi cumulatum, et a Natali domini usque ad festum Iohannis rasum tantum . . . Iuxta hanc estinacionem, *bacillus sextam decimam partem sextarii continet*': Livre du Celerier, pp. 130-133.

<sup>136</sup> ' Si quis autem homo extraneus venit ad molendinum nostrum, debet prius molere quam hospites nostri . . . quandocumque potest fieri, debemus extraneos attrahere et facere ut ipsi prius molant ': *Ibid.*

<sup>137</sup> Cf. *ante*, pp. 8, 12.

<sup>138</sup> *Revue historique*, xlv. 311 (1890).

<sup>139</sup> ' Si vero [famuli regis] citaverint homines nostros ut proficiscantur in aliquem exercitum, maior de Borreto debet ducere homines de Borreto Parisius, ubi omnes homines et maiores nostri convenient, et inde simul proficiscantur in exercitum regis ': Livre du Celerier, pp. 130-133.

<sup>140</sup> The amount paid in 1272, after the franchise, is the same as before, in 1242.

the end, his right to *cavalcheia et exercitus*.<sup>141</sup> And in 1279, on a refusal of the men to pay, they are reminded by a charter of King Philip that the abbot had specially kept his right to this *taille*, and are forced to admit that they had always been subject to it, whenever it was asked.<sup>142</sup> There is no record of any of the men, serf or free, having ever been called out on service from Borest. Probably by this time a sum of money was more convenient to the king than a number of untrained soldiers, eager only to get back to their neglected fields. Whatever doubt there may be as to the king's service, there is no question that all are held to the defence of the abbey, both before and after their freedom. There is hardly a charter given that does not mention the *auxilium et subsidium ecclesie nostre pro rebus et personis ecclesie nostre defendendis*. No limit to the time during which they may be called out is stated, but they are paid after the first day *iuxta consuetudinem regni*.<sup>143</sup>

The Abbey has at Borest, as in almost all its lands, *omnimoda iusticia et sanguis et larro*. The charters of franchise leave this domanial justice untouched.<sup>144</sup> Whatever its origin, it has become now simply a *coutume*.<sup>145</sup> It is one of the most lucrative forms of revenue of the *domaine*. Its earlier personal character has, at the time of the description of Borest, become territorial. All tenures are subject to it, including that of the knight and the Bouteiller.<sup>146</sup> Even the king's officers, if pursuing a robber, may not 'justice' him in the lands of Borest, *sed eum reddere maiori vel canonico, et canonicus debet eum iudicare secundum opera sua*.<sup>147</sup> The obligations involved under the term *justice* fall on all in the *domaine*. At Borest all must attend the *placitum generale* twice in the year under penalty of a fine. It is however mainly a fiscal affair, at which, on each occasion, they pay a certain number of sous and of geese.<sup>148</sup>

From this study of the working of the *domaine* at Borest it is evident that, within the seignory, even the free man is not inde-

<sup>141</sup> 'Nos vero prescriptam compositionem salva cavalcheia et exercitu nostro . . . volumus et concedimus': Livre du Celerier, p. 84.

<sup>142</sup> ' . . . recognoverunt tamen quod quando terra sancte Genovefe pro exercitu nostro generaliter talliatur, ipsi . . . ad dictam talliam tenebantur': Arch. Nat., L. 885.

<sup>143</sup> Lasteyrie, *Cart. gén. de Paris*, p. 429; cf. *ante*, p. 12, note 59.

<sup>144</sup> On the question of justice, cf. Flach, *Les origines de l'ancienne France*, i. 257, etc.

<sup>145</sup> In a charter of 1189 it is classed along with the other *coutumes* of the *domaine*. Two arpents of land are referred to as free 'a placito generali . . . et ab aliis consuetudinibus': Cart. 356, p. 102.

<sup>146</sup> *Habemus in ea mansura omnimodam iusticiam, sicut in aliis mansuris*: Livre du Celerier, pp. 130, &c.

<sup>147</sup> *Ibid.*

<sup>148</sup> At the first *placitum generale* ('in festo assumptionis beate Marie') the men of Borest have to bring 20 sous and 6 geese, for which they get in return 2 deniers on each goose; at the second *placitum* ('in circumcissione') they must bring 24 sous and 6 fowls, and get 1 denier back on each fowl: *ibid.*

pendent. Independence, therefore, is not an element in the freedom for which the serf is struggling. It is also apparent, from the conditions at Borest, that servitude does not necessarily mean unlimited exploitation. The economic life of the *domaine* is based on a system of justice on which the civil status does not seem to press. Conditions, it is true, vary greatly from place to place. Force and violence there often undoubtedly were; but force and violence are not enough to account for all the facts with which we are faced. Tradition has not favoured only the violent. Something deeper has been at work; something which we may perhaps call the force of circumstances. The life of the lowest worker in the *domaine* does not appear, from the material side, more intolerable than that of his equal to-day, in an age which has long ceased to question its freedom. At Borest, indeed, on the eve of the franchise, the distinction between the serf and the free man has become a subtle thing. We shall perhaps be nearer the truth if we say that the serf of the Abbey of Sainte-Geneviève is paying rather for the idea of freedom than for any advantage it will actually bring.

CONSTANCE H. M. ARCHIBALD.

## *Genoa and the Fourth Crusade*

WHILE the part taken by Venice in the fourth crusade has received its full share of attention from modern writers, very little has as yet been written on the attempt of Genoa to secure a share in the spoils of the Byzantine empire, and on the extent to which the policy of the conquerors from the moment when Constantinople had fallen was influenced by a desire to thwart the ambition of this interloping power. The struggle with Genoa was naturally the concern of the Venetians in a higher degree than of the Franks, and it is from Venetian and Genoese sources that the story must be constructed. The views advanced in the following pages were suggested to me by a study of unpublished Venetian chronicles and are supported in large measure by the Marquis Serra's *Storia dell' antica Liguria* (1835), which appears to be based on unpublished Genoese documents.

Among all the Italian cities that had enjoyed trading rights in the Eastern Empire, the Genoese had been conspicuous for the violence that they alternately suffered and inflicted.<sup>1</sup> Venice had possessed a quarter in Constantinople and free trade throughout the greater part of the empire since 1084 ; Pisa had received her quarter in the capital and had been allowed to import gold and silver free and other articles subject to a 4 per cent. duty in 1111, but Genoa was still without a quarter and still paid 10 per cent. till 1155, when the emperor Manuel, apparently in search of allies to support his forward policy in Italy, granted the Genoese a reduction of duties to 4 per cent., a quarter in Constantinople, and the right to form settlements in other cities of the empire. The Genoese did not long enjoy their new privileges in peace. In 1162 their merchants and settlers were expelled from Constantinople by the Pisans, and the emperor was loth to restore them the district they had occupied. After vainly offering them a substitute on the further side of the Golden Horn the emperor Manuel in 1170 granted them a quarter within the city and renewed their privileges, empowering them to trade at all ports except the two Black Sea ports of Rossia and Matracha. Next year the Genoese quarter was pillaged afresh, probably by

<sup>1</sup> For the relations between the Italian cities and Constantinople under the Comneni and Angeli, see Heyd, *Histoire du Commerce du Levant*, i. (1885), pp. 190-264.

Greeks, though the emperor laid the blame at the door of the Venetians. The Genoese refused to accept this explanation, but the emperor seized the opportunity to rid himself of the Venetians and on their refusal to compensate the injured Genoese and to rebuild their ruined houses, he ordered the arrest of all Venetians in the empire and placed an embargo on their goods and ships (12 March 1171). A four years' war between Venice and the empire followed, at the end of which Venice was restored to all her privileges. There is no evidence to show whether the Genoese merchants ever received any compensation for their losses; we only know that their claims were still unsatisfied when in 1174 the republic of Genoa sent an embassy to Constantinople to demand reparation.

But a worse disaster awaited both the Genoese settlers and their rivals. A revolution at Constantinople in April 1182, which had placed the guardianship of the young emperor Alexius II in the hands of the infamous Andronicus Comnenus, was the signal for a general rising of the native population against the 'Latins,' many of whom had supported the fallen regent, the empress Mary of Antioch. The quarters belonging to the Italian traders were now reduced to ashes, while they themselves, so far as they did not escape by sea, were either massacred without respect to age or sex, or sold into slavery to the Turks. Even the sick in the hospital were butchered. The survivors with forty-four galleys and many other ships made their way, pillaging and slaughtering on both banks of the Propontis and of the Hellespont, into the Aegean, where their ravages were continued in the maritime districts of Thrace, Macedonia, and Thessaly. They found ten more galleys at Chrysopolis in Macedonia, and, adding these to their fleet, set out upon further deeds of piracy, which are not recorded. William of Tyre<sup>2</sup> asserts that the spoil gained on this cruise of vengeance repaid with high interest all the losses incurred at Constantinople.

The massacre of 1182 and the reprisals taken are a turning point in the history of the relations between the Italian commercial cities and the Eastern Empire. The desire for revenge, the taste of plunder in this year, and the growing disorganisation of the government at Constantinople contributed to a rapid development of piracy in which the Genoese are particularly conspicuous. References to piracy become more frequent as the years advance. In the charter of 1192 the emperor Isaac refers in general terms to the piracy practised by Genoa since the catastrophe of 1182.<sup>3</sup> Already in 1191 we learn from the chronicle attributed to Benedict of Peterborough<sup>4</sup> that many of the Greek islands were uninhabited because of pirates, and in many of them pirates dwelt. The condition of Pamphylia and Lycia was not

<sup>2</sup> xxii. 13, Migne, *Bibliotheca Patrum Latina*, 201 (1855), col. 861.

<sup>3</sup> Miklosich et Müller, *Acta et Diplomata Gr. Medii Aevi*, iii. (1865), pp. 25 et seq.

<sup>4</sup> *Gesta Henrici II et Ricardi I* (ed. Stubbs, 1867), ii. 198.

less pitiable. According to the same authority at this date the castle and town of Vetus Satalia, identified with Side, had been destroyed by pirates, and Nova Satalia, the ancient Attalia, had been fortified by the emperor Manuel. On the river 'Winke' or Phineca in Lycia there was a castle called 'Reswz,' which had been destroyed by pirates. The river itself was called Portus Pisanorum, from the Pisan pirates that frequented it, and when Philip II of France visited it in 1191 he found there and captured four pirate galleys that had done great harm to Christians. Further west at Crachous, or Kekova, were fair and great ruins on either side of the harbour, 'and no one dwells in them, from fear of pirates.'<sup>5</sup>

It was some years before the Italian cities recovered their position at Constantinople. Some traders returned in spite of the strained relations existing after the massacre of 1182, but these had to defend themselves by force against a popular attack in 1186. Venice regained her privileges in 1187, while Pisa regained hers in February 1192, and Genoa hers in April of the same year, the Genoese receiving an enlargement of their quarter. But the restoration of public peace did not lessen the activity of the pirates. In November 1192 the emperor Isaac had to complain of an outrageous insult committed by a Genoese and a Pisan pirate. The Genoese pirate was no less a person than the notorious sea-rover Guglielmo Grasso,<sup>6</sup> who afterwards became admiral of Sicily and count of Malta. His Pisan colleague is not named in the emperor's letter of remonstrance to Genoa, but in a subsequent letter to Pisa<sup>7</sup> the emperor names two Pisan commanders, Gerardo Roto and Guido Zaco. The Pisan commander is called Fortis (Forte) in a passage which Jacopo d'Oria (A.D. 1294) derived from the books of the cathedral at Genoa and inserted in the *Regni Iherosolymitani Brevis Historia*;<sup>8</sup> in this it is also stated that he dwelt at S. Bonifacio, which at that time was Pisan territory. The two pirates entered the harbour of Rhodes peaceably, and then slew the unarmed people they met on the coast and carried off anything on which they could lay their hands; they then proceeded to the 'Issian and Pamphylian' sea, attacked any vessels they found there, slaughtered the crews and passengers,

<sup>5</sup> *Gesta Henrici II et Ricardi I*, ii, p. 195.

<sup>6</sup> Hopf (Ersch u. Gruber, *Allgemeine Encyklopädie*, lxxxv. s.v. Griechenland [1867], p. 182) makes Guglielmo Grasso the son of Margaritone of Brindisi. This is refuted by Desimoni, *Giornale Ligustico di Archeologia*, iii. (1876), p. 226. Gerola, *Atti dell' I. R. Accademia degli Agiati in Rovereto*, anno 1902, fasc. ii. p. 165, quotes Desimoni for the statement that he was the son of Enrico Grasso, consul of Genoa in 1181; but Desimoni makes no such statement, and no Enrico Grasso was consul either in 1181 or in any other year.

<sup>7</sup> *Documenti degli Archivi Toscani, Documenti sulle Relazioni delle Città Toscane coll' Oriente Cristiano e coi Turchi* (1879), p. 66.

<sup>8</sup> L. T. Belgrano, *Annali Genovesi di Caffaro e de' suoi Continuatori*, i. (1890), p. 141. The same story with the same name is to be found in Jacopo da Varazze in Muratori, *Rerum Italicarum Scriptores*, xvii. (1726), col. 43.

and seized the goods ; among others they captured a Venetian vessel,<sup>9</sup> which was on its way from Egypt to Constantinople carrying envoys with rich presents from Saladin to the emperor Isaac, some commercial agents from both sovereigns, and other merchants. The corsairs slaughtered every man they found on board with the exception of some Pisans and Genoese, and took the spoil to themselves. They next captured a ' Lombard,' probably an Apulian vessel, on which the bishop of Paphos was sailing from Constantinople to Cyprus. The bishop was made a prisoner, and two passengers, of whom one was a Pisan, were allowed to escape with their goods ; but otherwise the ' Lombard ' vessel received the same treatment as the Venetian. The emperor naturally seized some Genoese and Pisan wares by way of surety, while he demanded recompense from the two republics. Satisfaction was given him by both in the following year, and the Genoese government disavowed Grasso and his comrades, who, it declared, were already outlaws and would be punished if they ever set foot again on Genoese soil. According to Jacopo d'Oria and Jacopo da Varazze, Forte's portion of the spoil included one of the three crosses now at Genoa. He carried it home with him to S. Bonifacio, where it was captured by the Genoese in 1195, but, instead of being restored to the emperor, it was deposited in the cathedral at Genoa. Jacopo da Varazze adds the statement that Forte was granted Genoese citizenship upon surrendering the cross. Whether Grasso ever returned to Genoa is uncertain, but when he was captured by Markward in 1201, the Genoese sent a galley to attempt his liberation.<sup>10</sup>

In 1194 a fleet of five Pisan pirates established itself at Abydos under pretence of waging war against Venice ; it was dislodged by the imperial navy, but other pirates soon seized the same position and carried their ravages within sight of Constantinople. The emperor vainly sought compensation from the Pisan republic. In 1195 war was openly declared between Venice and Pisa, and though peace was concluded in the following year, the war was renewed in 1199. It was carried on not only at sea but within the walls of Constantinople itself.<sup>11</sup>

During the year 1196 a Venetian fleet stationed at Abydos refused to obey an order of the home government to return. Heyd has suggested with some plausibility that it had been invited to stay by the Venetian colony at Constantinople in order to prevent reprisals from the Pisans in the Archipelago. We do not however read of this fleet indulging in any hostile act against the Greeks. About 1198

<sup>9</sup> In his letter of complaint the emperor uses the plural number, but in rehearsing the facts in his charter of the following year he uses the singular, perhaps as the result of more accurate information.

<sup>10</sup> Ogerio Pane in Belgrano, *Annali Genovesi*, ii. (1901), p. 81.

<sup>11</sup> Nicetas, Bonn ed., p. 713 ; Migne, *Bibliotheca Patrum Graeca*, 139 (1865), col. 920.

we come across one of the most redoubtable of all the Genoese pirates, Gafforio. He appears for the first time in September 1195 as 'admiral of the victorious fleet of the Genoese,' in which capacity he received a charter from Henry of Champagne, count palatine of Tyre and lord of Acre, the husband of Queen Isabella of Jerusalem; <sup>12</sup> afterwards he became a simple merchant, trading with Constantinople, but, having been cheated by the imperial admiral Michael Stryphnus, he turned pirate, built and equipped vessels of war, and plundered the coast towns and the Archipelago. Then he crossed to Asia and pillaged Adramyttium. The Emperor Alexius III sent against him the Calabrian Giovanni Stirione, who, as Nicetas informs us, <sup>13</sup> had once been a pirate and the worst of pirates, but had taken service under Isaac Angelus. At Sestos Gafforio surprised and captured the whole fleet, consisting of thirty vessels, and went on his way ravaging the coasts and islands and levying blackmail from the inhabitants. Alexius next amused him with negotiations, in the course of which Gafforio was in his turn captured and killed, and all his ships save four fell into the hands of the conquerors. It was probably as a punishment for the acts of Gafforio that the palace of Calamanus at Constantinople was transferred from the Genoese to the Germans.

The Marquis Serra <sup>14</sup> asserts on the authority of Coronelli <sup>15</sup> that Gafforio's cousin brought back his body to Genoa, along with the four remaining ships. The Genoese, he states, declared their treaty with Alexius broken, and despatched to Crete a fleet of twenty-three galleys, which in the following year (1199) captured and garrisoned a port which Serra identifies with Frascchia. The inhabitants, far from well disposed to the Byzantine government, were unable or unwilling to expel them. It is difficult to believe that so large an expedition could have passed unrecorded in the numerous contemporary chronicles and documents which have been published. The number of ships suggests a confusion with Enrico Pescatore's expedition of 1206, which, according to Nicetas, <sup>16</sup> was composed of five round ships and twenty-four triremes (*σκάφη τρίκροτα*). That Frascchia should have been seized in 1199 is probable enough. The capture of a single port is a very different matter from the conquest of an island, and we cannot therefore suppose that the authority used by Serra has simply transferred the conquest to too early a date; but the conquest can hardly have been made by the public forces of the city, or it would have been mentioned in the preamble to the

<sup>12</sup> *Monumenta Historiae Patriae, Liber Iur. Reipubl. Genuensis*, i. (1854), 411.

<sup>13</sup> Nicetas, Bonn ed., p. 636; Migne, *Bibl. Patr. Gr.* 139 (1865), col. 857.

<sup>14</sup> *Storia dell'antica Liguria*, i. p. 434.

<sup>15</sup> *Isolario*, p. 204. It does not follow from this that Coronelli was Serra's only authority; he has a curious habit of referring to none but published authorities.

<sup>16</sup> Nicetas, Bonn ed., p. 843; Migne, col. 1029.



next treaty between Genoa and the empire, in which there is no suggestion that there has been open war between the two states. It is more likely to have been a private venture. Hopf asserts<sup>17</sup> that there had long been a Genoese colony in Crete under four rectors or consuls, a statement for which he quotes no authority, but which might easily be traced to its source by a reference to his manuscript papers at Berlin.<sup>18</sup>

Another adventure of the year 1199 introduces us for the first time to another famous Genoese corsair. In that year, according to the Marquis Serra,<sup>19</sup> the pirate Leone Vetrano with four galleys attacked Corfu. This island had been conquered in 1185 by the Norman king, William II of Sicily, from whom it had been held as a fief by the sea-robber Margaritone of Brindisi,<sup>20</sup> and had barely been restored to the Eastern empire, when its possession was thus again disputed. Leone Vetrano, according to Serra, captured and garrisoned a castle near Cape Polacro, on the west side of the island of Corfu, perhaps on the site of the later castle of Sant' Angelo. From Corfu he passed on to the Peloponnese, where he captured the two Messenian ports of Methone and Corone. Methone had long been famous as a nest of pirates and had suffered destruction for this reason at the hands of King Roger of Sicily.<sup>21</sup> Mr. Miller<sup>22</sup> asserts that Vetrano made himself master of the island of Corfu, but this seems to go beyond what our authorities warrant.

In March of the same year we have a letter from the emperor Alexius III<sup>23</sup> to the Genoese podestà in which allusion is made to the destruction of Gafforio and the desire expressed by the Genoese

<sup>17</sup> *Ubi supra*, p. 221.

<sup>18</sup> Not one of the Cretan histories has yet been published, though there are extant two histories of some size covering this period—Antonio Calergi's and Andrea Cornaro's. This is the more remarkable considering the elaborate care with which both the pre-historic and the Venetian remains on the island are being described. Hopf had studied both the histories to which I have referred, but he makes several categorical statements in this part of his work which are not borne out by his authorities where these can be traced.

<sup>19</sup> *Storia dell'antica Liguria*, i. pp. 434, 435.

<sup>20</sup> Hopf, *ubi supra*, p. 181, erroneously inclines to regard Margaritone as a Genoese. See Desimoni, *ubi supra*, pp. 226, 227.

<sup>21</sup> *Gesta Henrici II et Ricardi I*, ii. 199. Hopf, p. 213, and Mr. Miller, *The Latins in the Levant* (1908), p. 24, assert that it was destroyed by the doge Domenico Michieli in 1125, apparently basing this statement on a passage in the *Chronicle of the Morea* (ed. Schmitt, 1904), 1692-4, which, however, probably refers to its destruction by the great Venetian armament of the year 1206. A reference to a forcible capture of Methone by Boniface has been found in an obscure passage in Raimbaud de Vaqueiras. See Savj-Lopez in *Bausteine zur Romanischen Philologie, Festgabe für A. Mussafia* (1905), pp. 188, 189. But the reading in Raimbaud is very doubtful; the only historian that mentions Methone on the outward journey is the Anonymus Halberstadensis (Riant, *Exuviae Sacrae* [1877] i. p. 15), who says nothing of the capture of the city.

<sup>22</sup> *Op. cit.* p. 2.

<sup>23</sup> Miklosich et Müller, *Acta et Dipl. Gr. Medi Aevi*, iii. pp. 46, 47.

government for a renewal of free intercourse with the empire. The emperor expresses his willingness to treat, but informs the Genoese that pirates from their city are still cruising in his dominions and doing no little damage under pretext of their war with Pisa; he warns the republic that for any steps he may take against the pirates, the empire is not to be held responsible, but the pirates themselves. In April 1201 we find him attempting a less bold method of dealing with the pirates than that suggested at the conclusion of this letter. In that month he granted a safe-conduct to the Genoese Guglielmo Cacallaro with authority to hire the crews of the Genoese corsairs to enter the imperial service.<sup>24</sup> How far this attempt was successful we have no means of knowing.<sup>25</sup> In the year 1204 we find Genoese established in the castle of Apalire in Naxos, but we do not know how long they had occupied it, nor do we know whether they were nominally in the imperial service or not.

A survey of this record of piracy, in which the Genoese easily take the first place and the Pisans the second, might lead to the expectation that the emperor would have felt a preference for the Venetians over the other great maritime cities. But with Alexius III., who occupied the Byzantine throne from 1195, the reverse was the case. The peaceful supremacy of Venice in the commerce of his dominions was intensely distasteful to the emperor. He could hardly be expected to make Genoa his prime favourite, but he encouraged the rivalry of Pisa,<sup>26</sup> and according to Nicetas he even stirred up war between Pisa and Venice.<sup>27</sup> The treaty rights of Venice were often ignored, while those of Pisa and Genoa were extended. The emperor Isaac's treaty with Venice was not renewed till 1198. The Pisans received a renewal of their privileges in 1199 along with a special decree guaranteeing their position at Thessalonica and Halmyros, and on 13 October 1201 a complete reconciliation was effected between the emperor and the Genoese, whose privileges were renewed and whose quarter in Constantinople was increased.<sup>28</sup>

The Venetians, long accustomed to an unquestioned supremacy in the markets of the empire, looked with jealousy on the growing privileges of their neighbours and formed a natural longing for some change of government which might restore them to their pristine

<sup>24</sup> Miklosich et Müller, *Acta et Dipl. Gr. Medii Aevi*, iii. pp. 48, 49.

<sup>25</sup> Appalling descriptions of piracy in the neighbourhood of Attica in the reigns of Andronicus I and Isaac II are to be found in the correspondence of Michael Acominatus (ed. Lampros) ii. (1880), pp. 42, 43, 68, 75. Aegina was their principal lair. There is no mention however of their nationality, from which we may infer that they were Greek. See also Miller, *op. cit.*, pp. 8, 9.

<sup>26</sup> In a Pisan document of 1197 we find that the Pisans had engaged to expel pirates from the empire (*Documenti sulle Relazioni Toscane*, p. 72), and in a document of 1199 we find an entry of money spent by the Pisan government for escorting an imperial ship to Chios (*ibid.* p. 77).

<sup>27</sup> Nicetas, Bonn ed., pp. 712, 713; Migne, col. 920.

<sup>28</sup> For the date see Heyd, i. 241, 242.

favour and might, perhaps, arrest the growth of piracy from which Venice with her extensive commerce had far more to lose than to gain. The theory of a deep-laid plot by which Venice was supposed to have arranged the diversion of the Fourth Crusade in concert either with the Egyptian sultan or with Philip king of the Romans may be regarded as extinct.<sup>29</sup> But it would have been too much to expect that the doge should have resisted the proposal of the young Alexius Angelus that the crusaders should place him on the throne of Constantinople. The success of the expedition meant that the throne would be occupied by an emperor who owed his position to Venice and who would be prepared by way of recompense to grant to Venice a decided advantage over the other Italian cities. It is interesting to observe that Venice, which had exacted a heavy price from the crusaders, appears to have demanded very little from the young Alexius. On this occasion the leaders of the crusade extorted promises that could never be fulfilled, but the doge was content with demanding compensation to the extent of 30,000 marks for the Venetian property seized by the emperor Manuel in 1171.<sup>30</sup> This demand was strictly analogous to the demands often made, but always in vain, by the Italian republics when opening negotiations with the Eastern Empire. There was no word of any denunciation of the treaties which Alexius III had made with Pisa and Genoa. Such a denunciation could not have been claimed without giving a selfish colour to the whole expedition, and would have placed Venice publicly in the wrong in the eyes of the world. The doge trusted to the influence of Venice with her own *protégé* to secure her retention of the lion's share of the commerce of the empire.

To the other Italian cities the expedition must have appeared to differ from its predecessors in degree rather than in kind. Venice had, as has been seen, engaged in war with the empire in the years 1171-5, and the Italian colonies had been wont to take part in dynastic struggles. In 1190 the Pisans had even offered to supply Frederick Barbarossa with ships for the siege of Constantinople. The Pisans and Genoese must have expected their position at Constantinople, always very precarious in the case of the Genoese, to be weakened, but they had endured worse troubles than were likely to arise from the accession of the young Alexius. During the assault on Constantinople in July 1203 the Pisans naturally threw in their lot with the Greeks and defended the emperor who had shown them favour against the pretender supported by their enemies. Since the

<sup>29</sup> For a compendious critical summary of the discussions that have centred round the Fourth Crusade, see Kretschmayr, *Geschichte von Venedig*, i. (1905), pp. 480-489.

<sup>30</sup> So Andrea Dandolo in Muratori, *Scriptores*, xii. (1728), 321. Hugh of St. Pol, *Oesterreichische Geschichtsquellen*, 2<sup>te</sup> Abth., *Diplomataria et Acta*, xii. (1856), p. 305, states the sum promised at 200,000 marks, but this, of course, is merely payment for the expenses of the war. A like sum was promised to the crusaders.

restoration of Isaac Angelus was the work of the Greeks who had fought for his brother, the Pisans suffered no punishment for fighting on the losing side. But the great fire of August 1204 altered the whole situation. The Greeks, as was their wont, refused to discriminate between Latins, and the whole Italian population in consequence, Pisans and Genoese included, found their only safety in the camp of the crusaders. When the usurpation of Murzuphlus and the murder of Alexius IV converted the dynastic struggle into a war of conquest, there was no longer a question of restoring the Pisan and Genoese colonists. As the ally of a lawful emperor restored to his own, Venice had only claimed the full discharge of all just debts; she did not seek to oust others from their rights: as a partner in conquest, she looked forward to a different position. The treaties of the Comneni and Angeli would lapse with the destruction of their state; Venice made a new bargain with the creators of the new empire.

By a treaty concluded in March 1204, in anticipation of the capture of Constantinople, Venice was to receive full payment of the debts owing to her and half the spoil of the city remaining after all debts were paid both to Venetians and crusaders; an emperor was to be chosen by twelve electors, six of whom were to represent Venice and six the crusaders; she was also to have three-eighths of the territory of the empire and three-eighths of the capital city and was to retain all the privileges that she had possessed in the Greek empire; moreover no person belonging to any state that might at any time be at war with Venice was to be permitted to enter the empire until peace should be restored; finally, the patriarch was to be elected by the Venetian clergy if the emperor was a crusader, by the crusading clergy if the emperor was a Venetian. It was of course understood that the emperor would be elected from the crusaders, so that the patriarchate was definitely assigned to the Venetians. The actual distribution of territory was to be the work of a joint commission of Venetians and crusaders.<sup>31</sup> The commercial clauses of the treaty are important. The Venetian privileges are no longer dependent on the will of the emperor, but are part of the constitution of the empire and are secured in Constantinople and in any ports that may fall to the Venetian share by an actual territorial lordship. The Pisans as being at war with Venice are expelled from the empire; they can only recover their rights by making peace with Venice, while the Genoese in the event of a quarrel with Venice are liable to forfeit any rights that the new rulers may grant them. The trading rights of the other Italian cities are in fact made conditional on the goodwill of Venice.

Constantinople was captured on 13 April 1204, and the

<sup>31</sup> See the text of the treaty in *Oesterreichische Geschichtsquellen*, 2<sup>e</sup> Abth., *Diplom. et Acta*, xii. pp. 445-452.

question of the election of an emperor presented itself at once. There were only two candidates for the dignity, Baldwin, count of Flanders, and Boniface, marquis of Montferrat, leader of the crusade. The choice really lay with Venice, which possessed half the votes in the college of electors and could therefore turn the scale in favour of either candidate. But before making his selection the doge took steps to secure that the choice should entail no bloodshed and should not be followed by a disruption of the crusading army. An arrangement was made, to which both candidates assented, that the unsuccessful competitor should be invested with 'all the land beyond the strait towards Turkey, and the isle of Greece [*i.e.* the Peloponnese].'<sup>32</sup> It is nowhere stated that this arrangement was the work of Dandolo, but Dr. Gerland in his valuable monograph on the Latin empire<sup>33</sup> attributes it to him, and I have no doubt that he is right in doing so. We have however the clear testimony of Robert de Clary<sup>34</sup> that it was at Dandolo's suggestion that the two palaces in Constantinople were placed in the keeping of the whole army pending the election.

The election resulted in favour of Count Baldwin of Flanders, and there has been much speculation on the reasons which led the doge to take his side. The favourite theory is that the doge feared that the Latin empire under Boniface might become too powerful and might oppose Venetian interests, while Baldwin was too weak to resist the influence of Venice. Dr. Gerland,<sup>35</sup> who supports this view, has to admit that the doge's foresight for once deserted him. Venice had in fact no interest in the weakness of the empire. Her commercial supremacy gave her the utmost interest in the maintenance of its stability both against foreign foes and against internal disorders. Venice had had experience of a weak rule at Constantinople for twenty-four years and was not likely to prolong such a situation deliberately. No man had struggled harder than Dandolo to hold the crusaders together before the conquest was won, he had endeavoured to prevent the election of an emperor from resulting in the secession of the defeated party, and he was destined later in the year to take the lead in healing the breach between the two chiefs.<sup>36</sup> But though it was important to Venice that the empire should be strong, it was still more important that the empire should support her claims to commercial supremacy or commercial monopoly.

<sup>32</sup> Villehardouin, *Conquête de Constantinople* (1874), p. 152; Kretschmayr, i. p. 314, erroneously substitutes Hellas and Crete for the Peloponnese.

<sup>33</sup> *Geschichte des Lateinischen Kaiserreiches von Konstantinopel*, i. (1905), p. 4.

<sup>34</sup> Hopf, *Chroniques Gréco-Romanes* (1873), p. 72.

<sup>35</sup> *Op. cit.* pp. 2, 3.

<sup>36</sup> Gibbon (ed. Bury, vi. [1898]; p. 414) rejects, but Sir Rennell Rodd (*The Princes of Achaia and the Chronicles of the Morea* [1907], i. 62) accepts the idea that Venice feared an increase of Boniface's power in Italy. It is difficult to see how the position of Venice in Italy could have been affected.

Whatever the new emperor was to be, it was necessary that he should not be a friend of Genoa or Pisa.

This motive seems to be suggested, though with some confusion, by Nicetas.<sup>37</sup> With him the Piedmontese marquisate of Montferrat and the Ligurian city of Genoa are both in accordance with Byzantine usage included in *Λαμπαρδία*.<sup>38</sup> Dandolo, he says, reflected that Boniface was sprung from Lombardy, which lies on the sea coast and from which it would be easy to invade either the Venetian territories or the Eastern Empire. The fear was in fact that Boniface might make common cause with the Genoese. This idea was suggested, but not developed, by Sir Edwin Pears,<sup>39</sup> and it is easy to see how closely it corresponds with the facts. Both the geographical position of his marquisate and the history of his house inclined Boniface to close relations with the Ligurian city. There were fairly well marked spheres of commercial influence in northern Italy. Venice landed goods at Verona and sent them northwards by the Adige and Brenner road; she had no commercial treaty with any city west of Cremona.<sup>40</sup> On the other hand, Genoese commerce made its way by the roads north and west of Pavia and Milan and along the Po. Montferrat was well within her sphere. Fortune had indeed thrown Boniface into alliance with Venice; he had taken the command of an army that had already contracted with Venice for transport beyond sea, but the commerce of his native land was in the hands of Genoa, and he might be expected as emperor to encourage the ambitions of that city.

There were moreover more definite personal ties that bound the Montferrat family to Genoa. Conrad of Montferrat had received active support from Genoa in the Holy Land. We read nothing of Venetians in the history of his wars, but we find that in the defence of Tyre he was aided by the Pisans and Genoese, and that in his contest with Guy of Lusignan for the crown of Jerusalem his cause, though opposed by the Pisans, was warmly supported by the Genoese. Boniface himself had in 1191 prosecuted the marquises of Incisa for seizing the Genoese envoys to France and England, and had been rewarded by Henry VI with the fiefs of the culprits.<sup>41</sup>

<sup>37</sup> Bonn ed., p. 789; Migne, col. 981.

<sup>38</sup> Compare Cinnamus (Migne, *Bibl. Patr. Gr.*, 133 [1864], col. 320), *ἐκ Λιγούρων ιππέων, οὓς Λομπάρδους ἡμῖν ὀνομάζουσιν ἄνθρωποι*. *Ibid.* col. 589, *καὶ τὸ Λιγούρων εἶτ' οὖν Λαμπάρδων ἐτροπώσατο ἔθνος*. *Ibid.* col. 656, *οὐ πολλὸν τὸ ἐν μέσῳ καὶ Οὐέννετοι Λαμπάρδοις μῆνισαντες ἅτε γνάμας ἀπορραγεῖσι τῆς αὐτῶν ἐπανέστησάν τε αὐτοῖς καὶ τὰς οἰκίας εἰς ἔδαφος καθελόντες ἐπὶ μεγίστοις αὐτοὺς ἐζημίωσαν*. In all these passages *Λομπάρδοι* or *Λαμπάρδοι* clearly means Ligurians or Genoese; on the other hand the full form *Λογγιβαρδία* is used in Nicetas (Bonn. ed. p. 121, Migne, col. 428) for Apulia, and *Λογγοβαρδικός*, *Λογγιβάρδοι*, appear to have the same sense in Miklosich and Müller, *Acta et Dipl. Gr.* iii. 38.

<sup>39</sup> *The Fall of Constantinople* (1885), p. 368.

<sup>40</sup> For the Venetian and Genoese spheres of commercial interest, see Kretschmayr, i. 359.

<sup>41</sup> Toeche, *Jahrbücher der deutschen Geschichte, Heinrich VI* (1867), p. 169.

In 1194 he had accompanied the Genoese on their expedition in support of Henry VI's invasion of the kingdom of Sicily and had along with the seneschal Markward and the Genoese podestà received the surrender of Gaeta.<sup>42</sup> In 1202 he had mediated in the fruitless negotiations for peace between Pisa and Genoa.<sup>43</sup> His relations with Genoa were certainly not terminated by his union with Venice in the Fourth Crusade. In the summer of 1204 an attempt was made by Genoa to purchase from him the island of Crete. When in 1205 he wished to send the captive emperor Alexius III with his wife and nephew to Philip, king of the Romans, he entrusted them to the famous Genoese seaman Enrico di Carmadino, who happened to be at Thessalonica with a galley belonging to the Genoese town of Porto Venere. In this galley they were brought to Genoa, where they were met by Boniface's son Guglielmo, who conducted them to Montferrat.<sup>44</sup> It was in like manner by the Genoese captains Ogerio and Rubaldo Porco that Boniface's daughter Agnes was brought to Thessalonica in 1206 to become the bride of the emperor Henry.<sup>45</sup> Boniface as the unsuccessful candidate was now entitled to receive Asia Minor and the Peloponnese, but he negotiated an exchange with the emperor Baldwin, in virtue of which he was invested with the 'kingdom of Thessalonica,' instead of the land promised him.<sup>46</sup>

It is easy to imagine with what indignation and dismay the news of the conquest of Constantinople was received at Genoa.<sup>47</sup> The revolution which placed Alexius IV on the throne might have portended an increase of Venetian privileges, but he was as likely to quarrel with his benefactors as with their rivals. Now the ownership of three-eighths of the empire and the commerce of the whole seemed destined to fall into the hands of Venice, and Genoa might well expect to be excluded from every port where she could not find an entrance by force. But in this time of confusion force could be

<sup>42</sup> Otobon in Belgrano, *Annali Genovesi*, ii. 46, 47.

<sup>43</sup> Ogerio Pane, *ibid.*, ii. 83.

<sup>44</sup> *Ibid.* p. 95. See also Gerland, *Gesch. des Lat. Kaiserr. von Konstantinopel*, i. p. 105.

<sup>45</sup> Desimoni, *Giornale Ligustico* (1876), p. 225 and (1878), p. 244; Ogerio Pane, *ubi supra*, ii. 104, with Imperiale's note *in loc.* Desimoni, *Giornale Ligustico* (1878), p. 249<sup>1</sup>, suggests that the Pietro Vento mentioned by Hopf, *ubi supra*, belonged to the Genoese family of Vento; but, unfortunately, Pietro Vento appears to be a mistake for Pierre de Vaux.

<sup>46</sup> Villehardouin, p. 156. Gerland, *op. cit.* p. 20, Kretschmayr, i. 317, and Sir Rennell Rodd, *Princes of Achaia*, i. 64, understand that Macedonia and Thessalonica were given in exchange for Asia Minor alone without the Peloponnese. But Villehardouin's phrase 'cele terre,' coming immediately after a mention of both districts, implies that both were exchanged. Boniface is recorded to have done homage for the kingdom of Thessalonica immediately after the exchange, but no mention is made of homage for the Peloponnese. The Peloponnese is not mentioned in Boniface's treaty with Venice of 12 August, and it is included in the act of partition in October, which would not have been the case if it had been already assigned.

<sup>47</sup> See the vigorous language of Ogerio Pane.

applied in almost every quarter. Genoese corsairs were, as has been seen, already established in Corfu, Methone, Naxos, and Crete, and would doubtless be willing to convert themselves into lawful conquerors at a moment's notice. Indeed it is difficult to see how a Genoese mind could be expected to regard these corsairs as less entitled to hold any lands they might win than were the adventurers who had enrolled themselves under the banner of the cross or the lion of St. Mark.

In such circumstances her old friendship with Boniface offered to Genoa a chance of interfering without committing an act of open hostility against the conquerors. According to the marquis Serra, who is doubtless relying on some Genoese source, it was Boniface who first opened negotiations with Genoa; according to the Venetian chronicles,<sup>48</sup> it was the Genoese that first approached him. Either before or after these negotiations had been begun, there was a rupture between Baldwin and Boniface. Boniface's kingdom had still to be conquered, when in July Baldwin subdued and garrisoned the principal places in Thrace and then proceeded to Macedonia. Against this Boniface protested as an infringement of his rights, and, while Baldwin was receiving the submission of Thessalonica, Boniface laid siege to Adrianople, which was held for Baldwin by Eustace of Saarbrücken. While Boniface vainly attempted to rouse the Greeks against their garrison, Eustace sent word of his situation to Constantinople, which was then occupied by the doge Enrico Dandolo, Count Louis of Blois, and some minor barons. Dandolo and Count Louis immediately despatched Geoffroy de Villehardouin, Manassier de l'Isle, Marco Sanudo, the doge's nephew, and the Veronese Ravano dalle Carceri to bring Boniface to reason.

The quarrel between the two leaders of the crusading host must have seemed a godsend to the Genoese. According to the marquis Serra's narrative,<sup>49</sup> the most detailed that we possess, Boniface offered to sell to Genoa the island of Crete, which had been promised him by the young Alexius Angelus at Corfu<sup>50</sup> in May 1203. The

<sup>48</sup> The oldest chronicle which mentions these negotiations, and that from which the rest seem to derive their information, is one that ends in the year 1475 (Codex Marcianus, It. Cl. vii. 51, f. 71 a). Though in no sense contemporary, it appears to draw from good sources. Thus, unlike Andrea Dandolo, it knows that Crete was not included in the treaty of partition, and it is able to give the terms of the treaty of Adrianople, which it calls 'segurtade,' a name obviously based on the name 'securitas' which the actual documents give to Boniface's acknowledgment of the money paid by Venice. This chronicle also contains lists of commanders of warships, which, as will be seen, are consistent with what we know from other sources as to the movements of some of the Venetian captains at this date.

<sup>49</sup> *Storia dell'antica Liguria*, ii. 10.

<sup>50</sup> I know of no authority for the occasion of the promise except Galeotto del Carretto (*Monumenta Historiae Patriae, Scriptores*, iii. [1848], 1141). Galeotto is the best informed of the Montferrat historians, and the occasion mentioned by him is certainly the most probable.



council of the republic met and accepted the offer, but was unpardonably dilatory in nominating the envoys to transact the business with Boniface, and while these were on their voyage to the east, Dandolo heard of the transaction and immediately despatched envoys of his own to Boniface. It is not certain whether there was time for negotiations with Genoa itself between the breach with Baldwin and the Venetian embassy, but it is possible that Boniface desired to sell his somewhat useless island independently of his quarrel with the emperor. The Venetian chronicler merely speaks of Genoese, which would leave it open for the proposal to have come from the heads of the dispossessed Genoese colony at Constantinople; both sources are agreed that negotiations were in progress when the doge's vigilance discovered the course that events were taking and anticipated the designs of the Genoese.

It would appear that the embassy to Boniface from Constantinople was entrusted with both a public and a secret message. Villehardouin<sup>51</sup> records neither the names of the two Italian envoys nor the treaty they concluded, though its text with their names attached is preserved to us both in Venetian and in Montferrat sources. Villehardouin himself and Manassier de l'Isle had at least one stormy interview with Boniface, but at last he agreed to accept the mediation of the doge, Count Louis, Coenon of Béthune, and Villehardouin. He was doubtless won to this course by the offers made by the doge, who deftly turned the quarrel into a means of bringing Boniface under the influence of Venice. A treaty was signed by Boniface and the two envoys of the doge on 12 August 1204. By this treaty,<sup>52</sup> which has frequently been misunderstood, Boniface resigned to the Venetian republic all his rights to the island of Crete, to the 100,000 hyperpers promised him by Alexius IV, to a fief granted to his father by the emperor Manuel, to the city of Thessalonica and its appurtenances (apparently the same as the kingdom of Thessalonica granted him by Baldwin), and to any territory within the empire of Constantinople then held or thereafter to be held by the Venetians; in consideration of his resignation he was to receive the sum of 1000 marks of silver, together with possessions west of the Bosphorus of sufficient extent to produce an annual revenue of 10,000 gold hyperpers (about 4500*l.*<sup>53</sup>), on the sole condition of maintaining and defending the possessions and dignity of Venice in the empire of Romania against all persons whatsoever, saving his fealty to the emperor. If at any time Boniface or his heirs or lieutenants should fail to perform their duty, Venice was to be

<sup>51</sup> P. 168.

<sup>52</sup> For the text see *Oesterreichische Geschichtsquellen*, 2<sup>te</sup> Abth., Diplom. et Acta, xii. 512-515.

<sup>53</sup> See Miller, *The Latins in the Levant*, p. 29; Kretschmayr, *Geschichte von Venedig*, i. 356, 498, 499.

entitled to reclaim the 1000 marks of silver, and to resume possession of all the territories with which she had invested him. An interesting feature of the treaty is to be found in the reservation by which Boniface's duties to the emperor are not made to devolve upon Venice, but are to be performed by Boniface and his heirs as a prior obligation, taking precedence over his new duty to Venice.

It will be observed that Boniface resigns a money claim which is not likely ever to be realised, and an unspecified fief to which he has shadowy claims, together with a definite lordship of Crete, to which he might have a better claim, and a kingdom of Thessalonica of indefinite extent,<sup>54</sup> to which he has an indisputable right, and receives in exchange a sum of ready money together with a fief of definite value, which is doubtless intended to be no other than the kingdom of Thessalonica, for which he has already done homage to the emperor. The effect of the treaty is therefore (1) a sale of Crete to Venice, (2) an undertaking by Venice to see that the kingdom of Thessalonica becomes a reality, and (3) a defensive alliance—for the free tenure on which the lands are to be held amounts to nothing more—between the new kingdom of Thessalonica and the Venetian republic so far as her new possessions are concerned, against all enemies except the emperor.<sup>55</sup> It is probable that the treaty had been planned by the doge before his envoys left Constantinople. At all events, the 1000 marks were paid over on the very day on which the treaty was signed, and the presence of the ready money may have been a strong inducement to Boniface to sign.<sup>56</sup>

The motive of Dandolo in concluding this treaty is clear enough. In the first place he held, as on an earlier occasion, that the conquest of the empire could not be achieved except by the united action of all parties. Nothing was more important than to effect a reconciliation between Baldwin and Boniface. For the moment it might

<sup>54</sup> The kingdom of Thessalonica is, of course, the kingdom granted by Baldwin, not the 'honour of the Thessalonians' (Robert of Torigni, *Chronicles of Stephen, Henry II, and Richard I*, Rolls Series, iv. [1889], p. 285), bestowed on Raynero of Montferrat on the occasion of his marriage. It is not certain on what occasion Guglielmo of Montferrat received his fief from Manuel. He resided for several months at the Byzantine court in 1148, and he sent an embassy to Constantinople in 1168 or 1169. His son Conrad took up arms in Manuel's cause in Italy in 1179, and his son Raynero married the emperor's daughter Maria in 1180. Perhaps the last would be the most likely occasion for such a grant.

<sup>55</sup> Among recent writers Dr. Gerland appears to interpret the treaty correctly, though, in my opinion, he has misjudged the motives of Venice. Sir Rennell Rodd (i. 69) supposes that the land to be granted to Boniface would be taken out of the Venetian sphere (*i.e.* in Epirus), and that no homage would be due to the emperor for it. But this is clearly not implied in the text. Mr. Miller (p. 29) appears to have overlooked Boniface's renunciation of Thessalonica, and treats the territory promised by Venice as part of the price paid for Crete.

<sup>56</sup> The text of Boniface's acknowledgment of the money is to be found in numerous chronicles and collections of documents. A critical text is given by Dr. Cervellini in *Nuovo Archivio Veneto*, xvi. (1908), pp. 274, 275.

appear that there was a danger of a coalition between Boniface and Genoa against Venice and the emperor whom she had seated on the throne of Constantinople. For this reason and for commercial reasons it was essential to prevent an alliance between Boniface and Genoa, and to prevent Genoa from acquiring a footing within the territories of the empire. The simplest way to counter the Genoese bid for Crete was for Venice to buy it for herself. The historians of the fourth crusade do not mention Alexius' promise, which is ignored in the treaty of March 1204, but if Genoa was willing to purchase the island, Venice could not expect Boniface to resign his claim without some compensation; the island had still to be conquered and the alliance of Boniface was well worth 1000 marks. The claim to 100,000 hyperpers, so lavishly promised by Alexius IV, was not likely to be realised in any case; it was at best an excuse for war against Baldwin, and Boniface lost nothing by abandoning it. The Venetian suzerainty was intended to be nominal—it was not to interfere with the fealty already owed to Baldwin—but the obligation to defend the possessions and dignity of Venice was intended to be real. It was aimed, not against Baldwin, but against Genoa, and it placed Boniface under obligation to resist the attempts of Genoa to acquire territory in the east. In return Venice guaranteed to Boniface that his kingdom of Thessalonica should become an actuality. By making herself responsible for its value, she made it clear to Boniface that sufficient pressure would be brought to bear upon Baldwin to overcome any resistance on his part. It is quite a mistake to suppose with Dr. Gerland<sup>57</sup> that Dandolo's object was to maintain the Latin empire in a weak condition by promoting strife between the two leaders. On the contrary, the treaty healed the strife and promised to secure the co-operation of Boniface against Genoa. Some difficulty was experienced in inducing Baldwin to accept the proffered mediation, but the forces that made for peace were too strong for him, and eventually he gave way and reinvested Boniface with the kingdom of Thessalonica.

Meanwhile a commission was at work on the partition of the empire between the emperor, the Venetians, and the crusaders. In the beginning of October<sup>58</sup> the commission drew up the scheme of division. The act by which this was accomplished has often been published and has been edited with a geographical commentary and full *apparatus criticus* by Tafel and Thomas.<sup>59</sup> The best map illustrating the treaty is that in Spruner-Menke's atlas, which rejects some of the wilder conjectures of Tafel and Thomas. It is customary to praise the skill with which Venice secured for herself the places which would be of most service for her trade, but it may be doubted

<sup>57</sup> *Gesch. des Lat. Kaiserr. von Konstantinopel*, i. 26.

<sup>58</sup> For the date see Heyd, i. p. 269.

<sup>59</sup> *Oesterreichische Geschichtsquellen*, 2<sup>te</sup> Abth., *Diplom. et Acta*, xii. 452-501.

whether this praise has not been somewhat extravagant. Venice received the whole of the Adriatic coast and adjacent islands, presumably because this part of the empire was the nearest to her. Elsewhere she received only scattered territories, which were probably selected for commercial reasons, but the chief centres of her trade were by no means all reserved for her. Thessalonica had been assigned to Boniface already, and while Venice received Rhaedestus and Adrianople, Abydos was allotted to the emperor, and Halmyros to the crusaders. In the main the imperial and crusading territories were continuous, and Venice received nothing in the Aegean except the islands of Euboea, Andros, Aegina, and Salamis.<sup>60</sup> Of the places where Genoese corsairs had established themselves, Corfu, Methone, and Corone fell to Venice, whose claim to Crete was acknowledged by the silence of the act of partition, while Naxos was allotted to the crusaders.

The news of the sale of Crete had not long remained a secret. The marquis Serra informs us that when the Genoese envoys returned from their fruitless errand, the council of the republic sent an ultimatum to Venice, requiring that city to choose between renunciation of the island and war; Venice chose war, and the great struggle between the two republics began. It is however incredible that an open declaration of war could have escaped the notice of our published authorities. The warfare that now began was in the first instance a private warfare, though the Genoese republic was afterwards dragged into it. It was a curious situation. Venice and Genoa were each at war with Pisa, and now Venice and Genoa were practically at war with each other.

Without much delay, a number of Genoese citizens banded themselves together under the leadership of Enrico Belamuto and Guglielmo Porco<sup>61</sup> and collected a force of six<sup>62</sup> galleys, with which they went on a predatory expedition to the Levant. In the harbour of Methone they succeeded in capturing a ship bearing a quantity of money together with some relics of the saints and crosses, and

<sup>60</sup> Tafel and Thomas are certainly wrong in their conjecture 'cum Cycladibus Nisia' for 'Conchilari. Canisia.' Menke, *Hand-Atlas* (1880), *Vorbemerkungen*, p. 40, reads 'Cum Chilari. Canisia,' identifying Chilari with Kjari in Albania and Canisia with Konitza in Epirus. These are in the same neighbourhood as the Colonia mentioned just before. The Cyclades are included in the 'Dodecanisos' assigned to the crusaders. Tafel disputes this interpretation, but it is the regular meaning of the word 'Dodecanesos,' and is admitted by Tafel in the case of the privilegium of 1199, on which the partition treaty was based. See his article in the Munich *Historische Abhandlungen*, v. (1849), *Symbolae criticae*, i. 62-64.

<sup>61</sup> This act of piracy is recorded in a contemporary letter of Innocent III (4 November 1204), printed by Count Riant, *Exuviae Sacrae*, ii. 56, 57, and is also narrated in the contemporary Genoese annals of Ogerio Pane (Belgrano, *Annali Genovesi*, ii. 93). I accept Count Riant's emendation 'Porcus' for the 'Portus' of Innocent's letter.

<sup>62</sup> So Ogerio Pane. Pope Innocent says seven galleys.

some rich presents sent by the emperor Baldwin to Pope Innocent III and to the Order of the Temple in Lombardy. These were being conveyed under the care of Brother Barozzi, a Venetian, who was Master of the Temple in Lombardy. The gifts from the emperor to the pope are said to have consisted of a carbuncle worth 1000 marks of silver, a precious ring, five pieces of velvet, and an altar-pall. The gifts intended for the Temple were more numerous: two icons, one containing three marks of gold and the other ten marks of silver with the wood of the true cross and many precious stones, two golden crosses, nearly 200 topazes, emeralds, and rubies, a crystal ampulla, two silver cups, a gilt reliquary, two silver boxes, and a silver ampulla. The actual money seized by the corsairs only amounted to fifty marks of silver. Innocent, when demanding restitution, made no mention of relics, but we learn from Ogerio Pane that many relics of the saints were captured. One of the pirate galleys belonged to Porto Venere. Its contents were brought to Genoa and distributed among the Genoese churches.

The pope, in a letter dated 4 November 1204, called upon the archbishop of Genoa to see that restitution was effected, and threatened the city of Genoa with interdict, intimating that if the interdict should prove unsuccessful, they were to expect punishment from the pope and the emperor of Constantinople. The reply to the pope's letter is not preserved, but there exists a decree of 3 January 1205, by which the Genoese podestà conceded certain commercial immunities to the men of Porto Venere in return for the gift of a holy cross.<sup>63</sup> Jacopo d'Oria,<sup>64</sup> basing his statements on the books of the cathedral at Genoa, asserts that the cross was made of the wood of the true cross and adorned with silver and was captured by the Genoese pirate Deodedelo, who brought it to Genoa. According to Jacopo da Varazze<sup>65</sup> the capture was effected by Dodeo<sup>66</sup> of Fornariae, who presented the holy cross to the community and cathedral of Genoa, where it is still to be seen, but retained the relics in the hope of selling them. Jacopo da Varazze takes credit to himself for having secured them for the church of the Dominican order.

The conduct of the Genoese in seizing and retaining these treasures may have been morally no more culpable than that of the Venetians and crusaders who had seized them at Constantinople, but the action was an open challenge to the conquerors and was accepted by them as such. The exact details of the Venetian expedition to

<sup>63</sup> *Monumenta Historiae Patriae*, Liber Iurium, i. 521, 522.

<sup>64</sup> *Regni Iherosolymitani Brevis Historia* in Belgrano, *Ann. Gen.* i. 141.

<sup>65</sup> Muratori, *Rer. Ital. Script.* ix. 43.

<sup>66</sup> Ogerio Pane mentions a certain Dondedeo Bos, doubtless the same person, as a Genoese seaman and companion of Guglielmo Porco in the year 1205: Belgrano, *Ann. Gen.*, ii. 97.

Naxos are a little difficult to piece together, but it would appear that Daniele Barbaro<sup>67</sup> is right in separating it from the larger expedition which achieved the conquest of the Archipelago. All the chronicles which contain a detailed account of the conquest of Naxos place it in the time of Enrico Dandolo and make it consist of a few public galleys, armed and equipped at the expense of Marco Sanudo. On the other hand, wherever the names of the conquerors of the Archipelago are given, they are represented as forming a company and as sailing during the reign of Pietro Ziani, while from Biondo downwards the Venetian chroniclers know of a decree of Pietro Ziani, inviting citizens and friends of Venice to make conquests in the empire of Romania. Daniele Barbaro is alone in speaking of two distinct expeditions to the Archipelago, but he is also alone among Venetian chroniclers in knowing of the piratical Genoese expedition of 1204, and there is every reason to believe that he had before him some good authority. His later statements as to the movements of Marco Sanudo can be checked by the documents in which his name appears. It is a curious feature of Venetian history that it has to be constantly constructed from statements made by authors writing several centuries after the events which they record.

According to Daniele Barbaro, the doge had, shortly before the Genoese expedition, sent home to Venice the greater part of his fleet. He considered it impossible to make any resistance with the galleys at his disposal, but Marco Sanudo, his nephew, the negotiator of the treaty of Adrianople, requested and obtained the use of eight galleys without crews, and these he armed and equipped at his own expense and took with him on an expedition to Naxos, probably at some date in the late autumn or winter of 1204-5.<sup>68</sup> The chronicle ending in 1360 states that the ships were manned with valiant men from Venice; in all probability the crew would be picked from seamen that volunteered for the purpose. Arriving at Naxos, the fleet moored, as Sauger informs us, in the harbour of Potamides, a little to the west of the south end of the great mountain barrier which intersects the island from north to south. Here the army landed successfully in spite of the resistance of the islanders and immediately advanced to the fortress of Apalire. The remains of this fortress may still be seen about three miles

<sup>67</sup> I have not inspected all the manuscripts of the chronicle that goes by this name, but of those which I have seen the Cod. Marcianus It. Cl. vii. 790 appears to preserve the best text. Kretschmayr, *Geschichte von Venedig*. i. 394, gives 1511-1570 as the date of Daniele Barbaro.

<sup>68</sup> For the history of the conquest of Naxos the primary authorities are a group of chronicles, the oldest of which (Cod. Marcianus It. Cl. vii. 102) ends in 1360. One chronicle in this group, that of Enrico Dandolo, has been used by Hopf and Mr. Miller, but never published. Some details, especially topographical, are supplied, probably from local tradition, by the Jesuit Sauger, *Histoire nouvelle des anciens Ducs de l'Archipel*, Paris (1688, 1699), whose work is only accessible to me in a modern Greek version, *Ἱστορία τῶν ἀρχαίων δούκων κ. τ. λ.*, translated by Karales, Syra, 1878.

inland across a flat country. There stands the isolated ridge called Castro-Apalire, marked on the admiralty chart as 'Paleokastro Middle age ruin.' The east side of the ridge, which runs north and south, is almost a sheer descent; the ascent from the west is easier, but steep and toilsome, and is rendered the more difficult through being covered with scrub. A little below the summit on this side a wall, the lower part of which is still standing, ran along the whole length of the ridge, and above this traces of another wall may be seen, guarding the narrow level space on the summit. In places there would appear to have been no fewer than three walls. The north end of the position was the site of a specially strong fortress, of which not only the foundations, but some arches of the superstructure still remain. The solid masonry of the west wall of this fortress is well preserved and with its great bastion presents an imposing appearance to the traveller mounting the hill side. The north wall of the fortress was over six and a half feet thick, as I found by measuring the lower portion which still stands. There are two wells and a small chapel on or near the summit. My knowledge of architecture does not permit me to conjecture how much of the present structure is older than the Latin conquest, but it can easily be seen that the place was almost an ideal stronghold for a pirate company, and it has the advantage of commanding a wide view which includes the whole island to the west of the line of mountains and stretches far over the sea and other islands to north, west, and south.<sup>69</sup>

The castle, as the chroniclers inform us, was held by the Greeks, supported by a large force of Genoese. Marco Sanudo appears to have formed the siege without delay. Sauger states that it lasted five weeks. One day, according to the chroniclers, when all his men had landed to engage in fighting, Marco Sanudo, fearing that they would flee if they failed to gain the day, set fire to his galleys. In this way the need of activity was brought home to every man, and they attacked the fortress with such vigour that it could hold out no longer. The group of chroniclers who form our main authority do not tell us whether the ships were actually destroyed or not. A chronicle which Stefano Magno<sup>70</sup> calls 'F. C.' states that Marco Sanudo burned them. Daniele Barbaro says that he sank them, and adds that the Greeks and Genoese, who were defending 'the city,' took to flight, and that some of them, especially the Genoese, escaped upon small boats, but all who were captured were slain. The story of the destruction of the galleys sounds romantic, but it rests on the same authority as the rest of the story of the

<sup>69</sup> Mr. Miller (*op. cit.* p. 570) states that Apalire had been the Byzantine capital of the island of Naxos. I do not know on what authority this statement rests. The Byzantine cathedral, now known as Aimamas, is in the neighbourhood of Potamia.

<sup>70</sup> *Annali Veneti*, Codex Vindobonensis Foscarini, n. 6239, f. 79 b.

conquest, and, in the absence of evidence to the contrary, should probably be accepted. The island of Naxos is universally stated to have submitted after this victory and Daniele Barbaro adds that Marco Sanudo fortified it well, and left a sufficient garrison in it when he departed. He was not invested with it till a later date, but, although the island had been assigned to the crusaders by the treaty of partition, no objection appears ever to have been made to its occupation by a Venetian nobleman. He had in fact conferred a service on the whole empire by wresting it from the Genoese; who had shown themselves as much the enemies of the emperor as of Venice. The Venetian commonwealth equally abstained from making any claim to this conquest by one of its citizens, and Marco Sanudo ultimately received his investiture as duke of the Archipelago, not from the doge, but from the emperor.

Daniele Barbaro states that after the conquest of Naxos, Marco Sanudo with the knowledge and approval of his uncle, the doge, went to Venice to induce the republic to undertake the conquest of the whole Archipelago.<sup>71</sup> It is clear from the documents that bear his name that Marco Sanudo did return to Venice in the year 1205, but he did not leave Constantinople till after his uncle's death, in June of that year. Before that event occurred it had become plain that the conquerors had a hard struggle before them both on land and on sea. In February 1205 the city of Adrianople, which had fallen to the share of Venice, revolted, and the Vallachian prince Joannisa was summoned to its aid. The emperor Baldwin appeared before the city on 29 March, and on 1 April he was joined by the doge. On 14 April the emperor was wounded in battle and captured by the Vallachians, but the Venetians had had no share in the disaster, and the doge, assisted by Villehardouin, rallied the defeated army and retreated in safety. Meanwhile Enrico Pescatore, a Genoese citizen, who had succeeded his father-in-law, Guglielmo Grasso, as count of Malta, had sent three ships under the command of Armanno Visconti and Alberto Gallina to cruise in Greek waters. They fell in with two Venetian vessels which they chased in an easterly direction for several days. The Venetians scuttled one of their vessels, but the Maltese ships caught it in time to seize a large part of its cargo, and a few days later 'by the mercy of Christ' captured the other vessel also. Altogether 200 bales of cloth, a vast quantity of money, 1200 bucklers and many other arms, and 900 men fell into their hands. They placed the men on shore, but retained the spoil.<sup>72</sup>

<sup>71</sup> Cod. Marcianus It. Cl. vii. 790, f. 149 a.

<sup>72</sup> The Maltese ships proceeded to the Syrian coast; the crews were afraid to put in at Tyre and Acre, but after some time they landed at Tripoli, where they were employed by Bohemund, prince of Antioch, to reduce the revolted castle of Nefin. This they accomplished, defeating a Turkish army which had advanced to the relief



The great doge died of a fever on 1 June 1205.<sup>73</sup> He is rightly regarded by his countrymen as a hero. It was he that guided the crusade to its successful issue, and his was the presiding genius in the new empire in the first year of its existence. If the Latin empire was destined soon to crumble into dust, it was otherwise with the greatness of his native city. Venice now entered upon the most glorious period of her existence, in which her trade was to receive the widest expansion; and when a fresh wave of Turkish conquest broke upon the restored Greek empire, Venice with her own new possessions and the new possessions of her citizens became the bulwark of Christendom and challenged the Muslim supremacy in Greek lands and waters for centuries after the Greeks had ceased to be able to protect themselves.

It was felt that the time had come to invite further assistance from the west to complete the conquest of the eastern empire. Dandolo had, as has been seen, arranged for his nephew to return to Venice to ask for succour. The crusaders simultaneously made an appeal for further Frankish volunteers. After deliberation on the part of the barons of Romania a letter to the pope was drawn up, which was signed by Henry of Flanders, acting as regent for his captive brother, on 5 June. Similar letters appear to have been sent to France and Flanders, and a bishop and two knights were appointed to convey them to their destinations.<sup>74</sup> It is interesting to observe that the Venetians are not once mentioned in the letter to the pope. The crusaders are still a distinct and compact body, who seek recruits in the traditional manner of crusaders; their position is quite different from that of a national state like Venice which has made a national conquest.<sup>75</sup>

But before the Venetian envoys departed, a great step was taken in the organisation of the Venetian conquests. For two years the Venetians of Romania had been accustomed to the government of a doge on the spot, and they not unnaturally regarded the enlarged Venetian quarter at Constantinople with the numerous new possessions of the republic in the east as too important to be governed by a number of separate *vicecomiti* or *consoli*, appointed

of the castle. In return for these services Bohemund renewed to Visconti and Gallina on behalf of the people of Genoa a charter of privileges which had been granted in 1203. The charter is dated July 1205, which gives a *terminus ad quem* for the capture of the Venetian vessels. *Monum. Hist. Patr.*, Liber Iurium, i. 522, 523; Ogerio Pane in Belgrano, *Annali Genovesi*, ii. 99-102.

<sup>73</sup> I see no reason for questioning this date, which is given by Andrea Dandolo. Dr. Gerland (*op. cit.* i. 57) rejects it, because the death of Dandolo is not mentioned in the letter to Pope Innocent, signed by the regent Henry of Flanders on 5 June. But the letter may have been drawn up before 1 June, and it makes no mention at all of the Venetians.

<sup>74</sup> Villehardouin, p. 230.

<sup>75</sup> For the text of the letter to the pope see Migne, *Bibl. Patr. Lat.* 215 (1855), cols. 706-710.

by the mother city. Accordingly an assembly of Venetian citizens in Constantinople was held, which elected Marino Zeno to be 'Podestà of the Venetians in Romania and Dominatore of a fourth and a half of the empire of Romania.' The title is significant. The Venetians in Constantinople claimed to elect a ruler not only for themselves, but for all the Venetian citizens and Venetian territories in the east. In fact they aimed at erecting the Venetian territory in Romania into a dependent republic, which should be a very fair copy of the mother city. The podestà was immediately surrounded, like the doge, by a council. His first document is signed not only by himself, but by six *giudici*, two *giudici del comune*, three *consiglieri*, one *camarlingo*, one *avogadore del comune*, and one *constabile*, in addition to non-official persons.<sup>76</sup> Three of these officers it will be observed, are described as *del comune*, which means that they were officers of the mother city, to which the word *comune* appears to be always confined. The *giudici* and *avogadori del comune* are found to be frequently coming and going between Venice and Constantinople, as may be proved by the lists in which their names appear.

The first act of Marino Zeno is dated 29<sup>77</sup> June 1205. In this document the *giudici del comune* are Pietro Michiel, who had negotiated the treaties with Isaac II in 1187<sup>78</sup> and with Alexius III in 1199,<sup>79</sup> and Marco Sanudo, who had negotiated the treaty of Adrianople and effected the conquest of Naxos.<sup>80</sup> This act, which was apparently laid before the assembly that elected the podestà,<sup>81</sup> prohibits every Venetian from alienating to any person other than a Venetian any possession that he may have received or may hereafter receive in the empire of Romania. The principle here asserted became a guiding principle of Venetian policy. The republic did not conquer more than a small fraction of the territory assigned to it in the partition treaty, but it maintained the principle that any land acquired by a Venetian citizen whether within or without the Venetian territory was not to pass into the hands of an enemy of

<sup>76</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., Diplom. et Acta, xii. 559-561. For the history of the election of Marino Zeno, *ibid.* 567.

<sup>77</sup> Erroneously given as 2 June by Tafel and Thomas, *ibid.* 558.

<sup>78</sup> Andrea Dandolo in Muratori, *Rer. Ital. Script.*, xii. 313.

<sup>79</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., Diplom. et Acta, xii. 246-278. This document is rich in information about the government of the Venetian colony at Constantinople.

<sup>80</sup> Hopf asserts, *Ersch u. Gruber*, lxxxv. p. 222, that Marco Sanudo was sprung from the Venetian colony at Constantinople. The only authority for this statement appears to be his father's (or grandfather's) surname of 'Costantinopolitani.' See Marino Sanudo Torsello in Hopf, *Chroniques Greco-Romanes*, p. 99. But Zabarella explains that this elder Marco had negotiated a treaty with the Eastern Empire and formed many friendships in Greece, particularly in the Archipelago (*Tito Livio Padovano* [1669], p. 55). The frequency with which Marco Sanudo and his brothers were elected officers at Venice is clear evidence that they belonged to the mother city.

<sup>81</sup> It claims to have been made 'conlaudatu populi Venetie et de aliis gentibus.'

Venice.<sup>82</sup> This principle is exemplified in the title assumed by Marino Zeno, who claims not merely territorial authority within the Venetian sphere as *Dominatore*, but a personal authority over all Venetians in Romania as *Podestà*. The decree may also be taken as having a reference to Marco Sanudo's conquest of Naxos, and to the further conquests in the Archipelago which he was projecting.

The task of securing the adhesion of the mother city to the arrangements made at Constantinople and of obtaining the forces necessary for further conquests appears to have been entrusted to the two *giudici del comune*, Pietro Michiel and Marco Sanudo. The two envoys probably arrived at Venice on 20 July.<sup>83</sup> They probably brought the news of the doge's death and of the steps which had been taken at Constantinople. Rainerio Dandolo, the son of the old doge, who had been acting as vice-doge at Venice, considered the action of the colony at Constantinople too important to be the subject of a merely verbal message and despatched four envoys, among whom Ruggiero Premarino<sup>84</sup> may be noted, to Constantinople in order to have the transactions placed in writing.<sup>85</sup> Rainerio Dandolo then summoned an assembly of all the Venetian citizens. These met in St. Mark's church and chose forty electors, including Pietro Michiel and Marco Sanudo. The electors almost immediately agreed upon Pietro Ziani, who was at once invested with the ducal office.<sup>86</sup>

The new doge appears to have been by no means satisfied with the step taken by the Venetians at Constantinople. He was determined to assert the authority of the mother city. The new *régime* at Constantinople was indeed acknowledged, but Corfu, Albania, and a part of Epirus were excluded from the jurisdiction of the Constantinopolitan *podestà*, and it seems to have been taken for granted that Crete, which lay outside the 'fourth and a half' of the empire of Romania of which Marino Zeno was *dominatore*, was to belong directly to the mother city. The territories thus reserved had in fact been partly conquered by Venice this summer. The patriarch, Thomas Morosini, had set out for Constantinople in early

<sup>82</sup> This doctrine is emphatically laid down in the letter addressed to Queen Joan I of Naples in 1363; see Gerland, *Neue Quellen zur Geschichte des Lateinischen Erzbistums Patras (Scriptores Sacri et Profani, Fasc. v.)* (1903), p. 143.

<sup>83</sup> This is the date when, according to Marino Sanudo, in Muratori, *Res. Ital. Script.* xxii. (1733) p. 535, the galley bearing the news of Dandolo's death reached Venice. The *Historia Ducum Veneticorum*, in *Monumenta Germaniae Historica, Scriptores*, xiv. (1883) p. 94, merely says 'in July.' The official intimation of the doge's death was probably brought by the two envoys. It is difficult to see why it should not otherwise have been brought much sooner.

<sup>84</sup> Perhaps the same as the Ruggiero Premarino who had been among the electors of Orio Mastropiero in 1178. See Dandolo in Muratori, xii. 315.

<sup>85</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., *Diplom. et Acta*, xii. 567, 568.

<sup>86</sup> For an account of the election see the *Historia Ducum Veneticorum, ubi supra*. The names of the electors are given by Andrea Dandolo, Muratori, xii. 345.

summer and had conquered Ragusa, Durazzo, and Corfu on the way.<sup>87</sup> No public assistance was to be granted to Marino Zeno, but the republic undertook the complete conquest of that portion of the Eastern Empire, which it had reserved for itself, and merely permitted the private conquest and occupation of other territories. In fact Pietro Ziani divided the Venetian share into two portions: the one portion was to be conquered and ruled by the Venetian *comune*; the other portion was left to Marino Zeno and private individuals to conquer and administer, and Venice gave a general licence to her citizens and allies to conquer and occupy lands, presumably with the consent of the emperor or other feudal suzerain, without in any way limiting them to the Venetian dominions.

The text of this decree is not preserved, and the earliest record of its existence is to be found in Biondo<sup>88</sup> who merely states that the doge gave the Venetian citizens liberty to retain for themselves whatever they might capture, with the exception of certain larger territories which were reserved for the republic (*praeter maiora Reipublicae reservata*). Navagero<sup>89</sup> gives the decree in a slightly fuller form, as does also Sabellicus.<sup>90</sup> It is probable that these writers had the text of the decree before them or used authorities who had access to the decree. Reference appears to have been made in the preamble to the expense already incurred on the crusade and the heavy cost which the republic would have to bear in order to conquer the whole of the territory assigned her. This is made a reason for permitting citizens and allies to conquer, with the exception of certain specified territories, islands in or places round the Ionian and Aegean seas, under their own auspices and to transmit them to their heirs, provided that they should not alienate them to any but Venetians. There is no reservation of the rights of the republic over the conquests made; the ultimate sovereignty in these would doubtless be governed by the partition treaty, and it is important to observe that the licence extended to allies, so that the decree would cover the conquest of Euboea by Ravano dalle Carceri of Verona and his kinsmen. Biondo and Sabellicus both state that the decree specified the territories reserved for the Venetian *comune*, but they do not name them. Happily, the decree is in existence by which Marino Zeno renounced his claim to these territories<sup>91</sup> and there can therefore be no doubt of their identity.

The decree at all events set Pietro Michiel and Marco Sanudo

<sup>87</sup> Heyd, *Histoire du Commerce du Levant*, i. 277, asserts that the flotilla that accompanied Morosini in 1205 threw a garrison into Spinalonga in Crete, but I have not been able to find any authority for this statement.

<sup>88</sup> *De Origine et Gestis Venetorum*, in *Thesaurus Antiquitat. et Hist. Italiae*, tom. v. (1722), pars I. 14 C.

<sup>89</sup> Muratori, *Rer. Ital. Script.* xxiii. (1733), 986 C.

<sup>90</sup> *Rerum Venetarum*, dec. i. lib. viii. (1718) tom. i. pars 1, p. 185.

<sup>91</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., Diplom. et Acta, xii. 569-571.

free to organise a private expedition to the Aegean. Daniele Barbaro<sup>92</sup> informs us that after obtaining the Venetian decree, Marco Sanudo and his 'compagnia' sent envoys to Constantinople and received the emperor Baldwin's consent to their expedition. The emperor's consent was of course necessary for an expedition that was not to confine itself to the Venetian share of the empire, but it would have to be given by the regent and not by the captured emperor. We find that Pietro Michiel was once more in Constantinople on 29 September,<sup>93</sup> when he signed a record of the election of Marino Zeno and of the decree prohibiting the alienation of fiefs held by Venetians. This record, which was made at the instance of the envoys sent out by Rainerio Dandolo, was couched in a humble strain and was careful to represent that the election of Marino Zeno had only been a temporary measure and that the Venetians at Constantinople were ready to accept any podestà or *rettore* whom the doge and his council might send out. In the month of October, Marino Zeno with the consent of his council and people definitely renounced all claim to the territories which the mother city had reserved for herself.<sup>94</sup> In the same month the regent Henry and the podestà Marino Zeno confirmed the treaty of partition and more closely defined the duties that the empire and the republic owed each other. By the treaty as confirmed,<sup>95</sup> the Venetians as well as the Franks were bound to follow the emperor from 1 June to 29 September in each year, whenever the emperor and Frankish magnates on the one hand and the podestà and his council on the other hand should have agreed that the emperor should go on an expedition for the conquest or defence of the empire. The only exception applied to those knights whose lands lay close to those of an enemy or who were themselves attacked. In the event of an attack by a 'principalis persona,' service might be extended beyond the ordinary term. The same treaty granted afresh to the Venetians liberty of commerce throughout the empire, and repeated the provision that no man at war with Venice should be received or permitted to abide within the empire.

It is probable that this definite promise that the Venetians should bear their share in the wars of the empire encouraged the regent to authorise private conquests by Venetians. He had in fact almost as strong a motive as the Venetians for clearing out the pirates' nests in the Aegean, which must have seriously hampered his communications with western Europe. It is likely that the seizure of his brother's presents in the previous year was not the only insult that he had to avenge. But the first conquest made

<sup>92</sup> Cod. Marcianus It. Cl. vii. 790, f. 153 b.

<sup>93</sup> Erroneously dated 2 September by Tafel and Thomas, *Oesterr. Geschichtsquellen*, 2<sup>o</sup> Abth., Diplom. et Acta, xii. 566-569.

<sup>94</sup> *Ibid.* 569-571.

<sup>95</sup> *Ibid.* 571-574.

under Pietro Ziani's decree did not need the emperor's sanction. Marco Dandolo, a cousin of the late doge,<sup>96</sup> and Jacopo Viadro<sup>97</sup> conquered Callipolis, a city which had been assigned to Venice by the partition treaty,<sup>98</sup> and Marco Dandolo became lord of that city.

Armed with the necessary authority both from the republic and from the emperor, Marco Sanudo proceeded to form a company for the conquest of the Archipelago, but before his expedition was ready, events had happened which engaged the public forces of his city. In the year 1206, as Ogerio Pane informs us,<sup>99</sup> Enrico Pescatore attacked Crete with ships, galleys, huissiers, boats (*bucis*), and other armed pirate vessels. Nicetas,<sup>100</sup> who evinces a special animosity against the Genoese, gives the numbers as five round ships and twenty-four triremes—a very large navy for a count of Malta, even though, like Pescatore, he was admiral of the kingdom of Sicily. The expedition was in all probability a joint undertaking of many Genoese adventurers, just as the expedition which Sanudo was preparing was a joint undertaking of many Venetian adventurers. Pescatore, who may have been able to use Frascia as a base, met with complete success, and, as a Venetian chronicler informs us, took almost all the cities, fortresses, and castles, and subjugated the island to himself.<sup>101</sup> Dr. Gerola gives a list of the more important fortresses which, according to the Venetian chroniclers, were either erected or strengthened by him. We are told that he even meditated the conquest of all the neighbouring islands and provinces, and that he asked the pope's permission to be crowned king. But in a few months' time it became clear that it would tax his powers to the utmost to hold what he had already gained. It may be supposed that his large armament did not long hold together. His allies would desire to return home with their plunder, and it is probable they did not anticipate the blow that Venice was preparing. As Dr. Gerola remarks, the words of Nicetas show that the Genoese conquest was at least unpopular with the Greek

<sup>96</sup> So Hopf, *Geschichte der Insel Andros in Sitzungsberichte der k. Akademie der Wissenschaften*, vol. xvi. (1855), Philosoph.-Hist. Classe, genealogical table after p. 130. Capellari, *Campidoglio Veneto*, Cod. Marcianus It. Cl. vii. 15, makes the conqueror of Gallipoli the grandson of Enrico's cousin, Marco.

<sup>97</sup> 'Viadio,' in the printed text of Andrea Dandolo (Muratori, *Rerum Ital. Script.* xii. 334), is clearly an error for 'Viadro,' which is found in Laurentius de Monacis (1758), p. 143, and in both manuscripts (Marc. Lat. Cl. x. 36 a and 237) of the unpublished Latin chronicle ending in 1360. Both these chronicles are at this place little better than transcripts of Andrea Dandolo.

<sup>98</sup> The context of Nicetas' record of this event (ed. Bekker, p. 820; Migne, *Bibl. Patr. Gr.* 139, col. 1009) seems to indicate that it took place in the autumn of 1205.

<sup>99</sup> Belgrano, *Annali Genovesi*, p. 104.

<sup>100</sup> Bonn ed., p. 843; Migne, *Bibl. Patr. Gr.* 139, col. 1029.

<sup>101</sup> *Historia Ducum Veneticorum in Monum. Germ. Hist.*, Scriptores, xiv. 95. The fullest account of the conquest is to be found in Dr. Gerola's article, *La Dominazione Genovese in Creta*, in *Atti dell' I. R. Accademia degli Agiati in Rovereto* (1902), pp. 140–155 and notes.

inhabitants. About the same time Morosini's conquest, Corfu, probably encouraged by Leone Vetrano, who may still have held his castle at Cape Polacro, shook off the Venetian yoke, and gave provisions to the corsairs.<sup>102</sup>

The statements of the chronicles as to the Venetian expeditions of this year are a little confused, but it would appear that two armaments, each consisting of about thirty galleys, were despatched in succession to the Levant.<sup>103</sup> Of the earlier expedition we read little. It was commanded by Jacopo Baseio and consisted of twenty or thirty ships.<sup>104</sup> The fleet cannot have sailed before July, in which month Baseio witnessed a document at Venice,<sup>105</sup> but it probably sailed before the news of the Genoese successes had reached Venice, and was entrusted with no more important task than to deal with Genoese pirates in the Levant. It betook itself to the eastern Mediterranean, the scene of Pescatore's piracy of the previous year, and captured three Genoese ships at Famagosta, in Cyprus.

The news of the double Genoese success in Crete and Corfu naturally stirred the Venetians to a special effort. According to Andrea Dandolo,<sup>106</sup> the inhabitants of Crete had requested succor against Pescatore; such an event would not be at all inconsistent with the subsequent revolts of Crete against Venice, but it would of course be rash to suppose that the messengers who came to Venice represented the whole population of the island. At all events it was determined to equip a second expedition and to place

<sup>102</sup> Martino da Canale in *Archivio storico Italiano*, viii. (1845), p. 346; Andrea Dandolo, Muratori, *Rerum Ital. Script.*, xii. 335.

<sup>103</sup> Dr. Gerola, who has studied a large number of Venetian Chronicles, understands that there was only one expedition, consisting of thirty warships and eight horse transports under Giacomo Baseio, and thirty merchantmen under Dandolo and Premarin. This is improbable, because the achievements of these two years are always attributed to Dandolo and Premarin, who cannot therefore have held subordinate positions. It will moreover be seen that among the captains serving with Dandolo and Premarin we find some of the most distinguished names of the time, whereas the captains serving under Baseio are without exception persons otherwise unknown. Dr. Gerola, while citing many inferior chronicles, has unfortunately overlooked Cod. Marc. It. Cl. vii. 51, which, as was seen above, was particularly well informed about the sale of Crete, and is generally well informed about naval expeditions, being able in most cases to give the lists of captains. This chronicle recognises two distinct expeditions—one under Baseio, which sailed to Famagosta, and one under Premarin, which sailed to Spinalonga. A similar distinction seems to be intended by Stefano Magno, *Annales Veneti*, Cod. Vindobonensis Foscarini, n. 6239, f. 87 a, who seems to make Baseio sail first with thirty galleys and large ships, whereupon Dandolo and Premarin were made captains of the 'galie de mercantia,' and sailed on the famous expedition to Corfu and Crete.

<sup>104</sup> Twenty according to Cod. Marc. It. Cl. vii. 51, where the names are given, including Candian Sanudo. Gerola, *Atti dell' I. R. Accademia degli Agiati in Rovereto* (1902), p. 166, quotes the list from Cod. Marc. It. Cl. vii. 30, which gives twenty-nine names of captains of galleys and eight of other ships. Candian Sanudo is not among them.

<sup>105</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., Diplom. et Acta, xiii. (1856), p. 16.

<sup>106</sup> Muratori, *Rer. Ital. Script.* xii. 335.

it under the command of some of the foremost men of the state. Ruggiero Premarino, after obtaining the written record of Marino Zeno's election as podestà<sup>107</sup> had probably returned to Venice. On 5 August 1206 he is found at Ferentino on an embassy to the pope, from whom he received a reply at that date. In September 1206 he and Pietro Michiel sign a receipt to the doge Pietro Ziani<sup>108</sup> for payment of expenses incurred on an embassy to Constantinople, presumably the embassy of the previous autumn, though it would appear that the two envoys were really at Constantinople simultaneously on two distinct missions. Giovanni Gradenigo, who had signed as *avogadore del comune* at Constantinople on 29 June 1205, had also returned. A fleet of thirty galleys, in some chronicles described as merchant galleys, was equipped and placed under the command of Rainerio Dandolo, who had for three years been vice-doge for his father, Enrico Dandolo, with Premarino as vice-captain and twenty-nine *sopracomiti* of individual galleys, among whose names we find Pietro Michiel, Marco Sanudo, and Giovanni Gradenigo.<sup>109</sup> In addition to Venetians, the ships carried 600 Lombard and Romagnolese horsemen.<sup>110</sup>

The best account of this expedition is to be found in the chronicle of Martino da Canale.<sup>111</sup> We there read that it first made its way to Corfu, which was captured by storm after a fiercely contested battle; after which they sailed to Crete with all their company and heard news that there were four Genoese galleys in the harbour of Spinalonga; these they captured and then sailed hither and thither about the sea, 'capturing their enemies as falcons capture birds.' As Dr. Gerola very pertinently remarks,<sup>112</sup> they were not sufficiently encouraged by their success to attempt the conquest of Crete. The fleet appears then to have returned home, but it is noteworthy that Marco Sanudo and Giovanni Gradenigo remained in the east, where they witnessed a document at Constantinople in February 1207.<sup>113</sup> The document itself is interesting as being the first where Marino Zeno gives Pietro Ziani the title of 'Dominatore of a fourth and a half of the empire of Romania,' a title which we find Zeno using for the last time in the *Pactum Adrianopolitanum* of the spring of 1206, but which Pietro Ziani had not yet assumed in

<sup>107</sup> The record is dated 29 September 1205. See above, p. 51.

<sup>108</sup> Cigogna, *Inscrizioni Veneziane*, vol. iv. (1834), p. 538. See also Gerola, *op. cit.* p. 167.

<sup>109</sup> The list is given in Cod. Marc. It. Cl. vii. 51, and also in Stefano Magno, Cod. Vindobonensis Foscarini, n. 6239.

<sup>110</sup> Cod. Marc. It. Cl. vii. 54, f. 160 a; Gerola, *op. cit.* p. 142 and note.

<sup>111</sup> *Arch. stor. Ital.* viii. 346.

<sup>112</sup> *Op. cit.* p. 143.

<sup>113</sup> Wrongly dated February 1206 in *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., *Diplom. et Acta*, xiii. 4-11.



July of that year.<sup>114</sup> Henceforth it was to be a title of the Venetian doge, not of the Constantinopolitan podestà.

It must have been soon after this that Marco Sanudo gathered the fleet with which he effected the conquest of the Archipelago. According to Daniele Barbaro, who does not know of his share in the naval warfare of 1206 and his return to Constantinople, the expedition had been organised at Venice, presumably during the year 1205-6.<sup>115</sup> Daniele Barbaro professes to give the names of Sanudo's companions, but the names he gives are simply those of families which afterwards reigned in Greek lands, several of which can have had no part in the expedition. It is said to have contained both Venetians and foreigners, but such foreign names as have come down to us have at most a very doubtful title to be included in the list. The best of the chronicles that date this expedition place it in the year 1205-6,<sup>116</sup> but this is inconsistent with the movements of Sanudo as traced above. The date 1207 is given by Zabarella<sup>117</sup> and Sauger,<sup>118</sup> who probably both obtained it from some genealogy or family tradition. Certainly the tradition of the ducal family of Naxos on this point is worth more than that of the Venetian chroniclers, and the date is probably correct. It is also supported by the often well-informed chronicle, *Cod. Marc. It. Cl. vii. 51*,<sup>119</sup> which places the event after Premarino's expedition to Spinalonga, but before the expulsion of Pescatore from Crete.

The expedition was entirely successful. Marco Sanudo himself acquired the lordship of Paros, Melos, and Thera, and many smaller islands; Marino Dandolo, a nephew of the late doge,<sup>120</sup> received Andros as a fief from Marco Sanudo; Ravano dalle Carceri is generally mentioned by Venetian chroniclers as acquiring Euboea as his share in this conquest; but this had been already conquered by Jacques d'Avesnes, and had probably passed into the hands of Ravano and his comrades before this date.<sup>121</sup> Andrea and Geremia Ghisi acquired Tenos, Myconos, Scyros, and Scopelos, which they held direct from the emperor, while Filocalo Navigaioso became Grand Duke of the island of Lemnos.<sup>122</sup>

<sup>114</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., *Diplom. et Acta.* xiii. 18, 19.

<sup>115</sup> *Cod. Marc. It. Cl. vii. 970*, ff. 153b, 154a.

<sup>116</sup> Cf. Andrea Dandolo, in Muratori, xii. 334, from whom the date has been transferred to other chronicles.

<sup>117</sup> *Tito Livio Padovano*, p. 56.

<sup>118</sup> P. 6.

<sup>119</sup> f. 73<sup>v</sup>.

<sup>120</sup> So Hopf, *Chroniques Gréco-Romanes*, p. 486; Capellari, *Ἱστορία τῶν ἀρχαίων δούκων*, *Campidoglio Veneto*, *Cod. Marc. It. Cl. vii. 15*, makes him a brother of the conqueror of Callipolis.

<sup>121</sup> See Stefano Magno, quoted by Hopf, *op. cit.*, p. 179; Miller, *op. cit.* p. 45.

<sup>122</sup> See Andrea Dandolo, *ubi supra*; Miller, pp. 43-45. Hopf, *loc. cit.*, wrongly cites Stefano Magno as asserting that Filocalo Navigaioso was 'non nisi brevissimum tempus' Megaducho of Stalimene (Lemnos). What Magno really states is that the conquest was completed in a very short time. For a complete account of the Latin baronies in the Archipelago see Hopf, *Veneto-Byzantinische Analekten*, in the

It will be observed that Pietro Michiel, who had been most closely associated with Sanudo in the past, had no part in this conquest. He was one of ten Venetian citizens to whom the republic by a decree of July 1207 granted hereditary fiefs in Corfu.<sup>123</sup> Meanwhile the great Venetian armament, probably reinforced to some extent, sailed forth again on 7 April 1207. In this year, as Martino da Canale informs us,<sup>124</sup> they scoured the sea with their full company, and captured the great buccaneer Leone Vetrano, with nine galleys, which they brought to Corfu; and there they hanged Vetrano and treated the other robbers as they deserved.<sup>125</sup> Next they sailed to Methone, which, as has been seen, would appear to have been one of Vetrano's nests, and captured and demolished the town because it had harboured pirates who had often plundered the Venetians.<sup>126</sup> Then, according to da Canale, they captured and garrisoned Corone. Andrea Dandolo however seems to suggest that the garrisoning took place later.<sup>127</sup> From Corone the armament passed on to the city of Candia, which it took. Rainerio Dandolo, failing to persuade the government to garrison Methone and Corone, obtained permission to garrison these towns at his own expense, which he accordingly did. Corone meanwhile had been captured, though probably not garrisoned, by Guillaume de Champlitte. Hence arose a dispute which was finally terminated in favour of Venice by a treaty concluded at Sapienza in June 1209.<sup>128</sup>

The capture of Candia was followed by the capture of the greater part of Crete, but Enrico Pescatore still held out in his fastnesses, of which Palaeoastro proved the most impregnable. Genoese corsairs still roamed the seas, although their old haunts had one by one fallen into the hands of Venice. The execution of Leone Vetrano had finally determined Genoa to engage in a public war, but meanwhile Venice made peace with Pisa, and on 5 August 1207

*Sitzungsberichte der k. Akademie der Wissenschaften*, vol. xxxii. (1859), Philosoph.-hist. Classe, pp. B 365-528.

<sup>123</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., D. et A. xiii. 54-61.

<sup>124</sup> *Arch. stor. Ital.* viii. 348.

<sup>125</sup> One group of chronicles mentions another captured pirate, Enrico Bellapola. See Gerola, *Atti dell' I. R. Accademia degli Agiati in Rovereto* (1902), p. 144.

<sup>126</sup> It seems probable that Methone was captured from the Greeks, not from the prince of the Morea. Neither the Venetian chronicles nor the Chronicle of the Morea (ed. Schmitt, 1690-1711) mentions any fighting between Venetians and Franks on this occasion. When Guillaume de Champlitte and his men came to Methone, they found it *ἔρημον καὶ χαλασμένον*, 'empty and dismantled,' and the chronicler explains that the Venetians had dismantled it because the Greeks used to practise piracy on the Venetian ships (1691-4). This so clearly refers to the dismantling by Dandolo and Premarino that it is astonishing that any other explanation of the passage should have been attempted. Guillaume de Champlitte must have reached the place in 1207, after the Venetian fleet had passed on to Crete, and before Rainerio Dandolo had sent a garrison to occupy his conquests. This involves a little rearrangement of the chronology of the conquest of the Morea, but that is not a serious matter.

<sup>127</sup> Muratori, *Rer. Ital. Script.* xii. 335.

<sup>128</sup> *Oesterr. Geschichtsquellen*, 2<sup>te</sup> Abth., Diplom. et Acta, xiii. 96-100.

Venice and Pisa joined in an alliance against Genoa. In November 1208 Genoa succeeded in concluding a truce with Pisa, which was converted into a peace in the following April. In the same year Pescatore, deprived of all his fortresses except Palaeocastro, sent to Genoa for assistance. Aid was forthcoming, and Pescatore had the honour of capturing Rainerio Dandolo, who died five days later in prison. Most chroniclers make Angelo Querini the next Venetian commander in Crete. But the Venetian sources are confused, and our safest information is that which comes from Genoese sources. In 1210 Pescatore left a garrison in Palaeocastro and appeared in Genoa to beg further aid. A treaty was signed <sup>129</sup> in virtue of which Pescatore, if successful, was to give Genoa the fullest commercial privileges, was to repay her expenses on the war, and was to grant her a right of succession to the island in the event of the failure of his line. In return for these promises Pescatore received eight galleys and four other warships, but three of his galleys were captured in a battle off Rhodes, and though his transport ships made good their escape to Genoa Pescatore appears to have received none of their supplies. Finally at the end of 1210 or beginning of 1211 Pescatore consented to surrender his fortress, stipulating for a marriage between his nephew Armano and a lady of the Baseio family, who was to receive a dowry of 15,000 hyperpers. It was of course understood that the money would be paid by the Venetian republic,<sup>130</sup> and in one good chronicle <sup>131</sup> at least the bride is not mentioned and the money is regarded as the direct price of Pescatore's surrender.

In 1212 the peace between Venice and the count of Malta was followed by a two years' truce with Genoa, soon converted into one of three years. Meanwhile the fortune of Venice was far from constant. Corfu fell into the hands of the Greek despot of Epirus; Crete had hardly been saved, first from a Greek revolt, and afterwards from Marco Sanudo, the duke of the Archipelago, who was engaged in a kind of private war with Jacopo Tiepolo, the duke of Crete. In 1213 or 1214 there was a violent recrudescence of piracy. At last in 1217 the corsair, Alamanno Costa, an old comrade of Pescatore, had collected fourteen or fifteen ships of different kinds, with which he stationed himself at Frascia. Paolo Querini, the duke of Crete, placed large numbers of nobles of the city on board six galleys and two merchant ships, and gave battle. One Genoese galley alone escaped; Alamanno himself was captured and confined in a cage.<sup>132</sup> On 11 May of the following year a ten years' peace was concluded between Venice and Genoa and the persistent attempt of Genoa to grasp some fragment of the fallen empire of the Greeks was at an end.

J. K. FOTHERINGHAM.

<sup>129</sup> See the text in Gerola, *Atti dell' I. R. Accademia degli Agiati in Rovereto* (1902), p. 158.

<sup>130</sup> Gerola, *op. cit.* p. 149.

<sup>131</sup> Cod. Marc. It. Cl. vii. 54, f. 160 b.

<sup>132</sup> See Gerola, *op. cit.* p. 154.

## *The Early Biographies of Henry V*

AT the end of his account of the reign of Henry V Holinshed concludes his notices of learned men and writers as follows :

Titus Liuius de Foro Luuisiis liued also in these daies, an Italian borne : but sith he was bothe resiant here, and wrote the life of this king, I haue thought good to place him among other of our English writers. One there was that translated the said historie into English, adding (as it were by waie of notes in manie places of that booke) sundrie things for the more large vnderstanding of the historie ; a copie whereof I haue seene belonging to John Stow, citizen of London. There was also about the same time an other writer, who (as I remember) hath followed the saide Liuius in the order of his booke, as it were chapter for chapter, onelie changing a good, familiar and easie stile, which the said Liuius used, into a certaine poetically kind of writing : a copie whereof I haue seene (& in the life of this king partlie followed) belonging to master John Twine<sup>1</sup> of Kent, who (as I was informed) meant to leaue to posteritie some fruits of his labours for the due vnderstanding thereof.<sup>2</sup>

From this statement it is sufficiently clear that Holinshed was acquainted both with the *Vita Henrici Quinti* of Tito Livio, and with the *Vita* falsely attributed to Thomas Elmham by Hearne in his edition published in 1727. From his main text it is also clear that he had used both works, and his opinion as to their relation to one another is, I believe, correct. The special interest of the passage consists however in the mention of the existence of an English translation of Livius, to which in some other places Holinshed makes specific reference. Nevertheless it will be best to take the Lives of Henry V in their chronological order, and first to say something of Tito Livio and of Thomas Elmham themselves.

Titus Livius Forojuiliensis, as he is styled on the printed title-page of his *Vita Henrici Quinti*, appears in the official record of his denization on 7 March 1437<sup>3</sup> as 'Titus Livius de Frulovisiis de Ferraria,' and is better described as Tito Livio da Forli (from Forli, about forty miles from Ferrara). He was one of the Italian scholars who took service with Humphrey of Gloucester, and is called his

<sup>1</sup> John Twine (*d.* 1581) was grandfather of the more famous Brian Twyne. See *Dict. of Nat. Biogr.* lvii. 402.

<sup>2</sup> *Chronicles*, iii. 136.

<sup>3</sup> *Foedera*, x. 661 ; and as Titus Livius de Frulovisiis in Arundel MS. 12.

'poet and orator.' At a time when he was about to return to his own country Humphrey entrusted him with the task of writing a Life of Henry V. It appears further from his dedication of his first work to Henry VI<sup>4</sup> that he had already been 'indigenated' in England at Humphrey's request. Of Tito Livio's later life we know no more than that about 1440 he was at Barcelona, whence he wrote a letter to the Milanese humanist Pier Candido Decembri, describing his adventures since a recent visit to Milan, and sending him a copy of the *Vita*.<sup>5</sup> Decembri, much later, in 1462, made an Italian translation of his friend's History and dedicated it to Francesco Sforza in 1463. A copy of this translation is preserved in the Imperial Library at Vienna (No. 2610), and by obtaining extracts from it Dr. Wylie was able to demonstrate in the last volume of this Review<sup>6</sup> the identity of its original with the Latin *Vita* published by Hearne in 1716.

Of that original the most interesting manuscript is contained in Arundel MS. 12 at the College of Arms, which Mr. W. H. Black described as 'an admirable manuscript written in a fair Roman character by the author for the use of his patron Humphrey, duke of Gloucester, as appears by his arms in the illuminated capital.'<sup>7</sup> It is curious that John Anstis, who was in communication with Hearne, should have overlooked this manuscript, and have actually at one time described the copy of the Pseudo-Elmham in Arundel MS. 15 as a copy of Livius. Hearne<sup>8</sup> himself based his edition on a transcript from Cotton MS. Claudius E. iii.<sup>9</sup> collated with Corpus Christi College, Cambridge, MS. 285.<sup>10</sup> The latter, as sometime the property of Archbishop Parker, would have been accessible to Stow, and was possibly used by him.<sup>11</sup> Parker in the preface to his edition of Walsingham's *Historia Anglicana* makes reference to Livius, and censures (with a strange ignorance of the

<sup>4</sup> *Vita Henrici Quinti*, p. 2.

<sup>5</sup> *Archivio storico Lombardo*, Ser. II. (Anno xx.) vol. x. pp. 63, 428. There is also printed Decembri's reply.

<sup>6</sup> xxiv. 84-89 (1909).

<sup>7</sup> *Catalogue of Arundel MSS.*, p. 24. Mr. K. H. Vickers, who has kindly examined the manuscript for me, doubts however whether it is Gloucester's own copy, since it lacks the inscription which the duke always made in his books.

<sup>8</sup> Hearne, Preface, pp. iv, vii, and viii.

<sup>9</sup> Ff. 332-353. It is followed on f. 353<sup>vo</sup> by the *Encomium Episcopi Bathonensis* (John Stafford), which Professor Tait (*Dict. of Nat. Biogr.* xxxiii. 405) thought to be lost. The *Encomium* (inc. 'Nape Caliope reliqueque fauete sorores') consists of 63 hexameter lines, in which Tito Livio commends the bishop's wisdom, and declares his desire to sing the praise of Britain; but Britons were poor and he was so entangled with debt, that he was now about to return to his own country and bade Stafford farewell.

<sup>10</sup> In C.C.C. Cambridge, MS. 100, there is a sixteenth-century manuscript of Livius. See Nasmith's *Catalogue*.

<sup>11</sup> Compare Livius, p. 45 n. 2, and p. 50 n. 1, with *Annales*, pp. 581, 582. But the copy used by the English 'Translator of Livius' was similar.

truth) the false sensibility which kept him from making better use of an anonymous Life, which began *Lucerna posita sub modio*, i.e. the Pseudo-Elmham.<sup>12</sup>

It is clear that the *Vita* by Tito Livio was written after March 1437, and probably not later than 1438, since Tito must have been absent from England some considerable time in 1440. Of the work itself I need say no more at present than to call attention to the very unsatisfying character of the concluding portion from the siege of Montereau onwards.<sup>13</sup> It is worth noting that Tito Livio's patron had returned to England before 30 December 1419, when he took office as lieutenant for his brother in England. Humphrey consequently had no share in the sieges of Montereau and Melun, or in the subsequent campaigns of 1421 and 1422. It is curious however that Tito Livio's *Vita* should be even more barren for events in England during these years.

Thomas Elmham, under whose name Hearne published in 1727 the *Vita Henrici Quinti*, which is referred to in this article as the Pseudo-Elmham, was a monk of St. Augustine's, Canterbury, and became prior of Lenton, in Nottinghamshire, in 1414. Dr. Wylie has shown that in 1415 he was a royal chaplain engaged on the king's business at Westminster, and that there is every reason to suppose that he accompanied the king on the campaign of Agincourt.<sup>14</sup> In the light of this knowledge the theory of Dr. M. Lenz<sup>15</sup> that Elmham was the true author of the *Gesta Henrici Quinti* published by the English Historical Society in 1850, can no longer be questioned. The *Gesta* was avowedly the work of one of the king's chaplains, who accompanied him on the campaign of Agincourt.<sup>16</sup> A comparison of it with Elmham's undoubted work, the *Liber Metricus*, is conclusive, so soon as it is shown that Elmham was a royal chaplain and certainly not the author of the *Vita*, which has so long passed under his name. In the preface to the *Liber Metricus* Elmham explains that this poetical exercise does not contain all things 'which I endeavoured to explain in prose in another book.'<sup>17</sup> Obviously therefore the prose Life must have been written before the *Liber Metricus*. But the latter work was written while Bedford was lieutenant of England, that is, before December 1419.<sup>18</sup> The latest event recorded in the *Liber Metricus* is the fall of the castle of Falaise in February 1418, in chapter xxi. This is followed by the statement that immediately afterwards Henry sent for his chapel in order to celebrate Easter in

<sup>12</sup> Preface to Walsingham, ed. 1574.

<sup>13</sup> *Vita*, pp. 89-95. The corresponding part of the Pseudo-Elmham takes 68 pages (pp. 270-338), a fifth of the whole work, instead of a sixteenth.

<sup>14</sup> *Athenaeum*, August, 1902, p. 254, quoting a letter of Elmham's from Duckett, *Charters and Records of Cluni*, ii. 15-22.

<sup>15</sup> *König Sigismund und Heinrich der Fünfte*, p. 14. Berlin, 1874.

<sup>16</sup> *Gesta*, p. 53. <sup>17</sup> *Memorials of Henry V*, p. 79.

<sup>18</sup> 'Qui est locum tenens Angliae,' *ibid.* p. 161.

Normandy.<sup>19</sup> It is permissible to suppose that Elmham, as one of the king's chaplains, then went over to join him at Caen. This had coincided with the end of the fifth year of Henry's reign, which Elmham says that he proposed to describe in lustres.<sup>20</sup> Why he never completed his work does not appear; he survived till February 1427, when he resigned his priory of Lenton.<sup>21</sup> There is nothing in this to conflict with Elmham's authorship of the *Gesta*, which ends with the parliament of November 1416.<sup>22</sup> The identity of the authorship of the *Gesta* and the *Liber Metricus* is the more confirmed, since 'the resemblance of the *Liber Metricus* to the "Chaplain's Account" is patent in almost every page.'<sup>23</sup> What Elmham himself tells us of his manner and purpose of writing supplies further corroboration. It was, he says, expedient for people to be informed of the laudable feats of their rulers. This the king would not suffer :

'He would scarce allow me to discover the bare and notorious truth by diligent inquiry of his nobles.' . . . 'Let not the reader doubt that what is written here in verse is true: for beyond doubt the compiler was either an actual eye-witness of these things, or received a trustworthy account, whether verbal or written, from those who were present.'<sup>24</sup>

Equally of course this must be applicable to the prose Life; and that the *Gesta* was for the most part the work of an eye-witness is evident throughout. So much could not be said of the *Vita* of the Pseudo-Elmham.

This account of Thomas Elmham and of two of his true works<sup>25</sup> has been a necessary preliminary to a discussion of the Pseudo-Elmham. Hearne, when editing the *Vita et Gesta Henrici Quinti* in 1727, came to the conclusion that the author was Thomas Elmham, though both the manuscripts which he used—namely, Arundel 15, in the College of Arms, and Harley 864—are anonymous. At the beginning of the former James Tyrrell has written 'per Authorem Anonymum sed Peregrinum.' On f. 1 is the name 'Roger Wall,' and a rebus of a wall with two towers and in front a roe, with 'ger' written underneath; and at the end 'Claudatur muro, constat liber iste Rogero, Rogerus Walle.'<sup>26</sup> Hearne pointed out that Wall was simply the owner, and not, as Stow and others had supposed, the author of the book.<sup>27</sup> He also rejected a suggestion made by

<sup>19</sup> *Memorials of Henry V*, p. 163.

<sup>20</sup> *Ibid.* p. 82.

<sup>21</sup> *Cal. of Pat. Rolls*, Henry VI, i. 392.

<sup>22</sup> The *Gesta* was written before the capture of Oldcastle in November 1417, for on p. 5 it is stated of him: 'latitat a conspectu hominum.'

<sup>23</sup> Cole, preface to *Memorials*, p. xliii.

<sup>24</sup> *Ibid.* pp. 80, 81.

<sup>25</sup> He was also the author of *Historia Monasterii sancti Augustini Cantuariensis*, published in the Rolls Series; and of a *Cronica Regum Angliæ* (see p. 62 below).

<sup>26</sup> As to Wall, see further p. 63 below.

<sup>27</sup> Hearne, preface to Elmham, pp. x-xiii.

John Anstis, Garter king-of-arms, that this was the original work of Tito Livio, of which the shorter Life was merely an epitome. He came to the conclusion that Elmham was the author on the authority of Smith's *Catalogue of the Cottonian MSS.*, citing Julius E. iv. as containing a copy of the work. But though that manuscript does contain a copy of the *Vita* of the Pseudo-Elmham, it is without any indication of the authorship. The same volume contains copies of the *Gesta Henrici Quinti* (the true Elmham, but here anonymous), and of the *Liber Metricus*; but their present conjunction is entirely fortuitous.<sup>28</sup> Hearne gave an air of authority to his conjecture by quoting for references to Elmham, Pits, Nicholas Harpsfield, Wharton, Francis Thynne, and Thoroton.<sup>29</sup> But of these writers, Pits admits that he knew nothing of Elmham, save as the author of *Chronica Rerum Anglicarum usque ad Henricum Quintum*; Harpsfield knew him only as the author of the *Liber Metricus*; Wharton calls him prior of Lanthony and author in 1425 of the *Cronica* in Cotton MS. Claudius E. iv, and of the *Liber Metricus*; to Thynne and Thoroton Elmham is only a name. So for the identification of Elmham's Life of Henry V with the work published in 1727 they help no more than does the *Prologus in Cronica Regum* printed by Hearne from Claudius E. iv.,<sup>30</sup> which shows merely that Elmham was the author of that work. (It is little more than an extensive chronological table.<sup>31</sup>)

<sup>28</sup> Ff. 10-87 the *Vita*, on parchment, inscribed by Cotton, 'ex dono W. Cope.' Ff. 88-111, the *Liber Metricus*, also on parchment, but written in an entirely different hand and style. Ff. 113-127 the *Gesta*, on paper, inscribed by Cotton, 'ex dono Patricii Young.'

<sup>29</sup> Hearne, Preface, pp. xiv, xv. Pits, p. 915; Harpsfield, *Hist. Angl.* pp. 586, 589; Wharton, *Anglia Sacra*, ii. 322; Thynne, in *Additamenta* to Holinshed, iii. 1590 (ed. 1586); Thoroton, *Antiquities of Nottinghamshire*, pp. 219, 223.

<sup>30</sup> *Ap. Elmham*, pp. 377-81.

<sup>31</sup> Two entries on f. 32<sup>vo</sup>, though not strictly apposite here, deserve quotation, since, while the dates have been given (though inaccurately as regards the years), the source has not, so far as I know, been noted:—

'mcccxxxvii. Natus est Henricus primogenitus Henrici comitis Derbeye, xvj. kal. Octobr. die Sanete Edithe.'

'mcccxxxviii. Natus est Thomas, dux Clarencie, iij. kal. Octobr., ij<sup>na</sup>. filius Henrici comitis de Derbeye.'

The year 1387 for the date of Henry's birth is given in the Vitellius Chronicle (*Chronicles of London*, p. 266), 10th mayoral year of Richard II, i.e. 29 October 1386 to 28 October 1387, and has other support. The *Versus Rythmici (Memorials of Henry V)*, p. 64) 'natus in Augusto fueras' seems to be the only early authority for placing the date in August. Paolo Giovio (*Opera*, p. 70) gives 9 August, but that date seems to be a misprint for 9 April as the day of Henry's coronation. Otherwise there is no better authority for August than the statement in the *Brut* that Henry was in his thirty-sixth year when he died, on 31 August 1422. Doyle (*Official Baronage*, i. 442, ii. 317), and G. E. C. (*Complete Peerage*, ii. 228, 365) give 16 September 1386 without quoting their authority. For the date of birth of Thomas of Clarence there is no other authority than his father's Wardrobe Accounts for 1387-88, which prove that he was born between 1 October 1387 and 30 September 1388. Doyle (i. 397) says 29 September 1387. Elmham is likely to have been well informed; so the dates 16 September 1387, and 29 September 1388 may be accepted. See notes in Wylie, *Henry IV.* iii. 323-4.



Hearne had indeed no better ground to go upon than the conjecture of Smith; that conjecture has been a fruitful source of error, but will not stand the test of independent examination. All three of the manuscripts of the *Vita* to which Hearne makes reference are anonymous. Cotton, Julius E. iv., and Harley 864,<sup>32</sup> appear to be written in hands of the middle of the fifteenth century. Arundel 15 can be fixed for certain to about that time. Mr. W. H. Black says of it:<sup>33</sup> 'The identity of the writing of this book and of the statutes of Lichfield Cathedral in Cotton MS. Vitellius A. x.<sup>34</sup> prove that Roger Wall was the writer of both.' Wall received the prebend of Offley, Lichfield, on 5 September 1441, which he exchanged for that of Eccleshall on 7 March 1443. He was archdeacon of Stafford in 1442, and of Coventry from 30 May of that year till his death, in 1488.<sup>35</sup>

It is clear that if Thomas Elmham's prose Life was written, as his own statements show, while Henry V was alive, and probably before 1418, it cannot be the *Vita* which has so long passed under his name; for the latter work was not written till many years later. It ends with an address to John Somerset, the physician of Henry VI, which was, as I shall show, on the face of it not written till 1446.<sup>36</sup> But this it will be more convenient to discuss later on. For the present I shall be content to depend on the evidence of the main text. The internal evidence of the *Vita* shows that it could not have been written till long after the death of Henry V. In one of the early chapters Henry's foundations at Sheen are referred to as of long standing.<sup>37</sup> In the narrative for 1416 there occurs an incidental allusion to the battle of Verneuil, which was fought on 17 August 1424.<sup>38</sup> There is other evidence which indicates a much later date. The great part that the narrative assigns to Humphrey of Gloucester, and its obviously martial spirit, suggest that it was written after 1435, in the interest of the duke and the war-party.<sup>39</sup> A disparaging allusion to Philip of Burgundy and the insertion of a story reflecting on the good faith of his subjects afford further suggestions that the date of composition was after the breach in 1435.<sup>40</sup> I have stated these arguments for assigning a late date to the Pseudo-Elmham's *Vita*, without reference to the work of Tito Livio; but I hope to

<sup>32</sup> The first leaf is lost, and has been supplied in a modern hand from the Cotton MS.

<sup>33</sup> *Catalogue of Arundel MSS.*, p. 24.

<sup>34</sup> Cotton MS. Vitellius A. x. f. 163 'Kalendare omnium statutorum ecclesie Lichen. extractum ex industria M. Rogeri Walle, Canonici eiusdem, Anno Domini Mecccliiij.'

<sup>35</sup> Le Neve, *Fasti Eccl. Angl.* i. 569, 572, 601, 616.

<sup>36</sup> See pp. 69 f. below.

<sup>37</sup> P. 25: 'earum condiciones . . . vera experientia usque hodie manifestat.'

<sup>38</sup> P. 91, the reference is, moreover, probably a quotation from the *Brut*. Cf. J. S. Davies, *Chron.* p. 44.

<sup>39</sup> The account of Humphrey's campaign in the Cotentin and siege of Cherbourg occupies 17 pages: pp. 141-2, 147-62.

<sup>40</sup> Pp. 281-84.

show sufficient cause for the belief that the Pseudo-Elmham was the later, and not the earlier, of the two works.<sup>41</sup> In that case, of course, the date of composition cannot be earlier than 1438 or 1439, and may be considerably later.

I now turn to a critical comparison of the *Vita* of Tito Livio with the Pseudo-Elmham. That the two works were very closely related to one another is manifest, whether we adopt Holinshed's opinion that Livius was the original, or the suggestion made by Anstis that the shorter version was simply an epitome of the longer. Holinshed's statement that the other writer 'followed the saide Livius in the order of his booke, as it were chapter by chapter,' cannot however be accepted without qualification. A comparison of the two works shows at once that the *Vita* of the Pseudo-Elmham is to be divided into two sections: the first consisting of chapters i.-xci., which resembles the work of Tito Livio very closely; the second consisting of chapters xcii.-cxxx., which is derived for the most part from other sources. In the first section, chapters ix.-xii., in which the Pseudo-Elmham describes the ceremonies connected with the coronation of Henry V, are almost entirely new; Livius simply records the fact of the coronation 'with all solemnity and pomp.' Otherwise in this section the additions of the Pseudo-Elmham are not more noteworthy than his omissions. It is chiefly by mere empty rhetoric that he expands 86 pages into 263; even allowing for the fact that in the printed editions of Hearne a page of Livius contains about 25 per cent. more matter than a page of the Pseudo-Elmham, the material increase of bulk is out of all proportion to the essential addition of fact. For the most part the additions are merely trivial mentions of names: as of *Monmouth* for Henry's birthplace; of the holding of the parliament of 1414 at *Leicester*; of the hulk the '*Mountnegrie*' at *Harfleur* in 1416; of the scene of Huntingdon's sea-fight in 1417 as *not far from Harfleur*; of *Baawmore* as the place where the Scots were defeated in 1417; of the sending of provisions from *London* to *Rouen* in 1418.<sup>42</sup>

Very occasionally the Pseudo-Elmham supplies details of some value, as for Clarence's operations before *Harfleur* in 1415, and for the muster that year at *Southampton*.<sup>43</sup> Of more importance are the corrections in dates: thus the Pseudo-Elmham gives 16 February 1418 as the date of the surrender of the castle of *Falaise*, where Livius has 6 February;<sup>44</sup> 29 September for the surrender of *Cherbourg*, where Livius has 1 October;<sup>45</sup> in chapters lxii. and lxiii. a series of superior dates for events

<sup>41</sup> The contrary opinion followed naturally on the acceptance of Hearne's ascription, through the belief that Elmham must have written before Livius.

<sup>42</sup> Pp. 4, 32, 81, 93, 163, 182.

<sup>43</sup> Pp. 35 and 41.

<sup>44</sup> P. 137; Livius, p. 49.

<sup>45</sup> P. 162; Livius, p. 56.

at Louviers and Pont de l'Arche, where the chronology of Livius is manifestly wrong; <sup>46</sup> 29 July for the beginning of the siege of Rouen, instead of 30 July, as in Livius.<sup>47</sup> Again the Pseudo-Elmham gives better dates for the surrender of Gisors, Meulan, and Château Gaillard.<sup>48</sup> A considerable space is occupied in the Pseudo-Elmham by the long-winded and obviously fictitious speeches which he puts into Henry's mouth. The speeches as given by Livius have a brevity and directness which accord well with the habit of a prince who spoke but little and that to the point. These latter may at all events preserve some reminiscence of what Henry really said.<sup>49</sup> The first section closes with a marked difference in the account of the negotiations at Troyes, where the Pseudo-Elmham omits the terms of the oaths taken by Charles of France and Philip of Burgundy, but gives the articles of the treaty much more fully than does Livius; possibly he was guided in this by the example of Monstrelet.<sup>50</sup>

On the other hand, Livius not infrequently adds something. He mentions Percy at Shrewsbury; <sup>51</sup> states that Henry consulted universities on his right to France; <sup>52</sup> names Scrope as one of the traitors in August 1415; <sup>53</sup> gives the story of the Sire de Helly; <sup>54</sup> has a better account of the visit of Sigismund; <sup>55</sup> gives valuable details of the army in 1417; <sup>56</sup> mentions Louis Robsart by name, where the Pseudo-Elmham has only 'tyro quidam' (though he adds that he was reputed to be 'regi vicinitate consanguinea . . . propinquus').<sup>57</sup> One or two other variations may be noted. Livius says that the Norman exchequer was established at Rouen; the Pseudo-Elmham, correctly, at Caen.<sup>58</sup> Livius alleges that John of Burgundy 'spoliatus et nudus in puteum deiectus est'; the Pseudo-Elmham has 'nec tunica nec ocreis spoliatum.'<sup>59</sup>

When we come to the second section of the Pseudo-Elmham (chapters xcii.—cxxx.) the relation of the two works is very different. I have already noted the marked deterioration in Livius from the siege of Montereau onwards. Instead of being somewhat more than twice as long, the Pseudo-Elmham is now nearly tenfold longer.

<sup>46</sup> Pp. 166-76; Livius, pp. 57-60.

<sup>47</sup> P. 179; Livius, p. 60.

<sup>48</sup> Pp. 234, 240, 243; Livius, pp. 78-80.

<sup>49</sup> Compare Pseudo-Elmham, pp. 7, 14, 51, 55, 61, and 198, with Livius, pp. 3, 5, 12, 14, 16 and 67.

<sup>50</sup> It is a question whether this chapter (xc.) should not be considered to belong to the second section.

<sup>51</sup> P. 3.

<sup>52</sup> P. 6.

<sup>53</sup> P. 8.

<sup>54</sup> P. 18; cf. *Forty-fourth Report of the Deputy Keeper of the Records*, p. 584.

<sup>55</sup> Pp. 23, 27-29.

<sup>56</sup> Pp. 31, 32; Harley MS. 864 has the text of Livius as an Appendix on ff. 185, 186.

<sup>57</sup> P. 54; Pseudo-Elmham, p. 154.

<sup>58</sup> P. 70; Pseudo-Elmham, p. 204.

<sup>59</sup> P. 78; Pseudo-Elmham, p. 236, cf. p. 272. Monstrelet (iii. 347, 404) says that he was stripped 'réservé son pourpoint et ses houseaux.'

For the greater part the latter writer gives entirely new material. Even when the two go over the same ground, they now seem to be independent. In spite of his brevity, Livius gives a few details which do not appear in the other author: thus he describes the fate of Barbasan and his release from captivity ten years afterwards; mentions the departure of Philip of Burgundy from Paris in December 1420; has a peculiar notice of the birth of Henry VI; and records the duke of Brittany's assent to the treaty of Troyes in 1422.<sup>60</sup> But apart from these details, the narrative of the last two years of the reign of Henry V as given in the Pseudo-Elmham is altogether superior to that of Livius.

It has been obvious from the preceding paragraphs that in my opinion the *Vita Henrici Quinti*, which Tito Livio dedicated to Henry VI soon after March 1437, is the original work, and was not an epitome of the Life which has been so long known by the name of Thomas Elmham. Even in the earlier portion it is more natural to regard the simpler, and not seldom clearer, work as the source of the ornate and often obscure. But it seems impossible that an epitomiser should have had the long second section of the Pseudo-Elmham before him, and put it altogether on one side, to be replaced from some other source by his own few brief and broken pages. On the other hand, it is natural that the Pseudo-Elmham, finding how unsatisfactory his original had become, should have decided to make good the deficiency by a new and more complete history. Whatever we may think of the later writer's taste, it is, I think, likely that he had the plain and simple narrative of Tito Livio in his mind when he declared in his preface that it was his intention to turn the bald draft of formless matter into a shapely picture.<sup>61</sup> The occasional additions which he made in the first section were for the most part of a kind that might be obtained easily from various sources. The corrections of dates he could have taken from official documents, like the appointments for the surrender of towns, which were such common property as to appear in various versions of the London Chronicles. For the second section he had of course to go further afield. Some details may have come from French sources,<sup>62</sup> and others from Walsingham. He may also have used some copy of the *Brut*, as perhaps Tito Livio had done before him.<sup>63</sup> But the accounts of the sieges of Melun and Meaux are of special value and add much to other authorities; while the chapters

<sup>60</sup> Pp. 90, 91, 95.

<sup>61</sup> Pp. 2, 3. 'intencio ista scribentis est, tabulam nudam informis materiae, in conformem, prudentia peritorum pictorum, in medium deducere picturandam.'

<sup>62</sup> Perhaps a little from Monstrelet; cf. notes on p. 65 above. He seems also to have used that writer for the sieges of 1420-22.

<sup>63</sup> As, for instance, for the reference to the treachery of Earl Douglas and his subsequent death at Verneuil, on p. 30; and for the famine in Rouen, p. 65. Compare Davies' *Chronicle*, pp. 44, 47.

descriptive of Henry's visit to England, and of the king's last days, are of still more peculiar interest, and contain matter not to be found elsewhere. It is not however any part of my present intention to attempt to trace out the sources used by Tito Livio and the later author in detail.

A few words must be inserted here on the curtailed version of the Pseudo-Elmham, of which Mr. B. Williams added the later part, as a continuation completing the reign, to his edition of the *Gesta* for the English Historical Society. Mr. Williams called this Chronicle, which he edited from the Sloane MS. 1776, 'little more than an abridgement of Elmham,' and added in a note: 'In one instance (p. 131) the author adopts the statement of Livius in his very words, and in other places<sup>64</sup> he has added the names of the barons and knights present at the principal sieges.' As a matter of fact, in the 'one instance' the author adopts 'the very words,' not of Livius, but of the Pseudo-Elmham.<sup>65</sup> The author of the abridgement follows the Pseudo-Elmham with extraordinary verbal fidelity, only departing slightly from his original when through his omissions something is required to restore the sequence of the sense. A striking example of his method is shown by his treatment of chapter xciv. on the taking of the castle of Montereau, which he describes in a single sentence composed from the opening and concluding words of the original.<sup>66</sup> Occasionally he adds some small details, as on the Scottish invasion of 1417, and on the death of Sir John Cornwall's son at Meaux.<sup>67</sup> The Sloane MS. 1776 ends imperfectly in 1440 with the letter of the Jacobin patriarch. From a comparison with the Royal MS. 13 C. 1 the date must be as late as 1460.

I will now turn to endeavour to find a clue to the authorship of the *Vita* of the Pseudo-Elmham. Dr. Wylie had supposed, and I was at one time inclined to the same opinion, that it was 'nothing but another version of Tito Livio's original Life expanded and embellished by himself.'<sup>68</sup> But on fuller consideration I feel satisfied that this opinion is untenable. Tito Livio completed his Life and

<sup>64</sup> At Melun, on p. 144; the only instance.

<sup>65</sup> *Gesta*, p. viii; Livius, p. 77: 'legiones ad ipsum expugnandum mittit quae sic praesidium eius et incolas terruerunt, ut de sua salute desperantes castellum cum omnibus pecuniis et bonis regi dederetur, et illic cuiusdam nobilissimae dominae precibus omne praesidium inermes et incolae sine bonis, sine pecuniis illinc abire permisi.' Pseudo-Elmham, p. 233: 'nobiles electos in eius obsidionem emisit, quorum solercia nobilis et exquisita nobilitas sic ipsius custodes perterruit, ut de sua salute penitus desperarent. Verumtamen, contemplacione cuiusdam interclusae dominae, guerrarum quicquid agitabantur furores, et post pauca, castello reddito, custodes eiusdem sinebantur abire.' *Gesta*, p. 131: 'electos viros in eius obsidionem emisit, qui sic custodes terruerunt, ut de sua salute penitus desperarunt. Verumtamen contemplacione cuiusdam dominae interclusae, castello reddito, custodes eiusdem sinebantur exire.' It is a good example of the methods of the three writers.

<sup>66</sup> *Gesta*, p. 143; Pseudo-Elmham, pp. 272-4.

<sup>67</sup> *Gesta*, pp. 121, 155.

<sup>68</sup> See *ante*, vol. xxiv. p. 85.

dedicated it to Henry VI not before the latter part of 1437. After he left England he paid a visit to Decembri at Milan, made a journey into France, stayed at Toulouse long enough to take a degree, and had been some time at Barcelona before he could get a copy made of his book and find an opportunity to send it to Decembri about 1440.<sup>69</sup> All this required time, and if Tito Livio was the author of the longer version he must have written it at the latest in the course of 1438. If that were so, he must have at once sat down to give his original work a new shape. But it is unlikely that he should so soon have changed his idea of good literary form, or that if he had done so he would have chosen the less perfect version to send to Decembri. Nor can I readily believe that he would have styled the version which he thought good enough to dedicate to Henry VI 'tabula nuda informis materiae.' That the author of the Pseudo-Elmham was proud of his literary craftsmanship is obvious from the tone of the address to the reader, which he substituted for Tito Livio's dedication to Henry VI, in spite of his suggestion that Tully's lyre might spurn the touch of his rude fingers. He was going to write on classical models, and thought that he achieved his purpose by verbose rhetoric, and by sprinkling his text freely with mythological allusions. Henry is the soldier both of Mars and of Venus; Ceres and Bacchus flee in terror from Rouen; Aeolus swells the sails; the eastern side of a town is that which looks towards the rising of the star of Phoebus, and so forth. All this points to the author as one who had been caught by the new learning of which Humphrey of Gloucester was the patron in England. The writer speaks of himself as 'extra fores rhetoricae positus peregrinus et advena.'<sup>70</sup> This may be no more than a rhetorical flourish intended with mock modesty to express his own want of capacity; but it may also contain an allusion to the foreign birth of the writer.<sup>71</sup> It is possible at all events that the Pseudo-Elmham, like his predecessor, was one of the foreign scholars whom Humphrey of Gloucester attracted to England. If the opening chapter gives us only this vague suggestion, the conclusion, in which the work is addressed to John Somerset, gives us something a little more definite.

John Somerset was a scholar of Cambridge, where he was fellow of Pembroke College from 1408 to 1426. Afterwards he studied medicine at London and Paris, and entered the service of Thomas Beaufort, duke of Exeter. Shortly before his death, in January 1427, Exeter chose Somerset for the post of physician to the little king; Somerset in recording this relates that he continued in the royal service for about twenty-five years.<sup>72</sup> As a royal physician he had a grant of 40*l.* a year on 27 February 1428 for his good service

<sup>69</sup> *Archivio storico Lombardo*, Ser. II. (Anno xx.), vol. x. pp. 63, 428.      <sup>70</sup> P. 3.

<sup>71</sup> As James Tyrrell considered; see Hearne's Preface, p. xvii, and p. 61 above.

<sup>72</sup> *Querimonia Iohannis Somerset*, ap. Hearne, Elmham, Appendix, p. 348.

since Easter last.<sup>73</sup> Four years later he had a further grant of 60*l.* a year for his services about the king in teaching him and preserving his health.<sup>74</sup> When Henry grew to manhood other employment was found for Somerset, who, on 18 December 1434, was appointed chancellor of the exchequer, and warden of the king's exchange in the Tower of London; the latter office he vacated on 29 May 1447,<sup>75</sup> the former he appears to have held till his dismissal on the petition of the Commons in 1451.<sup>76</sup> On 23 May 1443 he was appointed lieutenant of the manor of Sheen, and surveyor of the works of the said manor, of the palace of Westminster, of the Tower of London, and of Eton College.<sup>77</sup> At Sheen he had a house where Thomas Bekynton visited him and his wife on 21 February 1444.<sup>78</sup> This connexion with Sheen led to the foundation by Somerset, as parcel of the royal monastery of Syon, of a chapel and guild in honour of the Nine Orders of the Holy Angels 'at the west end of a certain wooden bridge called New Brayneford bridge.' For this foundation, which included provision in an almshouse for nine poor men, Somerset obtained letters patent on 12 October 1446. Henry VI had previously with his own hands and at his own expense and charges laid the foundation stone of the chapel.<sup>79</sup> Somerset was one of the advisers of Henry VI in the foundation of King's College, Cambridge;<sup>80</sup> but after his dismissal from office he became involved in a dispute with the College about the manor of Ruislip, which he held for life, but of which the College had the reversion.<sup>81</sup> He reproached the College in an elegiac *Querimonia* of eighty-two lines, in which he gives some autobiographical details of his career.<sup>82</sup> Somerset was one of the executors of Humphrey of Gloucester. He seems to have died about 1455.<sup>83</sup>

It was to Somerset, who had informed the king's person with health and his mind with understanding, the servant of the state, and the proctor of the poor, who had lately established a chapel of royal foundation in honour of St. Raphael, St. Gabriel, St. Michael, and all the Holy Angels of God, that the Pseudo-Elmham commended his poor pages.<sup>84</sup> It is manifest that that writer cannot have composed

<sup>73</sup> *Cal. Pat. Rolls*, Henry VI, i. 460; cf. Nicolas, *Proc. of the Privy Council*, iii. 282, 287.

<sup>74</sup> *Cal. Pat. Rolls*, ii. 241.

<sup>75</sup> *Ibid.* iii. 418. <sup>76</sup> *Rolls of Parliament*, v. 216. <sup>77</sup> *Cal. Pat. Rolls*, iv. 82.

<sup>78</sup> *Correspondence of T. Bekynton*, ii. 244.

<sup>79</sup> Aungier, *History and Antiquities of Syon Monastery*, pp. 215-20, 222, 460-64, giving the letters patent in full.

<sup>80</sup> *Cal. Pat. Rolls*, iii. 522, 565, iv. 197.

<sup>81</sup> *Ibid.* iii. 46, 187, 286.

<sup>82</sup> Printed by Hearne, Elmham, pp. 347-50.

<sup>83</sup> See *Dict. of Nat. Biogr.* liii. 245.

<sup>84</sup> *Vita*, pp. 338-42. In Harley MS. 864, the words 'fundacionis regiae' to 'angelorum dei' are an insertion. There are instances of correction (by a contemporary hand) throughout the manuscript; the chapter titles have been inserted in spaces left blank at first. May it have been the author's own copy?

this address till the latter part of 1446, though he probably did so not much later. It is of course possible that the address may be of later date than the main work, but there is not likely to have been any great interval of time between the two. So it is established that the *Life of Henry V* by the Pseudo-Elmhams was not written till far into the fifth decade of the fifteenth century. This date harmonises well enough with our other evidence.

The opening and concluding chapters of the *Vita* thus point to the author as a scholar of foreign birth, who had friends in official circles, and wrote his history in or about 1446. It is worth while digressing a little to consider how far any foreign scholar resident in England would suit with our facts and dates.

A possible candidate is Vincent Clement, a native of Valencia in Spain, who had letters of denization on 7 October 1439.<sup>85</sup> Clement had then been some years in England, and had studied at Oxford, where as a master of arts he obtained letters testimonial on 29 June 1433.<sup>86</sup> He seems to have begun his public career in the service of Humphrey of Gloucester. Thus he was brought into association with Thomas Bekynton, whose intimate friend he became, and through whom during several years he was employed on the king's business at Rome. In the latter part of 1440, Pope Eugenius wrote to Henry VI that Vincent Clement, who is described as a papal chamberlain, had made an elegant oration publicly before him in praise of the king and in favour of the authority of the pope and the apostolic see. On the same date Eugenius wrote to Humphrey of Gloucester, that Vincent Clement, the duke's orator, had in an elegant speech made copious relation to him of the Duke's affection.<sup>87</sup> In reward for his services on this occasion Henry recommended Clement to the university of Oxford in February 1441 for the degree of doctor of divinity, as a star of the university, late orator of our uncle Humphrey, duke of Gloucester, at the Roman Curia, and now returned with much honour as the Pope's messenger to us.<sup>88</sup> This exceptional procedure led Thomas Gascoigne to stigmatise Clement as :

an unwonted doctor, who commenced in theology while in deacon's orders, having obtained his degree by threats and promises and divers royal letters and briefs directed against those who, in a great congregation of regents and non-regents at Oxford, refused on their conscience his grace when asked for.<sup>89</sup>

<sup>85</sup> *Cal. Pat. Rolls*, Henry VI, iii. 312. Angelo Gattola calls him 'Vincent Cathelanus,' *Correspondence of T. Bekynton*, i. 162.

<sup>86</sup> *Ibid.* i. p. lxxiv, n.; Anstey, *Litterae Academicæ*.

<sup>87</sup> *Cal. of Papal Registers*, Papal Letters, viii. 274-5.

<sup>88</sup> *Correspondence of T. Bekynton*, i. 223-5. The date is fixed by the documents cited in the previous note. On 16 August 1441 Clement is styled 'Sacrae Theologiae professor' (*ibid.* i. 131).

<sup>89</sup> *Loci e Libro Veritatum*, p. 28. The expression 'insolens doctor' was probably used with a double meaning. In another place (pp. 123, 125) Gascoigne gives a story



On 14 October 1442 the letters and answers that should go to the king of Aragon by Master Vincent Clement were read at a meeting of the privy council.<sup>90</sup> In the summer of the following year Clement, who was now archdeacon of Tortosa, was sent on another mission to Rome in behalf of the promotion of John Stafford to Canterbury and of Bekynton to Bath and Wells.<sup>91</sup> He seems to have remained at Rome till October 1444, when he is described as the pope's subdeacon, nuncio, and orator going to England. Some time in 1444 Clement resigned the rectory of St. Martin in the Vintry, London, which he had held since 4 November 1439.<sup>92</sup> However he remained on in England, for he was one of the three persons to whom Reginald Pecock sent copies of his conclusions in the sermon which he had preached at Paul's Cross in 1447;<sup>93</sup> Pecock, like Clement, had benefited at an earlier time by the patronage of Duke Humphrey. In 1452 Clement obtained the prebend of Welton Ryval at Lincoln, which he exchanged six years later for that of Stow Longa. He was archdeacon of Wilts from 1458 to 1464, of Winchester from 1462, and of Huntingdon from 1464 till his death in 1474.<sup>94</sup> Of two extant letters addressed by Clement to Bekynton, one shows, so far as its subject permits, something of the prolixity which might be expected of the author of the Pseudo-Elmham's *Vita*.<sup>95</sup> As the elegant orator of Humphrey of Gloucester, a scholar and a foreigner, and a likely friend with Bekynton of John Somerset, Clement would agree well enough with the little we know of the author of the *Vita*. If he had written a Life of Henry V before his commendation to the university of Oxford, mention would no doubt have been made of it on that occasion. He could have hardly found leisure to do so during the next few busy years. But he might well have done so after his final return from Rome, in time to have addressed it to Somerset at the end of 1446. The suggestion is however no more than a conjecture, and it seems likely that the authorship of the expanded *Vita* will remain an unsolved problem. Still this account of Clement may serve a useful purpose as illustrating the possibilities of a follower of the new learning in England.

Having now made an end of the *Vita Henrici Quinti* of Tito Livio, and of its expansion by the Pseudo-Elmham, I will go on to Holinshed's 'Translator' of the former work. Holinshed avowedly

of how Peter de Monte, the papal collector in England, told Clement: 'Pope Eugenius shall not get a penny from my sacks full of money, unless he performs his promise of the archbishopric of Milan.'

<sup>90</sup> Nicolas, *Proc. of the Privy Council*, v. 218.

<sup>91</sup> *Cal. of Pap. Reg.* viii. 258; *Correspondence of T. Bekynton*, i. 160, 172-79, 232-3, ii. 76.

<sup>92</sup> Hennessey, *Novum Repertorium eccl. Londinense*, p. 331.

<sup>93</sup> *Loci e Libro Veritatum*, p. 28.

<sup>94</sup> Le Neve, *Fasti Ecclesiae Anglicanae*, ii. 51, 214, 234, 630; iii. 26.

<sup>95</sup> *Correspondence of T. Bekynton*, i. 175-8, 179.

obtained his information from a copy in the possession of John Stow. Our knowledge of the 'Translator' is not however one of the many debts which we owe solely to the indefatigable care and industry of the London antiquary. Nicholas Harpsfield, who died in 1575, having been a prisoner in the Tower since 1559, in his *Historia Anglicana* mentions Titus Livius as the author of a *Vita Henrici Quinti*, which had been translated into English, and 'Thomas Lentonii'<sup>96</sup> as the author of a metrical life of the king. He then continues :

The aforesaid translator added some things of his own, taken as he says from the earl of Ormond, who had good knowledge thereof.<sup>97</sup>

Subsequently he gives the 'Translator' as his authority for the following statement :

Herein and in the great concourse of many other virtues there was strongly displayed in him justice, to the singular advantage of the whole commonwealth, and chastity, whereunto he adhered so carefully, that from his father's death until his marriage he abstained himself from intercourse with any woman, and after his marriage save with his wife.<sup>98</sup>

Harpsfield's *Historia Anglicana* was not printed till 1622, but presumably was written before 1559, and in that case was anterior to and independent not only of Holinshed but also of Stow.

Considering that Stow had in his possession a copy of the work of the 'Translator,' it is somewhat surprising that only in one place does he explicitly make reference to it ; but that reference is the most interesting of all that are preserved in the printed works of the sixteenth century historians. In his *Annales*<sup>99</sup> Stow, after describing the difference between Henry of Monmouth and his father as given by Otterbourne,<sup>100</sup> proceeds :

To the same effect (but in more ample manner) writeth the translator of Titus Livius (who wrote an History of Henry the fift, and dedicated it to Henry the Sixt) as he was informed by the Earl of Ormond, an eye witness to the same.

He then goes on to relate from this source how when Henry IV lay sick, and some endeavoured to stir dissension between him and his son, the prince appeared before his father 'disguised in a gowne of blue satten, wrought full of eylet holes, and at every eylet the

<sup>96</sup> Later, on p. 589, Harpsfield quotes 'Thomas Elmham, Prior Lenton' as the authority for Henry's reception at London after Agincourt. Cf. *Liber Metricus*, pp. 125-8.

<sup>97</sup> *Historia Anglicana*, p. 586 : 'Translator commemoratus de suo quedam adiiicit, sed sumpta ut dicit a comite Ermonio, qui res belle cognitatas habebat.'

<sup>98</sup> *Ibid.* p. 589.

<sup>99</sup> Pp. 552-54 ; here, as throughout, quoted from Stow's final edition of 1605.

<sup>100</sup> Ed. Hearne, pp. 270-71.

needle wherewith it was made,' and pleading his innocence of the charges laid against him, was reconciled to the king. The story had been given first by Stow in the edition of his *Summary of the Chronicles of England*, published in 1570,<sup>101</sup> and was there duly attributed to the 'Translator'; it appeared again in the enlarged edition of 1575,<sup>102</sup> but without mention of the source. It was no doubt from this last edition that Holinshed borrowed it for his own *Chronicles*, giving as his authority simply 'John Stow.' Through Holinshed the story has become popular. In addition to the passage quoted at the beginning of this article, there are two places in Holinshed's *Chronicles* wherein the 'Translator' of Titus Livius is cited specifically. The first is set under the statement that after the fall of Rouen, in January 1419 :

One Alaine Blanchart was likewise deliuered to him, and by his commaundement put to deth.<sup>103</sup>

The second is for the duel of Henry V with the Sire de Barbasan at Melun in 1420 :

It fortuned on a daie, that whilest there arose a contention betwixt two lordes of the king's host, who should haue the honour to go first into the mine, to incounter with the Frenchmen, that now had brought their mine through into the English mines, and made barriers betwixt that they might safely come and fight with the Englishmen : the king (to auoid the strife) entered the mine himselve first of all other, and by chance came to fight hand to hand with the lord Barbason, who was likewise entered the mine before all other of them within the towne. After they had fought a good season together, at length they agreed to discouer either to other their names : so as the lord Barbason, first declaring what he was : the king likewise told him that he was the king of England.<sup>104</sup>

Livius does not describe the fighting in the mines at Melun at all. The Pseudo-Elmham, who does so at some length, has merely the germ of the story.<sup>105</sup>

These four passages are the only ones in which the sixteenth century historians depend avowedly upon the 'Translator' of Livius. They furnish however a sufficient clue to the character of the work, and suggest as its peculiar characteristic the preservation

<sup>101</sup> f. 258<sup>o</sup>.

<sup>102</sup> P. 340. The reference to Livius appears in Stow's *Chronicles of England*, p. 576, published in 1580.

<sup>103</sup> *Chronicles*, iii. 105.

<sup>104</sup> *Ibid.* iii. 122.

<sup>105</sup> P. 286 : 'Rex vero (quo plus magnanimitatis et militaris fortitudinis nullus unquam viroꝝ optinuit) infra ipsos cuniculos in persona propria duellaris pugnae plurimum laudabiliter frequenter inuit et perfecit certamina.' Wavrin (ii. 328, Rolls Ser.) and Monstrelet (ed. Buchon, p. 487) have very similar accounts. The text in Doüet d'Arceq's edition of Monstrelet (iii. 411-12) is different. Chastellain (i. 157) seems to be the only other authority who mentions that Henry fought with Barbasan ; and he lacks the detail of the 'Translator.'

of legendary and romantic stories of Henry's career. There are two other passages which upon internal evidence I conjectured to come from the same source. One is in Stow,<sup>106</sup> who describes how Henry 'lived somewhat insolently' while his father was king, and would lie in wait for and rob his own receivers, but after he was crowned dismissed as many of the 'followers of his young acts' as would not change their manners. The other is the story in Holinshed<sup>107</sup> of how Humphrey of Gloucester received Sigismund at Dover in 1416, but would not suffer him to land until he had declared that he came not as emperor into a land claimed to be under his empire. In both cases the story is attributed to Livius; but since neither appears in the Latin *Vita*, it seemed reasonable to suppose that the true source was the English 'Translator.' This conjecture I have had the good fortune to verify by the discovery of the work of the 'Translator' in a sixteenth century Life of Henry V which is still in manuscript.

Guided by Holinshed's statement that a copy of the 'Translation of Livius' was in Stow's possession, I sought it among that writer's Collections in the British Museum. In Harley MS. 530 ff. 19-30 there is a work described in the *Catalogue of Harleian Manuscripts* as 'fragments of the History of K. Henry the V, being a translation: perhaps of Titus Livius.' On comparing it carefully with the Latin texts it was clear that it is not a translation of Livius, but a much-curtailed version of the Pseudo-Elmham. Before however giving any full account of the results of that comparison it will be well to describe the manuscript itself.

Harley MS. 530 is a miscellaneous volume of collections made by Stow and Camden, and now bound together without any arrangement. The twelve leaves which contain the English Life of Henry V are written in a hand of the middle of the sixteenth century. They do not comprise the whole of the original work, and are now in a very disorderly state, from which however four considerable fragments can be reconstructed:

(1) ff. 23, 24, 27 and 28. The events of 1413-16, from Oldcastle's insurrection to the arrival of Sigismund at Calais. *Inc.* 'kyng and the realme agaynst god & his churche, and nott farr from Westmonaster': *expl.* 'The kyng so soone as he hearde of Sigismundes comyng towarde Calys sent certayne. . . .' Pseudo-Elmham, p. 31, 'ut contra Deum et ecclesiam' to p. 74, 'Ut vero adventus ipsius versus Calesiam regi Anglorum innotuit.'

(2) ff. 29, 30, 25 and 26. The events of 1416-18 from the treaty with Sigismund to the middle of the siege of Rouen. *Inc.* 'successors lykewyse

<sup>106</sup> *Annales*, pp. 557-8. Neither there nor in the *Chronicles*, p. 583, is Livius cited; but in the *Summary* for 1570 and for 1575 he appears as the authority.

<sup>107</sup> *Chronicles*, iii. 85.

gyve assistance, aide, & favour in recouerying': *expl.* 'the like did many lordes & greate men that took parte wyth the duke. The cityzens reioising thereat went about the cytie wyth a solem processyon, & caused the' . . . Pseudo-Elmham, p. 87, 'successoribus in recuperatione' to p. 193, 'solemni processione civitatem circuibant. Campanas quoque.'

(3) ff. 22, 21<sup>vo</sup> and 21<sup>ro</sup> (f. 21 has been reversed in binding). The events of 1419, from Warwick's embassy to Provins to the murder of John of Burgundy at Montereau. *Inc.*: 'proceedeth on his iourneye & on his comynge in presence of Charles pretended kynge of France'; *expl.* 'fidelitie neglected, a cruell murderer sett on by.' Pseudo-Elmham, p. 215 'sese itineris consummandi' to p. 236 'fideque neglecta, trux homicida, ad hoc.'

(4) ff. 19, 20. The events of 1420-22, from the parliament at Paris to the death of Henry V. *Inc.*: 'of sicknes, vncovered, constantly let all men': *expl.* 'Into thy handes, O lorde, vnto the very end, thou hast redemed, & utter[ing<sup>108</sup>] wyth.' Pseudo-Elmham, p. 292, 'discrecionis compos, nulla adversae valitudinis perpessus gravamina, develato capite,' to p. 334, 'In manus tuas, Domine, ipsum terminum redemisti, cum valido clamore perferens.'

It will be observed that out of 343 pages in Hearne's edition of the *Vita* of the Pseudo-Elmham 212 only are represented in the English translation. Probably there are missing two leaves at least at the beginning, one leaf after f. 28, one leaf after f. 26, two leaves after f. 21, and one leaf at the end, making seven leaves in all. Thus there would have been nineteen leaves in the original transcript in Stow's possession. It is possible that the lost leaves may be bound up somewhere among the very disorderly volumes which contain Stow's collections. I have searched Harley MS. 530 in vain.

Though the existing fragments of the English translation cover nearly two-thirds of the Latin *Vita* they do so in an imperfect fashion. At times the translator followed his original very closely, but often he curtailed it considerably, and not infrequently skipped long passages altogether. The inflated rhetoric of the Pseudo-Elmham lent itself readily to compression, and the six verbose pages descriptive of Agincourt<sup>109</sup> are comprised without any material loss in two pages, f. 27<sup>vo</sup> and f. 28<sup>ro</sup>. On the other hand, f. 30 represents no less than sixty-one pages of the Latin; <sup>110</sup> pp. 111, 112, are compressed into a few lines; much of the account of the siege of Falaise, and the whole of the long chapters relating to Gloucester's campaign in the Cotentin and siege of Cherbourg are omitted altogether.<sup>111</sup> So again f. 20 represents just over thirty-one pages of the original; <sup>112</sup> but the ten pages <sup>113</sup> from Baugé to the beginning of the siege of Meaux are omitted. The fourteen pages <sup>114</sup> relating to that siege are represented

<sup>108</sup> The manuscript is damaged.

<sup>109</sup> *Vita*, pp. 62-68.

<sup>110</sup> *Ibid.* pp. 126-162.

<sup>111</sup> *Ibid.* pp. 304-314.

<sup>112</sup> *Ibid.* pp. 102-163.

<sup>113</sup> *Ibid.* pp. 303-334.

<sup>114</sup> *Ibid.* pp. 315-329.

only by a few lines about the punishment of a soldier who had stolen a pix,<sup>115</sup> and the intended relief of Cosne is passed over; <sup>116</sup> consequently the writer was able to translate the accounts of Baugé and of Henry's death almost verbatim.<sup>117</sup>

A few passages will be sufficient to illustrate the character of the translation, which does not in its present state add anything to the *Vita* of the Pseudo-Elmham.

f. 23<sup>vo</sup>. 'While the kynge, wyth his armye assembled into divers portes nere to hampton, expected a favourable wynde for his prosperous saylyng over into fraunce, there came vnto hym a certayn baron of hollande <sup>118</sup> bryngyng wyth hym xx. armed men, offeryng their seruice to the kynge. This baron had ben sometyme a man of much myght & power, & relin quyshyng his temporall goodes & wealth submitted himselfe to the most straight profession of thorder of the Carthusians, by whos persuasions his wyffe also retired into an other order of relygyon: but afterwarde, repentyng hym of the profession that he had made, by dispensation obteyned from the pope forsoke hir. The kynge reiected thys barons seruice, accountyng hym an apostate, both by himself & by notable men vsyng holsome admonitions to styrre hym up to enter into the profession agayne that he had left; which refusyng to doo, in an anger wythdrew hymselfe from the kynges armye, & departed into fraunce, where ioynyng w<sup>th</sup> the kynges enemyes was afterward in the batell of Agincourt slayne.'

This, except for the abbreviation of the opening sentence, is a fairly close translation of the Pseudo-Elmham.<sup>119</sup> The incident is duly recorded by Livius,<sup>120</sup> who however disposes of it in little more than half as many words.

f. 28<sup>vo</sup>. 'When not farr from Agincourt they had approched the enemye, they, and not before, removying marched to mete the englesmen. And immediatlie ioynyng battayle the bowmen at the fyrst shot so fiercely at the french horsemen, which cam vppon them both before & behinde, and so wounded their horses that either they threw them on the grounde or els enforced them to retyre. The noble duke of Glocester, brother to the kyng, beyng in this conflict sore wounded & stryken to the grounde, the kynge steppeth in & wyth his owne body overshadowyng hym defendyd & delivered hym from the enemyes crueltie.'

This passage by the omission of rhetorical and would-be classical flourishes represents all that is pertinent in two pages of the Pseudo-Elmham. But in spite of its brevity it has no verbal resemblance

<sup>115</sup> *Vita*, p. 318, see p. 77 below. The story does not occur in Livius.

<sup>116</sup> *Ibid.* pp. 329-331.

<sup>117</sup> *Ibid.* pp. 301-304 (partly on f. 19<sup>vo</sup>), and pp. 332-334.

<sup>118</sup> 'baro quidam de Holondia,' Pseudo-Elmham, p. 35; 'procerem quendam Olandinum,' Livius, p. 7.

<sup>119</sup> Pp. 35, 36.

<sup>120</sup> P. 7: Livius does not name 'Hampton' as the place of the muster.

to the 'good, familiar, and easy style' of the corresponding passage in Livius.<sup>121</sup>

f. 30<sup>vo</sup>. 'The duke of Clarence by his scaling the walles entred the toune, slaynge all that he mett, savyng women, children, & old men. The kyng entrynge in at the gates of toune now taken, & seyng the dead bodyes lyinge in the streetes, tooke no pleasure thereat, but goeth straight to St. Peters church, & gyveth god thankes for this victorye.'

In these few lines the translator has picked out all the facts from two pages of the Pseudo-Elmham.<sup>122</sup> But it is nevertheless clear that he follows that writer and not Livius,<sup>123</sup> who has nothing to correspond with 'seyng the dead bodyes lyinge in the streetes.'

f. 20<sup>vo</sup>. 'An howre was scarce past after this yll fortune but beholde the enemyes, wyth so greate a slaughter & booty content, wythdrew themselves: & anone cometh into the place, where the dead bodyes laye, the most mighty army of thenglesh men, which the duke to to hastye had leftte behinde hym, & wyth excessive sorrow gathered together the bodyes of the duke & noble men slayne, whiche to be buryed were conveyed into England.'

'The kyng lyinge in the abbay of sent Pharo at the siege of the citey melden, a souldiour stranger privilie had stolen out of the monastery a pixe, wherein the body of our lorde was wont to be reserved, which beyng taken by the kynges houshold servauntes by wyse sentence of the lawe was [ . . . <sup>124</sup>] upon a tree.'

The first paragraph is a close translation of the account of Baugé in the Pseudo-Elmham. The second paragraph represents all that the 'Translator' thought it worth while to reproduce of the next twenty-eight pages: such as it is, it is again an exact translation of the original. There is nothing whatever to correspond with either passage in Livius.

The examination of Harley MS. 530 has thus proved inconclusive except as showing that the translation there contained was made from the Pseudo-Elmham and not from Livius. It is however curious that all the passages above attributed specifically or conjecturally to the 'Translator' should have been contained in parts of the manuscript which are missing. Harpsfield's quotation and Stow's two stories of Henry's riotous youth would naturally have come in the opening pages lost before f. 23 of the Harley MS. The story of Sigismund's reception by Humphrey of Gloucester would have been contained in the leaf lost between ff. 28 and 29. The reference to Alan Blanchard would have belonged to the leaf which is

<sup>121</sup> Pp. 19, 20.

<sup>122</sup> Pp. 110-112. Cf. on p. 112, 'coopertas plateas cadaveribus hostium occisorum aspiciens.'

<sup>123</sup> Pp. 39, 40. Cf. 'Rex ingrediens non ad aedificia loci contemplanda, non hostiles praedas congregandas, sed aedem beati Petri . . . proficiscitur.'

<sup>124</sup> The manuscript is damaged.

lost after f. 26. The story of the Sire de Barbasan belongs to the gap between ff. 21<sup>ro</sup> and 19. Thus the leaves that are missing appear to be the only ones that it would be worth anyone's while to abstract. To suppose that these leaves were thus wilfully abstracted would not seem more improbable than to believe that chance had robbed us, not of one or more considerable pieces in the middle or at either end, but of at least five leaves in as many different places. Seeing that more use was made of the 'Translator of Livius' by Holinshed, who borrowed the manuscript, than by Stow, who was the rightful owner, it was tempting to conjecture that the Life in Harley 530 was their veritable original, and that the abstraction was made for the use of the former, whose *Chronicles* first appeared in 1578. But no negative evidence can stand against a single positive fact; a subsequent discovery<sup>125</sup> shows that the Harley MS. does not represent the true work of the 'Translator,' though it is possible that it may at one time have included material derived from that work.

After I had completed my examination of the Harley MS. concluding that in it was contained all that was left of the lost 'Translator,' save for the passages quoted by Harpsfield, Stow, and Holinshed, Mr. Falconer Madan directed my attention to an English Life of Henry V in Bodley MS. 966. That manuscript is a large handsomely bound folio containing transcripts of historical pieces and documents made for Sir Peter Manwood, the antiquary. The greater part of it was written about 1610, and the volume was presented by Manwood to the Bodleian Library in 1620. Bernard in his *Catalogi Librorum MSS. Angliae et Hiberniae* (1697), Bodl. No. 3033, gives a summary of its contents from p. 93 onwards. (They include Cavendish's Life of Wolsey and Roper's Life of Sir Thomas More, the Arraignment of the earl of Arundel in 1589, and the Arraignment of Sir Walter Raleigh; all belong to the sixteenth and early seventeenth centuries.) Of the contents of the first ninety-two pages Bernard says no more than 'Titus Livius's Prologue directed to King Henry the VI. p. 3. Fol.' This explains sufficiently why these pages have so far escaped notice, and it is only quite recently that in the process of cataloguing their true character has been revealed. The whole of the first ninety-one pages<sup>126</sup> are occupied with an English 'Life of Henry V' compiled early in the sixteenth century. A preface to the work begins abruptly<sup>127</sup> without any heading on p. 1 and extends some way down p. 2. On p. 3 comes, as noted by Bernard, a translation of the dedication of Tito Livio's *Vita Henrici Quinti*. There then follows the main compilation.

The writer explains in his preface that he had translated 'two

<sup>125</sup> See p. 82 below.

<sup>126</sup> P. 92 is blank.

<sup>127</sup> A reference to 'my purpose afore rehearsed' indicates that some previous matter appeared in the original.



books, the one of Titus Livius out of facund Latin, the other of Enguerrant ((Monstrelet) out of the common language of France' into English, adding divers sayings of the English chronicles, and also divers opinions that he had read of the report of the earl of Ormond. He then goes on to explain that his purpose in writing was to give 'our Sovereign Lord' an example of honour, fame and victory, 'of that most puissant prince King Henry V, your ancestor.' Since he began it had become 'much better for us, for that mortall war and hateful dissension is now changed into an amiable, toward, and peace honourable and profitable.' The allusion is made clear in his conclusion, where he states that the achievements of Henry V were

'since the beginning of this very enterprise most to be regarded of us Englishmen, through the high and victorious courage of our most renowned sovereign lord that now reigneth over us, now of late entered into semblable war against the Frenchmen, as well for the recovery of his just and rightful inheritance . . . as for the reconciliation of the same French king and his confederates unto our ghostly mother of the Church of Rome.'

This shows that the time of writing was in 1513, when the victories of Henry VIII at T rouenne and Tournay not only increased English prestige but also led directly to an agreement between Louis XII and the pope, putting an end to the threatened schism.

As for the book itself, it is correctly described by the author as consisting for the most part of a translation from Livius and Monstrelet, supplemented from a version of the *Brut* and from the *Policronicon*, no doubt in Caxton's edition. But its special interest is due to the passages derived from the earl of Ormond, which show that we are here upon the track of Holinshed's 'Translator,' as exemplified by the quotations of Harpsfield and Stow. The author states in his preface that the reader 'shall find intitled in the margin of what authority every sentence is taken.' So he has set the word 'Translator' both for some things which he derived from the earl of Ormond, and also, as it would appear, for some personal comments of his own. On the other hand, he has not marked in the margin some matters which his text declares to have been derived from Ormond. The use of the word 'Translator' so prominently suggests a question whether this *Life* is not actually the one which Harpsfield, Stow, and Holinshed attribute to a 'Translator of Livius.' But before entering on such topics I will detail the incidents which are traceable to the information supplied by Ormond. The amount of such matter is very considerable, and cannot be quoted here at length. I hope to find an early opportunity to print at least the most interesting passages of this English *Life* of Henry V. The *Life* appears to be the work which Hearne cites in the notes to his edition of Livius as *Libri Anglici*.

In the preface or proem the writer, when putting forth his hero as an example to other princes, praises Henry V for his justice, continence, and humility. Of the second virtue he writes :

continence which of all men is to be observed, and namely of them that be professors to the Sacrament of Matrimony, which vertue, as I have heard of credible report, this noble prince king Henry the Fifth observed so constantly that from the death of the king his father until the marriage of himself he never had knowledge carnally of women.

This it is clear comes from the same source as the quotation given above<sup>128</sup> from Harpsfield, on the authority of the 'Translator.' After his own preface the author gives an English version of Tito Livio's Dedication to Henry VI. He then begins his Life with a fairly close translation of that writer, down to the expedition in assistance of Burgundy in 1411. Here he adds the names of the leaders, the earl of Arundel, the earl of Kyme, and the lord Cobham. Then after noticing the victory at St. Cloud he proceeds to the longest and most interesting of his additions.

The prince's success, says our author, brought him much renown, until evil-disposed persons sought to stir dissension between him and his father. The king, suspecting that the prince would endeavour to usurp the crown, in part withdrew his favour. Then the prince, disguised in a gown of blue satin made full of eyelets or holes, came to seek an interview with his father. The scene between the two is described almost identically as given by Stow. Afterwards the author proceeds :

I remember also to have heard of the credible report of my said lord and master, the Earl of Ormond, that this prince had of his father the king divers notable doctrines and insignements, that not only of him but of every prince are to be holden and followed for the prosperity of himself and of his realm and country.

The king, 'lying grievously diseased,' made a long speech to his son, expressing his fear that after his own death discord would arise between the prince and his brother, the duke of Clarence. 'For dread hereof I sore repent me that I charged myself with the crown of this realm.' In reply the prince protested that if he ever became king he would love his brothers above all men, while they continued faithful, but would execute justice if they rebelled. At this the king marvellously rejoiced, exhorting him to do justice indifferently to the consolation of his subjects, and to study their wealth and prosperity. In a long speech he gave his son 'many other goodly notable admonishments,' which the prince followed; 'whereby he obtained grace of our Lord to obtain to great victories.' The whole of this discourse, with little variation, was given by Stow

<sup>128</sup> On p. 72.

in his *Annales*,<sup>129</sup> but without any citation of his authority. On the other hand, it is to be observed that our writer, unlike Stow, does not specifically state that the story of the prince's disguising was derived from the earl of Ormond, though it is fairly clear that both stories are given verbatim from the narrative of one who wrote at the earl's dictation.

After this long digression the writer returns to Livius, and follows his description of the prince's person and pursuits. Then, exactly like Stow, he goes on to the story of how the young Henry would lie in wait for and rob his own receivers. This story is given 'as I have learned of the credence before rehearsed, and also as the common fame is'; in the margin is set 'Translator.' The 'credence' is no doubt that of Ormond. The notice of the death of Henry IV is then adopted from Livius, to be followed by another note from the 'Translator,' in which Henry V is compared to the archbishop of Canterbury of whom it is said *subito mutatus est in virum alium*. The next paragraph of Livius, describing the oath of fealty taken to the new king before his coronation, is translated almost verbatim. Then comes a comment of the 'Translator,' which I will give in full :

Oh howe greate was the constant loue of the publike weale in this prince that desired rather to dye than to be vnprofitable to the realme. Certainly this is a speciall note to be remembred of all princes and especiallie of them that court more their singuler pleasure, honor and proffitt, then the vniuersall aduantage and wealth of the people and countries, whose blinde affeccion thexample of this noble prince vtterly condemneeth.

This reads rather like the moralising of the sixteenth century writer than like a note by the scribe of the earl of Ormond. It will have to be considered in comparison with some other matter of a similar character.

Returning to Livius, the writer translates the account of Henry's coronation till the words *inter opera prima*<sup>130</sup> give him an opening to proceed : 'among the first acts of his coronation he called to him all those young lords and gentlemen that were followers of his young acts' and describes how they were dismissed, in like manner as given by Stow.<sup>131</sup> This is followed by further moralising on the part of the 'Translator,' the narrative of the dismissal standing as though it came from Livius. A little lower the account of Henry's foundations at Sheen is followed by a note on the abortive attempt to establish a house of Celestins at Thestleworth (Isleworth), which is given as 'heard of the tofore credible report,' with 'Translator' set in the margin.

<sup>129</sup> Pp. 554-56.

<sup>130</sup> The Latin text (p. 5) has 'inter opera prima aedes regias aedificari mandavit.'

<sup>131</sup> *Annales*, p. 559.

We have now reached the point where the first fragment of Harley 530 begins. The accounts of Oldecastle's rebellion, and of the apostate Olandinus are both followed by moral observations of the 'Translator.' The notice of Olandinus is derived from Livius, and not from the Pseudo-Elmham. A page or two lower down similar moralisations follow the accounts of Henry's piety on landing in France, and of the publication of his edicts against violence to men of religion.<sup>132</sup> From this point there is nothing fresh till the punishment of the soldier who had stolen a pix<sup>133</sup> gives the 'Translator' an opportunity to comment again on Henry's excellent virtues. Somewhat different in character is the statement of the 'Translator' that John of Burgundy forbade his son to go to Agincourt 'for no favour or love he had to the English, but only to the displeasure and variance betwixt the Dolphin and him and the duke of Orleance.' It is from the Life in Bodley 966 that Stow derives the statement that the provision of stakes for the English archers was done 'by the advice and counsell (as it is said) of the duke of York'; the 'Translator' does not however give any indication of his authority. A comment on Monstrelet's statement as to the numbers of the English army at Agincourt is marked 'Translator'; it is based on the different estimate of 'the English Chronicle.' All this last series of passages fall within the history covered by the first fragment of Harley 530. The fact that none of them are found therein might however be explained by the character of most of them as comments natural to the avowed purpose of the sixteenth century writer, who here uses 'Translator' to indicate additions of his own. The story of the duke of York shows that Stow had used a copy of the Life in the Bodley MS. There is no further addition by the 'Translator' until we reach the coming of Sigismund to England in 1416. This is described on the authority of Livius with some slight variations, ending with the statement that the emperor was received at Dover 'of the duke of Gloucester and other great lords and states of England,' where Livius has simply a *regiae stirpis Anglicis principibus et aliis regni primoribus*. The writer then goes on:

But at the proaching first to the land and before they arrived (as I have heard the tofore rehearsed the Honourable Earl of Ormond say, that he heard of credible report);

and accordingly he gives the story of how Gloucester rode into the water with sword drawn to meet the emperor, very nearly in the same words as Holinshed. In the margin is set 'Translator. Verba Comitum Ormond.'

Again there is nothing noteworthy for a long space till after the capture of Caen there comes a story 'as I have heard of the report

<sup>132</sup> Livius, p. 8.

<sup>133</sup> *Ibid.* p. 13.

of the tofore named earl of Ormond,' that Henry had all the greatest riches of the town collected and delivered to the Duke of Clarence, reserving for himself only a French book of histories; then the duke distributed the same riches liberally to those that had deserved it. The story is followed by a long moralisation, probably by the sixteenth century writer. For this story there is no authority in the margin. In Harley 530, as in the Pseudo-Elmham,<sup>134</sup> we have the simpler story that Henry had all the jewels and valuable property of the abbeys and churches collected together for safe custody.

In the account of the siege of Rouen there come several notes of the 'Translator.' The first two are brief comments based upon 'various English Chronicles' of the stations of the English commanders, on points where those chronicles disagreed with Livius. After a description of the misery of the city there comes another long story, 'as I have heard of the before named noble earl of Ormond,' of a Franciscan friar called Vincent, who died not long after, and since that time had been canonised. Friar Vincent came to the English camp, and boldly rebuked Henry, in a sermon, for his tyranny, but was afterwards converted by the king in private audience to declare that he was most perfect and acceptable to God. It seems obvious that this intends St. Vincent Ferrier, the Dominican. Otterbourne<sup>135</sup> relates that in 1418 Vincent came at Henry's request to preach before him at Caen, and foretold the death of the count of Armagnac. Henry was at Caen from 23 April till the end of May, and Armagnac was killed on 12 June. The visit of Vincent to Caen is historical and was attested at the time of his canonisation by several witnesses, who had heard him preach, and seen him perform a miracle there. One of the witnesses had further heard the English herald deliver his summons to Vincent at Rennes, where the friar is known to have been present on 20-22 April.<sup>136</sup> Vincent cannot have visited Rouen, and it is probable that Ormond speaking from memory had confused the occasion. St. Vincent Ferrier, who died on 5 April 1419, was not canonised till 29 June 1455. So we obtain an indication of the date at which Ormond's scribe wrote.

In the description of the fall of Rouen the fate of Alain Blanchard is described as given by Holinshed on the authority of the 'Translator of Livius'; the English version is more precise than the Latin of Livius. To a statement that after Rouen was taken fourteen castles and defensible towns surrendered, 'as our English Chronicle reciteth,' the word 'Translator' is set in the margin.

The next incident is in the siege of Melun, where the story of Henry's encounter in the mine with Barbasan is given to the same effect as by Holinshed, but with some verbal differences. A little later, after describing the fate of Barbasan and his escape from

<sup>134</sup> P. 115.<sup>135</sup> P. 280.<sup>136</sup> H. Fages, *Hist. de St. Vincent Ferrier*, ii. 223-7, iii. 96, 195, 217-9, 246-7.

captivity, the writer says: 'Howbeit as I have heard often the forenamed earl of Ormond report by the opinion of the Frenchmen as he learned in the time of his sojourn among them.' He then gives a story that Barbasan would have been put to death had he not appealed to the officers of arms, who adjudged that as the king's brother in arms (having fought hand to hand with him) he could not lawfully be executed: so Barbasan was kept in a cage at Château Gaillard till its recovery by the French many years after; even then he would not accept his release till he had obtained from the English captain discharge from an oath which he had taken to continue a true prisoner.<sup>137</sup>

The subsequent part of the Life contains a few additions attributed to the 'Translator,' but none of any interest. The imperfection of Livius' account of the siege of Meaux is made good from Monstrelet,—without any sign that the writer had used the Pseudo-Elmham. A long account of Henry's burial (based on Monstrelet) is followed by a brief character sketch, and by an account of the provision made for the minority of the little king, which is paraphrased freely from Livius and quoted by Stow<sup>138</sup> as coming from that writer. The work closes with a summary of the reign of Henry VI derived from Monstrelet and the *Polychronicon*, but with one or two passages marked 'Translator,' though they are merely commonplace compilations.

Thus the Life in Bodley 966 contains all four of the passages which are attributed specifically to the 'Translator of Livius' by later writers, together with the two which I had traced conjecturally to the same source. It contains also Stow's account of Henry IV's death-bed advice to his son, and a note of the abortive Celestin foundation of Henry V at Isleworth. Also two entirely new stories: the one of the siege of Caen, the other of Vincent Ferrier's alleged sermon at Rouen. The majority of them are given on the authority of the earl of Ormond, or of the 'tofore rehearsed credible report.' Of the exceptions the story of the prince's disguising (of which, according to Stow, Ormond was an eye-witness), and the dismissal by Henry V when king of the 'followers of his young acts' are no doubt of a like origin. The note on Alain Blanchard may be an addition by the sixteenth century writer. Besides these there are numerous other passages marked 'Translator'; of which one or two are avowedly derived from 'our English Chronicles,' while the majority are moral comments which seem to be appropriate to the purpose which the writer set out in his preface. The prominence which is given to the word 'Translator' makes it likely that in this Life we have the actual work which Harpsfield, Stow, and

<sup>137</sup> This latter story is given more briefly by Holinshed (iii. 122-3), but without citation of the source.

<sup>138</sup> *Annales*, pp. 593-5.

Holinshed described as the 'Translator of Livius.' Such a description is natural enough, even though the Life is avowedly a compilation from Monstrelet as well as from Livius. The closeness with which Stow at times follows the version of Livius in the Bodley MS. makes it certain that he at all events had access to a copy of that work. But if the Bodley MS. represents Stow's original, the suggestion that the other English Life in Harley 530 once contained the Ormond legends is weakened. It is nevertheless remarkable that the whole of these legends as given in the Bodley MS. (with the exception of the new story of Caen) should have fallen in the missing leaves of the Harley MS. That one story is not given by Stow or Holinshed; therefore it is not impossible that the Harley MS. in its complete form might have been one source of their information. If however the Harley MS., as well as the Bodley MS., once contained the Ormond legends, it would seem that they must have derived them independently from some third quarter. To the history of the Ormond legends I will now turn.

The earl of Ormond is obviously James Butler, the fourth earl, who as a young man accompanied Thomas, duke of Clarence, on his expedition to France in 1412. That expedition sailed early in August. The story of the prince's disguising most probably belongs to Henry's interview with his father on or about 11 July.<sup>139</sup> It is therefore quite possible that Ormond may, as the 'Translator' (according to Stow's account) alleges, have been an eye-witness. Ormond served through a considerable part of the wars of Henry V in France. He is probably the Jaques de Ormond, whom the king knighted at Pont St. Maxence on the way to Agincourt in October 1415.<sup>140</sup> He went again to Normandy in April 1418, serving under Thomas of Clarence, and was present at the siege of Rouen.<sup>141</sup> According to Hall<sup>142</sup> he took part in the siege of Melun in the autumn of 1420. But he is said to have been appointed lieutenant of Ireland early in the same year, and to have landed at Waterford on 4 April to take up his office.<sup>143</sup> It will be noted that the story of Barbasan is not given as of the earl's own knowledge. It appears to be one which he heard during a subsequent sojourn in France after the fall of Château Gaillard in February 1430. As Ormond accompanied Bedford to France in April of that year,<sup>144</sup> he is very likely to have heard the story of Barbasan's release, while it was still fresh. In different capacities Ormond governed Ireland during several terms in the reign of Henry VI, the last occasion being from 1443 to 1445, when he obtained leave of absence in England. The occasion of his

<sup>139</sup> Otterbourne, p. 271; Nicolas, *London Chron.* p. 94; Wylie, *Henry IV*, iv. 90.

<sup>140</sup> Hall, p. 64; Holinshed, iii. 75.

<sup>141</sup> *Forty-fourth Report of the Deputy Keeper*, pp. 604-5; *Collections of a London Citizen*, p. 7.

<sup>142</sup> P. 102.

<sup>143</sup> Carte, *Life of Ormond*, i. p. lxxvi.

<sup>144</sup> *Cal. Pat. Rolls*, Henry VI, ii. 72.

leaving Ireland was a charge of treason preferred against him by Thomas FitzThomas, the prior of Kilmainham. The two were to have met in combat at London in October 1446, 'but the prior came not in to Smithfield, where the other was ready.'<sup>145</sup> Ormond probably remained for some time longer in England, since he was not finally cleared of the charges against him till 1449. He died in Ireland on 23 August 1452. According to Carte, he was a great student and lover of history and antiquity, very proficient in the laws of arms, and a benefactor of the Heralds' College at London.<sup>146</sup> Ormond, as this account of him shows, had every opportunity to have supplied information on the stories attributed to him; and was by his repute a likely person to have done so. But of the exact form which his reminiscences took it is not easy to be certain.

The author of the 'Life' in Bodley 966 states distinctly in his preface that he adds opinions 'that I have *reade* of the report of a certaine honourable and ancient person.' When therefore he writes in his text of what 'I have *hearde* of the credible report of my said lord and master, the earl of Ormond,' it must be accepted that he uses the first person only because he gives the *ipsissima verba* of his original. This is important in itself as adding to the credibility of the stories, which have not in consequence been distorted by too much retelling. But it leaves us without any clue to the character of the original. Only it would appear from their nature and the diverse dates to which they belong that the stories must have come from a work which gave a fairly complete history of the reign of Henry V. It is therefore quite possible that this lost work was an English *Life* written about the middle of the fifteenth century, and based in the main on the Latin *Life* by Tito Livio, or on that by the Pseudo-Elmhams. Stow's reference to the earl of Ormond as an eye-witness of the prince's disguising might in that case be evidence that he had seen and used this lost work. Harpsfield's story of Henry's continence might also appear to indicate a fuller original than the incidental allusion in the preface to the Bodley MS. Stress must not however be put on such indications, for it is beyond question that a copy of the *Life* in Bodley 966 was used by Stow, who often adopted its version of Livius. We must be satisfied with the proof that we have in these stories the genuine narrative of one who had been a servant of the earl of Ormond, and wrote down what he had heard from his master's lips. The actual time of writing was presumably after Ormond's death, since Vincent Ferrier is said to have been already canonised.

To have carried back a whole group of the legends about Henry V to the middle of the fifteenth century has both an historical and a

<sup>145</sup> *London Chronicle*, in *Harley MS.*, 540 f. 45<sup>v</sup>. In *Gregory's Chronicle*, p. 187, it is stated that it was the prior who appeared in the field.

<sup>146</sup> Carte, *Life of Ormond*, i. pp. lxxiv-lxxviii, ed. 1851.



literary interest. Some of these stories as told by Stow and Holinshed have been regarded with suspicion, and doubts have even been cast on their good faith in repeating them. But the fidelity which those writers are now shown to have displayed in these instances will add to their credibility in other matters which they relate upon evidence still unknown. The legends of Henry V as embodied in *The Famous Victories* and in Shakespeare's historical plays were derived from the stories given by Stow and Holinshed, and the small quantity of new matter contained in the Bodley MS. does not appear to contain anything which had found its way into popular literature. One allusion however there is which shows that the stories did not rest solely on Ormond's reminiscences. The story of how the prince would rob his own receivers is told 'as I have learned of the credence before rehearsed, and also as the common fame is.' This statement is confirmed by the appearance of the sequel of the dismissal of the 'followers of his young acts' in a somewhat different form in Fabyan,<sup>147</sup> who relates that all of them were dismissed with rewards, and charged 'that none of them were so hardy to come within ten myle of such place as he were lodged.' The 'Translator's' story, as reproduced by Stow, confines the dismissal to those who would not reform, and gives no limit of distance. Another story of which we find traces elsewhere is that of the reception of Sigismund by Humphrey of Gloucester. Redman in his *Life of Henry V*<sup>148</sup> relates that when the emperor came to Calais the earl of Warwick exacted from him a similar pledge *antequam in portu esset* (Sigismund had come from Boulogne by sea). It is obvious that Redman's story cannot be derived from that given by the 'Translator,' and that more than one version of the incident must have been current. No doubt there was a good deal of floating legend about Henry V, and we should hesitate to dismiss altogether any of the stories which have survived. The 'Translator' has preserved no trace of the story of the prince and the chief-justice. But that story belongs to the group of legends relating to the prince's riotous life in London. The historic evidence for that group rests entirely on the rather meagre references in the *London Chronicles*, supplemented by one longer version in Stow's *Survey of London*.<sup>149</sup> Stow had previously given this last in his *Summary*, on the authority of the 'Register of Mayors.' This 'Register,' which is quoted often in the 1570 and 1575 editions of the *Summary*, was clearly a fuller London Chronicle than any of those now extant. It is likely enough that some other lost *Chronicle of London* may have contained a legend which was the original of the story of the chief-justice as given by Sir Thomas Eliot in *The Governour*. That the *London Chronicles* should have preserved

<sup>147</sup> P. 577. Holinshed (iii. 61) seems to depend on Fabyan.

<sup>148</sup> *Memorials of Henry V*, p. 49.

<sup>149</sup> *Chronicles of London*, 268, 341; *Survey of London*, i. 217.

exclusively the stories of the prince's riotous conduct in the City is as natural as that Ormond should have given us solely those which touched most upon his life at court.

The importance which the writings of Stow and Holinshed have for the questions discussed in this article makes it desirable to consider the extent of their indebtedness to Livius and the Pseudo-Elmham. Of Hall's *Chronicle* it is not necessary to say anything, since Hall does not mention either Livius or Elmham in his list of authorities, and his text shows that he depended on Monstrelet, whom he supplemented from Walsingham, the *Chronicles of London*, Caxton's *Chronicle*, and Fabyan. Robert Redman followed Hall, and Walsingham through Hall; there is little or no evidence that he was acquainted with the fifteenth century biographers of Henry V.<sup>150</sup> Nearly twenty years later, as shown above, Nicholas Harpsfield made use of Livius, of Elmham's *Liber Metricus*, and of the English 'Translator.'

In the brief narrative which he gave in the first two editions of his *Summary* in 1565 and 1566, Stow was content for the most part to follow Fabyan and Hall. But for his subsequent editions of 1570 and 1575, he had access either to Livius or to his 'English Translator.' Much of the narrative which he then gave was reproduced with additions in his *Chronicles* of 1580, and in his *Annales*. It is sufficient here to consider alone the final form of his history as given in the 1605 edition of the *Annales*. For the reign of Henry V the range of Stow's research was perhaps less wide than usual. It is evident that he depended mostly upon Livius, whom he cites constantly in his marginal notes. Often he translates that writer literally for long passages on end, for this purpose commonly adopting the version of the 'Translator'; no stronger proof of his dependence can be required than the weakness and brevity of his own narrative for the last two years. Even for events at Troyes, Stow follows Livius almost exactly, only omitting the terms of the oaths, and inserting a brief summary of the conditions of the peace.<sup>151</sup> For the subsequent portion he is content to follow Livius with great closeness, save that he makes good the defective account of events in England by the help of Walsingham, and takes his account of Henry's funeral from the 'Translator.' Though Stow had cited Monstrelet ('Enguerant') among his authorities he has made no use of the full narrative of the French chronicler in this part of his own history: even in the earlier portion he had been sometimes content to quote

<sup>150</sup> When indeed Redman (p. 50) gives 16,400 as the number of Henry's army in 1417, he may derive from Livius (p. 33) or the Pseudo-Elmham (p. 92). The number is not given by Hall. Redman's story of Sigismund (see p. 87 above) is another addition to Hall.

<sup>151</sup> *Annales*, p. 590; Livius, pp. 84-88.

him through the medium of the Life in Bodley 966.<sup>152</sup> In three places<sup>153</sup> Stow quotes 'Roger Wall' as his authority. By this it is clear that he intended the copy of the Pseudo-Elmham in Arundel MS. 15, which, as stated above,<sup>154</sup> contains Wall's name as a sometime owner, and was in 1590 the property of Stow's acquaintance, Lord William Howard.<sup>155</sup> The first place is for the deliberations on the war in 1414-15; here Stow also quotes Livius, whom indeed he follows in the main. The second is for the muster at Southampton in 1415, a point at which the Pseudo-Elmham adds a little to Livius. The last is for the conditions of the treaty of Troyes, of which, as above noted, he inserted a summary, clearly deriving his material from the Pseudo-Elmham. Stow may also have derived a little other matter from the same source: as, for instance, in his account of Henry's foundations at Sheen, which is fuller than that of Livius, and apparently based in part on the Pseudo-Elmham.<sup>156</sup> It is somewhat remarkable that Stow made no use of the Pseudo-Elmham for the concluding scenes of Henry's life. Neither did he borrow, like Holinshed, the name 'Baawmore' from the Pseudo-Elmham or his translator. Stow's omission in his *Annales* to use material which since the appearance of the *Summary* for 1575 had been made readily accessible by Holinshed is so striking that one is tempted to think that it was something more than a coincidence. Can it be due to jealousy of the work, which through printing and reprinting without warrant or well-liking had prevented the appearance of his own 'History of this Island'?

Of a true work of Elmham Stow made somewhat more use. In five places he gives 'T. Elmham' as his authority. In two instances—for Henry's buildings at Kenilworth and for the list of the slain at Agincourt—the reference is manifestly to the *Liber Metricus*.<sup>157</sup> Of the others, one is for the exequies of Henry IV; but Stow's real authority here is Walsingham, and the reference to Elmham is probably simply an error.<sup>158</sup> The next is for the battle of Agincourt, where 'T. Elmham' is set in the margin against the words 'by which the day following the Englishmen should passe to goe to Calais.'<sup>159</sup> This does not come from the *Liber Metricus*, nor from the Pseudo-Elmham, but is a direct translation from Monstrelet.<sup>160</sup> The subsequent account of the battle is a close translation from Livius, and the reference to

<sup>152</sup> As in the description of Harfleur in *Annales*, p. 566. This is taken verbatim from the 'Translator.' In point of fact the greater part is derived from Livius and not from Monstrelet.

<sup>153</sup> *Ibid.* pp. 562, 564, 590; Pseudo-Elmham, pp. 27-30, 35, 252-65.

<sup>154</sup> See above, p. 61.

<sup>155</sup> Hearne, preface to Elmham, p. ix.

<sup>156</sup> *Annales*, p. 559; *Vita*, p. 25.

<sup>157</sup> *Annales*, pp. 562, 572; *Liber Metricus*, pp. 100, 101, and 123 n.

<sup>158</sup> *Annales*, p. 560; Walsingham, *Hist. Angl.* ii. 290. Holinshed (iii. 62), who gives Walsingham as his authority, almost repeats Stow's words.

<sup>159</sup> *Annales*, p. 570.

<sup>160</sup> *Chroniques*, iii. 101.

Elmham is again obscure.<sup>161</sup> The last citation of 'T. Elmham' is for the statement that England was recognised as one of the five Nations at Constance; but here the marginal note is clearly misplaced (a not uncommon occurrence) and belongs really to the next paragraph, in which the creation of the earl of Dorset to be duke of Exeter is recorded; as such it comes from the *Liber Metricus*.<sup>162</sup> That Stow was acquainted with the *Liber Metricus* is established by the preservation of some notes which he extracted from it, in Harley MS. 247, f. 175.

I have here been concerned merely with the use of Livius and Elmham (the true or the false) by Stow. But it may be useful to state very briefly the other sources of his text. For the earlier campaigns in France he makes considerable use of Monstrelet, and Walsingham is consulted freely throughout. In his marginal notes Stow cites Sir Thomas Eliot's *Governour*, T. Clifford (the Westminster Abbey *Liber Niger*), Otterbourne, and John Rouse. He had also made use of some London Chronicles, of Hardyng, and of Fabyan. But the main fabric of his narrative comes from the *Vita Henrici Quinti* of Tito Livio, either directly or through the 'Translator.'

Stow is rightly to be treated before Holinshed, since, though the *Annales* were not published till long after Holinshed's *Chronicles*, they were in reality only an expansion of the *Summary* of 1575, and of the *Chronicles of England*, which appeared in 1580. Holinshed himself acknowledged his debt by entering in his list of authors

John Stow, by whose diligent collected Summarie I have beene not onelie aided, but also by divers rare monuments, ancient writers, and necessary register bookes of his which he hath lent me out of his own Librarie.<sup>163</sup>

However Holinshed did more than borrow, and in his *Chronicles* the reign of Henry V is described on a far more ambitious scale than by Stow. Unlike Stow, he did not disdain to make copious use of Hall. In other respects also his authorities are more widely chosen. Of French writers, in addition to Monstrelet, whom he uses throughout more abundantly than Stow had done, he cites the *Chronicles of Flanders*,<sup>164</sup> and a *History of the Dukes of Normandy*: the last is clearly identical with the *Chronique de Normandie* which is printed at the end of the English Historical Society's *Gesta Henrici Quinti*.<sup>165</sup>

<sup>161</sup> It may however be intended for the date of Agincourt, though that is given by Livius.

<sup>162</sup> *Annales*, p. 575; *Liber Metricus*, p. 147. The notice of the five Nations comes from Livius, p. 30. The account of the Pseudo-Elmham, p. 90, is modified, and does not reproduce the 'una diceretur ex quinque' of Livius.

<sup>163</sup> i. p. x.

<sup>164</sup> *Chroniques de Flandres*, and *Continuation des Chroniques de Flandres*, ed. Denis Sauvage, 1562. See Holinshed, iii. 87, 108, 128, 131.

<sup>165</sup> *Ibid.* iii. 94, 96, 109, 128-9; cf. *Gesta, &c.*, pp. 181, 190, 194, 206.

Among other works he often quotes Christopher Ocland's *Anglorum Prælia*,<sup>166</sup> through Abraham Fleming, who was in point of fact responsible for a considerable part of Holinshed's *Chronicle*. There is a noteworthy series of original documents relating to the career of John Bromley, which are manifestly inserted out of compliment to Sir Thomas Bromley, 'the right honourable the lord chancellor that now is.'<sup>167</sup> For the rest Walsingham, Hardyng, the *Polychronicon* (in Caxton's version), and Fabyan are all laid under contribution.

Holinshed however, like Stow, took for his main authority the *Vita Henrici Quinti* of Tito Livio, which he cites repeatedly throughout. It is again quite clear that this is the same work as that which Hearne published in 1716. But Holinshed is also justified in his statement that he had partly followed the longer version of the Pseudo-Elmham. From this he takes the name of Baawmore, as the place where Thomas Beaufort defeated the Scots in 1417.<sup>168</sup> From the same source he corrects Livius' date for Henry's arrival at Pont de l'Arche, and gives Caen as the seat of the Norman exchequer; <sup>169</sup> in both places Stow<sup>170</sup> follows Livius. The Pseudo-Elmham is also made use of for the sieges of Melun and Meaux.<sup>171</sup> It is curious that Holinshed does not follow the Pseudo-Elmham on the points where Stow had made use of that writer; even the articles of the treaty of Troyes are avowedly taken from Hall. Neither does Holinshed appear to have made any use of the *Liber Metricus*.

Holinshed's citations of Livius are not always correct, and he does not seem to have clearly distinguished that author from the Pseudo-Elmham. Thus Livius is quoted for 4 July 1420 as the date of the surrender of Montereau, and for Henry's speech on his death-bed; in both cases the authority which he really follows is the Pseudo-Elmham.<sup>172</sup> Similarly Livius is put as the authority for Henry's stay to recruit at Vignie-sur-Yonne after his unsuccessful march on Orleans in July 1421; but the real authority is the *Chronique de Normandie*.<sup>173</sup> In another place Livius is quoted for the statement that Henry left England on 4 June 1421; Livius however has simply 'ad mediam aestatem'; 4 June may be only a misreading of the Pseudo-Elmham's 'Iunii die decima.'<sup>174</sup> These confusions are paralleled by the error through which Holinshed cites Livius as his authority for the reception of Sigismund at Dover, when he was really quoting from the 'Translator.'<sup>175</sup>

<sup>166</sup> Holinshed, iii. 61, 67, 73, 83, 100, 109, 111, 134-5.

<sup>167</sup> *Ibid.* iii. 75, 97-8, 101.

<sup>168</sup> *Ibid.* iii. 91; *Vita*, p. 163; Harley MS. 530 f. 25.

<sup>169</sup> Holinshed, iii. 99, 106; *Vita*, pp. 170, 204.

<sup>170</sup> *Annales*, 583, 585.

<sup>171</sup> Holinshed, iii. 122-4, 129-30; *Vita*, 280, 293, 325.

<sup>172</sup> Holinshed, iii. 120, 132; *Vita*, pp. 274, 332.

<sup>173</sup> Holinshed, iii. 129; *Gesta*, p. 260.

<sup>174</sup> Holinshed, iii. 128, *margin*; Livius, p. 92; Pseudo-Elmham, p. 308.

<sup>175</sup> See pp. 74, 82 above.

To sum up in conclusion: the true Life by Elmham is the *Gesta Henrici Quinti*, probably written in 1417 shortly before the *Liber Metricus*, which was written early in the next year. This Life, commonly known as 'the Chaplain's Account,' was published by the English Historical Society in 1850. The *Vita Henrici Quinti*, published by Hearne in 1716, is correctly attributed to Tito Livio da Forli, and was written in 1437 or 1438. Some years later, probably in 1446, this Life was expanded by an unknown writer (perhaps a foreign scholar resident in England) into the one which Hearne, without any sufficient reason, published under the name of Elmham in 1727. On this latter work, about 1460, was based the condensed Latin Life, of which a part has been printed as a continuation of the *Gesta*. During the fifteenth century two English Lives of Henry were composed. The first, which was completed soon after 1455, incorporated reminiscences of the earl of Ormond, and is thus the source of many of the legends of the youth of Henry V; it may have been based on the Life by Tito Livio, or on that by the Pseudo-Elmham. The second, of which fragments are preserved in Harley 530, was a condensed translation of the Pseudo-Elmham; it may possibly at one time have included some of the Ormond stories. In 1513 an English writer compiled a Life from Livius and Monstrelet with additions from other sources; this is probably identical with the work which Stow and Holinshed cite as the 'Translator of Livius'; in it alone are the whole of the Ormond stories preserved. None of these Lives appear to have been known to Hall. Stow and Holinshed used freely the Life by Tito Livio, and both of them give some of the Ormond stories, without always specifying their source; they both were also acquainted with the Pseudo-Elmham independently, and consulted his work in different degrees. Stow (but not Holinshed) knew and made use of the *Liber Metricus* of Thomas Elmham. Neither Stow nor Holinshed knew of any prose Life by Elmham, nor do they appear to have made any use of the *Gesta* as an anonymous work.

C. L. KINGSFORD.

## *Religious Toleration under the Great Elector and its Material Results*

THREE injunctions are linked together in one weighty sentence of the Great Elector's Political Testament, and much of the future greatness of his house is founded upon their observance: 'Seek the welfare of your subjects without respect to their religion; develop commerce everywhere; and increase the population, particularly in the Electoral Mark.'<sup>1</sup> If Brandenburg-Prussia gained more by the Reformation than any other German state, this resulted largely from the practice of religious toleration, the policy of internal colonisation founded upon it, and the material gains which accrued from both. Religious toleration was first urged upon Brandenburg as a policy of state by the peculiar religious conditions in Cleves<sup>2</sup> and East Prussia. Admixture of creeds, the existence of legal pledges, both domestic and international, whose violation would have involved the hereditary title of the ruler,<sup>3</sup> the danger of internal revolt and foreign intervention, all combined to render the intolerant employment of the *ius reformandi* logically absurd and territorially calamitous. It was the adoption of the Reformed faith by John Sigismund and his successors however which alone enabled the Electors to realise this truth and act upon it. German Calvinism, more liberal in its point of view than Lutheranism, inculcated a tolerant ecclesiastical policy. Calvinism is therefore of double importance in the history of Brandenburg. It facilitated the territorial expansion of the state, because without tolerance, in a land of mixed confessions, annexations and their assimilation would have been impossible; and it furthered the economic development of the state, because most of the colonising

<sup>1</sup> Pol. Test. 1667, in Ranke, *Preussische Geschichte*, Sämmtliche Werke, 25 and 26, 503.

<sup>2</sup> Lehmann, *Preussen und die Katholische Kirche*, i. 15-17, 30, 38, 56 ff.

<sup>3</sup> For Cleves, see Lehmann, i. 30. Frederick William, Pol. Test. 1667, in Ranke, *op. cit.* 502, recognises its vast importance. For the definitive treaty between Frederick William and Pfalz-Neuburg, guaranteeing religious rights, see Moerner, *Kurbrandenburgs Staatsverträge*, 349 ff. For Prussia, Lehmann, i. 36-37, prints the texts of the documents concerned. Rights of catholics in East Prussia were secured by the definitive Peace of Wehlau: Moerner, 223.

material was drawn from Calvinistic or at least non-Lutheran sources.<sup>4</sup> It was largely through the combined operation of these religious and material forces that Brandenburg was saved from the stagnation of the Central German states and acquired political leadership in Germany.

## I

The Great Elector was a sincere Calvinist of the German type. He and the Reformed who shared his counsels perceived that the differences between them and the Lutherans were not sufficiently important to justify permanent separation, or even hostility, and that a 'mutual tolerance' was necessary to ensure safety against catholic aggression. Perhaps the most clearly reasoned expression of the tolerant nature of Calvinism in Brandenburg-Prussia is the sermon<sup>5</sup> preached by Bartholomew Stosch, court chaplain, before the Brandenburg Landtag in 1653, and printed by the Elector's special order in 1659. It is an official exposition of the grounds of Frederick William's attempt to effect a formal union of the evangelical churches, and, in conjunction with John Sigismund's edict<sup>6</sup> of 1614, it furnished the text and basis of the Elector's first Edict<sup>7</sup> of Toleration. The sermon was written to prove that there was no essential incompatibility between the Lutheran and Reformed confessions, and therefore no reason why a common worship should not subsist. Its logical basis is found in the sharp distinction which it draws between essentials and non-essentials in religion. First, it expounds the necessity for Christian toleration. Doctrines contained in the Bible differ as to their necessity for salvation, and also as to the clearness with which they are set forth. Certain doctrines are both so necessary and so clearly expressed that no Christian can reject them without manifest iniquity: upon these both parties are agreed. Other doctrines however are so indistinctly expressed as to be comprehended only by the learned, as the result of subtle logical deductions; these are not essentials of faith, but dogmas of theology, and men may bring forth the fruits of Christian love and obtain salvation without understanding them. Corresponding to the distinction between doctrines, there is a distinction between their expounders and between degrees of error, which must be allowed for in our judgment and treatment of individual men. Indiscriminate condemnation of all dissidents

<sup>4</sup> Beheim-Schwarzbach, *Hohenzollernsche Colonisationen*, 25. The Calvinists were the Dutch, Swiss, Palatines, and Huguenots; the non-Lutherans were the Salzburger and the sectaries.

<sup>5</sup> *Predigt über die evangelische Warnung Christi wegen der falschen Propheten, &c.* The book is very rare, owing to its subsequent confiscation. Cf. Landwehr, *Bartholomæus Stosch*, in the *Forschungen zur Brandenburgischen und Preussischen Geschichte*, vi. (1893), 107-108, 110-111. Compare especially *Predigt*, 30, with Mylius, *Corpus Constitutionum Marchicarum*, I. i. 377, and Landwehr, 110-111.

<sup>6</sup> Mylius, I. i. 353 ff.

<sup>7</sup> *Ibid.* 375 ff.



uproots the Christian love and humility enjoined by the Gospels, and plants bitterness, hatred, and tyranny; it rouses distrust between ruler and ruled, and brings into the world war and bloodshed. Stosch next gives practical reasons for the establishment of harmony. The Lutheran and the Reformed confessions are at one in the essentials of Christian faith. They alike profess no other norm of faith and worship than is contained in the writings of the prophets and the apostles. Both worship no other than the Triune God, and both confess that salvation is dependent on the sacrifice of Christ alone. They acknowledge Christ crucified as the only head of the church and intercessor in heaven. Both teach that no other ceremonies are binding upon men than those clearly enjoined by God's word. On the other hand, there are but four important points of disagreement between them,<sup>8</sup> and even in connexion with them nothing is contested which is *præcise* necessary to salvation or clearly expressed in the Bible. Both parties therefore owe to one another not merely a universal, or, as some say, a 'political' love—such as is due to papists—but also fraternal unity in the church, or a toleration which allows free discussion without defamation or persecution. As to the catholics, they differ from both the evangelical churches in essentials. We cannot therefore with a clear conscience join with them in worship, but we must not refuse them Christian love and service, nor should we seek in hate and bitterness to ruin one another.<sup>9</sup> This line of argument received the Elector's personal approval,<sup>10</sup> and may be taken as expressing his views.

Frederick William was personally pious, and the sincerity of his religious beliefs, which find official expression in his edicts,<sup>11</sup> cannot be successfully questioned. He was tolerant from conviction as well as from motives of policy: 'We are, thank God, of that understanding that we arrogate to ourselves no authority over the consciences of our subjects, but commit it to God alone.'<sup>12</sup> So wrote in 1645 the prince who first established in a European state a religious toleration founded upon an equal public law. It was through the

<sup>8</sup> Stosch, *Predigt*, 25–28. They relate to the Lord's supper, the universal presence, the atonement, and predestination. Frederick William personally considered only the first and fourth of importance. See his confidential letter to his niece, the queen of Sweden, 1671, in the *Historische Zeitschrift*, lix. (1888), 517–520.

<sup>9</sup> *Predigt*, 9–11, 20–29.

<sup>10</sup> Rescript, 14 July 1659, prefixed to *Predigt*. Cf. 'Und weil auch Gott der Herr, &c., Mylius, I. i. 384.

<sup>11</sup> *Urkunden und Aktenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg*, i. 101–102, 26 Apr. 1642. The following was written to put an end to false rumours in East Prussia concerning his belief: 'We confess first of all God's undoubted word. Next, the Augsburg Confession, compiled in 1530 from God's word, and also the Apologia later issued to explain it. We also assent to Luther's Little Catechism.' For the Edicts, see Mylius, I. i. 379, 392–393.

<sup>12</sup> *Urkunden und Aktenstücke*, iv. 410, 26 Nov. 1645.

application of his personal religious point of view to the operations of the state that Frederick William became the founder of the tolerating state.<sup>13</sup> The principles of his polity are few and simple. To all men he conceded freedom of conscience, deducing their right both from the law of God and from that of nature.<sup>14</sup> This principle he incorporated in the public law; nor did he limit its operation to the three Westphalian confessions, although the Peace<sup>15</sup> expressly declared that 'no others were to be received or tolerated in the Holy Roman Empire.' He declined to be bound by either the imperial or the local law, if it compelled him to violate the conscience or private religious rights of others.<sup>16</sup> He found it, he said, 'unjust not to grant peace to peaceable people.' For himself and his heirs in the Electoral Mark he expressly renounced the *ius reformandi*.<sup>17</sup>

Believing in toleration for the individual, he believed also that it was the duty of the state to secure it.<sup>18</sup> He disregarded, and ultimately broke, the opposition of the Estates when, as in Prussia, they called toleration 'a most injurious liberty,' and demanded 'that the Lutheran religion alone, *exclusis omnibus aliis*, should be retained pure and simple until the end of the world.'<sup>19</sup> Catholics in Prussia and Cleves were granted not a 'mere connivance' but the full exercise of their extensive legal rights.<sup>20</sup> Sectaries were protected so long as they did not engage in religious propaganda. The Reformed—that is, Calvinists—received rights of public worship wherever their numbers sufficed, but not at

<sup>13</sup> Cf. Beyschlag, *Der Grosse Kurfürst als evangelische Charakter*, 25–27.

<sup>14</sup> See *Urkunden und Aktenstücke*, i. 100, xvi. 32; Mylius, I. i. 388; and compare Dieterici, *Die Waldenser in ihrem Verhältniss zu dem Brandenb.-Preuss. Staate*, 388.

<sup>15</sup> *Instrumentum Pacis Osnabrugense*, Art. vii., sec. 2.

<sup>16</sup> Rescript of 5 Jan. 1683, concerning reception of Arians from Poland (Mylius, I. i. 403–404). Although the Imperial Constitution and the Recess of the Diet of 1653 prohibit the exercise of their religion, 'So seynd Wir doch geneigt, und bringt es auch der Verstand erwehnter Reichs-Constitution und Land-Tages Recessus mit sich,' that these, as separate families and mostly exiles, are to be tolerated as long as they live peaceably and do not seek to propagate their errors. Frederick William had applied the same principle in East Prussia in 1673: Orlich, *Friedrich Wilhelm der Grosse Kurfürst*, Beilage, 11.

<sup>17</sup> Mylius, I. i. 388; also Pol. Test. of 1655, in Lehmann, i. 45, n. 3. Cf. *Urkunden und Aktenstücke*, iv. 410; Mylius, I. i. 360.

<sup>18</sup> Clearly shown by preambles to Edicts of Toleration, Mylius, I. i. 375–377, 381–382, 386.

<sup>19</sup> In 1662, *Urkunden und Aktenstücke*, xvi. 32. In the Electoral Mark the Estates petitioned in 1652 that no other form of worship than the *unaltered* Augsburg Confession of 1530 should be allowed in the Electorate, and that no toleration should be extended to catholics, Jews, and sectaries. The context shows that ill-will was partly due to fear of economic competition, *Urkunden und Aktenstücke*, x. 233–234. It may be noted that had these views, and a strict interpretation of the Peace of Westphalia, prevailed, internal colonisation would have been impossible.

<sup>20</sup> Pol. Test. 1667, in Ranke, *op. cit.* 501–502. See Philippson, *Der Grosse Kurfürst*, i. 423, iii. 138–144; Lehmann, i. 50 f., 90 ff., 141 ff., and especially 81–82.

the expense of Lutheran churches, endowments, or revenues.<sup>21</sup> Incoming colonists were defended from ill-treatment by the Estates, city magistrates, and guilds,<sup>22</sup> and by the common people who disliked them. It required the constant intervention of the Elector himself to prevent his native-born subjects from driving away the newly arrived *réfugiés*, and the full strength of his sovereign power was exerted in securing for them the use of abandoned churches in provincial cities.<sup>23</sup> They, in turn, assisted to no small extent in diffusing the spirit of religious freedom through the lands of Brandenburg.<sup>24</sup> Frederick William indeed aimed at more than mere toleration; he desired to effect such a formal union between the evangelical churches that his 'subjects might reach perfect unity in all points of the divine truth.' In default of this he would accord to all equal support and protection; but they must refrain, Reformed and Lutheran alike, from acts of hostility and 'suffer one another till God should grant complete enlightenment.'<sup>25</sup>

Placing the interests of the state above confessional interests, Frederick William set certain limits to his policy of toleration. First, he claimed and exercised the right to prevent 'undesirable' confessions, to borrow a modern phrase, from spreading or gaining an increase of power or privileges. This mainly affected the catholics in Magdeburg, Halberstadt, Minden, and Prussia, and prevented their entrance into Pomerania and the Electoral Mark.<sup>26</sup> Jesuits he

<sup>21</sup> Pol. Test. 1667, in Ranke, 500-501; *Urkunden und Aktenstücke*, i. 309-310; Mylius, I. i. 360; Philippson, i. 420-422, 443, iii. 129 ff., 137.

<sup>22</sup> Mylius, V. i. 367 ff., especially nos. iv. and v. Philippson, i. 410, iii. 87, 107 ff., following M. Meyer, *Geschichte der preussischen Handwerkerpolitik*, i. 71, ff. The antiquated guild system prevented both development of industry and increase of population. Compare the Edict of Potsdam, Sec. 7, in Beheim-Schwarzbaeh, *op cit.* 51; a French version will be found in Mylius, vi., Anhang, 45, and an English in the translation of Weiss, *Hist. of the French Prot. Refugees*, ii. 390-394.

<sup>23</sup> Philippson, iii. 87, 137. Pagès, *Les Réfugiés à Berlin d'après la correspondance du Comte de Rébenac*, in the *Bulletin de la Société de l'Histoire du Protestantisme Français*, 51<sup>e</sup> Année (1902), 135-139. Writing to Louis XIV, 2 Aug. 1687, Rébenac, the French ambassador at Berlin, speaks of 'L'aversion prodigieuse que le public a pour eux'; they are a 'people apart,' 'already exposed to affronts.' Patrols dog their footsteps, and they have been accused within a week of wishing to burn Berlin. Many of them are returning to France—a statement which Huguenot writers confirm. See also Tollin, *Geschichte der Französischen Kolonie von Magdeburg*, III. ii. pp. iv.-vi.

<sup>24</sup> Philippson, iii. 154.

<sup>25</sup> Mylius, I. i. 377. Compare Stosch, *Predigt*, 30, and Landwehr's summary of another sermon by Stosch, in *Forsch. z. brand. und preuss. Gesch.* vi. (1893), 110-111. All the Edicts of Toleration were designed to check heresy-mongering and defamation in the pulpit. See Mylius, I. i. 375 ff. (1662), 381 ff. (1664), 385 ff. (Declaration of 1665), 389 ff. (1666). Cf. Droysen, *Geschichte der preussischen Politik* (ed. 1872), III. iii. 184, 592, and n. 244.

<sup>26</sup> Pol. Test. 1667, Ranke, 501-502. In Prussia, catholics possessed rights of public worship, as well as schools and chapels; these must be left them. More however must not be conceded than the *pacta* grant. So also in the lands obtained by the Peace of Westphalia as equivalents for Pomerania.

would not tolerate.<sup>27</sup> Secondly, he maintained his right to exclude from temporal and spiritual office all religious zealots and calumniators, and, in the interests of efficient government and religious peace, he appointed men pledged to toleration to posts in the universities and in church and state. He laid down an important principle of civil government when, in 1652, he rebuked the Estates of the Electoral Mark, who had demanded the appointment only of confessors of the 'unchanged' Augsburg Confession of 1530 to all the faculties of the university of Frankfort-on-the-Oder, and refused 'to put the youth who in future must be employed in our spiritual and temporal offices under the control of zealots, who defame our religion and seek to make us personally hated by our subjects.' He should appoint, he said, peace-loving theologians whenever he could find them.<sup>28</sup> At the university of Königsberg<sup>29</sup> he observed the same principle and pursued the same policy; at that of Duisburg<sup>30</sup> he ordered that none of the professors should be answerable to a synod or ecclesiastical assembly for their teaching. He thus began the liberation of education from ecclesiastical control and enjoined the same policy upon his successors.<sup>31</sup> In the interests of the state, intellect, as well as conscience, must be free.

In ecclesiastical appointments a similar policy prevailed. The declaration of 1665, an official justification of the Elector's policy and acts, makes no secret of his preference for men of peaceful temper.

In the future as in the past he will bear no ill-will to anyone on account of his belief or error, nor will he persecute; but he intends most to love, cherish, and favour those of both religions who, in their search for truth, seek also peace.<sup>32</sup>

Preachers in the Mark must pledge themselves to refrain from acrimonious attacks upon dissenting brethren; inspectors were required, in addition, to work for harmony.<sup>33</sup> This policy redounded partly to the advantage of the hated 'Synkretisten'<sup>34</sup> (the Lutherans who desired union), but mainly to that of the Reformed, who, through their opponents' fault, became a justly favoured class. The Political Testament of 1667 directs that preference be given in appointments to 'such qualified and capable subjects of the Reformed

<sup>27</sup> Philippon, iii. 141-142. He expelled them from Minden and allowed them in East Prussia only under compulsion of the Polish treaties. See Lehmann, i. 145-146, for an example of the principle involved.

<sup>28</sup> *Urkunden und Aktenstücke*, x. 233, 255-256. He mentions their rarity. For the tolerance shown in his plan for a universal university, see Lehmann, i. 48.

<sup>29</sup> Philippon, i. 443.

<sup>30</sup> Droysen, III. ii. 117.

<sup>31</sup> Pol. Test. 1667, Ranke, 501.

<sup>32</sup> Mylius, II. i. 388.

<sup>33</sup> Mylius, I. i. 391 ff. This was effected at first by written, afterwards by verbal, pledge and implicit agreement.

<sup>34</sup> Mylius, I. i. 383-384.

religion as are in your lands.' If none are present, import them.<sup>35</sup> For the intolerant alone he had no mercy. The declaration of 1665 ends :

Since certain zealots maintain that for conscience' sake they cannot leave off their evil behaviour, so also will his Electoral Highness, also for conscience' sake, no longer be able to tolerate their conduct, but he must administer the punishment which they deserve.<sup>36</sup>

If the execution of Frederick William's domestic policy was not without faults, his foreign policy is less open to attack. Its basis was the complete identity of Reformed and Lutheran. It was primarily through his efforts that the clause<sup>37</sup> was introduced in the Peace of Westphalia which alone paved the way for future unity by including both under one name, 'Religionsverwandte.' Sincerely believing that religious persecution involved the violation of a 'sacred law of nature,' he intervened in behalf of that law to succour the oppressed.<sup>38</sup> His reception of exiles is therefore due in like measure to his high personal tolerance and to the adoption of a colonising policy to which he was impelled by the desolate condition of his lands. It was with justice that he styled himself in 1685 'We, the present head of all the evangelical Reformed potentates in Europe.'<sup>39</sup> Everywhere he was diplomatically active, seeking relief for sufferers from persecution. They in turn regarded Brandenburg as a haven of ultimate safety. From Silesia and Austria, Poland and Switzerland, Holland and the Palatinate, Savoy and France, immigrants came pouring in; with them came the arts of war and peace, the development of forces destined to begin a new era in Brandenburg's intellectual and economic life and free her from dependence upon foreign lands.

## II

The internal colonisation of a territory may be the result of spontaneous immigration, or of the importation of men by a ruler as a matter of governmental policy, or both. The term 'internal' colonisation is contrasted with the 'acquisition' or 'conquest' of colonies. It implies the development of territories already possessed by attracting to them human forces which make for a higher moral, spiritual, and technical culture, better employment of the soil,

<sup>35</sup> Ranke, 501; cf. 503, where the Reformed faith is made a desirable quality for a counsellor. Huguenots were often employed as diplomatic agents. All this favoured internal colonisation.

<sup>36</sup> Mylius, I. i. 389-390.

<sup>37</sup> *Instrumentum Pacis Osnabrugense*, Art. vii, Sec. 1, Augustanae Confessionis addicti Status; *Urkunden und Aktenstücke*, iv. 360, 402, 410, 686, especially 684.

<sup>38</sup> Dieterici, *Waldenser*, 388; Letter of 29 Jan. 1686, to Victor Amadeus II of Savoy.

<sup>39</sup> Instruction for Spanheim, 27 Feb. 1685. Geheim. Staats-Archiv. Rep. XI. 73-75 (England), Conv. 10 A.

and the use of new and more perfect legal and economic institutions. An increase of population in quantity, together with an improvement in quality, is of the essence of the process. Foreign colonisation implies great efficiency and surplus power in the colonising state; internal colonisation may be the means of increasing the strength and resources of a state abnormally depleted. It requires for success administrative vigour and such security for person and property as can be guaranteed by none but well-organised states.<sup>40</sup> Under the Great Elector the process was twofold: voluntary immigration, chiefly for the attainment of religious freedom; and the importation of men in colonies, as the direct result of the action of the government, which offered religious and material inducements. In the development of the Prussian state internal colonisation was a force of the first magnitude. It not only augmented the population at periods when 'men were the greatest riches of the state,' but it quickened the moral and intellectual capacities of the population, and stimulated agriculture, industry, and commerce. The total result was increased political power. Brandenburg-Prussia was enabled to carry out this internal colonisation chiefly by reason of its policy of religious toleration, as contrasted with religious persecution in catholic states and with the inhospitable intolerance exhibited to the Reformed confession in strictly Lutheran lands. The persecuting states furnished the emigrants; the Lutheran failed to attract them: the result was a disproportionate increase of the power of their tolerant rival. Austria and Prussia display in this matter reciprocal conditions; the former expelled and became stationary, the latter received and progressed. Historical development and the course of internal colonisation follow the same line.<sup>41</sup> Vital statistics confirm this deduction and show Brandenburg-Prussia in the act of outstripping her protestant as well as catholic rivals.

Not the least nor the least beneficial of Frederick William's tasks was the restoration of Brandenburg's human and economic strength. At his accession the land was a waste, one-half its population gone, and the survivors seemingly void of aspiration or self-help. Internal colonisation was necessary for the immediate recuperation of the Mark. But this was not all. From the beginning of the Thirty Years' War in 1618, to the end of the Seven Years' War in 1763, the population of Brandenburg-Prussia was recurrently depleted by war and pestilence. Vital statistics show that on the poorer soils and in the afflicted regions the natural increase of the

<sup>40</sup> Cf. Schmoller, *Umriss und Untersuchungen zur Verfassungs-, Verwaltungs- und Wirtschaftsgeschichte*, ch. ix. 'Die preussische Einwanderung und ländliche Kolonisation des 17. und 18. Jahrhunderts,' 562-563. Free use is made throughout this section of Schmoller, and of Beheim-Schwarzbach, *Hohenzollernsche Colonisationen*.

<sup>41</sup> Beheim-Schwarzbach, 14-19.

native population was too slow even to recruit its losses.<sup>42</sup> An artificial process, the importation of men, was a constant necessity for the physical maintenance—not to speak of augmenting the political importance—of the state. A few statistics clearly show the part actually played by internal colonisation in the historical process.<sup>43</sup> It is estimated that in 1740 not less than one-eighth of the total population of the Brandenburg territories consisted of colonists and the descendants of colonists who had entered the state since the Great Elector's accession a hundred years before; in 1786, between one-fifth and one-sixth. This represents the absolute numerical contribution of internal colonisation to population. Relatively, a comparison with Brandenburg's protestant rivals is illuminating. At the end of the seventeenth century the population of Brandenburg-Prussia numbered probably 616 to the German square mile; of Saxony, 2017; of Hanover, 1367. During the next hundred years the population of Brandenburg-Prussia increased 157 per cent.; Saxony, 37½ per cent.; Hanover less than 15 per cent. Internal colonisation accounts for much of this disparity. For the period 1640–1740 Professor Schmoller estimates that 30 per cent. of the total increase of population in the Brandenburg lands was due to the incoming of colonists and their natural increase. It should also be borne in mind that at this epoch a Dutchman, Palatine, or Huguenot was worth more than two native-born subjects. It is partly from this fact that the importation of the twenty thousand *réfugiés*—the most important of all non-German colonists who ever entered Brandenburg territory—marks an industrial and intellectual epoch in the history of the state. It is Frederick William's crowning achievement, dictated by motives which do no less credit to his heart<sup>44</sup> than to his head.

We do not of course attribute to the Great Elector the total results of the colonising movement, nor prescience enough to foresee

<sup>42</sup> Schmoller, *Umriss*, 568–569. Schmoller refers more directly to the eighteenth century, but similar conditions prevailed in the seventeenth, namely the desolation due in turn to the Thirty Years' War, to the Northern War 1655–1660, to the Swedish inroads 1674–1679, and, later, to local plagues. Cf. Mylius, V. i. 367–368.

<sup>43</sup> Figures which follow are based on Schmoller, 570, 574 ff., who criticises the estimates of Beheim-Schwarzbach and Dieterici. It is impossible to give definite figures of immigrants and colonists under the Great Elector. The numbers of the Dutch are unknown; the Waldenses were about 1800, but many left; and the Palatines, Swiss, and *Réfugiés* came in large numbers after his death. For a very large part of this posthumous immigration he should receive full credit. The bulk of the immigration for the period 1680–1740 falls between 1724 and 1732.

<sup>44</sup> Perhaps the best proof of the sincerity of the Elector's religious, as distinguished from his economic, motive in offering an asylum to these French exiles is found in Rébenac's correspondence with Louis XIV. In 1686, when an official breach with France would have been premature and attended with deplorable results to Brandenburg, the Elector displayed such extreme irritation whenever he heard of the persecutions in France that Rébenac in personal interviews was hard put to it to prevent discourteous outbreaks on the Elector's part which might make a breach inevitable. Pagès, *Les Réfugiés à Berlin*, 117–118, 130–131.

the full importance of the policy which he commended to his successors. But it was he who made the policy possible and gave it the initial impetus. By founding the tolerating state, unique in his day, he secured the possibility of a colonising policy; the inducements which he offered from time to time to draw fresh population into his wasted lands and cities furnished the example to his great colonising successors; his Edict of Potsdam begins the work of systematisation and becomes the basis of the civic and economic rights of all colonists in the Prussian state, including those of non-French origin; and his work of administrative centralisation, guaranteeing the security of person and property, was the indispensable preliminary to the construction of the 'model state' of Frederick the Great, which in turn made possible internal colonisation on the largest scale. Without such colonisation Brandenburg-Prussia could not have become a world-power.

### III

For Europe and Brandenburg the years 1683-1685 were critical. In England the catholicising and absolutist policy of the Stuart kings threatened the whig party, and especially the nonconformists, with destruction. France was witnessing the *dragonnades* and the revocation of the Edict of Nantes; Austria and Savoy were persecuting their protestant subjects. Simultaneously Brandenburg was establishing its naval power, founding the African and East Indian Companies<sup>45</sup> as agents for commerce and foreign colonisation, and developing the work of internal colonisation on an unprecedented scale. The brilliant success of the Huguenot immigration, and the unequalled pathos of the wanderings of the Waldenses, are well known. Less familiar are the attempts made by Frederick William between 1683 and 1685 to introduce colonists from England into East

<sup>45</sup> The African Company was legally founded in 1682 (see the patents in Schück, *Brandenburg-Preussens Kolonial-Politik*, ii. 126-129, 136-142), and in 1683 negotiations were on foot to locate its headquarters at Emden. In July 1683 Raule proposed the formation of an East India Company, which should be auxiliary to the African Company and procure capital for it. In December 1683 the president of the African Company proposed that the headquarters of the India Company should be located at Emden, and the Elector acquiesced (Schück, i. 184). Meanwhile, since March 1683, the Elector's secret representative in England had been negotiating with certain 'Interlopers' who were being prosecuted by government at the instance of the (English) East India Company (Geheim. Staats-Archiv, Rep. XI. 72-75 [England], Conv. 9c, Falaiseau to Gachon). [Later, in February 1684, Waller made the overtures to Frederick William which mark the junction of the (Brandenburg) East India Company with the Waller intrigue and the subsequent embassies of Besser and Spanheim. The fullest account of these matters yet printed is in Schück, i. 184 ff. He omits however all details of the negotiations between Raule and Waller, which, from the point of view of colonisation, are the most interesting. Philippon, iii. 97, 361-362, 367-368, 385-386, deals with certain phases of the subject. My own account is based mainly upon documents in the Geheimes Staats-Archiv at Berlin.



Friesland,<sup>46</sup> then included in the Brandenburg sphere of influence, or into Pomerania.<sup>47</sup> Essentially the Elector's schemes involved not only the importation of merchants and manufacturers but also the settlement of 'Interlopers'—English merchants who infringed the monopoly of the East India Company by plying an unauthorised trade overseas—who were to build up an East India Company for Brandenburg. The policy, while illustrating the ordinary principles and processes of an internal colonisation, was exceptional, since it represented an attempt to make internal colonisation tributary to foreign colonisation, and to foster hopes of material advantage which proved illusory.

The reciprocal commercial treaty made in 1661 between England and Brandenburg had lapsed in 1672, and, largely on account of the Francophil policy of England, had not been renewed.<sup>48</sup> Frederick William might well be ready to improve trade conditions in his own lands by taking advantage of the difficulties of his English neighbours. Occasion was first given in 1683 by the harsh treatment which the Interlopers were receiving. Gachon, the Elector's secret correspondent, informed<sup>49</sup> him that upwards of two hundred wealthy persons, engaged in protracted and expensive litigation with the East India Company and the government, had expressed an intention, in case of an adverse decision, to settle in the lands either of the Elector or of the Grand Duke of Tuscany. Instructions<sup>50</sup> were at once sent him to enter into confidential relations with the chief Interlopers concerned, and to use every endeavour to induce them to settle in Brandenburg territory, preferably at Emden. He was to promise them greater material advantages than the Grand Duke would give them, and to offer them the freedom of all the Elector's Baltic ports, together with a choice between Greetsiel and Emden, where they could establish a factory and a Company, of which the Elector would constitute himself protector. But as it would hardly be possible to induce the entire two hundred to leave their homes, it would suffice if a large enough number of wealthy men should come to form a trading company. This would be of considerable utility in itself, and there could be no doubt that in time many others would be attracted by the treatment and advantages received by the first comers—'above all, by the security and entire liberty' which they would find. Great stress<sup>51</sup> was laid in the instructions upon

<sup>46</sup> Emden in East Friesland was practically a Brandenburg harbour. For treaty, see Moerner, 443–447, April–May 1683.

<sup>47</sup> Cf. *ante*, vol. xxiv. 464 f.

<sup>48</sup> Moerner, 254–256; Philippon, iii. 97.

<sup>49</sup> Geheim. Staats-Archiv, Rep. XI. 72–75 (England), Conv. 9g, Gachon to Fuchs, 15/25 February 1683. Gachon's reports from London extend from 1683 to 1685, and are contained in the above repository.

<sup>50</sup> Geheim. Staats-Archiv, *ubi supra*, Falaiseau to Gachon, March 1683.

<sup>51</sup> 'Vous vous servirez outre cela des raisons que vous pourra fournir la Religion dont ils font profession qui est la mesme que celle dont Son Alt. Elect. fait profession, et qu'il protège avec tant de bonté et de succès.' The clause concerning Quakers

the religious argument, toleration being offered not only to the presbyterians, who would naturally constitute the great bulk of the party, but also to any Quakers who might be among them.

Although the legal and actual status of the Interlopers grew rapidly worse,<sup>52</sup> Gachon was unable to induce them to emigrate to Emden. They were quite willing, he writes,<sup>53</sup> to engage in trade with the East Indies, but utterly unwilling to establish themselves away from England, no matter what inducements might be offered. Few rich people, he justly remarks, exchange their country and a settled business for a new one, except under the pressure of necessity or for a certain and large profit. In the case of the English merchants neither commercial repression, nor religious persecution, nor political oppression, was a sufficiently powerful agent to effect the Great Elector's purposes.<sup>54</sup> Three specific objections were made by the Interlopers to the project of settlement, and it was abandoned for the time. They dwelt first on the loss of credit attendant upon a removal to Emden, where their affairs would have to be conducted upon a strict cash basis; in London their credit furnished two-thirds of their capital and was the chief source of their prosperity. Secondly, at Emden they must run the 'almost infallible' risk of being blocked up in port by ice for four months of the year. Thirdly, the rate of insurance at Emden would be 2 per cent. higher than in London, which was a far more advantageous port for commerce of all kinds.

On the receipt of this communication the Elector ordered fresh instructions to be sent to Gachon, and these radically changed the basis of negotiation.<sup>55</sup> Participants in the proposed Company were follows. The words 'et sur tout la seureté et liberté entière' are written on the margin in Meinder's hand.

<sup>52</sup> Geheim. Staats-Archiv, *ubi supra*. In despatches to Fuchs dated 14 May, 18 May, 10 August 1683, Gachon announces successively delay in settlement of litigation, an adverse judgment which requires all the litigants to commence their suits *de novo*, and a grant by the king to the East India Company authorising it to search vessels coming from the Indies and to seize goods brought from thence. Another despatch in August states that vessels to the Indies are carrying troops to execute permission of search and seizure.

<sup>53</sup> Geheim. Staats-Archiv, *ubi supra*, Gachon to Fuchs, 19/29 October 1683.

<sup>54</sup> A despatch from Gachon to the Elector direct, as late as 19/29 August 1684, states that 'les presbyteriens mesme quoy que persecutes demeurent icy tant qu'ils y auront quelque liberté de commerce.' This means, according to the context, as long as they could load and unload cargoes.

<sup>55</sup> Geheim. Staats-Archiv, *ubi supra*, Electoral rescript to Gachon, Potsdam, 5 November 1683. It is this document which is referred to in the Neben-Instruktion to Besser, § 7 (Schück, ii. 220-221). It contains answers to the objections of the Interlopers as related by Gachon, and the principal advantages which the Elector offered to them for the foundation of their Company. (1) Protection and security, for the Company was established by his patent, under his banner and passport. Reprisals were to be made on those who injured it unreasonably and unjustly. (2) Emden was to exempt the Company for some years from various imposts. (3) Agents located at Emden were to be regarded and treated as native Brandenburg subjects or as citizens of Emden. (4) The Elector was to furnish a vessel of from forty to fifty guns, or two of them if desired, but should participate in profits according to their

not to be required to leave England and settle in Emden, but were to be given a free choice between so doing or establishing a factory at Emden conducted by their agents. This practically eliminated the colonising feature of the scheme for the present, and narrowed the proposal to a combination between the Interlopers, with headquarters at Emden and commerce conducted under the Brandenburg flag and passport, and the Brandenburg East India Company, now in process of establishment. But Gachon could not carry out even this modified project. After six months of continuous exertion, he writes<sup>56</sup> that although some of the richest London merchants are satisfied with the inducements which the Elector offers, and would like to embark in the enterprise, yet they do not venture to do so. First he explains that

they dared not trust themselves to his Electoral Highness, who, being a great prince, could seize their funds whenever he wished without indemnifying them; that necessity and convenience were often the rule in such matters, and that although his Electoral Highness was very generous and very just, they could not be sure that his successor would follow his example.<sup>57</sup>

Secondly, they feared lest they should ultimately be excluded from the Indian trade after they had once established it in Brandenburg and were no longer necessary for its continuance. Thirdly—and this was certainly the chief reason—they dreaded the vengeance of the king, who, if aware that they were engaging in commerce under a foreign flag, could injure them in ways for which no reprisals could indemnify them. They therefore begged Gachon to say nothing more about the matter. Such was the condition of affairs, so far as the Interlopers were concerned, when Besser arrived in England upon his embassy, and endeavoured, with the assistance of religious and political malcontents, to promote a new project of colonisation and commerce. Negotiations with the Interlopers were to be continued, but a new element was added as the result of the English government's reprisals after the discovery and suppression of the Rye House plot. In the background lurked a possible intrigue with the partisans of the duke of Monmouth.

value. (5) The Elector was to furnish forty or fifty marines without payment. Enclosed with the rescript was a complete 'Project' for the establishment of a Company, but this is unfortunately no longer preserved with the Akten.

<sup>56</sup> Geheim. Staats-Archiv, *ut supra*, Gachon to Fuchs, 30 May/9 June 1684. This despatch was written just after Besser had reached London, and reveals the great difficulty of his mission, so far as the Interlopers are concerned. Yet Gachon adds: 'Since the number of the Interlopers is large, since they are apparently about to lose this trade entirely, and since their profits are large, we must try to secure bolder men than have yet appeared.' Besser might well hope to find them through Waller.

<sup>57</sup> The basis of this objection, said the Interlopers to Gachon, was the operation, called the Stop of the Exchequer, by Charles II at the time of the Dutch war: 'par où une infinité de familles sont ruinées, que cet exemple domestique leur fesoit peur.'

This new negotiation had been opened<sup>58</sup> by Sir William Waller, the degenerate son of the parliamentary general. Waller had left England for political reasons—for his activity in the exclusion bill and popish plot—and was now commandant at Bremen. Knowing that his position, and possibly his personal safety, was endangered, he desired to enter the service of Brandenburg for the sake of better protection.<sup>59</sup> He stated that he could at once bring fifty families—all nonconformists and manufacturers of rich fabrics—into Brandenburg territory; later he could probably secure three hundred more, and induce the Interlopers to trade under the Brandenburg flag. This would result in large profits. He himself desired to become commandant of a harbour-fortress, such as Colberg, and requested that an envoy should be sent to discuss the matter further. The Elector despatched in reply his most efficient naval and commercial counsellor, Benjamin Raule.<sup>60</sup> His instructions<sup>61</sup> stated that his sovereign was inclined graciously to receive and protect the refugees,

both out of peculiar affection for the English nation, and also out of Christian compassion for our fellow-believers in the kingdom of England threatened for conscience' sake with present and future danger.

It is not necessary however to accept these as the Elector's sole motives. Waller repeated to Raule his proposals, and reduced his terms to writing.<sup>62</sup> On behalf of his merchants he demanded free exercise of the Reformed religion, together with their own ecclesiastical

<sup>58</sup> Wilhelm von Brandt, a Brandenburg diplomatist who was passing through Bremen, was the intermediary. Brandt's report of 19 February 1684, Geheim. Staats-Archiv, Rep. 65, no. 10, fol. 45-47, contains the details which follow.

<sup>59</sup> Raule's second report, Geheim. Staats-Archiv, Rep. 65, no. 10, fol. 105-110. Waller's fears were well grounded. He knew that Charles II had written against him to the magistrates of Bremen, and was apprehensive of more violent measures. The following letter, from *Hist. MSS. Comm.*, Seventh Rep., App. 386*b*, shows the animosity against Waller in official English circles. Sir R. Bulstrode to Lord Preston, 13 March 1684: 'I am told by Mr. Skelton that Sir William Waller plays the devil at Bremen, which is like to be the nest of all those persons accused of the last conspiracy; that my Lord Melvin, and many more of that stamp, are there, as also Armstrong and Ferguson, and that they expect the duke of Monmouth there very speedily; they speak most scandalously of the King and Duke, and style Waller a second Cromwell by way of commendation.' Cf. 296*b* and 347*b*.

<sup>60</sup> Raule, the Elector's right-hand man in all naval and commercial affairs, had been a Netherland ship-owner and merchant of large experience. Ruined by the French war of 1672-8, he entered the service of Brandenburg to recruit his fortunes, and received in 1681 the title *Général-Directeur de Marine*. He plays a unique part in Brandenburg history. See Schück, i. 76 ff.

<sup>61</sup> 24 Feb. 1684, Geheim. Staats-Archiv, Rep. 65, no. 10, fol. 60-64; cf. fol. 68-70.

<sup>62</sup> 'Propositions a S.A.E. Monseigneur (le) ducq de Brandeborgh delivre par Monsieur le Chevalier Waller.' Geheim. Staats-Archiv, Rep. 65, no. 10, fol. 84-85. Some of the specifications show that among the immigrants were to be nobles, and that some of the immigrants were French. Among the manufactures enumerated were cloths of silk, gold, and silver, brocades, plushes and velvets, serge and woollens.

discipline; the maintenance of two pastors of the Reformed confession at the Elector's expense; rights of citizenship, if desired; exemption from all extraordinary taxation, in peace and war, for twenty years; advances of capital to manufacturers for ten years without interest; and a monopoly for twenty years against all except English and French. For himself he asked the command of a regiment and of a seaport, such as Colberg, well fortified and conveniently situated for commerce. It would, he said, be easier to induce foreigners to come to a place controlled by one whom they already knew. An agent should be sent to London to conduct the matter there, and Waller would furnish him with such letters and instructions as would ensure success.<sup>63</sup>

Raule, convinced that the scheme was feasible by his personal estimate of Waller and by the latter's production of corroborative letters sent to him from Amsterdam, London, and Utrecht 'by people who were only waiting for his more permanent and safe establishment,' advised<sup>64</sup> the acceptance of the propositions. Waller, he said, 'was a person of good judgment and consequence, formerly a member of the English parliament; in Bremen well-regarded and valued by the magistrates.' He was 'a man of great capacity in the conduct of business, and apparently had much influence over the minds of many notable people in England who were intending to leave that kingdom.' If he were completely pledged to the Elector's interests he would be a suitable instrument for drawing into the Brandenburg territories some capitalists of means and many manufacturers. In spite of less favourable opinions received from other sources, Frederick William accepted Raule's view, and Besser was despatched to London as his ambassador.<sup>65</sup>

<sup>63</sup> Either Waller did not furnish the letters, or the lines of communication were subsequently broken by the discovery of the Monmouth intrigue, for the Brandenburg envoy to London, Besser, complains bitterly that he does not know to whom to address himself. *Geheim. Staats-Archiv, Rep. XI. 72-75 (England), Conv. 9, 20 June, 8 July, and 18 July 1684.* Besser saw Waller at Bremen, and wrote a report to Frederick William, but this unfortunately is not preserved with the other Akten.

<sup>64</sup> Raule's two reports, the first of which is dated 3/13 March 1684, and the second of which was probably written three days later, are in *Geheim. Staats-Archiv, Rep. 65, no. 10, fol. 80-83 and 105-110.*

<sup>65</sup> Falaiseau, a man thoroughly acquainted with English affairs, read the reports of Brandt and Raule, and told the Elector that he 'was of the opinion that this Chevalier will have great difficulty in executing all his promises.' Yet on the whole he favoured the idea. *Geheim. Staats-Archiv, Rep. 65, no. 10, fol. 76-79, 'Gutachten Falaiseau's über die Vorschläge Wallers.'* An unknown correspondent describes Waller's personality in unfavourable terms: everyone in England knows him, and he has great credit with the people because of his skill in discovering priests and Roman catholic ecclesiastics who were concealed in London and its suburbs. The majority of the gentry in the house of commons—even those least favourable to the king—were very reserved in their dealings with him, for he seemed a little too hot-headed and too republican. It was suspected that he left England quite as much because he could not pay his debts as because he was afraid of the hostility of the court. *Geheim. Staats-Archiv, Rep. 65, no. 10, fol. 74-75.*

Nothing better illustrates the fundamental purpose and commercial necessity of inner colonisation at this epoch than Raule's reports on this matter :

This principle [he declares] is assuredly true : that when one intends to populate a province or a city and to introduce manufacturers, the State must assist. Your Highness's lands are blessed with magnificent seaports ; many of your subjects are intelligent, rich, and powerful ; your lands are fertile and well-placed for trade, yet there exists not the faintest trace of inclination there towards commerce and navigation. What could not be accomplished in seafaring, shipbuilding, and manufacturing if only one could get one hundred thousand ducats ? If Berlin, Colberg, Königsberg, and Memel had each only eight or ten merchants who would push maritime enterprise with intelligence and energy ? Verily, one could move mountains ! But for my part I fail to see how anything worth while can be accomplished unless your Highness takes advantage of these troublous times, when religious persecution is rife in neighbouring countries, and imports groups of foreigners from England, France, and Holland . . . into your lands and cities, so nearly destitute of good merchants. Such aliens are almost always merchants and traders.

In other passages Raule expresses his belief that if Waller were given command of a fortress in Rügenwalde, it might become 'a capital city' and ruin Dantzic by its competition ; that if the English were successful, the Elector's native subjects would 'wake up' in emulation ; and that from a consistent policy 'something great could be expected.'<sup>66</sup>

Besser's embassy completely failed and led to the collapse of the Brandenburg India Company. This was partly due to his own incapacity and to the intrinsic difficulties of his task, partly to the dramatic exposure of a political intrigue. His mission was in truth a complex affair. Officially he was to promote peace in the interests of Europe, and a formal commercial alliance between Brandenburg and England. Secretly, in pursuance of the Waller affair, he was to negotiate with English merchants and manufacturers and with the Interlopers. He was to tell the former of the splendid advantages enjoyed by Brandenburg for trade by water and by land, to assure them that they not only should possess perfect freedom of conscience but should be esteemed like the Elector's native-born subjects, and be endowed with even greater privileges and franchises than these ; they should enjoy everything which was necessary for the establishment and development of their profitable occupations. As to the Interlopers, it would above all else be desirable if some of them could be induced to settle in the Brandenburg territories and continue their commerce under the Elector's direct protection ; at the least, their participation in the establishment of the East India

<sup>66</sup> Raule's second report.

Company should be obtained.<sup>67</sup> With even greater secrecy<sup>68</sup> Besser was to assure any 'Malcontents of the Religion' who might present themselves of the Elector's sympathy and hear their proposals *ad referendum*. This possible political intrigue with the nonconformist partisans of the duke of Monmouth came about as follows.

While Fuchs, a leading minister of the Elector, was passing through Cleves, Lord Grey of Wark and Sir Thomas Armstrong, emissaries of Monmouth and deeply implicated in the Rye House plot, sought an interview with him. Monmouth, they said, desired a secure retreat and military employment, and nothing would please him more than to find it with Frederick William. Should war break out, and the Elector need any English people, he could not desire a larger number than would be furnished, up to twelve thousand men. Moreover, fifty or sixty of the richest and most important families of England thought of leaving the country, and would rather enter Brandenburg than any other land, if assured of the Elector's favour. As for themselves, they had never participated in the plots on account of which so many brave and influential men had been already executed. These were a mere invention of the duke of York's party. They themselves would carry to their graves the fidelity and devotion which they owed their king.<sup>69</sup> Frederick William ordered Fuchs to assure Grey and Armstrong of his favour and protection and of his willingness to receive the English merchants. He was also to express the Elector's 'especial esteem and consideration' for Monmouth and to invite him to Berlin.<sup>70</sup>

Early in June Sir Thomas Armstrong fell into the hands of the English, and among his papers were found autograph letters of Monmouth to Fuchs and Falaiseau. Both were asked to thank the Elector for the protection graciously extended to Grey and Armstrong, and the duke sent assurances of his devotion and intent to wait upon his highness.<sup>71</sup> If a plot was in course of formation, the seizure of these letters ruined all. Besser's embassy came to nothing; a later attempt, through Spanheim, to secure the Interlopers was

<sup>67</sup> See Besser's Instruktion of 18/28 March 1684 (Schück, ii. 216, no. 88A) and the Neben-Instruktion of 8/18 April 1684 (Schück, ii. 218 ff. no. 88B). Compare Waddington, *Le Grand Electeur Frédéric Guillaume de Brandebourg*, ii. 520, and *supra*, p. 104.

<sup>68</sup> Secret Instruction, Geheim. Staats-Archiv, Rep. XI. 72-75 (England), Conv. 9.

<sup>69</sup> Geheim. Staats-Archiv, Rep. XI. 59 (Kurköln), no. 3B, vol. ii., Fuchs to Frederick William, 4/14 March 1684. Fuchs was apparently quite ignorant of the real character of these two men. Raule was dealing with Waller at Bremen at this time.

<sup>70</sup> Geheim. Staats-Archiv, Rep. XI. 59 (Kurköln), 3c, Frederick William to Fuchs, 11/21 March 1684.

<sup>71</sup> Geheim. Staats-Archiv, Rep. XI. 72-75 (England), Conv. 9, Besser to Frederick William, from Windsor, 17 June 1684. Besser says that Charles personally sought to give him the impression that he (the King) believed that the Elector had allowed himself to be led astray by Monmouth's adherents under the pretext of religious persecutions. The serious thing was Fuchs' participation. Cf. Philippon, iii. 367-368.

equally unsuccessful,<sup>72</sup> and Raule's golden dreams of maritime empire based upon English resources faded for ever. But the principles which he had so eloquently advocated in his official reports were applied two years later, under more favourable auspices, to the welcome of the persecuted Huguenots, and received a triumphant vindication.

OLIVER H. RICHARDSON.

<sup>72</sup> Spanheim's Instruction, 27 Feb. 1685, Geheim. Staats-Archiv, Rep. XI. 73-75 (England), Conv. 10A. The following passage shows that Spanheim's hopes of success were partly based upon consequences expected to follow from the accession of James II: 'Wir . . . haben auch die hofnung, dasz bei der jetzigen Veränderung in England und da der Duc de Jorck daselbst zur tron gekommen, dieses allerhand bekanter Uhrsachen halber umb so viel ehender und leichter zum stande kommen könte, wan nur ged[achte]n Interlooper und andern dergleichen Leuten daran keine hinderung gemachet werden mögte.' He failed to obtain support from the Interlopers for the Electoral trading companies, largely through the fear inspired by the strict edicts of 2 April and 5 April 1685, forbidding such traffic. The Interlopers were afraid lest they should be attacked even under a foreign flag. Schück, i. 189-190.



## *Notes and Documents*

### *Newly discovered Letters of Dionysius of Alexandria to the Popes Stephen and Xystus.*

DURING the years 254–258 there was a controversy between the see of Rome on the one hand and the Asiatic and African churches on the other as to the validity of baptisms administered by heretics. Pope Stephen maintained that those who had, in an heretical medium, been baptised either in the name of Jesus Christ alone, or in the name of Father, Son, and Holy Spirit, ought, after a bishop had laid hands on them, to be admitted to communion; whereas Cyprian of Carthage and Firmilian of Caesarea maintained that heresy on the part of the baptiser rendered baptism null and void. The pope accused his antagonists of rebaptising (*ἀναβαπτίζειν*), thereby to some extent begging the question at issue, and excommunicated them both in Asia and in Africa. In this controversy Dionysius, patriarch of Alexandria, intervened, and wrote, as Eusebius relates in the seventh book of his *Ecclesiastical History*, one letter to Pope Stephen and as many as three to his successor Xystus (257–8). Eusebius has also preserved to us brief extracts from the one letter to Stephen, and from the first and second to Xystus.

In the library of Valarshapat in Russian Armenia is preserved a bulky refutation of the Tome of Leo and of the decrees of Chalcedon by Timotheus (called Aelurus), the patriarch of Alexandria. The original was composed by him in exile at Gangra and Cherson about the year 460, and was translated into Armenian some time between the years 506 and 544. This version has just been edited from an old uncial codex which contains it, No. 1945 in the Catalogue of Karinian, by two of the archimandrites of Etshmiadsin, Dr. Karapet Ter-Mëkërttshian and Dr. Erwand Ter-Minassiantz. The method of Timotheus is to adduce the Chalcedonian positions, and to confront them first with extracts from orthodox fathers, especially from the works of his own predecessors in the see of Alexandria; and, secondly, with passages from writers declared by his antagonists (as he assumes) to be heretical, especially Theodoret of Cyrrihus, Nestorius, Paul of Samosata, and Diodore of Tarsus.

Among the former set of extracts we find one long fragment

of Dionysius' letter to Stephen, and two from his first and third letters to Xystus, of which the following is a literal translation :

## I.

*Of the blessed Dionysius, bishop of Alexandria, from the letter to Stephanus, bishop of Rome.*

For as the wisdom [which is] according to the gentiles,<sup>1</sup> by changing them into holy persons,<sup>2</sup> constitutes them friends of God and prophets ; so, conversely, the wickedness by transmuting into unholy persons, manifests them to be<sup>3</sup> enemies of God and false prophets. What one custom ever included these ? For of a custom there is in any case a single period [as cause], whereas of caprices all kinds of ages<sup>4</sup> [are the causes]. And due causes must always pre-exist before the customs of the gentiles and before human laws. I say human, however, because God, as alone knowing all things before they come into being,<sup>5</sup> can naturally also arrive at them by from the first enacting them as law. Men, however, when they have beforehand discerned something, and when they have first formed ideas of certain events, then and not before lay down laws, or make a beginning of customs.<sup>6</sup> If then it was from the apostles, as we said above, that this custom took its beginning, we must adjust ourselves thereto, whatsoever may have been their reasons and the grounds on which they acted<sup>7</sup> ; to the end that we too may observe the same in accordance with their practice. For as to things which were written afterwards and which are until now still found, they are ignored by us ; and let them be ignored, no matter what they are. How can these comply with the customs of the ancients ? And in a word I have deemed certain disquisitions about these matters superfluous ; and I feel that to pay attention to them is noisy and vain. For as we are told after a first and second admonition to avoid them,<sup>8</sup> so must we admonish and converse about them, and after brief inculcation and talk in common we must desist. On points, however, of prime importance and great weight we must insist. For if anyone utters any impiety about God, as do those who say he is without mercy ; or if anyone introduces the worship of strange gods, such an one the law has commanded to stone.<sup>9</sup> But we with the vigorous words of our faith will stone them unless<sup>10</sup> they approach the mystery of Christ ; or [if] anyone alter or destroy [it], or [say] that he was either not God or not man, or that he did not die or rise again, or that he is

<sup>1</sup> Perhaps cf. Acts x. 35 and Rom. ii. 13.

<sup>2</sup> Or souls.

<sup>3</sup> As if the Greek were ἀπέφηνεν.

<sup>4</sup> Ages in the sense in which we speak of the seven ages of human life. I supply the words in brackets as necessary to the sense.

<sup>5</sup> The Armenian has a compound word which means pre-existence ; but probably the Greek read πρὸ τῆς γενέσεως, which the Armenian translated literally in defiance of his native idiom.

<sup>6</sup> The idea of this passage seems to be that which Suidas expresses in the words τὸ ἔθος οὐκ ἔστιν εἴρημα ἀνθρώπων, ἀλλὰ βίου καὶ χρόνου. Men first take the drift of events and then inductively establish customs and frame laws on the basis of them. God however enacts facts in advance, as being cognisant of events beforehand. The passage is anyhow obscure.

<sup>7</sup> The Greek original must have run somewhat as follows : τὰ κατ' αὐτοὺς φαινόμενα καὶ ἐξ ὧν ἔπραξαν.

<sup>8</sup> Tit. iii. 10.

<sup>9</sup> Deut. xiii. 10.

<sup>10</sup> The sense rather requires *lest*.

not coming again to judge the quick and the dead ; or *if he preach any other gospel than we have preached, let him be accursed*, says Paul.<sup>11</sup> But if anyone despises the doctrine of the resurrection of the body, let such an one be at once ranked with the dead. For these reasons, that we may be in accord, church with church and bishop with bishop and elder with elder, let us be careful in our utterances. Moreover in judging of and dealing with particular cases,—as to how it is proper to admit those who come to us from without,<sup>12</sup> and how to supervise those who are within,—we give instructions to the local primates<sup>13</sup> who under divine imposition of hands were appointed to discharge these duties ; for they shall give a summary account to the Lord of whatsoever they do.

This account perfectly accords with what we know from other sources of this controversy. Pope Stephen, as the tract *De Rebaptismate* alleges, appealed to *vetustissima consuetudo ac traditio ecclesiastica*. Dionysius meets his appeal by asking how could the orthodox and the heretic have in common any custom ? *Qualis una istos circumclusit consuetudo ?* He argues from Tit. iii. 10 that heretics should be left severely alone, and affirms that he has instructed the duly ordained ecclesiastical authorities of his province to treat those who *ad ecclesiam advolant*—to use the phrase of the *De Rebaptismate*—as if they came wholly from the outside or pagan world, that is to baptise them, and afterwards to watch them carefully.

## II.

*Of the same from the first letter to Xystus, chief bishop of Rome.*

Inasmuch as you have written thus, setting forth the pious legislation, which we continually read and now have in remembrance—namely that it shall suffice only to lay hands on those who shall have made profession in baptism, *whether in pretence or in truth*,<sup>14</sup> of God Almighty and of Christ and of the Holy Spirit ; but those over whom there has not been invoked the name either of Father or of Son or of the Holy Spirit, these we must baptise, but not rebaptise. This is the sure and immovable teaching and tradition, begun by our Lord after his resurrection from the dead, when he gave his apostles the command<sup>15</sup> : *Go ye, make disciples of all nations, baptising them in the name of the Father and of the Son and of the Holy Spirit*. This then was preserved and fulfilled by his successors, the blessed apostles, and by all the bishops prior to ourselves who have died in the holy church and shared in its life<sup>16</sup> ; and it has lasted down to us, because it is firmer than the whole world. For, he said, *heaven and earth shall pass away, but my words shall not pass away*.<sup>17</sup>

<sup>11</sup> Loosely quoted from Gal. i. 9.

<sup>12</sup> The phrase recalls the words in Euseb. *H. E.* vii. 5, 4, τοὺς προσιόντας ἀπὸ αἰρέσεων.

<sup>13</sup> Perhaps χωρεπίσκοποι in the original.

<sup>14</sup> Phil. i. 18.

<sup>15</sup> Matt. xxviii. 19.

<sup>16</sup> The Greek may have had the word συνοπολιτευσαμένων.

<sup>17</sup> Matt. xxiv. 35.

## III.

*Of the same to the same from the third letter.*

If then our faith urges us to have zeal for God and with our entire heart love him ; and if we must regard as unclean only those who contemn the really one and only God, and Creator and Lord of heaven and earth and of all things, declaring that he is inferior to and less estimable than some other god ; and they attribute wickedness to the all good, or they do not believe that his Beloved is our Saviour Jesus Christ, whatever else he be ; but breaking up the marvellous economy and mighty mystery, they believe some of them that he is not God nor Son of God, but others, that he never became man nor came in the flesh, but say that he was a phantasm and shadow—all these John<sup>18</sup> has rightly in his epistle called anti-Christis. Moreover of these the prophet<sup>19</sup> also bore witness, saying: *Thy hated ones, O Lord, I have hated, and because of thine enemies I have wasted away. With perfect hatred I have hated them ; they are become mine enemies.* And these are all they that have among us the appellation of heretics. If however we in the least let them have their way or side with them, then no longer will the precept to love God with our whole heart be observed in its entirety, though that it is which it ever profits us to foster and increase.

In this letter Dionysius protests against the least concession being made to the heretics whose errors he enumerates, in the way of recognising their baptisms as valid. F. C. CONYBEARE.

*A Charter of Stephen of January 1139.*

In one of the cartularies at Lincoln Cathedral, numbered A. 1.5, Charter No. 187, there is a deed which is of value for the history of Stephen's reign. By it the king grants to the church of Lincoln eighteen librates of land in Blyton, Wharton, Thorpe, Pilham, and Gilby, all in Coringham Wapentake, in exchange for tithes in Caistor and Kirton, both in Lincolnshire. The deed ends :

'Testibus R. episcopo Sar' & R. episcopo Excestr' & Simone episcopo Wigreestr' & A. episcopo Lincoln' & R. cancellario & R. comite Legrecestrie & Symone comite & R. comite Warewic & Milone Gloecestrie & R. de Oilli & W. Mart' & Ing' de Sai<sup>1</sup> & H. de Traci ; apud Oxeneford.'

The date must be between 18 December 1138, when Robert was consecrated bishop of Exeter, and 24 June 1139, when the bishops

<sup>18</sup> 1 John ii. 22, iv. 3.

<sup>19</sup> Ps. cxxxviii. (cxxxix.) 21, 22.

<sup>1</sup> The name is written 'pig' de Sai.' In a cartulary in France Mr. Round found the variation 'Vig' de Sai' (*Cal. of Documents in France*, p. 214). An original charter at Salisbury of the date 25 Dec. 1139, writes the name in such a way that it might well be read 'Vig' de Sai' or 'big' de Sai' ; the stroke of the 'I' is close to the 'n', and the first stroke of the 'n' curls towards it. If the stroke of the 'I' was continued below the line, the name would look like 'pig.' The frontispiece to Mr. Round's *Geoffrey de Mandeville* gives a charter by the same scribe, where the shape of 'n' in the word 'francis' should be noticed. Doubtless the same scribe wrote all the four charters.

of Salisbury and Lincoln were arrested at Oxford. But the limits are further reduced by the fact that shortly after the octaves of the Epiphany 1139, Simon bishop of Worcester and Robert bishop of Exeter started for the Lateran Council which began on 20 April,<sup>2</sup> and it is not likely that they were in England again by 24 June. The deed therefore being of December 1138 or January 1139, it is interesting to find Milo of Gloucester in the company of the king. Mr. Round has shown<sup>3</sup> that he was in the king's camp at the siege of Shrewsbury (August 1138), but this charter proves that he was with the king five months later.

We may connect with this charter the account that is given in the Godstow Cartulary of the dedication of that church by Alexander bishop of Lincoln. The writer<sup>4</sup> says that it took place in 'the year 1138,' in the fourth year of the king, in the presence of the king and queen and many earls and bishops; it mentions that Theobald archbishop of Canterbury was present and that Albericus, the pope's legate, whether present or not, was in England. As Theobald was consecrated 8 January 1139, and he and the legate left England soon after 13 January, we can date the event very closely; and when we find that the legate gave an indulgence to all who should visit Godstow on the day of St. Prisca (15 January), there can be little doubt that this was the date of the dedication of the church. Now among the grants made on that occasion was one by bishop Alexander *coram Stephano rege & Mathilde regina*, which was witnessed by Robert bishop of Exeter, Roger bishop of Salisbury, Robert bishop of Bath, Algar bishop of Coutances, Simon bishop of Worcester, Walter archdeacon of Oxford, Reginald abbot of Evesham, Walter abbot of Eynsham, Robert earl of Leicester, Milo of Gloucester, constable, Robert de Olley, John de St. John, Engelram de Sai, and 'many others of the clergy and people.'<sup>5</sup> It will be noticed that seven of these witnesses appear in Stephen's Oxford charter; the Oxford charter may therefore be dated with some confidence within a few days of 15 January 1139.

If, as seems reasonable, we assign to this month two charters in Wood MS. empt. 10 (Bodleian Library), fol. 14, we have in them the first appearance in England of Richard de Luci. The charters were issued at Reading; in the one the queen grants to the Templars her manor of Cowley near Oxford, and in the other the king confirms the gift. Reason suggests that the charters are of the same date, and this is established by the names of Robert

<sup>2</sup> *Priory of Hexham*, vol. i. p. 104 (Surtees Soc.).

<sup>3</sup> *Geoffrey de Mandeville*, p. 285.

<sup>4</sup> *The English Register of Godstow Nunnery*, vol. i. p. 28 (E.E.T.S.) Also Dugdale, *Monast.*, i. 526 (old edition); iv. 362 (new edition).

<sup>5</sup> Misc. Books, Exch. K. R. no. 20, fol. 4<sup>v</sup> (Record Office).

Marmyon, Aylard Flandrensis, Robert Avenel, Elyas Giffard, Maurice of Windsor, and Milo Basset, which are common to both charters. The other witnesses of the Queen's charter are Milo of Gloucester, Humphrey de Bohun, and Robert Musard; while the King's charter is attested by Richard de Luci, William de Ipra, William Martel, and Reginald of Windsor. The presence of Milo of Gloucester makes it difficult to assign a date later than February 1139, and the name of Richard de Luci makes it unlikely that it is earlier than January 1139. We learn from Orderic (968 A, B) that William de Ipra and Richard de Luci were in Normandy in 1138 and the latter was fighting there for the king as late as November; but it seems that war ceased at the season of Advent and William de Ipra and Richard de Luci crossed to England. The former remained in England; the latter perhaps returned to Normandy.

H. E. SALTER.

### *The Clan System among English Settlers in Ireland*

THE following document is copied from a transcript headed 'pro electione capitanei des Harolds' in the Harris *Collectanea*,<sup>1</sup> in the National Library at Dublin, ii. 223. These manuscripts contain materials gathered together by Archbishop King in the first quarter of the eighteenth century to serve for an Ecclesiastical History of Ireland, a work which he never executed. The materials were added to by Walter Harris, the continuator of Ware, who drew up the valuable manuscript catalogue which forms part of the collection. The original of the present document has disappeared, and there is no mention of it in the published *Rotulorum Patentium et Clausorum Cancellariae Hiberniae*.

Irrot. in Canc. Hiberniae.

Memorandum quod Iohannes filius Henrici Harold, Mauritius filius Alexandri Harold, Iohannes filius Alexandri Harold, Willelmus filius Roberti Harold, Hugh filius Roberti Iaghless, Petrus Howell, Richardus filius Michaelis Howell, Matthias Archbold, Elias filius Roberti Walsh, Robertus filius Galfridi Harold, et Rogerus filius Danielis Harold ibidem in praesentia Iusticiarii Hiberniae elegerunt super sacramentum suum Waltherum Harold capitaneum progeniei des Harolds; qui quidem Walterus die et anno supradicto in praesentia praefati Iusticiarii tactis sacrosanctis

<sup>1</sup> There are seventeen volumes of these *Collectanea*, reaching from the reign of Henry II to that of William III. They are neatly bound and in a good state of preservation. They have never been published either in part or whole, nor has any printed catalogue been made of them in spite of their importance for students of Irish history. The entries refer chiefly to ecclesiastical affairs, but the early volumes contain many copies of deeds, warrants, inquisitions and documents of general interest in Irish medieval history. The value of the collection is enhanced by the fact that many of the originals must have perished in the fire of 1711 which consumed the old Privy Council Chamber. A short description of the *Collectanea* is given in the Appendix to the *Report of Trustees of National Library of Ireland for 1899*, p. 12.

evangelii sacramentum praestitit corporale quod ipse in posterum bene et fideliter ad pacem domini Regis in omnibus se geret ut pacifice se habeat, et si contingat quod aliquis de eius progenie aut parentela aut sibi adhaerens aliquam feloniam seu roberiam super fidelem populum ipsius Domini regis de caetero faceret, ipse Walterus iurat et fideliter manutinet capere corpus praedicti felonis pro posse suo et ipsum prisonae Domini regis mancipare cum notitiam inde habuerit et legitime requisitus.

Aprilis 23<sup>o</sup> Ed. 3, vicesimo quarto.

Iohannes OBryn eodem anno electus capitaneus de OBryns iuratus etc. ut ante in memorando A.D. 1350. Mattheus Archbold eodem modo electus capitaneus de Archbolds. A.D. 1350.

This writ for 'the election of the Harolds' supplies an early instance of the growth of Irish customs among the Norman-English landholders in Ireland. From the invasion of Edward Bruce onward the Irish Government found the feudal system of tenures breaking down and growing inadequate both from a military and a tenurial point of view. An alternative lay in legalising the clan system and ratifying the election of 'captains of nations' among the Norman-English and Old-Irish. The tide of Hibernicisation was too strong to be resisted, the clan system offered a tenure and an agricultural order better suited to the country, while in the weakness of the government it was inevitable that private families should organise themselves on a patriarchal basis for purposes of defence and security. In this case, where chieftains of both Norman and Irish blood have their titles and election confirmed by the head of the Irish administration, we find one of the earliest instances of the government ratifying and surrendering to the Irish Brehon system in its most characteristic form. In spite of the statute of Kilkenny this method of securing the loyalty of Irish and Anglo-Irish by ratifying tribal chieftainship was put into full practice in the sixteenth century. It was part of Henry VIII's policy of leaving the great Irish families undisturbed as long as they acknowledged the royal power in church and state. Under the Tudors there are frequent instances in which the government legalises the clan system generally in a treaty between the sovereign or lord deputy and the chief actual or claimant, the latter undertaking to act loyally, to pacify and Anglicise his country, and the government hoping to control the people through their native lord. Thus in 1538 we find a compact between Lord Leonard Grey, the king's deputy, and Remund *alias* Jenico Savage, one of the 'degenerate Englishry' of Eastern Ulster. The latter, 'having taken his oath of fealty, is to bear the name and have the honours of chief captain of his nation and of the country of the Savages otherwise Lecale.'<sup>2</sup> In the same reign, as in those of Edward VI and Mary, and in the early years of Elizabeth

<sup>2</sup> *Calendar of Patent and Close Rolls of Chancery in Ireland*, vol. i., Henry VIII-Elizabeth, p. 45.

grants of chieftaincy and tanistry to the purely Irish princes were frequent. In 1554-5 Dermot M'Chair [*i.e.* mac Cahir] Kavanagh was appointed captain and tanist of M'Amore's [*i.e.* mac Damor's] country with attendance of twelve swordsmen. The grant recited that Queen Mary by letters patent in the first year of her reign had promoted his father, Charles (Cahir) mac Art Kavanagh, to the state of baron of Ballian for life and nominated him captain of his nation.<sup>3</sup>

The Anglo-Irish names mentioned in our document are those of families which acquired estates in the marches of Dublin and Kildare in the original enfeoffment of Leinster at the end of the twelfth century. The Harolds probably came into Ireland among the numerous immigrants of English burgess stock in the first fifty years after the invasion; although it is sometimes stated that they represent an original Scandinavian family. We find them holding the lands of Kilgobbin or Kilgobban south of Dundrum, co. Dublin, under the Hakets from the early years of the thirteenth century.<sup>4</sup> In the fourteenth century the tract of border country about Saggard, lying towards the Dublin mountains, became known from this family as Harold's Grange, while it was also called Grange of the Marches or Balgeeth.<sup>5</sup> As in the case of other Anglo-Irish families they could not always resist the temptation to join in with the Irish against the colonists of their own blood. The annals of St. Mary's Abbey, Dublin, record one instance of their uniting with the Archbolds and the two great native clans against the settlers around Wicklow.<sup>6</sup> These two English names already represented 'septs' as early as 1315. The Harolds became of great importance on the borders of the Pale, being, in that most disturbed part of the island, semi-official guardians of the king's peace. During the sixteenth and seventeenth centuries they suffered the common lot of forfeiture and dispossession along with many Anglo-Irish families whose religious sympathies led them into union with the Old-Irish. In 1536 Peter Talbot of Shankyll was made captain and governor of part of the marches of co. Dublin called Harold's County to hold during pleasure in place of John 'Harrold.'<sup>7</sup> Among the forfeited proprietors of 1649 we find John Harold of Kilmakeoge in the half-barony of Rathdown, co. Dublin.<sup>8</sup> The village of Harold's Cross, a few miles south of Dublin, keeps in memory this ancient Norman-Irish family.

<sup>3</sup> *Cal. of Pat. and Close Rolls of Chancery in Ireland*, i. 342.

<sup>4</sup> See James Mills, 'Norman Settlement in Leinster,' in *Journal of the Royal Soc. of Antiq. of Ireland*, 1894, p. 166.

<sup>5</sup> See Dalton's *Hist. of the County of Dublin*, p. 722.

<sup>6</sup> *Chart. of St. Mary's Abbey*, p. 349, *sub anno* 1315: 'Item Othilles et Obrynnes Archibauldes et Haroldes coniurati fuerint et villam de Wikelow cum tota patria devastaverunt.'

<sup>7</sup> *Cal. of Pat. and Close Rolls of Chancery in Ireland*, i. 26.

<sup>8</sup> O'Hart, *Irish Landed Gentry in 1649*, p. 428.



The family of Lawless or Laghles acquired this significant designation at the beginning of the fourteenth century. In 1347 Robert Lawless and others were appointed guardians of the peace in the marches with power to assess and array its military force.<sup>9</sup> In 1389 the family of this name was seised of the neighbourhood of Saggard, while in the fourteenth and fifteenth century it was in possession of Shanganagh and Kilruddery near Dalkey.<sup>10</sup> The Archbolds were, we have seen, a numerous race by 1315. At the end of the fifteenth century they held the manor and lands of Much Bray and Little Bray (Moche Bree and Little Bree) in the south of co. Dublin, which they retained in 1536-7.<sup>11</sup> In 1649 Morris Archbold of Kilmacud in the half-baronry of Rathdown, co. Dublin, was one of the forfeiting proprietors, while a Rowland Archbold also was deprived of the lands of Cloghran.<sup>12</sup> The Walshes were a family of Welsh origin with other branches in the counties Kilkenny and Mayo. They appear as considerable landholders in the country west of Dalkey, as we find in an extent made by the king's orders in 1276. By this Elias le Waleys, deceased, was found to have possessed Villa Walensis, or Walshestown, with 99 acres *in capite* of the archbishop. Among the jurors appears one Philip Howel.<sup>13</sup> In 1609 James Walsh was seised of a castle and land in Shanganagh and Kiltuc, from Peter Talbot in his manor of Rathdown, while in 1654 it was found that this townland had been the property of John Walsh, rebel.<sup>14</sup> Howell, a name of Welsh origin, is early found among the settlers of the newer race who became so numerous in the district south of Dublin. Although persons of this surname do not appear as landowners of any importance, they meet us with the credibility of freeholders in lists of jurors and witnesses in this neighbourhood.<sup>15</sup>

These Norman-English families dwelt in the manors of Esker and Saggard on the borders between the city of Dublin and the independent Irish of the mountains. They had for neighbours the powerful fighting clan of the O'Byrnes—called OBroin by the Irish and by the English settlers OBryn—who had now become confined to the mountainous districts of the present counties of Dublin and Wicklow, where they held out till Tyrone's rising, 1594-1603. The John OBryn who makes his submission in this document is not mentioned in authentic O'Byrne genealogies as chief of that clan, nor indeed does the essentially Norman name John, in Irish Shane, Shaan, or Seaghan, appear among their leaders till the end of the fifteenth

<sup>9</sup> Dalton, p. 25.

<sup>10</sup> *Ibid.* pp. 772, 900.

<sup>11</sup> *Ibid.* p. 910, and *Cal. of Pat. and Close Rolls of Chancery in Ireland*, i. 28-9.

<sup>12</sup> Dalton, p. 910, and O'Hart, *Landed Gentry of Ireland*, 1649, p. 248.

<sup>13</sup> *Cal. of Doc. Ireland*, ii. no. 1283.

<sup>14</sup> Dalton, p. 900.

<sup>15</sup> *Cal. of Doc. Ireland*, ii. 232, &c.

century.<sup>16</sup> The Chancery Records however give a reference to one Shaan (John) OBryn who is almost certainly the same person with the John who is here elected 'capitaneus.' In the Irish *Close Rolls*, 29-30 Edw. III, there is recorded an affray between Adam Dodyng and other English, and the O'Byrnes, in which were killed or fatally wounded Ravenald McClochan OBryn the elder and Mourth son of McConghir Ravenald OBryn, while Shaan son of Donald Mór OBryn was taken and brought prisoner to Dublin castle.<sup>17</sup> The John who was captured in this fray of 1356 is not mentioned even in the most extensive genealogies. Donnchadh or Donogh Mór (here called Donald by a natural mistake) is given as chief of the race about the end of the thirteenth century, while his son Murchadh or Murkud surrendered to the government in 1329. A Lorcan is also given as a son of Donoch Mór, while another son, Raghnaill, is famous as having split the race in two and founded the Gavel Rannell or junior branch of the O'Byrnes.<sup>18</sup>

The John OBryn of our document gave little satisfaction to the government, for in 1359 this same John is mentioned as having been brought by James le Butler earl of Ormond before the justiciar, with whom he entered into terms of peace; he is described as 'captain of the OBryns and lately a rebel.'<sup>19</sup> He was evidently the younger and unconsidered son of a ruling chief, and as such may have made pretensions to the chiefship and secured election by a section of the clan. The Irish government in ratifying his title and election was perhaps not accepting the general will of the tribe. But in later days it followed much the same policy in accepting Ferdorcha or Matthew O'Neill as representative of that family instead of the elder and more legitimate Shane. We have here perhaps an early instance of a policy similar to that which produced a 'Queen's O'Neill' and an 'Irish O'Neill.'

EDMUND CURTIS.

<sup>16</sup> See the O'Byrne pedigrees in *Ann. of the Four Masters*, ed. O'Donovan, note sub anno 1580, *Journal of the Hist. and Arch. Assoc. of Ireland*, 4th series, iii. pt. 2, and pp. 381 and 487.

<sup>17</sup> *Rot. Canc. Hib. Cal.* p. 59 b: 'Regis thesaurario ad petitionem Ade Dodyng pro se et sociis monstrantem qualiter ipsi . . . congregati se de nocte armatos ad terram de les Bryns inter fortalicia eorum posuerunt . . . sequenti die venientem quandam coniunctivam de ipsis Bryns viriliter sunt aggressi . . . quosdam potentes de ipsis viz. Ravenald McClochan OBryn seniore letaliter vulneraverunt, Mourth filium McConghir Ravenald OBryn occiderunt, et Shaan filium Donaldi Mór OBryn ceperunt, &c.' These obfuscated names should be Raghnaill son of Lorchan OBroin, Murchadh or Morogh son of Connor Raghnaill OBroin, and Shane son of Donogh Mór OBroin. See *Chart. of St. Mary's, Dublin*, vol. ii. annals, p. 371.

<sup>18</sup> *Journal of the Hist. and Arch. Assoc. of Ireland*, 4th series, iii. pt. 2, p. 487.

<sup>19</sup> *Rot. Canc. Hib. Cal.* p. 66 a.

*An Ordinance for Syon Library, 1482.*

THE 'ordinance' of Elizabeth, abbess of Syon,<sup>1</sup> of which a copy follows, was a 'cedule' stitched upside-down (by threads which still remain in their holes) to an indenture,<sup>2</sup> dated 3 Nov., 22 Edward IV, made between the abbess of the one part and Thomas Raile of the other part, being the 'part' of the indenture executed by Thomas, 'remaynyng wyth the same Abbesse for the commen wele of the seid Monasterie.' Thomas engages to observe the ordinance, and the abbess promises payment of the yearly wages and 'alle other sommes of money hereafter to be endented betwixt [hy]m<sup>3</sup> and the Chaunters of the Queres of the Bretherne and Systeme Sydes of [Syo]ne aforeseid . . . and [. . . b]etwixt the same Thomas and the kepers of the libraris of the Bretherne and [Sys]terne Sydes there.'

The 'additional rules' of this Brigittine house, dating from about the middle of the fifteenth century,<sup>4</sup> show that the remarkable library<sup>5</sup> was the object of due solicitude. Among the 'articles that the buschop schal examyn of in his visitacion yf he wylle' we find:

18. If there be an inuentory or register of the bokes of the library and how they and other bokes of study be kepte and repayred.<sup>6</sup>

Again:

Silence after some convenience is to be kepte in the lybrary, whyls any suster is there alone in recording of her redyng.<sup>7</sup>

Zonge sustres schal haue the elder in dewe reuerence, and zelde hem selfe seruisable to them at all tymes in alle places zeuyng them way to go wher euer they mete hem, and puttyng to ther handes to helpe them in beryng of heuy bokes.<sup>8</sup>

It was the duty of the 'sextayne . . . to puruey for . . . penners, pennes, ynke, ynkhornes, tables.'<sup>9</sup>

The keeper of the brethren's locutory held a post of responsibility, for, at any rate in the first resort, he controlled the converse

<sup>1</sup> Elizabeth Muston succeeded Margaret Ashby (who died 17 June 1456). Her death is entered in the Martiloge as fourth abbess on 28 April 1497: J. H. Blunt, introd. to *The Myrroure of oure Ladye* (1873), p. xxiii, note.

<sup>2</sup> Office of Augmentations, Misc. Book LIV. Nos. 79, 80.

<sup>3</sup> The paper is a good deal worn at the left side.

<sup>4</sup> Printed in Aungier, *Hist. of Isleworth* (1840).

<sup>5</sup> See Miss Mary Bateson's *Catalogue of the Library of Syon Monastery, Isleworth*. Cambridge, 1898.

<sup>6</sup> Add. rule x., in Aungier, 278.

<sup>7</sup> Add. rule xiv., *ibid.* 296.

<sup>8</sup> Add. rule xlvii., *ibid.* 365.

<sup>9</sup> Add. rule xlviii., *ibid.* 367. Among the Austin Canons of Barnwell it was the precentor who was directed 'to provide the writers with parchment, ink, and everything else necessary for writing.' *Observances in Use at the Augustinian Priory of Barnwell*, ed. J. W. Clark, 1897, p. 63.

between brethren, and was empowered to check any divagation or excess—himself being freed from the obligation of silence.<sup>10</sup> He may also have been by profession a writer, illuminator, and noter of quires, though the ordinance suggests that the abbess has no difficulty in finding another to fill the post.

ROBERT JOWITT WHITWELL.

We *Elizabeth*<sup>11</sup> abbas of y<sup>e</sup> *Monastere of Syon* considerynge the greete hurtte and notable dayly Enpaymente of oure singler tresour Bokes of oure Queeres and libraries for defaute of byndynge . wrytynge and notyng<sup>e</sup> of Quayres . necessarie to be hadde and repared bene moved to purvey this remedye . We wylle and ordeyne . that . yif oure seruante . kepare of the brethenes [*sic*] locutorie kane wryte noote and bynde bookes in tyme commynge lyke as<sup>12</sup> *hath bene* doone in tyme paste . he shalle bynde and repayre alle bookes needefulle wythine vs . of bothe sydes . yat is to say the bookes of oure Queeres . deliuerede to him . owdere be y<sup>e</sup> Chauntrere of the brethren syde . or be Chaunstresse [*sic*] of owre the Systren syde . And y<sup>e</sup> Bookes of lybraries deliuered to hym . by y<sup>e</sup> kepar of y<sup>e</sup> brethrenes librarie or be y<sup>e</sup> kepar of oure y<sup>e</sup> sistrenes librarie . We fyndyng allemaner of stoffe as Bordes . couerynges . Curreys . hookes . or Claspes . glewe . and flowre for paaste . Which Bookes beene of iiij . dyuerse manere of soortes.

The firste and leeste . soorte is . of vj . ynchesse in lenghte . and vndre . And for euery booke byndynge of that soorte . he shall have ij d . for his baare labour . besydes hys wonte wages . of . xij . s . iij . d . wyth meete drynke and Clothynge . And for euery booke byndynge of y<sup>e</sup> secounde soorte . of xij . ynchesse in lenghte . & vndre to . vj<sup>e</sup> . wyth the forseide avayles . he shall have iiij . d .

And for euery booke byndynge of y<sup>e</sup> thirde soorte . of xvij<sup>te</sup> . ynchesse . and vndre to xij<sup>e</sup> . he shalle have vj . d . And for euery booke byndynge of y<sup>e</sup> iiij<sup>te</sup> soorte of xxiiij<sup>ti</sup> ynchesse and vndre to xvij<sup>te</sup><sup>13</sup> he shall have viij . d .

forthmore . for wrytynge and lumpnyng *and*<sup>14</sup> notyng<sup>e</sup> of quayres needefulle of iiij<sup>e</sup> dyuers soortes . the firste and leeste bene of xij<sup>e</sup> prykke and vndre to vj<sup>e</sup> . for euery quayer<sup>15</sup> *of yat soorte* he shall have iiij d .

And for every quayre of y<sup>e</sup> secounde soorte of xxiiij<sup>ti</sup> prykke and vndre to xvj<sup>te</sup> . he shalle haue . viij d . And for euery quayere of y<sup>e</sup> iij<sup>e</sup> soorte of xxxvj<sup>ti</sup> . prykke and vndre to xxvj<sup>ti</sup> [*sic*] he shalle have . xij d .

And for euery quayre of y<sup>e</sup> iiij<sup>te</sup> . soorte of xliij<sup>ti</sup> prykke and vndre to xxxvj<sup>ti</sup><sup>16</sup> he shalle have xvj d .

this owre ordinance made for yowe *Thomas Raille nowe keper of y<sup>e</sup>*

<sup>10</sup> By add. rule iii. (Aungier, 257), the 'kepers of the locutories, wheyles, grates, gates, or entries into the clausures' are allowed 'to speke alone,' and yet not they but for ther offices only.'

<sup>11</sup> The words in italics are additions to the ordinance as originally written.

<sup>12</sup> Thei haue cancelled.

<sup>13</sup> Wyth the saide wages and avayles cancelled.

<sup>14</sup> Over a word apparently of three letters, perhaps *ore*.

<sup>15</sup> By syde y<sup>e</sup> waages and vayles rehersed cancelled.

<sup>16</sup> Ouere alle vayles and wages. a boveseide cancelled.

said Brethernes locutorie . and alle owere yat shalle succede in that office . we wylle and desyre . yowe to fullefyll . for your tyme . as ye shalle please vs. And if ye wylle not . we bene purveyde of theme yat wylle.

### *A Dispensation of Julius II for Erasmus*

For the document that follows I am indebted to Dr. Brom, Director of the Dutch Historical Institute at Rome, who has very kindly placed it at my disposal. It was discovered by him in the course of the systematic researches which he is making for his *Archivalia in Italië*; and an abstract of it is given in the second volume,<sup>1</sup> recently published.<sup>2</sup> Its main interest is that it brings to light a transaction in Erasmus' life of which hitherto nothing has been known. The dispensation confers upon him the power to hold benefices of certain kinds; and in form it closely resembles a similar brief which he received from Leo X in 1517.<sup>3</sup> As to the purpose for which it was obtained, at first sight a clue seems to be offered by a letter of Erasmus to Servatius at Steyn in 1505; in which he speaks of 'spes istic non contemnendae,' which might have been expected to deter him from going to England.<sup>4</sup> But Dr. Brom points out to me that the reference to Otho le Blanc and Ottoboni Fieschi, papal legates in England in 1237 and 1268, and the dispensation from their constitutions<sup>5</sup>—evidently those requiring residence—implies conclusively that the patronage expected by Erasmus was English; and this is borne out by the facts. In the summer or autumn of 1505 he came to England in quest of endowment<sup>6</sup> and was there for more than a year. The greater part of that time he spent in London, in close intimacy with Colet<sup>7</sup> and with other ecclesiastics and noblemen; and in April 1506 he mentions a promise of a benefice from Henry VII.<sup>8</sup> It may therefore be presumed that on arrival in England he had at once set on foot negotiations at Rome to enable him to enjoy an English living; and that the letter printed below is the answer. It is even possible that he may have been helped in the matter by Ammonius and Sylvester Gigli, who afterwards secured for him the dispensation from Leo X alluded to above.<sup>9</sup> Both were in England at the time,<sup>10</sup> and Ammonius had influential friends at Julius' court.<sup>11</sup> But Henry's promise was not fulfilled; and thus the dispensation was of no avail to Erasmus until 1512.<sup>12</sup>

The letter also contributes something to the question of Erasmus' parentage. The statement that his father was an unmarried layman

<sup>1</sup> No. 1877.

<sup>2</sup> The Hague, 1909.

<sup>3</sup> Ep. 518.

<sup>4</sup> Ep. 185. 6, 7.

<sup>5</sup> Wilkins, *Concilia*, i. 649 seq., ii. 1 seq.

<sup>6</sup> *Compendium Vitae*, ii. 120-2.

<sup>7</sup> Ep. 384 introd.

<sup>8</sup> Ep. 189. 3, 4.

<sup>9</sup> Ep. 447 introd.

<sup>10</sup> Ep. 218 introd.

<sup>11</sup> Ep. 243. 25-32.

<sup>12</sup> Ep. 255 introd.

(*solutus*) seems to dispose of the legend that he was the son of a priest. But it is considerably discounted by the language used about him in a brief concerned with the dispensation of 1517 already alluded to. His *defectus natalium* is there said<sup>13</sup> to consist in being *ex illicito et, vt timet, incesto damnatoque coitu genitus*: a description which suggests that he may in the interval have learnt more about the circumstances of his birth; while, as Vischer notes, it also implies some uncertainty remaining in his mind as to the date when his father took orders.

There can be no question as to the authenticity of this document; for it occurs in one of the registers in which letters were regularly entered by the papal secretaries before despatch. In this case the copy was made carelessly and with some abbreviations of formulas by 'etc.' The first of these I have amplified from comparison with the brief of 1517, the amplification being shown by brackets; the last three omit stereotyped forms. I have also taken liberties in some cases in transforming *t* into *c*, to avoid such uncouth forms as *loto* or *simpltuer*.

P. S. ALLEN.

Vatican Archives, Reg. Later. 1174, f. 345 v°.

Rome,  
4 January 1505/6.

*Iulius &c. Dilecto Filio Desiderio Erasmo Canonico Monasterii de Steyn in Hollandia Ordinis Sancti Augustini Traietensis Diocesis Salutem &c.*

Religionis zellus, vite ac morum honestas, aliaque laudabilia probitatis et virtutum merita, super quibus apud nos fidedigno commendaris testimonio, nos inducunt vt te specialibus fauoribus et graciis prosequamur. Hinc est quod nos volentes te, qui, vt asseris, defectum natalium pateris, de soluto genitus et vidua, premissorum meritorum tuorum intuitu fauore prosequi gracioso, teque a quibusuis excommunicationis, [suspensionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et poenis a iure vel ab homine quauis occasione vel causa latis, si quibus quomodolibet innodatus existis, ad effectum presentium duntaxat consequendum, harum serie absoluentes] et absolutum fore censentes; tuis in hac parte supplicationibus inclinati tecum, vt quodcunque beneficium ecclesiasticum cum cura vel sine cura per clericos seculares teneri solitum, etiam si parochialis ecclesia vel eius perpetua vicaria aut cantoria, libera capella, hospitale, vel annuale seruitium eisdem clericis in titulum perpetui beneficii ecclesiastici assignari solitum et de iure patronorum laycorum aut cuiuscunque taxe seu annui valoris illius fructus, redditus, et prouentus fuerint, si tibi alias canonice conferantur aut presenteris vel alias assumaris ad illud et instituaris in eo, recipere et retinere, illudque simpliciter vel ex causa permutacionis, quociens tibi placuerit, dimittere, et loco dimissi aliud simile vel dissimile beneficium ecclesiasticum cum cura vel sine cura, vt premititur, qualificatum similiter recipere et, vt preffertur, retinere libere et licite valeas, defectu predicto ac Pictauen. concilii et quibusuis aliis apostolicis ac bo. me. Octonis et Octoboni olim in regno

<sup>13</sup> Ep. 517. 7, 8.

Anglie apostolice sedis legatorum necnon in prouincialibus et sinodalibus conciliis editis generalibus vel specialibus constitutionibus et ordinationibus, statutis quoque et consuetudinibus monasterii de Stein in Hollandia ordinis Sancti Augustini Traiectensis diocesis, cuius canonicus et, vt etiam asseris, ordinem ipsum expresse professus existis, ac dicti ordinis iuramento confirmatione apostolica vel quauis firmitate alia roboratis ceterisque contrariis nequaquam obstantibus, auctoritate apostolica tenore presentium de specialis dono gratie dispensamus. Nulli ergo, etc., nostre absolutionis et dispensationis infringere, etc. Si quis, etc.

Datum Rome apud sanctum Petrum anno incarnationis dominice millesimo quingentesimo quinto. Pridie Non. Ianuar. Anno tertio.

A. COLOTIUS.

### *The Coronation of Queen Elizabeth.*

Two passages may be added to the documents already cited<sup>1</sup> on this question. In April 1571 the queen herself told the French ambassador, La Mothe Fénelon,

qu'elle avoit esté couronnée et sacrée sellon les cérémonies de l'esglize catholique, et par évesques catholiques, sans toutefois assister à la messe.<sup>2</sup>

The other passage is from Philip II's reply to Feria's despatch giving an account of his conduct on this occasion. Feria's letter, as Mr. Bayne remarks, is not known to be extant; but Philip's reply, although not noticed in the *Spanish Calendar*, is printed *in extenso* in Kervyn de Lettenhove's *Relations des Pays-Bas et de l'Angleterre*.<sup>3</sup> The king writes:

En lo de la coronacion de la Reina, os huvistes como convenia, pues con haberla acompañado á la entrada y averos escusado de la missa, por no hallaros bueno devio, quedar satisfecha.

Philip here commends Feria for having accompanied Elizabeth to the door only, and for having excused himself from the mass on the plea of indisposition. Obviously Feria was under the impression that there would be, and informed Philip that there had been, some serious departure from catholic usage. But if the ceremony was modified to suit Elizabeth's protestantism, why did she not 'assist at the mass' herself? The probable explanation seems to be this: Elizabeth endeavoured to persuade Oglethorpe to celebrate without the elevation, and *sub utraque specie*. Feria, Il Schifanoia, Ribadeneira, and others thought that Oglethorpe would yield. Feria actually told Philip that the eucharist was administered *sub utraque specie*; and no foreigner was likely to be better informed than Philip's ambassador, from whom Ribadeneira almost certainly obtained his knowledge. Yet he was mistaken, and he admits it.<sup>4</sup>

<sup>1</sup> See above vol. xxii. 650-673, vol. xxiii. 87-91, 533-4, vol. xxiv. 322-3.

<sup>2</sup> La Mothe Fénelon, *Corresp. Dipl.* iv. 66.

<sup>3</sup> Tom. i. p. 411.

<sup>4</sup> *Ibid.* i. 414.

Apparently, Oglethorpe would not give way, and Elizabeth retired to her 'traverse.' Both parties acted consistently with their principles and with their conduct on the previous Christmas Day. Then Oglethorpe refused to celebrate without the elevation of the Host, and Elizabeth walked out of her chapel; at the coronation Oglethorpe repeated his refusal, and Elizabeth, instead of walking out, withdrew to her 'traverse.' Feria and the other catholic diplomatists absented themselves, either because they disapproved of the coronation of one who would not 'assist at the mass,' or more probably because they believed that the mass would not be celebrated according to the accustomed catholic rites. Elizabeth, it may be added, was quite capable of allowing Feria to stay away under this mistaken impression, and of then making diplomatic capital out of the affront implied by his absence; and it is clear from the last words in the quotation from Philip's letter to Feria that both of them were anticipating some such complaint.

A. F. POLLARD.

### *The Origin of Titus Oates' Story.*

IN spite of the minute examination to which nearly every detail of the Popish Plot has been subjected, relatively little attention has been given to the origin and sources of the story on which it was based. Titus Oates' connexion with the Roman catholics in England and on the Continent has been investigated, and his probable knowledge of their designs carefully appraised. These designs have been reconstructed so far as possible. The character and writings of Israel Tonge have been examined with almost equal minuteness. It has been demonstrated that with slight exceptions, and these not material to the charges of a plot, the whole story was untrue. But by considering the matter almost wholly from the Roman catholic point of view, Oates has appeared perhaps in a better light than he deserves, since his general contention that his story had a catholic origin has been thus tacitly admitted.

Without doubt Oates' catholic connexion contributed to his information certain names like those of Strange, Whitbread, and Bedingfield, and the keystone of his fabrication, the Jesuit consult of 24 April 1678. But a study of the earlier Restoration plots, and other materials of the same sort,<sup>1</sup> has suggested another and perhaps more probable source of his story, since there is a certain kinship between these stories and that of Oates, which makes the latter appear only one of a numerous family, to the other members of which it bears a strong resemblance. No single document, indeed, has been brought to light which corresponds so closely to Oates' work as to show direct plagiarism, nor would this be expected.

<sup>1</sup> See the present writer's 'English Conspiracy and Dissent, 1660-1674, *American Historical Review*, April and July, 1909.



Not only would direct plagiarism have been too dangerous, but the informations drawn up under Clarendon were usually detached in time, space, and authorship from each other, and, with the exceptions noted below, were inaccessible to Oates or Tonge. The possibility that the authors of the Popish Plot knew one of the earlier informers, and obtained their statements from him, seems to be excluded by the fact that, after combining each of these stories from scattered letters, not one coincides with the information supplied by Oates. Yet the general resemblance remains. Practically every detail of his story can be paralleled from these informations, even to the death of Ormond, and the share of John Lambert—of all men the last to take part in a popish plot. The death of the king by dagger, poison, or bullet; the risings in Scotland and Ireland; the armed thousands in London; the stores of arms; the contributions for rebellion; men enlisted in the army; the threatened mutiny of the garrisons or the Guards; the revolutionary council:—all these are the stock in trade of the cycle of stories circulating about the nonconformist conspiracies during Clarendon's administration. In it advantage was to be taken of Anglo-Dutch hostility; with Oates it was the English and French who were to fall out. In each the story about the Fire and the plot to seize the Tower appear in similar form. There is even an absurd analogy between Charles' escape from death through his 'industry' at the time of the Fire and his being spared by Blood on account of his 'majesty,' while bathing. Making allowance for difference of religion, time, and circumstances, especially in the matter of setting up a government by the sectaries in the one case, or the catholics in the other,<sup>2</sup> the details are the same.

That Oates and Tonge knew the substance of these earlier stories is beyond doubt. Each came from the class and had lived in the places that furnished plots, wild talk, and informers.<sup>3</sup> Besides, some of this material was then in print. Some plots had been made the subject of royal proclamation; others were matters of general news;<sup>4</sup> others again found publicity in the *Gazette* or in pamphlets. Of the last, three deserve more particular notice. The first is a tract describing the trial and execution of several men in December 1662 for a plot not unlike that outlined by Oates.<sup>5</sup> The second is an account of the so-called

<sup>2</sup> The sectaries, basing their hopes on popular discontent, proposed a parliament. This was obviously impossible for the Catholics, and the story of Tonge and Oates is correspondingly vague on that point.

<sup>3</sup> When Tonge was chaplain at Dunkirk, Governor Rutherford found just such a plot, and hanged a man for it. Dover, Dunkirk, Tangier, and Tonge's London parishes abounded in the materials from which nonconformist plots were constructed.

<sup>4</sup> Such as the Dublin plot and the Farnley Wood rising of 1663, for which two captains named Oates were hanged.

<sup>5</sup> Howell, *State Trials*, vi. 226. Of these the principal figure was Thomas Tonge, a distiller in St. Michael's parish, Cornhill.

Rathbone plot of 1666, printed in the *Gazette* of 23-6 April of that year. The third is the collection of testimony regarding the Fire.<sup>6</sup> Here, then, apart from Oates' and Tonge's general knowledge of such matters, are materials from which, with little ingenuity, such a story as theirs could be easily constructed. In addition to these, the Luzancy case and the Southwark Fire were then fresh in men's minds, and added both details and probability to their account. This much of the story, then, we believe, was derived from the charges against the sectaries, as a few names and events had their source in Oates' catholic connexions. But the form of introduction, the device of the betrayal, and the accompanying lists of names, are not accounted for by Oates' experiences, and find scanty parallel in the Clarendonian informations. It has been urged that the narrative of the Popish Plot, like Tonge's earlier writings, was based, in part at least, on old anti-catholic tracts.<sup>7</sup> But the story of the Plot is highly circumstantial, while most anti-catholic writings are exceedingly vague.

There are however two pamphlets which seem to give a clue to the sources of these elements of Oates' romance: the story of the Gunpowder Plot, printed in 1606; and that of the so-called Habernfeld Plot, first published by William Prynne in 1643, under title of *Rome's Masterpiece*. These contain little of the kind of material common to Oates and the Clarendonian cycle. But each of them, in addition to the usual story of the death of the king and the change of government common to all these informations, does include certain other details bearing a striking resemblance to one another and to Oates' story. In all three, catholic authorities were cognisant of or directed the plot; a catholic in the king's immediate circle, Percy or Porter or Wakeman, stood ready to kill him; a catholic design was to be seconded by a Scotch rising and the aid of disaffected Englishmen; above all, the plot was revealed by a repentant conspirator to a friend who communicated it to the government or urged its betrayal. In each Lord Arundel of Wardour plays a chief part, through three generations of that name; and in each appears a list of persons assigned to leading parts. Again, in Prynne's pamphlet first appears the device of drawing up the information into separate articles: seventeen in his story, forty-three (then eighty-one) in the fabrication of Oates and Tonge. Moreover, in the inventory of Tonge's library we find confirmation of the conjecture that he had knowledge of such materials, apart from the fact that he himself 'raised the ghost of the Habernfeld plot when fame overtook him.'<sup>8</sup> It contained 'Fitzgarrard's

<sup>6</sup> Howell, *State Trials*, vi. 807 ff.

<sup>7</sup> *Dict. of Nat. Biogr.* lvii. 31.

<sup>8</sup> Preserved in the State Papers, Domestic, Charles II, vol. 409, fol. 38.

information,' which (whether it was the intercepted letter of 1647 purporting to reveal an Irish plot, or the information laid in 1670-1 by Edward Fitzgerald against Captain Walcot) is of the same nature as those we have mentioned, as well as the so-called 'Rich. Green's information 1676,' published three years later as Part IV of Tonge's 'Popish Plot' and included in his 'collections' regarding the Plot.<sup>9</sup> It seems probable, therefore, that it was from a combination of these sources: first, the general knowledge each had of the earlier Restoration plots; second, printed material relating to them; and third, the narratives of the Gunpowder and Habernfeld conspiracies, rather than from the catholic connexion of Oates, that the document was concocted which played such a part in affairs after 1679. It was, in fact, less an 'invention,' as it has generally been called, than an adaptation of old stories to new circumstances.<sup>10</sup>

W. C. ABBOTT.

### *An English Sailor among the Chouans*

THE suspicions attached to the service on which Captain John Wesley Wright was engaged at the time of his capture by the French in 1804, and the legend that before the defence of Acre he was landed by Sir Sidney Smith near Alexandria, 'not openly as a British naval officer, but bearded, moustachioed and shawled *à la Turque*, for the express purpose of obtaining valuable information,'<sup>1</sup> are somewhat borne out by the documents printed below. The first two are copies of Wright's letters to Sir Sidney Smith made by order of the latter for the Prince de Bouillon at the time of their receipt—the letters from 'J. W. W.—Mercure' to which Smith's communication of 9 April 1796, printed in this Review in July 1908, was the answer. They are of interest alike for the history of the Chouannerie in the Côtes-du-Nord, and for the slightly mysterious career of Captain Wright himself.

Wright was landed from the 'Diamond' near Erquy the night previous to Sir Sidney's successful attack on that place (17 March 1796).<sup>2</sup> The immediate object of his mission was, clearly, to secure for Sir Sidney the assistance of the Chouans; but he was also intended, in Smith's own words to the Prince de Bouillon, 'to reconnoitre and give us his guidance in our military expedition if he could not muster

<sup>9</sup> J. Pollock, *Popish Plot*, p. 11.

<sup>10</sup> 'That Tonge was Oates' Pilot is certain,' says North, in the *Examen*, and 'if the Consideration of Things themselves and the nature of them will not assist us in the Research of these Truths there is no remedy.' 'He who would find the origin of the story,' says L'Estrange, 'shall never need to Consult the Records either of Salamanca or St. Omers,' and quotes Simpson Tonge's account of the fabrication of the Plot, which seems to me on the whole true.

<sup>1</sup> Howard, *Memoirs of Sir Sidney Smith*, i. 162.

<sup>2</sup> For which see Barrow, *Life and Correspondence of Sir Sidney Smith*, i. 178-182, and Howard, i. 91-97. The date of Wright's landing is fixed by his letter of 29 March below, p. 132; cf. p. 137.

a co-operation from the Chouans.’<sup>3</sup> When Wright found himself unable to gain any reinforcements for the attack—for which, as it proved, they were not needed—he not only turned his energies into a personal investigation of the Royalist position in the neighbourhood, but extended his rôle so far as to make the enterprising suggestion of bribing the governor of St. Malo. What Sir Sidney thought of this project does not appear, but with regard to his *protégé’s* military ardour he expressed a hope to Bouillon that ‘Wright’s zeal in this way may not carry him too far; he has been at it with a musquet in his hand already’<sup>4</sup> The prince had made Wright’s acquaintance in the previous autumn. ‘This serves,’ wrote Sir Sidney from the ‘Diamond,’ off Guernsey, on 24 September 1795, ‘to introduce my secretary, Mr. Wright, who [*sic*] I present to you, as my friend and confidential man, *au fait* of all circumstances of our late operations, hopes, and expectations’;<sup>5</sup> and Bouillon has endorsed the letter as ‘answered by Mr. Wright 26 September.’

The royalist division of Dinan, in which Wright had for thirteen days been pursuing his investigations, ran along the coast from St. Malo to Erquy, between those of the Clos-Poulet and of St. Briec, and was composed of thirty-four parishes.<sup>6</sup> It was commanded at this time by a Breton *émigré*, the chevalier Victor-Amédée Collas de la Baronnais—‘Victor’—a soldier who had seen service at the siege of Gibraltar and in the army of Condé. He succeeded as *chef de division* his younger brother, Malo, killed the previous July; two other brothers, one of whom was killed, served in the same division.<sup>7</sup> Many of his letters are to be found among Puisaye’s papers,<sup>8</sup> but unfortunately there are none between March and July 1796. ‘Saladin’ was his lieutenant, the chevalier Servan-Gabriel de Gouyon, of a family which furnished many champions and victims to the royalist cause.<sup>9</sup> The *chef de canton*, whose letter Wright speaks of enclosing to Sir Sidney was the famous ‘Richard,’ or ‘Cœur-de-Lion,’

<sup>3</sup> Sir Sidney Smith to the Prince de Bouillon, ‘Diamond,’ off Cape Barfleur, 9 April 1796: P.R.O., Home Office Papers, Various, Bouillon Correspondence, 8.

<sup>4</sup> *Ibid.* That Sir Sidney Smith entertained for Wright an almost romantic regard is abundantly proved. He publicly testified in 1805 that ‘his manners are of a perfect gentleman, his abilities of the first class, and his bravery only equalled by his generosity and humanity. . . . Indeed, I have not words to express my admiration of his character’ (Barrow, ii. 96). ‘Cui earum rerum quæ ad summum gloriæ fastigium perducunt nihil præter occasionem defuit’ runs the inscription on the monument which the admiral erected in 1816 to his friend’s memory in Père-Lachaise. Wright was not always so well looked on by those in authority.

<sup>5</sup> Bouillon Correspondence, 8.

<sup>6</sup> Add. MS. 8022, f. 131, Victor Collas de la Baronnais to Woodford, 27 July 1795.

<sup>7</sup> Another brother, Armand-Fidèle, fell by Chateaubriand’s side at the siege of Thionville in 1792. Victor, who was born in 1764, died of apoplexy in 1835: Levot, *Biographie Bretonne*.

<sup>8</sup> Add. MS. 8022, ff. 64–127.

<sup>9</sup> *Mémoires du Colonel de Pontbriand*, p. 532, and ‘Saladin’s’ letters, Add. MS. 8022, ff. 155, 161.

whose real name was Stevenot.<sup>10</sup> Sir Sidney sent on 'Richard's' letter to Bouillon on 14 April, terming him

a new acquaintance to me but a man who [*sic*] I suppose you know and therefore you are the fittest person to decide on the propriety of furnishing him to such an extent as he wishes and you will tell me the degree of confidence to be placed in his promise of co-operation.<sup>11</sup>

Whatever may have been the Chouan's demands or proposals, they were cut short by the capture of the 'Diamond's' commander five days later. 'Send all letters to me *poste restante* St. Marcou,' concludes this, Sir Sidney's last letter to Bouillon; but '*poste restante* Paris' would have been more accurate, had the writer but known.

These thirty or so characteristic letters of Sir Sidney Smith's among the Prince de Bouillon's papers serve to elucidate several of the English commodore's projects for intercourse with the Chouans. It appears by the way that 'Le Curé' who had an interview with Captain Graham Moore on the beach was not a Chouan, as the present writer wrongly supposed,<sup>12</sup> but a *bona fide* priest. Sir Sidney writes on 4 April from St. Marcouf to announce

the news of the good curate of Barly's safety *chez lui* or rather at his village, for the Presbitère is burnt; he was landed from the Syren at the right place before I arrived, and I sent Captain Moore to meet him on the same rendezvous at the appointed time, which was manged [*sic*] with punctuality and address on both sides on the 31st. You are used to these nocturnal meetings, but it was new to them, the curate not expecting Moore to come himself had a letter ready for him besides the one for me.

As to the meeting with Frotté which Sir Sidney desired to compass, the same letter contains intelligence of the arrival of a missive—through the agency of Tromelin and the 'curate of Vieuville'<sup>13</sup>

from V. de Maigray (du Menil) opening the communication on this side direct with St. Marcou, through which I am in hopes to be able to receive Frotté's wishes as to the *point* of rendezvous on the beach.

I have written to Frotté [continues Sir Sidney] in consequence of Mr. Windham's suggestion begging him not to make any efforts beyond his powers and assuring him of my patience and the firm foundation of the *rock* to which he points his course even if the frigates should part from their anchors.<sup>14</sup>

<sup>10</sup> A few of his letters are also to be found in Add. MS. 8022. He is officially described, about ten years later, in a list of *signalements de Chouans* among Puisaye's papers, as 'bien fait, cheveux châtains, visage ovale, le nez un peu long, prenant du tabac, yeux vifs, visage coloré, se balançant un peu en marchant, il n'a aucun doigt à la main gauche, il n'y a qu'un moignon, étant tombé de son berceau dans le feu étant enfant, cependant il fait parfaitement le coup de feu, joue aux cartes, etc., homme sanguinaire, il a commis des excès dans l'arrondissement de Dinan': *Pontbriand*, p. 532.

<sup>11</sup> Bouillon Correspondence, 8.

<sup>12</sup> *Ante*, vol. xxiii, 535.

<sup>13</sup> ? Vierville.

<sup>14</sup> Bouillon Correspondence, 8.

Presumably the 'rock' is St. Marcouf. The next letter (of 9 April) while telling Bouillon that the writer occupies the ground 'prouling about in the offing all night seeking whom we may devour,' thanks him for his letter, 'and its very gratifying accompaniment,' *i.e.* Wright's letter or letters—

which not only affords me news of my friend Wright[']s safety, but also of the probability of his joining me by way of Frotté's headquarters, which I encourage by a letter enclosed.<sup>15</sup> I beg of you to forward it by the first opportunity through Boisguy the medium he himself points out, under the *nom de guerre* J. W. W. *Mercure*.<sup>16</sup>

Since du Boisguy was the *chef de division* of Fougères, and Puisaye's headquarters were usually in the neighbourhood of that town, this would be the natural course to take, as Wright had announced his intention of going on to Puisaye. But whether he ever reached the Breton general, or whether he went into Normandy to Frotté, and when and where he rejoined the 'Diamond' (save that it was before 19 April), is still a mystery.

It remains to add, *in extenso*, the extract from another letter of Wright's, also bearing date 30 March 1796, which Sir Sidney saw fit to send as intelligence to the Admiralty. It is clear either that Sir Sidney did not send Bouillon a copy of the whole of Wright's letter of 30 March, printed below, or that there was another letter, for Wright's directions as to sending correspondence do not occur in the former as we have it.

D. K. BROSTER.

I.

*John Wesley Wright to Sir Sidney Smith.*

[Copy]

'Parish of Paramé, 3 miles from St. Malo,  
29 March 1796.

My Dear Sir Sidney,—I have been long impatient for an opportunity of putting an end to your suspense as to my safety, and giving you a sort of Journal of my proceedings since I left you on the 16th instant: the intended departure of a boat this evening with despatches to the Prince de Bouillon gives me time to say but a few words.

I arrived after half an hour's walk from the Coast, at the village of *Turo* (about  $\frac{1}{2}$  a mile from *Herqui*) and delivered your letter to *Monr. de la Rue*, formerly *l'Industrie* but now *le Comte de Savoye*. As there were no Royalists in activity in his Canton he could not engage to second you by land but despatched a person to the *Chef de Division* in the neighbourhood of *La Foret de la Huneaday* about 12 miles distant, who might probably have it in his power to bring some troops to the point proposed. *Le Comte de Savoye* assured me that *Herqui* had been reinforced from *Pleuneuf*,<sup>17</sup> etc., for the protection of the convoy; that the Battery contained from 60 to 100 men and that *Patroles* of 15 to 20 men prevented all communication

<sup>15</sup> The letter of the same date to Wright, printed *ante*, vol. xxiii. July 1908.

<sup>16</sup> Bouillon Correspondence, 25.

<sup>17</sup> Pléneuf.

during the night between the villages and the Batteries ; that the peasantry could not quit their Houses under fear of being arrested as suspected persons, and that suspicion and vigilance conspired to render my Project impracticable. I urged him to procure me a Guide into the Battery, but he would not hear of it, saying that it was impossible to find a man who would undertake it under the existing circumstances. I did not abandon my project until it was 5 o'clock and the approach of day dictated the necessity of an immediate retreat. I went to Portual, the point of Rendezvous for the Boat where I waited without effect till it was no longer safe ; on my return to the village I met some fishermen already going to their occupation. My disappointment at first gave me great pain lest depending on the success of my negociation with the Royalists you might have been induced to risk more than you otherwise would have been disposed to do, but the Brilliant conduct of our brave fellows soon put an end to my uneasiness leaving me no other subject of regret than the impossibility of affording them assistance or of partaking in their honours. I was at the Village behind the hill on which you spiked the guns and could not judge of that operation but by report, which was highly Gratifying to me and honourable to those employed ; my position however afforded an excellent view of the conflagration and the Gallant approach of Boats under the fire of musquetry and Grape, all the vessels are destroyed except one very small Luger and the few articles of Wine and Arms that were saved, served only to make the Republican troops Drunk, and to minister to the necessities of the Royalists for each Soldier had latterly a Bottle hid under his Coat with a String tied round the neck of it for the purpose of dipping into the Butts of Wine to allay their thirst under the fatiguing duty of saving what was within their reach, while on the other hand the agents of my friend the chef de Canton were employed stealing the arms as they were brought on shore for the use of the Royalists. I shall reserve further details of this Affair, until I have the pleasure of meeting you.

Soon after the furious fusillade, when the Boats came at night to finish what was yet to be done, I received notice that the Royalist chief was arrived and desired to see me ; he proved to be the chevralr de Gouyon, an excellent brave lad in whose report of the state of the Royalists I have great confidence, and as I have had an opportunity of seeing him in action and travelling with him to St. Servan I have become acquainted with his character. I enclose you 2 letters from him No. 2 and 3 a letter from the Chief of his Division No. 1 a letter from Le Comte de Savoye No. 4 —No. 6 a letter from the Chief [*sic*] de Canton de Plubalais—you will receive other enclosures No. 1 to 6 will explain themselves. I shall take the first opportunity My Dear Sir Sidney to say more at large and more intelligibly—time and Fatigue interfere with my wishes now—the Royalists only want arms and Ammunition—I have fought with them successfully against the Blues on the publick Road between Lambale and Maintignon<sup>18</sup> they want officers extremely in Victors army some poor fellows wounded, are forced to continue their toil for want of Officers.

I go to-morrow to the ' Conseil General ' at Fougères as I think I can do some good—I am become somewhat acquainted with Charackters

<sup>18</sup> Matignon.

already and I yield only to the wishes of 2 or 3 Person who think I can be of Service. The letter No 5 contains a List of wants, the small List at the Bottom may be immediately supplied if you have not desposed of the means the larger Part I wish to say more concerning before (you make it known

Yours, my Dr Sir Sidney  
very affectionately  
J. W. WRIGHT.

This Letter I entreat may be kept to yourself entirely—you shall not be long without one that I shall be less asham'd to have made use of to any one you please. J. W. W.)

[Note by Sir Sidney Smith:]

Mr. Wright must have alluded to the writing and not to the style or matter in the postscript therefore it is recopied from his hasty brouillon and it is hoped his wishes are not contradicted in putting it thus under the Eye of our common friend.<sup>19</sup>

## II.

*John Wesley Wright to Sir Sidney Smith* <sup>20</sup>

[Copy]

Parish of Paramé, 3 miles from St. Malo.  
30 March 1796.

My Dear Sir Sidney,—I found it impossible, for Reasons contain'd in the inclos'd Letter,<sup>21</sup> to procure you the Co-operation of the Royalists, in time for your brilliant Coup de main, at Erqui, & indeed the Issue prov'd that my ill success, was of no great Consequence, for all that you cou'd have propos'd to yourself, from their aid, was execut'd without it, unless we take it into the Estimate, the probable Destruction of 2 or 3 Hund<sup>d</sup> Republicans, who might have perish'd if the Royalists had taken them in the rear.—I shall reserve details of that Affair, for an interview with you, having matter to communicate, that is of a much more pressing Nature.—After having gone twice, to the point of rendezvous, to embark, without finding the Boat, I determin'd if possible to turn my Disappointment, to good Account, by taking a near View, of the Royalist Armies, to enable me to speak of their State, numbers and position, with some certainty, and then rejoin you, if you continued in the Neighbourhood of Chosée,<sup>22</sup> from some point near St Maloes, or if you have quitt'd that Station, from some Point near St Marcou. I have executed so much of my plan, as to have come thus far, with Detachments, of the Royalist Armies, and to have interview [*sic*] with some of the chiefs.—(Saladin) Le Chev<sup>r</sup> de Guyon, (Victor) Le Chev<sup>r</sup> De Baronais, appear to me, to have merit deserving Confidence, and abilities, for the species of war, which exists in this country, beyond what I have discover'd in any others, it is true, I have not yet seen very many.—Their Division is better disciplin'd, and I think capable of more rapid Advancement, toward the Degree of

<sup>19</sup> This note is in Sidney Smith's own hand; the end portion of the letter—here enclosed in parentheses—is by a different copyist from the body of the letter, which is in a large, round, laborious hand.

<sup>20</sup> Bouillon Correspondence, 31.

<sup>21</sup> These words are crossed through.

<sup>22</sup> Les Iles Chausey.



military Excellence that wou'd enable them to meet the Blues with equal Numbers in the open Field—Their operations are at present, confin'd to Hedgework, where they lay in ambush, near the public roads, and intercept Convoys of Forage, Grain, etc etc destin'd for the Republican Troops, the activity of this small body in arms, is however, so extraordinary as to keep the Republicans, on the *qui vive*, and give an Impression of Numbers far above what they really are. Detachments of 10, 20, 30 and 50 on, are sent every night to lay in ambush, on the high road, between Lambale, and Plancouet, and Lambale and Maintignon, the peasantry are in that part of the Country, determined Royalists, with the exception of very few, and those few diminish dayly, by retiring into towns, thro' fear, or falling sacrifices to their erroneous principles, for the Chasseurs du Roy, spare none, whom they despair of converting, or whose obstinacy, induces them to despise a *warning*, de par le Roi, to quit their abode.—*Denonciateurs* are shot without the least mercy, or hesitation, and the Vigilance, and Numbers, of the Royalist Spies, render it nearly impossible for the Republican informers, to escape death.

I was present at an Expedition commanded by Mons Victor (Noms de Guerre) and Saladin, with 60 to 70 men indifferently arm'd, went to intercept a Convoy of Grain, which was to be guarded by 60 or 100 *Blues*, from Lambale, towards Plancouet, we paraded along the High roads, for 3 or 4 Miles, and then lay in ambush, alongside of the Hedge, on each side of the road, where we had not been long, before a Messenger arriv'd from Lambale, to announce, that after the Horses, had been harness'd and ev'rything ready for the Departure of the Convoy, the Guard, was thought insufficient, and the Departure of the Convoy, in consequence protract'd; we then continu'd along the High road, on rising the Hill, near St. Gustin [?], we perceiv'd, a small body of *blues*, and retir'd into an Ambush, where we wait'd their arrival.—They met an empty Waggon, that we had just sent back to Maintignon, after destroying the load of Hay, which was sent by requisition, for the army; from the Waggoner, it is probable, they rec<sup>d</sup> intelligence of our position, for they seem'd to be on the Reconnoitre, as they advanc'd.—We have [*sic*, for 'gave'] them battle within  $\frac{1}{2}$  pistol shot, and forc'd them to a precipitate retreat, after  $\frac{1}{2}$  an hour; they began their retreat, or rather flight, at a moment when the main body of our troops, were filing off to the right, to turn the enemy's left flank, and the Enemy's motions, were not immediately perceived by us, thro' the Smoke, but a small Number of our troops, who had occupied the opposite Hedge, and were clear of the Smoke, took advantage of the first favourable moment, and pursued the Enemy, near  $2\frac{1}{2}$  miles. They were 50, of which 5 were dangerously wounded, the only one hurt on our side was my brave freind [*sic*], (Saladin) who was wounded in the Head, close by me, in giving the order to leap the ditch, and fall on the Enemy, the order was 3 times distinctly given, but the firing prevented its immediate Execution, and he bravely mounted the Hedge, to cause the troops to cease firing and reload; preparatory to storming the enemy's Ambush; and received, his wound at that moment: I should not have entered so much into detail of this trifling affair, my dear Sir Sidney, but to give you an adequate idea, of the coolness of the officers, and ardour of the troops, to place it beyond a doubt in your mind, that the energy

of the royalists, has not been falsely describ'd, and that their numbers are sufficient, to make them formidable to Republicans.—I have the firmest persuasion, that if Victors Division, had officers, and Arms, they wou'd very soon rid that Country of republicans, who even now dare not venture, to move from one Village, to another, with less than 60 or 100 Men.

The Communication between Lambale, and St Maloes, either by Plancouet or Maintignon, is interrupted, everything that is found on the road for Republican Acc<sup>t</sup> is either taken, or destroy'd, by Victor's Division, and an acknowledgement given in writing to the carriers, in order to protect them from personal injury, and pecuniary restitution. Victor had but 5 officers, when I was with him, two of which are now wounded, and my brave freind Saladin, is for some time *hors de combat*. Officers they must have, and it is essential they have some military men. They call loudly for a *Prince* affairs are however, I think not yet sufficient[t]ly advanced; the Royalist army must have permanent Head Quarters on the Coast; and must be more generally arm'd, than it is at present, before it be prudent, to risk any Character of weight among them, and before any large body can be expected to leave their own Foyers, to fight in distant Cantons, Magazines of provisions must be establish'd and means had to give them security, against the Enemy.—The project of paying [a] certain Numbr is not less essential, in order to organize, some *Colonnes mobiles* who may be mov'd to any distant point, more particularly near the Coast, where their presence would ensure the reception of Arms, of Ammunition, of which they are in extreme want. It is the practice to buy [*sic*, for 'levy'] Contributions, on all Persons, who have purchas'd Estates, or Effects, belonging to the Emigrants, in proportion to what they have been forc'd to pay the Republican Collectors, and it is a fact, as true as it is singular, that if the Royalist Collectors, happen to have preceeded those of the Republick the latter, do not exact any further Contribution, after seeing the Receipts of the former. The Country between [*sic*] St Brieu is good with the exception of a very few Villages, near the Coast; Pleurien<sup>23</sup> Plurenon etc insomuch that I am persuaded nothing, but the apprehension of becoming sacrifices, to their principles, by the insufficiency of the Royalist force, to secure them against Republican rage, prevents them declaring themselves publickly; I intreat you Dear Sir Sidney, to make an effort, if possible, to supply Victor, with Arms, and Ammunition, in pretty large Quantities, when you appear off Cape Frehel, he will send a boat to the Ship and you can then concert measures, for the purpose—the boat will steer for the ship, and on coming near will make the Signal with the Oars, as agreed with the fishermen, near Caen. I daily see the necessity of numbers of Luggers, Cutters, and Gunboats, at your Command, to prevent all Coast communication, except for the Royalists, as St. Maloes, is now victuall'd, merely coastwise, and it wou'd be easy to starve it, by stopping the small vessels, that bring Grain, etc from Dauet<sup>24</sup> to St. Malo, Dauet, is between St Brieu and Erqui. I have taken measure, to procure an interview, with the Commander-in-chief of St Malo, Genl Clinck, he is a German, and a humane man, some part of his conduct, has given an idea, that he is not a Republican at heart, he is poor, and if

<sup>23</sup> Plurien.

<sup>24</sup> Dahouët.

I were vested with authority to ensure him a situation, not less honourable, and a little more profitable, than that he now professes, perhaps something might be done—I will risk an interview if it is to be had and I will take the pecuniary part, of the affair, on my own risk likewise, until I have some certain authority, as to the other part, I can do no more than l'entamer à condition que. I set off in a few days, for the Head Quarters of Mons de Puisaye, where I am not without hope, of doing some good at least by impressing on those, who more immediately direct the motions, of the Chiefs, near the Coast, the resource they have at hand, in our active Squadron, none that I have yet seen, had the most remote idea of Co-operation, on the part of the Squadron.

St Maloes, is in general good, but the inhabitants are afraid of another Toulonade: however if measures were safe for a Coup, I shou'd not for a moment, hesitate to take an active part, or despair of determin'd, and successful aid, from the inhabitants.—I have seen many of them.—I will undertake anything you dictate, my dear Sir Sidney *pour l'amour du jeu* some persons, I have seen speak of the Clos Poulet<sup>25</sup> with much interest, they say the possession of it wou'd reduce St Malo without firing a Gun, more of this after I have been behind the Curtain. The only thing that I fear among the Royalists, is dissention among themselves. Their Army must be organiz'd, and individual power, defined, and restrict'd—Boisguy and Frotté are excellent freinds, and neighbours, it is not so everywhere. Beleave me Dear Sir Sidney very sincerely,

Your affectionate and devoted servant<sup>26</sup>

J. W. WRIGHT.

### III.

#### *Intelligence.*<sup>27</sup>

'Extract of a letter from an Emissary landed from the "Diamond," at Herqui, the night previous to the attack on the enemy's shipping there, for the purpose of reconnoitring and gaining intelligence of the Royalists and now with the Royalist army. Dated from [blank] a village in the neighbourhood of St. Maloes, 30 March 1796.'

The 'Bravoure' will sail in 8 or 10 days for Brest. I hope nothing will prevent you meeting with her, she is ill man'd carries 40 guns 12-pounders on the Main Deck<sup>28</sup>

A fleete will shortly sail for Cherbourg and Havre. I hope you will intercept them. One of our Launches with a 24 lb. cannonade 24 men is driven into Cherbourg. I trust it is not the 'Diamond's.'—I am au desespoir to hear the account of the killed and wounded on board the 'Diamond' etc. at Herqui—20 of the Enemy's fell. Brest is Starving, this is certain. Report says that 4 sail of the Line and 6 Frigates are coming from thence to take a station near Cancale.

(Copy) W. SIDNEY SMITH.

<sup>25</sup> The small but very important division of the Clos Poulet extended from St. Malo down the right bank of the Rance. Much of the Jersey correspondence was carried on with the district on its coast-line between St. Malo and Cancale.

<sup>26</sup> The excessive punctuation of this letter is evidently due to the copyist.

<sup>27</sup> P.R.O. Admiralty, Secretary, In-Letters, 2493.

<sup>28</sup> 'Alas the "Bravoure" will move if I can contrive a run westward I will do it however in the interval': Smith to Bouillon, 14 April, Bouillon Correspondence, 8.

## *Reviews of Books*

*Choix d'Études Historiques.* Par LÉON VANDERKINDERE.  
(Bruxelles : Weissenbruch. 1909.)

THE late Professor Vanderkindere was a man of varied interests. Indefatigable as a university teacher, and not without distinction as a politician, he also found time to write on many subjects. But his reputation mainly depends upon the contributions which he made, in the course of thirty years of research, to the history of Belgium in the middle ages. Two of his books on this subject--the *Siècle des Artevelde*, and the *Formation Territoriale de la Belgique au Moyen Age*—established him as an authority. But they did not embody the whole of his investigations. The present volume, published by a committee of his old pupils, contains the *Vorstudien* for a third work which he apparently projected at the very commencement of his professional career, and to which he returned shortly before his death. This was to be a comprehensive account of the institutions of the Flemish communes. The essays on this subject, which are here reprinted from various learned periodicals, are undeniably the work of a master; the learning is solid, the logic robust, the line of inquiry skilfully devised. In some respects the diffusion of the author's interests may have retarded his historical labours. But his knowledge of philology and the social sciences was not infrequently of service to him in these more special studies; and his political and journalistic experience gave him an immense advantage over more academic historians, not merely in the art of exposition, but also in the instinctive perception of values. He rarely loses touch with the present in writing of the past; and no matter how obscure may be the byway which he is exploring, his investigations have always some reference to the broader issues of national or intellectual evolution.

The first essay in the volume is a dissertation on the method and the aims of history. It is necessary, he tells us, to escape from the tyranny of the anecdote; to sweep aside the imaginative reconstructions of historical personalities, to which so many of the great masters have devoted themselves; to beware of thinking that the manifold activities of the human species can be reduced to a metaphysical formula. The true and fruitful method of history is to trace the development of nations with due regard to every influence which has modified the line of evolution. For this purpose all the sciences must be laid under contribution. And for method, no less than for matter, we should take the men of science as our teachers. The experimental method we cannot use; but the comparative method is open to us. The history of town life is a subject to which the

comparative method is peculiarly applicable ; it is also a subject of paramount interest, since urban civilisation is the last word of human progress, and urban communities tend naturally to that democratic constitution *qui est comme l'idéal difficile à réaliser, mais non point chimérique, des sociétés humaines* (p. 19).

It was not exclusively to the history of towns that Vanderkindere applied the comparative method. An essay on the Merovingian law of marriage, which from internal evidence we infer to have been written about 1886, shows that the author had borrowed from Maine something besides a method—that is to say, a conviction that the study of ancient law must begin with the family. But it also shows Vanderkindere committed to one of the main ideas which governed his subsequent researches, the idea that communal institutions must be approached by way of Frankish history. Two notes 'À propos d'Uccle' illustrate the permanence of Germanic law and custom in Brabant (p. 166). Down to the eighteenth century this commune preserved the road system of the ninth ; and the custom of Uccle, formerly the capital of a Frankish county, held good throughout North-East Brabant, in spite of the fact that Brussels had sprung up within the bounds of the old administrative province. Brussels could assert her own independence of Uccle, but could not win for herself any better position, in the eye of the law, than that of a privileged and anomalous jurisdiction. An essay on feudalism which is in the main a vindication of the feudal system on economic and other grounds, incidentally takes up the main topic of the volume, and reminds us that we must not expect to find many cases like that of Uccle, in which the very boundaries of Frankish *pagi* remain unaltered for centuries, nor imagine the courts as doing justice uninterruptedly in the old centres. Feudalism, in remodelling the structure of the social fabric, also effected a revolution in political geography. But under the new feudalism—here we come to the essay 'Sur l'Origine des Magistrats Communaux' (p. 206)—the legal ideas and the legal procedure of the Franks persist. The importance of the *échevins*, the distinction universally drawn between the high and the low justice, these are assuredly survivals from Frankish times ; the count and the *centenarius* reappear as the *châtelain* (or burgrave) and the *écoute* (or *Amman*). Going a step further, Vanderkindere commits himself to a theory, suggested by the researches of Konrad Maurer, that the institutions of the commune represent an amalgamation of the mark government with that of the *Gau*. *Les échevins sont les juges de la centène franque, les conseillers sont les administrateurs de la Markgenossenschaft germanique*. It is only fair to say that this hypothesis, the second half of which is not maintained in his later essays, was published as far back as 1874, before the searchlight of destructive criticism had been turned upon the mark theory.

Twenty years later, in writing on 'La Première Phase de l'Evolution Constitutionnelle des Communes Flamandes' (p. 251), Vanderkindere still insists on the importance of the Frankish *échevins*, and still upholds his original antithesis between the *échevins* and the *iurati*. But he now regards the commune as a new and revolutionary association, parallel to that of the Roman *plebs*. The *iurati* are in relation to the *échevins* what the tribunes had been in relation to consuls and senate—a magistracy of

recent origin and ill-defined powers, which exists mainly to avenge the wrongs of the constituency by which it is elected. Here, as in the essay on 'La Notion Juridique de la Commune,' he repudiates the idea of treating the commune as a mere gild merchant, the Keure as a *lex mercatoria*. The communal authorities leave civil jurisdiction to the old popular court of the *échevins*. The commune exists to maintain the *paix jurée* by means of its own judges and its own militia (p. 379). There remains the question: If the *échevins* were not originally part and parcel of the commune, at what period were they absorbed into it? This is answered in the account of 'La Politique Communale de Philippe d'Alsace,' in which Vanderkindere develops the thesis, apparently suggested by Warnkönig, that Philip, far from promoting communal liberties, sought to govern the communes by means of the *échevins* (p. 312), and did succeed in making these officials an irresponsible oligarchy. But after his time many communes demanded and obtained the right of annually electing *échevins*. Then the *échevins*, having become communal magistrates, were joined with the *iurati* to form a common council.

The remaining essays are of minor importance. Those on the origins of the population and the county of Flanders (pp. 65, 93) are in a manner connected with the main subject, for they were evidently suggested by the idea of evaluating the Frankish element in the ethnology and public law of the several Belgian provinces. And there is a short but interesting dissertation on the 'Liber Traditionum S. Petri Gandensis,' which suggests that the class of small freeholders was important in Flanders down to the period at which the Flemish communes originated (p. 342). The genealogical study on 'Richilde et Hermann de Hainaut' has no obvious connexion with the others and hardly seems to deserve inclusion in a volume which is otherwise remarkable for its freedom from antiquarianism.

H. W. C. DAVIS.

*Historical Roman Coins.* Described by G. F. HILL, M.A.  
(London: Constable. 1909.)

THIS work is planned on the same lines as *Historical Greek Coins*, published in 1906, and reviewed, *ante*, vol. xxi. p. 547.<sup>1</sup> It is slightly larger, containing 109 coins and 208 pages as against 100 coins and 200 pages. The plates are again scattered through the book, instead of being collected at the end as in the same author's *Handbook of Greek and Roman Coins*; but otherwise no fault can be found with the way in which the work has been produced. Of the coins selected, the majority describe the growth of Roman dominion in Italy and abroad; a few refer to events of internal history, such as the murder of Julius Caesar; a few illustrate the use of coins in commemoration of individuals, e.g., No. 33, which deals with C. Minucius Augurinus, the *praefectus annonae* of 439 B.C.; while the remainder illustrate Roman history through the history of the coinage itself. If the book be regarded as an effort to show by examples how Roman coins ought to be employed in their application to the events of Roman history—and it would be most unjust to criticise it from any other point

<sup>1</sup> The advertisement of this book at the end of the present volume is followed, among other 'opinions,' by a quotation stated to be taken from our review. This is not the case.—ED. E.H.R.

of view—it can only be described as an eminently successful and interesting work. The coins are chosen with great skill, and they are discussed in a manner worthy of Mr. Hill's reputation as a numismatist and as an historian. It is this very fact however which sets in the clearest light the comparative worthlessness of coins to the student of history, and reduces almost to nothing the positive value of Mr. Hill's book. The impression left by its perusal is that we have gained much benefit from its clear and masterly presentation of the various *momenta* in the history of Roman coinage, and from the many remarks on this subject scattered throughout the book, in which Mr. Hill throws light on numismatic problems, even if only by the expression of his opinion; but that, on the other hand, our knowledge of Roman history owes but a negligible debt to the study of Roman coins. They may sometimes confirm what needs no confirmation, but they seldom or never clear up any historical problem. On the contrary, it is more usual for them to confuse the issues, and to supply new problems for investigation; and these defects are hardly counterbalanced by the occasional preservation of the name of an officer unknown to history. In the whole of Mr. Hill's book there is not a single important contribution to the history of Rome, and it might fairly enough be said that the title is in a sense deceptive. We may take up the study of ancient coins as a distinct branch of knowledge; we may study them as artistic products; we may extract valuable information from them as to religious beliefs: but they rank in the lowest class for the purposes of the historian. One fact will prove this better than a wealth of argument: if we cut out of Mr. Hill's book all that is purely numismatic and not historical in the proper sense of the term, there will be barely a score of pages left. Mr. Hill himself, with a sanity unusual in a specialist, does not fail to recognise this; and if his readers also understand it, they will find that *Historical Roman Coins* is a book well worth its cost, full of interesting matter, and written with a lucidity of style which is yet free from anything slipshod or inaccurate.

W. A. GOLIGHER.

*The Origins of Christianity.* By the late CHARLES BIGG, Regius Professor of Ecclesiastical History at Oxford. Edited by T. B. STRONG, Dean of Christ Church. (Oxford: Clarendon Press. 1909.)

THE only fault to be found with this book is its title. It cannot be said to deal with the origins of Christianity as the word 'origins' is commonly understood. It is rather to be regarded as a completion of the lamented author's lectures, 'The Church's Task under the Roman Empire.' In that work we had more about the empire and the task as conditioned by the empire than about the church. Here we have the church at work in the imperial environment. In details and in completed form the book needs the consideration due to a posthumous work which has not received the author's final revision and corrections. Dr. Strong has shown much care in preparing it for publication, though a few clerical errors may have intruded (*e.g.* on p. 322, l. 8, should not *advisable* be *unadvisable* or some such word?) He has also written a preface, perhaps a little too apologetic in tone, in which he describes the kind of audience, 'neither purely professional nor merely popular,' for whom Dr. Bigg wrote. One feels that for this class—though possibly also for 'purely professional

readers' who want a more general outlook—the gap left by Dr. Bigg cannot be easily filled. His geniality, his vivid realisation of historical characters and situations, his combination of Christian and Hellenic sympathies, and his scorn of any attempt to separate ecclesiastical from secular history, enabled him to set forth, as no other living Englishman could, the processes by which the church grew up from apostolic times to its triumph under Constantine. The underlying causes by which these processes were determined are, in accordance with the character of the work, rather suggested than investigated or expounded.

We should not expect a work by Dr. Bigg to be devoid of idiosyncrasies. Some may think that his desire for actuality goes too far. His rather free rendering of Aristotle on the use of tragedy has received somewhat too severe comment. Similarly we would not be hard on his expression as to the provincial concilia, 'what we may loosely call parliaments' (very loosely indeed), his reckoning of the incomes of Roman officials in pounds sterling, his description of Tacitus as a Stoic, or his odd quarrel with Marcus Aurelius (continued from his earlier work) for not being a Neo-Platonist. The most marked feature in Dr. Bigg's method is to refer, wherever possible, to ancient rather than to modern authorities. Thus, in such a subject as the growth of episcopacy, he prefers to state, in their own words, the rival theories of Theodore of Mopsuestia and of St. Jerome, rather than any which have been deduced from their writings. In regard to the persecutions, he seems to uphold the view that before Decius there were no distinct edicts against the Christians. Thus he says that Pliny 'brings into play the formidable power inherent in his office of prohibiting anything contrary to good morals, even though it was not a statutory crime.' But he does not go into the evidence for or against the pure *coercitio* theory. In his vivid and interesting account of Hadrian (whom he somewhat disparages, taking his succession policy as 'probably a family arrangement'), he does not hint that the letter to Servianus has been suspected. He goes still further in seeming to allow that the Fourth Gospel was from the hand of St. John. Questions of Biblical criticism are however by no means required by his subject except very incidentally.

Dr. Bigg is most in his element in dealing with Clement and Origen. His account of the Neo-Pythagoreans and the other religious reformers under the Severi is much on the same lines as those of Jean Réville. His historical candour is shown in the fact that, while he considers the triumph of Christianity to have been primarily ethical, he remarks on 'the general tolerance and good-humour of the heathen' in sub-apostolic times, and seems to doubt 'whether the rules of the church were as generous towards the slave as those of the heathen collegia or those of the religion of Mithra.' The theological portion of the work is evidently not intended to be complete. There are very short chapters on the Rational Unitarians and the Spiritual Unitarians and Western Anti-Sabellian theology; and clear indications are given of the different lines of development of the Alexandrian and Antiochian schools. The 'General Review of the Third Century,' with which the book concludes, gives a good summary of its results.

ALICE GARDNER.



*Dictionnaire d'Histoire et de Géographie Ecclésiastiques.* Fascicule 1,  
Aachs—Achet. (Paris: Letouzey et Ané. 1909.)

THIS great undertaking, one of the five massive dictionaries which are to form the *Encyclopédie des Sciences Ecclésiastiques*, makes an admirable beginning in its first fasciculus. It is wonderfully comprehensive; every writer on religious topics, even if he be as obscure as Michael Aachs, a Lutheran of Hungary, who refuted Calvinism in the seventeenth century, and every actor on the ecclesiastical stage is to have a place. Room is found for no fewer than fifty-seven men who have borne the name of Abraham. Every diocese of Christendom, every religious house of importance, and every town of interest finds a place, while the example of Abyssinia shows that a full general account of the history of religion and of its present state in each country will be given. In fact, the thoroughness of the modern information is one of the most striking features of the work. The statistics are as complete and as recent as in the *Realencyklopädie für protestantische Theologie*, and we may read what convents have been suppressed under the latest laws of France and what worthies have died within the present century.

Taking the topics in chronological order, we find the early period excellently treated—'Abercius,' for instance, is a very good article—and full use is made of protestant work where literary or archæological matters are concerned. It was perhaps inevitable that it should be ignored in regard to the great theological controversies, which seem to be treated in a rather old-fashioned way, more in the spirit of Tillemont than in that of Monsignor Duchesne. Recent work by scholars of the Roman communion in Germany has unfortunately not been taken fully into account. But we see the writers at their best in Roman Africa, where a number of the sees come at the beginning of the alphabet. Frenchmen are thoroughly at home there, as they are in Syriac and Arabic studies. The Eastern articles inspire confidence, though only those who are expert in the languages will be justified in bestowing praise. In the medieval period there is but one biography of high importance, that of Abelard. It is careful and just, sympathetic to its subject and therefore somewhat hostile to St. Bernard and duly severe in regard to the Roman condemnation of Abelard unheard. The dioceses, existent and suppressed, which come into this fasciculus are sufficient to show the adequacy of the method employed. There is a brief sketch of origin and history, a list of bishops and a summary account of the religious houses within the limits. This last, however, is in some cases omitted, and we must hope that the cause of omission is that the monasteries are to be entered either under their own names or under the towns in which they stood. The articles on towns, of which that on Abbeville is a good example, are a valuable feature of the work. An account is given of all the churches, at least as full as in the ordinary guide-books and much more trustworthy, and those which have perished are also noticed. Then the fourteen monasteries are recited, but we fear that they have fared less well than if they had stood by themselves in the country. More than one was at least as important as some of those which are honoured with an entry of their own. However, in each case, and also in that of charitable

foundations, salient facts are recorded. But nothing in the work is so new to an English reader as the full and admirable account of the abbeys, almost all situated in what is now French territory, which have articles to themselves. In the history, which is continued to the extinction, we are shown the worse as well as the better sides of later monasticism. At Abondance, in Savoy, we find St. Francis de Sales in difficulties with a degenerate house and a commendatory abbot, while at L'Absie, in Poitou, two Scottish prelates were commendators from 1553 to 1603: John Panter, of Ross, described by a pardonable error as bishop of Rochester, and James Beaton, of Glasgow.

It is evident that as the work advances it will furnish ample material for the constitutional and general history of monasticism, when the particular notices are read in conjunction with the accounts of the Orders. Of these only one, that of the Eastern Acoemetæ, has yet appeared; the article in our *Dictionary of Christian Antiquities* is pitiful in comparison. It might be worth while to record the arms of bishoprics and monasteries; this is not done, though the personal arms of two French bishops are given. In the more modern period there is an abundance of information of the kind that is most difficult for English readers to obtain. While reserving, as is natural, the largest space to France, the editors find room for members of their own communion from every region of the world, and are equally hospitable to those outside. There are elaborate and not unkindly articles on the two Abbots of Canterbury and Salisbury, and Russia and Syria, not to speak of other countries, are equally regarded; even Jewish scholars find mention. The tone of these notices is respectful, and the writers throughout are both critical and tolerant, though it is manifest that hostility towards Jansenists and Deists is still alive, while in regard to some more recent conflicts a careful neutrality is maintained. The work is thoroughly scholarlike, and as interesting as we always find French literature to be. But there are too many misprints, and a few actual errors. Whithern is not in Wales, and Hedwige is a curious name for the mother of King Edred. If, as we do not doubt that they will, Monsignor Baudrillart, M. Albert Vogt, and M. Rouziès carry this noble undertaking to a successful end, they will have won honour for themselves and earned the gratitude of students working in many fields.

E. W. WATSON.

*Italienische Verfassungsgeschichte von der Gothenzeit bis zur Zunftherrschaft.*

VON ERNST MAYER. 2 vols. (Leipzig: Deichert. 1909.)

UPON the constitution of the Roman Empire we have literature enough and to spare, and works dealing with the constitution of the Italian republics and principalities of the early middle ages are hardly less in bulk, nor have the intermediate periods been neglected; but scholars have in general been content to treat each state or period separately, and the few who have attempted to trace the history of institutions from the fall of the Empire to the establishment of the medieval republics have done so in a superficial or unscientific manner. In the two volumes before us, however, Dr. Mayer completely covers the whole period from the sixth to the thirteenth century, his method being to take each institution separately and illustrate its history and origin with an enormous mass of quotation from authorities of all the periods included in the work, which he has with vast learning collected. The title 'Constitutional History' is

perhaps a little misleading, for there is no narrative, and the first volume is chiefly occupied with questions of personal status and land-tenure, which hardly come under the heading of constitutional history as it is usually understood; and indeed the whole work is written from the point of view of the lawyer quite as much as from that of the historian.

The author is a strong upholder of the theory which was maintained by Savigny, but has lately been out of favour, of the continuity of Roman institutions. He takes each office and corporation as it is found in the various states which existed in Italy during this period, Byzantine, Papal, Lombard, Frankish, Arab (with this he deals but slightly), and Norman; and, where he finds the same institution existing in all of them, he infers (and it is difficult to resist the conclusion) that it can only be of Roman origin. He maintains accordingly that the landed aristocracies which we find in Italian cities in the early middle ages were simply the *curiales* of the Empire, the extreme oppression of whom by the emperors he refuses to admit, mixed in the Lombard territories with the Lombard institution of *arimanni* or men liable to service on horseback, an obligation which he believes to have been extended to the Romans under Lombard rule also. The four *iudices* again, whom we find among the chief civic officers in the early middle ages, he identifies with the *quattuorviri* of the Roman municipalities; and as in some medieval towns there were only two *iudices*, he ingeniously shows that all these towns were in all probability *coloniae* and therefore ruled by *duumviri*. First and foremost among the *curiae* was, of course, the Roman senate itself; and this, according to Dr. Mayer, did not, as has been commonly supposed, come to an end in the sixth century, but lasted till 1143, when it was replaced by an annually elected body. The argument on this point, however, though plausible, is hardly conclusive, for too much stress seems to be laid on the mere use of the word *senatus*, which does not necessarily denote an actual assembly. On the other hand, if the survival of the *curiae* is admitted, that of the senate seems naturally to follow. A still stronger instance of survival is that of the *praefectus urbi*, where it is hard to understand why the identity of the medieval with the Roman office has ever been denied. It is especially interesting to find the ancient institutions still existing under the Normans in Sicily, from which it follows that they were left untouched by the Arabs.

The book is too closely packed and ranges over too wide a field for criticism in detail, and we must content ourselves with noticing one point on which the author seems to have fallen into error or expressed himself badly. On page 163 of vol. ii. he illustrates the absence of hereditary succession in the Lombard kingdom by the case of Grimoald, whose son Romuald was passed over for the crown but left in the duchy of Beneventum; but surely the explanation is that Grimoald was connected with the royal family by his marriage with the daughter of Aripert, and therefore left the crown to his son by this marriage instead of to his eldest son Romuald. It is also strange that in the account of the constitutional position of Venice (vol. ii. p. 4 ff.) there is no reference to the article of Dr. Lentz, 'Der allmähliche Übergang Venedigs von faktischer zu nomineller Abhängigkeit von Byzanz,' in the *Byzantinische Zeitschrift*, iii. p. 64 ff.

There are small misprints at vol. ii. p. 82, l. 9; 106, l. 12; 182, l. 13; 218, n. 5 pen. l.; and 394, n. 89, l. 4.

E. W. BROOKS.

*The Development of the English Law of Conspiracy.*

By JAMES WALLACE BRYAN. (Baltimore: Johns Hopkins Press. 1909.)

THE present-day English law of conspiracy is not entirely the outcome of steady and reasoned development; for the growth of this branch of the law, far more than that of certain others, has been rather specially dictated in certain particulars by accident and by peculiar social and political conditions. When therefore Mr. Bryan set about the writing of his monograph he essayed a task of no ordinary difficulty; but his hundred and sixty pages, containing the result of his search for legal principles in a great mass of statutes and cases, really help one to a solution of complex historical problems, even though one may not always concur in his views. As to the origin of criminal conspiracy, Mr. Bryan takes issue with the late Mr. Justice Wright and certain other authorities who maintain that the offence was created by legislation of Edward I. Mr. Bryan holds that it had a prior existence at the common law; and as evidence that the law of the Anglo-Saxon period took cognisance of 'concerted evil-doing,' in the sense of 'plotting' against the life of the king or of a lord, he adduces Aelfred 4 and II Aethelstan 4. We do not believe however that these passages really prove the point. They provide for the punishment of high and petty treason, but apparently do not take into account the possibility of the joint 'concerted' or 'plotted' treason of two or more persons, unless the sheltering of an outlaw, in Aelfred 4, may be viewed as such. After all, it is of the very essence of a conspiracy to commit treason or to effect any other unlawful purpose that the crime can be committed by a plurality of conspirators, for, as remarked by Professor Kenny, 'a man cannot by himself *con-spire*'; and in Aelfred 4 it is only the shelterer, not the sheltered, who is punished for his act. Various other passages in the Anglo-Saxon laws, not cited by Mr. Bryan, relate also to treason (e.g. III Edgar 7, V Aethelred 30, VI Aethelred 37, II Cnut 26, 57), but they no more prove the existence of the offence of conspiracy than do Aelfred and Aethelstan. As regards the period after the Conquest, we quite agree with Mr. Bryan that the case in the Shropshire eyre of 1221 much resembles a modern boycott,<sup>1</sup> and that the early writers contain references to 'conspiracies.'<sup>2</sup> If one views this evidence in connexion with the fact that the Edwardian statutes seem to assume the existence of conspiracy at common law and that the later Year Books contain many references to the common-law origin of the offence, one may well be of the opinion that Mr. Bryan is right in contending that Edward's ordinance of conspirators, *articuli super chartas*, and definition of conspirators did not create a new crime, but merely gave 'definite and authoritative expression' to a conception already existent.

As regards the civil remedy for conspiracy, Mr. Bryan thinks that it was not developed by the royal courts prior to the Edwardian statutes, but that possibly the county, hundred, and feudal courts might have furnished some sort of civil redress. In tracing the growth and decay of the common law civil remedy he shows us how and why the old 'strict action

<sup>1</sup> See Maitland's *Select Pleas of the Crown*, vol. i. pl. 178.

<sup>2</sup> See Bracton, f. 128, and the suspicious *Mirror of Justices*, bk. i. ch. xvii.; and cf. Britton, f. 31-34.

of conspiracy,' evolved in the period from Edward I to Henry VII, was step by step, by force of judicial legislation from Henry VI to George I, completely displaced by the new and more flexible action upon the case 'in the nature of a conspiracy.' One of the most interesting features of the author's account of the history of criminal conspiracy from the time of Edward I down to the nineteenth century is his emphasis of the parallel development that was going on in certain respects in the civil and in the criminal law, the latter being influenced by the former in various ways. Thus, attention is drawn on p. 68 (*cf.* pp. 59, 65, 79) to the fact that, 'starting from the offence of conspiracy strictly so called, the courts were gradually and naturally led to treat as criminal various combinations to defame and to extort money by blackmail. This phase of the development of the criminal law of conspiracy is closely analogous to the contemporaneous process of growth in the civil law whereby the action upon the case was made to reach new classes of wrongs.' The discussion of decisions by the court of Star Chamber is especially instructive: thus, for example, we learn (p. 56, *n.*) that in these cases one must look for the germ of the later and famous doctrine that a conspiracy makes that unlawful for several which it was quite lawful for one person to do. Those interested in Mr. Bryan's account of the English criminal law of conspiracy in the nineteenth century, especially combinations of labour, will wish to study and compare the new *Documentary History of American Industrial Society*, vols. iii. and iv., on labour conspiracy cases from 1806-1842.

H. D. HAZELTINE.

*Das Heiligenleben im 10. Jahrhundert.* By DR. LUDGWIG ZOEPF.  
(Leipzig: Teubner. 1908.)

A NEW series entitled *Beiträge zur Kulturgeschichte des Mittelalters und der Renaissance*, edited by Professor W. Goetz, makes a happy beginning with Dr. Zoepf's study in hagiography. The author speaks modestly of himself as a beginner, he has no reason to be ashamed of his workmanship. His plan is ingenious. He has worked carefully through some 130 Lives or Legends composed in the tenth century, and has collected under many heads their points of difference or resemblance, and in the case of successive biographies of the same saint has noted the development of the story. He has confined himself almost wholly to Germany in the widest sense, though St. Dunstan and a few other English or Celtic examples are adduced. The tenth century, when this literature took its final form, was well chosen by Dr. Zoepf; in fact, his work will serve admirably as a guide to the *Nova Legenda Angliæ*, compiled in the fifteenth, so uniform in character had hagiography become. But at first, as he points out, many Lives had a practical purpose. Means had to be devised to secure or extend the lands and immunities of religious houses, and a history was the most impressive mode of appealing to the conscience. So a narrative was made to account for the possession of lands or rights which the house enjoyed, though its evidences were lost or were of such an antique type that they did not impress the mind of the tenth century. It is needless to say that Dr. Zoepf can produce instances where a founder or inmate of exceptional sanctity gives or receives estates which the community came to own or to claim at a much later date than that assigned in the legend.

But these stories were not mere inventions. They started at least with a name, and the process is traced by which the name becomes a person with the character and powers demanded of a tenth century saint. Not without humour does Dr. Zoepf trace the common form of these narratives: the noble parentage, the mother's dreams, the pious boyhood, the modest unwillingness to be ordained, and so forth, on to confessorship or martyrdom. But the story is not always invented: he gives examples of an earlier Life padded out and glorified to suit the taste of the day, especially in its heightened asceticism; and he cites real biographies, with obviously personal or local traits, of which the distinguishing mark is the absence of miracles. He distinguishes between the Legend, the Vita, and the Biography. The first bears no relation to facts; the second is fact embroidered with wonders, and he notices that German and French *Vitæ* are more ethical and more sparing of miracle than Italian or English, though in all these countries as civilisation increases so do wonders diminish. Among biographies those of St. Bruno and St. Adalbert have none, and the biographer of St. John of Gorze claims saintship for a man of whom he expressly says that he worked no miracles. This tendency to a more sober standard was checked, Dr. Zoepf holds, by the first Roman canonisation, that of St. Ulric in 993. Augsburg, in the keen competition of German sanctuaries, sought the special honour of attestation by Rome, and in the approval given the evidence of miracles was adduced as the ground of assent. Yet the credulity of the age must in any case have overcome the feeble struggles of the historical sense; and an excellent collection is given of the wilder legends. But Dr. Zoepf, though he says a little about folklore and the possible survival of pagan cults, keeps too closely to his period to compare Celtic imaginings (of which the cloak hung upon a sunbeam by so many saints may serve as an example) and the more grotesque fancies of Egypt with the legends which he quotes. Yet Irish monks had permeated all Germany, and Cassian and the like were the current literature of the monasteries. But he lays stress upon a contemporary example. The *ioculatores* made their way even into the cloister, and Dr. Zoepf finds in the romantic character of the later narratives a deliberate imitation of the fictions of the jongleurs. Notker Balbulus, especially, he describes as an artist rather than a hagiographer. These are only some of the main topics of an extremely careful study in hagiography, well written and often entertaining, yet always within the bounds of good taste and good sense.

E. W. WATSON.

*The Bosworth Psalter: an Account of a Manuscript formerly belonging to O. Turville-Petre, Esq., of Bosworth Hall, now Addit. MS. 37517 at the British Museum.* By Abbot GASQUET and EDMUND BISHOP. (London: Bell. 1908.)

THIS book deserves our warmest praise for the infinite pains which Mr. Bishop has taken to describe the unique character and value of an almost unknown liturgical manuscript. It is seldom that such a work as this appears in England; we have nothing which corresponds to the *Notices et Extraits des Manuscrits* or the *Zentralblatt für Bibliothekswesen* with its *Beihefte*; and it is only when a scholar like Mr. Bishop takes in hand manuscripts such as this and the Book of Cerne that we learn the real

value and meaning of our old English *liturgica*. We are now beginning to feel how much of our corrected knowledge in this sphere is due to the depth, the variety, and the accuracy of his learning, to which we owe the critical investigation into the history of the Canon of the Mass and the development of the Sacramentaries, and the identification of the Neapolitan 'Comes' as one of the earliest English ecclesiastical memorials.

This disquisition may be, to use his own words, 'discursive, informal, and lengthy,' but, for the sake of his scientific method, the going back to the beginning and down to the bottom of his subject, we gladly bear with the autobiography, the diffuseness, and the peculiar diction natural to one who pours out the results of a life's study and who is so conscientiously exact that he feels bound to enter too much into details. It must be admitted that it is difficult at times to follow him; his English is that of the Latin scholar to whom such expressions as 'cultural,' 'gust,' and 'Scottic' are 'proper' and who for the sake of clearness alters 'Gallican' into 'Gallic' in his *corrigenda*. His manuscript note-books now in the British Museum show how well qualified he is to speak with authority on English calendars, which in competent hands can be a mine of important information for our early ecclesiastical history. To edit them is no easy matter; it requires a trained palaeographical eye to distinguish between original and added entries,<sup>1</sup> an historian's perception of the difference between a mere obit and a local cult, and a liturgical specialist who knows his way about the manuscript to which the calendar is prefixed. In the case of Canterbury it has sometimes been difficult to decide to which of the two great religious houses a manuscript should be assigned; thus the Eton College MS. 78, which was accredited to the Cathedral on p. 69, n. 1, was afterwards recognised (p. 171) as having been written for St. Augustine's, and it may be added that the sister volume, Bodleian MS. Ashmol. 1525, similarly passed into the possession of Christ Church. Mr. Bishop's comparative table and a research into later calendars reveal no less than twenty-seven commemorations as peculiar to the Cathedral calendars and twenty-three to those of St. Augustine's, though the names of some of the saints are common to the litanies of the two houses.

The calendar now prefixed to the Bosworth Psalter was copied between 988 and 1023, and, if we accept the editor's deduction (p. 65) from the high rank and subsequent erasure of the entry of St. Edward king and martyr, nearer the former than the latter date, though palaeographical reasons rather suggest the beginning of the eleventh century. It is the only extant pre-Norman calendar of Canterbury Cathedral. Like that now found in the Leofric missal, Mr. Bishop proves conclusively that it was based on a Glastonbury original (now lost); to his evidence we may add the witness of another calendar, unknown to him, viz. that in MS. KK. v. 32 of the Cambridge University Library, which was written apparently for Glastonbury itself in the second quarter of the eleventh century. He has produced strong evidence for Lanfranc's imposition of the Use of Winchester on the metropolitanical cathedral, for the subsequent changes

<sup>1</sup> The only instance in which Mr. Bishop has failed to notice an insertion by a later scribe is on 18 January (Plate IV) *See prisce uirg.*, where *See* instead of *Scæ* or *Sec*, the slight line at the foot of the letters *p* and *f*, and the form of the contraction mark show that this entry is a later addition.

in its calendars (e.g. the British Museum MS. Arundel 155) due to the Normanising of the English church, and for the consequent 'change in the tone and character of English piety.' There was a similar treatment of South Italian liturgical books by Norman Romanisers about the same time. In the references to the various calendars cited it should be noted that the press mark of the Bodleian MS. Junius 99 has for a long time been Hatton 113, that the 'Eadwine' Psalter at Trinity College, Cambridge, is R. xvii. 1, and that Junius 29 should be Junius 27.

Mr. Bishop takes the opportunity of revising his former theory of the origins of the feast of the Conception of the Virgin which has given rise to much discussion, and he now believes that it was imported into England from Lower Italy, about 1030; but it may be doubted whether the evidence justifies so early a date. Of his five manuscript sources Harl. 2892 and Vitellius E. xviii. are of the middle of the eleventh century; C.C.C. Cambridge 391 dates probably from 1064; Add. MS. 28188 is of the second half, if not of the third quarter of the century, and was possibly written for bishop Leofric, 1046-72; and the entry in Titus D. xxvii. (1020-30) is certainly not by the first hand, not only for the reason assigned on p. 50, n. 2, but also on account of the absence of colour in its initial letter. It is probably to some local Roman tradition that we must attribute the insertion in the calendar on 18 January of the feast of St. Peter's chair (in Rome), which, so far as I know, occurs in no other English calendar until the fourteenth century; the choice of SS. Stephen, Laurence, and Hippolytus for the three martyrs in the added typical litany, and the unique insertion of St. Stephen in the 'Communicantes' of the Canon of the Mass between SS. Cosmas and Damian and St. Hilary.

The Psalter itself is much more summarily described by Abbot Gasquet, but sufficiently to show its liturgical value as the earliest known form of the hymnal and perhaps the most magnificent psalter of English script; the reduced plates give no adequate idea of the beauty of the initials and the delicacy of the writing, which can be better seen in plates 163 and 164 of the New Palaeographical Society's Publications. The account would have been more complete if the Anglo-Saxon glosses had been more fully described; they are apparently contemporary with the text of the psalms, but it would have been interesting to learn whether they or the later glossed commentary are otherwise known and why they were only partially inserted.<sup>2</sup> The editors assign the execution of the Psalter to the second half of the tenth century, and probably at a date nearer its middle than its end; but the ornamentation (e.g. on Plate III) renders this doubtful, and it would have been safer to say simply the second half of the century. As however the later Canterbury calendar is clearly no part of the body of the book and may have been written in another scriptorium for another manuscript, it cannot be held for certain that the Psalter was made for one who publicly said the Benedictine office at Canterbury (p. 127), and hence its value as a Dunstan relic cannot be authenticated; it may have been copied elsewhere and brought to Canterbury after his death. That its illuminations manifest 'a staid and serious yet withal grand mind'

<sup>2</sup> The Rev. G. H. Palmer kindly supplements the notice on p. 12 by the information that the melody, not yet identified, of the first hymn is that which is usually associated with *Beata nobis gaudia* or at least a version of it.



behind them, as compared with the elaborate and gorgeous decoration of contemporary Winchester books which remind one of the personality of St. Ethelwold (p. 129), is an argument which is markedly unlike Mr. Bishop's scientific reasoning; and the conclusion of the joint editors that this Bosworth Psalter should be assigned to a date corresponding to the earlier years of St. Dunstan's archiepiscopate and was probably written for him (p. 130), though it may be justified by future discoveries, cannot as yet be accepted as proven.

It is this strong desire to bring in the personality of the great archbishop which has led to the inclusion of Mr. Leslie Toke's scholarly appendix on the accepted date of his birth. Its facts are not here disputed, but its motive is not to make the various statements as to this date fit in with each other but to reconcile them with the canonical age for ordination. When he writes (p. 133) that it cannot be imagined that a conscientious tenth-century bishop would ordain as priest a youth of sixteen, we can only reply that there are several instances of such ordinations and consecrations in that century; and when the editors (p. 128) give as a free translation of the Life by the anonymous monk B. (p. 25), that the Saint as a young man embraced the salutary rule (*institutio*) of St. Benedict, they fail to see the point of the original: *Dunstanus iam dictam dignitatem [of abbot] suscepit, et hoc praedicto modo saluberrimam sancti Benedicti sequens institutionem, primus abbas Anglicae nationis enituit.* The series of attacks which they make on Bishop Stubbs's *Memorials of Saint Dunstan*—e.g. that 'in regard to the more purely religious side of history, as it did not attract his sympathies, so he did not really take the pains necessary to understand it' (p. 127)—offers a distinct challenge to some English historical scholar to 'speak plainly,' as the editors do (p. 127). Such is beyond our present scope, but we must protest against Mr. Toke's statement (p. 134), that when Dr. Stubbs definitely adopted and fixed as the date of St. Dunstan's birth the year 925, he 'dismissed' the whole question with the sentence that 'the matter is not of itself of great importance'; he should have finished the sentence, 'but it is complicated with questions touching the date of Archbishop Athelm and the age at which Dunstan took holy orders.' The real status of tenth-century monasticism has yet to be explained in relation to the rule of St. Benedict, and it is uncritical to apply to it modern standards of ecclesiastical custom and discipline.

It is to be regretted that the typographical errors in the book are so numerous—e.g. on p. 118, Dec. 29, '*Hierosolimis david regis magni*' is omitted in the transcript of the calendar, perhaps as non-liturgical; on p. 21 the last line should have run: '1 June. Nicomedes. Class (2),' and the entry on p. 19, 'Dec. 24. Spiridion,' which does not occur in G., is probably due to some confusion with 'July 13. Serapion,' which is found in all three Glastonbury calendars. HENRY MARRIOTT BANNISTER.

*Recueil des Actes de Philippe I<sup>er</sup>, Roi de France (1059-1108).* Publié sous la direction de M. D'ARBOIS DE JUBAINVILLE, Membre de l'Institut. Par M. PROU. (Paris: Imprimerie Nationale. 1908.)

THIS large and important volume was the first fruits of the series which was planned by the Académie des Inscriptions et Belles-lettres as far back

as 1847, and since the end of 1899 has been entrusted to the general care of M. d'Arbois de Jubainville. The next instalment, containing the documents of Lothaire and Louis V (pp. 954-987), has already been noticed in this Review.<sup>1</sup> As the editor points out in his preface, the idea of collecting at the cost of the state all the charters and other documents, apart from the chronicles &c., which form the basis of French history in the early middle ages, was first encouraged by Machault, controller-general of finances, in 1746. Among the results of this enterprise were Bréquigny's well-known *Table Chronologique de Diplômes, Chartes, Titres et Actes imprimés* (1769-1783), and his complete edition of the same from 475 to 751, which was published in 1791, and had been planned in 1762. Both the calendar and the edition were arranged chronologically, without regard to the source of the documents; and the scheme of 1847 implied a similar method. But while the materials were being collected the advantages of the arrangement according to the source of the acts, which was followed in the *Regesta Karolorum* of Boehmer (1833) and the fully edited *Diplomata Regum et Imperatorum Germaniae*, in course of publication since 1879, had been seen by French scholars. M. Delisle led the way by his *Catalogue des Actes de Philippe-Auguste* (1856); and in 1894 the Academy of Inscriptions sanctioned this form of publication. Hence this series of royal diplomas is to be followed by other series of the acts of great ecclesiastics and feudatories. The acts of the kings of Aquitaine (814-866) and of the kings of Provence and Burgundy (855-1032) are already in course of preparation. Since M. d'Arbois de Jubainville has succeeded M. Giry as general director the period of the collection has been extended from the accession to the death of Philip Augustus (1223). English scholars have special reason to hope for the successful completion of such a noble historical project.

The present volume is the result of researches which have lasted more than twenty years. Besides the five false charters printed in an appendix, it contains the text of 164 documents, and references to seven of which no trace remains. Forty-four of them exist in their original form. Although most of the collection have been printed before, they have been scattered, and more than seventy are unnoticed in Bréquigny's inventory. There are several however which appear here for the first time. We may notice the extensive confirmation by King Philip of the possessions of Bec, which survives in a copy made from an earlier copy by Jacques Jouvelin between 1690 and 1713 (p. 233). The whole is edited in the most scholarly manner. M. Prou is able to point out, in his introduction and list of additions, some errors and lacunae, and no doubt others will appear in the future; but in spite of this the book is final. One cannot imagine that more care should ever be spent in the preparation of a few medieval documents, nor that it should be desirable. It is unnecessary to describe the value of the documents themselves. The reign of Philip I is well known to be important in the history of the church in France, and there is ample material here to illustrate the formation and privileges and immunities of monastic houses (e.g. pp. 33, 143, 235, 275, monastic economy; p. 281, share of benefactor in election of abbot; pp. 317, 335, 345,

<sup>1</sup> *Ante*, vol. xxiv. p. 331.

abuses). M. Prou calls attention to the power claimed by the king of exempting monastic houses from episcopal jurisdiction (pp. cexliiii, 290, 297). Apart from the church we may note documents of importance to the student of institutions; e.g. the description of feudal rights (p. 81), the grant of benefices to *militēs* (p. 149), the names and functions of royal officials (pp. 194–195), the viscount in the eleventh century (pp. 240, 338, 370). The references to the *hospites* on pp. 256, 389 help to clear up the position of a class of persons who have been somewhat obscurely treated by historians.<sup>2</sup> A few phrases are worth mentioning—*iudex publicus* (p. 141), *feodum schole* (p. 206), *albani* (p. 85) and *mercator cursorius* (p. 101), and *Francia*, in its very limited sense upon which M. Halphen has recently insisted (p. 223).

Two striking features of M. Prou's work are the thorough collation of copies and the elaborate notes. Here a cartulary of St. Quentin in the Phillippis library (p. 303), here a Norman roll for the eighth year of King Henry V, provides him with a copy (p. 309). In these cases M. Prou has had the help of other scholars; but the heavy toll exacted from the collections of French antiquaries in the seventeenth and eighteenth centuries gives some idea of his own labours. A lost original (e.g. of no. cix. p. 276) may have been copied half a dozen times, and some of these transcripts copied in turn, so that the final text results from the critical collation of seventeen or eighteen manuscripts. M. Prou has been equally painstaking in trying to establish the exact dates of the charters, and has naturally a good deal to say about several vexed questions. We may note as instances the long examination of King Philip's confirmation of a charter at Poitiers in 1076, before the joint attack with William of Aquitaine on King William of England (pp. 217–219), the proof that the siege of Gerberoi must have taken place a year earlier (1078–9) than is usually supposed (p. 242), the dating of the charter to Messines (no. cxvi. pp. 290–294) and of the council of Paris in 1104 (pp. 375–6). The difficulty of this kind of criticism is well illustrated by a mistake corrected by M. Prou himself (pp. ccxlii–iii). In a charter of 1063 to the canons of Harlebeke (pp. 45–6) Philip exempts the canons from the jurisdiction of the ordinary. The clause of exemption is inserted in an unusual place, and it is not referred to in three other confirmations of the privileges of Harlebeke. M. Prou, who only knew three late copies of the charter, naturally argued that the clause had been inserted by the canons; but while his volume was being printed the original came to light, and contains the suspicious clause without any sign of interpolation (p. 434). Here and there M. Prou's subtle reasoning is not so convincing even as the argument against the charter to Harlebeke, and we suspect may also turn out to be fallacious. It would be rash to dispute M. Prou's conclusions, but it may be pointed out that in several cases he has urged the authenticity of documents which seem as unusual as those he rejects, e.g. no. 133 (pp. xviii, 338). In one instance he has brilliantly defended a very important charter against the attacks of M. Flach (pp. lviii–lx). This is the grant of the abbey of St. Melon at Pontoise by Philip to William of Rouen, with the con-

<sup>2</sup> E.g. Delisle, *Études sur la Condition de la Classe Agricole en Normandie*, pp. 8–12. Cf. the *hospites oblatarii* established in Maisons-en-Beauce after 1102 (*Chronique de Morigny*, ed. Mirot, p. 6).

firmation of the archdeaconry of the Vexin (1071, p. 321). M. Longnon, we may add, has shown the value of this document for the ecclesiastical geographer.<sup>3</sup>

The diplomatic introduction is too long to be analysed here. So far as Philip's chancery can be reconstructed M. Prou has succeeded in reconstructing it. Special attention may be called to the numerous pieces of evidence (e.g. pp. lxxxiv, cii, cvi) that it was quite common for charters to be drawn up in religious houses (often showing the influence of traditional Frankish formulae) and then to be presented for the marks of validation. Indeed the effect of this evidence, which supplements the research of M. Delisle in Norman diplomatic, is the chief reason for any feeling that here and there M. Prou has been unduly sceptical (e.g. no. 29, p. 86). Professor Haskins has remarked that this volume does not contain very much of special interest to the student of Anglo-Norman history; but the following contain valuable matter, especially with regard to the abbey of Bec: nos. 8, 15, 34, 46, 47, 80, 83, 90, 102, 111, 122, 163, 167.

F. M. POWICKE.

*The Great Roll of the Pipe for the Twenty-sixth Year of the Reign of King Henry II*, A.D. 1179-1180. (Publications of the Pipe Roll Society. Vol. XXIX.) London. 1908.

THE Review has more than once had occasion to remark upon the skill and care with which these important documents are being given to the public, and the present volume is quite up to the standard set by its predecessors. The only novelty we have to note is a short preface in which Mr. Trice Martin states the rules for copying documents prescribed by the Committee and illustrates by a number of very interesting specific instances both the difficulties of extension and the methods of overcoming them. Mr. Round contributes his accustomed introduction, in which he brings together the chief points of interest in the roll before us. These may be briefly mentioned here. First there are the results of the new judicial circuits assigned in 1179 and the close connexion which was still maintained between judicial work and the collection of revenue. Then some interesting light is shed on the growth of communal activity in the boroughs; and here Mr. Round might perhaps have mentioned the payment of 100 *m.* by the men of Preston for a charter granting them the liberties possessed by the men of Newcastle (p. 77). The king's heavy demand for revenue is illustrated in the raid on adulterine gilds, the insistence on the regalian right of wreck (an important and interesting case in Yorkshire), the punishment of those who failed to obey the royal writ, and the exploitation of recognised feudal incidents. We hear a good deal of the new coinage, and, as usual, of the large sums which Henry expended on building. Finally there is an important entry indicating that certain items of the royal revenue were already being withdrawn from the cognisance of the exchequer and accounted for *in camera regis* (p. 38). Mr. Round has naturally called attention to the weightier matters of the roll, but a few points of interest still remain. We get a good deal of light on the actual working of the judicial system, the way in which things old and new were made use of to replenish the king's treasure.

<sup>3</sup> *Pouillés de la Province de Rouen* (1903), p. xi.

In Gloucestershire the hundred of Berkeley is amerced 100s. for murder, and Hugh son of Richard  $\frac{1}{2}$  m. 'because he pleaded over again what had been determined in the king's court' (p. 114). Men are fined because their champions will not fight (pp. 100, 101). Jeremias of London fled to a church, whence he refused to stand to right in the king's court, wherefore he had to pay 100l. (p. 153). The chattels of a man who had been appealed and defeated are worth 38s. 4d. (p. 154). Then we can illustrate the working of the king's new legislation; Aedric Grendel is fined because he received in the vill of Wiz Simon *utlagatum de iuramento de Clarendon* (p. 80). Was Aedric the capital pledge in the vill? Did he pay alone or was the sum apportioned among the men of the vill? Probably these were matters of common knowledge, which the scribe did not need to set down. In an adjoining county a whole vill was fined for receiving an outlawed cleric (p. 102). Then in Berkshire a man is amerced *quia placitavit in capitulo de laico feudo* (p. 41). That principle the king will maintain inviolate. Finally, although the assize of arms was yet to come, a man was amerced in Northamptonshire because he sold a hauberk to the king's enemies (p. 87).

The present roll affords some striking instances of that diversity of terminology in regard to the system of frank-pledge to which in a previous notice we called attention. Thus we have 'the frank-pledge of Walter son of Robert' (p. 6, *cf.* p. 57), 'Humfrey de Bosco and his tithing' (p. 281), 'men without pledge and tithing' (p. 40), 'men of the fridborg of Bresseburc' (p. 52), and lastly 'the tithing of Hellecumba' (p. 121). Apparently, if there is a distinction between the personal and territorial use of the word tithing, it is not, so far as the pipe-rolls are concerned, a geographical one. Both uses occur in the Wiltshire account from which we have just quoted (p. 121). Have the various terms survived distinctions which no longer exist; or are they perhaps differences in dialect taken up by the scribe to gratify his taste for variety? With regard to the survival of thegnage we get a very interesting bit of information from Kent: 'Willelmus filius Willelmi filii Waldevii Theinus debet x. m. de fine terre sue' (p. 142). In both rolls 'de fine' has been substituted for 'de relevio.' The king's justices, it would seem, were doubtful whether a thegn's heir could be made to pay relief, but they were quite clear that he must pay something. It is worth noting, too, that the three generations here mentioned practically carry Waldeve's tenure back to the Great Survey. One more quotation we cannot deny ourselves: 'Ylgerus Luuel debet dim. m. quia vocavit se alio nomine quam proprio.'

It is not quite clear upon what principle the two indexes of names and places, and subjects respectively, have been constructed, although it is clear enough that neither of them is complete even in the sense of giving all references to a name or subject indexed. Why, in the first index enter *archidiaconus* but not *archiepiscopus*, although both occur in the text? Why in the second should 'noutgeld' be entered, but not the more usual form 'cornage' (p. 199)?

GAILLARD THOMAS LAPSLEY.

*Histoire de Charles V.* Par R. DELACHENAL.

Tome i, 1338-1358 ; tome ii, 1358-1364. (Paris : Picard. 1909.)

IN these two substantial volumes M. Delachenal has published the first instalment of one of the most important books of this generation dealing with the early part of the Hundred Years' War. It is written on so large a scale that these two volumes only carry the future Charles V through the first twenty-six years of his life, from his cradle to the throne. The mass of material collected in them is the greater since M. Delachenal allows himself few literary embellishments and always writes with business-like brevity and precision. Yet, packed as his narrative is with facts, their interest is so great that the careful reader's attention is easily sustained. Only very occasionally do M. Delachenal's digressions divert us from the main current of his narrative. But even then he has always something of importance to say, as when, early in his book, he turns from his story of the relations of his hero with Charles the Bad to tell us, in reference to the decoration of the Dauphin's Norman castle of Vaudreuil, something of no small interest and importance with regard to the early French painters Jean Coste and Girart d'Orléans. The majority of readers will probably find more difficulty in following M. Delachenal when his impatience of repeating things universally known leads him to abbreviate or slur over some piece of his narrative or argument because he finds that he has in it nothing new to say. A notable example of this latter tendency is to be seen in M. Delachenal's relegation of the flank attack of the Captal de Buch at Poitiers to a line and a half in a foot-note. In the same way he briefly dismisses the campaigns of Arnaut de Cervagne with the remark, *C'est tout ce qu'il convient de dire ici d'une campagne dont les principaux épisodes sont connus*. Such practices, though diminishing the artistic value of the author's presentation, in nowise impair the scientific value of his studies.

M. Delachenal has brought to his task very wide scholarship and immense capacity for taking pains. He has ransacked the chronicles and archives of his own and other countries. Besides the great store-houses in Paris and London, he has found material at Barcelona and Turin, as well as in many departmental and municipal archives scattered over different parts of France. His acquaintance with the contemporary materials in the Archives Nationales seems extraordinarily complete and thorough. If a too implicit confidence in the completeness of Rymer's *Foedera*, and a belief, perhaps formed rather hastily, that most printed documents of English origin have been so correctly published that their collation with the originals is almost superfluous labour, have sometimes discouraged him from getting all that he might from the Public Record Office, we must set against this the fact that some of the most original of his discoveries are based on materials that he has found in Chancery Lane and the British Museum. Equally complete is M. Delachenal's knowledge of both English and French chronicles. So wide is the sweep of his investigations that he has drawn with excellent results on narratives little known in France, such as, for example, the *Scalacronica*. So meticulous is he that, when printed editions of chronicles do not satisfy him, he quotes directly from the manuscript. Thus, all his citations of Christine

de Pisan and of the *Grandes Chroniques* come word for word from the best manuscripts in the Bibliothèque Nationale. Fortunately for English editors, he has not examined their work with the same particularity as that which he has devoted to the labours of his own compatriots. M. Delachenal's sobriety and judgment are as great as his learning. He possesses moreover in no small measure the rare gift of putting together scattered pieces of evidence to build up a harmonious whole. Altogether his work is of great value.

All that can be gathered from any source as to the personal biography of Charles V is carefully collected in these volumes; but mere biography occupies but a very small portion of them. Charles was brought into public life when still a mere boy, and his establishment in 1349 as the first dauphin of Vienne of the French royal house gives M. Delachenal the occasion to present an admirable summary of the method by which Dauphiné was administered under its new line of rulers: methods, we may say in passing, which remind one very powerfully of the administrative system in the principality of Wales under its princes of the English royal house. With the establishment of the young dauphin as his father's lieutenant, and afterwards as duke, in Normandy, M. Delachenal's book becomes substantially a general history of France, though naturally at this stage those parts of the story in which Charles took no personal part are passed over very briefly. Thus, but little is said, though all that is said is excellent, about the Black Prince's raid in Languedoc in 1355, while a detailed account is given of the Poitiers campaign, in which Charles took a personal part. With the captivity of his father, Charles became first the lieutenant and ultimately the regent of his kingdom, so that from 1356 onwards, save for the brief period of John's return to France after the treaty of Calais, his history is in every sense the history of the country. Indeed, from the beginning of the troubles with Charles of Navarre, which date from the assassination of Charles of Spain in 1354, far more is to be found about the reign of King John in this biography of his son than is to be gathered from any of the general histories of that reign.

It would be impertinent for anyone on this side of the Channel to criticise with any detail the more specifically French side of the history of these ten memorable years which M. Delachenal has described with so much learning and lucidity. It is enough to say that his study has in no wise lessened his appreciation of the ability and intelligence of the ablest of the Valois kings. The Charles of his pages is still the traditional Charles the Wise, though much fresh light is thrown upon his individuality as well as upon his acts. The other chief actors, Charles the Bad, Étienne Marcel, Robert le Coq, are treated on similarly conservative lines, and Marcel, the best of the three, is sympathetically and shrewdly judged as neither a mere demagogue nor a hero of democracy and liberty. The nature of the attempted reformation of the administration after Poitiers is clearly and sanely indicated, and the account of the Jacquerie adds something in completeness, and more in perspective, to the well-known narrative of Siméon Luce.

An English student will turn with most eagerness to those parts of M. Delachenal's history which deal with war and foreign politics, and in particular to what throws light upon the most critical period of the Hundred

Years' War. He will learn much from the clear and conclusive account of the innumerable treasons of Charles of Navarre to French and English king alike, and will realise more clearly than is done in most English books the importance which the Navarrese alliance, or the hope of it, played in determining Edward III's policy. The strictly military history which concerns us only begins with the Poitiers campaign, and the elaborate account of this certainly adds something to our knowledge, though it is from some points of view the most unconvincing and incomplete chapter of the book. M. Delachenal's discussion of the numbers taking part in the battle is as satisfactory as any discussion can be which is almost entirely based on the loose figures of the chroniclers. He has not undertaken the task of working through the letters of protection and other record evidence that exists, which for anyone who would take the trouble would enable a shrewd estimate to be made of at least the number of English men-at-arms who took part in that battle. Unluckily however M. Delachenal has not studied with sufficient attention the constitution of an English army at this period, or the history of the campaigns preceding Poitiers, to enable him to speak with sufficient authority on some of the knotty problems involved in this most difficult of campaigns. Accordingly he makes some little slips, as when he says that *les Anglais ne paraissent avoir connu au quatorzième siècle que l'infanterie montée, quoique le combat à pied fût pour eux la règle*. But apart from the Irish and Welsh light infantry of which he speaks, the foot archers constituted a very solid infantry in the traditional sense. It was only on expeditions where rapid movement was required, like that of Poitiers, that convenience suggested the provision of horses for all or most of the archers. In the muster-rolls the horse and foot archers, the former having double the latter's pay, are always clearly differentiated. M. Delachenal's difficulty how in a force of 200 Englishmen there could only be ten lances is solved by the probability of the remaining 190 of those who made the *equitatus* being mounted archers (vol. ii, p. 200). Very shrewd however is the emphasis laid by M. Delachenal on the fact that not the archers, but rather the dismounted men-at-arms, more precisely still the combination of the two, constituted the special strength of the English armies of this time. Even the Welsh infantry, as M. Delachenal says, was in no wise to be despised. Its wearing of a regular uniform was in itself an indication of regular organisation.

M. Delachenal's account of the battle of Poitiers is disappointing. Though he rightly repudiates the authority of Froissart, his narrative of the early stages of the conflict still shows some traces of Froissart's influence. M. Delachenal still holds the view that the dismounting of the French men-at-arms at Poitiers was a novelty in French tactics, though evidence has been collected in this Review to show that on several occasions before Poitiers—notably at Taillebourg and Ardres in 1351, and at Mauron in 1352—the French men-at-arms fought on foot after the English fashion.<sup>1</sup> M. Delachenal has taken much pains in studying the ground of the battle of Poitiers, and has had good local assistance. It cannot however be said that his disposition of the forces of the contending armies is satisfying, or even plausible. A local tradition, not older than the sixteenth century,

<sup>1</sup> See *ante*, vol. xx. 726-730.



which makes the Champs d'Alexandre, near the Miosson, the place of King John's capture, seems to have induced him to put the French army so near the English position that there was hardly room between the French lines and the dense woods of Nouaillé for the English to execute the complicated manœuvres that were assigned to them. The result is that his account of the battle hardly seems to cohere. It suggests the blending together of fragments of divergent accounts without sufficient attention to the essential incompatibility with each other of the particular narratives from which they are excerpted.

The most valuable addition to our knowledge of English history made in M. Delachenal's work is to be found in his admirable account of the negotiations between the French and English between 1356 and 1360. All the world now knows of the treaty of London of 1359, which the French rejected because the conditions were too hard, of the treaty of Brétigny of May 1360, and of the definite treaty of Calais in October, which deliberately postponed the thorny problem of the mutual renunciations by John and Edward of the rights which they had offered to abandon. Of these later stages of the negotiations, M. Delachenal writes by far the most complete and satisfactory account that has as yet been penned. Still more novel however is his proof that not later than January 1358 another treaty had previously been agreed upon between the two kings, as a result of the mediation of the papal legates, and had been accepted with great gladness in France. Father Denifle had already proved pretty conclusively that a treaty had been executed in 1358,<sup>2</sup> but he imagined that its conditions were similar to the hard terms exacted of John in the succeeding year. M. Delachenal however has, with great ingenuity and plausibility, shown that this is more than unlikely. For one thing such terms would not have been welcomed in France, and for another there exists in a Cotton MS.,<sup>3</sup> which Kervyn de Lettenhove printed without fully understanding, a certain *traité et parlançe de la paix entre nostre sire le roi et la partie de France*. M. Delachenal, who has accurately printed this treaty in his appendix, suggests that it is a draft of the unknown treaty of January 1358, and shows that its conditions are substantially the conditions of Brétigny, and not those of the treaty of London of 1359. In some important respects however the terms of this treaty differ from those of 1360. The most notable instance is that the ransom of John is fixed at four million crowns, as in 1359, and not at three millions, as in 1360. On the other hand, the territorial cessions of the French are less, Rouergue, for example, not being ceded to the English. Such minuter differences between this draft and the acts of 1359 and 1360 are hardly touched upon by M. Delachenal, though on some other occasion they would well deserve a special study. Such comparison as I have been able to make between the three strongly convinces me of the correctness of M. Delachenal's view. One cannot help suspecting from the order of the terms and the phraseology of the document that those who drafted the treaty of 1359 had this treaty before

<sup>2</sup> *Désolation des Églises*, ii. 149. In the *Political History of England, 1216-1377*, pp. 393-94, I accepted Denifle's view that there was a treaty in 1358, without stating anything as to its terms. Unluckily I followed Denifle too closely in giving reasons why the treaty was not ratified.

<sup>3</sup> Cotton MS., Caligula D. iii.

<sup>4</sup> *Désolation &c.*, ii. p. 150.

their eyes. The existence of an agreement on such moderate terms easily explains, as M. Delachenal points out, the brevity of the negotiations at Brétigny, where all that had to be done was to go back in substance to the former treaty.

Why did the treaty of 1358 fail? Father Denifle attributes the blame to the king of Navarre, to Robert le Coq, and Étienne Marcel; and no doubt the disturbed state of France due to their proceedings made it physically impossible to collect the first instalment of king John's ransom, the payment of which was the condition precedent of his release. M. Delachenal with greater plausibility shows that the main reason for the failure lay on the English side. The English parliament would not accept the treaty because it looked with suspicion on the work of the papal legates at the moment when the English and their king were on the worst of terms with Innocent VI. A most important letter of John to the *Chambre des Comptes* at Paris, printed by M. Delachenal from the municipal library at Rouen sets these facts beyond question. Unluckily, the loss of the *Rolls of Parliament* for these years leaves us in the dark as to the detailed action of the estates which sat at London, as John truly says, on 5 February 1358 and for three following weeks.<sup>5</sup> Equally unfortunately, the incompleteness of the surviving *secreta* for the sixth year of Innocent VI leaves the papal action almost as obscure as that of the English estates. We know enough, however, to understand why the papal legates went back disappointed to Avignon, and why Innocent VI's efforts were thus frustrated. With Father Denifle, and even more than the learned Dominican, M. Delachenal has added to English history a chapter unsuspected by any native historian. To this a minor point may be added. M. Delachenal (ii. 241) quotes from an *Exchequer Account* (K. R., bundle 341, no. 201) evidence that Geoffrey Chaucer, already ransomed from his short captivity, was a humble participant in the negotiations of October 1360 at Calais, being sent thence by royal precept with letters to England.

Mention has already been made of some of the valuable documents published by M. Delachenal in his short, but most important, collection of *pièces justificatives*. Among others of interest for English history we may welcome the well-known letter of the Black Prince to the city of London in which he describes the battle of Poitiers. It is very convenient to have a careful transcript of this important document in print in a source more accessible than Sir Harris Nicolas's scarce *Chronicle of London*, published so long ago as 1827. Less known than this is the remarkable letter of Innocent VI to Edward III, in which as early as July 1357 we read how strained were the relations of pope and king.

In conclusion, a few queries suggested by M. Delachenal's work as to points, mainly connected with English history, may be brought

<sup>5</sup> The parliament sat from 5-7 February: *Lords' Report*, i. 494. The presence of French magnates in the Parliament is mentioned in some of the chronicles. 'Eodem anno parlamentum tentum est Londoniis nonas Februarii valde magnum cum multis extraneis de Francia et de Scotia, quale non fuit ad annos ducentos: ' *Eulogium Historiarum*, iii. p. 227. M. Delachenal could have somewhat strengthened his case by a wider examination of the English sources. He has, however, fully emphasised the significance of the remarkable account in *Scalacronica*, which tells us categorically that the commons disapproved of the treaty so that no conclusion was come to: *Scalacronica*, ed. Maxwell, 129.

together. On i. 126 it should have been noted that the 'cité' of Narbonne as well as that of Carcassonne was not taken by the Black Prince in 1355. There is no conclusive evidence that the Cheshire *condottiere* Hugh Calveley was the half-brother of the even more famous soldier, his kinsman, Robert Knowles (ii. 38). There is no evidence that Queen Isabella, widow of Edward II, had at any time been submitted to a prolonged and rigorous captivity (*la captivité rigoureuse où elle avait été longtemps tenue*, ii. 58). The fashion of beginning the year with Christmas, though still surviving, as M. Delachenal has shown, in an occasional document, cannot correctly be described as *le style usité en Angleterre* (ii. 81) in the reign of Edward III. *L'archevêque de Cambrai* is by inadvertence spoken of twice on ii. 151, but of course Cambrai only became an archbishopric in the sixteenth century. Roger Mortimer, earl of March, slain at Rouvrai in 1360, was acting as constable in the campaign of 1359-1360, but was never marshal of England (ii. 163-165). Should not *Rye en Picardie* (ii. 166) be rather Rue? The story of the attack on Winchelsea on ii. 177-8 is told rather obscurely, and the name of one of the heroes, Ringois, does not occur in the generally complete index. Winchelsea is not, by the way, *soixante-dix milles au nord-est d'Hastings*, but only nine. As Rye is only two miles from Winchelsea it is hardly necessary to say of an expedition which landed at Winchelsea that it was probable that it passed very near Rye. John of Winwick, treasurer of the church at York, was not chancellor of the English king at the time of the treaty of Brétigny (ii. 197), though he was keeper of his privy seal, and therefore in a fashion head of the domestic 'chancery' of the king. Chaucer, a very *bona-fide* layman, was at no time *clerc du roi* (ii. 241). It must have been a very strong south-wester that enabled Edward III to embark one morning at Honfleur and arrive the same day *circa horam vespertinam* at Rye (ii. 211). *Edmond, comte de Langley* (ii. 256) is not correct; Edmund of Langley was not an earl in 1360, though he became earl of Cambridge in 1362. All these are points of little importance, but they may suggest some possible corrections for a second edition.

T. F. Tout.

*Jacobus Traiecti alias de Voecht, Narratio de inchoatione Domus Clericorum in Zwollis.* Uitgegeven door Dr. M. SCHOENGEN. (Historisch Genootschap gevestigd te Utrecht.) (Amsterdam: Müller. 1908.)

IN a Deventer schoolboy's exercise Zwolle figures as the home of barbarism—a compliment which we may be sure was returned. The two towns had many points of rivalry. Each had its school, its printing press, its house of the Brethren of the Common Life. On the whole, Deventer seems to have had the pre-eminence. Hegius as a schoolmaster surpasses Listrius, the Paffraets and Jacobus of Breda excel Peter van Os and Simon Corver; and the Deventer house of the Brethren ranks higher than that of Zwolle, in part because Thomas Kempis' pen has left us such vivid pictures of the company that surrounded Florence Radewyns. In this last point the balance may now be redressed, since Dr. Schoengen has made Jacobus de Voecht's chronicle of his contemporaries accessible to scholars. The latest date that De Voecht touches is 1503—he was then eighty—more than seventy years later than anything that Thomas Kempis

records; and in consequence his gallery is fuller, especially as he does not confine himself to the parent house at Zwolle.

The Chronicle begins with Groot's preaching there, and goes on to the foundation of the house of the Brethren in 1384, and later to their various dependencies. Sketches of individual rectors and brothers fill its pages, and everywhere we get much light on the life of the Order. One house was so poor that the rector used to sleep on a wooden mallet in place of a pillow; a jug of beer was only known on high days, and at every meal the brethren, in helping themselves, had to be careful not to cut too deep into the cheese. But most houses were better off, and had 'closes' round them with trees; and one was even the proud possessor of a clock which struck the half-hours. There are charming pictures of unostentatious virtues: the aged rector emeritus, who lay without grumbling on his bed for hours if the active members of the house were too busy, as at harvest time, to give him food; the two sick brethren talking in the infirmary, of whom one was taken and the other left; the careful brother, who, when doing his turn in the kitchen, made his cleaning-cloths last longer than anyone else; the cook who, to save the common store, ate up the bits which the brethren in the refectory had left on their plates; the boy who when ploughing propped up his copy of Boethius' *De Consolatione* at the end of his furrows and read a little each time his horses brought him back; or the faithful servant, who had been a journeyman at a penny a day and a strolling musician, who revered his rector as an angel, and was allowed to play his instrument (which he had brought with him) on holidays. Occasionally there are instances of 'enthusiasm' in spite of the wise moderation of the founders of the Order to ensure 'steadiness without violence.' One young brother eagerly caught the plague and suppressed his sickness that there might be less chance of his recovery; another dug up a newly buried thief and skinned the body to make himself a shirt. The industry of the brethren in writing books is abundantly recorded, and there are many points of interest illustrating the practices of the scriptorium. We hear of brothers particularly skilled in *bastardo* or *rotundo* or *fractura*; of the marks made in manuscripts to show the daily progress of the writers; of a complete Bible written by Thomas Kempis before 1410; of volumes of Augustine and Bernard, which were of course preferred above the philosophers and poets, who might be read for con-futation only, not for 'corrupt affection.' On one occasion a book was sent, composed by an adversary, to which a reply was necessary. The rector had it unbound, and divided it among the brethren; each copied his section in the night, and in the morning the book was put together and returned to its owner. At one point, before 1475, we get a glimpse of the hostility towards printed books which was no doubt widely felt by men who had been accustomed to labour with their pens; in the regret expressed by a resigning librarian for his action in endeavouring to check the tide advancing from the presses.

Dr. Schoengen's task has been difficult. The two known manuscripts of the Chronicle differ continually in small points of verbiage, but yet in contents are substantially the same. Under such circumstances he has rightly decided that full collation was unnecessary. While adopting one manuscript for his text, he has had the other constantly in view, and whenever

the differences of detail amount to importance, he has given extracts from the second manuscript in footnotes—a process requiring so much thought and judgment as to be more exacting than the minute labours of collation. The Chronicle is rich in unusual words and spellings; for De Voecht was splendidly inventive, especially in adjectives. Some of these peculiarities are perhaps local, for there are resemblances to the Latin of Thomas Kempis and the early compositions of Erasmus. Dr. Schoengen has been careful to preserve them, instead of following the easier course of adapting them to common usage. Besides the Chronicle he gives us also the *Consuetudines* of the house, reprinted from Jacobus Philippi's *Reformatorium Vite Clericorum* (Basel, 1494), and most ingeniously identifies them as belonging to Zwolle; a mass of documents and instruments of all sorts concerned with the various houses mentioned; a careful and elaborate introduction, discussing at length the manuscripts and the life of De Voecht; and finally a generously ample index.

Of the accuracy of the transcription it is impossible to pronounce without the manuscripts; but in the case of the *Consuetudines* Dr. Schoengen is sometimes at fault in resolving the contractions of the early printing, and there are sufficient misprints to raise some hesitancy about accepting his text elsewhere without question in unusual points. He might also have used more freedom in correcting obvious misprints of the original, such as *pumice* for *pinnice* (p. 254), *non* for *num* (p. 257), *rebellem* for *rebellere* (p. 264). On p. 269 St. Peter's day must mean 29 June, not 22 February. But anyone who reads his account of the difficulties under which the work was done and of the obstacles to be overcome—which he relates justly and without anger—will readily condone some shortcomings in a volume of 900 pages. It perhaps needs emphasising that for transcription and for the final but no less important process of proof-correcting an amount of slow, steady work is required such as it is very difficult to give when leisure is only the leavings of a day; and more especially is it requisite when, as in this case, a book is likely to be definitive. To the most accurate of men 'dormitations' are inevitable; but only slowness of progress can reduce these to a minimum.

P. S. ALLEN.

*Reginald Pecock's Book of Faith; a Fifteenth Century Theological Tractate.* Edited from the MS. in the Library of Trinity College, Cambridge, with an introductory Essay, by J. L. MORISON, M.A. (Glasgow: Maclehose. 1909.)

It was a pious thought of Professor Morison's to edit this interesting work of an important writer, and he may be congratulated, not only on the thought but on the pleasing form he has given to the book. In his introductory essay he points out rightly the significance of Pecock's character and views, but some of his judgments may be questioned: thus, for example, Pecock was hardly 'a man fortified against humour'; nor could we agree to the statement that 'in more purely historical questions—such as that of Constantine's donation—his sense of the value of authorities is of the slightest.' In details of language it may be noted that the passage (p. 114) given as corrupt is perfectly easy if the 'and that' be taken as explanatory of the preceding statement; and the

'sumen' expanded (p. 176) into 'sum men' by the editor is really typical of Pecock's English. On the other hand, the editor is perfectly right in pointing out 'Pecock's firm grasp of the principles of historic development.' His attitude towards the miraculous (p. 80) is sketched as being too negative; he claimed the right to criticise, but his acceptance of many ecclesiastical miracles (seen in the *Repressor*) is as essential to his system as is the refusal to accept miracles as a substitute for reason. Nor do we think Pecock would recognise the description (p. 89) of his views on 'the real potency of the church in matters of faith.' Far from 'shattering' this real potency, the *Book of Faith* (Pt. I, c. vii) lays down as a reverence given to the church on earth 'that whanne ever the chirche of God in erthe holdith eny article as feith, or hath determyned thilk article to be feith, every singuler persooone of the same chirche . . . is bounden, undir peyne of dampnacioun, for to bileeve thilk same article as feith.' This is in no sense (as stated in a note to p. 89) an ascription to the church of a mere authority against unskilled laymen, but of an authority to define and expound. It is easy to make Pecock too modern, but the great value of his works is that, starting from a medieval platform, he thought out for himself the recurring problem of authority and reason. Full justice has never yet been done to his attempt (made in the *Repressor*) to give a definition of episcopal responsibilities enlarged to suit the day, and yet the decay of episcopal ideals and encroachments upon episcopal power were the sources of many abuses which hastened a drastic reformation. The *Book of Faith*, moreover, shows us how he differed from the church policy of his day in preferring 'to<sup>1</sup> bi cleer witte drawe men into consente of trewe feith otherwise than bi fire and swerd or hangement.' Persuasion and free argument, and above all in English, was his policy, not command and compulsion. Here, at any rate, he was modern.

The introductory essay is, we gather, part of a larger work 'dealing with opinion in England prior to the Elizabethan Renaissance.' We regret, therefore, to have to say that its historic setting is more imaginary than real, and many of its generalisations quite unjustified; it is simply rhetoric to say that England in Pecock's day 'knew nothing of the life lived intellectually for the sake of intellect,' or to speak of England 'with its sturdy, stupid standards,' or to say that 'imagination, mental agility, and some smack of letters,' were 'qualities upon whose front contemporary English opinion set the brand of Cain.' Oxford was not in Pecock's day the centre of international thought, as it had been a century before, but English thinkers had not lost altogether the qualities of brilliance and daring which had contrasted them with the French, nor is there any real foundation for the view that medieval England formed 'a little continent by itself.' These inaccurate generalisations deprive the introductory essay of any great value as a study of thought; they still leave to the study of Pecock, with the qualifications already stated, its own value, and they do not lessen our gratitude to Mr. Morison for having edited his work.

J. P. WHITNEY.

<sup>1</sup> It may be noted that Pecock often uses the split infinitive, e.g. (p. 167), 'to so beleeve' and 'to so kunne.' Here he is deplorably modern.

*The Scottish Staple at Veere.* By the late JOHN DAVIDSON and ALEXANDER GRAY. (London: Longmans. 1909.)

IN attempting to carry out the ambitious design which had been scarcely more than outlined by the late Professor Davidson, Mr. Gray had to face a task of peculiar difficulty. Scottish economic history is a virgin soil full of allurements to the adventurous, but demanding the arduous labours of the pioneer. Not that it is by any means a mere jungle of unedited documents. Scores of volumes of records and other material of history, for the most part well edited and indexed, offer a ready foothold. In the admirable editorial introductions to many of these volumes the ground is to a large extent surveyed and cleared. Mr. Davidson's design, which seems to have embraced Scottish economic history as a whole, was therefore a timely one; but, as it might easily have absorbed the labours of a lifetime, it was not unnatural that Mr. Gray should confine himself mainly to that branch of the subject with which Mr. Davidson's notes were especially concerned—the history of the Scottish Staple. He has however compromised with the larger plan by the inclusion of half a dozen introductory chapters on such general subjects as 'the beginnings of Scottish foreign trade,' 'the organisation of the burgh,' 'shipping and piracy,' 'mercantilist theories,' &c., and these chapters are certainly not the least interesting or valuable portion of the work. They furnish such a preliminary survey of the great mass of materials contained in the Records of the Convention of Burghs and in the separate records of Edinburgh, Glasgow, Aberdeen, Stirling, and Peebles as can scarcely fail to serve as an incitement to further research. Scottish mercantilism is a subject all the more worthy of careful study because of its peculiar difficulties. It was a result compounded of many factors, a focus of diverse elements to each of which a fairly close parallel might be found in the contemporary history of other nations. Now that the mercantilism of the several states of Europe is being closely investigated the identification of these elements would be a comparatively easy task. Mr. Gray has himself suggested some of these partial analogies, especially that which the Convention of Burghs bore to the Hanseatic League. Others might be found in the development of Burgundian policy as lately described by M. Pirenne, or in the commercial history of the kingdom of Naples, and still more perhaps in the mercantilism of Denmark and of Prussia. Contrast is needed as well as comparison. Nothing could be more instructive than to place the Convention of Burghs side by side with that 'estate' of merchants which Edward III so often consulted, but which in England failed to maintain itself as a rival of parliament.

It is the great merit of Mr. Gray's treatment of these general topics that it naturally leads up to and suggests the use of the comparative method. To complain that he does not himself oftener apply that method would be unjust in view of the necessarily limited scope of these introductory chapters. Here and there however a brief reference to contemporary English conditions would have been helpful. The legislation restricting the export of food and raw material offers a close parallel to that of England, and may have been partly prompted by it, though it is more naturally explained as part of a general movement of European

opinion. Brandenburg and Württemberg, and even smaller German principalities, were adopting the same policy at the same time. The granting of licences and dispensations to exporters was an inevitable counterpart of this policy, and it is interesting to observe that, just at the moment when such licences were coming into more extensive use and abuse in England, the Scots parliament was passing acts to prohibit or restrict them. Still more significant is the coincidence between the legislation of 1581 and 1592, prohibiting the export of wool and of skins in the supposed interests of national industry, and the adoption of a like policy in England, in which prohibitory acts went hand in hand with the grant of patents of monopoly and the formation of close corporations to exploit the protected industry. Mr. Gray is no doubt right in attributing the 'free trade' opposition offered by the Convention of Burghs to this policy to interested motives; but the assumption that the policy itself was more disinterested is at least questionable. Mr. Gray defines it as 'an industrial and national as opposed to a fiscal and commercial policy.' But Dr. W. H. Price's recent study of English monopolies has shown that the Stuart industrial policy was dominated by fiscal intentions even if it did not always issue in fiscal results.

The outward history of the Scottish Staple, which has been carefully traced with the help of Scottish records and Dutch archives from its early beginnings in Bruges to its settlement in Veere in 1501, and thereafter through its various temporary migrations to Middelburg, Antwerp, and Dordrecht down to its final dissolution in 1799, seems little better than a chapter of accidents, an Odyssey of episodes without any climax or 'discovery.' This is due to the fact that the causes of these outward vicissitudes were, as in the case of the English Staple, diplomatic rather than economic. They are interesting in themselves, but contribute little to the elucidation of the Staple as an economic institution. To this object however Mr. Gray has dedicated the third part of his work, and the first chapter of this section is undoubtedly, for the economic historian, the most valuable in the book. The comparative method is here adopted with conspicuous success. The Scottish Staple is described as resembling the English in the nature of the trade carried on, in its claim to be an exclusive channel of that trade, and in its tendency to become an administrative organ of the government. It differed from the English Staple in never fully realising that tendency and in confining its privileges from the first to Scottish merchants. In these two respects it resembled the Merchant Adventurers of England; but whilst the Adventurers were only one of many chartered companies the Scottish Staple was the sole recognised organ of foreign trade, and was under the control of the Convention of Burghs. The efforts of the Stuarts to convert the Staple into an organ of the administration has however many parallels in English economic history, of which the manipulation of the Merchant Adventurers in 1615-17 is perhaps the most interesting. It is to be hoped that Mr. Gray's admirable piece of pioneer work will serve to call attention to the fact that the Stuarts came from Scotland, that they had a mercantilist policy in that country both before and after they left it, and that the study of that policy in both periods would be the most helpful complement to the study of English mercantilism.

GEORGE UNWIN.



*Les Sources de l'Histoire de France. XVI<sup>e</sup> Siècle (1494–1610).* Par HENRI HAUSER. I. Les premières guerres d'Italie ; Charles VIII et Louis XII. II. François I et Henri II. (Paris : Picard. 1906, 1909.)

IN writing his continuation of Molinier's book, *Les Sources de l'Histoire de France au moyen âge*, which was noticed in this Review, vol. xviii. p. 816, and vol. xxii. p. 391 f., Professor Henri Hauser, of the University of Dijon, has had the advantage of notes furnished him by his predecessor, and has followed the same method and the same scheme as the brilliant professor at the École des Chartes, too early lost to his friends and to science. The new parts will be very useful, though we miss the masterly touch which characterises the earlier volumes. But the difficulties of M. Hauser's work were much greater. There is nothing for the sixteenth century which compares with Ulysse Chevalier's *Répertoire des Sources historiques du moyen âge* or with Potthast's *Bibliotheca historica medii aevi*. The works of De la Croix, du Verdier, P. Lelong, and the *Catalogue de l'Histoire de France* are the only ones from which the author might have gathered some scattered indications. We must take also into account the fact that this manual was compiled at a distance from the great French libraries containing rare printed books and large modern collections.

The plan is as follows : before describing the sources for each of the reigns from 1494 to 1559, we are given an account of their general character and an estimate of the way in which they have been used by critics. We have next a description and appreciation of the French chronicles, of the French provincial chronicles, then a critical enumeration of collections of documents, and lastly an account of the poetical sources. This forms the first division. The second division contains the foreign authorities : Italian, Flemish-Burgundian, German, Spanish, English, &c. A supplement gives special information as to the essential episodes in the history of each king. As a rule the selection from these various sources has been made with discretion and skill. A complete table of the narrative sources is set forth with judicious criticism, and all important documents, especially the pamphlets, are enumerated. In the reigns of Francis I and Henri II the foreign sources are of course more numerous ; and the more we approach our own time, the more numerous and important for the historian they become. So far as the literary sources are concerned, M. Hauser has done rightly in mentioning only a few writers and poets. The original idea had been to treat more fully the literary history of the sixteenth century, and no better collaboration could have been found than that of M. Abel Lefranc, the professor of French literature at the Collège de France. But there would have been a danger of altering the nature of this bibliographical series and of satisfying neither historians nor *littérateurs*. It is quite sufficient to have quoted Gringore, Jean Marot, Pierre de Bruges, Hugo Ambertanus, Petrus Burrus, Clement Marot, Sagon, Bouchet, Saint Gelais, Jean de Luxembourg, Guillaume Cretin, Ronsard, du Bellay, and a few others, and to have drawn attention to Rabelais' historical value.

That there are some omissions and a few mistakes is after all unavoidable in such a work. We need not here point them out, but would rather draw the attention of scholars to the parts which seem to us most adequately

dealt with—namely, the foreign sources for the reign of Charles VIII, the fourth section of the reign of Louis XII, the importance of Guillaume, Jean, and Martin du Bellay's *Mémoires* (on which Bourrilly's *Guillaume du Bellay* should be consulted), the value of Blaise de Monluc as an historian set forth from M. Courteault's excellent study entitled *Blaise de Monluc, historien, Étude critique sur le Texte et la Valeur historique des Commentaires*, 1908, the pages on the Reformation, the documents concerning the reign of Francis I and especially the Emperor Charles V, and the estimate of Parthenay-Larchevêque, François de Rabutin, Antoine de Chandieu, and La Popelinière. Altogether M. Hauser has contributed a very good handbook, in which are to be found the characteristic qualities of French bibliographers, clearness, conciseness, and fresh information.

L. M. BRANDIN.

*A Subsidy collected in the Diocese of Lincoln in 1526.*

Edited by the Rev. H. SALTER. (Oxford: Blackwell. 1909.)

IN discovering and printing the assessment for the subsidy of 1526 in the diocese of Lincoln, Mr. Salter has laid students of ecclesiastical and local history under a considerable obligation. It has been hitherto assumed that the *Valor Ecclesiasticus* of 1535 was the first new survey since 1291; but Mr. Salter points out that when, in June 1523, convocation granted the king a moiety of one year's revenue of all benefices in England to be levied in five years, Cardinal Wolsey ordered a new valuation to be made. At the same time he introduced the principle of graduation: the clergy who were assessed at less than twelve marks a year paid a fifteenth instead of a tenth, and some of the poorer religious houses paid only a twentieth or a twenty-fifth. In the Taxation of Pope Nicholas all benefices assessed at less than six marks—not five, as Mr. Salter states on p. v—were exempt. Under Wolsey's scheme exemptions were swept away, and while a great number of the beneficed clergy became liable to taxation for the first time, the unbeneficed clergy, curates, parochial chaplains, and chantry priests alike were also forced to contribute. As a body the unbeneficed clergy, whose stipends until after the Black Death did not average more than five marks a year, had been free from taxation, though the names of a few chaplains who probably held private property occur before 1334 in Lay Subsidy Rolls. This record contains the names and assessments of all the beneficed and unbeneficed clergy in the great diocese of Lincoln in 1526. In this respect it is at present unique as a printed text, and its publication suggests that a search in episcopal muniment rooms might bring to light the assessments for other dioceses. The assessment for the archdeaconry of Richmond, returned by the archdeacon as commissary of the archbishop of York, is now among the Miscellaneous Books of the Exchequer, Treasury of the Receipt, No. 61. A study of the index to the Clerical Subsidy Rolls might also be fruitful.

The Lincoln assessment illustrates at a glance the crippling effect of the confiscation of the chantries, for it is well known from the Chantry Certificates that their priests were often bound to help the parochial clergy in their duties. In a number of towns several assistant clergy are entered as *stipendiarii*, for whom it is clear that there was no permanent endowment; some of these were probably chantry priests who were supported

by a rent charge for a term of years, because the founder was not wealthy enough to provide lands in mortmain; others again were perhaps maintained by the voluntary subscriptions of some of the laity. We do not agree with Mr. Salter that in 1526 it was an innovation to allow the deduction of the curate's stipend in calculating the assessment, for in the bull of Nicholas IV under which the Taxation of 1291 was made, it was provided that a rector making personal residence and employing one, two, or more chaplains on account of the multitude of souls or the scattered nature of the parish, might deduct their salary, but not their board. In the decree of convocation granting the subsidy and ordering the bishops to make returns for their dioceses to the archbishop of the province, the deductions were allowed without reference to residence. In the diocese of Lincoln the deductions usually appear, but in several deaneries in Northamptonshire they are not shown, and the return is a clear value, as it was throughout the archdeaconry of Richmond. Owing to the principle of graduation it was to the interest of the clergy to make a clear return. If the value without deductions was twelve marks they would pay a tenth, whereas a clear return might enable them to pay only a fifteenth. Mr. Salter observes that the words *capellanus*, *curatus*, and *stipendiarius* are somewhat loosely used; the man whose stipend as *capellanus* was deducted from the rector's assessment is constantly described as *curatus* in his own assessment, and where this occurs in Oxfordshire Mr. Salter is able to affirm that the *capellanus* was invariably curate-in-charge of a hamlet chapel. In this respect the record offers an interesting suggestion to topographers in other counties, for hamlet chapels have often disappeared or have been put to secular uses. *Curatus* invariably signified curate-in-charge; the curate of the present day was then described either as a *secundarius* or as a *stipendiarius*. It is probable that accurate local knowledge would dispose of difficulties arising from the presence of a vicar and curates in towns in this assessment, and would prove that there were chapels dependent on a mother church which had not been formed into separate parishes.

One conspicuous fact emerges from a comparison between this return for the subsidy and the *Valor Ecclesiasticus*. As in the Taxation of Pope Nicholas, when a rectory was farmed, the assessment was fixed at the amount of the farm, which was thus below the actual net income of the benefice. When the rector was in residence in 1526 and was farming his benefice in 1535, the second assessment is much higher, and it is clear that the *verus* and *iustus valor* of a benefice does not represent its income in 1526. Scremby was assessed at 10*l.* in 1526, at 17*l.* when farmed in 1535; Skegness at 7*l.* 16*s.* in 1526, at 15*l.* 16*s.* 6*d.* when farmed in 1535. In 1526 the returns were made by a commissary appointed by the bishop of the diocese; in 1535 by several lay commissioners who required written evidence, and the *Valor Ecclesiasticus* is therefore a more trustworthy record than the *Subsidy*. As the commissioners also accepted the amount of the farm for the assessment, the *Valor Ecclesiasticus* too does not reveal the actual income of the clergy. We think that Mr. Salter has unnecessarily suggested that the fees paid by the monasteries to their *senescalli* or stewards might seem to us a scandal, because money left for the support of the religious and to carry on spiritual work was diverted

to the pockets of wealthy laymen. When the registers of abbots of the sixteenth century have survived, as at Gloucester, it is usual to find grants of the office of *senescallus* to hold the courts of certain manors, and of hundreds, and thus the outgoings of the monasteries very naturally included legitimate payments for legal and administrative services rendered by laymen.

The index would have been more useful if variations of the same name had been collected and if the modern spelling of place-names had been included.

ROSE GRAHAM.

*Villeroy, Secrétaire d'État et Ministre de Charles IX, Henri III, et Henri IV (1543-1610).* Par J. NOUAILLAC. (Paris: Champion. 1909.)

VILLEROY, minister of four kings, entering public service when sixteen in June 1559 and dying in harness in December 1617, well deserves this admirable biography. A better example of the purely bureaucratic and diplomatic element could scarcely have been chosen, for his business capacity was not complicated by other gifts. M. Radouant's recent book on Villeroy's friend du Vair has given us the orator, the pamphleteer, the man of letters. Villeroy, says Sully, could not speak two words in public, his style was clear but colloquial, and, though intimate with Ronsard, he left literature to his talented wife, Madeleine de l'Aubespine. Yet ambassadors from all countries bore witness to his eminent ability. Villeroy's great-grandfather was a fishmonger, his great-grandson was duke and marshal of France, the *miles gloriosus* of the war of the Spanish Succession. To the prudent bureaucrat were mainly due the fortunes of the family. His more immediate ancestors however had held good positions under the government, and were connected with such houses as those of Briçonnet and de Thou. Villeroy himself was pushed into a secretaryship of state when twenty-four by his father-in-law, Claude de l'Aubespine, and was trained under Claude's brother Sebastien, and his own uncle Morvilliers. Phenomenal industry, unflinching good sense, and a genius for making himself agreeable to crowned heads guaranteed success.

Villeroy was too junior to play any part in the St. Bartholomew tragedy. His first important mission was characteristic of his future career. He was sent in 1574 to aid in the reconciliation of catholics and Huguenots in Languedoc under the general superintendence of the provincial governor, Damville. During his absence occurred the so-called conspiracy of La Molle and Coconnat, and Villeroy was instructed to arrest their supposed accomplice, Damville, who, indeed, accused him of a project of assassination. Here, then, Villeroy is found as the intended mediator between religious factions, and as the champion of the monarchy against the separatist tendencies of the provincial magnates. Henceforth he was always the right-hand man of Catherine de Médicis in all her attempts to reconcile parties and personalities. It is to her credit that the most intimate of her letters are addressed not to the chiefs of religious or political factions, but to the truest servants of the monarchy and France, Villeroy and Bellièvre. Villeroy on his side was thoroughly in accord with Catherine's policy, and his own disgrace coincided with her loss of influence. Meanwhile he was the personal

friend both of Charles IX and Henry III. The former called him his secretary, and dictated to him his *Livre de Chasse*; the latter again and again expressed his affection for him, giving him the friendly nickname Bidon or Bidonet, and allowing him frank criticism, as when he reminded Henry that he was king of France before he was chief of the congregation of Vincennes, and that he owed his first duty to his kingdom. Villeroy was, in fact, for long the bond of union between Henry and his mother, while he did his utmost to prevent a rupture between Anjou and the king. Shortly after the Day of the Barricades Henry III suddenly dismissed his ministers, without even his mother's knowledge. All he had to say against Villeroy was that he was conceited, and wished to monopolise the conduct of business with the king. But apparently the conviction grew upon him that Villeroy had conceded too much in his negotiations with the Guises. Villeroy had in fact believed with the queen mother that the only alternative was to capitulate, and that the king's sole chance was to restore peace at the head of a united catholic party. But Henry was now consumed with hatred for his rival, and got rid of his more influential ministers in order to have his hands free for assassination.

The king proving irreconcilable, Villeroy was forced to take refuge with Mayenne, and, after a vain attempt to live in neutrality in the country, was driven into Paris and the service of the League. Hence the not unnatural accusation that Villeroy was a Leaguer, sold to the Guises and to Spain. M. Nouaillac however proves that he was throughout a thorough-going monarchist, though a zealous catholic, who must sympathise with the religious objects of the League. There is abundant evidence that he used every effort to thwart the intrusion of Spanish influence. He belonged to that large, floating middle party, neither Guisard nor Huguenot, on which a stronger king than Henry III would have based the reconstruction of the monarchy. From the moment of the king's murder Villeroy devoted all his talents to the reconciliation of the League with Navarre, and had no small part in the ultimate success. To this the author has given his most detailed chapter, which is, indeed, the corrective to the prejudice against Villeroy, which long existed under the restored monarchy, and to which the popularity of Sully's memoirs contributed. Thus when Henry IV called Villeroy to his side, it was not as a representative of the Leaguer element, but as the faithful and experienced servant of his predecessor and the champion of the monarchical principle.

Villeroy was now nominally but one of the first secretaries of state, but he stood head and shoulders above his colleagues. Contrary to the usual practice, his department now included no French provinces. The whole of foreign affairs was under his control, and his office was thus the most highly specialised and modern of all. Nevertheless he continued his labours in the reconciliation of the outstanding Leaguers, Mayenne, Epernon, and Mercœur; he was actively employed in the suppression of the conspiracies of Biron, Bouillon, d'Auvergne, and Entragues; he had learnt the lesson of tolerance and zealously forwarded the pacification of Nantes. Henry IV had not the same intimacy with Villeroy as with his old comrade Sully, but he had the highest respect for his good sense and

passion for work. 'I have done more business to-day with Villeroy,' he said, 'than with the others in six months.' He called him 'a good servant and very agreeable.' The five chief councillors were Sully, Villeroy, Jeannin, Bellièvre, and Sillery. Of these Sillery had been pushed up by Villeroy, was connected with him by marriage, and proved his *alter ego*. Bellièvre, the chancellor, was his old and tried friend, while Jeannin was usually employed on missions abroad. Sully and Villeroy stand out as the heads of the two great departments of finance and foreign affairs. M. Nouaillac makes a good point in proving that, rivals as they were, the rivalry was not so intense as would appear from the *Economies royales*. This was written in some bitterness after Villeroy had succeeded in ousting Sully from office in the early days of the Regency, and Sully's contemporary correspondence proves that in relation to Villeroy the facts are warped. An admirable contrast is drawn between the temperaments and ideals of the noble and the bourgeois councillors, each belonging to a different religion, yet each showing remarkable tolerance in their personal alliances. In foreign policy Sully looked for expansion on the Netherland frontier, Villeroy on the Italian. The latter was strongly opposed to the cession of Saluzzo to Savoy.

Villeroy's ministry under Marie de Médicis is slightly handled, perhaps because it has already been treated by B. Zeller. The chief personal incidents are the fall of Sully, the quarrel with Villeroy's former *protégé* Sillery, now chancellor, and his grandson's marriage with the daughter of Créqui, son-in-law of Lesdiguières. This marriage secured the fortunes of the house, already prosperous. In politics Villeroy's sole object was to mark time until the king should be of age, and to risk no adventure either within the country or without. Thus, with one exception, he was always in favour of conciliating the refractory princes by compromise and concession, for a personal grievance might easily lead to a recrudescence of religious war. Similarly abroad his aim was the avoidance of war with Spain; he had shared with Catherine de Médicis a somewhat exaggerated idea of Spanish power. But while he engineered the Spanish marriages, he maintained the protestant alliances of Henry IV. Towards Charles Emmanuel of Savoy alone was he apt to be unbending, for the restless duke more than once did his utmost to force the inevitable clash between France and Spain.

Villeroy died of an internal chill caught in attendance on the king in the Church of Saint Ouen just as he was on the point of retiring. If he cannot be reckoned among the greatest of French ministers, he stands high in the second rank. He was honest and incorruptible in an age of avarice. Disliking novelties, he clung to the old faith, but without fanaticism; he was a zealous loyalist, even when in the camp of the enemies of the crown. His outside interests were few; he had little knowledge of economics and few ideas on the administrative reforms which he admitted to be needed. The execution of his special official duties was his one ideal in life untiringly pursued; good sense and experience made him a matchless diplomatist. He has been represented as timid, undecided, and commonplace, but in his own department he had definite principles from which he never swerved, and, in the age in which he held office, the prudent statesman might fairly claim time to think. Villeroy had none of

the ostentation and extravagance of his contemporaries ; he loved comfort rather than show. His faults were typical of the bureaucrat. He was jealous and over-sensitive, impatient of contradiction, and vindictive. Sully was a professed rival, but Villeroy's intrigue against the excellent Bellièvre had no excuse. It is to be hoped that M. Nouaillac will do justice to Bellièvre by another most welcome biography.

E. ARMSTRONG.

*Le Berceau d'une Dynastie : les premiers Romanov, 1613-1682.*

Par K. WALISZEWSKI. (Paris : Plon. 1909.)

WITH this volume, the third of the series entitled *Les Origines de la Russie moderne*, M. Waliszewski ends his interesting survey of Russian history from the middle of the sixteenth to the end of the eighteenth century, a work to which he has devoted twenty years. Though it is as a story-teller that the author is at his best, he aims at being more, and in those passages which least lend themselves to picturesque treatment he still reveals his good-humoured vivacity and lightness of touch in happy phrases which keep the reader cheerful and keen to pursue. A bibliographical supplement containing some 700 entries and the numerous references to printed or manuscript sources help to inspire confidence, and while we are carried along by charm of style and, almost always, correctness of expression, we realise that this is an honest study of an important period. In the preface to his *History of Russian Literature* (London, 1900) M. Waliszewski described himself as an interpreter between two worlds in each of which he was half a stranger, and he went on to express the hope that he brought to his task 'freshness of impression and independence of judgment.' We are reminded of this in the work before us, where, in the section *La réintégration nationale*, an apology is made for the *détails quelque peu arides, mais indispensables*, with which the problem of Poland and the Ukraine is treated. But if this part be found tedious, it is the fault of the subject and the authorities ; and though it would be too much to expect that all Russians should be satisfied with the author's estimates of the men and events connected with a *problème qui . . . demeure d'une vivante actualité*, the Western student need have no suspicion of being given partisan views. Of this second section a brief notice will suffice. Its hero, Bogdan Khmelnitzki, is hardly likely to find many admirers. The Cossacks are not perhaps described with all the enthusiasm which their undeniable qualities might inspire, but the picture of them given in Gogol's *Taras Bulba* is not more flattering. Poland and Moscow alike fail to enlist our sympathy with their political methods in this period, and the gross human suffering consequent upon their transactions makes a painful story. Such indications as we find of the state of the Russian people are deplorable. The hardships of the peasant under the early Romanovs were perhaps more grievous than in any time before them, for, after bearing the horrors of the 'Troublous Time' and the raids of foreign invaders, he was now degraded to serfdom, sacrificed to *cette raison d'État qui, dans notre monde moderne, remplace la fatalité antique*. The free towns had lost the last traces of those franchises which had served to show the community of origin between Russia and her western neighbours and the possibility of development on the same lines. Nevertheless, this hour of

darkness was lighted up by an adventure and an effort, both inspired by love of freedom: the revolt of Stenka Razin and that exodus into unowned wilds which led to the colonisation of Siberia and much of European Russia. M. Waliszewski has done well to mingle fact and legend in his account of Stenka, whose name is still spoken with affection by poor folk and whose Persian exploits are sung by the sturdy bargees of the Volga.

The history of the origin of the schism is well told. We have a good account of the arrogant patriarch Nikon, eager to reform an ecclesiastical establishment greatly in need of discipline and to play the part of *Papa-Re*. The 'reform' of the sacred texts which he undertook can only rouse the pity of the learned and pious, and we may remark that to this day the alien races of the Empire are restricted to the use of versions of Holy Writ so edited as to contain all the errors of the authorised Slavonic Bible. Nikon seems to have had no Russian blood in him, but to have been of Turanian and pagan stock; he is described (by a Greek, it is true) as of 'bestial aspect.' A man of great physical strength, a gross liver, a masterful character, uncultured, unscrupulous, he successfully bullied his superstitious sovereign into degrading acts of humiliation. When he had fallen and was interned in lonely monasteries, where he soon made himself lord of his warders, the intervals between his orgies were spent in intrigues to regain power, and at the age of 75 he seemed to be on the point of succeeding when he died. An equally strong but less repellent personality was Avvakum the Father of the followers of the Old Faith, or the Old Rite, whose romantic story is as interesting as anything in the period and exhibits some similarity with that of the beginnings of Christianity in the West (*cf.* p. 440), more especially in the support of the schism by devout women in the royal household, such as the saintly Fedosia Morozova (p. 437) and Eudoxia Urusova, and the readiness of its adherents to suffer martyrdom. Avvakum endured exile, many beatings, privations, and tortures, ending at last in death at the stake; though such questions as whether to make the sign of the cross with two fingers or three, to write the name of Jesus with a vowel less or more, to use service books with old or new mistakes, might not seem grave enough to justify martyrdom. But M. Waliszewski shows how these trifles were, in fact, symptoms of a stirring of the national conscience, moving instinctively towards some vague end and concerned about such matters as national self-respect and intolerance of foreign tutelage, hatred of governmental and ecclesiastical tyranny, asceticism, intense pessimism—a strange blend of practical conservatism and theoretical anarchism wherein it would be hard to say which element prevailed.

The Romanovs, the product of a kind of *plébiscite*, became speedily autocrats, not in the earlier Muscovite sense of the word *samoderjetz*, *i.e.* with reference to the foreigner, but personally absolute monarchs. Alexis gave the deathblow to the *boyarstvo* which Ivan the Terrible had humbled, and did not hesitate on occasion to confuse in a single term of contempt boyars and common folk alike; the records of hereditary privileges and the genealogical trees of the nobility were collected, on the pretext of verification, and burned. This made things easier for Peter the Great, and enabled him to create a subservient bureaucracy of *novi homines*



(*dvoryane*) to carry out his reforms. Not the least interesting parts of this volume are those in which the reign of Alexis is shown to be a preparation for Peter's, and here we find references to the share which our own people had in leading back the Russians to the European fold from which they had strayed: thus, Cartwright, the pioneer of industry; Gordon, Boyle, and Crawford, military instructors; Butler, the sailor; and Paul Menzies, the first professional diplomatist. Cromwell's envoy, Prideaux, met with a cold reception in 1654; and, though Alexis had lent money to Charles II at Breda, the Restoration did not greatly improve the relations between the two countries, and the earl of Carlisle had little success in 1664. As a proof however that English commerce was still pursued, we find a consul in Moscow in 1655.

There are a few printer's errors: e.g. p. 372 for 1692 read 1672; p. 375 for 1772 read 1672; p. 377 *auprès* instead of *après*; p. 378 *akrainiens* should be *ukrainiens*; p. 403 *nom* and not *non*; p. 448 *Tikhonravov* not *Tikhonvavov*. The index is tolerable, but the map was hardly worth printing. The statements on p. 216 that *De nos jours, les moujiks . . . ne changent de chemise qu'une fois par an*, and on p. 385 that *Un des traits . . . de l'esprit russe est la tendance à attribuer une importance énorme au côté extérieur des choses* require modification. The word *ataman* it is said *servait aussi anciennement à désigner les maîtres-pêcheurs* (p. 253) but we have heard it used in that sense among the fisher-folk in Kertch Strait. The Moldavian 'Loupoul' (p. 333) would be more correctly spelt 'Lupu' or 'Lupul,' i.e. the wolf, and 'Sotchava' (p. 341) should be 'Suceava.' We may perhaps conjecture that the 'Kitai' (p. 182) in the ballad, said to be offered in exchange for Smolensk, is 'Kitaigorod,' i.e. 'Chinatown,' or the extramural part of any fortified town, and not the Celestial Empire, in spite of the Russian allegation that *la Chine était un pays petit* (p. 12). 'Dorokhobouje' (pp. 13 and 28) should be written with *g* instead of *kh*. From p. 519 it appears that Tsar Alexis knew his Bible better than M. Waliszewski, for when he refers to Achitophel and Dathan and Abiram, our author puts queries against all these names and suggests 'Aaron' as an emendation for the last of them.

OLIVER WARDROP.

*The Relation of Sydnam Poyntz* (1624-1636). Edited by the Rev. A. T. S. GOODRICK, M.A. Camden 3rd Series. Vol. XIV. (London: Royal Historical Society. 1908.)

THE *Relation of Sydnam Poyntz*, preserved in the Bibliothèque Nationale at Paris, possesses a double interest as one of the very few first-hand narratives of the Thirty Years' War and as an autobiographical sketch of the early career of a Parliamentary champion of the English civil war. It is of the first part of the great struggle in Germany that Poyntz has a tale to tell. A youth of sixteen, whose 'ancient lineage' and 'tender nurture' had rendered insufferable to him the 'base' life of a London apprentice, he slipped his bonds early in 1625 and, crossing over seas, joined the English volunteers in the Netherlands. After the retreat from Breda, he passed into the army of Mansfeld, and served with him throughout his last disastrous campaign in Germany and Hungary. On the death of that leader and the consequent dispersion

of his forces, Poyntz fell, like many of his comrades, into the hands of the Turks, and endured six years of slavery before making his escape into Austria. There he was pitied, succoured, and, incidentally, converted by some kind Franciscan brothers. Supplied and re-equipped by these good friends, he next took service in Bohemia with John George of Saxony, of whose character, conduct, and policy he gives a scathing but not unjust account. Being presently captured by the imperialist Colonel Butler, for whom he conceived a violent affection, Poyntz gladly transferred his allegiance to the Emperor. Under Wallenstein he fought well at Lützen, Nördlingen, and elsewhere, and for some time after that general's death he continued in the imperial army. But in 1636, having lost wife, child, friend, and property, and perceiving the Emperor's forces to be in evil case, Poyntz returned home to England, only to find the family estates sold and his kindred estranged from him. In his necessity, kindness and friendship were extended to him by the catholic Treshams, and beneath their hospitable roof he indited this history of his adventures late in the same year.

The *Relation*, composed from memory with the assistance of 'some particular notes in writing,' was doubtless coloured by the auspices under which it was written, and it contains throughout a startling medley of fact and fiction. With regard to those engagements in which he actually took part—as, for instance, in the attempted relief of Breda (1625) and the battles of Breitenfeld (1631), Lützen (1632), and Nördlingen (1634)—the authority of Poyntz may be accepted as professional and, on the whole, sound. Occasionally he throws new light on obscure or doubtful incidents. Thus he supplies a reason for Wallenstein's much-censured retreat after Lützen (p. 126), hints at the part played by Piccolomini in the murder of Prince Ulrich of Denmark, indicates the attitude of Butler's Irishmen towards Wallenstein's assassination (p. 97), and offers us a circumstantial account of Schaffenberg's supposed attempt upon Vienna (pp. 92–93). Interesting also is the contrast which he draws between the prosperous Germany of 1625 and the wasted country of 1636; and the poignancy of his description is enhanced by the fact that his own wife and child had perished, with all his worldly goods, in the general desolation (p. 128). But even on subjects concerning which he should have been well informed Poyntz is frequently betrayed into strange errors. In one place he confuses the two battles of Breitenfeld and Lützen (p. 72); in another he writes Tilly for Wallenstein (p. 47); and, on occasion, he appears to confound the elector palatine, king of Bohemia, with his Swedish ally Gustavus Adolphus (p. 78), and the catholic elector of Bavaria with the protestant elector of Brandenburg (p. 105). His chronology, geography, orthography, and nomenclature are throughout of the wildest, and his version of events in which he had no active share is usually pure romance. Thus his account of the campaigns of the great Gustavus is totally at variance with known facts; and his picture of the Swedish monarch, whom he charges with every kind of cruelty and crime, is merely that of the defeated imperialist soldier, coloured by the virulence of the conscious renegade. For, though a change of side was not necessarily disgraceful to the mercenary soldier, Poyntz was, curiously enough, ashamed of his own action and at much pains to justify it. Finally, the

account of himself here given furnishes an edifying commentary on the later 'Vindication' of that Major-General Poyntz who took part in the English war from the most disinterested of motives, and whose 'constant profession of the reformed protestant religion' had been so ardent from his earliest years. Such statements fit ill with our Poyntz's candid confession of the 'good use' made by him of his opportunities in the German war (p. 126), with his naïve lamentations for the loss of stolen horses, and with his estimate of his various wives, according to the riches or expenses which they brought him. Above all, his declaration of staunch protestantism contrasts sharply with his previous account of his conversion to the true religion '... that which commonly is called Papistry . . . wherein, by God's grace, I mean to dy' (p. 54). In short, Sydnam Poyntz was neither hero nor patriot, but a very ordinary soldier of fortune, with a keen eye to the main chance, but not without redeeming traits.

His narrative, despite its inaccuracies and ambiguities, is full of interest, and Mr. Goodrick has, in his notes and introduction, carefully distinguished fact from fiction, doubt from certainty, and has with infinite pains and skill elucidated geographical and proper names from the most unlikely spelling. He has also added to the *Relation* itself several appendices, throwing light on the personal career of the writer, and a note on a German soldier's diary which should be compared with the story of Poyntz.

EVA SCOTT.

*The Last Years of the Protectorate, 1656-1658.* By CHARLES HARDING FIRTH, M.A., Regius Professor of Modern History in the University of Oxford. Vols. I and II. (London: Longmans. 1909.)

STUDENTS of English history have no longer to grieve over the unfinished state in which the lamented death of Dr. S. R. Gardiner, in 1902, left his great work on the *History of the Commonwealth and Protectorate*, in three volumes, 1894-1901. That work has now been brought down to the death of Cromwell, on 3 September 1658, in accordance with the last notes and advice of the author, with a thoroughness and a sense of uniformity which must have won the hearty approval of Dr. Gardiner himself. The scrupulous fidelity with which his successor has continued both the method and the style of the original work amounts to something like a curiosity of literature; for it is doubtful if the ordinary reader, or certainly the foreign student, would be able to judge off-hand by which of the two authors any given paragraph or chapter had been written. For myself, I venture to think that my intimate knowledge of the various studies of both writers enables me to see in Mr. Firth's volumes a rather greater conciseness, a sense of humour, and a literary flavour which is his own, and not Dr. Gardiner's. I am sure of this—that whether from the point of view of historical research or from that of literary interest, the new volumes of the 'Protectorate' will add, if anything, to the reputation of the original volumes. They remain the standard history of the tremendous revolution in the three kingdoms during the momentous eighteen years from 1642 to 1660.

One is happy to learn from the preface to vol. i. pp. v-xii, that Mr. Firth will continue the work down to the Restoration in 1660. The

Protectorate did not end, at least in form, with the death of Oliver. It was prolonged in name for nearly two years. The grand funeral of the Protector, the general acceptance of Richard, the cabals of the Council, and the gradual steps by which, with marvellously little blood or confusion, the old monarchy returned, the balance of parties, and the play of interests during the transition—all under the spell of Oliver's name—make these twenty-one months rich with lessons. Students of our Revolution will look forward to Mr. Firth's promised account. And they will be particularly glad to see that he will then treat 'the social and economic condition of England during the rule of Cromwell and his son.' In Mr. Gardiner's volumes, and perhaps even in these, the general reader looks for more definite judgments of characters and of policy, and is left to draw his own conclusions from a vast multiplicity of facts. Both Dr. Gardiner and Mr. Firth reserved such judgments for separate works. But we trust that Mr. Firth in a future volume will sum up judiciously what he takes to be the loss and gain to English social and industrial life during the Protectorate. In these volumes he has done this to a great extent for Scotland and for Ireland in chaps. xiii. and xiv. in the second volume. The preface also gives us an account of the additional material which Mr. Firth has been able to use—some of it published or accessible since Dr. Gardiner closed his labours. Such are Professor Wolfgang Michael's *Life of Cromwell*, with new researches in foreign archives (1907); Mrs. Lomas' new edition of *Cromwell's Letters and Speeches* (1904); Dr. Bonn's *Englische Kolonisation in Irland* (1906); further papers in Thurloe's collection, in the Lansdowne MSS., manuscripts in the British Museum, the Clarke Papers and Monck's Order Book in Worcester College library, and other manuscripts both at home and abroad. Mr. Firth has every right to say in his preface that the labours of many historians in the last thirty years have 'elucidated nearly all sides of the history of the period.' He might go much further, and we may claim for him that no one has done more in completing this task than Mr. Firth himself. It is hard to believe that fresh research can throw any new light on the story so as to cause us to modify or reverse the views in which so many students finally coincide. And it is a striking fact that such indefatigable and exhaustive studies of huge piles of documents in many languages, and written by men so different, under conditions so antagonistic, have yielded so little of novelty or serve in any material degree to lead us to vary or suspend our judgment, or to inform us of anything that we should not entirely expect to find.

The first chapter of the new volumes strikes the keynote of the situation in September 1656, when Cromwell met his second parliament. This was 'the turning-point in the history of the Protectorate.' It was his new attempt to reconcile his own power with a legal and constitutional legislature. The dilemma was this. His rule was the only guarantee for order and safety, and it rested entirely on a dominant and very costly army. Without the army, the country was a prey to sedition and conspiracy within and foreign attacks from without. But the only authority which could pass laws, raise taxes, and legalise the government was a parliament of puritans who were bitterly intolerant, hostile to arbitrary acts, sticklers for constitutional forms, and very jealous of the control of soldiers. The

officers insisted on excluding members, and members denounced military violence. Charles was making treaties with Spain and raising troops to invade England. And cavaliers were constantly forming plots to assassinate the Protector. The old question—so long misrepresented and so often misunderstood—as to the offer of the crown to Oliver may now be considered to have been finally cleared up by Mr. Firth's researches from manuscripts at home and reports of foreign envoys. The nation as a whole (apart from any love for the Stuarts) desired 'a settlement'; and the party of legality everywhere could not separate settlement from monarchy. Lawyers and many stout parliament men could see no legality without the crown; and many of these honestly desired to make Oliver king under new guarantees. He himself saw the force of this view, which, though he cared nothing for any title or any form, would undoubtedly consolidate his power. And power he was resolved to maintain with his life. On the other hand, he saw how futile was the dream of a Cromwellian dynasty, and he knew how bitterly his officers resented the idea of kingship, and how deeply acceptance of the crown would dishonour him in the eyes of those whom he most valued and loved. It was a cruel dilemma, which we can now see Oliver thoroughly mastered and finally decided aright. The politic statesman within him saw all the strength it would give to his government. The godly Ironside within him warned him that it would be counted as treason to his whole faith and his life-work.

Mr. Firth's treatment of the cases of religious persecution—whether against catholics, heretics, ranters, or Quakers—brings out again in the clearest terms the manly spirit of toleration which animated Cromwell from first to last. All protestants were pressing for further repression upon catholics. Now the Protector was unable alone to stem the tide of anti-catholic penal laws; but he managed to mitigate their effect; and he satisfied Mazarin that he was doing all he could to enforce practical tolerance. The cases of Biddle and Naylor, Parnell and Rich, exemplify the savage temper of persecution which animated orthodox puritanism in all its various shades. The prolonged and inhuman cruelty with which they pursued James Naylor is a standing indictment against the protestant cause. Here, again, Oliver, keen protestant and veteran puritan as he remains, is all for justice, mercifulness, toleration—though he stands almost alone in his age and his communion. This fierce avenger of the Lord on catholic persecutors is the one man who sides with catholics and Jews against their tormentors. This captain and prophet of the 'godly party' will not consent to the torture of blasphemers, heretics, or 'atheists.' Cromwell was no Locke or Hume, but a statesman with a human heart. Mr. Firth says admirably, 'with him toleration was rather a strong feeling than a logical conception.' 'The task of reconciling mercy and orthodoxy was not easy for a ruler who had to deal with a puritan parliament and a puritan army.'

Mr. Firth's account of the Spanish war enables us to form a judgment on the problem of Cromwell's vehement attack on Spain and his alliance with France. Dr. Gardiner gives no support to Cromwell's policy in this difficult question. Mr. Firth does not give us any positive decision. But I believe that politicians, after studying the story in these new volumes,

will agree that the Protector's foreign policy was in substance the material interest of the nation, however much exception may be taken to the methods employed in diplomacy and in war. By the aid of new manuscripts in the British Museum Mr. Firth has been able to give us a lifelike and historic report of Blake's campaign of 1656 and 1657, and of his magnificent strategy at Santa Cruz, where he annihilated the Spanish navy. He has thrown new light both on the extraordinary difficulty of the operation and on the skill and audacity with which it was carried out. The whole story reads like a striking anticipation of Nelson's victory on the Nile. Nothing can be more convincing than Mr. Firth's detailed account of the combined operations in Flanders of the allied forces of France and England. The long diplomatic tussle between Mazarin and Cromwell—both with rare insight and practical honesty fighting for the interests of their respective countries against bitter opposition and financial dilemmas at home—is now plain to all. On the whole, Cromwell had the best of the deal. Had he been able to maintain his authority for a decade and to master the countless difficulties which beset him in England, and even in his own council, the conquest of Mardyke and Dunkirk promised an era of European primacy only comparable to that enjoyed for a short spell by Chatham. It is no doubt well for civilisation, as for Britain, that these visions of domination ultimately failed. But for my part I cannot assent to the view that Cromwell should have resisted, and not aided, the rise of Louis XIV. Cromwell was somewhat ahead of his age in most things. But, after all, he was a man of the middle of the seventeenth century, and not of the beginning of the eighteenth. The campaign which resulted in the capture of Dunkirk, and the splendid feat of arms with which Lockhart seconded the victorious army of the great Turenne, is a stirring piece of military history. In peace, in war, in diplomacy, and in administration the gallant Scot stands out as a type of the able, all-round officers whom Cromwell attracted and used. It was no doubt as well that the ignoble Charles sold the tempting prize that had been won by the blood of the Ironsides. But we can see what a vision of future power its possession must have opened to the eye of such a statesman as Cromwell. All the vast possibilities it offered have been thoroughly examined by Mr. Firth in his fifteenth chapter, and he has not at all overstated them. And though after 250 years we rejoice that the vision was one impracticable to realise, it gives us fresh conceptions of Cromwell's genius and foresight.

No part of Mr. Firth's book will be read with more interest than his account of Monck's government of Scotland in chapter xiii. It justifies Cromwell's trust in Monck as the man to reorganise a distracted and conquered nation. And in no small degree it justifies Monck as the practical man of his time—the typical opportunist who changed his policy, his party, and his master without scruple, but with honest conviction, as soon as he was convinced that there was nothing else to be done. He appears to have been perfectly true to Cromwell during the Protector's life. And his wary and impartial conduct in the difficulties of his Scotch administration is one of the bright spots in the history of the Protectorate. In the midst of sectarian disputes, financial insolvency, and legal chaos, Monck saw that the Protector's 'government must be

carried on'; and he found means to do it. To have made himself relatively popular in that much-trying people was a triumph of good sense and canniness. But if Monck's partial success in Scotland is a redeeming feature of the conquest, the hideous picture of Ireland under the rule of Henry Cromwell is a melancholy contrast. Not that Henry was himself a failure. In many ways he was a nobler man than Monck, though he wanted Monck's imperturbable *sang-froid*, consummate knowledge of men, caution, and reserve. Mr. Firth, in his fourteenth chapter, fully explains how much more difficult was the task of Henry in Ireland than the task of Monck in Scotland. Ireland was a land desolated and stripped bare. Its population had been rooted up and transplanted in the manner of an Eastern despot. It was torn by two races and two religions, not so unequally matched except in numbers. And both native Irish and British colonists, if they hated each other, alike gave trouble to the English government at home. Catholics and protestants hated and strove with each other; and some protestant sects strove amongst themselves with a hatred hardly less. The situation was embittered and endangered by a foreign enemy with whom the native catholics were ever ready to conspire. Even in the council at Whitehall the lord deputy in Ireland was continually maligned and undermined. In the midst of such a sea of enemies Henry Cromwell held his way, with very guarded support from his father, to whom nepotism and jobbery were intensely repugnant. That he achieved any sort of success is astonishing. But those who study Mr. Firth's account of the Irish government, especially in the new sources he has found in the Lansdowne MSS. and other papers, and in Dr. Bonn's book on the *Kolonisation*, will be satisfied that he is right in deciding that the noble but unfortunate Henry, who should have been Protector if personal jealousies had not forbidden it, did achieve a certain measure of success in Ireland, which during his rule was beginning in part to recover from its disasters. Alas, when all is said, Ireland will ever remain the black bar sinister across the escutcheon of Cromwell.

No living scholar has the rare special knowledge acquired by a long devotion to the study of this period which would justify him in attempting to pass any critical judgment on Mr. Firth's new work. But it is only those who have made the period a subject of inquiry themselves who can fully realise the enormous amount of labour of which these two volumes are the fruit. To have ransacked the records of five or six different nations, British and foreign libraries, and the yet untold stores of English family muniments, and to feel confidence that the Protectorate in all its sides is now known to us more fully and more accurately than the ministries of Mr. Gladstone—this is a portentous achievement. We close this work to-day with pleasant anticipations, for this is not the last of Mr. Firth's history of the Protectorate. English literature and European research await his promise to deal with the remaining story of 1658-9-60 down to the return of the Stuarts.

FREDERIC HARRISON.

*Sir George Mackenzie, King's Advocate, of Rosehaugh; his Life and Times.*  
1636 ?-1691. By ANDREW LANG. (London: Longmans. 1909.)

MR. LANG has written the life of Mackenzie of Rosehaugh, like the volume of his *History of Scotland* which deals with the same period, confessedly

from a Cavalier point of view, not so much that his sympathies are with the members of Charles II's Scottish council, as that such a view has not yet been presented and is worth doing in the cause of just judgments. His intention in this book is to wipe off a little of the blood Scotland has persisted in seeing bespattered over the name of the excommunicate advocate. His method is to show the man apart from the lawyer, his private life as opposed to the legal drama which he directed for twenty years, the sphere of his official existence which has until now been alone considered by his detractors. Unfortunately there do not exist sufficient data for a firm outline of the man himself. We get only vague glimpses of him as a husband, a widower soon consoled and again a husband, a stoic and virtuoso in religion, a champion of witches—and that meant almost incredible freedom of spirit in 1660—a companion of English wits who liked him well, and saw 'only his good side' (he thrived in England like other Scots), a writer of tedious verse. Indeed, in his introduction Mr. Lang practically repudiates the task he has undertaken, for 'the pen of one less imaginative (than Hawthorne), less keen to search in the dark places of conscience and sin, shrinks from the task of judgment.' That there was room for conscience and sin in Mackenzie's career Mr. Lang disarms all criticism by admitting and sorrowing over again and again throughout the volume, but Mackenzie probably was not of that opinion. The man who could lay down as truth the quibble that no man in Scotland, during those thirty years, was punished for conscience' sake, surely knew more of logic-chopping than of the pangs of conscience.

So far as one can judge, Mackenzie was a man of principle in religion and politics. His faith, says Mr. Lang, was not lightly held. He had practically no faith, says Mr. Taylor Innes. In politics he was consistent. Then why the ubiquity of his 'scruples'? 'I make the laws of my country my creed,' he had announced in his early manhood, and from this principle (Mr. Taylor Innes calls it a 'scoundrelly' one) he never swerved in Scotland, and when he could do so no longer there, he left Scotland for Oxford. But all the same his personal feelings, the quick emotions of the Celt, seem often to have gone before his 'one precious talent' of 'right reason.' These made him oppose Lauderdale because of Tarbat's feud with the commissioner, and later reconciled him to Lauderdale because, first, Sir George Lockhart, his legal rival, had tried to overreach Mackenzie, and make him, as Melfort tried later on, pull the chestnuts out of the fire, and, secondly, his patriotic feelings could not abide the interference of the English. The principle which underlay his politics was a belief that despotism was the best form of government, and he continued to hold office, in spite of his scruples, because he believed that the greatest danger to the State arose from the exercise of private judgment. The moment Mackenzie took office in 1677 he became, or deceived himself into the belief that he became, two men; Mackenzie the wit and the Lord Advocate: 'The struggle of his life was to keep his official and actual self in separate compartments.' In 1681 he did his best to hang Argyle on a question of private judgment, while two years later he was busy using what court influence he had in favour of the countess. Still, Mackenzie is proved to have had a lawyer's appreciation of fair play, though in court his mere emotions often out-



weighed it. The temper of the virtuoso was frequently irritated by the bigoted opposition of the defendants, and small wonder. His *Vindication of the Government of Charles II* presents it in the best Cavalier light, and glosses over, not to use a stronger word, the worst moments of the author's official career. His biographer would like to take shelter under the hypothesis that Mackenzie's ill-health had affected his memory, but there is apparently no such shelter.

There is much new and interesting material for the Cavalier case, and, as is his custom, the author never exaggerates his pose of partisan. He corrects the errors of the writer on Mackenzie in the *Dictionary of National Biography*, and exonerates the advocate from the charge of having introduced torture. But it needs more than this to wipe the stain off the name of Mackenzie of Rosehaugh, the 'bluidy advocate.' There are some obvious slips in proof-correcting. In stating Argyle's case (1681) Mr. Lang has inadvertently misquoted Wodrow, iii. 318; the Earl 'spoke some words which were not *well* heard' should be '*then* heard.' It affects the argument slightly. The Sanquhar declaration is misdated 1682 on page 190; Bothwell Brig was in June not July, p. 176; Rullion Green was in 1666 not 1660, p. 84. But the most curious slip is in the date of the picture by Lely, the reproduction of which forms the frontispiece to the book. It is twice given as 1665, while on the lower left-hand corner of the picture it is printed 1685. A magnifying glass confirms this. It is almost a pity to have omitted in Spreul's case the extraordinary episode of John Murray, sailor.

MARY CROOM BROWN.

*A Short History of the Royal Navy.* By DAVID HANNAY.  
Vol. II: 1689-1815. (London: Methuen. 1909.)

'It is on the navy that, under the good providence of God, our wealth, prosperity, and peace depend,' but it is rather remarkable that hitherto there has been no book of moderate compass from which the non-specialist reader could get a trustworthy and satisfactory account of the development and achievements of the force which, since the days of the Tudors, has played so great a part in English history. Much good work has been done in naval history in the last twenty years, but one has had to wait some time for a sound 'popular' history. The completion of Mr. Hannay's work has filled the gap well enough. Style is hardly his strong point; in places (*e.g.* chapter ii.) his arrangement leaves much to be desired, and there are a good many inaccuracies in points of detail. Thus, for example, Nelson's 'Captain' at St. Vincent was a 74, not a 64; Rooke did not call at Lisbon on his way to Cadiz in 1702 (p. 60), as a reference to his *Journal* (Navy Records Society, vol. ix.) would have shown, and on p. 461 'leeward line of bearing' should be 'larboard.' Again, there are a good many important authorities which Mr. Hannay shows no signs of having consulted, among them the very valuable *Barham Papers*, published by the Navy Records Society in 1907, and the Reports of the Historical MSS. Commission, especially the *Lords' MSS.* for 1690-1692. He cites Mr. Corbett's *Seven Years' War*, but judging by his account of Byng's action (p. 132) one would never gather that he had read it, nor does he when condemning Pitt's 'coastal expeditions' meet the defence of them put forward by Mr. Corbett any

more adequately than he answers the arguments of Admiral Colomb as to Torrington's strategy and tactics in 1690 by merely asserting the opposite view somewhat violently. Further, the value of the book is very greatly reduced by the total absence of maps and plans, though perhaps it is not the author who should be held responsible for that deficiency.

However in the main the book achieves its purpose and it has many good qualities. An excellent chapter on the 1797 mutinies deserves special mention, and the treatment of controversial topics is fairly free from exaggeration. There is no hide-bound adherence to traditional views, nor any straining after unnecessary originality. Mr. Hannay shows that much less than justice has been done to Duncan (p. 354), since at Trafalgar Nelson did deliberately and with Duncan's example before him what Duncan at Camperdown had done on the spur of the moment (cf. p. 458). He freely admits the limitations of naval power if unsupported (pp. 38, 61, and 482), showing that it is absurd to speak of such events as the capture of the Cape in 1795 and 1806 or of the Mauritius in 1810 as 'the gift of Sea Power' (p. 484), since troops were needed to finish off what the fleet could make possible but could not itself accomplish. He does well to remind his readers constantly of the great advantage we gained through the destruction of the efficiency of the French navy by the Revolution, but he rather exaggerates the weakness of our opponents (*e.g.* p. 101, cf. p. 307). After all, the nineteenth century has seen great improvements in our navy also, notably in the introduction of continuous service for the men as well as for officers. Similarly he is a little too ready to credit us with persistent good luck in the way of wind and weather, when he might rather have attributed some of our escapes to the false conception on which the French strategy was based and which he attacks with so much vigour (*e.g.* pp. 164-165), their policy of aiming at the execution of some ulterior object rather than at destroying their enemy's ships. No doubt there was in this system 'a superficial ingenuity,' and Mr. Corbett has shown how the French often increased the difficulties of our task by deliberately adopting the defensive and refusing us the pitched battles we sought; but Mr. Hannay seems to us to be in the right when he declares (p. 201) that 'it is not enough for the fleet to be "in being" if it is not also in action,' and condemns (p. 165) 'the degrading moral effect' of the system of evasion and refusing action. A mere defensive cannot produce a definite result.

Mr. Hannay's treatment of the 1805 campaign seems on the whole sound. He does not quite sufficiently emphasise the supreme importance and effectiveness of Cornwallis' blockade of Brest—Mr. Leyland's important volumes on the subject (Navy Records Society, vols. xiv. and xxi.) are not cited among his authorities—but he does show how seriously Nelson was at fault in persisting in believing Egypt to be the French objective (pp. 445 and 451), when he ought to have realised that the essential thing for Villeneuve was to raise the blockade of Brest. It was for this very error that Napoleon rated Nelson's judgment so low, and, as Mr. Hannay says, 'had Nelson read Napoleon's mind as Napoleon read his, he would have steered for Ferrol,' not for the Straits, when returning from the West Indies in July 1805. Had he done this, he, and not the over-cautious Calder, would have been in command off Cape Finisterre on July 22, and the *coup de*

*grâce* might have been given there and then to the great scheme of invasion, which, after all, was defeated by the vigilance of Cornwallis rather than by anything Nelson did—certainly not by Trafalgar, the epilogue to the campaign.

C. T. ATKINSON.

*Calendar of State Papers, Domestic Series, of the Reign of William and Mary, 1694–1695, preserved in the Public Record Office.* Edited by W. J. HARDY. (London: H.M. Stationery Office. 1906.)

*Calendar of State Papers, Domestic Series, of the Reign of William III, 1 July–31 December 1695, and Addenda, 1689–1695.* (London: H.M. Stationery Office. 1908.)

THE papers belonging to the years 1689–1695 calendared in the Addenda fill rather more than 200 pages. They consist mainly of a valuable series of letters relating to Irish affairs, and a number of news-letters which deal largely with affairs on the Continent. The letters of Viscount Sydney and the lords justices of Ireland throw a good deal of light on the settlement which followed the capitulation of Limerick, and two from Charles Thompson, surgeon-general in Ireland, on the condition of the army hospitals in that country show the badness of the military administration of the time. There are also two letters from Marlborough about the sieges of Cork and Kinsale, but both have been printed in Viscount Wolseley's *Life of the duke*. Four letters on finance addressed by Godolphin to William III in March 1691 show the difficulty he met with in preventing raids on the Treasury during the king's absence. The news-letters above mentioned form part of a series addressed to the earl of Derwentwater, and begin in January 1694.

The papers relating to the years 1694 and 1695 calendared in these volumes throw singularly little light on the military events of the period, but supply ample information on naval affairs. All the attacks on the French coast towns which marked the naval operations of those two years are very copiously recounted. The most important was the attack on Brest in June 1694. Captain Nathaniel Green, a volunteer who accompanied Talmash, gives an exact account of his general's death, containing many particulars unrecorded by Macaulay. According to Green, Talmash did not die 'exclaiming with his last breath that he had been lured into a snare by treachery,' as Macaulay, on the authority of Oldmixon, asserts. What he said was that 'it was impossible to have served their Majesties better, unless he had been better obeyed, because none of the general officers landed with him; but that apprehending it would have been to little purpose to have landed more men, Lord Macclesfield acted as prudently in beating a retreat as my Lord Cutts did undutifully in not going on' (*Calendar*, 1694–5, p. 184). A letter from Secretary Trenchard to Admiral Russell, dated 28 May, proves conclusively that the commanders of the expedition were well aware that the French were forewarned of the expedition, had reinforced the garrison, and had planted fresh batteries about Brest (pp. 141, 149, 155). A series of letters illustrate the history of Russell's expedition to the Mediterranean in 1694–1695. These have been fully utilised by Mr. Corbett in chapter xxvii. of his *England in the Mediterranean*.

As to domestic affairs, Mr. Hardy calls attention to the minutes of the proceedings of the seven lords justices appointed by William in

May 1695 to manage the affairs of the realm during his absence in Flanders. These minutes, says Mr. Hardy, 'furnish an unique record of the way in which the government was carried on, the details of administration being preserved more fully during their term of office than at any other period in history.' They extend from May to October 1695. During this period Godolphin's confidential letters to the king are of great value, especially on subjects such as the new commission of the Treasury and the foundation of the Bank of England. Their ability and frankness show why William trusted him, and why he kept his place when other Tories were left out of the king's ministry. There are a few Scottish papers of importance in these volumes, such as Tweeddale's instructions (17 April 1695), accounts of the proceedings of the Scottish parliament in 1695, and some papers relating to Glencoe. But the correspondence relating to Irish affairs fills a larger space and is more continuous. In neither case is there an unbroken series of official letters for the period, and a number of those which ought to be found in this Calendar are preserved in the collection of Shrewsbury's papers now in the possession of the duke of Buccleuch. Anyone using the Calendar for historical purposes should have before him all the time volume ii. of the Report of the Historical MSS. Commission on the manuscripts of the duke of Buccleuch at Montagu House. The same thing is true of the naval papers. The letters of Admiral Russell and Lord Berkeley are partly in the Calendars and partly in the Report. Other letters of Russell's are printed in Coxe's *Shrewsbury Correspondence*, which also contains several of the most important of the letters from Shrewsbury to the king calendared by Mr. Hardy. These facts ought to have been pointed out by anyone editing a calendar; but taking the papers as a whole, they add so much to our knowledge of the time that it seems ungrateful to complain.

C. H. FIRTH.

*British Imperialism in the Eighteenth Century.* By GERALD BERKELEY HERTZ, M.A., B.C.L. (London: Constable. 1908.)

THIS volume contains a series of political studies in the history of the eighteenth century, widely different in their subject matter, but all of them interesting and suggestive. The first, dealing with the war fever of 1739, would have gained in value by a study of the archives of the Foreign Office and those of our colonies; but as a sketch of the trend of public opinion of the time it is keen and pointed. Rather discursive in aim and treatment is the next essay, 'No Jews: no Wooden Shoes,' which deals with Jewish immigrants and their fortunes, especially at and after Pelham's Act of 1753 on the naturalisation of Jews. The agitation against that measure was bitter and unscrupulous, as appears from the singular array of texts levelled against the Israelites. Mr. Hertz estimates their numbers in Great Britain at that time at 8000. The essay on the Falkland Islands dispute of 1770-1 is a clear account of an intricate affair, into which much party heat was thrown.

The same characteristic of vivid presentation appears in 'The Russian Menace' (1791). In this case the dispute appeared to turn solely on the question whether the Triple Alliance (Prussia, Great Britain, and Holland) should compel Catharine II to restore Oczakow to Turkey. It would have been well if Mr. Hertz had pointed out that the question was in

reality a very wide one, affecting as it did the ownership of the large tract of land north-west of Oczakow, comprising all the territory between the Bug and the Dniester, and including the site of the city of Odessa, which was founded three years later. Further, it deeply concerned Prussia that Poland, its other ally at that time, should not be hampered by any obstacles to the export of its produce down the river Dniester. Unless the court of Berlin felt sure that Poland would retrieve her fortunes (as seemed very likely in the year 1791) there was the prospect of another bargain being framed with Austria and Russia for a second partition, towards which we now know that Hertzberg was feeling his way. Finally, the despatches of Daniel Hailes, British envoy at Warsaw, and the *Memoirs of Count Oginski* (which describe an interview with Pitt at the close of 1790) show that that statesman desired a close alliance, both political and commercial, with Poland, in order to lessen the power of Russia and our dangerous dependence on her for naval stores. All this, as well as the prestige of the Triple Alliance, rested on the success of Great Britain and Prussia in compelling Catharine to restore a large territory needful for the independence of Poland even more than of Turkey.

As to the details of the unfortunate *dénouement*, the *Memoranda of the Duke of Leeds*, on which Mr. Hertz largely relies, only give the version of that statesman. In order to see something of Pitt's side of the case it is needful to peruse the Foreign Office despatches that came from Berlin, St. Petersburg, Copenhagen, and the Hague before a full knowledge of that curious crisis can be gained. They show that the decision of the cabinet to coerce Russia was formed in consequence of a distinct appeal or challenge by Frederick William of Prussia, but that other news speedily arrived which threw doubt on the stability of his resolves; that an offer came from the Danish court (emanating probably from Catharine herself) of a compromise *à l'aimable*; also that the Dutch admiral Kingsbergen, after long service in the Black Sea, declared Oczakow itself to be of little value and absolutely useless for the control of the Liman estuary. This evidence must tend to modify our judgment as to the change of front of the cabinet in the early days of April 1791. The description here given of the difficulties encountered by Pitt in the house of commons is compact and good. Among the reasons for Pitt's distrust of Russia should surely be included her dishonourable method of appropriating the Crimea in 1783-84. It was this which first made her a power to be feared by all states having interests in the Mediterranean and the Levant. In this essay, as also at the end of that on the Falkland Islands, there are phrases which somewhat exaggerate the influence of Pitt. It is scarcely correct to say (p. 148) that under his influence England came to realise that the freedom of struggling nationalities was something to be fought for no less than trade and empire. That can hardly be maintained for any statesman earlier than Canning in 1808. Nor is it accurate to say that Pitt helped to reconcile Russia and Sweden in the Peace of Wærela. In point of fact he was deeply annoyed by that event, which resulted from a sudden impulse of Gustavus III at the very time when Pitt and Hertzberg were preparing to advance him a loan in order to continue the war.

J. HOLLAND ROSE.

*Christian den VII's Sindssygdøm.* Af VIGGO CHRISTIANSEN.  
(Copenhagen: Gyldendal. 1906.)

THIS small but important book results from the examination by a mental specialist of historical material indicated by Dr. Aage Friis and Professor Edvard Holm, relating to the rule and madness of Christian VII of Denmark. Thanks to the faithful records of Reverdil, the Bernstorffs, and Struensee, and to the progress of medical science since their time, Dr. Christiansen can now diagnose with confidence the then mysterious malady of the king. Pronouncing it *dementia præcox* (p. 62), he is able not merely to claim that all the censures passed upon Christian's character have been inappropriate, but also that neither the harshness and other defects of his education, nor his open and secret vices, nor the burden and temptation of a premature accession can be regarded as having caused his breakdown. The cause, he holds, was a faulty structure of the brain derived from Christian's ancestors, and probably increased by several severe blows on the head that he is known to have received. Having determined the disease, Dr. Christiansen uses his knowledge of its usual course and symptoms to contribute to the decision of disputed questions of history, such as the part played by the king in government. Thus (p. 57) 'when Struensee asserts that there were eight months in 1770 and 1771 in which the king diligently busied himself with affairs of state, and that the weightiest alterations and ordinances from that time came from him or found his deliberate approval, I believe that . . . it can be declared impossible that such can have been the case.' The book as a whole suggests that history may expect much from the further progress of medicine. It abounds in valuable hints on such points as the probable exaggeration by Christian of the duration of his delusions (p. 10), the frequent confusion of apathy such as his with depression, from which he was almost free (p. 52), and the inheritance of insanity. The degeneracy of the House of Hanover is perhaps exaggerated. Frederick VI, the offspring of the immature and tainted Christian and of his cousin Caroline Matilda, aged sixteen years, conducted a revolution in his boyhood and lived to a hale old age.

A few minor errors of fact may be mentioned. Queen Louise was the aunt of George III (p. 4); Reverdil journeyed through Holstein in 1771; the Bergers quoted at pp. 58 and 68 were the same, J. J. von Berger. Occasionally the authorities appear to be wrongly cited (pp. 26, 29). It is unfortunate that the memoirs of Christian's brother-in-law, Charles of Hesse, should not have been included among those consulted. An honest witness, who was the king's bosom friend during the first year of his reign, and who in 1770, after the lapse of rather more than three years, had an excellent opportunity of observing him, seems to deserve the author's attention. In June 1770 Charles of Hesse apparently found no striking change in the king, but recalled after many years 'a composed air and a stiffness which gave me sufficient warning to be on my guard, and that there was some plan arranged.'<sup>1</sup> It was during 1771 that he heard of Christian's decline in health. Early in October he wrote to count Bernstorff<sup>2</sup> one of the most instructive documents in the whole literature of the subject. 'When he [the king] is dressing, he

<sup>1</sup> *Mémoires*, p. 52.

<sup>2</sup> *Bernstorffsche Papiere*, ii. no. 1039.

may sit whole hours and more quite quiet, with eyes fixed, mouth open, head sunk, as though insensible. I knew him, and I have not forgotten that attitude, which always foreboded some violent scene and some revolution which is then being thought out. It is at these times that his mind, by nature very active and lively, but much depressed by a thousand causes, of which the chief is physical, works with most force, makes new plans, takes violent resolutions. These however have no permanency nor danger, even for those against whom they are formed, until a third person, to whom he can open his heart and his thoughts at least in part, determines him; all depends on that.'

W. F. REDDAWAY.

*Souvenirs et Fragments pour servir aux Mémoires de ma Vie et de mon Temps.* Par le MARQUIS DE BOUILLÉ. Tome II. (Paris: Picard. 1908.)

THIS volume, published by La Société d'Histoire Contemporaine, continues the story of the young Marquis de Bouillé, who followed his father, the famous general, into exile after Varennes and shared with him the strange experiences of the *émigrés*.<sup>1</sup> It opens with the declaration of war between France and Austria in April 1792, and describes the preparations of the French princes at Coblenz to share in the invasion and the many intrigues of which that city was the centre. The friction that arose between the *émigrés* and the court of Vienna makes one cautious of accepting all the statements here given respecting the ill-will of that court. There were good reasons, apart from the personal ones here given, why Francis II should demur to the title of Regent of France which the Comte de Provence pertinaciously claimed after 10 August 1792. It is also difficult to believe the statement of the Prince de Condé (who commanded a corps of *émigrés* destined for the invasion of Alsace) that the Austrian authorities had in the month of September deliberately marred five plans or attempts of his to cross the Rhine. But the letters of the prince here given (pp. 70 *et seq.*) reveal the acute suspicions which hampered the action of the so-called army of Condé. On paper it numbered 5154 men; but young Bouillé doubted whether it exceeded 4000 or 4500. The staff was certainly large enough for an army. General Bouillé attributed his despatch to this force from Coblenz to the ill-will of the French princes; and the son adds that the duke of Brunswick evidently desired to have no experienced French general with him to share the glory of the campaign. The latter statement is puerile. Brunswick's desire surely was to humour the princes on smaller details, that he might the better have his way in matters of importance. In any case, the Bouillés saw nothing of the Valmy campaign. This is a loss; for detailed comments of General Bouillé on it would have been of high interest.

Young Bouillé left the corps of Condé at the end of October, and travelled with one companion through the districts lately traversed by Custine's army, in order to reach Brussels. After a short time in the Low Countries, especially at Maestricht, he with his father set out for London. They arrived there near the end of 1792, at the time of the passing of the aliens bill; and to judge from the reports which reached them London was on the eve of a Jacobin revolution, which was to begin by the seizure

<sup>1</sup> See *ante*, vol. xxii. 601-3.

of the Tower, *ainsi que de l'amas immense d'armes qu'elle renferme*. Happily the 'plot' was discovered, and government seized two dangerous men, Horne Tooke and Napper Tandy. We cannot compliment the editor on his work at this point. The aliens bill passed in the late autumn of 1792; Horne Tooke was arrested in May 1794, and Napper Tandy was given by the city of Hamburg to the British government in 1798, and was almost at once released. Bouillé seems to have confused the events of 1798 with those of 1792; for the aliens act was renewed in 1798. Equally curious is it for Bouillé to declare (p. 105) that sympathisers with the French Revolution were especially numerous in the upper classes. Apart from the dukes of Norfolk and Bedford, the marquis of Lansdowne, and Earl Stanhope, there were very few such. Bouillé's descriptions of the prince of Wales, Mrs. Fitzherbert, Madame du Barry, and others are, however, not without interest.

Bouillé's father soon went to the headquarters of the duke of York, but seems to have been coolly received, though Lord Auckland recommended him as military adviser. The son had a commission to raise a regiment of Uhlans in British pay; but while the project hung fire, he took part in the siege of Mainz by the Prussians. Details follow of the Vendéan rising, and of the appeal made by the Bretons to the Comte d'Artois, which he very prudently passed on to General Bouillé, only to meet with a refusal. When the regiment of Uhlans was formed, young Bouillé did good service with it in Flanders, especially at Lézennes, near Lille. He rightly censures the dissemination of forces, especially for the siege of Dunkirk, which marred the campaign of 1793. In that of 1794 he served along with the Hanoverian column under Walmoden, which at first guarded the thin line of the Allies near Tournay and Menin. As is well known, that part was to feel the heavy blows dealt by the French at Turcoing, &c.; and the whole of the monarchist forces fell back over the Waal. This part of the narrative is disappointingly brief. General Bouillé meanwhile did his utmost to procure British support for Condé's corps, which at the close of the summer of 1794 was in want of everything. The letters of the prince are not without pathos (ch. xxxiv.). The retreat of the Anglo-Hanoverian force through Holland in the winter of 1794-5 is described in more detail; but young Bouillé's statement (p. 238) that the corps of French *émigrés* did not hamper the retreat is contradicted by that of many British officers, especially Calvert, as to its exceedingly bad discipline and tendency to pillage. Returning to London in the spring of 1795, young Bouillé begged Windham for employment in the force then preparing to land in Brittany. A discussion of the plans for the Quiberon expedition, particularly Bouillé's censures on the British government and Count de Puisaye, would take up too much space here; and we can only say that his account, though obviously biassed, is necessary for a due understanding of the French side of this complicated question. Very noteworthy are his strictures on the pusillanimity of the Comte d'Artois. Much of the concluding chapters, dealing rather loosely with the general events of the years 1796-1803, might have been omitted or greatly curtailed. It is worth noting that the Comtesse de Boigne, in her *Mémoires* (vol. ii. p. 103, Engl. edit.), mentions an incident during young Bouillé's stay in London which implies an exceptional degree of boorishness and insolence.

J. HOLLAND ROSE.



## *Short Notices*

THE second volume of Dr. E. G. Hardy's *Studies in Roman History* (London: Sonnenschein, 1909) has a pathetic interest, since the failure of the author's eyesight has compelled him to publish the volume without incorporating, except in a limited degree, the results of fifteen years' discovery and research. Thus the most important piece of work in the book—the study of the armies and frontier relations of the German provinces—is at once too erudite and full of detail for the ordinary reader and too antiquated for the specialist. Written when the work of the *Limeskommission* was only just beginning, it was a remarkably thorough and acute study of the German frontier defences; we know much more now than we did then, but though there would be much to add to Dr. Hardy's account, there would be very little to alter. The narrative of the Year of Four Emperors which follows is clear and concise; it must of course be read in conjunction with Mr. Henderson's book (see *ante*, vol. xxiv. 327–330). The general view taken agrees with that of the present writer; the most important contribution made by Dr. Hardy is the attractive suggestion that *Adrae* should be read for *Adduae* in Tac. *Hist.* ii. 40. This disposes of the difficulty raised by the supposed flanking march, which is considerable though perhaps not insuperable. The last essay, called 'A Military Game of Chess,' is based on the notes of a lecture delivered on Caesar's *Civil War* and may be recommended to students. Some change is needed in the following sentence from the first paragraph: 'What the victory of Caesar was destined to bring about there is no need to conjecture, for they are to be found in his own dictatorship and in the principate of Augustus.'

H. S. J.

A revised translation of Mommsen's *Provinces of the Roman Empire* was much needed, and the want has now been supplied (London: Macmillan, 1909). The mistakes which disfigured the original version have been removed, and an appendix—all too brief—by Professor Haverfield on Roman Britain has been added, which gives in a highly condensed form the results of recent research. The view which he propounds as to the walls of Hadrian and Severus will no doubt, so far as it goes, win general acceptance; but the problem of the *vallum* is still unsolved. The opportunity of textual revision might have been taken to substitute 'Tiberius' for 'Augustus' in vol. i. p. 279, l. 17 (see Tac. *Ann.* ii. 55).

H. S. J.

The second volume of the translation of Friedländer's *Darstellungen aus der Sittengeschichte Roms* under the title of *Roman Life and Manners*

*under the Early Empire*, by Messrs. J. H. Freese and Leonard A. Magnus (London: Routledge, *s.a.*) marks a decided improvement on the first, upon which we were forced to pass an unfavourable verdict. The rendering is more correct and the English more idiomatic. We hope that this standard will be maintained, and are glad to note that the author's excursions and notes are to be published in a fourth volume. The spelling of proper names (*e.g.* 'Zershel,' p. 225, &c., and 'Hadrametum [Suza],' p. 259) leaves something to be desired.

H. S. J.

Professor G. G. Ramsay has issued the second and concluding volume of his translation of the *Annals of Tacitus* (London: Murray, 1909), containing books xi.-xvi. In his long and rather desultory introduction (pp. i-lxxxiii) he has a good deal to say about the art of translation with which we are in hearty agreement. To reproduce the brevity of Tacitus in what—as Professor Ramsay truly says—is becoming the most prolix of all languages is impossible; but the translator should at least avoid the periodic style and make his points without waste of words. Professor Ramsay has succeeded in observing the canons which he has himself laid down; and his translation is not—as so many versions are—'the death of understanding.' It is not given to him to rival the rare distinction of Tacitus's haunting phrases, but his rendering of them is clear, emphatic, and correct. The notes, which are copious, will be found helpful by those who read Tacitus in English. 'Quindecimvir Sacrorum' (p. 14) is not a correct title. In general, Professor Ramsay follows the new edition of Furneaux's *Tacitus*; hence he accepts the reading *castris Avonam inter et Sabrinam* in xii. 31 which was unfortunately adopted in the Oxford text, although the authority of Professor Pelham (and now of Professor Haverfield) may be quoted for Mr. Bradley's *cis Trisantonam*.

H. S. J.

In *L'Abbaye de Lérins, histoire et monuments* (Paris: Champion, 1909), M. Henri Moris, the archivist of the department of the Alpes Maritimes, gives a clear, scholarly, and detailed account of the history and archaeology of the famous abbey of Honoratus and Hilary, of Vincent and Caesarius, the house whose remains still attract the tourist to the picturesque island over against Cannes, which since the fifth century has made a place for itself in Christian history. M. Moris has the supreme qualification for this task that he has calendared the important collection of archives of Lérins, now under his official charge, and happily rescued from oblivion and destruction by reason of their chance discovery, fifty years ago, by Lasteyrie in a garret of the town hall of Grasse. Besides this work of arrangement, M. Moris has already published the most important pieces of the Lérins archives in his cartulary of Lérins, so that it was only right that he should himself be the historian of the house that he knows so well. From the local point of view, his book leaves nothing to be desired. If sometimes he tends to claim rather too much for Lérins, he has resisted the temptation of counting St. John Cassian among its inmates. He writes with equal knowledge of the early abbots and their writings; of the Spanish attacks on the island fortress during the sixteenth and seventeenth centuries; of the decline and collapse of 'religion' even before the age of revolution

and secularisation; of the fortified tower which served also for the monks' abode and still happily survives; and of the interesting church, swept away in our own days by the vandalistic piety of the restorers of the monastic life in the island. There are some excellent photographs and a map. M. Moris's historic method and outlook are a little old-fashioned, but it is rather startling in a book published in 1909 to read 'Nous approchons de cet an *mille* où une immense terreur va traverser la chrétienté. Les puissants redoutent l'heure du jugement, tandis que les pauvres attendent avec résignation la fin de leurs misères,' and all the rest of it. Truly some historical errors require infinite time to extirpate. T. F. T.

Signor Emilio Calvi has sought to repair the deficiencies of his *Bibliografia di Roma nel Medio Evo* (476-1499), published in 1906, by the compilation of a supplement of almost exactly equal dimensions (Rome: Loescher, 1908), and has produced a useful piece of work. The distribution of the parts seems satisfactory, and the bibliography is particularly rich in references to periodicals. It contains an alphabetical bibliography of the catacombs and churches of Rome, including under each head the appropriate references to Armellini and other works of reference. It may be noted that the descriptions of English books are not always accurate, for instance, vols. v. and vi. of Mr. Twemlow's *Calendar of Papal Letters* (No. 39) are deprived of their editor's name. There are also some misprints, such as *Hashins* for *Haskins* (no. 260) and *Des Apostelfürsten Petrus glorreiche Kuhestätte* (no. 2192), which call for correction. C. J.

The eighteenth volume of the *Byzantinische Zeitschrift* (1909) includes, among other contributions, papers by Mr. E. W. Brooks on the locality of the battle of Sebastopolis, A.D. 693, which he shows to have been fought in Armenia I., not in Cilicia; by Professor E. von Dobschütz on Methodius and the Studites, an essay on Greek hagiography in the ninth century in the light of the theological tendencies and counter-tendencies which inspired it; and by Dr. J. Dräseke on Ratramnus and Photius, in which he argues that Photius was acquainted with Ratramnus' work *contra Graecorum opposita*. A.

In *Annales de Bretagne* xxiii. 4, xxiv. 1, 2 (Rennes: Plihon et Hommay) M. Ferdinand Lot continues his remarkable *Mélanges d'Histoire bretonne* by a series of texts and studies devoted to the oldest Lives of Saint Malo. First, he has issued a new edition of what he regards as the most ancient life of the saint, hitherto only accessible in rare or defective editions. M. Lot speaks of his edition of *Vita sancti Machutis* as provisional only, but he has made a careful comparison of three manuscripts in the Bibliothèque Nationale from which he has certainly produced what he modestly calls *un texte lisible*. Moreover he has prefixed to it some principles of transliteration and editing which have a wider bearing than his immediate task. After accomplishing this, he begins, in vol. xxiv. 2, to print the *Vita sancti Machutis*, written at the end of the ninth century by the deacon Bili in the diocese of Alet. The only two manuscripts of Bili's work are in England, in the Bodleian and the British Museum, and were

printed twenty-five years ago by Dom Plaine for the *Société archéologique du Département d'Ille-et-Vilaine*. M. Lot speaks very severely of this edition, on which, he says, no solid work can ever be based. T. F. T.

Mr. Hubert Hall's *Studies in English Official Historical Documents* (Cambridge: University Press, 1908) do not, if we may judge from the preface, aspire to form a comprehensive treatise on the subject; and the author's modesty is justified by the character of what he calls his 'desultory studies.' In spite of the appearance of method the studies remain desultory throughout. The exposition is confused and often self-contradictory; it seems impossible for Mr. Hall to make a precise or definite statement. Hence the book is not to be recommended to students except for certain limited purposes. It contains for instance good materials for the history of the places where books and documents now collected in the Public Record Office were formerly deposited; and the first five appendixes to Part I (pp. 111-140) will be consulted with profit. The second part, on diplomatic, suffers from the author's abstinence from laying down critical canons for distinguishing genuine from spurious charters. The only attempt made in this direction (p. 184) is too vague to be of real service, and the appendix on the diplomas of King Athelstan (pp. 341-346) is vitiated by the same reserve. There are some useful notes on the characteristic features of the charters of the tenth century (pp. 196-201), though these are not free from ambiguity and might easily have been made a good deal better. The description of the later documents of the English chancery, state papers, and other records will be found to contain a good deal of information, some of it not readily obtainable elsewhere, and the references in the notes are very useful; but the lack of clear statement and definition is a persistent fault, a fault which is even more conspicuous in the third part of the book, on the palæography of official documents.

Mr. Hall has accompanied his *Studies* by a *Formula Book of English Official Historical Documents*, in two parts: I, *Diplomatic Documents*; II, *Ministerial and Judicial Records* (Cambridge: University Press, 1908, 1909), selected and transcribed by students of the London School of Economics. These little volumes deserve a warm welcome, for though the notices prefixed to the several sections are open to the same criticism as the *Studies* themselves, the texts of the documents appear to be carefully transcribed, and we are only too ready to forgive an unnecessarily complicated classification for the sake of having, grouped together in a convenient form, a series of typical documents ranging from the earliest down to modern times. The headings prefixed to the documents, if somewhat rough, as a rule represent fairly their purport: as exceptions we may note Part i., no. 30, 32, 57; Part ii., no. 23a, 34, 54c, 57c, 60b, 71a. But we cannot be too grateful for the large and representative collection of specimens, taken from every department of the Public Record Office, as well as from other sources, to illustrate the exact processes by which the various kinds of administrative and legal business of the king's officers were carried out. We may instance the set of documents leading up to the issue of letters patent (i. 110-112) and the series showing the stages in the rendering and auditing of the sheriff's account (ii. 107 ff.) In ii. 10 Guy 'de Chancell[aria]' should be 'de Chancell[is]': he is the

well-known Guy de Chanceaux of Magna Charta. In ii. 170, chronology requires the emendation of 'Mathie' for 'Mathei.' A brief index of subjects would have been a desirable addition to these useful volumes.

B.

The parts of the Danish *Historisk Tidsskrift* issued in 1907 and 1908 form the first volume of a new series—the eighth. The longer contributions include articles on Bishop Vilhelm and King Svend (eleventh century) by Professor Steenstrup, who also writes on 'Historic Truth in Ballad-Poetry' and 'Denmark's Loss to the Sea in the Historic Period;' on Bishop Niels Skave (of Roskilde) and the monastery at Sorö, by J. Lindbæk; the career of Knud Ulfeld of Svenstrup (1609–1657) by K. C. Rockstroh; Johan Bülow's relations with the Crown Prince Frederick after 1784, by Professor E. Holm; the diplomatic mission of Professor Moldenhawer to Spain in 1786–7, by E. Gigas; and 'Agriculture in the Island of Falster in the Second Half of the Eighteenth Century,' by H. Pedersen. The shorter articles deal with minor points of Danish history. The volume also contains full bibliographies of the historic literature relating to Denmark published during the years 1905 and 1906. W. A. C.

*La Chronique de Morigny, 1095–1152* (Paris: Picard, 1909), edited by M. Léon Mirot, has been added to the *Collection de Textes pour servir à l'Etude et à l'Enseignement de l'histoire*. The only copy of this chronicle known to exist is found in a manuscript of the end of the twelfth century, preserved in the Vatican. This copy is incomplete; of the three books which compose the chronicle, two, the first and third, are only given in long extracts and summaries. This is especially deplorable in the case of the first book, which confined itself almost entirely to a history of the abbey during the early years of its existence (c. 1095–1107). The chronicle is in reality three separate works written by different persons at different times. M. Mirot in his excellent introduction shows that the various parts were all written in a short time, and are not so much contemporary annals as continuous wholes which reveal increasing literary skill. The dates of their composition are 1106–1108, 1125–1132, 1149–1152. We may remark that M. Mirot's own argument would justify dating the last book about 1145 if, as he inclines to think and as seems very probable, the chronicle ended with the death of abbot Thomas, and the account of the Second Crusade is a later addition (pp. xv, 82–86). The editor gives convincing reasons for refusing to follow Professor Hampe in attributing book ii. to abbot Thomas (p. ix). As the work progressed, the share of local monastic history decreased; yet in spite of the importance of the chronicle as an account of public affairs, the value of this edition lies in the fact that we have in a critical and annotated form the whole story, so far as it survives, of Morigny itself. In the collections of Bouquet and Pertz sections of domestic interest were naturally omitted, and until this edition were only accessible in Duchesne and Migne. One has only to read the story of the monastic administration in Maisons-en-Beauce (pp. 5–6), of the gifts of local confraternities formed for the enrichment of the abbey (pp. 14, 39), of the quarrel between the monks and the canons of Saint-Martin-d'Etampes-Vieilles, to recognise that the Chronicle of Morigny is one of the most

valuable records of monastic life to be found, not only for those interested in the diocese of Sens, but for students of medieval history generally.

F. M. F.

With the last two volumes of his biography of Innocent III, *Les Royautés vassales du Saint-siège*, and *Le Concile de Latran* (Paris : Hachette, 1908), the late M. Luchaire has ended a life steadily and fruitfully devoted to the cause of history, and a work which forms no unworthy close to his long years of labour. *Finis coronat opus*. Clear, severe, laborious, judicious, these volumes faithfully represent the scholar who set down nothing that he could not prove; who nothing extenuated, nothing exaggerated. Writing, as he himself says in the preface to his last volume, not for some scores of scholars, but for the public which cares for history, he has sought to give, and he has succeeded in giving, a clear comprehension of what the action of a great pope in the middle ages really was. It is the volume entitled *Les Royautés vassales* which will most interest and most help the English student. The story of the relations of Innocent to England forms the bulk of the volume; and when he treats of those relations in the reign of John, M. Luchaire is especially worthy of attention. He suggests that John, in the first half of his reign, was able to keep on good terms with the papacy, in spite of his anticlerical policy, and in spite of his conduct to Hawisia of Gloucester and Isabella of Angoulême, by a calculated generosity to the officials of the Roman church and the relations and friends of the pope. He shows that John's submission meant a real as well as a formal abdication, and that the control of English affairs fell into the hands of papal agents in and after 1213. It is from this point of view that M. Luchaire regards Magna Carta. Refusing to attach himself to the iconoclasts who assail the charter, he regards it as due to a national resistance—*une révolte des nobles, des prélats et des villes britanniques*—and not to a mere insurrection of a group of nobles. He regards it, again, as marking a reaction not only against John's own personal absolutism, but also against the ultramontanist, indeed theocratic, régime which John had accepted in 1213. He thus refuses to identify himself with the extreme views of M. Petit-Dutaillis, while admitting that modern criticism has shorn Magna Carta of some of its old ample majesty. The concluding volume is occupied partly by a sketch of the acts and canons of the Fourth Lateran Council in 1215, partly by a review of Innocent's policy within the church toward the various grades of the hierarchy, parochial clergy and chapters, bishops and archbishops, monks and friars. A bibliography of some thirty pages and a full index complete the volume and the work.

E. B.

In *The Chronicle of Thomas of Eccleston* (Edinburgh : Sands, 1909) Father Cuthbert has revised and greatly improved the translation of the Chronicle which he gave in *The Friars, and how they came to England* (1903). There are still, however, more errors than there ought to be. On p. 16 'on foot' misses Jordan's humorous touch and should be 'by thy foot'; p. 69, 'took his degree in theology with ease' is not a correct translation of *promptus ad incipiendum in theologia*, and *cedula* means not 'a little box' (p. 89) but a piece of parchment; p. 96, 'they came to the Chapter

by three roads' should read 'they had found three ways' (of injuring the order); p. 132, 'But when he was urged to accept the palfreys and to declare the monks exempt,' should read 'and when he (the seneschal) urged him to accept them and asserted that the monks were exempt'; and on the next page the point of a characteristic saying of Grosseteste is missed. A welcome feature of the new edition is the series of historical notes, which are of real value and show an extensive knowledge of the sources. Father Cuthbert in his preface discusses the much-disputed date of the chapter of Metz and decides in favour of 1254. We believe that new and conclusive evidence on the question has been discovered and will shortly appear in the *Études Franciscaines*.

A. G. L.

A valuable addition to the researches on mediaeval Cambridge produced by the Cambridge Antiquarian Society is contained in *Outside Trumpington Gates before Peterhouse was founded* (Cambridge: Printed for the Society, 1908), by the Rev. H. P. Stokes, LL.D. It is a minute but readable study of the tenements south of the King's Ditch and their various owners in the thirteenth century. We learn much from Dr. Stokes about the great burghal families of Le Rus and St. Edmunds facing each other across the Trumpington Road, of the passage of their stone houses, chapels, and fields into the dead hand of the short-lived Friars of the Sack and the better-known canons of Sempringham, of the close relations of Town and Gown in thirteenth-century Cambridge and of the beginnings of the two great colleges of the quarter in question, Peterhouse and Pembroke. Dr. Stokes agrees with Mr. Gray and those who hold that Cambridge grew out of two original 'tuns,' but he somewhat misrepresents the late Professor Maitland in identifying him with a view on which he kept an open mind.

J. T.

In two of his *Analekten zur Geschichte des 13. und 14. Jahrhunderts* (Sonderabdruck aus den *Mittheilungen des Instituts für österreichische Geschichtsforschung*, xxx.) Dr. Fritz Kern discusses the relations of Edward I and Peter of Aragon, and the problem whether Philip IV succeeded in bribing Adolf of Nassau to desert his allies during war. As regards the former matter, Dr. Kern publishes several important and hitherto inedited letters from the Ancient Correspondence series of our Public Record Office which illustrate the rather hesitating approaches towards alliance which the two kings from time to time made towards each other. His chief question is: Did Edward indirectly support Peter's Sicilian ventures? He lays stress on the fact that Peter's son Alfonso in one of these letters calls his mother 'queen.' The fact is new and worth pointing out, but hardly in itself decisive, for Edward, after all, was a very prudent politician. 'Antony Beket' in the text of the letters should of course be 'Bek.' In the other discussion Dr. Kern is successful in assigning to narrow limits the date of the remarkable memoir of the banker Musciatto Francesi, published by M. Funck Brentano in the *Revue historique* of 1889, and gives good reasons for assigning greater credit to it than has generally been allowed by German historians.

T. F. T.

Mr. T. E. Shearer's *Fact and Fiction in the Story of Bannockburn* (Stirling: Shearer, 1909) shows good knowledge of the ground, clearness, and zeal, and reproduces some interesting maps. It is, however, largely composed of translated extracts from authorities and fragmentary passages from modern works. It does not get at sufficiently close grip with the sources, or examine them in sufficient detail in relation to each other, to add anything of importance to our knowledge of the battle.

T. F. T.

Signor F. Guerri continues his series of *Fonti di Storia Cornetaniana* in a second volume, *Lo Statuto dell'Arte degli Ortolani dell'anno 1379* (Rome: Bertrero, 1909). He is happily somewhat less prolix than in his previous work on Corneto, though even now his introduction is longer than his text. We may however be grateful to him for a very careful transcription of the statutes of a not uninteresting guild of gardeners in the Papal Territory. The introduction, though too elaborate, is good, but the editor seems to have been led into an error when he says that the ordinance of 1544 deprived the gardeners of their monopoly of the sale of vegetables, since it appears only to extend to fruit, grapes, and field crops, and not to garden produce.

C. J.

Dr. William Farrer's laborious edition of the *Chartulary of Cockersand Abbey* was reviewed by Miss Bateson in vol. xvii. 151 ff. (1902) and xxi. 369 f. (1906). It has now been completed by a third part of volume iii. (Chetham Society, 1909), which contains, as well as a much-needed index, two hundred pages of supplementary documents collected from various sources, a good many of them in private possession. Among these may be mentioned a survey of the property of the abbey in 1536, with an inventory of goods (pp. 1154-1182) and other accounts, &c., in the years following its surrender. There are also four rentals of 1451, 1461, 1501, and 1537, printed in an interesting way on opposite pages for comparison (pp. 1232-1303).

C.

In *Explorers in the New World before and after Columbus and the Story of the Jesuit Missions of Paraguay* (London: Longmans, 1909) Mrs. M. M. Mulhall has republished, with additions, chapters which have already appeared in a previous book and in various periodicals. The most interesting part of the volume deals with the careers of the men of English, Scottish, and Irish stock who took part in the war of liberation of the Spanish South American provinces. Mrs. Mulhall tells us that she is the first woman who has worked in the Vatican Library, and she has consulted manuscripts in Paris. At the same time she does not appear always to have digested her authorities. Thus we are told of Henry Morgan that, after the sacking of Panama, 'he returned to England with 600 prisoners.' In fact he came to England under arrest, though it is quite true that he made his peace with Charles II and was afterwards knighted. Again, he did not succeed Lord Carlisle as governor of Jamaica in 1682. He merely acted as deputy governor between the departure of Carlisle in 1680 and the arrival of Sir Thomas Lynch in 1682. Paterson, the founder of the Darien colony, was not 'a presbyterian clergyman.'



Lieut.-General Whitelocke was surely not made 'governor-general of South America with a salary of 12,000*l.* per annum.' The main cause of the British failure was the refusal to look facts in the face and to decide whether or not the secession of the Spanish colonies was to be recognised and supported. From the following passage it will be gathered that incredulity is not Mrs. Mulhall's besetting danger: 'May it not be possible that St. Thomas passed from China into America, or that the Guarani had some intercourse with Chinese Christians? It is very curious that the word "tea" is "chá" in China, and "caá" in Guarani, and that Chih-li, one of the divisions of the Chinese empire, has almost the same name as the country south of Peru.'

H. E. E.

More than twenty years have elapsed since the Bavarian Academy of Sciences completed the publication of *Johannes Turmair's genannt Aventinus sämmtliche Werke* in five volumes. A sixth has now been added (Munich: Kaiser, 1908) under the editorship of Dr. G. Leidinger, who has put together some final gleanings. The first item is the notes written by Aventinus in the almanack which served him as a diary for the greater part of his life. They were printed in vol. i. of the edition, but only from a printed text (1835) of a copy (1797) of the original, both original and copy having been mislaid. On the rediscovery of the original a few years ago it was found that the copy was not over-precise, and had omitted a number of entries, including a whole series of observations on the weather, beginning in 1510 and recorded often from day to day; so that republication was clearly desirable. The main part of the new volume is the opening section of a topographical and historical account of Germany, which Aventinus began in 1531 as an amplification of his work on Bavaria, but never completed. In adding a few more letters to those printed in vol. i. the editor might have taken the opportunity to give us a calendar; for the edition now contains three separate blocks of overlapping correspondence. The book ends with a good index to vols. i. and vi.; the other volumes having been published with indexes of their own. P. S. A.

The 'Interpretations' of the Bishops and their Influence on Elizabethan Episcopal Policy are the subject of the eighth of the Alcuin Club Tracts, by Mr. W. M. Kennedy (London: Longmans, 1908). The so-called *Interpretations*, of which 'Strype gave a very imperfect and distorted version compounded of two manuscripts, and broke it up into so many fragments that it almost lost its identity,' has been often discussed and variously estimated, but has never before been edited critically or even published *in extenso*. Mr. Kennedy prints it in its two forms: the first and longer form from two Petyt manuscripts belonging to the library of the Inner Temple, of which one is a rough draft annotated by Parker, the other, a fair copy, endorsed perhaps by Burghley; the second and somewhat shorter form from the Parker manuscripts at Corpus Christi College, Cambridge. The first form appears to be of earlier, the second of later, date than the new Calendar of 1561. The chief importance of the document, which is a sort of commentary on certain of the *Injunctions* of 1559, lies in its bearing on the Ornaments Rubric; and Mr. Kennedy expands and reinforces the argument of Dr. Gee (*The Elizabethan Prayer-Book*

and Ornaments, pp. 157 sq.) to the effect that it belongs to 1560 and represents a serious attempt on the part of the bishops at a compromise in the matter of the vestments, requiring as it does the use of the cope, and not the traditional vestments of the Ornaments Rubric, at the altar, and the surplice at all other ministrations in all churches. In fact it is a middle term between the Ornaments Rubric of 1559, which it was quite impossible under the circumstances to enforce, and the 'final *pis-aller*' of the Advertisements of 1566. As against the contention sometimes advanced that the document was without real significance or influence and is of no importance, Mr. Kennedy shows reason to suppose that it was ratified by the bishops at Lambeth in 1561, and was submitted by Parker to the queen, without however receiving more than at best her tacit allowance; but, however this may be, he shows that it was largely acted upon in the next few years. And here he adds something to the evidence already collected by Dr. Gee for the use of the cope in parish churches during those years, a use which implies the authority of the *Interpretations* as distinguished from the *Injunctions*; and he greatly strengthens the case by other evidence, and particularly by the use made of other provisions of the document by Scambler in his first visitation of the diocese of Peterborough in 1561, by Cox in his letter to the privy council in November 1564, and by Guest in his visitation of Rochester in 1565. F. E. B.

It is a pity that Mr. M. Wilkinson should not have paid a little more attention to the arrangement and presentation of the matter collected in his *Last Phase of the League in Provence, 1588-1598* (London: Longmans, 1909), for it is a good subject and Mr. Wilkinson has evidently worked at it; certainly he produces some valuable letters and documents bearing on it. But he has failed to put his results into a really readable form, and though his little volume may be of some use to those who know the subject well and are familiar with the persons whose names he introduces without explanation or comment, the book will hardly help other readers. The letters and documents are very interesting, but the connecting narrative lacks coherence and lucidity. Briefly, Mr. Wilkinson seeks to show that the action of the Provençals with regard to the League and to the efforts of the royalists to reduce the country to order was mainly determined by the old hatred of South for North: it was a localist revolt which sought to use any means of throwing off the yoke of Paris and of reviving the old local independence. Further, the problem of the reduction of Provence was complicated by the bitter hatred with which the royal governor, the Duc d'Épernon, was regarded: he was loyal to the crown and the bitter enemy of localism, but nevertheless Henry acted wisely in replacing him by the young Duc de Guise, as Épernon's personality was the real cause of the continuation of the Provençal resistance, and when he was removed Guise and the old royalist soldier Lesdiguières soon reduced even the would-be republic of Marseilles. C. T. A.

It is evident that the compilation of *The Royal Stuarts in their Connection with Art and Letters* (Edinburgh: J. and J. Gray, 1908) has been a labour of love. Mr. W. G. Blaikie Murdoch very sensibly avows in his introduction a frank affection for the race of Stuart. His book, for which he has

ransacked all classes of authorities, ranges from James I of Scotland down to the Cardinal of York; but no place is found for Queen Mary and Queen Anne. Perhaps the circumstances of their accessions are held to outweigh both their Stuart blood and their respective claims as memoir-writer and sovereign of a pre-eminently literary age. Among other services which he has here rendered, Mr. Murdoch has unearthed from the British Museum Charles II's list of books, which makes interesting reading. In the same connexion he might have given us Steele's portrait of that monarch leaning on Tom D'Urfey's shoulder beating time while the latter sang (*Guardian*, No. 67) and Hyde's comic letter to Dr. Creyghton in 1659 on Charles's linguistic and other limitations (*Clarendon State Papers*, iii. p. 567). Noel Sainsbury's *Rubens* would also have supplied him with valuable material about Charles I and his artistic relations. Omissions, however, in a book of this scope, are inevitable, and so perhaps are occasional 'connexions' strained so tightly as to snap. Charles II's affection for his brother Henry might be as profitably attributed to natural feeling as used to prove that 'the duke was a clever boy.' Indeed, by the time the reader has arrived at Charles Edward he will wonder whether the Countess of Albany's elopement with Alfieri may not be utilised to connect her husband with Italian letters. But these are minor blemishes in a painstaking and useful volume. We might have a more serious quarrel with the author's use of his seventeenth-century authorities. Mr. Murdoch quotes extensively and repeatedly from that thoroughpaced piece of fraud the *Memoirs relating to the Queen of Bohemia*, though here he errs in good company. On page 240 occur some mysterious authorities for James II of England—a few contemporary works which are concerned rather with James than with his elder brother. . . . *The Calendar of the Clarendon State Papers*; *The Calendar of the Stuart Papers*. A calendar is not precisely a contemporary authority; and how Mr. Murdoch can possibly have found more about James than Charles in the former, which ends in 1657, passes surmise, and the latter is mainly post-Revolution. Pepys' *Memoirs of the English Affairs* are purely official letters, and as such need no contested attribution either to him or to James. It is not true that Macaulay sneers at the *Life of James II* as a whole; on the contrary, he is careful to discriminate between its first-hand and its second-hand passages, the former of which he justly regards as very valuable. The arrangement of a book such as this must always be difficult, and Mr. Murdoch has spent much care upon it. Each section is prefaced by an account of the authorities employed, and followed by notes and references. A general index would, however, have been acceptable.

D. K. B.

M. Paul Chauvet's elaborate thesis *La Religion de Milton* (Paris: Librairie de la Sorbonne et des Langues Etrangères 1909) is based on Milton's poetry and prose, which has been studied chronologically to show the evolution of his religious beliefs in relation to the movements of the day. M. Chauvet includes an analysis of *Nova Solyma* for the light it throws on seventeenth-century problems, but he will not risk the assertion that it is Milton's. In the list of authorities Masson's gigantic work is hardly recognisable under the simple entry, 'Milton by David Masson, 1877.'

D.

Professor Firth's series of *Notes on the Diplomatic Relations of England and France* has received a valuable addition in the very carefully compiled *List of Diplomatic Representatives and Agents, England and France, 1689-1763* contributed by Mr. L. G. Wickham Legg (Oxford: Blackwell, 1909). Besides the names of the diplomatists, it contains full references to the documents concerning their appointment and recall, together with other particulars, and to the collections where their despatches are preserved. E.

A great many books have been devoted to the conquest of Canada by the British, but Colonel W. Wood's edition of *The Logs of the Conquest of Canada*; which forms the fourth volume of the Publications of the Champlain Society (Toronto, 1909), deals with an aspect of the story hitherto undeservedly neglected, and is therefore a very welcome addition to the literature of the subject. The Louisbourg and Quebec logs were certainly well worth publishing, and their evidence is most useful: they bring out admirably the character of the navy's contribution to the conquest, and at the same time throw a good deal of light on the condition of the navy at the time. A special interest attaches to the facsimiles of the charts: they are taken from the charts published by the Admiralty from the survey executed by no less famous a man than Captain Cook, who took part in the 1759 expedition as master of the *Pembroke*. There is a good note on the cartography, and by far the best part of the introduction is that which deals at considerable length with the passage of the fleet up the St. Lawrence, a really remarkable achievement seeing how intricate the navigation was and that its waters were practically unknown. The introduction as a whole is well written, but one cannot say much more for the bulk of it. The section entitled 'The Maritime War' is full of minor inaccuracies and is much exaggerated. Having set out to do justice to the naval side of the conquest of Canada, Colonel Wood seems to fail to realise that if Wolfe could not have got to Quebec without Saunders and the fleet, without Wolfe and the army Saunders would have been impotent against Quebec. In his view of the war as a whole Colonel Wood seems to have taken from Mr. Julian Corbett's *Seven Years' War* just those things which are most open to question; for example, his remark (p. 7) that the loss of Minorca was really an advantage to us—when we had Toulon to watch. There is a readable description of the condition of the navy at the time, but it lacks a sense of proportion and is rather overstated. It is a new variant on a somewhat discredited story to find the Seven Years' War attributed to the hatred entertained for Frederick II by Maria Theresa, Madame de Pompadour and Catherine II, and one is surprised to learn that in 1758 Frederick 'triumphantly invaded Silesia' (p. 7). In 1756 Jacobitism was not a serious question, and there was no military danger from disaffection in Ireland, nor were there German mercenaries in America in 1758, certainly not on the French side (p. 67). Finally, Dieskau's force in 1755 (p. 6) was almost wholly composed of Canadians and Indians, so that his defeat is no parallel to Braddock's. C. T. A.

In *The Transition in Illinois from British to American Government* (New York: Columbia University Press, 1909) Dr. R. L. Schuyler deals with

British and American doings in the country between the Alleghany Mountains and the Mississippi, the Great Lakes and Florida, during the period of the American revolution. In his account of the 1763 proclamation, Dr. Schuyler is less convincing than Mr. Alvord in his monograph on that subject; but he brings out very clearly the circumstances connected with Clark's expedition of 1778, Hamilton's retaliatory measures, and their final failure. It is shown that at the time of the peace of 1783 the Virginian control of Illinois was purely nominal. Dr. Schuyler closes with a careful examination of the peace negotiations, so far as they related to the West. He thinks that the poor returns from the fur trade accounted mainly for the readiness of British statesmen to acquiesce in the surrender of this territory; but a right reading of the moral of Hamilton's military failure and a recognition of the difficulty of holding the American *hinterlands* against the will of the Americans, may have been a further contributing cause.

H. E. E.

M. Léon Sahler in his *Princes et Princesses en Voyage* (Paris: Champion, 1909) prints portions of a collection of letters from the mathematician G. J. Holland to Prince Frederick Eugene of Würtemberg, then governor of Montbéliard for his brother, the reigning duke. Holland accompanied the prince's wife, Sophia Dorothea of Brandenburg, and his second son Louis to Berlin, where the latter joined his elder brother and entered the Prussian army (May 1775). Between July 1777 and September 1778 a series of fifty letters is missing, which is unfortunate, as in this interval occurred the marriage of their sister, Sophia Dorothea (Maria-Federovna), to the Grand Duke Paul. Louis, who as ancestor of the dukes of Teck, will one day find a place in the genealogy of our dynasty, was an idle, extravagant, tactless cub, who gave his tutor infinite trouble. Holland however found consolation in the younger brother Eugene, who also entered Prussian service. In 1779-80 he escorted the eldest brother Frederick to St. Petersburg on a visit to his sister, whose marriage was already unhappy. The letters throw light on the life of young officers of rank at Berlin and in the dull garrison of Königsberg, while several describe Frederick II's last campaign in Bohemia in the War of Bavarian Succession. They illustrate also the hardships of the journey from Berlin to St. Petersburg. *Cuisine incendiaire* is the effective phrase of Dr. Berdot, the family physician, for the highly spiced cookery of Sans-Souci. Holland's own health suffered, and he was persuaded that the *petit lait, quinquina et limaille de fer* of Surgeon-Major Kuhu would have fallen short of a cure had he not *une fille de vingt-deux ans dont les charmes ont su me rendre la nature plus riante*. He married the lady on his return from St. Petersburg, but the cure was not permanent, for he died in 1784 after four years of broken health.

E. A.

The love letters of Madame Roland to her future husband were published in 1896 by M. Join-Lambert in a volume bearing the title of *Le Mariage de Madame Roland*. M. Claude Perroud, in the *Révolution Française*, xxx. 367, commented on the very defective chronological arrangement. He has now himself re-edited the whole correspondence between Marie Phlipon and Roland, with ample notes and explanatory

matter, so that the reader is able to study in detail the development of this romance in real life (*Roland et Marie Phlipon; Lettres d'Amour de 1777 à 1780* (Paris: Picard, 1909)). But, although the style of the letters is as high-flown and sentimental as could be expected from ardent votaries of Rousseau, 'romance' is not the right word by which to describe this amusing episode, nor yet is it a tragedy, as M. Perroud calls it, but rather a comedy; or shall we say tragicomedy, when we remember how soon this ranting passion was to turn to indifference and aversion, and the shadow of what gloomy fate encircled the actors? Goethe anxiously forbade the publication of his letters to Salzmann, because inconsistent with much that is told in *Dichtung und Wahrheit*. When Madame Roland in prison wrote her memoirs she little thought that her correspondence with Roland and that—published by M. Dauban in 1867—with the demoiselle Cannet would be printed to give the lie to so much that she tells us of her early life. She represented herself as a heroine after the pattern of the great men about whom she read in her Plutarch. Glowing with admiration of their virtues she exclaimed, 'I should have acted as they did.' She would have us believe that she restrained ardent passions and acute sensibility by the strength of her will, and that she was always self-possessed, dignified, and consistent. Her suitors were many, but she was always prompt to discern their shortcomings and to teach them to know their place. Penelope was not more cool and haughty. Her reason approved of the virtuous Roland, who, a persevering wooer, in the end obtained her hand. She respected him as a man, valued him as a friend, and was touched by his affection, but she was not in love with him. Unfortunately the letters to her friends have been preserved to show that her sentimentality and desire to find a husband led her into such difficulties that she nearly became on one occasion the victim of a worthless adventurer, while we learn from this correspondence with Roland that the eager wooing, the warm insistence were on the side of the lady, and that it required a good deal of feminine art and some sacrifice of maidenly dignity to entice the future minister to the steps of the altar.

P. F. W.

*The Dawn of the Catholic Revival in England, 1781-1803*, by Monsignor Bernard Ward, President of St. Edmund's College (London: Longmans, 1909), begins with a review of the condition of Roman catholicism in England from the death of Bishop Challoner, vicar-apostolic of the London district, in 1781, to 1790, years during which, in spite of the mitigation of the penal laws by the act of 1778, catholics were depressed by numerous disabilities, and though some few missions were maintained at home by the liberality of the country gentry, English catholicism drew such vitality as it possessed mainly from colleges and other institutions abroad. The dawn of a revival came with the abolition of the penal laws and the immigration of French priests and religious during the revolutionary period. With the first Monsignor Ward deals with sufficient thoroughness for his purpose; concerning the immigration he gives us some new information and many moving details. The larger part of his work, however, is devoted to a narrative of the revolt of a considerable number of great catholic laymen and others against clerical dictation and Roman interference, from the

formation of the Catholic Committee in 1782 to 'the pacification of the Midlands' in 1803, the date of the consecration and appointment as vicar-apostolic of Dr. Milner, the protagonist on the Roman side in the struggle then ended, as he was in the later dispute on the veto. The chief causes of the revolt, apart from a natural desire for independence and national feeling, were the dominant position of the laity acquired by the long dependence of English catholicism on their bounty and protection, and their consciousness that the principal obstacle to their relief from unjust treatment was the widespread opinion that their religion was anti-national in tendency. The struggle was mainly concerned, first, with the desire of the laity that the vicars-apostolic should have full power as ordinaries, which would render the church in England less dependent upon Rome, and that they should be elective, and later, with the terms of the oath to be taken as a condition of relief, and with various cases connected with this question. The history of the struggle is full of interest for the ecclesiastical historian. Monsignor Ward has recorded it with admirable fairness: though generally in sympathy with the ultramontane party, he sees much on both sides to praise and to blame. He has written minutely and has used a large number of hitherto unpublished materials, letters and papers in private hands and in monastic archives. His volumes are well and abundantly illustrated with portraits and engravings of chapels and colleges. F.

In *The Transition Period, 1788-1789, in the Government of the United States* (University of Missouri Studies in Social Science, ii. 4, 1909), Dr. F. J. Stephens gives 'an intensive study of the short period in United States history following the ratification of the Constitution of 1787 and previous to the organisation of the federal government in the spring of 1789.' H. E. E.

M. Édouard Driault's *Napoléon en Italie* (Paris: Alcan, 1906) is a good but not a definitive book. M. Driault has made excellent use of the Archives Nationales and of the unedited political correspondence in the Ministère des Affaires Étrangères, and his volume therefore constitutes a positive addition to knowledge. On the other hand, the author has made no attempt—we do not complain of this, for one man cannot do everything—to explore the immense resources of the Italian archives. How great those resources are was made obvious to the present writer when he was inducted into a large room in the Piccolomini palace in Siena filled from floor to ceiling with documents relating to the Napoleonic government of Italy—all of them absolutely unexamined. And if Siena is rich, Milan is still richer. But M. Driault has not crossed the Alps in search of material. He is content with the ordinary printed authorities, chief of which is the correspondence of the emperor, and with his gleanings from the Paris archives. The information to be derived from these sources is doubtless amply sufficient to illustrate 'la pensée politique de Napoléon I' which is M. Driault's goal, and we may add that the results of M. Driault's not inconsiderable labours are pleasantly and clearly presented. There is however a distinction between a *cento* of texts and a history, and M. Driault is so very much the archivist making

skilful exhibition of his wares that he falls short, despite many unquestionable merits, of the highest standards of historical craftsmanship.

H. A. L. F.

In *The Conflict over Judicial Powers in the United States to 1870* (Columbia University Studies in History, Economics, and Public Law, xxxv. 1, 1909) Dr. C. G. Haines shows 'the gradual development of the extraordinary powers of the judiciary in the United States,' and presents 'a brief analysis of representative opinions on the conflict involved in this development.' The essay, which deals with highly controversial matter, is written with complete impartiality. H. E. E.

*Garibaldi and the Thousand*, by Mr. G. M. Trevelyan (London: Longmans, 1909), forms the second part of his Garibaldian trilogy, and makes an appropriate sequel to his hero's *Defence of the Roman Republic*, which was reviewed in these pages two years ago.<sup>1</sup> The conquest of Sicily by a comparatively small body of volunteers must always remain the most extraordinary feat of an extraordinary career, and the story of its accomplishment is admirably told in the present volume. Mr. Trevelyan has based his narrative throughout upon first-hand information; as in his previous book, his descriptions are the result of his own travels along the line of Garibaldi's march, and both survivors and printed and manuscript sources have been carefully consulted. The result is a lifelike picture of the man and his principal comrades. The author, although he makes no secret of his political opinions, is under no illusions; he realises that all the virtues were not on one side and all the vices on the other, a not uncommon theory of a period of history which has usually been described by violent partisans of either party. His knowledge of English public life has led him to analyse in a masterly, but quite unconventional, manner the real reasons which caused so much sympathy with the Italian cause in England; his visits to Italy and his study of Italian politics have brought him to adopt conclusions midway between those of the enthusiast and those of the pessimist. Not the least interesting parts of the volume are the accounts of the island of Caprera and of the rock of Quarto, the latter of which has become a national monument since Mr. Trevelyan wrote. The book contains a complete bibliography, five maps, and a number of illustrations. It is likely to remain the standard work, in our language at any rate, upon the 'Thousand of Marsala.'

W. M.

The name of Major-General Sir Charles Wilson will be always associated with the work of the Palestine Exploration Fund. It was mere chance which led him, a very junior captain, to undertake the survey of Jerusalem for the purpose of providing that city with a better water supply. But this survey proved to be 'the basis of all subsequent exploration in Jerusalem,' and his survey of the Sinaitic peninsula a few years later has been 'the foundation of scientific examination of the scene of the wanderings of the Israelites.' It was the survey of Jerusalem which first brought

<sup>1</sup> *Ante*, vol. xxii. p. 816.



Wilson into contact with the mystery of the Near East and led to subsequent appointments on the Servian boundary commission and as consul-general in Anatolia. But the special interest of his *Life*, which is the work of Colonel Sir Charles M. Watson, K.C.M.G. (London: John Murray, 1909), lies in the account of the part played by Wilson in the Nile expedition of 1884-5. No one could be better fitted to tell the story of the failure of that expedition than Sir Charles Watson, who was a brother officer of Wilson and served under Gordon in the Sudan. After the fall of Khartum an attempt was made to saddle Wilson with the responsibility of Gordon's death, on the ground that he waited at Gubat for three days before starting up the Nile for Khartum. But the author has no difficulty in showing that the delay made no difference at all. 'The game was played out before the British reached Gubat, and after the middle of January nothing could have saved Gordon.' Although Wilson went out to Egypt as Lord Wolseley's chief of the intelligence department at the latter's earnest request, he found himself by no means in agreement with all the details of his commander's policy. He was seriously hampered in his work of collecting intelligence, and he differed entirely from him in his view of the attitude of the Mudir of Dongola towards the expedition. Wilson's view proved in the end the correct one; had his advice on this point been taken at the first, the expedition might have proved successful. Called to the command of the Desert column by Stewart's wound at Abu Klea, Wilson showed himself in this, his only independent command in the field, a born leader of men, and his famous dash for Khartum up the Nile in two 'penny steamers' unaccompanied by the naval brigade was the most daring and romantic episode of the war. The author has not only given a most interesting account of the man and his work, but has furnished a contribution of real value to the history of the early days of the British occupation of Egypt. He has shown very clearly the causes of the failure of the military operations in the Sudan, and of the Nile expedition in particular, and he makes an important point in insisting that but for Gordon's heroic defence of Khartum and the Mahdi's death a few months later, the invasion of Upper Egypt which Wilson feared as the consequence of the evacuation of the Sudan, would have become an accomplished fact. Beside his varied experiences in the Near East, Wilson's work at home was of permanent value, alike as director-general of the Ordnance Survey and as successful director-general of military education.

W. B. W.

In his *International Law* (London: J. Murray, 1909) Dr. T. Baty throws valuable light from recent history upon the difficult and complex questions raised by the interdependence of modern States. Dr. Baty writes as a strong champion of the small States. 'When we are inclined,' he writes, 'in our insular modesty to believe that we alone could produce an adept in blague like Lord Palmerston, we may think of Count Molé and Louis Philippe and be comforted'; and his trenchant criticisms of the doings of the various Powers run on these lines. Territorial independence is the basis of international law, and the absolute sacredness of a nation's land is the vital nerve of the present system. Dr. Baty is a strong believer in the federal principle, and holds that in a

federation of independent municipalities and communes lies the future of modern civilisation, until a system of voluntary associations can be finally developed. In his enthusiasm for the federal ideal he seems to ascribe to Alexander Hamilton the directly contrary view from that which he held. 'The reason,' Dr. Baty writes, 'why the United States of North America, which were undoubtedly meant to appear as a true federation of the States, has become a single unit to the outside world is not at first apparent. But when the fantastic territories of the West, oblong sections of a surveyor's map, without separate history, cohesion, or traditions, were incorporated into a federal union on a basis of population, the knell of Hamilton's conception had struck: the union had become a unit.' It would perhaps be truer to say that, so far as relates to the federal idea, Hamilton's conception at last found itself realised. With Dr. Baty's opinions and ideals we are not here concerned. His pregnant and vigorous pages will no doubt often provoke in the reader angry opposition; but there can be no question regarding either the learning or the readableness of the volume.

H. E. E.

In his essay on *The Effect of War on Contracts and on Trading Associations in Territories of Belligerents* (London: Stevens and Haynes, 1909) Dr. Coleman Phillipson deals clearly and concisely with a branch of international law upon which judicial authority is comparatively scanty, and there is plenty of room for conflicting theories. The purely historical portion of his work covers in all only a few pages; it is written with care.

G. B. H.

In his *English Costume from Pre-Historic Times to the End of the Eighteenth Century* (London: Methuen, 1909) Mr. George Clinch deals with the history of dress in the only right way, from actual concrete examples; and he has collected a quantity of valuable material in illustration of his subject from tombs, brasses, miniatures, and portraits. The handling is less satisfactory. The ground he has chosen is much too wide. It would have been wiser to omit the whole subject of monastic habit than to allot to it less than three loosely printed pages. Throughout there is a lack of grasp on an exceedingly complicated matter, and treatment and style are alike confused. To take a single instance: in the section on academic costume we are referred (p. 249) to 'an interesting representation of the dress of an Eton boy at Wyrardisbury'; on p. 256 it is explained that there is no ground for believing that the monument shows an Eton scholar, or indeed a boy at all. A more limited field and greater concentration of thought would have made Mr. Clinch's book a very useful piece of work. As it is, we are grateful for some information difficult to get together, and for many good photographs. The index is not very complete.

G.

# THE ENGLISH HISTORICAL REVIEW

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## *The Knights Templars in the British Isles*

MANY causes have been brought forward to explain the sudden downfall of the Knights Templars from their position of great honour and power, notably the hatred of the regular and secular clergy and popular dislike due to jealousy of their extensive privileges and immunities, to their pride and avarice, and to the secrecy of their ceremonies. It has been asserted, too, that the great military strength of the Order made it a menace even to the crown. After a review of the reasons for discord between the Church and the Templars, it may be of interest to see how far these causes were really effective in England, where the records are sufficiently complete to enable us to form fairly definite conclusions.

From the time when the Order of the Temple received its first rule at the Council of Troyes in 1128, its membership rapidly increased and its branches in every country of Western Europe were endowed with extensive lands and privileges. The popes early took the Templars and Hospitallers into especial favour, and spared no pains to make them independent of every influence but their own. Dr. Hans Prutz has shown how the large ecclesiastical privileges conferred by them on the military crusading Orders had caused much friction between them and the bishops.<sup>1</sup> The Order of the Temple was exempted from every sort of ecclesiastical taxation and was given extensive rights for the collection of offerings. The

<sup>1</sup> H. Prutz, *Entwicklung und Untergang des Tempelherrenordens*, pp. 25-57.

clergy were required to urge on all Christian people the duty of contributing to its support;<sup>2</sup> and Pope Eugenius III directed that, even if any place were under interdict, the churches were to be opened and services held once each year, when the Templars came to take their collections.<sup>3</sup> Oft-repeated papal bulls ordering the prelates and secular clergy to cease obstructing the collections indicate that the visiting brethren were not welcomed on their begging tours.<sup>4</sup> Indulgences and other devices were used to increase the offerings in Temple churches,<sup>5</sup> and pious bequests also added to their revenues, though the secular clergy often insisted on sharing these.<sup>6</sup> The clergy were also aggrieved by the Templars' exemption from ecclesiastical taxation and tithes, and they were frequently ordered to cease extorting payment.<sup>7</sup> The prelates were active in their efforts to evade the papal prohibitions by extorting heavy procurations and exacting various other payments,<sup>8</sup> but were as constantly met by papal letters requiring them to cease their evasions. The most sweeping statement of all these financial exemptions was Alexander IV's indulgence that they should not be bound to contribute to any tallages, collections, or exactions either in money or in kind for any purpose, and that any sentence of excommunication or interdict to the contrary was null and void, unless made by some papal order specifically mentioning that indulgence.<sup>9</sup>

The Templars were allowed to build churches and acquire churches

<sup>2</sup> Prutz, *Malteser Urkunden*, no. 1; Delaville le Roulx, *Documents concernant les Templiers*, no. 1.

<sup>3</sup> Prutz, *Entwicklung*, p. 27. This bull was repeated many times by nearly every pope from Eugenius III to Gregory X.

<sup>4</sup> Prutz, *Entwicklung*, Papstregesten, nos. 90, 92, 113; *Malt. Urk.* nos. 53, 58, 59, 169, &c.; Jaffé, *Regesta Pontificum*, 2nd ed., no. 10807; Pflugk-Harttung, *Acta*, i. 232; Rymer, *Foedera*, i. 27.

<sup>5</sup> Jaffé, no. 9193; *Registres d'Urbain IV*, i. 52; *Registres de Nicolas IV*, nos. 685, 897, 1342-1348, 2987, 3743, 4667; Public Record Office, Chancery Miscellanea, bundle 15, file 6, no. 1.

<sup>6</sup> Pressuti, *Regesta Honorii Papae III*, i. nos. 164, 192; *Malt. Urk.* nos. 151, 259, 261; *Registres de Grégoire IX*, ii. no. 3174; Jaffé, no. 15861 a.

<sup>7</sup> On complaint of extortions from the English Templars, in 1247 a special order was issued to the bishops of Lincoln, Hereford, Dublin, and St. Andrews to forbid further molestation: *Registres d'Innocent IV*, no. 2777. Cf. *ibid.* no. 5131; *Calendar of Documents relating to Ireland*, ii. no. 516; Prutz, *Entwicklung*, Papstreg. nos. 22, 27, 34, 46, 86, 100, 125, 126, 137; Jaffé, no. 15782a; *Malt. Urk.* nos. 73, 74, 128, 131, &c.; *Reg. d'Innocent IV*, no. 2053; Delaville, no. 13; *Reg. de Grégoire IX*, no. 3963; *Reg. Honorii III*, nos. 1806, 4570; Potthast, *Regesta Pontificum*, nos. 8221, 20942.

<sup>8</sup> Prutz, *Malt. Urk.* no. 286. Some bulls forbade any procurations whatever to be levied on the Templars: *Malt. Urk.* nos. 38, 62, 63, 65, 69. Others indicate that only money procurations were strictly forbidden: Prutz, *Entwicklung*, p. 277, no. 189. Gregory IX severely censured the English bishops for such vexatious conduct: Public Record Office, Papal Bulls, bundle 15, no. 9; Rymer, i. 189; Lambeth Palace Library MS. 643, no. 56.

<sup>9</sup> *Registres d'Alexandre IV*, no. 1075 (20 January 1256).

the revenue of which went to their treasury.<sup>10</sup> They had also the right to bury even outsiders in their churches,<sup>11</sup> and the prelates accused them of greatly abusing this privilege by receiving the excommunicate and providing them divine services or ecclesiastical burial, scorning the interdict, and even giving aid to heretics.<sup>12</sup> The numerous appropriated churches and advowsons acquired by the Order also caused trouble with the prelates,<sup>13</sup> particularly since these churches were often served by corrodaries of the Order.<sup>14</sup> The Templars had early obtained the right to admit to their ranks clerks who were independent of the bishops.<sup>15</sup> Such were not at first authorised to hear confessions and grant absolution in ordinary cases, but after 1237 they received increasing powers of absolution, till in 1286 they were empowered to absolve any brother and give any dispensation with the counsel of the brothers of the house who could read.<sup>16</sup> In accordance with this, the Rule of the Temple in its latest form provided that, if a brother chaplain were at hand, no brother might confess to an outside priest without special permission.<sup>17</sup> Such exclusiveness, in addition to the secrecy of the Order's rites, very naturally drew on it the distrust, if not the dislike, of priests and monks.

The Templars were protected from the bishops' hostility by their exemption from excommunication and the privilege that their houses and churches might not be laid under interdict.<sup>18</sup> Notwithstanding this, the bishops succeeded in accomplishing their purpose by excommunicating, not the Templars in person, but their vassals who ground in their mills, cooked in their ovens, or otherwise communicated with them.<sup>19</sup> The many bulls obtained by the Templars and their opponents show the keenness with which the quarrel was kept up in England as well as on the Continent, the prelates working to undermine and nullify the Templars' freedom from excommunication,

<sup>10</sup> Prutz, *Entwicklung*, Papstreg. nos. 1, 5, 25, 53, 54, &c.; *Malt. Urk.* nos. 109, 135, 154.

<sup>11</sup> Generous bequests would commonly accompany requests for burial in Temple churches, and the prelates seem to have tried to divert these: *Malt. Urk.* nos. 64, 92, 105, 112, 116, &c.

<sup>12</sup> Potthast, nos. 3226, 4203, 4552; *Registres d'Alexandre IV*, no. 1321; *Registres de Boniface VIII*, no. 1533; *Regesta Honorii III*, nos. 3431, 4889; *Reg. de Grégoire IX*, no. 539; *Reg. de Nicolas IV*, no. 434; *Reg. d'Innocent IV*, no. 3359.

<sup>13</sup> *Malt. Urk.* nos. 49, 52, 70, 71, 87, 102, 131; Prutz, *Entwicklung*, p. 269, no. 99 Potthast, no. 5413 k; Rymer, i. 37; Jaffé, nos. 12597, 13960, 17446, &c.

<sup>14</sup> *Malt. Urk.* no. 310.

<sup>15</sup> Rymer, i. 28, 334; Prutz, *Entwicklung*, pp. 34-38; Migne, *Patr. Lat. cci.* p. 1195.

<sup>16</sup> *Reg. de Grégoire IX*, no. 3520; Prou, *Reg. d'Honorius IV*, no. 625.

<sup>17</sup> Henri de Curzon, *Règle du Temple*, articles 269, 353, 525, 542.

<sup>18</sup> *Malt. Urk.* nos. 79, 84, 95, 141, 164, &c.; Rymer, i. 37, 334; Delaville le Roulx, *Documents concernant les Templiers*, no. xxvii.; *Registres d'Innocent IV*, no. 2316; Potthast, nos. 3736 a, 5297.

<sup>19</sup> Public Record Office, Papal Bulls, bundle 15, no. 37; also *Malt. Urk.* nos. 141, 171, 235, 257, 266, 273, 301.

and the latter striving to maintain it.<sup>20</sup> Severe papal rebukes show that the Templars were occasionally the aggressors, for they sometimes abused their jurisdictional privileges by summoning persons obnoxious to them to remote and dangerous localities and using undue influence with judges to prevent justice from being done,<sup>21</sup> and by preventing persons who merely paid rent to them from being punished like other laymen on charges the correction of which belonged to the bishops.<sup>22</sup> Several popes declared the Temple privileges of no avail to protect them from excommunication for violence to priests, and used severe threats to keep the Templars fully obedient to the Holy See, even empowering legates to deprive them of their privileges in case of disobedience.<sup>23</sup> On the other hand, an extremely large number of papal bulls required the punishment of all offenders who assaulted Templars, abstracted their goods and alms, or forcibly appropriated their tithes, possessions, rents, and tenants; and strictly forbade such acts in the future. The number of the bulls directed to English prelates proves that these acts were common in England as well as on the Continent,<sup>24</sup> and the bishops and prelates themselves were often ordered to cease molesting the Templars or encroaching on their rights.<sup>25</sup> Evidently these financial rights and ecclesiastical privileges which encroached on the clergy, the extension and abuse of their jurisdictional privileges, their exemption from episcopal excommunication, and their wrangles with the bishops prepared for the Templars a legacy of hatred among the prelates and clergy, both regular and secular,

<sup>20</sup> *Registres d'Innocent IV*, nos. 3557, 5561; *Malt. Urk.* nos. 223, 244, 255, 287, 288, 311, 348; Prutz, *Entwicklung*, p. 273, nos. 146, 148; *Reg. d'Alexandre IV*, nos. 482, 1006; *Reg. de Boniface VIII*, no. 3514. See P.R.O., Papal Bulls, bundle 15, no. 29, an original with seal, whereby Gregory IX (1 March 1228) exempts the Templars from obligation to answer any papal letters obtained by their enemies to infringe their privileges; Papal Bulls, bundle 33, no. 10, a bull by which Urban IV (25 January 1262) renews the indulgences of Alexander IV that prelates and judges may not summon the Temple Order to their jurisdiction by papal letters not mentioning that Order; Papal Bulls, bundle 10, no. 10, of Clement IV to the same effect (4 September 1265); Lambeth Palace Library MS. 643, no. 23, a bull of Innocent IV to the Templars contradicting the bulls obtained surreptitiously against them; *ibid.* no. 31, a bull of Clement IV, granting that the prelates may not draw the Templars to ecclesiastical jurisdiction with papal bulls not expressly mentioning this Order; and *ibid.* no. 55, a similar bull of Gregory IX, in regard to the Templars' vassals.

<sup>21</sup> *Registres de Grégoire IX*, no. 3116; *Reg. d'Innocent IV*, ii. nos. 4665-4667.

<sup>22</sup> *Reg. d'Alexandre IV*, no. 1321.

<sup>23</sup> Jaffé, no. 13908; Potthast, nos. 3175, 12719, 12724, 12987. Compare also the following papal registers: Honorius III, no. 4359; Alexander IV, no. 16; Gregory X, no. 551; Nicolas IV, nos. 225, 226; Urban IV, no. 335; Clement IV, nos. 21, 22, 492, 836; Innocent IV, nos. 4107, 8320; and Honorius IV, no. 392.

<sup>24</sup> Lambeth Palace Library MS. 644, no. 17; P.R.O., Papal Bulls, bundle 19, no. 16; bundle 18, no. 29; bundle 15, no. 22; *Regesta Honorii III*, ii. p. 166; Rymer, i. 334, 338. Other similar bulls not referring especially to England are in *Malt. Urk.* nos. 4, 15, 18, 34, &c.

<sup>25</sup> Prutz, *Entwicklung*, Papstreg. nos. 23, 59, 60, 61, 64, &c.

which helped to drag them to ruin when the papal support was withdrawn.

A branch of the Order was early established in England, and was endowed with considerable property by King Stephen, the Empress Matilda, and many of the nobility.<sup>26</sup> Henry II added extensive estates, and granted a number of special privileges, most of which are prominent in the later charters.<sup>27</sup> Richard I also granted an important charter of privileges,<sup>28</sup> and in 1199<sup>29</sup> King John issued a very ample charter which was reissued with some additions by Henry III, and confirmed by Edward I.<sup>30</sup> These grants included exemption from all taxation, both national and local; freedom from exactions of money and supplies under pretext of scutage, forest laws, or the royal need; freedom from toll and passage dues; freedom from attending the local courts, and power to hold courts of their own and receive the profits; the right to take the amercedments of their tenants amerced in the royal courts, the lands of their condemned tenants, waifs and strays, &c.; and the right to receive various other allowances in the form of lesser privileges and of money. When considered in connexion with the papal grants, these seem at first to have made the Order practically independent of the king as well as his officers; but only a detailed examination can show their actual working and effects.

During the thirteenth century the Templars did not reap the full benefit of exemption from royal taxation, for they compounded for most levies of carucage and tenths and fifteenths of movables by paying the king a lump sum.<sup>31</sup> On several occasions they were fined for waste and assarts,<sup>32</sup> or had to pay scutage for some of their lands.<sup>33</sup> There is much evidence, too, to show that the Templars found it difficult and often impossible to secure the actual exemption of their

<sup>26</sup> *Rot. Hundred.* i. 150, 389. See also Bodleian Library, Wood MS. 10, the cartulary of the Templars in Oxfordshire, compiled late in the thirteenth or early in the fourteenth century; and Dugdale, *Mon. Angl.* vi. 821-831.

<sup>27</sup> In the Miscellanea of the Exchequer, bundle 1, no. 1 a, is a fragment of a roll containing copies of royal charters to the Templars, which may be dated approximately between 1166 and 29 December 1170. The pipe rolls of Henry II show that some of these privileges, as well as others, were being enjoyed by the Templars—e.g. *Pipe Roll*, 2 Hen. II, p. 23; 6 Hen. II, p. 34; 12 Hen. II, p. 8; 14 Hen. II, pp. 4, 30-32, 67-70; 16 Hen. II, p. 17; 18 Hen. II, p. 19; 20 Hen. II, p. 23; *Pipe Roll* 7 Ric. I, rot. 8 b (vill of Hereford); *Pipe Roll* 12 John, rot. 11 (co. Camb. and Hunts).

<sup>28</sup> Rymer, i. 49, 74.

<sup>29</sup> *Rot. Cart.* i. 1, 2, 3, 13; Rymer, i. 78.

<sup>30</sup> *Cal. of Charter Rolls*, i. 4; *Rot. Lit. Claus.* ii. 171; *Cal. of Charter Rolls*, ii. 237; *Plac. Quo Warranto*, 358, 503-504, 747.

<sup>31</sup> *Rot. Lit. Claus.* i. 428, ii. 71; *Pat. Rolls*, Hen. III, ii. 17; *Close Rolls*, Hen. III, ii. 293, 300, 301, 303; *Fine Roll*, 17 Hen. III, pt. 1, m. 6; *Cal. of Pat. Rolls*, 1292-1301, p. 598; *Lancashire Lay Subsides* (ed. by J. A. C. Vincent), i. 41, 185, 260, 261.

<sup>32</sup> *Pipe Roll*, 38 Hen. III, rot. 18 d; *Cal. of Pat. Rolls*, 1292-1301, p. 56.

<sup>33</sup> *Pipe Roll*, 4 Edw. I, rot. 4; *Cal. of Close Rolls*, 1288-1296, p. 67; K.R. Mem. 18 Edw. I, Hil. Comm. dorset.

tenants from royal and local tallages. Repeated orders from the king were necessary to secure the privilege from infringement.<sup>34</sup> It is by no means certain that the Templars received regularly and completely all the allowances which were due from the sheriffs and the exchequer. In fact early in the reign of Edward III the exchequer officers were ordered to search the rolls to learn what liberties and quittances were accustomed to be given the Hospitallers and the Templars; and the answer to this writ shows from the Pipe Rolls that after the sixteenth year of Henry III the Templars and Hospitallers only succeeded at long intervals in getting the allowances due to them for the ameracements of their tenants amerced in the royal courts, the lands of their condemned tenants, the chattels of their fugitive tenants, fines exacted of Temple vills for various causes, and other payments provided for by their charters.<sup>35</sup> As the clerks examined the rolls they found a number of such entries concerning fines due from vills owned largely by the Templars for which the Order received no allowance, but they placed a cross on the margin just as they did opposite other items for which the Order duly received its allowance from the exchequer.<sup>36</sup> Long intervals separate the short periods when the payments were made,<sup>37</sup> and these periods coincide with the years when the king issued numerous orders requiring the enforcement of the Temple privileges.<sup>38</sup> About 1291-1293 the military Orders received numerous allowances from the exchequer,<sup>39</sup> but the fact that such allowances were made at hardly any other time in the reign of Edward I indicates that they were isolated exceptions due directly to the royal initiative.<sup>40</sup> The independence given by the royal charters was therefore far more apparent than real, since without royal support the Templars could not get the rights thus granted.

The Masters of the Templars were not accustomed to do fealty to the English king,<sup>41</sup> but in reality they were very dependent on him

<sup>34</sup> Claus. 30 Hen. III, m. 14; *Rot. Lit. Claus.* i. 423, ii. 135, 139; *Rot. Hundred.* ii. 59; Claus. 35 Hen. III, m. 15 d; Claus. 36 Hen. III, m. 26 d.

<sup>35</sup> Chancery Misc. Rolls, bundle 17, no. 18.

<sup>36</sup> Pipe Roll, 21 Edw. I, co. Warwick and Leicester, co. Norfolk and Suffolk, and co. Essex.

<sup>37</sup> The allowances made in 6 Edw. III go back for precedent to Edward I's rolls (Chancery Misc. Rolls, bundle 17, no. 18), and the allotments of 19 and 20 Edw. I refer back for precedents to 13 and 14 Henry III: Pipe Roll, 19 Edw. I, co. Oxon. and Berks, co. Linc., and co. Bedford; Pipe Roll, 20 Edw. I, co. Berks and co. Devon.

<sup>38</sup> Claus. 37 Hen. III, m. 26; L.T.R. Mem. 37 Hen. III, Mich. Communia m. 4, Trin. Comm. m. 15 d, Hil. Comm. m. 6, 8, 13; Claus. 36 Hen. III, m. 20.

<sup>39</sup> Chancery Misc. Rolls, bundle 17, no. 18.

<sup>40</sup> After the death of Robert de Turvill, Master of the Templars in England, Edward I issued a special order to protect the Templars' rights and liberties: K.R. Mem. 18 Edw. I, Mich. Comm. m. 2. Cf. K.R. Mem. 19 Edw. I, Hil. Comm. m. 11; and *Cal. of Close Rolls*, 1288-1296, pp. 173, 288-289, 339.

<sup>41</sup> In Scotland however the Master of the Templars and Prior of the Hospitallers swore fealty to Edward I in the royal chamber at Edinburgh Castle on 29 July 1291: *Cal. of Documents relating to Scotland*, ii. 125.



for letters of protection and safe-conduct, without which they were almost as helpless to protect their property as any private citizen.<sup>42</sup> In 1199 King John expressly ordered the justices to guard and protect all their property, to allow no injury to be done them, and to redress their grievances.<sup>43</sup> On several occasions the Master in England acknowledged his dependence on royal authority by an appeal to the king to punish injuries to his property and infringements of his rights;<sup>44</sup> and on one occasion he complained that the franchises of his Order had been much infringed since the last parliament and petitioned for better maintenance of them.<sup>45</sup>

Though the Templars' exemption from national taxation and their allowances from the exchequer were so incomplete in practice that they could not have aroused general hostility against the Order, other privileges which affected the royal treasury less directly may have accomplished that result. As early as Henry II, the Templars and Hospitallers obtained the right to have in each borough one man called a *hospes* or guest who was to be free from tallage and exactions;<sup>46</sup> and this early made them more or less unpopular in the Irish as well as the English boroughs. In the royal charters to Dublin, Waterford, Cork, and Drogheda it was provided that these Orders should have no more than one person exempt from local taxation,<sup>47</sup> but even thus limited the privilege may not have been easy to maintain. In 1228 Henry III ordered his justiciar in Ireland to cause Ingelbrietus de Dublin', guest of the Templars, to be free from tallage notwithstanding the fact that he had moved from one house to another.<sup>48</sup> In the English boroughs also there were frequent infringements of the Templars' right, for royal mandates requiring officials to ensure its enforcement were especially numerous

<sup>42</sup> This was well shown by the events of 1296-7, when in consequence of the bull *Clericis laicos* the clergy, including the Templars, refused to contribute to national taxation and were practically outlawed. The Master of the Templars made his peace with the king on 22 February 1297, was received back into the royal protection, and secured the return of his confiscated lay fees and chattels: Stubbs, *Const. Hist.* ii. 135-136. The Masters were always careful to get royal licence for the appointment of attorneys to act for them, and a royal permit when they wished to leave the country: *Rot. Lit. Pat.* p. 121b; *Close Rolls*, Henry III, ii. 404; *Cal. of Close Rolls*, 1288-1296, p. 511; &c.

<sup>43</sup> *Rot. Cart.* i. 2. In 1202 a similar order was sent to the forest officers: *Rot. Lit. Pat.* p. 6.

<sup>44</sup> *Close Rolls*, Henry III, ii. 92 (1232), 297 (1233); *Cal. of Doc. rel. to Ireland*, i. no. 2658 (1243-4); *Abbreviatio Placitorum*, p. 137 (38 Hen. III); *Pat. Rolls*, Hen. III, i. 577; *Rot. Lit. Claus.* ii. 94; *Close Rolls*, Hen. III, i. 94, 227, 382, 389 *Cal. of Pat. Rolls*, 1281-1292, p. 445.

<sup>45</sup> *Rot. Parl.* i. 2.

<sup>46</sup> *Pipe Roll*, 2 Hen. II, p. 37; 14 Hen. II, p. 4; 18 Hen. II, p. 19; 20 Hen. II, p. 23; *Pipe Roll*, 7 Ric. I, rot. 8 b; *Cal. of Charter Rolls*, 11 Hen. III, p. 9; *Cal. of Doc. rel. to Ireland*, i. no. 2101, ii. nos. 435, 516.

<sup>47</sup> *Cartae, Privilegia, et Immunitates* (Irish Record Commission), 6, 14; *Cal. of Charter Rolls*, i. 157-158, 266; *Cal. of Doc. rel. to Ireland*, ii. no. 120.

<sup>48</sup> *Close Rolls*, Hen. III, i. 131.

during the years 1252–1255, when the king was particularly anxious to favour the Order. In his thirty-seventh year, Henry III sent a general mandate to the treasurer and barons of the exchequer to cause this privilege to be executed in all cities and boroughs.<sup>49</sup> Four months later a second order testified to the non-observance of the first,<sup>50</sup> and a month later a third order bitterly condemned the barons for failure to carry out the previous ones.<sup>51</sup> A number of other entries in the rolls during these years apply to special boroughs and require not only that the Templars' tenants be freed from tallage in the boroughs but that they and their tenants be freed from exactions for local works such as the building of walls.<sup>52</sup>

The burghers of Bristol appear to have had several quarrels with the Templars about sharing the tallage, and often the Templars had to pay tallage to the town bailiffs. In the first year of John the Templars' men were said to owe 50 of the 500 marks' tallage of Bristol,<sup>53</sup> and in the twelfth these men rendered account for 500 marks when the men of Radclive (in Bristol) paid 1000 marks toward the aid of the vills for passage.<sup>54</sup> On 3 September 1216 the king stated that he had quitclaimed to the Templars 200 marks due from them as part of the aid to be paid by the citizens of Bristol.<sup>55</sup> But on 19 July 1231 the Templars at Bristol were again ordered to pay the bailiffs the last tallage of 100*l.* due from them as their share of the tallage of the town.<sup>56</sup> Various royal orders requiring the bailiffs to postpone for a time certain tallages or exactions from the Templars and their men,<sup>57</sup> and not to allow them to be vexed contrary to their charters of liberty,<sup>58</sup> may indicate that the king was temporising, wishing to keep the good will both of the Templars and of the Bristol burghers, who plainly wanted to force the Templar tenants into paying a share of the tallage. When

<sup>49</sup> Claus. 37 Hen. III, m. 7.

<sup>50</sup> Claus. 37 Hen. III, m. 27; L.T.R. Mem. 37 Hen. III, Mich. Comm., m. 3.

<sup>51</sup> Claus. 37 Hen. III, m. 27; L.T.R. Mem. 37 Hen. III, Mich. Comm., m. 5.

<sup>52</sup> Claus. 36 Hen. III, m. 1; L.T.R. Mem. 37 Hen. III, Mich. Comm., m. 2 d; *Rot. Lit. Claus.* i. 423, ii. 135, 139; Claus. 35 Hen. III, m. 15 d; Claus. 36 Hen. III, m. 26 d.

<sup>53</sup> Pipe Roll, 1 John, rot. 3 a, co. Glouc., cited by Madox, *Hist. of the Exchequer*, i. 734 [p. 505 note *v*, ed. 1711].

<sup>54</sup> Pipe Roll, 12 John, rot. 13 d, co. Glouc.

<sup>55</sup> *Rot. Lit. Pat.* 196 a.

<sup>56</sup> *Close Rolls*, Hen. III, i. 532.

<sup>57</sup> L.T.R. Mem. Roll, 37 Hen. III, Mich. Comm., m. 2 d. The Pipe Roll, 37 Hen. III, rot. 20 d, co. Glouc., shows that Bristol (in addition to the Templars' men) owed 430 marks of tallage, and the Templars' men owed twenty marks. Even if the Templars' tenants had to pay this, it was very low in proportion to that paid inside Bristol, if the tallage of 12 John is a fair example.

<sup>58</sup> Claus. 36 Hen. III, m. 31 (16 November); Claus. 36 Hen. III, m. 20 (3 April); Fine Roll, 37 Hen. III, m. 17 (3 January); Fine Roll, 37 Hen. III, m. 7 (16 June); also L.T.R. Mem. 37 Hen. III, Hil. Comm. m. 7 d.

tallage time came the burghers were no doubt greatly irritated by the number of people who passed out of their vill into the Templars' soke adjoining, where tallage would be lighter if imposed at all.<sup>59</sup> Finally, in the parliament held at Westminster in 1305, the mayor and burghers of Bristol petitioned that those persons who traded as other citizens did and used all other liberties and easements pertaining to the vill should be tallaged and contribute to the king's tallage with the others ;<sup>60</sup> and in answer it was decided that those holding lands and revenues of the Templars in Bristol should be forced to pay to contributions and tallages just as the other citizens. We might very possibly find the difficulties between the Templars and the townspeople of Bristol repeated in other boroughs if we could examine their records for that period.<sup>61</sup>

Probably the chief cause leading to these quarrels was the large increase in the number of Templar tenants consequent on their attractive privileges. Henry III tried to check the movement in Waterford by ordering his justiciar in Ireland not to allow any royal tenant there to transfer himself to lands of the military Orders, and not to allow their tenants or any others owing taxes in Waterford to get exemption from tallages or other services due to the king by remaining on lands of those Orders.<sup>62</sup> Evidently so many persons were becoming their tenants that the royal income was considerably diminished, and very probably the citizens were complaining of the heavier taxation due to the increase in the number of the Templars' men claiming exemption. On the ground that the military and religious Orders in Dublin and other Irish cities desired all their new tenants to be free from tolls and other exactions, Henry III in 1251 ordered the justiciary of Ireland for the future not to permit the Orders to acquire houses or possessions in those cities

<sup>59</sup> This is indicated by an order to William de Axemuth and his fellows assigned to tallage the burgh of Bristol, to tallage two men who recently left the king's vill of Bristol to remain 'super terram magistri Militie Templi in Anglia in vico australi eiusdem ville' ; and to inquire diligently by oaths of good loyal men whether other men of the said Master remaining in the said suburb ('vico') were accustomed to be tallaged when the said vill was tallaged. If the officers found by this inquisition that such men were accustomed to be tallaged, they were ordered to tallage them ; if not, to defer the tallage till the next Michaelmas : *Claus. 36 Hen. III, m. 11* (30 June).

<sup>60</sup> *Records of the Parliament held at Westminster, 28 February 1305* (ed. Maitland), p. 135 ; William Ryley, *Pleadings in Parliament*, p. 259.

<sup>61</sup> The Templars' freedom from toll may have enabled them to undersell the local merchants in the boroughs, and in their own markets and fairs also to raise the toll payable by outsiders to oppressive rates : *Rot. Hundred. i. 131*. We find complaint that the tenants of the Templars in boroughs claimed exemption from tolls and dues on the merchandise which they made in their houses, and that, because of the Order's privileges, its tenants would not allow 'testores' of the borough to enter their houses, nor the bailiffs of the king to do their duty or take the usual custom : *Rot. Hundred. ii. 37, 60* ; *Rot. Lit. Claus. i. 479*.

<sup>62</sup> *Close Rolls, Hen. III, i. 548*.

without the king's special licence.<sup>63</sup> The Templars were by no means unwilling to receive the increasing number of tenants who came to them to avoid taxation and irksome services, and they may perhaps have aroused hostility by their eagerness. In 1254 we find the Master of the Templars attached to answer among other things why he had caused a cross to be raised over a certain house in Rochester by reason of which the king's bailiffs of the town could not collect the customs due thence to the king.<sup>64</sup> In 1255 the hundredors of Shropshire complained that Clement de Audoney gave his land to the Templars of Kel, and by giving them two shillings a year became their vassal *propter advocacionem*.<sup>65</sup> Likewise the men of the hundred of Barketon (Yorkshire) asserted that many of their locality became tenants of the military Orders and thus were kept free from watches, assizes, inquests, and other such things.<sup>66</sup> In the Statute of Westminster of 13 Edward I it was enacted that, because many tenants erected crosses in their tenements so as to use the privileges of the Templars or to avoid the payments and services due to the chief lords of the Hospitallers fees, tenements of this sort should be forfeited to the chief lords or the king in the same manner as if alienated in mortmain.<sup>67</sup>

The Hundred Rolls contain numerous statements, especially from Lincolnshire and Yorkshire, where the most extensive estates of the Templars were located, that they had withdrawn various lands from liability for suit to hundreds and shires, sheriff's aid, murder fines, common amercements, fines to the hundreds, and other customary duties.<sup>68</sup> But we must not forget that in that age of privilege and exemption nearly every lord had many of these same privileges, and some, especially churchmen, had practically the same array of exemptions as the Templars. Moreover, the object of the inquisitions which are the basis of the Hundred Rolls was primarily to learn what royal rights had been usurped by others, and the questions put to the jurors were such as to draw out complete information about the various privileges held

<sup>63</sup> *Cal. of Doc. rel. to Ireland*, i. no. 3168.

<sup>64</sup> *Abbreviatio Placitorum*, p. 136.

<sup>65</sup> *Rot. Hundred.* ii. 65.

<sup>66</sup> *Rot. Hundred.* i. 110.

<sup>67</sup> *Statutes of the Realm*, i. 87; *Registrum Malmesburiense*, i. 99. In several cases Edward I ordered sheriffs to distrain certain individuals for acquitting the Templars of services, such as suit of court, seutage, and other services due from their tenements: *Abbrev. Plac.* pp. 221, 255. The erection of a cross over a house was the common sign that the holder was a tenant of the Templars or Hospitallers and therefore exempt: *Hist. and Munic. Doc. of Ireland*, 1172-1320 (Rolls Series), 255. Such crosses are still to be seen on houses in Leeds, Edinburgh, &c.

<sup>68</sup> *Rot. Hundred.* i. 106, 109, 110, 114, 115, 122 (from six wapentakes of Yorkshire); 244, 255, 278, 282, 286, 387 (from six wapentakes of Lincolnshire); also i. 210, 238, 291-2, 470, ii. 59, 60, 80, 225, 570, 722; and P.R.O., Hundred Rolls, no. 6 (co. Hunt. 3 Edw. II).

by lords. Hence the assertions that the Templars had abstracted suits and services, and the like, do not necessarily prove that the people of the realm felt this to be any special grievance. The complaints of and the legislation against the loss of services by reason of tenants holding their lands of the Templars or Hospitallers should be viewed as merely a part of the general movement to check grants in mortmain (in which the statute of mortmain is a landmark), and when so considered they plainly do not prove any special animosity against the Templars on the part of the king or the great lords.

Even the certain evidence of more or less ill feeling against the Templars in the boroughs must be viewed in the light of other evidence which shows that the same causes provoked frequent quarrels between other ecclesiastical lords and the burghers. Disputes between religious houses and the burghers regarding exemption of the former and their sokemen or tenants from taxes and other obligations not infrequently led to outbreaks of violence, and dissensions regarding tolls were also frequent.<sup>69</sup> In order to prevent increase in the amount of lands exempt from taxation, the town authorities of England began in the latter half of the twelfth century to forbid the alienation of burgage land and tenements to religious houses, and in the thirteenth century such prohibitions became common. The Hundred Rolls also contain very numerous assertions that lands belonging to the monks had been withdrawn from geldability and liability for services to the king and the vill, to the great damage of both.<sup>70</sup> The secular lords had been equally active and the process of transferring suits to the lord's court had long been going on, e.g. Richard, King of the Romans, held Castle Hologod and had caused the suits of many vills to be withdrawn to his court.<sup>71</sup> It is therefore plain that when we find evidence of dissensions arising between the Templars and the burghers it cannot be regarded as more than corroborative evidence of a growing opposition to ecclesiastical and especially monastic privileges in the boroughs.

The jurisdictional privileges of the Templars however actually gave them a considerable degree of independent power against litigants of lesser position, especially the privilege that they could not be impleaded except before the king or his chief justice, for by this means they could postpone trial and wear out the patience and financial means of their opponents.<sup>72</sup> A good example of this

<sup>69</sup> C. Gross, 'Mortmain in Medieval Boroughs,' in *American Historical Review*, xii. 733-742.

<sup>70</sup> *Rot. Hundred.* i. 120, 131, 312, 313, 316, 326, 352; ii. 1, 2, 36, 79-80, 356-360

<sup>71</sup> *Rot. Hundred.* ii. 91, 100.

<sup>72</sup> *Rotuli Cartarum*, i. 2; *Cal. of Charter Rolls*, ii. 238; Bracton (R.S.), vi. 247; Fleta, vi. c. 37, § 3.

is the protracted suit between the abbot of St. Mary of Dunbrody (Ireland) and the Master of the Templars in Ireland which began about 24 May 1278.<sup>73</sup> It concerned first seven carucates of land in Kilbridge (Kilbride) which both claimed by charter, and a year or so later five carucates of land in Le Crok. The suit was postponed again and again, and the record shows that the Master twice secured delay by alleging his chartered privilege that he was not bound to answer the abbot or the writ without the king.<sup>74</sup> At length in 1290 the abbot petitioned parliament for redress, alleging that for twelve years he had prosecuted before the justices of the common pleas at Dublin, and before the king and his justices in England, a plea of novel disseisin of five carucates in Le Crok against the Master of the Templars in Ireland, but without effect.<sup>75</sup> He stated that he was himself grievously oppressed and his house reduced to the greatest poverty by this delay, and that he could not keep hospitality or rule his convent if he must proceed further against such powerful adversaries as the Templars. Finally in 1291 a settlement was reached by which the Master of the Templars gave the abbot a hundred marks in acknowledgement of the Templars' ownership.

The Hundred Rolls contain many statements that common justice was impeded because the Templars claimed exemption from answering any accusation in the county court or elsewhere, except before the king or his chief justice, and received felons and thieves in their liberties so that the royal officers dared not enter to arrest these thieves.<sup>76</sup> Some hundredors complained that the officials of the Templars and Hospitallers unjustly treated the people under their jurisdiction and extorted money from them oppressively by fines, or that they caused persons to be summoned to London and otherwise oppressed; and others declared that these two Orders subverted justice and grievously oppressed the people by their privileges from the Roman curia.<sup>77</sup> The jurors of Grimsby in Lincolnshire reported that the Master of the Templars had unjustly taken to himself free court in that vill for a fee which he had appropriated without warrant sixteen years before,<sup>78</sup> and that he had caused the burghers to be impleaded by papal letters through divers parts of England to the great injury of the king and the community and in defiance of

<sup>73</sup> *Cal. of Doc. rel. to Ireland*, ii. nos. 1447, 1448, 1493, 1495, 1539, 1647, 1811; iii. nos. 20, 30, 33, 57, 558, 778; *Abbrev. Plac.* pp. 198, 221.

<sup>74</sup> *Cal. of Doc. rel. to Ireland*, iii. no. 666, and p. 332.

<sup>75</sup> *Cal. of Doc. rel. to Ireland*, iii. no. 622, p. 305; *Documents Illustrative of English History* (Record Commission), 57, 68; *Chartulary of St. Mary's Abbey, Dublin*, ii. pp. lxxiv-lxxxvii.

<sup>76</sup> *Plac. Quo War.* 408; *Rot. Hundred.* i. 51, 117, 129, 295, 376, 378; ii. 226.

<sup>77</sup> *Rot. Hundred.* ii. 27, 228.

<sup>78</sup> *Rot. Hundred.* i. 401. Cf. i. 58, 77, 83, 104.

the royal prohibition. There can be no doubt that the Templars were eager to extend their jurisdiction wherever possible.<sup>79</sup> As early as 16 Henry II the Pipe Roll records that Peter de Roucebi, servant of the king, was fined half a mark *quia non calumpniatus est placita de corona Regis . . . in curia fratrum de Templo*;<sup>80</sup> and, when the extension of private jurisdiction at the expense of the crown was checked by Edward I, the Templars and Hospitallers received their share of the condemnation. In the Second Statute of Westminster they were forbidden to implead any man before the conservators of their privileges for any matter the knowledge whereof belonged to the king's court, and the ecclesiastical superiors of such conservators were warned that their temporal goods would be held responsible for damages to the aggrieved party and the king.<sup>81</sup>

In weighing this evidence that the Templars' judicial privileges sometimes worked oppressively and infringed the authority of the royal courts, we must not forget that it was an age when private jurisdictions were the rule rather than the exception, and that Edward I was making great efforts to increase the power and authority of the royal courts at the expense of the others. If the Templars had their own courts and other judicial privileges which they often used for their own private advantage they were doing only the same as nearly all other lords, both lay and ecclesiastical. Complaints against the Templar courts should be viewed as part of the struggle against private jurisdictions; and, when this is done, they are seen to have little significance to indicate especial animosity against the Templars as distinct from other ecclesiastics. In short the evidence is insufficient to show that the privileges and exemptions granted the Templars by the English kings made them independent of the crown or caused the special hostility of the nobles, burghers, or common people to be directed against them, and the causes of their speedy downfall must be found elsewhere. The hatred of the laity may have been aroused by the great estates of the Templars and their eagerness to increase them. The nine offences, the amercements for which Edward I pardoned the Master of the Templars on 10 December 1293, were nearly all unjust detentions, disseisins, false claims, &c.<sup>82</sup> The Hundred Rolls contain a very large number of items showing that the Templars had recently

<sup>79</sup> This is illustrated by a bond among the records of York Minster, in which Peter Middleton of Nesfield, near Ilkley, undertook, under penalty of 20s. to be paid towards the fabric of St. Peter's at York, that neither he nor any of his tenants would take proceedings against the Templars in any court, ecclesiastical or civil; that he would not avail himself of any right of appeal that might be prejudicial; and that, if he was injured by any of their tenants, he would bring his case before their court at Whitkirk: *Gentleman's Magazine*, December 1857, p. 645.

<sup>80</sup> Pipe Roll, 16 Hen. II, p. 149.

<sup>81</sup> *Statutes of the Realm*, i. 92-3; *Registrum Malmsburiense*, i. 107.

<sup>82</sup> *Cal. of Close Rolls*, 1288-1296, p. 339. See also Langlois, 'Le Procès des Templiers,' in *Revue des Deux Mondes*, ciii. 386.

acquired certain lands formerly held in chief, thus reducing the royal revenue by subinfeudation, and in several of the Quo Warranto inquiries it was decided that they were in possession of royal lands without warrant and had made other false claims.<sup>83</sup> The licences for the Templars to acquire in mortmain, after the statute put a check on wholesale alienations, show that as late as 1305 they were still rounding out their estates by further acquisitions, though largely from men who became corrodaries or pensionaries of the Order and performed certain services for it.<sup>84</sup>

These corrodaries were particularly important, because the Templars were far less numerous than has been supposed. Addison, for example, states that 229 Templars were imprisoned in the British Isles, and that many more were still at large.<sup>85</sup> The exact number is difficult to ascertain, for the names of the individual brethren must be gleaned from various sources, such as lists of those arrested and those examined, and records of those placed in monasteries, of those to whom wages were paid, and of fugitives mentioned in the evidence; and care must be taken to identify names and deduct some which are manifestly different spellings of the same name. A thorough examination of these materials shows that there were only 144 Templars in the British Isles. The accounts of the sheriffs immediately after the arrest show the distribution of the brethren by counties, and prove that very important preceptories were administered by only three or four of them.<sup>86</sup> At the New Temple there appear to have been only five or six able-bodied Templars, and the valuable estates of the Order in Warwickshire and Leicestershire were cared for by only seven brothers scattered over a number of manors.<sup>87</sup> Hence without

<sup>83</sup> *Plac. Quo War.* 164, 293, 356, 684-685, 786; L.T.R. Mem. 37 Hen. III, Hil. Comm. m. 8 d. Cf. *Rot. Parl.* i. 49; *Royal Letters*, Hen. III (R.S.), i. 182-183; and J. Edwards, 'The Templars in Scotland in the Thirteenth Century,' in *Scottish Historical Review*, i. 13-25. The hundredors cannot always be depended on, for those from the city of York said they knew no warrant by which the Templars held the mill near the castle: *Rot. Hundred.* i. 112. This had been given to the Templars by royal charter. Cf. *Rot. Hundred.* i. 150.

<sup>84</sup> *Cal. of Close Rolls*, 1279-1288, p. 289; *Cal. of Pat. Rolls*, 1281-1292, pp. 120, 243-244, 436, 507; 1292-1301, pp. 26, 504, 542; 1301-1307, pp. 134, 291, 301, 322, 340, 360; K.R. Mem. 20 Edw. I, Pasch. Comm. m. 16.

<sup>85</sup> *History of the Knights Templars* (2nd ed. 1842), pp. 527-528. Dr. Gmelin (*Schuld oder Unschuld*, p. 94) gives the total number of the Templars in France as 665, but does not attempt to estimate the number in England, and (p. 466) errs in stating that there were thirty in Ireland. Professor Heinrich Finke (*Papsttum und Untergang des Templerordens*, 1907, i. 72-73) reaches the conclusion that the total number of Templars outside France was from 1000 to 2000, and that there were not more than 2000 in France. He uses no evidence from England to support these statements.

<sup>86</sup> Garewy (Herefordshire) and Gutyng (now Temple Guiting, Glouc.) were each administered by only two Templars: L.T.R. Enrolled Accounts Misc., roll 19, m. 1 and 53.

<sup>87</sup> L.T.R. Enrolled Accounts Misc., roll 20, m. 3; roll 19, m. 3 d and 42.



outside aid it would have been impossible for the Templars to have offered effective resistance to the royal will. In fact their numbers seem almost insufficient to manage and cultivate their extensive estates and maintain their numerous chantries, and they must have been more or less dependent on their corrodaries and tenants for the actual work.

The wealth of the Order was not so great as is assumed by writers who follow the statement of Matthew Paris that it possessed nine thousand manors throughout Christendom besides other emolument and revenues.<sup>88</sup> Fortunately the archives of England contain materials which make possible reasonably accurate conclusions as to the location, management, and annual proceeds of the English Templars' landed property. When they were arrested in January 1308, the sheriffs were required to take a detailed inventory of all movables on each Temple manor and to summon juries from the neighbourhood to estimate the normal annual value of each piece of property.<sup>89</sup> Again, on 4 March 1309 the treasurer and barons of the exchequer were ordered to have another inquest taken to learn how much the Temple lands were worth yearly in all issues.<sup>90</sup> But better than all this fragmentary material, there have come down to us three great schedules of the Pipe Rolls containing the detailed accounts rendered by the royal keepers of Temple lands.<sup>91</sup> These were evidently copied (with corrections) from the original accounts rendered to the exchequer, many of which are still extant in the series of Ministers' Accounts, General Series, in the Public Record Office. In various other manuscript sources the assessed value of certain manors is named in connexion with the appointment of a keeper for them. Unfortunately no one class of the above material gives complete data for all the Templars' possessions in England, either for any one year or for the whole period during which the king held the lands; but, by putting together the contents of the various sources, a fairly accurate compilation can be made to show the name and approximate annual value of each estate. The result of such a compilation shows that the total annual value of the Templars' lands and property did not exceed 4800*l.* a year in England and 411*l.* 11*s.* 2*d.* a year in Ireland. We have no means of computing the income of the Hospitallers in England for exactly this date; but in 1338, after their finances had been in great disorder for many years, they received an average annual revenue of 1385*l.* 6*s.* 6*d.*

<sup>88</sup> Matthew Paris, *Chronica Majora*, iv. 291.

<sup>89</sup> Claus. 1 Edw. II, m. 13 d.

<sup>90</sup> *Cal. of Close Rolls*, 1307-1314, p. 94; Rymer, ii. 70.

<sup>91</sup> L.T.R. Enrolled Accounts Misc., rolls 18-21. Roll 21 contains only material duplicating that in rolls 18-20. The subject is more fully discussed in my article on 'The Wealth of the Knights Templars in England and the Disposition of it after their Dissolution,' in *American Historical Review*, xv. 252-263, January 1910.

from their own estates in England and 1441l. 18s. from those formerly belonging to the Templars.<sup>92</sup> Thus it would appear that the Temple lands in England were only slightly more valuable than those of the Hospitallers, though some allowance should be made for Temple manors which the Hospitallers had granted away.<sup>93</sup>

The value of the Templars' movable property was much less than we might expect. The inventories taken when they were arrested give a very precise account of all household goods, agricultural implements, stock, food, ecclesiastical goods, clothing, books, and all other articles, with the appraised value of each.<sup>94</sup> There is a marked absence of rich armour, vestments, and expensive trappings, showing that they were living simple lives and cared little for luxury. It is extremely surprising to find the houses of a military order so poorly supplied with arms, for even at the New Temple the royal officers found only three swords and two balisters (one of which was broken).<sup>95</sup> This may be partly explained by the small number of knights and priests in the English province. Making a liberal allowance for incomplete evidence, there do not appear to have been over fifteen or twenty knights in the total of 144 Templars in the British Isles.<sup>96</sup> The available evidence shows that only eight of the brethren were priests, and probably double that number is a sufficient maximum to set. Thus the great majority of the brethren were serving brothers or sergeants, common men drawn often from the locality of the manors on which they remained and busied with agricultural administration and labour. Many of the important manors were administered by a serving brother bearing the title of 'custos,' not 'preceptor.'<sup>97</sup> The absence of weapons or armour in

<sup>92</sup> L. B. Larking, *The Report of Prior Philip de Thame* (Camden Society, 1857), pp. 133-202.

<sup>93</sup> The records of receipts from these latter while in the king's hands, 1308-1313, show that their value is greatly over-estimated in the report of Prior Philip: L.T.R. Enrolled Accounts Misc., rolls 18-20.

<sup>94</sup> Most of these first inventories are to be found in P.R.O., L.T.R. Enrolled Accounts Misc., rolls 18-20. Some of the originals have been preserved and are temporarily classified under Exchequer K.R. Extents. Mr. Herbert Wood has printed the inventory of Clonaul in Appendix B (pp. 371-375) of his article on 'The Templars in Ireland' in *Proceedings of the Royal Irish Academy*, vol. xxvi. section C, no. 14. With this exception none of the earliest inventories have been printed. The later inventories are not complete, since the royal keepers sold or used up many articles which appear in the original inventories. For examples of these later ones, see *Gentleman's Magazine*, New Series, iii. July-December 1857; W. Wheater, 'Templenessam,' in *Scottish Antiquary*, xviii. 83-87; and Hore, *History of the County of Wexford* (under the heading Kilclogan),

<sup>95</sup> L.T.R. Enrolled Accounts Misc., roll 20, m. 3. The value of the ecclesiastical goods found in the New Temple church and adjoining chapels and altars amounted to 121l. 5s. 9d., and all other movables at the New Temple to 68l. 7s. 2d.

<sup>96</sup> Schottmüller (*Untergang des Templerordens*, i. 375) underestimates the number of knights. The available manuscript sources yield evidence of only six knights; but it seems probable that the preceptors of Yorkshire and Ireland were also knights.

<sup>97</sup> Herbert Wood, *The Templars in Ireland*, *ubi supra*, p. 373.

the New Temple inventory may be partly explained also by the fact that William de la More, Master of the English Province, and several other leading brothers were not arrested at London.<sup>98</sup> Moreover, while More, Imbert de Blank, Preceptor of Auvergne, four other brothers, two clerks, five armourers, and four servants of the Master were detained in Canterbury Castle, they were allowed to keep silver utensils worth 18*l.* 10*s.* and all their equipment.<sup>99</sup> When on 27 May 1308 More was liberated, practically on parole, he was allowed to take one of his horses with him, was given the custody of several Temple manors, and travelled about with well-equipped attendants freely wearing the garb of the Order.<sup>100</sup> If therefore the leading Templars of England were allowed to keep their armour and other valuables, the absence of such things at the New Temple may be accounted for.<sup>101</sup>

The English branch of the Order was valued chiefly for its revenues, and the brethren appear to have been shrewd business men engaged in every sort of enterprise which offered a good chance of profit. At the London Temple, the central house in England, and at some of the larger provincial establishments, the Templars did a considerable business, acting as custodians of money and valuables deposited in their care and making loans and transfers of capital. The details of this have been ably presented elsewhere,<sup>102</sup> and it suffices to say that the Templars of the thirteenth century were, along with the Jews, the greatest bankers of Christendom. Money-lenders and bankers, however, were almost always disliked in the middle ages, and the Templars could hardly have failed to share this unpopularity.<sup>103</sup> They must have had excellent opportunities for

<sup>98</sup> The expense of their maintenance just after arrest was charged to Ewell Manor (near Dover): L.T.R. Enrolled Accounts Misc., roll 18, m. 1.

<sup>99</sup> *Ibid.* roll 20, m. 6 d.

<sup>100</sup> *Ibid.* roll 20, m. 17; L.T.R. Mem. 1 Edw. II, Trin. commis. dorse; K.R. Mem. 2 Edw. II, Hil. brev. baronibus, m. 27.

<sup>101</sup> H. H. L. Bellot (*The Inner and Middle Temple*, p. 17) infers that a considerable proportion of the Templars escaped with their goods and chattels. The royal officers evidently believed that much property had been concealed, but several efforts to trace it failed: L.T.R. Mem. 4 Edw. II, Trin. recorda dorse; 5 Edw. II, Mich. commis.; 1 Edw. II, Hil. brev. return. dorse; Pat. 3 Edw. II, m. 35 d. The papal inquisitors made every effort to hunt down all fugitives in England, but secured only nine. Since thirty palfreys and three sumpter horses, valued at 78*l.* 4*s.* 8*d.*, were found on the Temple estates when seized, it is improbable that many Templars escaped with much movable property: L.T.R. Enrolled Accounts Misc., rolls 18-20.

<sup>102</sup> Delisle, *Mémoire sur les Opérations Financières des Templiers*, in *Mémoires de l'Institut National de France*, Académie des Inscriptions et Belles-Lettres, xxxiii. 1888; Eleanor Ferris, 'The Financial Relations of the Knights Templars to the English Crown,' in *Amer. Hist. Rev.* viii. 1-17.

<sup>103</sup> Witness no. 15 in Scotland, Master John de Lyndeseye, rector of the church of Rathon, swore that he knew that the Templars were manifest usurers 'quia vendidit eis tel dram avene pro quinque solidis et quia non habuit bladum coegerunt ipsum solvere precium duplicatum': Bodl. MS. 454, fol. 158 a. Michelmus de Bras, no. 42 in Ireland, said he had heard that they were accustomed to lend money, receive vills,

profit. The *Chronicon* of Evesham Abbey relates under the year 1232 that the meadows of Burton and Bradewell, which Abbot Randolph pledged to the Templars of Gutyng for more than 200 marks had not been returned to the monks.<sup>104</sup> Nevertheless there is comparatively little to show that the Templars were over-anxious to increase their possessions. Had the inquisitors found evidence of excessive greed they would surely have used the testimony of more than the one or two Scotch witnesses who are recorded as testifying to such misdoings of the Templars.<sup>105</sup>

The pride of the Templars, which had been proverbial as early as King Richard's time, may well have been a more potent cause of popular dislike. It is reported that in 1252, when the Hospitallers of Clerkenwell complained to the king of some injury committed against their charter, the king replied that the prelates and especially the Templars and Hospitallers had such great revenues and liberties that they had become swollen with pride.<sup>106</sup> In fact, throughout the thirteenth century Europe the pride of the Templars and the frivolity<sup>107</sup> of the Hospitallers seem to have been subjects of common talk among the people. In 1197 Innocent III, in a stern denunciation of the Order's shortcomings, wrote that their unbridled pride had led them to abuse the enormous privileges with which they had been endowed. The medieval world made much of social precedence, and the high position, prestige, and great renown enjoyed by the Templars, combined with the pride with which they often exercised their rights, were probably galling to many laymen as well as to ecclesiastics. The admission into the Order of so many serving brothers that they formed a large proportion of its membership may have helped to make it obnoxious, for the lower class of men would probably lack the somewhat restraining sense of honour

lands, and tenements as pledges, and exact interest. To substantiate this he described a transaction of this sort which he had seen, and said that he believed the Templars did this in Cyprus and all over Christendom: Bodl. MS. 454, fol. 154.

<sup>104</sup> *Chronicon Abbatiae de Evesham*, p. 277.

<sup>105</sup> Lord John de Lyberton, priest, had heard that Lord Walter de Alberton, a priest who had been in the Templars' service for seven years, said that the Templars were avaricious to acquire property for their Order: Bodl. MS. 454, fol. 158 b; Wilkins, *Concilia*, ii. 382. J. Edwards (*Scottish Hist. Rev.* v. 13-25) gives the details of a case of oppression by the Templars in Scotland; but the inquisitors obtained no evidence of this case. It is possible that there were some simoniacal receptions into the Order in spite of the fact that the rule provided the severest punishment for that offence: Curzon, *Règle du Temple*, art. 224-232. Michelet (*Procès*, i. 593-594, ii. 206, 407) shows that a few French Templars testified that they had paid in money or lands before being received. The only account of a simoniacal reception in England was given by Roger de Dalton, who at his second examination in London said that his reception cost him sixty marks, and that he had never received anything from the Temple Order: Bodl. MS. 454, fol. 77 b-78 a.

<sup>106</sup> Inner Temple Library, Petyt MS. 538, xvii. 400.

<sup>107</sup> Prutz, *Die Besitzungen des Johanniterordens in Palästina und Syrien*, in *Zeitschrift des deutschen Palästinaverein*, iv. 193.

of their knightly superiors, while they would be quick to appreciate and make the most of any rise in status which their admission to the Order might give them.<sup>108</sup>

Perhaps the chief cause tending to make the Templars unpopular was the secrecy of all their proceedings. This was a constant source of popular curiosity, distrust, and suspicion from which idle tales were certain to arise. The rule itself provided the heaviest penalty known, that of expulsion, in case any participant in chapter revealed what was done, even to a fellow Templar who had not been present; but, though receptions very often took place in chapter, evidently it was not usually impressed on the brethren, nor do the majority appear to have understood that the mode of reception was one of the secrets of the chapter.<sup>109</sup> The testimony of the English Templars was by no means uniform in regard to the enforcement of secrecy. Out of ninety who gave witness at the first examinations, a considerable proportion denied the articles alleging secrecy, twenty explicitly stated that they could lawfully reveal to anyone the mode of reception, and only two stated that expulsion was the penalty for revealing it.<sup>110</sup> At a later examination a majority of the English Templars swore that they had no idea that anyone suspected them of evil deeds in secret. A few of the more prominent and better informed brethren however were aware of this. Brother Walter de Clifton, Preceptor of Scotland, said that the Temple Order had long been suspected because of the secret receptions of its members.<sup>111</sup> John de Stoke, Treasurer of the New Temple, London, said that the Order needed correction in two respects—a year of probation should be required, and the reception should be public.<sup>112</sup> The non-Templar witnesses in Scotland laid much emphasis on the sinister suspicion they had against the Templars because of their secret initiations. Six of them swore that on this account they and their ancestors suspected the Order of evil customs, especially since they saw new members received into other Orders publicly in the presence of their parents and neighbours invited expressly to see the ceremony.<sup>113</sup> The majority of the forty-one external witnesses in Ireland asserted that, because the form of

<sup>108</sup> Lea, *Hist. of Inquis.* iii. 243–244.

<sup>109</sup> Curzon, *Règle du Temple*, art. 225.

<sup>110</sup> One of these, however, was William de Grafton, Preceptor of Yorkshire; the other was Brother Radulf de Barton of London. The Grand Preceptor of England does not appear to have been examined at this time; at any rate, his testimony does not appear in the records of the first examination in Bodl. MS. 454 or Cotton MS. Julius B. xii., the only extant contemporary manuscript copies of the evidence.

<sup>111</sup> Bodl. MS. 454, f. 155–156 b.

<sup>112</sup> Bodl. MS. 454, f. 55 a; Wilkins, ii. 346.

<sup>113</sup> Bodl. MS. 454, f. 158. Alan de Waldyngford (no. 31, Scotland) swore that a comrade of his, an Oxford scholar, tried to induce his brother, a Templar, to reveal the form of reception, to which the latter replied that he would rather his father and mother should be buried alive than to reveal this to anyone.

reception was a secret which the Templars swore not to reveal, great scandal had arisen in the Church and great danger to souls.<sup>114</sup>

Most of the non-Templar witnesses examined at London told detailed stories, which the inquisitors regarded as more valuable than mere general suspicion. These tales were remarkable productions of over-heated imaginations, illustrating the sort of statements which, by reason of the Order's secrecy, might often be repeated without any secular person being able to disprove them. In fact, had the ceremonies of the Order been open, they could never have been set afloat. Several of them recounted the adventures of persons who claimed to have seen an initiation or a chapter celebration.<sup>115</sup> Some witnesses reported vague stories of how certain Templars had warned prospective members of terrible secrets within the Order; <sup>116</sup> others had heard that in each general chapter the devil carried off one of the brethren who was given over to him; <sup>117</sup> another suspected that his grandfather was killed because unwilling to consent to their crimes; and another stated that the boys used to shout to one another, 'Look out for the kiss of the Templars.'<sup>118</sup> A considerable number of these witnesses were brothers of the mendicant Orders who mixed with the people and could readily learn of rumours afloat among them and very easily spread such as they wished to have more common. Some of these weird stories probably were current before the Templars' arrest, set in motion because of their secrecy, and others may have been put rapidly into circulation by the hostile mendicants after the arrest. The extreme indefiniteness of any information which the narrators could give as to the source of their stories and the comparatively distant date assigned by many of them point toward the former conclusion. Brother Himbert Blanke, Preceptor of Auvergne, when asked why they maintained such secrecy if nothing but good was done under its cover, could only answer, 'Through folly,' for he believed suspicion against the Order had arisen because of its secrecy.<sup>119</sup> In short, this appears to have been the most damaging fact against it, and made possible all the preposterous charges devised by the agents of Philip IV and spread by the pope.

Notwithstanding this, the papal inquisitors had great difficulty in finding British laymen who would give evidence against the

<sup>114</sup> Bodl. MS. 454, f. 151 a-154 a.

<sup>115</sup> Such are nos. 5 and 10 (Wilkins, ii. 359); no. 70 (Bodl. MS. 454, f. 98); no. 19 (*ibid.* f. 92 b), who said that chapters were held at night 'et tunc fuit area capituli mirabiliter conculcata, audivit etiam quod unus semper defuit in quolibet capitulo'; no. 56 (*ibid.* f. 96), who told a story told him by one whose name he had forgotten about some one who climbed to the roof of the chapter house, saw what was done, was caught, and was never heard of again.

<sup>116</sup> Wilkins, ii. 361, 363.

<sup>117</sup> Witnesses nos. 18 and 19, Bodl. MS. 454, f. 92 b.

<sup>118</sup> Wilkins, ii. 360.

<sup>119</sup> *Ibid.* ii. 338.

Templars. There were ecclesiastics in plenty who told all sorts of stories ; but out of 157 non-Templar witnesses examined in England, Ireland, and Scotland, the testimony of only thirty-three laymen is recorded, and of these only sixteen would say anything about the Templars which was really valuable to the inquisitors. An entry in Archbishop Winchelsey's register shows one method of obtaining external evidence.<sup>120</sup> The archbishop's commissary is directed to go with a notary to Ewell Parish, where the Templars had a preceptory, and oblige the vicar and three or four other reputable men of the neighbourhood to swear that they will investigate faithfully and most cautiously concerning the heresies with which the Templars are charged, and report immediately the information and the names of those who swear to it. Such means as this, with the powerful aid of the mendicants resulted in the collection of a considerable mass of outside evidence, practically none of which would be accepted as proof in a modern court of law. Had the Templars been generally and heartily disliked by the mass of the people near their houses, it is hard to doubt that the inquisitors, in their diligent search for any sort of incriminating evidence, would have found more laymen to give such evidence as they wished, and that neighbourhood gossip would have provided the materials, particularly stories of the unjust acquisition of property and tales of crime and heresies committed in the secrecy of the chapter.

In brief, we may conclude that the English Templars were by no means so generally unpopular among the laity as might be supposed. Though their exemption from taxation and the resulting increase in the number of their tenants was a cause of friction with the townsmen, and their independence of and encroachments on the ordinary courts were sometimes disagreeable to the burghers and common people, it was only occasionally that these privileges were fully maintained, and they were as a rule so commonly exercised by nearly all ecclesiastical lords that they prove no especial hatred of the Templars. Though the Order sometimes abused its chartered rights, we have no evidence that these acts were so frequent or flagrant as to attract general dislike. Its wealth in lands, and especially in movable property, and the number of its members, have been much over-estimated, and there is not sufficient evidence to show that the extension of its lands aroused general resentment in England. It was so dependent on the crown for the maintenance of its privileges that it could not have been a menace to the royal authority. Though the

<sup>120</sup> Register of Archbishop Winchelsey (Lambeth Palace Library), f. 59 b. This order is not dated, but was probably sent out late in December 1309 or early in January 1310. It is possibly one of many of its kind sent out to localities where the Templars had houses, for in the *Excerpta Processus Angliae* mention is made of 'Item quidam rector, ut habetur in ordinaria inquisitione Norwicensi, qui dicit quendam militem ordinis Templi . . . fuisse mortuum in carcere': Schottmüller, ii. 80.

Templars' shrewd business management and financial operations may have aroused dislike in some quarters, it does not appear to have been general. From these considerations, and in the absence of opposing evidence, it may be reasonably concluded that most of the English Templars were industrious and enterprising men of business, living at peace with their neighbours, and that the downfall of the Order in England was due mainly to the initiative of the king and the pope. They were assisted however by the hatred of the prelates and clergy, especially the mendicant Orders; the dislike of individuals or small classes who had grievances against the Templars because of their pride, their aggressions, or their sharpness in business; the self-interest of those who might hope for a share of the spoils; and the popular apathy somewhat affected by smouldering suspicion and distrust aroused by their secrecy.

CLARENCE PERKINS.



## *The First Parliament of Edward I*

THE fragmentary documents which form the subject of this paper were discovered in the dust at the bottom of a parcel of tallies transferred to the Public Record Office by the Office of Works during repairs recently made in the Chapel of the Pyx at Westminster. They comprise portions of three writs, addressed to the sheriffs of Bedfordshire and Buckinghamshire, Surrey and Sussex, and Wiltshire, and of returns of members for those counties and for Middlesex, Somerset and Dorset, and Warwickshire and Leicestershire; to which may be added the missing writ for Middlesex, found some time previously (among records formerly deposited in the Tower<sup>1</sup>), but not before published. All relate to the Easter parliament of 3 Edward I (1275).

It is hardly necessary to dwell on the interest of such records, fragmentary though they be. Down to the present date the earliest return extant was the isolated one, containing the names of two knights for the county of Kent, for the second (October) parliament of 1275;<sup>2</sup> after this comes another isolated one for the county of Gloucester, September 1283;<sup>3</sup> and this again is followed by those belonging to the parliament of July 1290;<sup>4</sup> for the famous parliament of 1295 there are no originals, but some early transcripts exist.<sup>5</sup> Though the only known writ of summons to the parliament of Easter 1275—that addressed to the archbishop of Canterbury and enrolled among Letters Close<sup>6</sup>—gave no details of its formation,

<sup>1</sup> This is an interesting example of the way in which a single series of records might be split up at an early date, owing to the fact that for some time (in the fourteenth century, for instance) Exchequer as well as Chancery documents were kept at the Tower. Another case in point is that of the Marshalsey Rolls, which were officially in the custody of the Lord Treasurer's Remembrancer (*Red Book*, p. 872), but of which only one came to the Public Record Office among the documents of that officer, the rest being found in the Tower. Again, the *Red Book* (p. 1054) mentions that a certain charter of Alfonso, king of Castile, is deposited in a chamber in the Tower: this document was found ultimately in the Chapel of the Pyx.

<sup>2</sup> Record Office, *Parl. Writs* 1; Stubbs, *Const. Hist.* (ed. 1896) ii. p. 234, n. 5. This was also the earliest known original writ. There is no evidence, previous to 1275, of the inclusion in the writ of summons to parliament of any clause (e.g. *habeas ibi hoc breve*) ordering the return either of the writ or of information as to representatives chosen, though it occurs in other writs as early as the reign of John. On the other hand, it appears in every case during the reign of Edward I, except 1275 (October) and 1290. The omission in 1254 is noticeable in view of the final directions in the sheriff's writ (*Report on the Dignity of a Peer*, App. i. p. 13). The point is a curious one, but should not, perhaps, be pressed.

<sup>3</sup> *Return of Members*, i. 2.

<sup>4</sup> *Parl. Writs*, i. 21.

<sup>5</sup> *Ibid.* p. 34.

<sup>6</sup> *Ibid.* p. 1.

the importance of this 'remarkable assembly' (as Stubbs justly called it), with which are connected the first Statutes of Westminster, and which regulated for the first time the royal exactions from the wool trade, could, naturally, not be overlooked; and these facts, taken with its position as the first parliament of Edward I and with the language<sup>7</sup> of the chroniclers, of the preamble to the statutes, and of the writs which relate to the custom on wool, made of the question of its constitution at once an interesting problem and an important point for settlement. It will be seen from the writ printed at the end of this paper that this constitution, now known, must entitle it to occupy a prominent place in the history of that growth which rose into the 'model parliament' of 1295.

Before we go further it will be convenient to summarise certain elements found, singly in various parliaments previous to 1295, and together, for the first time, in the famous gathering of November in that year. Four points of interest stand out with regard to the constitution of this 'model' parliament as seen in the writs of summons. (1) It contains two knights from each county, two citizens from each city, and two burgesses from each borough *de discrecioreibus et ad laborandum potencioreibus*.<sup>8</sup> Knights had been summoned to the parliaments of 1254, 1264, and 1265 (and possibly during the remaining six years of Henry's reign<sup>9</sup>), in 1275 (October), possibly in 1278, in the two provincial councils of 1283, in 1290, and in 1294; representatives of cities and boroughs only in 1265 and 1283. (2) Citizens and burgesses, as well as knights, are summoned by writs addressed to the sheriffs—a very important point.<sup>10</sup> (3) The *Premunientes* clause appears; and for the first time all classes of the clergy,<sup>11</sup> under a system of representation matured through a long series of convocations,<sup>12</sup> sit not separately, as in the previous year, but forming a third estate. (4) The knights, citizens, and burgesses are summoned *ad faciendum quod tunc . . . ordinabitur*. Similar phrases are used on all the previous occasions, except in Oct. 1275: and it has been generally held that the words indicate the definitely subordinate position occupied by the commons down to a late date.<sup>13</sup> It is to be remembered that the parliament of 1295 was brought together for reasons more urgent than those which had prompted the summoning of any we have here discussed; it was, in fact, essential on

<sup>7</sup> Stubbs, *Const. Hist.* ii. 113, 256, and 551, quoting *Ann. Winton. Ann. Wykes, Parl. Writs, &c.*

<sup>8</sup> Some such words usually appear: indeed, the phraseology of these writs had for the most part hardened into customary forms by this time (Parry, *Parliaments of England*, p. xxi).

<sup>9</sup> Maitland, *Constitutional History*, p. 73.

<sup>10</sup> Stubbs, *Const. Hist.* ii. p. 236. In 1265 and 1283 the writs were sent to the cities, etc., direct.

<sup>11</sup> *I.e.* including the parochial clergy: deans and chapters had been summoned to attend by *procuratores* as early as 1282.

<sup>12</sup> Stubbs, *Sel. Chart.* p. 442.

<sup>13</sup> Cp. Parry, *loc. cit.* It will be seen below, p. 233, that this is one of the matters in which the present writ is distinctive.

that occasion to create a body which should have power to tax the whole kingdom in order to meet needs of a very grave description.<sup>14</sup>

We come now to the parliament of Easter 1275. And first it is suggested that this parliament was summoned to meet needs quite as pressing as those of 1295. There was the unsettled and lawless realm to be launched upon a reign of order and reform under a law-loving king; and—this second point is closely connected with the first—there was the beginning now to be made of a regular and uniform system of taxation. In any case an examination of the new writ shows a really remarkable resemblance between the constitutions of the two parliaments. For though the absence in 1275 of the *Premunientes* clause, or any substitute for it, prevents the ante-dating of the 'model parliament' by twenty years, the other two necessary characteristics are both found in the present writ—found together for the first time before 1295; that is to say, that burgesses and citizens are summoned, and summoned by writs addressed to the sheriffs: that this should occur on only one occasion in the twenty years of growth which culminated in 1295, and that occasion the first parliament of the period, is decidedly significant.<sup>15</sup>

There are some other points which distinguish the writ of 1275. First and most important is the summoning of representatives not only from boroughs and cities but from *ville* (or *villate*) *mercatorie*. The only other known case of such a summons is in the two provincial assemblies of 1283.<sup>16</sup> In that instance it has been usual to translate the words as 'market towns'; but it is questionable whether the sense is not rather 'towns of merchants,' a view possibly supported by the fact that in one place (in the return for Warwick and Leicester) the contraction used suggests rather *mercatorum* than *mercatoriarum*.<sup>17</sup> In any case there is little doubt that the object, in 1275 as in 1283, was to secure the particularly necessary assent of the merchants of the realm to certain taxation.<sup>18</sup> It is interesting to find a fresh instance of the extent to which this sub-estate of the merchants, as Stubbs calls it, was consulted.<sup>19</sup>

A second point of interest is the fact that the representatives of the commons are summoned *ad tractandum una cum magnatibus*

<sup>14</sup> Stubbs, *Select Charters*, p. 472. The king was at war with France and with the Welsh, and was shortly to be involved in a war with Scotland.

<sup>15</sup> For Edward I's constitutional design see Stubbs, *Const. Hist.* ii. pp. 305, 306.

<sup>16</sup> Gneist (transl. Keane), p. 151, considers these assemblies particularly important. But the importance was financial and constitutional, not, as in 1275, political as well.

<sup>17</sup> It may further be noted that in the case of some of the towns mentioned in these returns (*e.g.* Blandford) no market charter can be found down to the time of Edward I.

<sup>18</sup> The grant of 1275 is described as being made at the instance and request of the merchants or, alternatively, by their *volunte*. The confusion does not affect the present point. See Stubbs, *Const. Hist.* ii. p. 256, and (for 1283) *Sel. Chart.* pp. 450, 451.

<sup>19</sup> *Const. Hist.* pp. 200 *et seq.* They continued to be summoned for consultation upon special occasions (though not as members) down to much later times. Cf. *Parl. Rolls*, ii. p. 36 (*temp.* Edw. III).

. . . *i.e.* in the same words as were addressed to the archbishop of Canterbury; a peculiarity which this parliament shares to some extent with the other of the same year.<sup>20</sup> It would perhaps be unwise to labour this point; though in it, of course, the assemblies of 1275 seem to show a distinct advance on every other early parliament (including that of 1295): and there is nothing in either the deeds relating to the wool customs or the statutes of Westminster to confirm the unusual conditions which it implies. At the same time it deserves consideration, for it is almost impossible to explain its sudden appearance at this date without some definite reason or meaning.

Yet another point should be noticed, though it is not, perhaps, of great importance. This is the fact that the sheriff is instructed only in the words *venire facias*; the usual *eligi facias* does not appear. And finally we must not pass over the substitution of the unique *discrecioribus in lege* for one of the more usual phrases: in view of the work which lay before this parliament it may not be without significance. The instructions with which the writ concludes are dealt with below.

It remains to add some notes upon the persons and places mentioned in the returns. In passing it may be remarked that none of the representatives here mentioned sat in subsequent parliaments, with the possible exception of one Robert de Tothal', who sat for Bedfordshire in 1313.

Of the cities, towns, or boroughs mentioned, Biggleswade, Odell (the *Wahul'* of the return) and Shefford (Bedfordshire) never returned a member again down to modern times: the same is true of Uxbridge and Staines in Middlesex; and of Alcester, Birmingham, Coleshill, Eaton (now Nuneaton), and Stratford in Warwickshire; while Tamworth (Warwickshire) did not return again till 1584. All the remainder are represented in the 1295 parliament except Steyning in Sussex, the *villate* reappearing as boroughs. Bramber and Steyning are subsequently represented sometimes together (as in 1298), sometimes separately (as in 1312-1313).

Such information as is available with regard to the names of the knights and others may best be treated under counties.

In the returns of knights for Bedfordshire and Buckinghamshire there is a curious difference, the cause of which can only be conjectured, between the names given in the return and those endorsed on the writ (which seem clearly to be again those of knights). Robert de Tothale, who appears in both, occurs with great frequency on the Patent and Close Rolls, and was doubtless of the family which lived at Tothall End in Hanslope. Richard Castillion belonged, presumably, to the family of that name which owned the manor of Leckhampstead (Buckinghamshire). And the family of Robert de Crevecoeur (who also appears frequently on the Patent and Close Rolls, and was one of the justices in Buckinghamshire in

<sup>20</sup> Summoned *ad tractandum nobiscum et cum predictis prelati* . . . etc.

1287) has left its name in the manor of Creakers in Barford (Bedfordshire). Alexander de Hampden was the lord of the manor of that name: he died without issue, and his brother, who succeeded him, was the ancestor of the parliamentary leader.<sup>21</sup> Of the burgesses and citizens of Bedfordshire, Geoffrey Costentin appears on the Close Rolls of 1273 and 1274.<sup>22</sup> It is worth noticing, in the case of this county, that the same men appear sometimes as members and as *manuaptores* of other members.

Ralph Dayrel, one of the knights from Middlesex, appears on the Patent Roll of 1281.<sup>23</sup>

Of the knights from Somerset and Dorset, Robert de Wodeton was lord of the manor of that name:<sup>24</sup> his name also occurs very frequently on the Patent Roll, for instance as a justice of gaol delivery in Somerset and as a collector of the 11th and 7th in the county of Devon.<sup>25</sup> William de Godmaneston, again, was lord of the manor of that name.<sup>26</sup> Andrew Wake was apparently of Dowlish Wake,<sup>27</sup> and appears on the Close Roll of 1278.<sup>28</sup> And Ingram le Waleys was a justice for gaol delivery in Somerset<sup>29</sup> in 1290, held land at Langton in Purbeck (Dorset),<sup>30</sup> and witnesses a deed in 1281, together with Robert de Wodeton.<sup>31</sup> Of the burgesses, &c. Walter Pyg and Walter Chamflur appear on the Close Roll of 1275<sup>32</sup>: the second of these was possibly of the family which lived at Huish Champflower.

In Sussex, John le Blak appears on the Close Roll of 1277, when he was accused of taking wool to parts beyond the sea without licence,<sup>33</sup> and in 1289 was attending to the collection of the customs.<sup>34</sup> Ralph le Mareschal appears on the Close Roll of 1279.<sup>35</sup> William de Vesci's name is found continually on both Patent and Close Rolls; and Robert Reyner appears on the Close Roll of 1285.<sup>36</sup>

The Warwickshire and Leicestershire returns are chiefly remarkable for the interesting list of boroughs and towns. With regard to the note of abbots and priors to whom letters had been sent by the sheriff, &c., it may be conjectured that we have here the result of the final sentences in the writ. It appears that these letters related to debts and arrears, owing, presumably to the royal exchequer, in respect of wool. This curious addition to the writ of summons emphasises in an interesting way the importance assigned at the time of this parliament to the customs question,

<sup>21</sup> Lipscomb, *History of Buckinghamshire*, ii. p. 230.

<sup>22</sup> *Cal. of Close Rolls*, 1272-1279, pp. 54, 119. <sup>23</sup> *Cal. of Pat. Rolls*, 1272-1281, p. 460.

<sup>24</sup> *Somerset Feet of Fines*, vol. i. p. 393. <sup>25</sup> *Cal. of Pat. Rolls*, 1292-1301, pp. 77, 162.

<sup>26</sup> *Dorset Feet of Fines*, pp. 132, 192; cf. Hutchins, *Hist. of Dorset*, iv. 41, and Morant's *Essex*, i. 439.

<sup>27</sup> *Somerset Feet of Fines*, i. 369.

<sup>28</sup> *Cal. of Pat. Rolls*, 1281-1292, p. 365.

<sup>29</sup> *Cal. of Close Rolls*, 1279-1288, p. 130.

<sup>30</sup> *Ibid.*, p. 384.

<sup>31</sup> *Ibid.*, p. 384.

<sup>32</sup> *Cal. of Close Rolls*, 1272-1279, p. 564.

<sup>33</sup> *Cal. of Close Rolls*, 1272-1279, p. 494.

<sup>34</sup> *Cal. of Pat. Rolls*, 1272-1281, p. 181.

<sup>35</sup> *Cal. of Close Rolls*, 1272-1279, p. 175.

<sup>36</sup> *Cal. of Pat. Rolls*, 1281-1292, p. 327.

<sup>37</sup> *Cal. of Close Rolls*, 1279-1288, p. 340.

and may be paralleled by a similar addition to the writ of 1254.<sup>37</sup> Of the knights of this county Henry de Nottingham is found acting at various times as justice or commissioner. Among the offices assigned to him was that<sup>38</sup> of making inquisition in 1279 concerning knights' fees in Warwickshire and Leicestershire, in the course of which duties he inquired into the holding of the manor of Whitnash by another of the knights of this parliament, Thomas de Haseley.<sup>39</sup> William de Meynill is probably of the family referred to in Dugdale's *Warwickshire*; <sup>40</sup> there are also probable references to him upon the Close and Patent Rolls. And Walter de Langley is perhaps of the family which held at Pinley.<sup>41</sup>

In Wiltshire, . . . Chiverel is presumably John, son of Alexander Cheveroyll, a justice in this county in 1279.<sup>42</sup>

C. HILARY JENKINSON.

APPENDIX.

I. *The Writ.*

[*The Middlesex writ, being complete, is printed first.*]

Edwardus dei gracia Rex Anglie Dominus Hibernie et Dux Aquitanie vicecomiti Middelsex' salutem. Quia generale parleamentum nostrum quod cum prelati et aliis magnatibus regni nostri proposuimus habere Londonie ad quindenam Purificacionis beate Marie proximo future quibusdam certis de causis prorogauimus usque in crastinum clausi Pasche proximo sequentem, tibi precipimus quod quatuor milites de discrecionibus in lege militibus Comitatus tui et eciam de singulis Civitatibus Burgis et villis mercatoriis de balliua tua sex vel quatuor cives Burgenses vel alios probos homines venire facias ibidem ad predictum crastinum clausi Pasche ad tractandum una cum magnatibus regni nostri de negociis eiusdem regni. Litteras eciam nostras diuersis personis de balliua tua directas sibi tradi seu mitti facias ex parte nostra sine mora Et hoc nullo modo omittas et nos super execucione huius mandati nostri ad terminum predictum reddas ad plenum certiores Teste me ipso apud Wodestok' xxvj die Decembris anno regni nostri tercio.

II. *Return from Bedfordshire and Buckinghamshire.*

[*Writ as above, addressed to the sheriff.*]

*Endorsed on the writ :* Robertus de Tot. .hal'  
Alexander de Hamden

.....  
Willelmus .....gh'.

[*m. 1.*]

¶ Hec sunt nomina quatuor militum de Comitatibus Bukingham' et Bedefordie

Dominus Robertus de Tothale manucapitur Ricardum Athelard  
de Tothal'  
per Ricardum le Chapman  
de eadem

<sup>37</sup> *Report on the Dignity of a Peer*, App. i. p. 13.

<sup>38</sup> *Cal. of Pat. Rolls*, 1272-1281, p. 342.

<sup>39</sup> Dugdale, *Warwickshire*, p. 255; see also pp. 256, 257.

<sup>40</sup> *Ibid.* p. 157.

<sup>41</sup> *Ibid.* p. 138.

<sup>42</sup> *Cal. of Close Rolls*, 1272-1279, p. 309; *Cal. of Pat. Rolls*, 1272-1281, p. 346.

Domin[us] Ricardus [C]astillun' manucapitur	per	{	Iohannem Sparewe de Lechamstude Ricardum Makehayt de eadem.
Dominus Robertus de Creueq'r' manucapitur	per	{	Iohannem le Enfant de Bereford' Walterum filium Michaelis de eadem Ricardum filium Michaelis de eadem Robertum Derling de eadem.
.....[m]anucapitur per		{	Ricardum prepositum de Chalgrave Hugonem le Stronge de eadem Stephanum Algor de eadem Herbertum prepositum de eadem.

[The rest of the membrane is undecipherable with the exception of a few words.]

[m. 2.]

Willata de Bikelswade.

Willelmus Halyday Alanus Leblund Robertus le . . aieser Willelmus letanur Rogerus de Clopton Adam le Sayer [Alan]us leblo[n]d .....	}	manuceperunt Warinus [ <i>sic</i> ] Wolpit. manuceperunt Galfridum Costentin. manuceperunt Iohannem Parlur. manuceperunt Willelmum Holiday.
--	---	--

Willata de Sefford'.

Nicholaus [Gi]nagen Galfridus Busteler' Nicholaus Hirdman Willelmus Busteler Rogerus Somenur Willelmus le Soutere Hamond Dime Iohannes de Boueles	}	manuceperunt Rauf le Ferur. manuceperunt Nicholaum Ginageyn. manuceperunt Galfridum Busteler. manuceperunt Galfridum le Pestur.
--	---	--

Nomina quatuor hominum de v[i]lata de Wahu'.

Hugo de Hakle Simon . . ickelone Thomas . . . . .b. . .ba Simon . . [iek]elone Robertus . . . . . Willelmus . . . . .	}	m[a]nucaptors G. . . . . barb. manucaptors [R]oberti Hikesoft. [man]u[cap]tores W[a]lteri . . . . .
--	---	---

[The remainder is wanting.]

III. *Return from Middlesex.*[*Writ above.*]

Midd'

¶Venire feci coram vobis apud.....  
 Pasch' sicut precepistis iiij<sup>or</sup> milites.....

Nomina militum	}	D..d .....
		R[ <sup>43</sup> adulfu]s Dayrel
		Henricus de B....
		Walterus de .....

Venire eciam feci ibidem.....  
 de Balli[ua] mea.....

Nomina v[i]ll[arum]	}	Woxebrugg
		Stanes

¶Scire feci omnibus...viris.....  
 parte .....

in forma .....

Abbas .....

[*The remainder is wanting.*]IV. *Return from Somerset and Dorset.*

Somers' et Dors'

Dors' Dors' Dors' Dors' Dors'

¶Nomina quatuor militum  
 Robertus de Wodeton'  
 Willelmus de Godmaneston'  
 Ingranus le Waleys  
 Andreas Wake

¶Burgus de Bridepor[t]  
 Petrus de Ramesham  
 [C]lemens de E.....  
 Nicholaus Prikepeny  
 Iohannes .....ggel

¶Burgus de Doreke[cestr']  
 Thomas de Am.....  
 .....  
 .....Chamflur  
 .....

[¶].....llur<sup>44</sup>.....

.....s Ely..  
 Wa[lteru]s Clintu[n]  
 Magister Robertus  
 Iohannes Faber

¶Villata de Safftebir'  
 Rogerus A.....  
 [I]ohannes .....  
 Henricus umfray  
 Lau[rencius] Burgeys  
 ¶Villata de Bla[nd]eford'  
 Walterus Pyg

<sup>43</sup> Uncertain.<sup>44</sup> The position of these letters in the MS. is doubtful.



Stephanus Pynnock  
 Adam de Sahftonia  
 Iohannes Ace

¶ Cyuitas Bathonie  
 Thomas Sweyn  
 [Tho]m[as] de Coker de Bathonia  
 .....s Le Clerck'  
 ..... Le .yllur'  
 ¶ ..... Well'  
 ..... de ...ltingkote  
 .....nston'

[The remainder is wanting.]

V. Return from Surrey and Sussex.

[Writ as above, addressed to sheriff.]

.....et l[i]berorum hominum tam de Cyuitatibus quam  
 de Burgis et v[ill]atis marcatoriis .....[S]ussex qui  
 erun[t] coram domino Rege ut patet videlicet.

.....per { Iohannem Atteh..he } de  
 { Willelmum Atte.ache } Chydinggeleye  
 ..... ofte.. man[ucaptus est per] { Simonem Herebert' }  
 { Osbertum Attedoune }  
 .....[m]anucaptus est per { Willelmum de Fonte }  
 { Godwynum Attedoune }  
 ...de I. pp[e]nuile manucaptus est per { Thomam le Gras }  
 { Henricum Alard }

Sussex

Burgus de Sho..ham	{	¶ Iohannes de Beuchamp	{ Hugo [sic] de Kyngeston' }
		manucaptus est per	{ Galfridum de la halere }
		¶ Iohannes le Blak'	{ Willelmum Edmund' }
		manucaptus est per	{ Godefridum filium Eilwyne }
Burgus de Brenbr'	{	¶ Robertus Pell Talur	{ Willelmum Godard' }
		manucaptus est per	{ Paganum Attemelne }
		¶ .....[ma]nucaptus est	{ Walterum Turgis }
		per	{ Gilbertum Turgis }
Burgus de Stenyng	{	¶ .....rencius de Po....	{ Willelmum Attenesse }
		manucaptus est per	{ Hugonem Simond }
		¶ Henricus le [P]estur	{ Gabriel' Covenc' }
		manucaptus est per	{ Simonem Malerbe }
Burgus de Stenyng	{	¶ Willelmus le [Mars]hal	{ Gilebertum filium }
		manucaptus est per	{ G[o]dwynum le Pope }
		¶ Radulfus le Marif[sc]hal	{ Elwynum Atteh'rie }
		manucaptus est per	{ Willelmum filium Reginaldi }
Burgus de Stenyng	{	¶ Willelmus le Ueske	{ Willelmum Gaugi }
		manucaptus est per	{ Hugonem filium Petri }
		¶ Robertus Reyner	{ Willelmum Bastard }
Burgus de Stenyng	{	manucaptus est per	{ Willelmum [A]ttegra[u]e }
		¶ Ad[am].....	{ Robertum ..icol }
		manucaptus est per	{ .....ert }

[The remainder is wanting.]

VI. *Return from Warwickshire and Leicestershire.*

[m. 1.]

Warr' Leic'

¶ Nomina quatuor militum electorum veniendo ad parlamentum pro comitatibus Warr' et Leyc'.

Walterus de Langele  
 Thomas de Haseleye  
 Henricus de Notingham  
 Willelmus de Meynil

Nomina Burgorum et villatorum mercatorum.

Burgus de Warrewico  
 Burgus Leycestrie  
 Villata de Coventre  
 Villata de Eton'  
 Villata de Burmingham  
 Villata de Tamworth'  
 Villata de Coleshulle  
 Villata de Alencestre  
 Villata de Stretford.

Leyc'

[V]illat . . . .

[*The remainder is wanting.*]

[m. 2.]

Warr'

Misi Abbatibus et Prioribus litteras domini Regis quas rece[pi]

Leyc'

patentes de omnibus debitis que ex quibuscumque causis vel contractibus [cum]  
 [alie]nigenis et etiam de arris quas ab eis receperunt pro lanis suis [et] quilibet ipsorum et ex qua causa.

Nomina eorum quibus misi brevia domini Regis

Abbati de Cumba  
 Priori de Coventre

Seire feci universis et singulis viris . . .<sup>45</sup> per litteras suas patentes. . . .Nomina re . . .<sup>45</sup>

Abbas de Leycestria  
 Abbas de Gerndon'  
 Abbas de Croxton'  
 Prior de Landa  
 Magister de Burton' S[ancti Lazari]  
 Prior de Hinkeleye  
 Prior . . . . . n'  
 Prior . . . . .  
 Pr . . . . .

[*The remainder is wanting.*]<sup>45</sup> Probably *religiosis* and *religiosorum*.

VII. *Return from Wiltshire.*

[*Writ as above addressed to the sheriff.*]

Wiltes'

¶ Nomina quatuor militum et aliorum ho[*minum*] qui deb[*ent*] venire ad parlamentum [de] comitatu Wiltes'

.....C[h]iverel mi[les] ma[nu]captus est	}	Henricum ad fontem
per		Simonem ad portam de Chiverel
.....est	}	[P]hilippum le messir de Langefor
per		et Iohannem de molendino de eadem
.....est eodem modo	}	Iohannem Guson
per		et Robertum Guson
.....modo	}	Ricardum de Ferlegh
per		et Ricardum de Bradeford

[Nomina quatuor] hominum de Ciuitate Nove Sarr'

.....est eodem [modo]	}	Iohannem de Opere
per		et Adam de Bereford
.....est eodem modo	}	Hamonem de Lisewy
per		et Nicholaum le C[u]per
.....eodem modo	}	Iohannem de Hominton
per		et Arnulphum le Draper
.....manuaptus est eodem modo	}	Philippum de Rei[g]a[t]e
per		et Bartholomeum [d]e K.ingg'

[Nomina quatuor] hominum Burgi Wilton'

.....est venire	}	Ricardum le Brunt
per		.... d. ....rny
.....[m]anuaptus est eodem modo	}	Robertum Ac....
per		Nicolaum Burel
.....[ma]nuaptus est eodem modo	}	Alanum le Espedir
per		et Willelmum .... reir ....
.....[ma]nuaptus est eodem modo	}	Robertum .....de
per		et Robertum Madd....

Nomina quatuor hominum Burgi de Dunton'

¶ Gilebertus clericus manuaptus est venire	}	Radulfum .....
per		.....
¶ Henricus clericus manuaptus est per	}	.....
		.....

¶ Stephanus le Paumer manucaptus est per { .....

¶ Rogerus P. . . . . [m]anucaptus est per { .....

¶ Nomina quatuor hominum ville mercatorie.....

¶ Gyl. . . . . Godwine [ma]nucaptus est [per] { .....

¶ Ricardus le Hopere..... { .....

¶ Iohannes le Hopere manucaptus [est per] { .....

¶ Willelmus Iue manucaptus [est] per { et  
Rogerum le.....

¶ Nomina quatuor hominum ville mercatorie de Malmesbir'

¶ Willelmus de la Sal. . . . .manucaptus est per { Hugonem .....  
et  
Walterum C. . . ckere  
Thomam de Camera

¶ Ricardus . . . . .manucaptus est per { et  
Ricardum Fiske

¶ Bartholomeus Aunger. . . . .est per { Nicholaum la Warre  
et  
Robertum Midewinter

¶ Henricus Handsex manucaptus est per { Walterum de la Gutir  
et  
Hugonem Testard

¶ Nomina trium hominum [ville] mercatorie de C[ri]kelade quia balliuus libertatis de Worthe in quam vicecomes non habet ingressum.....  
.....de pluribus hominibus

¶ Ioh[annes] le Huntir. . . . .manucaptus est { Willelmum Bilegad  
per { et  
Henricum Wyny  
.....manucaptus est per { Willelmum . . . s de Creekelad  
et  
Willelmum Bilegad de  
eadem

.....Thomas le Mercir et Henricus le Abbod manuceperunt Ham.....

.....Bu[r]gi Merlebergie

.....de B[er]khamstede cum eodem

.....Henricus de Berkele

.....Thomas Walkelin et .....

.....em et Hugo Guldeu

[The remainder is wanting.]

## *Early Prize Jurisdiction and Prize Law in England*

### PART II.<sup>1</sup>

QUEEN ELIZABETH died on 24 March 1603, but peace was not formally made with Spain until 19 August 1604.<sup>2</sup> Negotiations however with a view to peace had been instituted soon after James I's accession, and by a proclamation of 23 June 1603<sup>3</sup> it was declared that captures made at sea after the preceding 24 April should be restored, and that armed ships set forth against the Spaniards after the date of the proclamation should be dealt with as pirates. A ship captured after 24 March and brought to Devonshire was ordered to be delivered to the captors without sentence, upon the vice-admiral being satisfied that the capture was lawful, and that the king's and admiral's dues had been paid.<sup>4</sup> Further proclamations consequent upon the cessation of war were issued: on 30 September 1603, against piracy; on 1 March 1605, recalling English seamen serving foreign princes; and on 8 July 1605,<sup>5</sup> against foreign ships fighting in English waters. The last, aimed at the Dutch and Spaniards, who were still at war, embodies an important rule of modern international law; it declared that if two foreign ships, being enemies, were lying in an English harbour, and one of them got under way, the other was not to be allowed to sail for 'a tide or two'; and that foreign ships of war were not to be allowed 'to relieve themselves with any warlike provision' or to victual in England, or to stay in her ports, for more than twenty days. The violation of neutral territorial waters, as will be seen below, was shortly to become a burning question.

On 6 December 1603<sup>6</sup> Nottingham writes to Sir Julius Caesar as to some prizes lately brought home by the East India Company; he is directed to pass sentence of condemnation,

the merchauntes having nowe compounded with me for my tenthes . . . and with such contentment unto them as maie gyve encouragement unto

<sup>1</sup> See *ante*, vol. xxiv. pp. 697 ff.

<sup>2</sup> Dumont, v. pt. 2, p. 32.

<sup>3</sup> Rymer, xvi. 516.

<sup>4</sup> Exempl. 35, no. 18. Exemphifications, Libels, Miscellanea, Acts, Examinations. Oyer et Terminer, Instance Papers, and Interrogatories, referred to in these notes are among the records of the High Court of Admiralty at the Public Record Office.

<sup>5</sup> State Papers Dom. Jac. I. lxxiii. 46, 98, 105.

<sup>6</sup> Exempl. p. 1, no. 51.

their further proceedings in so worthie and commendable an enterprize as they nowe have sett on foote.

Whether these prizes were taken from the Portuguese before the termination of the Spanish war, or whether they were taken under commissions to capture pirates and others interfering with the Company's trade does not appear. Examples of the commissions granted by James to commanders of the Company's ships,<sup>7</sup> show that, whilst deprecating with much verbiage unprovoked attacks upon Spanish and other foreign ships, they expressly authorised and enjoined reprisals when attacked. The claim of the Portuguese, and afterwards of the Dutch, to a monopoly of the trade led to frequent conflicts in Eastern seas, and captures made by the English Company were probably not scrutinised too closely by the admiralty court. The attack upon the Portuguese at Ormuz in 1621<sup>8</sup> was made the pretext for a demand by James and Buckingham upon the company for 20,000*l.*, nominally as tenths of prizes taken, but in fact as a bribe to procure the release of the Company's ships, which had at Buckingham's instigation been arrested for piracy by the admiralty court. A commission<sup>9</sup> had in 1623 issued to Sir Julius Caesar and others to redress spoils committed by the Company's upon Spanish ships, but nothing further is heard of it. In 1627<sup>10</sup> there is a sentence against the captain of the Company's ship 'Royal Exchange,' condemning him in the value of 8450 dollars captured in Portuguese carracks which, as the sentence states, attacked him and had to be captured in self-defence; the captain however had omitted to account to the Company for the dollars; hence the suit.

The doctrine involved in the 'rule of 1756' seems to have been laid down by Venice a century and a half before England had occasion to insist upon it. In 1604<sup>11</sup> the Venetian ambassador wrote to the doge and senate touching two Venetian ships which had been captured south of the line by the Dutch. They were trading with Spanish licences between Spanish America and Spain, and had been condemned by the Dutch court as good prize, upon the ground that by taking licences from Spain for a trade which was prohibited to non-Spanish ships, Venice had made herself an ally of Spain, then at war with the Hollanders. In 1630 Charles I enforced a similar rule against neutrals carrying on the coasting trade of Spain.<sup>12</sup>

In 1607<sup>13</sup> a Hollander was arrested with money on board claimed

<sup>7</sup> Pat. 8 Jac. I. pt. 30; Pat. 9 Jac. I. pt. 8; *ibid.* pt. 9; Pat. 10 Jac. I. pt. 25.

<sup>8</sup> Gardiner, *Hist. of Engl.*, cabinet ed. v. 237. The receipt for Buckingham's share, 10,000*l.*, is in *Miscell.* 1139; *State Papers*, Spain 30, f. 285.

<sup>9</sup> Pat. 20 Jac. I. pt. 16, no. 7.

<sup>10</sup> *Libels*, 84, no. 50.

<sup>11</sup> *Cal. of State Papers, Venice*, 1603-7, nos. 184, 221.

<sup>12</sup> See below, p. 258.

<sup>13</sup> *Exempl.* 37, nos. 83, 151, 152.

by a Frenchman. The reason for the arrest does not appear; perhaps the ship was charged with piracy, for Nottingham, the lord admiral, claimed the money as belonging to himself. Yielding however to the importunity of the French ambassador, he directed the judge to restore it to the claimant, one Thibault—'he acknowledging that it proceedeth of my guifte, and not of any right the French have thereunto.' In 1615<sup>14</sup> a Dutch pink, which had been captured first by a Swede, secondly by a Dane, and thirdly by English pirates, was arrested by admiralty process and claimed for the lord admiral as pirate goods. Before sentence a certificate was obtained from Caron, the States' ambassador, consenting to condemnation on the ground that it was not possible to trace the true owner.

The peculiarities of English law, and the conflict which was raging at this time between the courts of common law and admiralty, were the cause of much friction between James I and foreign courts. In 1604 the Venetian ambassador complains of the English law with reference to the capture of Venetian ships by English pirates: 'If you proceed against the person of the thief, you may not proceed against his property, and *vice versa*.' James could give him no comfort, while regretting that such was the barbarous law of England. The fact seems to have been that, being offered a warrant for the arrest of one Pearce, who had seized a Venetian ship, the ambassador refused it, unless the ship was forthwith restored and sent to Venice, which, as Caesar said, 'our law will not permit.'<sup>15</sup> Prohibitions to the admiralty from the common-law courts were another obstacle to the course of justice. Throughout Elizabeth's reign they had occasionally issued, and in 1601 four cases of spoil (piracy) were stayed by prohibition;<sup>16</sup> after her death, and particularly after the accession of Coke to the chief justiceship of the common pleas in 1606, prohibitions in spoil cases became frequent; in 1609 a suit in which the Venetian ambassador had obtained sentence in the court of delegates against the notorious John Ward and others for plundering the 'Rhenera Soderina' was put an end to by prohibition.<sup>17</sup> The king retaliated by ordering the officers at the ports to execute sentences of the admiralty, and to restore goods adjudged to have been illegally captured, 'all prohibitions or inhibitions graunted out of any of His Majesties' courts notwithstanding';<sup>18</sup> and proclamations of 30 September 1603 and 8 June 1608<sup>19</sup> against piracy contain similar words.

<sup>14</sup> Miscell. 1130.

<sup>15</sup> Lansdowne MS. 140, f. 290. A ship containing goods of the ambassador was robbed in 1603; *ibid.* f. 319.

<sup>16</sup> *Select Pleas in the Court of Admiralty*, vol. ii. p. lv; they were afterwards withdrawn.

<sup>17</sup> Venetian ambassador c. Brooke, Libels, 73, *passim*; Delegates' Sentences, bundle 4, *ad finem*; the prohibition is noted in Miscell. 1150.

<sup>18</sup> Miscell. 1130, 20 July 1607.

<sup>19</sup> State Papers Dom. Jac. I. lxxiii. 46; *ibid.* clxxxvii.

The prevalence of piracy in the Mediterranean is a feature of the early part of the seventeenth century. The absence of any controlling force in those waters and the growing power of the piratical Moorish towns on the African coast, which supplied a lucrative mart for the sale of captured ships and cargoes, attracted to the Mediterranean a number of English and other European seamen who had been brought up in semi-piratical habits, and by the termination of the Spanish war were left without an occupation. These men now flocked to the Straits, and soon spread themselves over the Mediterranean, where English, Spanish, Turkish, Venetian and Tuscan ships were preyed upon without discrimination. The booty was taken to Algiers or Sallee, there sold to Moorish and other buyers, and much of it afterwards found its way to English and other European ports. The Moorish marts were driving a lucrative trade even in Elizabeth's reign; in or about 1602 Nottingham wrote to Caesar that letter-of-marque men were not to be allowed to make captures in the Mediterranean, or to sell their prizes in Morocco or elsewhere than in England.<sup>20</sup> The disorder was increased rather than lessened by James I authorising the lord admiral to grant to English ships licences to capture pirates:<sup>21</sup> 'I have perused the commissions drawne by you for the Levant merchantes and doe like them well,' writes Nottingham to Dun on 29 December 1609.<sup>22</sup> In 1617<sup>23</sup> English ships were, with or without the consent of James, taking service under the Venetian government against Spain. The 'voyage de conserve' or association of ships sailing in company for mutual protection was in use in the Mediterranean, probably later than elsewhere. In 1617<sup>24</sup> there are sentences of the admiralty court condemning the masters of the 'Jonas' and the 'Bernard' in heavy damages for deserting the 'Truelove,' a ship of their company, whereby she was captured by Turkish pirates.

A few letters of marque of the early seventeenth century granted by foreign princes are among the admiralty court records. Two, of 1622 and 1624<sup>25</sup> respectively, granted by the prince of Orange, are very similar to the English form; but instructions which accompany the later one contain provisions not to be found in the English instructions. They authorise attack upon the enemy's country as well as upon his ships; torture of prisoners is forbidden; prizes are apportioned between the state, the admiral, and the captors; and in certain circumstances the bearer is required to put himself under the orders of the admiral. The last provision was adopted

<sup>20</sup> Exempl. 35, no. 110.

<sup>21</sup> Pat. 8 Jac. I. pt. 12, m. ult. d. The 'Charity' Miscell. 1140; the 'Trinity Stapers,' Exempl. 39, no. 26; the 'Fellowship,' Acts, 29, f. 374, had such licences; others for Sir William St. John's and Sir Humfrey Slaney's ships are in Miscell. 1139.

<sup>22</sup> Exempl. 39, no. 25.

<sup>23</sup> *Cal. of State Papers, Venice*, 1617-9, pp. 95, 188, 451.

<sup>24</sup> Libels, 79, nos. 128, 129.

<sup>25</sup> Miscell. 1140 and 1141.



in some of the English instructions of the Commonwealth period. A Dunkirk's commission of 1633,<sup>26</sup> signed by the archduchess, is short and vague; it directs the bearer '*faire au traffique et navigacion de l'ennemy tout le dommage et hostilité qu'il pourra.*' No French or Spanish letters of marque of this period have been found, but instructions to his captain by the owner of a Spanish letter of marque of 1633 are extant.<sup>27</sup> A commission of 1658<sup>28</sup> by the king of Sweden to an Englishman to command the 'Employment' against his Danish and Dutch enemies is introduced by these words: '*Quocirca considerantes quantum ad frangendum hostium vires faciat si durante hocce bello maria et freta ipsis intuta ac variis nostrorum incursionibus infesta redderentur.*'

In or about 1613<sup>29</sup> a Spanish ship was brought to England as prize by one Palaschy or Palaschio, a Jew, in a Barbary ship manned partly by Dutchmen. The Spanish ambassador demanded and obtained their arrest as pirates. The States' ambassador intervened and pressed for their release. Palaschy held, he said, a commission from the prince of Orange, and was besides ambassador to the States from the king of Morocco, who was also at war with Spain. Coke, Caesar, and Dun, the judge of the admiralty, were consulted, and advised that criminal proceedings could not be taken against Palaschy, and that the Spanish ambassador must take civil proceedings against the ship. Palaschy was kept in semi-arrest—*sub libera custodia*—and the matter was referred by the Council to the judge of the admiralty, with the chief justice and the master of the rolls as assessors. Palaschy was subsequently released, and the ambassador commenced a suit for spoil against him, claiming 30,000*l.* damages. Thereupon Palaschy instituted a cross suit against the ambassador for damages alleged to have been suffered by subjects of his master, the king of Morocco, at Mamora by the destruction of their ships there by the Spaniards; the fact being that Mamora, a notorious nest of pirates, had recently been attacked by the Spanish fleet. The ambassador thereupon wrote an indignant letter to James complaining of insults which he said he had suffered at the hands of the judge of the admiralty, and refused to be a party to further proceedings in that court.<sup>30</sup> Probably it was in consequence of these and previous<sup>31</sup> Spanish complaints that in 1616<sup>32</sup> Drs. Steward and Amie were directed to hear Spanish spoil cases apart from Sir Daniel Dun. In 1623<sup>33</sup> a Dutch ship with a crew mostly English captured close to England a corn ship, probably neutral, bound to Spain, and brought her to

<sup>26</sup> Miscell. 1147.<sup>27</sup> *Ibid.* 1141.<sup>28</sup> Libels, 114, no. 20.<sup>29</sup> Acts, 29, f. 19*d*; Miscell. 1129; Exam. 109, 17 Nov. 1615; Oyer and Terminer, 45, 22 March 1614; Harl. MS. 287, f. 267.<sup>30</sup> Lansdowne MS. 152, ff. 344, 348.<sup>31</sup> Exempl. 37, no. 78.<sup>32</sup> Acts, 29, f. 149.<sup>33</sup> State Papers Dom. Jac. I. cxxxix. nos. 88, 108.

Helford, where the corn was sold without paying custom. The king was advised that the case was for the admiralty court, and that the ship 'of right belonged to the admiral.' In the following year the vice-admiral for South Cornwall suggests that leave may be given to Dutch captors to sell their prizes at Fowey, adding that the lord admiral will thereby profit by receiving his tenths, and that captors will be encouraged 'to bring the Barbary and Irish markets to England.'<sup>34</sup>

The termination of the Spanish war with England and its continuance with Holland soon led to conflicts between Spanish and Dutch ships in English waters. In the previous century the sanctity of her neutral waters had been enforced on several occasions. In 1528<sup>35</sup> a Frenchman chased a Fleming up the Thames as far as the Tower, and there boarded and captured the Fleming. Sir Edward Walsingham, lieutenant of the Tower, arrested both ships with their crews; the matter had to be arranged by the Council. In 1559<sup>36</sup> a French ship was condemned as a pirate for attacking some Flemings in English waters:

it is against the lawe and the treatye, as I do remember [writes Dr. Lewes to Cecill], that in time of warre one ennimye shall annoyne thother within the territorye or jurisdiction of any prince that is friende to both; the Flemynge beyng within the lymyts of this realme were in like case and defense as the subjects of the same.

In 1568<sup>37</sup> a ship captured by a Frenchman in Plymouth Sound was restored to her owners.

Although the inviolability of neutral waters was recognised as a general principle, many questions as to the rights of a belligerent in the narrow seas and elsewhere were quite unsettled. In the sixteenth century an opinion was given by civilians that letters of reprisal were effective only in the waters of the prince who issued them.<sup>38</sup> As soon as the Spanish war ended, questions arose as to the status of a prize brought by a Dutch or Spanish captor, or driven by weather, into an English harbour. There is extant an opinion of Albericus Gentilis of the year 1605 that in such case the property in the prize reverted to the original owner; and Spanish ships captured by the Dutch appear to have been arrested at the instance of the Spanish ambassador and claimed by him on this footing. But a more pressing and a practical difficulty faced James immediately upon his accession, and that was how to put a stop to fighting between the Dutch and the Spaniards in his own harbours. In 1603<sup>39</sup> two men out of a Spanish ship were pursued

<sup>34</sup> Hist. MSS. Comm., *Coke MSS.* i. 168.

<sup>35</sup> Add. MS. 12496, f. 403, a note in Caesar's hand.

<sup>36</sup> State Papers Dom. Eliz. iv. no. 51.

<sup>37</sup> *Ante*, vol. xxiv. p. 688.

<sup>38</sup> Lansdowne MS. 139, f. 112.

<sup>39</sup> Winwood, ii. 7.

by Dutchmen and seized ashore near Sandwich ; in 1604<sup>40</sup> a Dunkirker fired upon a Hollander in Dover harbour, and a ship was carried off from Lowestoft to Rotterdam ;<sup>41</sup> in the next year<sup>42</sup> some ships with Spanish soldiers on board, having been attacked by the Dutch in the Channel, were driven into Dover, where the fight was continued, and only stopped by the guns from the castle. It was doubtless in consequence of these and similar outrages that the proclamations already mentioned were issued. Later on in the same year, 1605,<sup>43</sup> goods captured in Dutch ships by Dunkirkers were sued for by their owners in the English admiralty court, and sentence passed for their restitution ; the sentences state that the goods were '*illegitime capta . . . prope portum de Orford Ness in oris maritimis hujus regni Anglie atque infra portum sive cameram maritimam domini nostri regis*' ; or '*infra jurisdictionem et protectionem domini nostri regis communiter appellatam cameram domini nostri regis.*' Commissioners had lately been appointed to define the limits of the king's 'chambers,'<sup>44</sup> and one of the sentences refers to the fact.

In 1606<sup>45</sup> sentence passed condemning the owner of a Dunkirker in 1480*l.* damages for capturing the 'Crane,' of Amsterdam, in Harwich harbour ; execution however was stayed until the king's pleasure should be declared. The truce of 1609 between Holland and Spain put an end for a time to this particular trouble, but with the renewal of the war in 1621 it arose again in a more serious form, and ultimately had not a little to do with Charles I's extravagant claim to the sovereignty of the sea and the equipment of the ship money fleets. In 1623<sup>46</sup> two Dunkirkers, who were harrying the Dutch herring fleet, being chased by a Dutch man-of-war, took refuge in Aberdeen and Leith harbours. In the heat of the pursuit the Dutchman continued firing upon her chase after entering Leith harbour, and some of the balls struck houses in the town. In order to prevent her from renewing her attacks on the herring busses the Dutchman took up a position so as to prevent the Dunkirker from sailing. James remonstrated against this violation of his waters, and demanded that the Dutchman should not sail within two tides of his prey. His demand was rejected, and awkward questions were asked by the Dutch government as to the limits of English waters, and particularly whether the Downs were included in them. At last the Dunkirker, tired of lying in Leith harbour, tried to escape, and in doing so got ashore. The Dutchman thereupon opened upon her a furious cannonade, and finally, after her crew had aban-

<sup>40</sup> Lansdowne MS. 150, f. 297.

<sup>41</sup> Winwood, ii. 36.

<sup>42</sup> *Ibid.* p. 82.

<sup>43</sup> Libels, 70, no. 52 ; 71, nos. 142, 212 ; cf. Lansdowne MS. 144, f. 133.

<sup>44</sup> Selden, *Mare Clausum*, p. 336 ; State Papers Dom. Jac. I. xiii. no. 11.

<sup>45</sup> Libels, 71, no. 154 ; Hist. MSS. Comm., *Montagu House MSS.* i. 60.

<sup>46</sup> Gardiner, v. 79 ; Stowe MS. 133, f. 149 ; State Papers, Holland, lxxv.

doned her and King James' flag had been hoisted on her as a wreck, set her on fire. During the cannonade a man standing on Leith pier was killed.

During the next ten years similar outrages took place on the eastern coast of England. In 1631<sup>47</sup> a Hollander chased a Dunkirker out of the 'river of Faversham' into the Thames for two hours, all 'within his majesty's beacons.' In 1633<sup>48</sup> two Dutch traders and a Dunkirker were at anchor off Margate; the Dutchmen got under way, and the Dunkirker followed them up the river. One escaped by running up the Swale, and the other ran ashore at Sheppey to escape capture. The latter sent a boat to Gravesend, where a Dutch man of war was riding, to get help, and returning with some soldiers from the man of war captured the Dunkirker off Leigh. The latter took proceedings in the admiralty court against the captains of the Dutch man of war and the trader for restitution and damages, and sentence passed in his favour. In the same year<sup>49</sup> three Dunkirkers were captured by a Dutchman off Deal; the latter was fired upon from Deal castle. In 1634-5<sup>50</sup> there were sentences or decrees of the admiralty court against Dutchmen for seizing goods in Hamburgh and English ships in the Thames estuary. In 1635<sup>51</sup> a Dunkirker chased a Dutchman into Dover roads and would have captured her under the guns of the castle but for the intervention of the crew of an English ship. In the same year,<sup>52</sup> a Dutchman chasing a Dunkirker off Scarborough drove her ashore; the former landed some of her crew and carried on the fight on the land. To punish this outrage a Dutch man of war that happened to be off the coast was seized by one of the king's ships, and this was followed by counter reprisals by the Dutch. In the same year, 1635,<sup>53</sup> a Dutchman chased a Dunkirker into the Helford river and there plundered her; the local vice-admiral arrested the Dutchman by putting the mark of the broad arrow on her mast, and proceedings were taken against her in the admiralty court; by the king's orders she was sold to recompense the Dunkirker. In 1639,<sup>54</sup> when Oquendo's fleet was riding in the Downs watching Tromp's more powerful Dutch fleet, Sir John Pennington, with an English squadron, had orders to keep the peace between them. That roadstead is in places five miles wide, and some of the ships may have been well out of gunshot from

<sup>47</sup> Libels, 91, nos. 196, 229; 92, no. 111; Exam. 50, 21 and 26 Oct. 1633.

<sup>48</sup> Exam. 49, 23 Nov. 1631.

<sup>49</sup> Stowe MS. 133, ff. 275, 278.

<sup>50</sup> Libels, 93, nos. 83, 98; 94, no. 149.

<sup>51</sup> State Papers Dom. Chas. I. cxc. nos. 25, 34, 38; *ibid.* cxcviii. no. 71.

<sup>52</sup> Gardiner, vii. 389; State Papers Dom. Chas. I. cxcv. no. 71; *ibid.* ccciii, no. 107, probably refer to this case. The Hollanders seem to have obtained leave to pursue 'pirates' into undefended harbours of Ireland and Wales; State Papers, Holland, lxxviii. 106, lxxii. 144, lxxiii. 29.

<sup>53</sup> Libels, 94, no. 71; Miscell. 1141.

<sup>54</sup> Gardiner, ix. 60.

the shore; the question of the king of England's jurisdiction over these waters had, as we have seen, been raised by the Dutch some years before, but on this occasion Tromp had to yield to superior force, and Charles' claim to the sovereignty of the narrow seas was allowed to pass unchallenged. Exaggerated as his claim was, the outrages of the last few years show that a display of force was necessary, and that his 'ship money' fleets were not sent to sea without reason. As late as 1644<sup>55</sup> a Yarmouth townsman was killed by a shot from a Dutchman who had chased a Dunkirker into the harbour.

In the closing years of James' reign he was preparing for war, and in 1622<sup>56</sup> and two following years proclamations were issued recalling English seamen who were serving foreign princes. On 4 February 1625<sup>57</sup> letters of reprisal against Spain and the United Provinces were authorised, and instructions similar to those of 1585,<sup>58</sup> which were evidently used as a precedent, were issued, but with certain additions. They are eleven in number, and the additions are Art. 2, which authorises captures in any river, port, or creek, as well as at sea; Art. 5, which provides for the sale of perishable cargoes before adjudication; and the last Article (un-numbered), which provides that such part of the prize goods 'as shall countervail the losses, costs, and damages of the takers' shall be delivered to them, and that the residue shall be sequestered for the use of the owners. The last provision was in practice a dead letter; scarcely a case has been found in which any part of a reprisal prize was restored to her owners.<sup>59</sup>

War with Spain broke out in the year of Charles' accession, and on 7 April 1625<sup>60</sup> Buckingham, the lord high admiral, received a commission to issue letters of marque. At the same time letters of marque against Holland were contemplated, but a treaty of alliance was concluded in the same year and they appear never to have issued. Instructions similar to those of the previous February are dated 3 November 1625.<sup>61</sup> On 20 December Charles ratified the treaty of Southampton<sup>62</sup> between England and the United Provinces, by which (Art. 20) munitions of war and victuals—*munitions de bouche et de guerre*—silver, leather, iron, lead, and ship materials destined for Spain were declared contraband; it was

<sup>55</sup> Instance Papers, 5.

<sup>56</sup> State Papers Dom. Jac. I. clxxxvii.

<sup>57</sup> *Ibid.* clxxxiii. no. 60.

<sup>58</sup> *Ante*, vol. xxiv. 689.

<sup>59</sup> The sentence in Polhill's case (1630) mentioned below possibly contemplates restitution of a surplus.

<sup>60</sup> State Papers Dom. Chas. I. i.] no. 39; Rymer, xviii. p. 12; State Paper Doquets, xiii. 2 April 1625.

<sup>61</sup> Miscell. 1414, f. 28; State Papers Dom. Chas. I. ix. no. 17 is a draft with alterations in Nicholas' hand adapting them to French captures, and providing for the appropriation of prizes made before Buckingham's death to his estate.

<sup>62</sup> Dumont, v. pt. 2, p. 478.

further agreed that ships carrying contraband should, together with their cargoes, be good prize; and all trade relations between England or Holland and Spain were prohibited. In pursuance of the treaty a proclamation issued on 24 December<sup>63</sup> prohibiting trade with subjects of the king of Spain or the archduchess on pain of forfeiture of ship and cargo, and ships of or over sixty tons were forbidden to go to sea unless they were fully armed. Notwithstanding the plain words of the treaty, this proclamation was a few months after its issue explained away by another of 2 April 1626,<sup>64</sup> which declared that it was not meant to prohibit all trade, and that ship-owners were at liberty to trade with Spain and the Netherlands 'so as they do not hazard their ships or expose them to be seized upon in any of the ports or territories of the king of Spain or the Archduchess,' and so that they carry no victuals or war material to the enemy.

On 31 December 1625<sup>65</sup> Charles issued a proclamation specifying goods liable to seizure; they were

any manner of grain or other victuals, or any manner of provisions to serve to build furnish or arm any ships of war, or any kind of munition of war, or materials for the same, not being of the nature of mere merchandise.

Difficulties having arisen as to the meaning of these words, a further proclamation issued on 4 March 1626<sup>66</sup> specifying as contraband

ordnance arms powder shot match brimstone copper iron cordage hemp sail canvas Danzic pouldavis cables anchors masts rafters boat oars balks capraves deal board clap board pipe staves vessels and vessel stuffe pitch tar rosin okam corn grain and victualls of all sorts all provisions for shipping and all munitions of war or of [*sic*] provisions for the same.

The same proclamation declares not only the ship and contraband cargo on board to be good prize, but also the ship and her cargo on the return voyage from Spain, if the cargo had been bought with proceeds of a contraband cargo on the outward voyage. Further encouragement to privateering was given by orders in council of 28 April<sup>67</sup> and 7 July 1626.<sup>68</sup> By the former it was directed that bonds for good behaviour, which had previously been fixed at 2000*l.*, should at the discretion of the judge be taken in a less sum; by the latter, that if a prize was taken upon an outward voyage and could not be brought to England, the bond should not be forfeited merely because bulk was of necessity broken abroad.

The proclamation of 31 December 1625 contained a wordy justification of its stringent provisions as to contraband by appeals to the law of nations, and to the practice of Elizabethan times and

<sup>63</sup> Rymer, xviii. 251, 252.

<sup>65</sup> Rymer, xviii. 259.

<sup>67</sup> Miscell. 1422, f. 40.

<sup>64</sup> Miscell. 1133.

<sup>66</sup> *Ibid.*, p. 856.

<sup>68</sup> *Ibid.* 1416, f. 38.

of modern princes. The supply of war material by a neutral to a belligerent was particularly objected to,

it being neither agreeable with the rules of polycie or law of nations to permitt the said King [of Spain] or his subjects to be furnished or supplied with corne victual arms provisions for his shipping navye or arms, if the same can be prevented.

Difficulties however soon arose out of captures of French ships with cargoes for the Spanish Netherlands. These goods were unloaded at Calais, and from there passed into the Netherlands. The 'St. Peter' of Havre<sup>69</sup> is one of the cases that gave most trouble. The action of the admiralty judge was interfered with and controlled by the Council; conflicting orders were received by him, first to detain and then to restore her cargo with or without adjudication. There was some money on board her in the custody of the court, and before the order to restore it could be carried out France had arrested English ships by way of reprisal. Sir Henry Marten,<sup>70</sup> strongly resented the interference of the Council in these cases, making, as it did, the process of his court an instrument for the aggrandisement of the crown. It was probably on account of the trouble which arose out of this and similar cases that on 11 July 1626<sup>71</sup> a commission issued to Sir John Coke, Sir Julius Caesar, Sir Henry Marten and others to inquire and report as to certain doubtful points of prize law, directing them to search the records and to certify what had been the practice of England and of other nations. No report made or proceedings taken by the commissioners have been found.

Upon the death of Buckingham the office of lord high admiral was put into commission, which necessitated a new authority to issue letters of marque, and on 20 September 1628<sup>72</sup> the commissioners were authorised to issue them accordingly. Fresh instructions for privateers were issued on 30 September;<sup>73</sup> they are almost identical with those of the previous year against France,<sup>74</sup> but an additional article (No. 11) provides that security should be taken for the payment of the king's tenths. Accounts rendered by the receiver of tenths show that they were regularly paid into the exchequer, non-payment being punished by proceedings taken in the admiralty court and forfeiture of the prize. On 19 June 1629<sup>75</sup> the Council ordered that a clause should be inserted in all letters of marque that no captures were to be made within the Straits. This was in consequence of complaints made by the Levant Company of losses suffered by them by the irregular proceedings of English ships in those waters, which had led to reprisals by the

<sup>69</sup> Gardiner, vi. 40.

<sup>70</sup> State Papers Dom. Chas. I. ix. no. 32.

<sup>71</sup> Rymer, xviii. 731.

<sup>72</sup> Pat. 4 Chas. I. pt. 23, no. 30 (Spain); *ibid.* no. 31 (France).

<sup>73</sup> Miscell. 1416, f. 1; *ibid.* 1141.

<sup>74</sup> See below, p. 255.

<sup>75</sup> Miscell. 1140.

Mediterranean powers. In 1632<sup>76</sup> the owners of the 'Rainbow' recovered damages in the admiralty court against the owners of the 'Golden Cock' because of the arrest at Constantinople of their ship by the Ottoman sultan; the 'Rainbow' had been arrested in reprisal for the seizure by the 'Golden Cock' of sugars and other goods on board a Spanish ship which was being taken to Constantinople by Spanish captors as prize. In 1628 Sir Kenelm Digby was capturing ships in the Mediterranean under a commission, not in the usual form of letters of marque, but issued by the king under the great seal. It authorised him in vague terms to set out on a voyage 'tending to the service of us and our realme and to the increase of his own knowledge,' and to capture the ships of any prince not in amity with England; as originally drawn it gave him power to administer martial law over his crews.<sup>77</sup> This novel form of commission was strongly objected to by Sir Edward Nicholas on the ground that it infringed upon the office of Buckingham, his master;<sup>78</sup> and a new commission, omitting the power of life and death, was issued. How Digby executed this commission by indiscriminate captures at Scanderon and elsewhere, and the trouble that ensued with Mediterranean powers is told in his own journal<sup>79</sup> and in the State Papers. A precedent for Digby's commission existed in one which shortly before had been issued to the earl of Warwick,<sup>81</sup> which again was founded upon a similar commission said to have been issued to the earl of Cumberland by Elizabeth. Warwick's commission however differed from Digby's in referring to losses suffered by the former at the hands of Spaniards and Dunkirkers; it was intended to contain an authority, not only to capture ships, but to invade the dominions and possessions of the king of Spain or the archduchess in Europe, Africa, or America.<sup>81</sup>

Letters of marque issued under the commission of 1628 provided that security should be given not to spoil friends, especially ships of Guernsey, Jersey, Algiers, Tunis, Sallee, and Tetuan; also that three or four of the company of the prize, including the master and pilot, should be brought to England to prove the property.<sup>82</sup> The clause as to Barbary ships was inserted under Orders in Council of 17 September and 22 October 1628.<sup>83</sup> Two years before,<sup>84</sup> in answer

<sup>76</sup> Libels, 90, no. 183; State Papers Dom. Chas. I. 30 October 1629.

<sup>77</sup> Coll. Sign Manual Chas. I. iv. nos. 5, 26; Rymer, xviii. 947.

<sup>78</sup> 'An extravagant and unreasonable commission,' Egerton MS. 2541, f. 86; State Papers Dom. Jac. I. cexv. 50, 64; State Papers Dom. Chas. I. lxxxiv. nos. 43, 44, 79. He appears to have taken out also letters of marque in the ordinary form, Miscell. 1414, f. 85.

<sup>79</sup> *Sir Kenelm Digby's Voyage*, Camden Soc. 1868.

<sup>80</sup> State Papers Dom. Chas. I. lvii. no. 49; Pat. 4 Chas. I. pt. 32, no. 4, where the date is 1 December 1628, but it was authorised on 18 March 1627.

<sup>81</sup> *Ibid.* lx. no. 37.

<sup>82</sup> Miscell. 1416, f. 4; cf. Rymer, xix. 2, as to the Barbary ports.

<sup>83</sup> State Papers Dom. Various, no. 10, f. 95.

<sup>84</sup> Miscell. 1422, f. 54.



to an inquiry by Marten 'in what quality and condition their lordships do hold those of Sallee?' the Council had directed him to proceed against them as pirates; probably, as with the Levant Company and the sultan of Turkey, it had been found politic to treat Algerine rovers tenderly. An indication of this occurs in 1630,<sup>85</sup> when a decree of the admiralty court put the English owner of goods that had been arrested at Sallee, in reprisal for the capture by another Englishman of a Sallee ship, into possession of the latter. In 1624<sup>86</sup> a petition was presented to the king by 1500 English captives in Algiers for delivery from captivity; they state that 150 ships had been captured by Algerines. On 19 March 1626,<sup>87</sup> in consequence of the action of France with reference to the 'St. Peter' and the contraband trade carried on by the Calais merchants, a commission was granted to Buckingham to issue letters of reprisal against France, and on 20 April 1627 letters of 'marque or reprisal'<sup>88</sup> were authorised. On 1 May<sup>89</sup> Instructions very similar to those of November 1625 issued. On 25 June<sup>90</sup> the Council ordered that claimants to captured goods should give bail for double costs and damages, and that, if their claims were found to be fraudulent, proceedings should be taken against them in the Star Chamber; foreign states giving false certificates to colour enemy goods were to have in future no credit given to their certificates. On 28 April 1627 and 15 October 1628<sup>91</sup> proclamations as to contraband similar to those of 1625 and 1628 against Spain were issued for the French war.

The prize records of the High Court of Admiralty as a separate series may be said to begin with the reign of Charles I. The volumes,<sup>92</sup> already referred to, containing a copy of the authority to issue letters of reprisal against France and Spain, contain also, together with other prize matters, a list of the ships to which letters of reprisal were issued, with the names of their masters and owners.<sup>93</sup> During the latter part of Elizabeth's Spanish war a few prize sentences are to be found in the Files of Libels, and there are no others. These are mixed up with the papers of 'instance,' or mercantile and civil cases, and the first trace of the severance, so clearly marked at the present day, between the prize and instance jurisdiction of the admiralty court begins with the war of 1625. The separation of prize from instance records was made gradually, and throughout Charles' reign prize sentences continued to be included in the Files

<sup>85</sup> Libels, 89, no. 242.

<sup>86</sup> State Papers Dom. Jac. I. clxxxvii. f. 120 A.

<sup>87</sup> Rymer, xviii. 861, 887.

<sup>88</sup> At this date the words seem to have been synonymous; and so in Pat. 4 Chas. I. pt. 23, nos. 30, 31.

<sup>89</sup> Miscell. 1415, f. 2.

<sup>90</sup> Rymer, xviii. 911.

<sup>91</sup> *Ibid.* xix. 1.

<sup>92</sup> Miscell. 1414 and 1416.

<sup>93</sup> Between 12 November 1625 and 22 April 1628 about 440 ships had letters of marque. Some of them had also licences to capture pirates.

of Libels. Those for the Spanish and French wars of 1625–1630 are to be found in ‘Libels,’ Nos. 83 to 91; they are from 600 to 700 in number, and with other papers in prize suits form the bulk of the files for those years. Condemnation of prizes had already become the rule, and was no longer, as it was in Elizabethan times, the exception. Some of the sentences condemn ship and cargo, some the cargo alone, and a few the ship alone. Most of them are merely formal condemnations of the capture as *præda legitima*, but a few give the circumstances of the capture and the reasons for condemnation; the law applied seems generally in accordance with the proclamations. During the Spanish war ships with prohibited goods on board were condemned together with the goods,<sup>94</sup> but in some cases, especially if she was French, the ship was restored as an act of grace—‘*quia . . . constat non placere S.D.N. regi ut subditi regis Galliarum occasione premissorum ultra quam necesse est paterentur*’;<sup>95</sup> and in other cases the goods only were condemned. Where part of the cargo was contraband and part free, or where part was enemy and part friends’ goods, condemnation of the former does not seem to have affected the latter;<sup>96</sup> ‘neither law nor practice hath ever bin here to confiscate the goods of friends for having enemies’ goods among them,’ and freight due for the carriage of enemy goods appears to have been sometimes paid;<sup>97</sup> but return cargoes bought with the proceeds of contraband carried to the enemy on the outward voyage were condemned,<sup>98</sup> and, as a general rule, ships resisting search, together with their cargoes.<sup>99</sup> Enemy ships and goods were condemned to the king or the captor, according as the capture was made by a king’s ship or a private man of war;<sup>100</sup> if seized in harbour by the vice-admiral of the coast they were condemned to the lord admiral and his vice-admiral,<sup>101</sup> presumably in such shares as may have been arranged between them.

During this war in undefended cases sentence of condemnation was frequently passed by a surrogate; if a claim was subsequently made the case was sometimes reheard by the judge.<sup>102</sup> One of the principal series of the admiralty court records, known as Exemplifications, during the years 1625–1630 contains little else than prize matter. The documents are mostly drafts of commissions to take

<sup>94</sup> *E.g.* the ‘Jane’ and ‘Margaret’ with corn for Terceira, Libels, 83, no. 19; the ‘Marie,’ State Papers Dom. Chas. I. dxxx. no. 54.

<sup>95</sup> Libels, 90, no. 78; this was a strong case, for the ship (‘Virgine’) had contraband on board, resisted search, and killed some of the captor’s crew.

<sup>96</sup> Libels, 84, nos. 162, 163.

<sup>97</sup> Northumberland to Leicester, 5 November 1640, *Sydney Papers*, ii. 662.

<sup>98</sup> Libels, 84, no. 471.

<sup>99</sup> *Ibid.* no. 458, *cf.* Acts; 32, f. 208, the ‘St. Luke.’

<sup>100</sup> Libels, 83, no. 19, two Spanish prizes to the ‘Samaritan’; and *passim*.

<sup>101</sup> *Ibid.* 83, no. 63; 84, *passim*.

<sup>102</sup> *Cf.* the ‘St. Peter,’ Libels, 90, no. 279; the ‘St. Ambrose,’ *ibid.* 98, no. 346.

bail for the good behaviour of ships, letters of marque, warrants to deliver to captors prize ships and goods which have been condemned, commissions to appraise and sell perishable cargoes, and orders to cite claimants. Few of these are to be found among the records of Elizabeth's reign, and their presence shows a marked advance towards a more orderly procedure in prize cases.

No trace has been found of the exercise during Charles's reign of a separate prize jurisdiction by the Cinque Ports Admiralty, and no commission appears to have issued, as in Elizabeth's reign,<sup>103</sup> to the warden to grant letters of marque. Buckingham bought Lord Zouch's rights and took a surrender of his patent as warden;<sup>104</sup> after Buckingham's death the wardenship merged in the crown, and no subsequent warden appears to have been empowered to issue letters of marque. In Scotland the hereditary lord high admiral of Scotland issued letters of marque and exercised prize jurisdiction.<sup>105</sup> In 1630<sup>106</sup> the Company of the Isle of Providence, an island lying off the coast of Central America, were by their charter granted admiralty rights, which included a power to grant letters of marque and to condemn prizes. In 1640 Captain Dell of the 'Advantage' was instructed by the Company to obtain and have registered in the island adjudication of prizes taken by him on his outward voyage.

Previously to 1628 appeals from the judge of the admiralty lay to the king in chancery. They were in practice always heard by commissioners or delegates specially appointed in each case. By 8 Eliz. c. 5 it had been enacted that the decision of the delegates should be final, but notwithstanding this act it appears that occasionally commissions to review their sentence issued upon petition to the king.<sup>107</sup> In 1628, in consequence probably of the increasing number of prize cases, a standing commission issued to the lord treasurer and six other members of the Council to hear all prize appeals.<sup>108</sup> In 1631 a special commission having issued from chancery *ex incuria*, to hear the appeal in the case of the 'St. Augustine,' a Genoese ship captured by the earl of Warwick, the commission was recalled, and by order of the Council the appeal was directed to be heard by the standing commissioners.<sup>109</sup>

In 1627<sup>110</sup> Charles wrote to the burgomaster of Hamburg that their ships with unprohibited goods on board should not be condemned, either ship or goods, merely because there were also prohibited goods on board, and that freight should be paid on the prohibited goods. Whether the Hamburgers ever had the benefit of this privilege is doubtful; no sentence has been found directing

<sup>103</sup> See *ante*, vol. xxiv. p. 687.

<sup>104</sup> State Papers Dom. Jac. I. clxx. no. 16.

<sup>105</sup> Miscell. 1422, f. 94.

<sup>106</sup> Pat. 6 Chas. I. pt. 1, no. 1; Colonial Entry Book, 4.

<sup>107</sup> See preamble to 2 and 3 Will. IV. c. 92.

<sup>108</sup> Rymer, xix. 7.

<sup>109</sup> *Ibid.* p. 300; the sentence is High Court of Delegates, Sentences, 7, no. 63.

<sup>110</sup> Miscell. 1422, f. 85.

payment of freight to Hamburg owners, and doubts were raised as to the power of the crown to alter the course of the admiralty by a letter addressed in this way to a foreign power. A similar communication was addressed to Denmark. Shortly afterwards further concessions were made to neutrals, again at the instance of Hamburg. By an Order in Council of 16 April 1630<sup>111</sup> it was declared that (1) freight should be paid upon enemy goods captured in friends' ships on voyages between Hamburg or other friends' ports and Spain, but not upon voyages from one Spanish port to another Spanish port; <sup>112</sup>(2) proceeds of prohibited goods landed and sold in Spain should not be prizable, or (3) certain specified household goods; (4) friends' goods in enemy ships were however to be good prize; and (5) a proclamation embodying these rules should be issued. No such proclamation has been found; probably the peace of 1630 made it unnecessary. With regard to the Hamburgers' demand that freight upon prohibited goods should be paid, it may be noticed that in 1601,<sup>113</sup> Nottingham gave to the duke of Tuscany, who had made a similar demand, a certificate that since 1589 no freight had in such a case ever been paid. In 1628<sup>114</sup> a proclamation issued that crews brought to England in captured ships should not be allowed to go at large, and that they should be kept in prison at the expense of the captors until they were ransomed or exchanged.

Peace was concluded with France on 10 May 1629, and captures made within two months of 14 April by ships of either side were restored.<sup>115</sup> In the following year, on 1 December 1630,<sup>116</sup> peace was made with Spain, but Spain and Holland remained at war, and the treaty<sup>117</sup> between England and Spain prohibited all trade by Englishmen between Holland and Spain; it contained a provision (Art. 16) that English goods in a Dutch ship and Dutch goods in an English ship should be good prize to a Spanish captor. This article came under discussion in a case of 1635. A Dunkirk<sup>118</sup> had seized English goods in a Dutch ship, the 'St. Peter,' and before the prize could be carried to a Spanish port, she was arrested by process of the English admiralty court and the goods were claimed by their owners. It was alleged by the claimant that the rule of the treaty of 1630, 'enemy ship enemy goods,' had not been enforced by the Spanish admiralty court of Dunkirk against England; it was answered by

<sup>111</sup> Lincoln's Inn, Hale MS. lxxvii. (lxxxii.); cf. *Cal. of State Papers, Ireland*, 1626, pp. 117, 181, 319.

<sup>112</sup> Compare the condemnation in 1604 of Venice ships for carrying on the trade of Spain, *supra*, p. 244.

<sup>113</sup> Exempl. 34, no. 96.

<sup>114</sup> Rymer, xviii. 1035.

<sup>115</sup> Libels, 90, nos. 179, 216, 217, 236; *State Papers Dom.* Various, no. 10, f. 108. A subsequent treaty of 1632 regulated the future issue of letters of reprisal; Rymer, xx. 364.

<sup>116</sup> *State Papers Dom.* Various, no. 10, f. 137.

<sup>117</sup> Dumont, v. pt. 2, p. 621. The treaty of 1604 contained similar provisions.

<sup>118</sup> Libels, 92, nos. 223, 261; 93, no. 123; 94, no. 43.

the captor that not only by the treaty, but also by the statute and admiralty law of England, friends' goods in an enemy ship were good prize. Sentence was given against the captor for 1057*l.*, the value of the goods, as *iniuste et illegitime capta*; there was in the pleadings an allegation that the capture was in Dartmouth Bay, the king's chamber, and sentence may have gone upon this ground.

With the termination of the French and Spanish wars there was a renewal of the troubles arising out of Dutch and Spanish ships fighting in English waters. Some of these cases have been already referred to, but it was not until the publication of Selden's *Mare Clausum*, in 1636, that Charles's remedy for the nuisance was announced to the world by his claim to the sovereignty of the narrow seas. Grotius had published his *Mare Liberum* as long before as 1609, and *Mare Clausum* was written in or about 1618, when James was engaged in a dispute with Holland as to the right to fish for whales in northern seas. In 1635, when Charles was setting forth his ship-money fleet, Selden was urged to take up the subject again, and in the following year his work was published. Although it asserts a claim to maritime jurisdiction on the part of England, which has since been abandoned, it contains the principles upon which the rules of international law as to territorial waters are founded. A case of 1633 shows that English lawyers were already recognising the fact that the law of the admiralty was international, and not the domestic law of England. In that year<sup>119</sup> a Dunkirker brought his Spanish prize to Yarmouth; she was there arrested and claimed by her owners upon the ground that the capture had been made 'within the Belt, being wholly within the government and dominions of the king of Denmark, during peace between Denmark and the arch-duchess.' The 'Sampson' is a similar case of 1634.<sup>120</sup> She was a Hollander, and captured a Dunkirker, who five hours before had seized goods of one Bernard (presumably an Englishman) in the 'Fortune,' a Hamburgh ship, Bernard arrested the 'Sampson' and recovered his goods. This was probably the same 'Sampson' that about the same time was arrested by the owner of the 'Seaflower,' of London, whose ship and goods had been captured by the 'Sampson' in the Thames estuary; the goods were restored to their owner by first and second decree.<sup>121</sup>

The formal peace made with France and Spain did not last long. On 5 May 1634<sup>122</sup> a proclamation issued recalling English seamen in the service of foreign princes, a sure indication of coming troubles in which their services would be needed. In 1636,<sup>123</sup> in consequence of

<sup>119</sup> Libels, 91, no. 8 (319).

<sup>120</sup> *Ibid.* 93, nos. 83, 98; 94, no. 149.

<sup>121</sup> *Ibid.* 93, no. 83; 94, no. 129. In undefended cases the plaintiff was put into possession by first decree. Until second decree, which transferred the property, claimants could come in; cf. *ibid.* 95, no. 247.

<sup>122</sup> State Papers Dom. Various, no. 10, f. 175.

<sup>123</sup> Miscell. 1416, f. 18; Rymer, xx. 115.

captures of English ships and alleged denial of justice, letters of 'marque or reprisal' issued against France and Spain. The authority to issue them was accompanied by the usual Instructions,<sup>124</sup> which however contain some new provisions. The issue of letters of reprisal was, it is stated, no breach of the amity existing between England and Spain or France; no violence was to be done to the crews of the captured ships; a preliminary examination (afterwards called *examinatio in preparatorio*), founded upon the ship papers and the evidence of two of the crew, was to be held before any proceedings in the admiralty court; captures were to be made only at sea and not in port, except in the case of the delinquent ship herself; and, lastly, all prizes were to be brought to England. The form of a commission issued under these Instructions is extant.<sup>125</sup> It contains a long recital protesting Charles's intention to hold to and maintain the treaty of peace of 1630, and was granted to one Gregory Clements and his partners, who had proved heavy losses from Spanish captors. It would seem from the records that few other letters of reprisal were issued; most of the sentences relate to captures by Clements's ships.<sup>126</sup> In 1636 one of his ships made a capture in Dover Straits which raised the question whether it had been made in the king's chamber, and if so whether under the recent Instructions it was lawful. On one side it was alleged that it had been made under the guns of Dover, on the other that it was made nine miles from the English shore. Sentence passed for the captor.<sup>127</sup> Shortly afterwards the same captor seized in Dover harbour the 'Charles,' a French ship that had previously been captured by a Dunkirker and afterwards driven into Dover by weather. She was restored to her owners.<sup>128</sup> Clements seems to have been working his reprisals from 1636 to 1652; in 1640 his commission was revoked,<sup>129</sup> but in 1652<sup>130</sup> he petitioned for new letters of reprisal, submitting a formal debtor and creditor account against Spain and suggesting that he had not yet obtained satisfaction for his losses.

A sentence of 1637<sup>131</sup> is unusual in form and not altogether intelligible. Penthecost, the master, and Sir Samuel Rolle and others, owners of the 'Expectation' of Milbrooke, arrested their prize, the 'St. James,' a Spanish ship captured during the war of 1625-1630 by the 'Expectation' in company with the 'Unity.' The sentence condemns to Rolle and his co-owners the 'St. James' and her cargo as enemy property lawfully captured, *si iuri, titulo, et interesse in eisdem non renunciaverint et cum domino Iacobo Bagge milite pro eisdem nondum composuerint*; it states that Rolle had made no other captures and requires the king to pay to Rolle and the other owners

<sup>121</sup> Miscell. *ibid.* f. 20.

<sup>125</sup> *Ibid.* f. 26.

<sup>126</sup> See Libels, 94 to 96, *passim*; 95, nos. 6 to 15 and nos. 31 to 45; 96, no. 93. There are sentences on captures by Clements as late as 1649.

<sup>127</sup> Libels, 95, nos. 147, 212.

<sup>128</sup> *Ibid.* 96, no. 93.

<sup>129</sup> Rymer, xx. 549.

<sup>130</sup> Miscell. 1151.

<sup>131</sup> Libels, 94, no. 174.

of the 'Expectation' and the 'Unity' their expenses in fitting out those ships and in making the capture. No papers or pleadings explaining the sentence have been found, nor does it appear what the king or Bagge had to do with the matter; Bagge was at this time vice-admiral for South Cornwall.

In 1637 reprisals against ships of Dunkirk were ordered to be made by the king's ships with a view to recompense private owners who had suffered from their depredations. Sir John Pennington,<sup>132</sup> acting under orders from the Council, brought in two craft, the 'Jeromimo' and the 'St. George,' in reprisal for a fishing craft, belonging to one Brames, that had been captured by a Dunkirker; they were however successfully claimed as English-owned, and restored. About the same time<sup>133</sup> the 'St. Ambrose,' a Dunkirker that had captured the 'Salisbury,' a fishing craft belonging to the earl of Pembroke and Montgomery, was brought in by H.M.S. 'Swallow,' and other Dunkirkers were brought in by H.M.Ss. 'Leopard' and 'Victory.' All the captures were condemned as prize to the earl of Pembroke. In 1639 the 'Society,'<sup>134</sup> buss, alleged to belong to Sir John Manwood, was captured by Dunkirkers and taken to Dunkirk; she was manned wholly or partly by Dutchmen, and it is possible that the English flag was colourably made use of at this time by Dutch fishermen as a protection against their enemy.

The right of public ships to immunity from visitation and search was claimed in 1635 in the case of H.M.S. 'Victory,'<sup>135</sup> which had brought bullion from Spain, as was alleged, illegally, but in fact for the convenience and at the instance of the king of Spain.

In 1640<sup>136</sup> the 'Salamander,' a French Newfoundland fisherman, was captured during war between France and Spain by a Dunkirker under Dutch colours. She was driven by weather to Weymouth, where she was sold by the captor to one Senior. She was afterwards arrested by her French owners and claimed by them. Sentence passed in their favour upon the ground that she had never been taken by her captor *infra praesidia*, and had never been adjudicated upon by a Spanish prize court. A similar sentence<sup>137</sup> was passed against Senior in the case of the 'St. Francis,' although it was alleged that she had been condemned by a prize court at Dunkirk. This is improbable, for she was brought to Weymouth in a leaky

<sup>132</sup> Libels, 97, no. 51; 98, no. 346; 100, no. 93, order of P.C.

<sup>133</sup> Libels, 94, no. 48; 95, no. 247; 100, nos. 59, 74; 102, nos. 280, 281; 103, no. 18. Captain Fox, of the 'First Whelp,' had orders from Pennington 'not to divulge the business,' Lansdowne MS. 115, f. 271.

<sup>134</sup> Exam. 55, 1 November 1639.

<sup>135</sup> Libels, 94, no. 98. The bullion was destined for Flanders; the suit seems to have been connected with Charles's attempt to stop the money. Sentence passed against the captain of the 'Victory' for its delivery to the claimant, apparently an agent for the king of Spain, *ibid.* no. 258. See Gardiner, viii. 100, 161; *Clarendon State Papers*, i. 389.

<sup>136</sup> Libels, 103, nos. 84, 135, 179, 195.

<sup>137</sup> *Ibid.* 103, no. 257; 104, nos. 46, 74.

state, and the pleadings contain an allegation of law that if a prize 'be leakie and not sufficient to be carried home to the port where [the captor] had his commission and where he was and is otherwise bound to carry the same,' he may put into any friends' port of refuge and sell her. In both these cases Senior, who lost his purchase money, had the effrontery to claim it from the original owners of the prizes, alleging that he had ransomed the ships on their behalf, and that the captor would have burnt them, as he had others, if they had not been ransomed. In 1642<sup>138</sup> there is an instance of an English owner of a prize captured by a Dunkirker and sold by him, failing in his claim against the purchaser.

No commission from Charles I to the lords of the admiralty to issue letters of reprisal against the Dutch has been found, but it appears that they were issued on more than one occasion. One Polhill had letters of reprisal granted to him in respect of a capture in 1630 by a Dutch privateer of a Spanish prize taken by his ship the 'Willing Mind.' He took a Dutch ship named the 'Golden Wolf,' and this capture subsequently gave much trouble to the admiralty court and the English government. Its legality was contested upon several grounds: (1) that Charles had conceded to the Dutch West India Company, the owners of the 'Wolf,' the privilege of being exempt from reprisals; (2) that there had been no denial of justice in Holland; (3) that Polhill's letters of reprisal had been cancelled before the capture; (4) that the capture was not made by the ship named in the letter of reprisal; (5) that the 'Wolf' had not been brought in for adjudication.<sup>139</sup> The last point is mentioned in the sentence which reserves power to take proceedings against Polhill for the offence. There is extant an opinion of civilians that the irregularity did not invalidate the capture, the offence being against municipal and not against international or civil law. A point taken by Sir Henry Marten in a letter to Windebank, that the lords of the admiralty had no power under their commission, which was against the United Provinces, to issue letters of reprisal against ships of Rotterdam only, was apparently met by the issue of a commission to Polhill under the great seal.<sup>140</sup>

The employment of the king's ships to redress private losses, as in the case of the earl of Pembroke's fishing craft, was a novel extension of the system of reprisals; soon afterwards the process of the admiralty court was used for the same purpose in a manner of which the legality was equally doubtful. In or about 1632<sup>141</sup> a ship of the Dutch West Indian fleet gave an English ship at Falmouth a foul berth, and the latter was damaged and sunk by the Dutchman's

<sup>138</sup> Libels, 107, no. 183.

<sup>139</sup> *Ibid.* 98, no. 137. The proceedings in the suit are in *ibid.* 97, 98, and 99 *passim*. See also State Papers Dom. Chas. I. 1632-9, xliii. no. 60.

<sup>140</sup> State Papers Dom. Chas. I. ccclxvii. no. 45; Rymer, xx. 171.

<sup>141</sup> Libels, 94, no. 138, the 'Speel Jacket.'



anchor. Failing to obtain redress in Holland, the English shipowner, by warrant from the lords of the admiralty, in 1636, seized and brought to England another ship of the Dutch West Indian fleet, and instituted proceedings against her in the admiralty court. About the same time a ship of the Spanish plate fleet, against which there was no complaint, was arrested merely because she was one of a fleet to which another Spanish ship, that had spoiled an English ship in the West Indies, had belonged.<sup>142</sup> In 1635<sup>143</sup> Captain William Cobb received a commission for the 'Samaritane' and the 'Rowbucke' 'to range the seas all the world over,' especially the Indian, China, and Red Seas, as there mentioned, 'and to make purchase and prise of all such the treasures merchandise goods and commodities which to his best ability he shall be able to take of infidels or any other prince potentate or state not in league and amity with us beyond the Line Equinoctiall,' with power to 'require the aide and convoe of any of the warr shippes or marchants shippes homeward bound of our realmes or dominions with whome you shall happen to meette,' and 'to ware our collers appointed for our Royall Navie.' The ships apparently belonged to Endymion Porter, Thomas Kynaston, and Samuel Bennett, whose orders Cobb was required to follow.

In 1638<sup>144</sup> the earl of Warwick received a commission under the great seal to capture the ships and goods of any prince who denied to Englishmen free navigation in East Indian, American, or other seas, and to invade and attack the territories of any power in America or elsewhere not in amity with England. Warwick delegated his authority to Marsham, captain of H.M.S. 'Pennington,' and Marsham issued such a commission to one Shapton, captain of the 'Marcus.' The 'Marcus,' in company with the 'Victory,' captured a ship called the 'Bonaventure' off St. Domingo, alleging that she was Spanish and that the king of Spain denied free navigation to Englishmen in those seas. The 'Bonaventure' owners sued the 'Marcus' and the 'Victory' for spoil, and sentence was given against them for restitution and damages. The reasons for the sentence are not given, but from the pleadings it appears that the 'Bonaventure' was English. Formal pleadings by Spain against Warwick's proceedings under this commission were made in 1640.<sup>145</sup>

The Irish rebellion led to some captures of rebel ships and ships trading to rebel ports;<sup>146</sup> on the other side the Confederate Catholics issued commissions to capture loyalist ships.<sup>147</sup>

R. G. MARSDEN.

<sup>142</sup> Libels, 104, nos. 148, 149; 106, nos. 136, 137; cf. 101, nos. 128 to 131, the 'Dorset'; 107, no. 117; 108, no. 47, the 'St. Clara.'

<sup>143</sup> Interrog. 13, no. 31.

<sup>144</sup> Rymer, xx. 186; Libels, 104, nos. 3, 57; 107, no. 194; 108, no. 135.

<sup>145</sup> Rymer, xx. 416.

<sup>146</sup> Libels, 105, nos. 279, 280, 300, 340, 342; 106, nos. 41, 42, 45, 122, 153, 182, 187.

<sup>147</sup> Miscell. 1133, 1147.

*The Mission of Sir Thomas Roe to Vienna,*  
1641-2<sup>1</sup>

THE Peace of Prague, 1635, had provided, so far as the times permitted, a satisfactory solution of the religious and constitutional questions which were disturbing the empire. By the year 1640 it had been accepted by all the chief German estates and princes with the exception of Hesse-Cassel. Practically the only questions which were left as causes for the continuance of the 'Thirty Years' War were the claims of France and Sweden to a territorial 'satisfaction,' and of the Palatine family to the restoration of its titles and lands. Accordingly the failure of any one conference, like that of Hamburg, was really no reason for the abandonment of all efforts towards a final peace. Frederick, ex-king of Bohemia and ex-electoral Palatine, had died on 29 November 1632, and the Imperial government had never pretended that satisfaction would not be given to his son, on promising to adhere for the future to the laws and constitution of the empire. France and Sweden, too, while vigorously prosecuting the war, continually urged peace, asking only for indemnification of their expenses. The chief difficulties in the way of a final peace were, first, the duke of Bavaria, who was determined not to give up the electoral dignity or the Upper Palatinate, both acquired at the expense of the exiled Palatine house; secondly, the elector of Brandenburg, who naturally feared the danger which would threaten his house if the Swedes were satisfied by the cession of Pomerania; and thirdly, the house of Austria, which likewise dreaded to see France compensated by the cession of Alsace. With the house of Austria one must include Spain,

<sup>1</sup> Roe is said to have left a manuscript account of this mission (Wood, *Athenae Oxon.*, iii. 113, ed. Bliss), a 'Compendious Relation of the Proceedings and Acts of the Imperial Dyet at Ratisbon in the year 1640 and 1641, abstracted out of the Diary of the Colleges.' Wood says it 'is yet in MS. in the hands of Dr. Tho. Smith, of Magdalen College in Oxon, and hath this beginning, "Before I relate what was enacted," &c.' See also Watt, *Bibl. Brit.* s. v. 'Roe,' and *Court and Times of Charles I.*, vol. ii. p. 503, where Roe is said to have published the account. Carte, in a letter addressed to the Society for the Advancement of Learning (Brit. Mus., Add. MS., 6190, f. 34), refers to Latin letters and Imperial rescripts which he had read and collected.

which was bound to the Austrian Habsburgs by common family ties, and dreaded that France should be 'satisfied' perhaps with Lorraine, a land which commanded the Middle Rhine and the Spanish Netherlands.

In spite of these difficulties however it was obvious that all Germany was ready for peace and that it would not be very difficult to take away from France and Sweden all possible excuse for further prosecution of the war.<sup>2</sup> Accordingly designs for new conferences were always afoot; the last great conference of this kind before that which was finally successful at Münster and Osnabrück was the Diet of Ratisbon, in 1640-41. The foreign powers who most publicly offered their services as mediators were Pope Urban VIII and the still vigorous Christian IV of Denmark.<sup>3</sup> But circumstances had long since diminished the prestige of both these powers; England, on the other hand, in spite of the troubles which were now threatening it internally, had still weight in foreign affairs. The Great Rebellion, which broke out two years later, soon ruined this last department of Stuart efficiency. Hence the Diet of Ratisbon of 1640-41 and Sir Thomas Roe's mission thereto have a special interest of their own, as the last occasion on which England made any figure in foreign affairs until her prestige was revived again by Cromwell.

After his return from the Hamburg mission Roe remained quietly in England, struggling with the gout, which seems now to have got a thorough hold on him, and maintaining still his valuable foreign correspondence. As a reward for his services he was one of those who were considered for the vacant post of controller of the king's household, but he could not offer sufficient money, and was easily outbidden by Sir Peter Wyche, who offered 6000*l.* for it.<sup>4</sup> Roe had purchased a house at Low Leighton, in Essex, but apparently could not afford to live in it, for he writes to Secretary Vane on 7 August that he has just recovered from his sickness and is now living in a cottage near his house, to give order to his unsettled affairs.<sup>5</sup> But his friends were still eager that his services should not be wasted. Charles Lewis, the elector Palatine (as he is always called in English correspondence), urged the king to send Roe as ambassador extraordinary to the peace conference which was designed to meet at Cologne; and Charles I had agreed to do so.<sup>6</sup> Accordingly when the Imperial Diet was definitely summoned

<sup>2</sup> Bougeant, *Hist. des Guerres et Négociations* (Paris, 1767), i. 404. 'Every one thus seemed prepared for a peace; but the zeal of France and of Ferdinand was far from being as sincere as it seemed' (from the papers of Count d'Avaux).

<sup>3</sup> Ritter, *Deutsche Geschichte*, iii. 615.

<sup>4</sup> *Cal. of State Papers, Dom.*, Cave to Roe, 17 March, 1640.

<sup>5</sup> *Ibid.* Roe to Vane, 7 Aug.

<sup>6</sup> *Ibid.* Cave to Vane, 22 May. Cf. Letters on the appointment to Ratisbon 19/29 June, 25 June/5 July.

instead to Ratisbon, Roe was dispatched thither as soon as possible. The task in front of him was not likely to be easy, for even if France and Sweden turned out to be ready for compromise, Charles Lewis, the head of the Palatine house, showed no willingness on his part. According to his mother, who wrote to Roe on this point just before he left for Germany, Charles Lewis would 'never consent to have the title of emperor given to the king of Hungary,'<sup>7</sup> i.e. to Ferdinand III, who had himself summoned the Diet for the sake of peace. Some people feared that Roe's well known attachment to the Palatine house would make him uncompromising too; and it was to reassure the Imperial court on this point that the earl of Arundel, a former ambassador from England to Vienna, wrote to Count Leslie, at that time a trusted official in the emperor's service :

For the Ambassador [he said], I will give you this true account of him, according to what I protest I do verily think, he goes with all possible desire to accommodate this business. I know well he has formerly been thought to be averse, and do all ill offices to this business. But I assure you he now goes wholly the other way; for he agrees with me that the Prince Elector has never had wise nor well-disposed ministers; that he must accommodate himself to what may with honour be gotten now, and hope for the rest by further treaty; that none of his party must prattle of religion, but be quiet, and everyone charitably exercise his own.<sup>8</sup>

So Roe was ready to depart with better prospects than heretofore. But Elizabeth, queen of Bohemia, turned out to be right in saying the chances of peace were still small, for she feared that 'the Dons' faction' would again 'open the door to those old-fashioned treaties which will never end.'

As a matter of fact nearly a year was to pass before Roe was free to go to Ratisbon. The interval was occupied partly in a short mission (May 1640) to the Hague, partly in parliamentary work, for in June 1640 he sat as a burgess for the university of Oxford. He probably left England at the beginning of May 1641,<sup>9</sup> for on 28 May he wrote to Vane telling how he had passed through the United Provinces, and dealt roundly with the States' government on the way. On pushing forward through the Spanish Netherlands he had suffered some delay because his passport was not ready. There he had visited the court of the duke of Neuburg, who was an important prince now, because the treaty of Xanten (November 1614) had given him part of the Jülich-Cleves inheritance on the border of the Spanish Netherlands, and because he was

<sup>7</sup> *Cal. of State Papers, Dom.*, Elizabeth, queen of Bohemia, to Roe, 13/23 August 1640.

<sup>8</sup> *Ibid.* 9 May 1641.

<sup>9</sup> Cf. Rogge, *Brieven van Nicolaas van Roigersberch* (1901), p. 647, 27 May 1641.

related to the Palatine house.<sup>10</sup> After this Roe passed onwards by way of Cologne to Ratisbon. He is known to have been there by the end of July.<sup>11</sup> It was unlikely that a definite peace would be speedily arranged with the tardy deputies at Ratisbon, but meanwhile there was something definite for Roe to do, something which would really help the Palatine house. In the year 1638, Rupert, the queen of Bohemia's third son, had taken part in the expedition which his brother Charles Lewis, the head of the house, led into Westphalia. On 17 October the Palatine army met disaster at the hands of the Imperial troops at the battle of Lemgo, and Rupert was captured. For the next three years he remained a prisoner at Linz, the capital of Upper Austria.<sup>12</sup> Immediately on reaching Ratisbon, Roe applied himself steadily to the task of procuring his release;<sup>13</sup> and within two months he was successful. This done Roe had next to induce the deputies to set to work. From this point his unpublished account of the negotiations may be given in his own words.

On 15/25 October 1641 he sent to Vane (who received the letter at Edinburgh) a relation of his actions down to that date.<sup>14</sup> The Diet had been so dilatory at Ratisbon that the emperor had gone off to Vienna, leaving the deputies to follow him at their leisure.

Having dispatched Dunkin upon the Emperor's remove, and since had more leisure for contemplation than subject of action; and being ready to take boat for Vienna, hastened by Prince Rupert, who like a young eagle new on his wings, is longing to take his flight, I could not conteyne my thoughts, grounded upon perfect knowledge of the present condition of the state of Germanye; but have presumed under your seale and protection to present them before his majestie. The friendship you have proffered to me, and effects I have found, and the testimony of my owne conscience to myselfe gives me inward assurance that ye will assist to a good interpretation, and that the opportunitye be not overslipt which will not easily returne, for if we trust only to this treatye, it may prove a reed of Egypt to pierce the hand that leans on it and which supports the body. I am of opinion I shall not have long to stay at Vienna, though nothing is more plotted then to spinne out all this winter. For I have bene moved from the Court on the way, to sollicit a new Ambassador from Denmark and other tryalls: but I have roundly refused in my answeres: and I hope I shall avoyd all the snares, though it be true that their ministers think that they have me sure, and can lead me at their pleasure even by the nose out of good nature or ambition to doe more than they meane or I believe. And I am content in this opinion, and doe nourrish it to my

<sup>10</sup> *Cal. of State Papers, Dom.*, 18 June 1641, Vane to Roe.

<sup>11</sup> *Ibid.* Vane to Roe, 6/16 August.

<sup>12</sup> Warburton, *Mem. of Prince Rupert*, i, 86 ff.

<sup>13</sup> *Ibid.* p. 98. Cf. note from *Fairfax Correspondence*, i, 322. *Cal. of State Papers, Dom.*, 6/16 August 1641, 4/14 October, Prince Rupert to Roe, from Linz, 'since you have so happily brought this business [of my release] almost to an end.'

<sup>14</sup> *State Papers, Germany, 1636-1639.*

advantage, and in the end it will appeare who is deceived.<sup>15</sup> When this shall come to pass, I hope his majestie will dispose of me so in my age, that I may rest from this kind of travell. I have ever set mysele in the last place, and have beene the less considered for not considering mysele, but this is a fault of so honest a note, that I cannot repent of it. Yet having reposed my trust in my maker, and in the assurances of your health given me, I cannot believe that I shall at last goe to bed without a candle, or to my grave without some acknowledgement of my services in a way fitt for me, and wherein I may serve his majestie and my cuntrye usefully. If not I can dye in peace of conscience, that I have deceived no man but mysele: and so shall dye your honours most obliged and humble servait.

Roe had already written to Vane, asking that the king might send a list of definite proposals for him to offer to the Reichstag, and also that he might be allowed 20,000*l.* to distribute in judicious 'presents.' To this Vane replied on 10 October.<sup>16</sup> The king was at this time busy with Scotch affairs at Edinburgh, and naturally, as Vane said, 'doth not find wherein he can further declare himself.'

Now for employing the 20,000*l.* in rewards, his majestie conceives that a very greate summe, and which his affayres att present will hardly be able to dispenche, yet if in the prosecution of your Treatye, you shall think fitt to engage yoursele for any reasonable rewards, and upon such assured grounds as you mention, his majestie will upon intimation of your lordship, not be backward to expresse his bountye.

It may easily be imagined how difficult it would be for Roe to work under such generalities; and that, as a poor man, whose ordinary expenses even were not regularly paid by the government, he could scarcely venture to imperil his slender credit by attempting to raise the 20,000*l.* necessary for bribes, on the verbal assurance of Vane that the king would ultimately pay.

Roe's next extant letter is dated from Vienna, 3/13 November:

I am arrived at Vienna, where I received your honours letter from Raby; the reasons of my consenting to move I have largely sent you by the 8th and 15th past, which I hope with the effects of Prince Rupert's libertye, wilbe acceptable. Here I have beene entertained by the Emperour, lodged and defrayed and cannot get off untill the end of this weeke, though I have often importuned it, and am so cloyed with new ceremonies and intervisitts of all this Court and Ambassadors that I can give your honour little account of anything els. I am courted with all manner of courtesyes, to keep me in goode tune, yf it will doe it. Prince Rupert plays hunts and receives extraordinarye civilityes from ye Emperour: visitts from all ye courtiers and princes; but the Spanish Ambassadors

<sup>15</sup> These last four and a half lines are in cipher.

<sup>16</sup> State Papers, Germany, 10 October 1641. The letter cannot have reached Ratisbon until sometime later than Roe's of the 15th.

pretend they give Altessa to none but soveraynes: and I had refused to receive a visitt for the prince to derogate from his birthright, in other things we keepe a good quarter. The Ambassadors of the Electors that are here hang back; I suppose because all are not arrived, that they might conclude collegialitly, how to treat him, who being restored in the Empire quoad honorem et personam, might have all titles due to him. In the meanetyme I will dispatch him away within few dayes, and leave every man to his owne formalities, resolved to lose nothing nor to enter into disputes, but rather avoyd all occasions.

<sup>17</sup> I have heard that the Popes Nonce hath expostulated with the Spanish Ambassadors concerning the restitution of the Palatinate to the prejudice of the Roman Religion and the destruction of many soules. The Ambassadors should answer clearly, they had not intention to doe it.

There are many offers and handsome fencing between the King of Denmark and the Archduke Leopold to trye the mastery of beguiling one another. These here say that King hath made secret offers of ayde upon condition to oblige them to expel the Swedes out of Germanye by force or treatye. But these things must be judged and believed by the actions, and what the proceedings of the treatye itselfe shall confirme. Sure I am that the King of Denmark hath declared to States generall that he desireth a stricter league with France. All which doth open a fayre occasion to his majestie to make a league with both which will sway the peace of Germanye to his owne ends.

The Treatye of Goslar is broken. Mr. Auerge will advise more certainly from his quarter. We cannot trust the reports of this court alway given out with advantage but I send you yesterday the propositions of both parts as I have received them from good hands neare the place by which credit may be given.

The day of reassuming this Treatye is past, being the V<sup>o</sup> of November: and the Ambassadors mediators not all arrived: those of Saxe are yet in lavender at Ratisbon: of Baviere, as we heare on the way: and Brandenburg dayly expected. I feare their delays, which cannot hurt, if you provide agaynst the worst evne by tymely counsells in England. But I have begun to protest yesterday to these of Mentz as the directors; and now that I have gotten the greate fish which I was loath to leave in their hands, I shall play another game, for this I hope his majestie will either trust me or direct me. The hopes are such as I may not breake abruptly, nor will I grudge such a delay, as shall abuse him. Lett the undeceived bragg in the conclusion. They cannot prejudice us, if we will foresee what we ought to doe. And we may convert their worst intentions, I meane of Baviere, for I believe the Emperor will proceede sincerely, to oure advantage both in the Justice and tyming our armes, if we must use them. I shall guide our part that our conditions shall only respect the generall peace, and wheresoever we joyne, to seeke it. Without which no restitution will be profitable. I hope by your honours favour his majestie will vouchsafe what I have done, and can doe, and rather my pretentions than actions, and in that confidence I rest securely, your honours most obliged servant.

<sup>17</sup> The following four lines are in cipher.

Here Roe adds a note about his expenses :

I have taken upon Sr. P. Pindar 4066*l*. I beseech you that my credit may be received, for my expense here is greate, by those entertayments and gifts, especially upon Prince Rupert's liberty, whom I must assist for his journey. All things are especiall deare, and if his majestie vouchsafe me not ayndo di costa, I shall be undone.

Things were evidently moving slowly at Vienna, although Trautmannsdorff, the Imperial chancellor, professed all readiness to meet the king of England's wishes.<sup>18</sup> Roe tried to hasten on the sluggish diplomacy of the empire by remonstrances and agitations.

All the Ambassadors and mediators are at last arrived, except those of Saxe : who are expected within two dayes. What I have done to quicken them your Honour will receive by enclosed remonstrance, whose style and resolution I will now constantly preserve. And what answer I shall get of the Ambassador of Spayne and Baviere I hope my next may advise. For the mediators have promised to press the generall declaration, without which it wilbe preposterous to propound any meanes in temperature of accommodation to those who will not resolve to restore what they have usurped. I shall use all manner of industry to procure that expedition which the urgencye of the business and pressure of tyme requireth ; yet I dare not present any hope, that may retard your resolutions and preparations in England, which must be your spier and refuge in the worst event : though the mediators seem to be full of confidence in the promises of the Duke of Baviere, with whom some of them have conferred in their passage hither. But I am constant of opinion that this affayre must be grafted with the generall treatye, to take roote and grow up with it ; or no particular treatye can secure the cause, but may betray it. What show soever the Spaniards make, they will seeke conditions of his majestie, more in proportion to their present neede, than in the value of what they can restore. Yet Sir Arthur Hopton hath encouraged me to hope well. A few dayes will now discover the intentions of all parts : and I will press it fully. If they answer clearly and without ambages, and proceed roundly without seeking and making new delays, I shall have matter to present to his majesties judgment, therein to secure his directions. But if they shall rally in the beginning, there can be no expectance of any other end but abuse.

Prince Rupert begins his journey on Monday by Prague as the securest way for him, being unsure of Baviere. My expense in this towne encreases by enterteynments and somewhat by his occasions, and my credit is but yll received, though the merchant hath furnished me, and I have charged Sir P. Pyndar in all for 1017*l*., which I beseech your Honour may be duly payd, and that I may have a supplye. For ye necessitye of furnishing a house, lent me by the Emperor, having no meanes to live in the towne, hath exhausted my stock, so that I shall soone want.

The Emperor answereth his majesties letters by Prince Rupert and by this I send that of Trautmannsdorffe. The General Lesly desires some declaration of his majesties favour to his brother. He is named for Ambassador which I formerly advised, but have had no answer how

<sup>18</sup> State Papers, Germany, 17 November 1641, Trautmannsdorff to the king.



it is liked, that I might, if I can, governe it to his majesties content. Certeynly they will send one, to promote their owne designes, and to entertheyne tyme. I refer all your Honours orders to myselfe to that care and protection, as your Honours most faithful and humble servant.

The 'remonstrance' referred to was a piece of very plain speaking addressed by Roe to 'the Mediators.'<sup>19</sup> It gives an excellent indication of the way in which negotiations were protracted in those days. In the first place, he begged them to consider 'the many Remoras, that in 5 months nothing had beene exhibited but the forme of proceeding hardly finished.' He then went on to remind them (it ought to have been fresh enough in their memory) 'that the treatye had been remitted from Ratisbon, to Vienna, and the first day of the month assigned, all promising to meet,' but that 'for the absence of 20 it was passed over without any meeting at all.' Roe therefore demanded, as the period of his embassy was 'strictly limited,' 'a categorical answer from the Ambassador of the King of Spayne and Duke of Baviere.' The questions to which he thus demanded an answer were sufficiently sweeping: would Spain agree to restore the prince Palatine to all his lands, and would Bavaria agree to restoring to him all his dignities? The answer was to be 'pleyne and perspicuous,' and 'in writing.'<sup>20</sup>

In the same packet of State Papers there is a very interesting document called 'Heads of the discourse of Count Lesly to Sir Thomas Roe, drawne out of the paper markt B.' It seems to show two things: first, that the internal troubles and weakness of England were very apparent to foreign observers, and seriously diminished her prestige. For Leslie told Roe 'that rumours were spread to the Emperor Princes and Electors of the state of England, of the weakening of his Majesties power, and the diminishing of his revenew, by the proceedings of his Parliament &c. That during this condition Germany could hope and expect little from his Majestie either in aiding his Nephews or corresponding with his friends. That though Parliament now sitting show zeall for the Palatine cause,<sup>21</sup> that the same being dissolved, will soone coole and fall, his Majestie being left without power and meanes &c. This, he said, was the generall opinion and that it would prove the great objection and impediment in the expected successe.' With this opinion of Count Lesly's no doubt every one will now agree.<sup>22</sup> But the second thing which the document seems to indicate is that there was still one means by which England, in spite of her weakness, might induce

<sup>19</sup> State Papers, Germany, Vienna, 9/19 November 1641.

<sup>20</sup> Cf. *Theatrum Europaeum*, v. 5, which also gives the date of 9/19 November.

<sup>21</sup> Compare the speeches of Sir B. Rudyard and D. Holles, Nalson ii. 328, 379; Rushworth, ii. 370.

<sup>22</sup> Compare Reigersberch's letter to Grotius, 9 September 1641, on the effect of Charles's embroilment with his parliament and the Scots, Rogge, *Brieven van Reigersberch*, p. 666.

the emperor to grant terms to the Palatine house. This was by using her influence with the states-general, with which the empire had a chronic dispute over the Cleves-Jülich question and the conditions of power on the Lower Rhine. Charles I's eldest daughter, Mary, it will be remembered, was married to William,<sup>23</sup> son of Frederick Henry, prince of Orange.

In particular they [i.e. the Imperial Council] moved, that if the Emperor would satisfie his Majestie in the Palatine cause, that then he [King Charles] would be obliged to undertake to mediate a peace between the House of Austria and the Hollanders, which, he said, they above all other offices desired, and was now in agitation, which they believed his Majestie only might promote by his power with the Prince of Orange, whom they esteemed of absolute authority with the States, and whom they supposed would wholly rely upon England.

Other offers suggested in the Imperial Council were that England 'should joyne with Spayne in the Indies against the Hollanders,' and that she 'should noe ways countenance or assist the Portugals,' who were at that time of course engaged in the rebellion or war which recovered for them from Spain their national independence.

Roe was of opinion that the Imperial Court was honestly desirous of peace. This was, he says, a clear impression obtained at his interview with the emperor, and with Trautmannsdorff, the Imperial chancellor, and also with the duke of Bavaria. The real difficulty, he said, came from Spain, 'because she wishes to keep her hold on the occupied parts of the Palatinate.' In fact, he believed that 'the Spanish Ambassadors have come to Vienna without plenipotentiary powers at all.'<sup>24</sup> On the same day,<sup>25</sup> in another letter, he stated his opinion even more strongly.

I have advised the truth ; that I have discovered and found the foxe in his burrow ; but cannot yet absolutely unkennel him. I shall this weeke fire him out, all upon a necessitie to make the Spanyards speak, or confesse their tongues are tyed : and then they must joyn with me in protesting, and the envy shall not lye singly upon me, if the treaty brake. Vouchsafe me a little patience, and eyther I shall doe somewhat worth his Majesties acceptance, or I shall strip the hinderers of all manner of disguises. For assuredly the Emperor is sincere and abused with us.

I send your Honour a third bill, for my transport to Vienna, and other necessarye extraordinary expenses : which I have truly discharged. It may seeme greate : but it wilbe the last in the kind : and being upon the deliverye of Prince Rupert I could doe no less with honour. And not finding a house here furnished at any rate, I was forced to make my owne provisions, which I have done with as much good husbandrye as necessitye

<sup>23</sup> He succeeded his father as prince of Orange in 1647.

<sup>24</sup> State Papers, Germany, 24 November 1641. According to the *Theatrum Europaeum*, v. 5, Don Manuêlo de Maura, marques of Castel Rodrigo, and Don Francisco de Melo confessed they had no plenipotentiary powers.

<sup>25</sup> 24 November, State Papers, Germany.

would suffer. I beseech you to allow and signe it, that I may be further supplied.

Then follows an interesting statement in cipher :

I have received your Honours commands of the 18 October, and thank you for the orders therein received, which I will observe punctually and in them I rest secure and satisfied. For money and rewards to be given, I confess the sum is greate, but it may save an engagement in a warr which will cost a hundred tymes more and for which money must be found,<sup>26</sup> it will be no unthriftiness. And his majestie may be sure that I will not engage without that condition nor play the prodigal foole, but treat in this poynt as merchants doe in Guinye, buy gold for balls and beades. In this you may trust the discretion of him that would not lose your good opinion, being professedly your Honours most obliged and humble servant.

Only two more letters remain, one written on 30 November 1641, the other on 1/10 December. They show why the negotiations came so quickly to an end. Roe had, as he promised, unkennelled the fox. In the first letter he says he still believes the emperor to be sincere, but that there is no hope of the Spaniard. The Ratisbon-Vienna congress is really at an end, 'but I dare not breake without direct order.' The last letter shows that the Spaniards had at length been forced to show their hand. So Roe's diplomacy at least had this effect, that it prevented the useless negotiations from dragging on for ever, and so indirectly paved the way for the final determined series of conferences at Münster and Osnabrück, which resulted in the great peace of 1648.

My last remonstrance hath squeezed out an answer both from the emperor and the Spanish ambassador. I send them both enclosed, though I have not received them authentically from the mediators, to whom they were late presented, but by a friend :<sup>27</sup> and I believe they will not be published nor communicated to me, untill the departure of this post, to gayne a weeke, in hope to find some remedy : which I know the mediators will fervently pursue and press. I humbly refer it to his majesties judgment : only taking the boldness to make some observations, first of the dates, that the Spanish answer was given to the emperor five dayes before the emperor to the mediators, from whence I collect that he was loth to deliver anything so cold and unsatisfying : but when there was no remedy that truth must out, he added his owne, to take so much upon him, as with honour he could : not much varying from my conjecture in my relation. And I know well the Emperor is much troubled at the proceedings ; for if the Cardinal Infanta<sup>28</sup> had the plenipotences, why did he not transmit them to Ratisbon in 4 months ? But this shoves that the Spaniards are resolved to keepe the conclusion, to speak the definitive word in their owne power. Secondly I observe in the Spanish answer the declaration such as it is, sayth nothing but that there hath ever beene resolution to restore ;<sup>29</sup> but not to whom. And for the tyme in generall when peace shall be made ; not with whom.

<sup>26</sup> Here the cipher ends.

<sup>27</sup> Probably Count Leslie.

<sup>28</sup> He died 9 November 1641.

<sup>29</sup> I.e. to restore the Palatinate to Charles Lewis.

If when the peace of Germany ? Then there is no doubt the Spanyards must restore to somebody ; but the present restitution to the right owner, being the right way to the peace, why is the meanes or cause postponed to the effect ? If when the generall peace so much talked of ? This treaty cannot attend a delay so long and uncerteyne ; and with the Prince Elector or his house, I know not that the King of Spayne hath any warr : and the last limitation shows the true meaning, cum congrua satisfactio detur : that is when the Spanyards shalbe able to convert the issues of any treaty to their owne profit and advantage.

In the Emperor's answer, I observe more sinceritye ; but a contradiction : that seeing the Spanyards profes pleynty they cannot treat without new plenipotences ; and Baviere that they will not treat untill they doe ; though the emperor doe desire and thinke that the treatye may goe on and therefore doth declare that he will take care of what shalbe concluded in the poynt of those lands possessed by the King of Spayne shalbe performed : yet it is not told with whom we may treat in the meantyme : and so the Spanyards may easily perform nothing. But I will forbear 3 or 4 dayes, to see how the mediators will relish these answeres, and what they will work upon them : whereby I shall better judge their sinceritye and instructions : and how the Duke of Bavieres ambassadors will proceede, upon their protest to go no further untill the Spanyards did show their powers and declare with him. For the mediators will press them on Thursday to begin their part of the treaty by proposing the tempus. Which if they shall refuse to doe, upon this Spanish delay, then we are at a non plus ultras [*sic*], and I had rather the Duke of Baviere should breake the treaty then I when I see how this business will worke. I will reply as the present occasion and subject shall require and advise your Honour, as is the dutye of your Honours most humble servant.

Roe was very tired now of the 'inanium labor' <sup>30</sup> to which he was being subjected. King Charles, too, saw that further attendance at Ratisbon was merely a waste of time ; so on 17 May 1642 he sent Roe permission to return.<sup>31</sup> In the meantime it seems that Roe had been grossly misrepresented by the French ambassador in England. Secretary Nicholas, in a letter enclosing Roe's discharge from Ratisbon, explained :

Touching the secret practice between the French and Baviere, the King has many occasions of jealousy, which are much increased by a late act of the French Ambassador here, who last week came to Lord Falkland, and told his lordship of an advice he had that his Majesties Ambassador at Vienna for the restitution of the Palatinate, had offered to the Emperor and the House of Austria, against all their enemies whatsoever in his Majestie's name, the assistance of all his kingdom.

Moreover the French ambassador had, without waiting for an answer, sent this report off to the English parliament.<sup>32</sup> Roe replied with a letter<sup>33</sup> to Edmund Waller, one of the members

<sup>30</sup> *Theatrum Europaeum*, v. 10. Cf. Reigersberch to Grotius, 24 February 1642.

<sup>31</sup> *Cal. of State Papers, Dom.*, 17 May, p. 324.

<sup>32</sup> *Ibid.* 18 May 1642, p. 325.

<sup>33</sup> Vienna, 3 June 1642.

of the house of commons ; in this he vigorously denied the charge ; and the letter was then read in the house on 8 July.<sup>34</sup> On 6 July Nicholas had written to Roe saying 'The King likes exceedingly well of your defence against the French Ambassador's complaint.' Thus Roe was free at last to return home.

Even if the authorities at Ratisbon had been ready to meet Roe's wishes, the troubles which were now afoot in England would have robbed him of all support of the home government. Charles Lewis, the Prince Palatine, wrote apologising for the waste of time :

It grieves me that you have lost so much time in pursuing that *ignis fatuus*, the Justice of the House of Austria. . . . But who could guess that business would come to such an ill-pass in England ?<sup>35</sup>

Roe complained to Vane that the quarrelling in the English parliament spoiled all his chances :

This liberty of printing everything exposes all our consultations and actions to the censure of the whole world ; and it is easy to spoil the best text.<sup>36</sup> . . . Nothing but experience can impress what harm it doth here, and how these publishings expose us to public scorn.

He was, too, left without money :

I have not above a month's bread ; and I protest I have not enough money in this part of the world for a grey groat, but what I brought with me from Sir P. Pindar, upon assurance that his Majestie would give him some assignment to pay my bills.

The *Theatrum Europaeum* says he left Vienna after presenting a remonstrance on 28 July 1642.<sup>37</sup> On 3 August he wrote to Secretary Vane from Ratisbon—evidently on his way home. When he is next heard of, in January 1643, he is settled in England again, at Woodford Rowe.<sup>38</sup>

So the mission to Ratisbon and Vienna came apparently to a fruitless end. The Bavarian authorities complained that he had identified himself too much with the agents of the Palatinate.<sup>39</sup> Yet the whole proceeding was not without ultimate result ; the movement towards peace had been well established, and within one year afterwards there were drawn up 'Preliminary Articles for the Universal Peace Conference at Münster and Osnabrück.'<sup>40</sup>

R. B. MOWAT.

<sup>34</sup> Printed for Abell Roper, London, 1642.

<sup>35</sup> *Cal. of State Papers, Dom.*, 18 May 1642, p. 326.

<sup>36</sup> I.e. Charles' proclamation in favour of the Palatinate, 1641, Rushworth, ii. 365.

<sup>37</sup> *Theatrum Europaeum*, v. 5.

<sup>38</sup> *Cal. of State Papers, Dom.*, 21, 12 January 1643, p. 436.

<sup>39</sup> *Theatrum Europaeum*, v. 3. Cf. *Brit. Mus., Add. MS.* 21,993, f. 294, the original commission to Roe, given distinctly 'in the name and the behalf of the said Elector Palatine.'

<sup>40</sup> *Ibid.* v. 32.

## *Notes and Documents*

### *The Bulgarian Treaty of A.D. 814, and the Great Fence of Thrace.*

AMONG the official Greek inscriptions of Omurtag and Malomir which have been discovered and published in recent years, the inscription of Suleiman-Keui, containing the provisions of a treaty between the Bulgarians and the Eastern Empire, is evidently one of the most important, but it has not been satisfactorily explained. Suleiman-Keui is three hours to the east of Pliska (Aboba), the residence of the early Bulgarian Khans, and there can be no doubt that the column or its fragment was conveyed from the ruins of the palace to Suleiman-Keui. The remains of the inscription do not contain the name either of the khan or of the emperor who were parties to the treaty, but the mention of 'thirty years' shows that the document, which on palaeographical grounds belongs to the earlier part of the ninth century, is connected with the Thirty Years' treaty which was concluded in A.D. 814. Th. Uspenski, the last editor,<sup>1</sup> to whose labours in co-operation with the Bulgarian archaeologist, K. Škorpil, Bulgarian history owes such a deep debt, thinks that it probably represents the result of negotiations between Omurtag and Michael II in 821, or else between a later khan and Michael III (and Theodora) in 842-3. This conclusion is, I think, untenable; but before criticising his grounds, it will be convenient to state briefly what is known, from literary sources, concerning the Thirty Years' treaty.

Krum died 14 April 814,<sup>2</sup> while he was making preparations

<sup>1</sup> *Izvestiia russkago arkheologicheskago Instituta*, x. (1905), 220 *seq.* I cite this as Aboba. The inscription was first published in 1896 by Škorpil and Jireček in *Arch.-epigr. Mittheilungen*, xix. 245.

<sup>2</sup> Krum's death is placed by Šafarik and Jireček (*Geschichte der Bulgaren*, 146) in 815. But the narrative in the Scriptor Incertus—the fullest narrative we possess of Krum's campaigns—makes it quite clear that only one winter passed between Leo's accession (A.D. 813) and Krum's death. Krug, Muralt, and Loparev (*Dvie Zamietki*, in *Zapiski imp. russk. arkh. obshch.* iii. 348, 1888) agree on 814. The victory of Leo at the *Bovrds Δείωρος*, which Jireček places in 814, must be placed towards the end of 813. Hirsch indeed (*Byzantinische Studien*, 125-6) considers it unhistorical. It is not noticed by the Scriptor Incertus, but depends on the common source of Genesis (12-13) and *Cont. Theoph.* (24-25). These writers are here cited from the Bonn edition.

for an attack upon Constantinople. Hostilities then ceased, and some time afterwards Leo V concluded a treaty for thirty years with a successor of Krum. This treaty is mentioned in the *Continuation of Theophanes* (31) without any indication of date beyond the reign of Leo V: τὰς τριακοντούτας σπονδὰς τοῖς Οὐννοῖς δὴ τοῦτοις τοῖς καλουμένοις Βουλγάροις ἐνωμότως ποιῶν καὶ εἰρηνικὰς συμβάσεις καταπραττόμενος. It is also mentioned by Genesisios (41) in a more valuable passage, which records that when Omurtag heard how Michael II was besieged by Thomas the Slavonian, he διαπρεσβεύεται πρὸς βασιλέα καὶ συμμαχεῖν αἰτεῖται αὐτῷ· αἱ γὰρ ὑπὸ Λέοντος τοῦ βασιλέως πρὸς αὐτοὺς τριακοντούταις σπονδαὶ ἤδη τὴν πρώτην δεκαετηρίδα συνεπλήρου σχεδόν. A corresponding notice also occurs in the *Continuation* (65), not derived directly from Genesisios, but depending on a common source: ὁ γε Μορτάγων . . . καὶ τὰς πρὸς αὐτὸν δὲ τριακοντούταις σπονδὰς γεγενημένας παρὰ τοῦ προκατασχόντος Λέοντος ἐπιβεβαιῶσαι . . . ζητῶν. The chronological indication of Genesisios, that the first decad of the thirty years was approaching its completion when Omurtag offered his assistance to Michael II, proves that the treaty was concluded very soon after the death of Krum. A careful examination of the chronology of the revolt of Thomas shows that he was defeated by the Bulgarians at Keduktos in the spring of 823. No one dates the battle later than in this year. It is obvious that the treaty cannot have been later than 814, otherwise it could not be described as 'nearly completing its first decennium' at the beginning of 823.

The *Continuation* states that the treaty was made with Omurtag (πρὸς αὐτόν), and historians have generally accepted the statement. The variant of Genesisios (πρὸς αὐτούς) however may be held to assume some possible significance, in view of the fact that Omurtag did not immediately succeed Krum. One or more obscure and brief reigns intervened,<sup>3</sup> and, so far as the literary evidence takes us, it would be possible to suppose that Leo V concluded peace with one of these intermediate rulers. Uspenski in the few lines which he has devoted to the question of the date and the occasion of the Suleiman-Keui inscription commits two errors. He says that the Thirty Years' treaty was concluded by Krum, and dates it in 813.

That the inscribed column was set up by Omurtag is, purely on palaeographical grounds, highly probable, because, as Uspenski points out, it has in this respect a close resemblance to the well-known Tyrnovo inscription which bears that khan's name. Seeing then that the text contains articles of a treaty and a reference to thirty

<sup>3</sup> Tsok (Τζόκος), Dukum, and Ditseng (Menologion of Basil II in Migne, *P.G.* 117, 276, and the Slavonic Prologue, ed. Moscow, 1877, under 2 January, p. 42). Theophylaktos of Achrida (Migne, *P.G.* 126, 192), and *Cont. Theoph.* (217) represent Omurtag as immediately following Krum.





My reconstruction, which differs in important points from Uspenski's, is as follows :

- 2 τὸ ἀ' τῶν [ἐν σπονδαῖς  
 .]α κεφαλαίων . [περὶ τῆς . . . .]ης ἐνορίας ἵνα {σ}στή[κη ἀπὸ Δεβ-  
 ελ]τοῦ καὶ ἐπὶ Π[. . . . .] καστ]έλιον καὶ μέσον τῶν . β' . [ἀπολείψειν  
 5 τὰ] πολλά γε φρ[ούρια μέ]σον Βαλζήνας καὶ Ἀγαθ[ονίκης ὄν-  
 τα] καὶ εἰς Κωνσταν[τί]αν καὶ εἰς Μακρὴν Λιβάδα [καὶ τὰ ὄντα ἐπὶ  
 Δε]μον ὄρος ἕως ἐκεῖ γέγονεν ἡ ὄροθεσία . [γ' . περὶ προσφύ-  
 γων] Σκλάβων τῶν ὄντων ὑπὸ τῶν Βουλγάρων εἰς τὰ ὄ-  
 ρη] ὡς ἐφθάτισαν ὅτε ἐγένετο ἡ ὄρ[οθεσία, καὶ τῶν  
 10 λ]οιπῶν Σκλάβων τῶν μὴ ὑποκειμένων [τῷ βασιλεῖ εἰς π-  
 αρ]άλιον μέρος, ἐπιστρέφει αὐτοὺς η[. . . . .] δ' . πε-  
 ρ] τῶν αἰγμάλωτων χριστιανῶν κεκρ[ατημένων . ἀν-  
 τί] δὲ τρομαρχῶν καὶ σπαθαρίων καὶ κομήτω[ν δώσει . ν, τοῦ δὲ π-  
 τω]χοῦ λαοῦ ψυχὴν ἀντὶ ψυχῆς . βουπλια β' . : δ[ώσει ἀντὶ κρα-  
 15 τ]ηθέντων ἔσωθεν τῶν κάστρων ἐὰν ἐξα[χθῶσιν εἰς κ-  
 ῶ]μας ἐὰν ἀποφύγη στρατηγός.

1. 2. Uspenski reads τὸ ἀ' τῶν [συνθηκῶν] ἀ' κεφάλαιον, supposing that ἀ' has been inadvertently repeated. This seems improbable. I think that τῶν goes with κεφαλαίων (Ω is written O throughout), and perhaps the number of the articles was mentioned, e.g. τῶν [ἐν σπονδαῖς ι]α' κεφαλαίων. There is no mark over the first Α, there seem to have been two dots over the second. κεφαλαιον is written ΣΦΑΛΕΟΝ (as also in the short fragment of another treaty, discovered at Eski-Juma <sup>4</sup>).

1. 3. Uspenski [μὴ ἐξελθεῖν τ]ῆς ἐνορίας, Jireček-Škorpil ἐποί]ησεν ὀρίας. Probably only the subject of the agreement is stated with περὶ (cp. ll. 7, 13). Perhaps [περὶ τῆς καιν]ῆς.

The stone has HNA, and the editors must be right in explaining it as ἵνα. Uspenski takes the following word (CCTI[.]) to be ἐστί]ν, but it may be doubted whether ἵνα would be used in the sense of 'where' in a text like this, or whether in its ordinary sense it could be followed by ἐστιν. The *Sprachgefühl* of the composer of this inscription might not revolt against ἵ]να διαμένουσιν, if that is the right restoration in the Eski-Juma inscription, but I suspect that ἵνα ἐστίν for ἵνα ἦ would have been too much for him. Moreover in either case he would have used not εἶναι but γίνεσθαι. I conjecture that we should read either {σ}στι[κι, i.e. στή]κη or {σ}στι[ριχθι, i.e. στηριχθῆ] : 'concerning the frontier, that it shall be fixed.' -του must be the termination of a local name, and I read Δεβελτοῦ, which suits the geographical requirements, as will be shown below.

1. 4. Uspenski καὶ ἐπιπί[πτει μεταξὺ] ἐλ(λ)ήν(ων) καὶ μέσον τῶν βουλγάρων. This restoration is particularly unfortunate. ἐπιπίπτει (? ἡ ἐνορία) is improbable, and so is the repetition of μέσον after

<sup>4</sup> Aboba, 226.

μεταξύ (why not μέσον here?) The omission of the last two letters of Ἑλλήνων is a third improbability. But the reconstruction is decisively negated by the stop after B, which shows that we have to do with a numeral, evidently marking article no. 2. Hence we get μέσον τῶν, between these points (τῶν for αὐτῶν, cf. Chatalar inscription τὴν δύναμιν τοῦ<sup>5</sup>). This shows that -του at the beginning of the line is the termination of a local name, and that ελιw is probably part of καστέλ(λ)w. Προβάτου κάστρον suggests itself, mentioned in the Shumla inscription of Malomir,<sup>6</sup> but it does not seem geographically suitable.

The second article evidently began with a verb, expressing what was to be done with the fortresses enumerated. The vestige of a letter after B suggests A or Λ. Perhaps ἀπολείψειw (απολιψw) sc. ἐσπέισαντο (οἱ Γραικοί).

1. 5. There is a trace before Π, which suggests A, so that we may read τὰ. Uspenski reads εἰς. It is somewhat unexpected to find γε in a text of this kind. Ἀγαθονίκης Jireček, Ἀγαθοπόλεως, Uspenski.

1. 6. I conjecture [S TA ONTA EΠI or IC. . Uspenski gives [καὶ εἰς τὸ.

1. 7. [περὶ δὲ τ—ὦ]w Uspenski. We have here evidently a third article dealing with the Slavs, and I read [γ' . περὶ προσφύγω]w.

1. 8. ὑπὸ τῶν Βου[λγάρων κα-θ]ὼς Uspenski. I conjecture either εἰς τὰ ὄρη] ὼς or εἰς Αἶμον] ὼς. εἰς Αἶμον would be written ICEMON.

1. 9. Uspenski rightly explains ἐφθάτισαν as = ἐφθάσθησαν. He reads ὄρμη in the sense of hostile movement, and seems to understand 'as they were caught when the invasion took place.' I adopt with hesitation ὀροθεσία (which he notices as admissible), because O seems to be indicated on the stone, not M. ὼς ἐφθάτισαν means 'as they already were,' namely ὑπὸ τῶν Βουλγάρων.

1. 10. τῷ βασιλεῖ εἰς παράλιον Uspenski.

1. 11. ἐπιστρέψει for ἐπιστρέψει. Uspenski reads ἡ [ἀποδώσει ἀντ]ὶ τῶν αἰχμαλώτων χριστιανῶν καὶ κρ[ατήσει α' νό(μισμα)]. This makes very poor sense: apparently, the emperor will either restore the Slavs or will give them in exchange for Christian captives, and he (who? the emperor or the khan?) will get one nomisma per head. Such an alternative seems to be absurd, and the mutual exchange of captives is provided for below, l. 15. Obviously the words τῶν αἰχ. χρ. belong to a new article. If ἴνα were likely in a local sense, we might conjecture η[να ἴσαν = ἴνα ἦσαν 'to their districts,' but I regard this as improbable. ἡ [ἐκδώσει might be suggested, if a distinction could be drawn between driving the deserters across the frontier and formally handing them over to the Bulgarian authorities.

1. 12. I read SKP[ATIMENON, that is κεκρατημένων, cp.

<sup>5</sup> Aboba, 545.

<sup>6</sup> *Ib.* 233.

ΣΦΑΛΕΟΝ above. *καὶ κρ[ατηθέντων]*, referring to the *κρατηθέντων ἔσωθεν τῶν κάστρων* mentioned below, might also be thought of.

1. 13. *τρομαρχῶν = τουρμαρχῶν*. I insert *δώσει (δοσι)* after *κομήτην*. Uspenski reads *β'. νο*, but the sum may have been less or more. *τοῦ δὲ πτω]χοῦ* Uspenski. *καὶ πτω]χοῦ* is also possible.

1. 14. *βούπλια* is a new form. Uspenski may be right in explaining it as oxen (comparing *βουπαλίων ζεύγος* in *Bull. de Corr. hell.* vi. 127 n. 4). He takes the symbol ∴ to mean *χιλιάδας*, and reads [*δώσει ἐκ τῶν εὐρ]ηθέντων*, 'he will give 2000 oxen of those found in the fortresses.' Does this mean as an additional payment for the captives? I read *κρατ]ηθέντων*, referring it to persons found in fortresses deserted by the imperial commanders and detained by the Bulgarians; they are to be ransomed by a number of *βούπλια*.

1. 15. *ἕξα[χθῶσιν εἰς κώ]μας* Uspenski.

#### TRANSLATION.

[The sublime Khan Omurtag<sup>7</sup> (made peace and a treaty with the Greeks. Messages were interchanged and the Basileus)] sent — protospatharios, and they (the Greeks) made a treaty for thirty years. Art. 1 of the articles in the treaty: concerning the frontier, that it be fixed from Develtos and to the Castle — and between these places. Art. 2: that they shall vacate the forts, which are numerous, which are between Balzena and Agathonike, and at Constantia and at Makre-Libas, and those which are towards Mount Haemus, until the setting of the frontier has been completed. Art. 3: Concerning the Slavs of the hill country, who were subject to the Bulgarians at the time when the (last) delimitation (?) was made, and concerning the other Slavs who are not subjects of the Emperor in the coast part: he shall restore them . . . Art. 4: Concerning the captive Christians who were seized and detained. For turmarchs and spathars and counts he shall give —, and for the common (poor) folk (he shall exchange) soul for soul. He shall give two thousand (?) cattle (?) for those who were seized within the forts; if they have been removed into the villages (?), in case of a commander's flight . . .

The inscription is evidently not a complete copy of the treaty but an abstract of its provisions, and perhaps (as the column was set up in the precincts of the royal residence for all who understood Greek to read) containing only those provisions which were advantageous to Bulgaria.

Art. 1 concerns the delimitation of the frontier. The course of the boundary does not seem to have been defined in detail in the act of treaty, and this article apparently only provides that a delimitation shall be made and names the extreme points. This follows from the words *ἕως γέγονεν ἢ ὀροθεσία*,<sup>8</sup> which must refer to

<sup>7</sup> *Κάνας ὕβηγγή Ὁμουρτάγ*, probably followed by something like *ἐπέησεν ἱρίων καὶ σπονδὰς μετὰ τοῦς Γρεκοῦς*. Cf. the Shumla inscription (discussed below), l. 3.

<sup>8</sup> This unclassical syntax, for *ἕως ἂν γένηται*, is like our use of the perf. ind. 'until it has been decided' = 'until it shall have been.'

a delimitation still to be made. It will appear presently that Develtos was almost certainly the eastern extremity, so that we can restore [ἐκ or ἀπὸ Δεβελ]του. Π[. . .]ελιν was probably the name of a fort in Mount Haemus, somewhere north of Philippopolis. Π[ροβάτου καστ]ῆ(λ)λιν, which naturally occurs to one, does not seem likely, as Provatu Kastron is probably to be identified with Provadia, four hours north-east of Hadrianople, and it can be inferred from art. 2 that the delimitation of the *whole* Thracian frontier was contemplated.

The interesting question arises: does the frontier determined by this treaty correspond or not to the line of rampart and fosse which the Bulgarians constructed against the Empire, and of which the ruined remains are known as the Erkesia? This Great Fence (ἡ μεγάλη σούδα),<sup>9</sup> as the Greeks called it, ran from the neighbourhood of Develtos (Vespasian's Colony of Deultum) westward past Rusokastro to the river Tundzha, and thence (more difficult to trace) to Trnovo-Seimen, where its western extremity seems to have been discovered, in the angle which the Hebrus forms with its tributary the Arzus (Sazly-dere).<sup>10</sup> The line corresponds roughly to the modern boundary between Turkey and the Bulgarian kingdom. The date of the construction of the rampart and trench (which is south of the rampart, proving that it was a Bulgarian defence against the empire) has been variously assigned to the beginning of the eighth century, to the middle of the same period,<sup>11</sup> and to the ninth century.<sup>12</sup> The second article of the treaty furnishes an answer to this question.

Art. 2 concerns fortresses on or near the frontier, which apparently are to be left ungarrisoned 'until the delimitation has been completed.' Makrolivada<sup>13</sup> was near the junction of the Arzus with the Hebrus, not far from the railway station of Trnovo-Seimen.<sup>14</sup> Constantia is Constantia on the Hebrus, which Tomaschek has identified with Harmanly (not the other Constantia, further west near Mount Rhodope). The fortresses defined by the mention of Mount Haemus must have been north of Makrolivada, towards and in the mountain range. There is more difficulty about the first group 'between Balzena and Agatho . . .' Balzena is otherwise unknown, and Agatho . . . may be either Agathonike or Agathopolis.

<sup>9</sup> Cedrenus, ii. 372.

<sup>10</sup> See Škorpil, in Aboba, c. xx. 538 *sqq.* The eastern section is also described by Jireček, *Das Fürstenthum Bulgarien*, 505 *sq.* (1891); cf. also *Arch.-ep. Mittheilungen*, x. 137.

<sup>11</sup> It is certain that the Bulgarian frontier extended c. A.D. 750 as far south as the fortress of Meleona which was adjacent to the rampart near the heights of Bakadzhiik (south-east of Jambol): Theophanes, ed. De Boor, 497. Cf. Aboba, 514 and 564-5.

<sup>12</sup> By Zlatarski, Škorpil, and Jireček respectively.

<sup>13</sup> George Aeropol. p. 127.

<sup>14</sup> Aboba, p. 223. Jireček identified Makrolivada with Uzundzhova, *Arch.-epigr. Mittheilungen*, xix. 245.

Uspenski, who decides for the latter, seeks Balzena further north on the same coast and suggests Balchik, north of Varna. It is not probable however that Agathopolis, south of Develtos, came within range at all. Agathonike was near Hadrianople, and the forts to be left untenanted during the delimitation were probably from Agathonike northward to Balzena, wherever it was.

The temporary vacating of the forts was necessary to secure the *ὀροθεσία*. If this fixing of the frontier did not mean anything more than a perambulation or circuit of imperial and Bulgarian representatives, it is difficult to see why this precaution was required. In my opinion, this provision to leave the forts in the neighbourhood of the frontier untenanted points to the conclusion that the establishing of the frontier meant here more than what we understand by delimitation: that it meant the construction of a material boundary or fence. This inference at once supplies us with the solution of a serious difficulty which has not been considered by the writers who have discussed the remarkable line of rampart and fosse which the Bulgarians constructed in Thrace. That long line of fortification on the frontier<sup>15</sup> could not have been built without the consent and permission of the empire. It would have required the continued presence of all the Bulgarian army to protect the workmen. Our text both explains the conditions under which the work was accomplished and supplies the date. This is perhaps the most important and interesting conclusion which can be drawn from this inscription—namely, that the Great Fence was constructed immediately after 814, in pursuance of the Thirty Years' treaty, and that in constructing it the Bulgarians were secured from any danger of hostile interruption by the withdrawal of the imperial troops from fortresses close to the frontier. And when we realise these bearings of the treaty we can see that the text confirms the archaeological conclusion of Škorpil that the western extremity of the Fence was at Trnovo-Seimen. For this point corresponds to Makrolivada, and the inscription by mentioning Makrolivada and then the forts toward the Balkans suggests that from this point the frontier line ran northward.<sup>16</sup>

Article 3 relates to the surrender of Slavonic deserters. The question of deserters had been an important point in the negotiations between Krum and Michael I. Krum had demanded an exchange of the deserters to both sides; the emperor was disposed to consent but was overruled by the opinion of the senate (*Cont. Theoph.* 12–13). The treaty seems to provide that all Slavs who had been in the power of the Bulgarians at the time of the delimitation of the frontier and had since deserted to the emperor should be sur-

<sup>15</sup> The length of the eastern section (to the river Tundzha) was about 40 miles, that of the western a little less.

<sup>16</sup> This section of the frontier seems to have been left unfenced.

rendered. It further provides that 'the other Slavs who are not subject [to the emperor] in the coast district' should be sent back. The difference between these two classes evidently is that the first inhabited the hill districts, which were entirely Bulgarian, the second belonged to the coast district where there were also Slavs who were under the Roman government. We must therefore, as I apprehend, supply *εἰς τὰ ὄρη* or *εἰς Αἶμον* or something of the kind after *ὑπὸ τῶν Βου[λγάρων]*. An alternative might be to read *ὑπὸ τῶν βου[νῶν]* . . . , 'under the hills,' 'in the hill country'; but it appears to me that *ὑπὸ τῶν Βου[λγάρων]* cannot be dispensed with in view of the following *ὡς ἐφθάστισαν*. The delimitation of the frontier (if *ὀροθεσία* is the true restoration) refers, of course, to an older treaty. The only recorded settlement of the boundaries was made in the reign of Kormisos, about the middle of the eighth century. It must be admitted that the different reference of *ὀροθεσία* in Art. 2 is in favour of Uspenski's conjecture *ὄρμη* here. The clause would then apply only to acts of desertion since the outbreak of the war between Nicephorus and Krum.

Article 4 provides for the exchange of captives. For officers the emperor is to pay, evidently, a certain sum per head, but it is useless to speculate how much; probably not less than two nomismata. Common soldiers are to be exchanged man for man. Nothing is said about Bulgarian officers. It is also provided that a payment is to be made (perhaps 2000 oxen) for persons who had been seized by the Bulgarians within forts which the commanders had deserted and left undefended, and who (apparently) had been detained in neighbouring villages.

That it was Omurtag who concluded the peace and set up the column is suggested, as already observed, by the character of the script. This is not conclusive, for the resemblance between this inscription and that of Tyrnovo is compatible with the assumption that the same engraver who worked afterwards for Omurtag had worked for one of the obscure khans who reigned in 814. Still, as all the extant early inscriptions that bear the name of a khan were set up by Omurtag or Malomir, and as the Continuation of Theophanes refers the conclusion of the treaty to him, the evidence is strong enough to establish that he was the khan who made the Thirty Years' treaty. The corollary follows that he came to the throne before the end of 814. There is however another piece of epigraphic evidence, which, if I am right in interpreting it, furnishes a confirmation. It is in the Shumla inscription of Malomir.<sup>17</sup>

This inscription proves that the Thirty Years' treaty was not observed inviolate till its expiration in 844. For it records an inroad into imperial territory by Malomir, the son of Omurtag. No

<sup>17</sup> Aboba, 233; *Arch.-epigr. Mittheilungen*, xix. 243.

hostilities are definitely described or recorded in our Greek sources during the reign of Theophilus, but one chronicle refers to an act of the contemporary khan which could hardly have been anything but an act of hostility. The khan is called 'Βαλδίμερ'<sup>18</sup> grandson of Krum,' but he is also designated as Michael and the father of Simeon. Clearly Malomir, who was grandson of Krum and contemporary with Theophilus, is meant; but the chronicler confounds him with Boris (Michael). He is said to have marched to Thessalonica at the time when the Greek captives who had been transported by Krum beyond the Danube made efforts, which proved ultimately successful, to return to their homes. We can date this incident to 837-8. Whether it be true or not that Malomir invaded Macedonia first, the events connected with the return of the exiled Greeks furnish, I think, the key to the inscription. Theophilus sent ships to transport them from their place of exile beyond the mouths of the Danube, and Malomir retorted by invading Thrace. The *motif* of the inscription is not only to describe his exploits but to justify his breach of the peace.

The general drift must be inferred from a succession of phrases in the legible portions of the text: l. 1, my grandfather Krum; l. 2, my father; l. 3, made peace and lived on good terms with the Greeks; l. 4, and the Greeks (*ἐρήμωσαν*), ll. 5-9, Malomir devastated the land of the Greeks. It is clear that in l. 4 an act on the part of the Greeks is mentioned which was contrary to the peace and is given as a justification of the invasion. *ἐρήμωσαν* can mean either 'laid waste' or 'deserted.' We have no record of a wasting of Bulgaria by the Greeks, while we know that the Greek exiles did desert the settlement beyond the Danube to which they had been transported by Krum. Now if we take *ἐρήμωσαν* to refer to this desertion, the mention of Krum in l. 1 receives an explanation.<sup>19</sup>

For our present purpose the interest of the inscription lies in ll. 2, 3, which Uspenski prints as follows:

Ὁμ]βρεντὰ γὰρ ἀποῦτα καὶ ὁ πατὴρ μου ὁ Α . . .  
[εἰ]ρήνην τε π(οιή)σας καὶ καλ(ὰ) ἕξ(η)σε μ(ε)τὰ τοὺς Γ[ρ](αι)[κοὺς].

<sup>18</sup> Chron. of the Logothete: *Contin. Georg. Mon.*, ed. Bonn, 818. The other copies, Theodosius Mel. 162, and Leo Gramm. 231 have the same form of the name. It has been suggested that this form is due to a confusion with Vladimir, son of Boris. The episode of the return of the 'Macedonians' is discussed by Marquart, *Ostero-päische und ostasiatische Streifzüge*, 493-5, but not, in my opinion, satisfactorily, though he is right in reading *βούλγαροι* for *βουλγαρίαν* in *Cont. Georg.* 818, l. 15.

<sup>19</sup> Uspenski reads . . . *ἔτους ἄρχ(ων) ὁ Κροῦμος ὁ πάππ(ος) μου με[τέ]γας*. This will not do; *ἄρχων* must have the article.  $\tau$   $\epsilon$  which he takes to be for *ἔτους* is doubtless  $\Gamma$ , so that we can restore  $\delta$   $\mu$ [έ]γ(ας) *ἄρχ(ων) ὁ Κροῦμος ὁ πάππ(ος) μου με[τέ]γαγεν . . .*  
In l. 4 *ἐρήμωσα[ν]* may have been followed by something like *τὰ πέραν Ἰστροῦ καὶ ἤλθεν]*  $\delta$  *Μαλαμήρ*.

The audacious conjecture Ὀμβρεντάγ (Uspenski says that *ρενταγ* is unquestionably on the stone; it is far from clear in the facsimile) is supposed to be a form of Ὀμουρτάγ, and he compares Ὀμβρίταγος in Theophylaktos of Aehrida. But such a corruption in an official document is inconceivable; Ὀμουρτάγ is invariable in the inscriptions. Moreover the following words, *καὶ ὁ πατήρ μου*, show that Omurtag's name could not have stood at the beginning of the line, for Malomir's father was Omurtag (as we know from the same Theophylaktos).<sup>20</sup> We can in fact restore with certainty *καὶ ὁ πατήρ μου ὁ ἀρχ(ων) Ὀμουρτάγ*. . . What *ρενταγατουτα* may be, I cannot explain; it may contain some local name, connected with the settlement of the Greeks beyond the Danube. But it is obvious that 'my father the archon Omurtag' is the subject of *ποιήσας* and *ἔζησε*, and thus we have a piece of clear documentary evidence confirming the conclusion that Omurtag was the khan who made the Thirty Years' treaty with Leo V.

There is another fragmentary inscription which must be briefly considered in this connexion. It is the column of Eski-Juma, to which I have already referred for the purpose of illustration, and which, like that of Suleiman-Keui, was undoubtedly placed originally at the royal residence of Pliska.<sup>21</sup> The best-preserved bit of the text is l. 5, *ἔων καὶ Βουλγάρων Β κεφάλειον*, where Uspenski's restoration Πρω]έων is virtually certain: this shows that we have to do with an agreement between the Empire and Bulgaria. In l. 6 we have, as I would read, *καὶ ὑπὸ τὸν ἀρχοντ[α (τῶν ἀρχόντ[ων, Uspenski)*, that is, the Bulgarian khan; in l. 7 *[να διαμείνουσιν οὕτως*; in l. 8 *τὸν βασιλέαν: μπτ.*<sup>22</sup> The last line has the mark . . . followed by the tops of four letters, which seem to be σ or ε, τ, ου, and ου. This points to *ἔτου(ς)*,<sup>23</sup> and, if so, the date was here, and the text of the agreement ended in l. 8, so that apparently there were only two articles. The inscription belongs to the same period as that of Suleiman Keui, and there seem to be only two possibilities. Either this instrument was a confirmation of the Thirty Years' treaty agreed upon by Omurtag and Michael at the expiration of the first decennium in 824; the text of Genesios, cited at the beginning of this paper, suggests that such a confirmation may have been considered desirable. Or else, the text represents a provisional

<sup>20</sup> This inscription furnishes the important probability that Omurtag was Krum's son; the only possible alternative being that he was his son-in-law, Malomir's mother being Krum's daughter: Theophylaktos, *loc. cit.*

<sup>21</sup> Aboba, 226.

<sup>22</sup> *τὸν βασιλέα ν(όμισμα !)* Usp. Perhaps however we have the form *βασιλέαν*, which occurs in the Leipzig MS. of the De Cerimoniis, see I, 38 p. 194, l. 10. *μπτ* may be *μητ*. It is impossible to make anything of the first lines of the inscription: in l. 2 perhaps [*Ε*]βρον.

<sup>23</sup> In the inscription preserved in the Sophia Museum, we find *ἔτ[ου] for ἔτους* before the Annus Mundi: Aboba, 227.



agreement, concluded in 814 by Leo V with Krum's successor, and previous to the Thirty Years' treaty.<sup>24</sup> It is vexatious that a little more of the last line has not escaped destruction. If the first three letters represent, as I think, ζ̅του(s), what could be the chronological bearing of the fourth, which seems to be ου? In these inscriptions we find examples of three methods of dating: by *Anni Mundi* (as in an inscription in the Sophia Museum), by indications, and by Bulgarian years (Chatalar inscription). ου cannot be the first figure of an A.M. or Ind., but it might be the first letter of the Bulgarian year *vechem* or *uchem*, which would probably be transliterated οὐτζεμ. Now it is remarkable that a Bulgarian year *vechem* partly corresponded to A.D. 814. The proof of this will be found in my article on Bulgarian chronology in the *Byzantinische Zeitschrift*, vol. xix. The mutilation of the inscription renders any theory about it highly precarious, but the evidence, such as it is, suggests that it may record a preliminary conclusion of peace after the death of Krum.

J. B. BURY.

### *The Horsing of the Danes.*

'No matter with which we have to deal,' wrote Maitland,<sup>1</sup> 'is darker than the constitution of the English army on the eve of its defeat.' This testimony is true, and almost everything that can be said about that army at any stage of its history is doubtful and controversial. I do not intend here to discuss its whole constitution, but merely to call attention again to what evidence we have touching the use of horses in war during Anglo-Saxon times, and especially to the alleged connexion between the Danish invasions and horsemanship—to that 'horsing of the Danes' and its consequences which loom large in some histories.

There is no need to refer to a long chain of historians. It will suffice to take as a basis for discussion the opinions of Professor Oman and Professor Vinogradoff. 'The English before the Conquest,' says the former,<sup>2</sup> 'never learnt like the Franks to fight on horseback; though their chiefs rode as far as the battlefield, they dismounted for the battle.' I know no evidence that conflicts with this opinion that throughout the whole period even chiefs or kings usually fought on foot, as did Harold at Hastings. (Whether they alone 'rode as far as the battlefield' is another question—of that more later.) I am not even disposed, as Professor Oman is, to

<sup>24</sup> The inscription which is dated A.M. 6328 = A.D. 819-20 (published in *Arch.-epigr. Mitth.* xix. 244, and in Aboba, 226) contains apparently the personal name Τζυκος, which suggests Τζόκος, one of the successors of Krum. Uspenski thinks that the document may have touched on events which happened after Krum's death; but the fragments are too slight and disconnected to justify any inferences, and his supplements [στρατηγ]ὸς ὁ Τζυκος . . . [συνθ]ήκας are useless.

<sup>1</sup> *Domesday Book and Beyond*, p. 156.

<sup>2</sup> *History of the Art of War*, p. 70.

interpret an entry in the *Chronicle* for 1055 as evidence of an abortive attempt on the part of English fighting men to act as cavalry; though his interpretation is based on that of Florence of Worcester. The passage occurs in the description of a fight between Earl Aelfgar, aided by Griffin of Wales, and Earl Ralf near Hereford, when, 'before any spear was shot, the English folk ran away because they were on horses.'<sup>3</sup> The most natural interpretation seems to me to be that the English rode to the fight—that was common enough—but were seized with panic before they dismounted and closed. No doubt now and again in the wars of these long, dark centuries a leader may have fought on horseback, as one is made to do in an isolated passage of *Beowulf* that Professor Oman quotes;<sup>4</sup> but as a rule he dismounted with his men. In his Saga in the *Heimskringla*—not, it is true, a contemporary authority—Hardrada is made aware of the approach of Harold's force by the steam and dust of the horses; but the battle of the bridge was clearly an affair of footmen on both sides.<sup>5</sup> So too at the battle of Maldon, Brihtnoth rides up and down the ranks arranging and haranguing his men, but eventually dismounts and fights with them shoulder to shoulder. We may fairly assume that fighting habits which remained so strong in the century before the Conquest represent the racial tradition, unaltered to the end.

Professor Vinogradoff—as I understand him—holds that the struggles with the Danes altered the habits of the English as well as of the Franks with regard to the use of horses in war. 'Although horses were . . . employed in Charlemagne's armies,' he says in discussing the English 'five-hide unit,'<sup>6</sup> 'especially in his *scaræ* or picked troops, the decisive turn towards horsemanship was taken in the Danish wars, when the "horsed" Vikings had to be caught up and pursued by riding divisions, and the five-hide unit probably included provision for one or two horses.' I do not wish to discuss either the five-hide unit or the Continental question, but to confine myself to the English evidence. It may be noted in passing that Professor Oman does not state that a 'decisive turn towards horsemanship' was taken in England, but only on the Continent—

<sup>3</sup> I use throughout the translation of the *Chronicle* published by Mr. E. E. C. Gomme, as the most literal. The passage in Florence of Worcester is: 'Timidus dux Radulfus . . . illis occurrens, Anglos contra morem in equis pugnare iussit: sed cum proelium essent commissuri, comes cum suis Francis et Normannis fugam primitus capessit, etc.' This may be history or embroidery. If it is history, it is the history of a Norman innovation just before the Conquest.

<sup>4</sup> *History of the Art of War*, p. 70, *Beowulf*, 1036-42. The interpretation of this passage which makes the horse 'go into action' is however not quite certain.

<sup>5</sup> What Hardrada saw was the 'horse reek,' which the Latin translation and Laing's translation render by 'a cloud of dust as from horses' feet.' Later in the Saga the army of Harold Godwinson is described as containing 'both riders and footmen:' *Heimskringla*, ed. Unger, ch. 90-93.

<sup>6</sup> *English Society in the Eleventh Century*, p. 34.

'among the Franks mailed cavalry and systematic fortification, among the English mailed infantry, well-built burhs, and a fleet, ultimately succeeded in curbing the raids of the Northmen.'<sup>7</sup> And it is quite certain that cavalry as a regular military arm had not appeared here before 1066. If the Danish wars did anything decisive, it must be something connected with the 'riding divisions'—the mounted infantry, so to speak. The question is complicated by differences of opinion as to the composition of the fyrd. Mr. H. M. Chadwick has recently argued that the fyrd was normally a mounted force, certainly in Alfred's time and probably earlier, though unmounted ceorls were liable to service connected with it. And he believes that the five-hide unit, or something very like it, is to be found before the Danish wars.<sup>8</sup> Professor Vinogradoff holds to the classical view—'the fyrd was a nation which had to rise occasionally for warlike activity,' 'a gathering of the country people in which the better thanes form only a minority'<sup>9</sup>—and he enlarges upon the defects of this nation in arms.

'The character of the movement of the heathen squadrons and corps, the erection of temporary fortifications, the 'horsing' of the Vikings, are too well known to require any special comment. I will just recall . . . the general impression left by the descriptions of the *Chronicles*, the helplessness of the cumbersome arrays of the shires when they had to oppose their swift and reckless enemies—they are mostly too late, they look for the invaders in the South when their adversaries appear in the North, they collect in the West when they ought to be in the East.'<sup>10</sup>

Without committing myself to any theory about the composition of the fyrd, I venture to think that Professor Vinogradoff has read into these descriptions more than their text warrants. I will therefore examine his references and other relevant passages in the *Chronicle* in some detail. Before doing so it is well to emphasise the fact that riding to war was known to the English from the beginning. Mr. Chadwick reminds us that archæological finds on the Continent prove this. The Britons had horses in plenty. Whether Hengist and Horsa ever existed or not, it must have been a 'horsy' nation that believed in them; and that the nation was 'horsy' our oldest literature proves.<sup>11</sup> But of course the question of importance is, not 'did anyone ever ride to war?' but 'to what extent was riding to war a common practice for the fyrd?'

<sup>7</sup> *History of the Art of War*, p. 113.

<sup>8</sup> *The Origin of the English Nation*, p. 158 sqq.

<sup>9</sup> *English Society in the Eleventh Century*, p. 23.

<sup>10</sup> *Ibid.*

<sup>11</sup> See, for instance, the battle scenes in the *Exodus* and in *Cynewulf's Elene*. In *Beowulf* the ordinary fighting men are constantly horsed. Metaphors from horsemanship are common. Whatever the view taken as to the date of our texts of the various poems there can be no doubt that they represent social conditions prior to the wars with the Danes—many would say, primitive social conditions.

In support of the impression just quoted Professor Vinogradoff cites three passages—894. ‘Then was the fyrd unable to overtake them from behind before they were within the fort’ [of Chester]. 895. ‘So that the fyrd might not reach them.’ 1010. ‘And when they were eastwards, then was the fyrd held westwards.’ Let us examine the context of these passages. The fyrd failed to overtake the enemy on the march to Chester because they ‘fared at one stretch day and night.’ In this very year 894 three ealdormen and some king’s thanes gather forces ‘from every town to the east of the Parret,’ and from several other districts, a regular series of local levies, and do overtake the enemy ‘at Buttington on the banks of the Severn.’ This surely cancels the other passage, itself inconclusive, as a basis for generalisation. And in the same year the cumbersome, helpless fyrd intercepts the enemy at Farnham, beats them, and makes them drop their booty. In 895 the reason why the fyrd failed to get at them was simply that the host, having plundered North Wales, went through Northumbria into East Anglia, that is, kept out of the way of the Wessex men, ‘so that the fyrd might not reach them before they came to the eastern part of Essex.’ This was good strategy on the part of the host, but no discredit to the fyrd.

Before dealing with the famous passages of 1010 and 1016 let us look at some others from the wars of the eighth and ninth centuries. Apparently the first clear record of a considerable mounted force—it is an expeditionary force—is in an account of Ecgrith’s wars with the Picts late in the seventh century.<sup>12</sup> From the *Chronicle* entry for 755 we gather that a king’s immediate following, thanes and others, move about on horseback. That one would expect. When the first ships of the Northmen came in 787 the reeve rides to ‘compel them to go to the king’s town.’ No doubt he too had a mounted following of a humbler sort. In 800 we have a ‘great battle’ between an ealdorman of the Hwiccas and the men of Wiltshire, to which the men of the Hwiccas are said to ride. This looks like a mounted array of the shire, a fyrd, but by itself it is not strong evidence. Much stronger evidence may, I think, be drawn from the famous entry of 866—the host ‘took up their winter quarters in East Anglia, and there they were provided with horses.’ What were these horses? Not plough horses, for probably there were none. They can only have been such mounts as the English used for hunting and many other purposes, among which riding to war was surely one. There was evidently a good supply of them.<sup>13</sup> The Danes are not merely raiding the studs of great

<sup>12</sup> Chadwick, p. 159n. The reference is to Eddius’ *Life of St. Wilfrid*, ch. 19. *Rex Ecgrithus . . . statim equitatu exercito praeeparato, etc.*

<sup>13</sup> *Little Domesday* shows that the eastern counties were well stocked with horses of various kinds in the eleventh century.

men and king's thanes ; and we cannot suppose that the English only learnt from the newcomers the use of a horse on a campaign. It is more natural to suppose that the invaders, coming to a land where there were plenty of horses and horsemen, decided to add to their other military advantages, which were great, the one quality in which they found themselves inferior to the best of the native troops, mobility on land.

Under Alfred, as Mr. Chadwick points out, the word *fyrd* is constantly used with reference to a mounted force, neither cumbersome nor helpless. I see no reason to suppose that this force was an outcome of the horising of 866, but incline to the very reverse view. In 876 'the host which was horsed stole away by night from the *fyrd* and got into Exeter.' There would have been no need for horsemen, who wanted to get behind walls, to steal away by night from a cumbersome horde of ill-armed foot soldiers. In 877 'King Alfred with his *fyrd* rode after the mounted host up to Exeter.' He did not catch them. They got into Exeter, but that proves nothing. I notice that Dr. Hodgkin writes of this episode, 'the mounted men rode off to Exeter. . . . King Alfred's pursuit with the infantry of the *fyrd* was vain.'<sup>14</sup> The *fyrd* *must* be infantry, though the *Chronicle* says it was not. It may be urged that King Alfred rode and his *fyrd* walked, but that is hardly the natural sense of the words. In 894 the men who overtook the host at Buttington drove them into their fortification, besieged them, and forced them to eat their horses. Had the English been mostly on foot and the Danes mostly mounted this could not very well have happened. In 896 'the *fyrd* rode westwards after the host.' Dr. Hodgkin lets them ride this time.<sup>15</sup> I do not think that anyone approaching these various passages without preconceived ideas would suppose either that the *fyrd* as Alfred found it was mainly composed of horseless men, or that it was the necessity of coping with the Danes after their 'horising' which first led to the formation of riding divisions. Moreover we are generally told when Alfred adopted a new policy in coping with the enemy. We know how he divided the *fyrd* ; we know how he built the ships. We are never told that he horsed the *fyrd*, or some of the *fyrd*. Horses are taken for granted.

Coming to the later wars, the wars of Ethelred, it is of course possible to argue that the constant references to horsemanship prove that England had at length learnt her lesson. I am rather disposed to hold that it was the other side which still had to learn and that the English continued to give the enemy an object-lesson in the value of horseflesh. The fresh bodies of invaders seem rather slow to get into the saddle. In 994 Anlaf and Swegen came up

<sup>14</sup> *Political History of England*, i. 283.

<sup>15</sup> *Ibid.* i. 311.

against London. Then they harried Essex, Kent, Sussex, and Hampshire. 'And at last they took to themselves horses.' A couple of entries about this time suggest that the best way for the invaders to get horses was to beat the fyrd and take theirs. 999. 'And then the Kentish fyrd came against them . . . and the Danes had possession of the place of slaughter. And then they took horses.' 1010. They land at Ipswich and go against 'Ulfkytel with his fyrd . . . and the East Angles soon fled, but Cambridgeshire stood firmly against them . . . and the Danes had possession of the place of slaughter, and there were they horsed.' This is the year in which, according to the *Chronicle*, the fyrd so often marched the wrong way—north for south and east for west. One ought not to attach too much importance to the recriminations and laments of the vanquished, but apparently they were very ill led. They probably suffered from the 'short service system'; but there is no direct evidence that they suffered from lack of mobility.

Even when very comprehensive phrases are used to describe the fyrd, it seems to have been mobile enough, if decently commanded. In 1014 Canute is getting horsed in Lindsey. The men of Lindsey have agreed to join him in raiding. 'Then came King Ethelred thither to Lindsey with the full fyrd, before they were ready.' He harried Lindsey, and Canute put out to sea. In 1016 Edmund with 'the whole nation of the English' drove the host, 'with their horses, into Sheppey; and the king slew as many of them as he might overtake.' This might suggest to one on the look-out for such a suggestion that 'the whole nation of the English' moved slowly. But a few lines further down we find 'the whole nation' overtaking the enemy before the battle of Ashingdon; so we have no reason to assume any marked difference in mobility. Whether 'the whole nation' was horsed or not, clearly it was not abnormally helpless and cumbersome. Of course one cannot attach a very precise military meaning to such a word as 'overtake'; but if the English are to be dubbed helpless for failures to overtake, they are entitled to the credit of successful overtakings. I do not then regard the chronic helplessness of the fyrd as proved. But I do not think that the term always implies a force of one definite type. It probably covers at least two kinds of forces—expeditionary forces, riding divisions, and mixed forces of foot and horse. But as those accounts which seem to imply a *levée en masse* all come from the eleventh century,<sup>16</sup> and those which seem to imply it most clearly from the very eve of the Conquest, while the accounts which imply an effective mounted force are as numerous in the ninth century as in the eleventh, there

<sup>16</sup> See the references in *English Society in the Eleventh Century*, p. 23, n. 3—1006, 1051, 1052. Some of these seem to me not fully to bear out the statements in the text, but they certainly suggest *levées en masse*.

is something a little awkward in the contention that the Danish wars provoked horsemanship and demonstrated the inefficiency of the old-fashioned fyrd. One could equally well argue that those wars obliged the English to fall back for the first time on a *levée en masse* of footmen; though I am not disposed so to argue.

Taken together with the Bayeux tapestry, these eleventh-century passages suggest to me, as to Professor Vinogradoff, the presence of a very rough-and-ready element in the armies of that day. The question is, are we habitually to translate fyrd by 'rough-and-ready *landsturm*'? I have given my reasons for thinking that we are not, and that the evidence points to the existence of a large mounted element in the English army, at least as effective at the beginning of the Danish wars as at their close. What bearing this has upon the many obscure questions connected with 'feudalism' before the Conquest I do not venture to inquire.<sup>17</sup>

J. H. CLAPHAM.

### *A Canterbury Monk at Constantinople, c. 1090.*

THE following account of a visit to Jerusalem and Constantinople is found on the last folio of a Rochester lectionary now in the library of the Vatican,<sup>1</sup> where the text breaks off abruptly at the foot of the page. The mention of Lanfranc's death fixes the date not long after May 1089. The pilgrim Joseph who is the subject of the narrative seems to have been a person of some importance at Christ Church:<sup>2</sup> a monk of this name appears next after the prior and before Eadmer in a charter of Anselm for Rochester cathedral, and next after the archdeacons and likewise before Eadmer in a charter of Archbishop Ralph for the same church,<sup>3</sup> so that he was alive as late as 1114. Probably he is the Joseph whose obit is entered under 27 March in the Christ Church necrologies.<sup>4</sup> The journey to

<sup>17</sup> A great deal of this argument is merely an extension of that of Mr. Chadwick, who however has not discussed the question in its connexion with the Danes. Mr. Chadwick has pointed out to me that the regular Latin equivalent for fyrd is *expeditio*. The word itself is connected with the root that appears in the German *fahren*—i.e. it suggests an expeditionary force, not a force turning out for home defence.

<sup>1</sup> Vat. Lat. 4951, f. 220 recto, the verso being blank. The MS. is of the twelfth century; see Ehrensberger, *Libri Liturgici Bibliothecae Apostolicae Vaticanae Manuscripti* (Freiburg, 1897), p. 150.

<sup>2</sup> He is not mentioned in W. G. Searle's *Lists of the Deans, Priors, and Monks of Christ Church Canterbury* (Cambridge Antiquarian Society, 1902).

<sup>3</sup> Hearne, *Textus Roffensis*, p. 154, no. 93, p. 155, no. 94; *Monasticon*, i. 168. In both cases the abbreviation which follows Eadmer's name in the MS. should doubtless be resolved 'monachis.'

<sup>4</sup> Cotton MS., Nero C. IX. f. 8v., printed in Dart, *Cathedral Church of Canterbury*, app., p. xxxv; Lambeth Palace, MS. 20, f. 175 v. Joseph heads the list of monks whose anniversary falls on this day, whereas the other Josephs in the necrologies (Dart, p. xxxvii; Lambeth MS., ff. 195, 196 v., 217) come in each case well down the lists, and hence probably belong to a later age. It is perhaps worth noting that a

Jerusalem was undertaken with a considerable company, and, if we may infer anything from the silence of the narrative, met with no special difficulties. The friends whom our monk found at Constantinople in the emperor's household were doubtless among those English Varangians who entered the imperial guard after the Norman Conquest and were placed by Alexius in charge of the palace and its treasury.<sup>5</sup> The relics of St. Andrew, brought from Achaia in the fourth century, are frequently mentioned in the descriptions of medieval Constantinople,<sup>6</sup> as well as in the notices of the transfer of portions of them to Rome under Pelagius II to Scotland in the eighth century, and to Amalfi after the Fourth Crusade.<sup>7</sup> The cathedral for which Joseph desired the relics was of course Rochester, where Benedictine monks had recently been introduced by Bishop Gundulf, and the presence of the account in a Rochester service-book would imply that he was successful; but while there is evidence of the existence of relics of St. Andrew at Canterbury,<sup>8</sup> I can find no trace of them in Rochester records.<sup>9</sup> Perhaps the conclusion of the text can be supplied from another manuscript.

CHARLES H. HASKINS.

[T]empore quo Rex Willelmus iunior genti Anglorum preerat et ecclesia Christi Cantuarie morte Lanfranci archiepiscopi desolata fuerat, monachus quidam nomine Ioseph ex eadem ecclesia fuit qui gratia orationum Ierosolimam adiit. Cumque suum ibi desiderium complexset rectoque itinere cum magna sociorum multitudine rediret, rectum iter sociosque deseruit et cum suis tantum quibusdam famulis Constantinopolim secessit. Audierat enim ibi esse thesaurum reliquiarum incomparabilem quarum patrociniis cupiebat se commendare presentem. Cum ergo illuc Deo

copy of Isidore of Seville in the British Museum (Royal MS. 5, E. 1) was marked by the Rochester librarian 'De claustro Roffensi per Ioseph monachum.'

<sup>5</sup> 'Anglos igitur qui perempto Heraldo rege cum proceribus regni Albionem reliquerant et a facie Willelmi regis per Pontum in Thraciam navigaverant, Alexius in amicitiam sibi ascivit eisque principale palatium regiosque thesauros palam commendavit, quin etiam eos capitis sui rerumque suarum custodes posuit': Ordericus, iii. 169; cf. p. 490, and ii. 172. On the English Varangians see Freeman, *Norman Conquest*, iv. 628-632; and especially Vasilievsky, in the *Journal of the Russian Ministry of Public Instruction*, clxxviii. 133-152 (1875). A passage from Gocelin's *Miracula S. Augustini Cantuariensis* does not seem to have been noted in this connexion: 'Primo ex Normannis regnatore Anglie Willelmo Angliam captante, vir honorificus de curia et nutritura B. Augustini cum multis optimatibus patrie profugis Constantinopolim transmigravit, tantamque gratiam apud imperatorem et imperatricem ceterosque potentes obtinuit ut super sapientes milites multamque partem sociorum ducatum acciperet, nec quisquam advenarum ante plurimos annos tali honore profecerit': *Acta Sanctorum*, May, vi. 410.

<sup>6</sup> Riant, *Exuviae Sacrae Constantinopolitanae*, ii. 211 ff. Two of these accounts are from English sources.

<sup>7</sup> For references to these translations, see the Bollandist *Bibliographia Hagiographica Latina*, i. 72 f.

<sup>8</sup> Legg and Hope, *Inventories of Christ Church* (1902), pp. 37, 74, 81, 93.

<sup>9</sup> We should expect to find them mentioned in the biography of Bishop Gundulf, who was in great demand on the occasion of translations (*Anglia Sacra*, ii. 285).



ducente advenisset et quo in loco thesaurus ille haberetur perquireret, quosdam ibi viros de patria sua suosque amicos reperit qui erant ex familia imperatoris. Hos itaque cum statim recognovisset gaudensque allocutus fuisset, didicit reliquias illas esse in imperatoris capella et quia difficile quisquam illuc ingredi poterat. Imperator enim studiose volens custodire margaritas illas incomparabiles plures illic deputaverat custodes unumque precipue qui ceteris in custodia preesset. At tamen quia predicti monachi amici noti erant ipsi custodi et amici, factum est ut eorum interventu idem custos monachum in capellam introduceret eique maximam reliquiarum partem demonstraret. Cumque has atque illas sibi ostenderet reliquias illeque monachus suppliciter adoraret singulas, contigit ut inter alias ei ostenderet quedam beati Andree apostoli ossa. Cum autem has esse reliquias illius apostoli diceret<sup>10</sup> dicendo affirmaret, monachus, quia semper apostolum dilexerat carius, eius reliquias multo adoravit devotius. Mox etenim ut eas aspexit, terre se devotissime prostravit et inter alia hoc quoque oravit: 'Placuisset,' inquit, 'omnipotenti Deo ut has reliquias nunc tenerem quo in loco eas habere desidero.' Quod cum custos ille audisset sed, quia Grecus erat, minime intellexisset, quesivit ab uno ex amicis monachi, qui eorum interpres erat, quid esset quod monachus ille dixerat. Interpres vero, quia votum huiusmodi non audebat manifestare custodi, prius a monacho requisivit an vellet ut hoc indicaret illi, cumque ab eo licentiam accepisset dicendi, tum demum ipsi patefecit custodi quia sic et sic monachus ille optaverit. Ille vero hec audiens monacho per eundem interpretem respondit: 'Quid,' inquit, 'mercedis illi reconpensare velles qui ex eo quod optasti desiderium tuum compleret?' Et ille: 'Parum,' ait, 'pecunie mihi de via remansit multumque vie restat adhuc peragendum mihi. Siquis tamen ex eo quod opto meam compleret voluntatem, ex eadem pecunia tantum sibi darem quanto carere tolerabiliter possem. Ipsas vero reliquias illum deportarem in locum ubi eis celeberrimum persolveretur obsequium. Est enim in patria mea sedes quedam episcopalis in qua fundata est ecclesia quedam in honorem beati Andree apostoli ubi noviter adunata monachorum congregatio Deo devotissime deservit. Ad hanc ergo ecclesiam, si Deus meam dignaretur adimplere voluntatem, aliquas ex apostoli reliquiis deportare cuperem.' Tum custos, 'Vade,' inquit, 'et ad hospicium tuum revertere, huncque nostrum interpretem et amicum tuum mihi remitte et per eum tuam mihi voluntatem remandans innotescere. Non enim expedit nobis ut ipse huc revertaris, ne de huiuscemodi negotio an[imadvertat?].

### *The Battle of Tinchebrai: a Correction.*

Two errors in the text of the letter describing the battle of Tinchebrai, which appeared in this Review last October (vol. xxiv. pp. 729f.), have been detected by the acuteness of Mr. H. E. Malden. A clause was omitted after *pedites* in the fifth line, an omission due to its ending with the same word as that preceding it; and a little further on *horum*

<sup>10</sup> Apparently the scribe wrote *diceret* by mistake instead of *dicendo*, and forgot to expunge it.—Ed. E. H. R.

was printed instead of *hominum*. Mr. H. W. C. Davis desires to explain that by a series of accidents he was prevented from recollating his copy with the manuscript before publication. As these corrections materially affect the sense of the letter it will be convenient to subjoin a revised text :

[Jesus College, Oxford, MS. li. fo. 104.]

Domino suo presbytero Sagii presbyter Fiscanni salutem et orationes. Bonum apporto nuntium, domine mi, quoniam uos huius nuntii audidum noui. Rex dominus noster pugnauit cum fratre suo apud Tenercebraium iiii kal. Octobris hora tertia; et fuit sic bellum dispositum. In prima acie fuerunt Baiocenses, Abrincatini, et Constantinienses, omnes pedites; in secunda uero rex cum innumeris baronibus suis, omnes similiter pedites. Ad hec septingenti equites utriusque aciei ordinati; preterea comes Cenomannis et comes Britonum Alanus Fregandus circumcingentes exercitum, usque ad mille equites, remotis omnibus gildonibus et seruis, nam totus exercitus regis prope modum ad XL milia hominum estimabatur. Comes uero ad VI milia habuit, equites septingentos, et uix una hora prelium stetit, Roberto de Belismo statim terga uertente, ex cuius fuga dispersi sunt omnes. Comes uero captus est, et comes Moritonii cum suis baronibus, Robertus de Stuteuilla amicus meus; reliqui omnes fusi fugatique. Porro terra redacta est sub rege, et nequid uos preteream illud mirum quod rex in prelio uix duos amisit. Unus solus uulneratus est, Robertus de Bonesbot. Ad regem cum uenissem benigne me excepit apud Cadomum, et omnia que de terra nostra exigebat uoluntarie indulsit. Et nunc pax in terra reddita est, Deo gratias. Vos quoque orate ut sempiterna permaneat, et ut nobis Deus sanitatem mentis et corporis tribuat. VALETE.

It results that the figure of 40,000 given by the priest represents his estimate of Henry's entire force, not of his light infantry only.

Mr. Davis remarks :

Taking the omitted words into consideration it is clear that foot soldiers played a larger part in the battle than I allowed in my article. The second of Henry's divisions, like the first, was composite, containing both infantry and cavalry. The conjecture of Professor Oman (based on Orderic's ambiguous language), that the king took part in the battle, instead of remaining at the rear, turns out to be verified by the priest's explicit statement. The *Angli et Normanni pedites* of Orderic are the barons who fought with the king in the second division.

Mr. Malden, in the communication to which we are indebted for the correction of the text, argues that *remotis* is here not used of bodily or local removal, and holds 'that the plain meaning of *remotis omnibus gildonibus et seruis*, coming between two estimates of numbers and followed by *nam*, is "not counting" or "apart from." If so, perhaps the English infantry were near enough to strike a blow after all.'

ED. E. H. R.

*Henry of Blois and Brian Fitz-Count.*

THE Anglo-Norman baron was not infrequently a patron of literary men ; and to this circumstance we are indebted for what we know of his attitude towards the great questions of his age. Within certain limits this information is of value. No doubt we receive from William of Malmesbury—to take a favourable example—such a version of events as Earl Robert of Gloucester desired to set before posterity. But no professional advocate, however skilful in his exposition, can tell us what, as historians, we most desire to know. It is not merely or chiefly that he suppresses the facts which incriminate his clients. These we may easily enough obtain from the writers of the other faction. The more serious shortcoming of such an advocate is that, even where he states fairly enough the principles which were held to justify a given course of action, he gives them the colour of his own idiosyncrasy. He has his own way of marshalling the arguments ; and he often adduces arguments which would scarcely have occurred to the men for whom he speaks. But the historian is as much concerned with men as with principles ; the temperament of the politician is to him no less interesting and important than the idea which the politician represents. Even if the historian believes that the mainspring of feudal policy was a naive and brutal egotism, he cannot believe that feudal politicians were fully alive to the sordid character of their own motive. There is evidence enough that even Geoffrey de Mandeville had followers to whom he appeared in the light of a respectable and injured man. It is only reasonable to suppose that he and his like deceived themselves before they were able to deceive others. Self-knowledge is rare in any age—rarest of all in an age so unintellectual, so strenuous, and so eventful as the twelfth century. Now the truth about men is only one part of history ; the myths which they make about themselves, and which they succeed in circulating, are also to be carefully considered. For it is in these myths that the ideals of any age are most infallibly revealed ; not indeed the ideals of the best minds, but the ideals of the market-place, the conventional standards of morality.

We can never understand feudalism as a factor in history until we correct our conception of feudalism in the abstract by studying the mental processes of the individual feudatory. He was not to himself or to the majority of those who came in contact with him the mere incarnation of a centrifugal and disruptive individualism. He looked at political questions through a haze of sentiment and of tradition. So much we can imagine without the help of documents. But to estimate what sentiments and what traditions blurred his vision at a particular moment is less easy. And we are seldom supplied with the evidence that we require for arriving at an estimate.

No doubt confidential letters were exchanged, and manifestos were dispersed, whenever a crisis was at hand. Few however of these documents have come down to us from the age when feudalism was still robust and unsophisticated. Therefore we have in general to be content with secondary sources of information. We know how the baron of the Anglo-Norman epoch appeared to the minstrel, the monk and the esurient scholar. We know what was thought of his aims and his manœuvres by kings and lawyers and highly placed ecclesiastics. But it is a rare piece of good fortune when he speaks in his own person. He may not be telling the truth; even so, we are glad to know the lines on which he thought it desirable to lie, the excuses which he thought would vindicate his conduct in the eyes of honourable men.

These considerations may serve to explain why we call attention to the following correspondence. One of the writers is a bishop, but a bishop of the political kind; the other is one of those barons who fill the background of twelfth-century history—a man of reputation in his time, but now a lay figure associated with a few notable events. The tone of the correspondence is controversial. It suggests that the writers are less anxious to convert each other than to win public sympathy for their wrongs and the causes which they represent. The style is rhetorical and epigrammatic, but not so good as to suggest the assistance of expert secretaries.<sup>1</sup>

Henry of Blois, bishop of Winchester, the author of our first letter, is sufficiently well known to make description superfluous. We may remark that the letter confirms the traditional estimate of his character. He was a man who swung rapidly round from one position to another, as the interests of his class or feelings of wounded vanity suggested. He had a remarkable gift of discovering that duty pointed in the same direction as expediency, and of crediting his opponents with the worst designs and motives. It is characteristic that he should appear in this letter as the dignified censor of one whose main offence consisted in refusing to change sides as often as himself.

The subject of his reproof is Brian of Wallingford—the son of a Breton count, Alan Fergant, who had won the favour of Henry I by faithful service at Tinchebrai and elsewhere. Brian had been educated at the English court. To judge from the frequency with which he attests the charters of Henry I he must afterwards have held some office in the royal household. In or before 1127 he became *firmarius* of Wallingford; and the importance of this stronghold

<sup>1</sup> Our text is taken from a volume of Dodsworth's transcripts, no. 88, f. 76 (Bodleian library). He does not state the source from which he obtained the letters, of which he appears to have seen the originals. But the volume in which his copies occur is largely made up of extracts made in northern libraries and archives. The letters refer to an earlier correspondence between the writers, but this is not given by Dodsworth.

gave him considerable prominence in the civil war between Stephen and the empress. From 1139 to the close of the war he held Wallingford in the Angevin interest. It was the most easterly outpost of his party in the Thames valley ; his communications with the West were precarious ; and we can easily believe his own statement that he could only provide for his garrison by plundering non-combatants. This was the common practice of the more disreputable leaders on his side ; but he could raise the plea of necessity with more show of reason than a Robert fitz Hubert or a Philip Gay. With such adventurers he had little in common. They fought for their own hands ; they took pleasure in destruction and in deeds of cruelty. Brian fitz Count was already a man of assured wealth and position before he joined the empress. He risked much, he lost everything ; and we do not hear that he asked for any of the rewards which were heaped upon less deserving adherents of his party. If he made war in grim earnest, it was because he stood with his back to the wall, disinherited and desperate. Reading between the lines of the letter we can see that he was sensitive to the ignominy of his position, and anxious to vindicate his conduct. The imputation of robbing the Church stings him to the quick. He boasts that he makes war according to the rules of war. His apology, though not unimpeachable in the point of Latinity, bears out his reputation as a man of some learning and acute intelligence. He rings the changes on sarcasm and argument with good effect. Evidently he possessed a fair share of the perfervid Celtic temper. Whatever part self-interest had played in determining his policy, he speaks as one consumed with honest indignation, a Cavalier of the twelfth century who has staked his all in obedience to the dictates of personal loyalty. Come what may, he is not minded to forsake the daughter of the king whose bread he has eaten in better days. We are irresistibly reminded of the profession of faith made under analogous circumstances by Sir Edmund Verney, the stout-hearted standard-bearer of King Charles I.

But the Angevin party were in one respect less fortunate than the royalists of Stuart times. The English clergy, after declaring for Matilda with no uncertain voice, went back to the allegiance of her rival within the space of a few months. It is doubtful whether men of Brian's stamp had been much influenced by zeal for clerical privilege at the time when they joined the empress. But they were naturally exasperated to find themselves deserted and denounced by those who had instigated rebellion in the name of religion. This is the reason of the contempt which Brian professes for his correspondent. They exchanged their letters at a time when the secession of Bishop Henry from the side of the empress was still a recent occurrence ; when he still had hopes of bringing back to Stephen's side some of the men with whom he had compassed Stephen's

temporary overthrow. It is not so much the bishop's complaint of the wrong done to his men, as his inopportune attempts to convert Brian to his own way of thinking that provoke the hot-tempered Breton to close his letter with a formal challenge. Who is the bishop that he should talk of faith or honour? Respect may be due to his office; none is due to the man. It is Brian who has obeyed the mandate of the Church, who has gone out to battle in the spirit of the first Crusaders, who has sacrificed his last acre of land, not for fee or reward, but for the sake of honour. And this he stands prepared to prove against the bishop by battle or by ordeal.

The date of the correspondence can be determined within narrow limits. The letters were written after the siege of Winchester (September 1141), when Bishop Henry had recovered quiet possession of his cathedral city. Indeed the earliest occasion on which the fair of St. Giles, mentioned in the bishop's letter, can have been held is September 1142. On the other hand, the bishop's letter was written while he still held the title of legate. This expired, on the death of Innocent II, in September 1143. Some little time might elapse before the death of Innocent was known in England. But Brian's letter cites Miles of Gloucester among the witnesses who can prove the truth of his statements. Miles died in the last days of 1143. We have therefore good reason for dating these letters September 1142–January 1144. Brian cites other witnesses, including the citizens of Winchester and London. A comparison of his list with Matilda's charters shows that he mentions all the prominent individuals who are known to have been with her at Winchester and London in 1141, when the bishop was exercising his oratorical powers on her behalf. If the list is intended as an enumeration of Matilda's supporters at that date, it has the interest of being longer and more imposing than we should gather from the attestations of charters. It names William de Mohun, who was certainly at London in June 1141; but apparently he had deserted the empress by the time when Brian wrote his letter. This is the natural conclusion to be drawn from the contemptuous way in which he is contrasted with the Crusaders of the heroic period; *isti comites non fuerunt similes Comiti de Moyon*. In like manner the primate, Theobald, is denoted as 'the so-called archbishop' because he had returned to the allegiance of Stephen immediately after Bishop Henry had set the example.

H. W. C. DAVIS.

## I.

### *Carta Henrici Episcopi Wintonie.*

Henricus dei gratia Wintonie episcopus et sedis apostolice legatus Brientio filio Comitum, memorem esse uxoris Loth que respiciens in statuum

salis conversa est. Dum semper ad ea que retro sunt respicitis, offendiculum quod pre oculis habetis minus cauetis, eoque cicius corrumpere potestis. Cum in literis quas nouissime uobis direxi firmam pacem omnibus adferiam meam uenientibus a uobis et uestris dari quesierim, nec in litteris a uobis mihi directis illa negaretur, res autem mee interim a uestris capte sint et terre et homines et camini mei inquietati; uidetur mihi de uobis et uestris minus confidendum esse, et uos, quod tamen mihi confiteri graue est nec cordi meo sedet, nisi correxeritis, inter infideles Anglie connumerabo quem usque modo semper de eorum genere esse nes[ciui]. Siq<sup>o</sup> . . . e . . . dicte . . . at fideli de hiis que . . . rescribam. Sin autem aliter u . . . l.<sup>2</sup>

## II.

*Carta Brientii filii Comitis.*

Henrico nepoti Henrici Regis Brientius filius Comitis salutem. Miror multum, et admirandum est, et de hoc unde uos alloquor, uidelicet de hiis que uidi et audiui et in meo tempore fuere postquam etatem habui. Mentionem facitis de primo homine qui peccauit eo quod obedientiam non tenuit. De hoc respondi uobis.<sup>3</sup> Modo iterum de Loth et uxore sua mecum agitis. Quos nunquam uidi neque noui nec ciuitatem eorum, nec in uno tempore fuimus. Audiui tamen dicere quod Angelus precepit eis egredi ciuitatem qua manserant ne respicerent, et quia mulier respexit in statuam salis mutata fuit. Michi autem nunquam preceptum fuit quod [non] respicerem. Debeoque bene respicere ad precepta Sancte Ecclesie ut, recordando ea que michi sunt precepta, eitem contraria. Nam et uosmet, qui estis prelatus Sancte Ecclesie, precepistis mihi filie Regis Henrici auunculi uestri adherere et eam auxiliari rectum suum acquirere, quod ui aufertur ei, et hoc quod modo habet retinere. Nec solum ad preceptum uestrum respicio sed antecessorum nostrorum illustrium dignos actus ad exemplum etiam mihi sumo. Cum enim Papa Vrbanus uenisset Turonum cum clero citroalpino concilio et precepto Dei populum affatus est de ciuitate Ierusalem, quam allophili possidebant; ad cuius ianuas Christianos peregrinos latenter aduenientes uerberabant, dispoliabant, occidebant. Ad quod deliberandum quicumque mouissent, et ex quo mouissent, ueniam et absolucionem omnium criminum suorum, sicut pape licet, eis spondebat. Multi igitur nobiles et strenui uiri edicto Apostolico commoti sunt, castraque sua et ciuitates et uxores et liberos et magnos honores peregrinatione [commu<sup>4</sup>]tauerunt. Sicut Stephanus comes, pater uester, Comes Robertus Normannie, Comes Sancti Egidii Remmundus, Boamundus, Robertus Comes Flandrie, Comes Eustachius Boleniensis, Dux Godefridus, et plures alii optimi milites et diuites. Et sciatis quod isti comites non fuerunt similes Comiti de Moyon. Dum enim ad tales et tantos uiros respicio, qui preceptum Pape fecerunt, qui sua tot et tanta reliquerunt, qui etiam Ierosolimam armis et assultu sicut boni milites conquisierunt, regemque bonum et legalem, nomine Godefridum, ibidem statuerunt; dumque ad preceptum uestrum respicio

<sup>2</sup> The original was evidently mutilated.

<sup>3</sup> We have here a reference to an earlier correspondence, of which there is no trace in the Dodsworth volumes.

<sup>4</sup> Blank in transcript.

filiam Henrici regis ad posse meum auxiliando ; non illic timeo offendiculum ubi me sustinet Sancte Ecclesie mandatum.

Rex Henricus dedit mihi terram. Sed ipsa mihi et hominibus meis sic aufertur pro uestro precepto, quod facio, quod in hoc extremo angusto non colligo nec acram bladi de terra quam dedit mihi ; et ideo non est mirum si capio ex alieno ad uitam meam et meorum hominum sustentandam. Et ad hoc agendum, quod mihi precepistis, nec de alieno quicquam cepissem si mea mihi relinquerentur. Sciatis quod nec ego nec homines hoc facimus pro pecunia uel feudo uel terra promissis nobis uel datis, sed tantum pro uestro precepto meaque legalitate et meorum hominum. Et de hoc precepto quod dico uos precepisse mihi traho testem : Teodbaldum quem uocant Archiepiscopum Cantuarie, Bernardum episcopum Sancti Dauid, Robertum episcopum Herefordie, Simonem episcopum Wigornie, episcopum Batoniensem (nescio nomen suum), Robertum episcopum Exonie, Saifridum episcopum Cicestrie, Rogerum episcopum Cestrie, Adelfofum episcopum Calleonensem, Alexandrum episcopum Lincolnie, Nigellum episcopum Heliensem, Euerardum episcopum Norwicensem, Robertum episcopum Londonensem, Hyllarium decanum de Christeschire [*sic*], Dauid Regem Scottie, Robertum Comitem Gloecestrie, Milonem Gloecestrie, Radulfum Paganellum, Comitem Randulfum Cestrie, Willielmum Peuerel de Notingham, Willielmum de Rusmare, Comitem Hugonem Northfole, Albricum de Uer, Henricum de Essexia, Rogerum de Ualumnes, Gillebertum filium Gilleberti, Gaufridum de Mandavilla, Osbertum Octo Denarios et omnes Londonienses, Willelmum de Pontearchie et omnes Wintonienses, Robertum de Lincoln, Robertum de Arundel, Baldeuinum de Rieduers, Rogerum de Nunan, Reginaldum filium Auunculi uestri, Willelmum de Moyon, Willelmum de Curceio, Walterum de Chandos, Walterum de Pincheneia, Heliam Giffardum, Baderun, Gillebertum de Laceio, Robertum de Euias, Willelmum de Belcampo, Milonem de Belcampo, Iohannem de Bidun, Robertum de Albeni, Willelmum Peuerellum de Doura, Willelmum de Sai, Willelmum filium [Ric<sup>5</sup>]jardi, Rogerum de Warewic, Gaufridum de Clintone, Willelmum filium Alani. Isti sunt qui audierunt, etc.

Domine mee . . .<sup>5</sup> quod precepit ei obedienciaui et auxiliaui. Ideo debeo enumerari inter fideles Anglie, quia facio preceptum uestrum, testimonio supradictorum, in placito nec ante iusticiam. Hoc enim audiui in curia Regis Henrici, Auunculi uestri, quando aliquis aliquem esse calumpniabatur, qui accusatus erat, si non respondebat, ille erat forisfactus. Ideo quando mihi mandastis de feria uestra obseruanda, et non respondi uobis, scire potuistis quod nolui eam obseruare. Et tamen pro honore uestri et utilitate uestre ferie, si mandauissetis mihi qui meorum hominum cepissent res uestrorum feriantium, et quid ego, dirigi fecissem pro honore vestro et proficuo uestre ferie. De hoc autem quod me hucusque de grege infidelium negauistis multas uobis grates [ago], erga quem multum amorem in uera re habere desidero, et obedire per omnia ubi ferre poterō. Sciatisque quod non merear amodo, pro posse meo et intelligentia, ut inter infideles enumerari debeam. Miseremini tandem pauperum et calamitatis eorum quibus iam ecclesia uix est refugium, et que cito in ipsis moritur si pax moratur.

<sup>5</sup> Blank in transcript.



Sciant igitur omnes fideles Sancte Ecclesie quod ego Brientius filius  
 Comitum, quem bonus rex Henricus nutriuit, et cui arma dedit  
 et honorem, ea que in hoc scripto assero contra Henricum  
 nepotem Regis Henrici, episcopum Wintonie et Apostolice sedis  
 legatum, presto sum probare uel bello uel iudicio per unum clericum uel  
 per unum laicum.

In litteris  
 rubris  
 conscript.

### *Marie de France.*

THE known facts about Marie de France are related by Miss Rickert in the introduction to her edition of Marie's *Lays*<sup>1</sup>: 'I will tell my name that I may be remembered: I am called Marie and I am of France.' This is one of the few definite statements that the most famous writer of mediæval lays makes about herself. She says further that she has collected and translated her *Lays* in honour of an unnamed 'noble king' to whom she intends to present them; that she has translated her *Fables* 'which folk call Esope,' from English, for love of a certain 'Count William,' and that she has turned the *Purgatory of St. Patrick* into Romanz 'for God' and 'for the convenience of lay folk.' Denis Pyramus, a contemporary, refers to her as 'Dame Marie.' Upon these facts and upon other evidence taken from Marie's works, Miss Rickert proceeds to the following conclusions, partly founding them upon the authority of Dr. Warnke, the latest editor of the *Lays* and *Fables*.

Marie belongs to the second half of the twelfth century. The 'noble king' is Henry II. 'Count William' is William Longespée, Earl of Salisbury (1150-1226), a natural son of Henry II. The following are the approximate dates of Marie's works: (1) *The Lays*, 1160-1170; (2) *The Fables*, 1170-1180; (3) *The Purgatory*, after 1190. It is generally agreed that she did much or all of her literary work in England. The title 'Dame' bestowed upon her by Denis Pyramus indicates that she was a lady of rank. This is confirmed by her attainments—she knew French, Latin, and English; by the tone of her dedications taken in connexion with the rank of the persons to whom they were addressed; by the refinement of her work, and especially by her representation of *l'amour courtois*, an artificial love-code formulated in the twelfth century under the direction of Marie de Champagne, stepdaughter of Henry II. But Marie's conception of *l'amour courtois* is not altogether orthodox; usually she favours the lover as against the husband. The atmosphere which Marie unconsciously reveals in her work is the very

<sup>1</sup> *Marie de France, Seven of her Lays* (1901). For a bibliography, see *The Cambridge History of English Literature* i. 469; and see Dr. Karl Warnke's latest editions of the *Lays* and the *Fables* (1900) and H. L. D. Ward's *Catalogue of Romances*, i. (1883), 407-415, and ii. (1893) 291-307.

Court atmosphere of the time. For the rest, Miss Rickert must be quoted at length :

A curious change in attitude is observable between the *Lays* and *Fables* on the one hand and the *Purgatory* on the other. In the former she shows no interest in religious matters. . . . Although the *Purgatory* is a fairly close translation of the Latin treatise of the monk of Saltrey, there are several indications of a religious attitude on the part of the translator. First, the choice of subject would indicate this ; again, though the dedication to some 'bel père' is certainly in the original and refers to the abbot at whose request the book was written, there seems no reason why Marie should have translated it unless she intended it to refer to some ecclesiastic of her acquaintance, the more so as both her other works have elaborate dedications . . . she is doing this work 'for God' . . . These reasons prove nothing more than that, like Denis Pyramus, she turned in her later years from romances to religion ; and, one might add, passed through a stage of interest in didactic literature (the *Fables*) between the two. But as Henry II died in 1189, and as she was almost certainly connected with his Court, it seems not impossible that she, late in life, severed her connexion with the Court, in whatever connexion she was there, and entered a monastery. This is pure conjecture, but it accords with the known facts (pp. 145-148).

That a lady answering to this description and nearly connected with the English royal family was living during the period 1151-1215 I shall now endeavour to show. This was Mary, abbess of Shaftesbury, natural daughter of Geoffrey Plantagenet, count of Anjou, the father of Henry II.

We learn from Eyton<sup>2</sup> the names of the following natural children of Geoffrey Plantagenet : Emma, Geoffrey's daughter 'by a woman of Maine,' married, perhaps secondly, in 1174, to David ap Owen, prince of North Wales ; Hameline, Earl Warren, married 1164 ; Aldewide, wife of Ralph, junior prince of Bourgoeul ; Mary, abbess of Shaftesbury. This list does not profess to place the children in order of birth, for the dates are not known, nor is there evidence to show whether they were all of the same mother. The evidence Eyton produces for Mary the abbess is a charter granted by Henry II to the abbey of Shaftesbury in 1181,<sup>3</sup> in which the abbess Mary is referred to as the king's sister. This relationship is proved further by two charters granted to the abbey by John—one, as count of Mortain (his title before he came to the throne), undated, and the other, as king, in the seventh year of his reign. According to the Register of Shaftesbury, which contains copies of these charters,<sup>4</sup> John refers to the abbess Mary

<sup>2</sup> *Court, Household and Itinerary of Henry II*, pp. 75 n., 85 n., 182, 244, Index, *sub tit.* 'Anjou, Comtes of.'

<sup>3</sup> Cited from Dugd. *Mon.*, ii. 484, No. xx.

<sup>4</sup> Harl. MS. 61, fo. 26. The second charter is incorrectly dated 1 John.

as *carissima amica mea*. However, in the later of the two, as transcribed under the direction of the Record Commissioners,<sup>5</sup> the word is *amita*, not *amica*. In the charter roll the doubtful letter may be either *t* or *c*, but as Sir Thomas Duffus Hardy, the editor of the printed copy, adopted the former reading, we need have no hesitation in doing the same in regard to both of John's charters.<sup>6</sup> It is clear, then, that Henry II acknowledged the abbess as his sister and that John acknowledged her as his aunt.

Geoffrey died in 1151; probably Mary was born some years earlier. The charters just cited show that she was certainly abbess of Shaftesbury in 1181 and in 7 John (1205). In March 1208, upon the proclamation of the papal interdict, the custody of the abbey, its manors, lands, and effects, was granted by the king to Hugh de Neville, but was re-granted to the abbess the next month.<sup>7</sup> It appears by the following charter of 52 Henry III, taken from the Shaftesbury Register,<sup>8</sup> that Mary was still abbess in 1215.

De carta Henrici Regis facta super inquisitione &c. abbatisse Shaftoñ de exoneratione reparationis pontis castri Sarisburiensis.

Henricus dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie omnibus ad quos presentes littere pervenerint salutem. Quia accepimus per inquisitionem quam per dilectum et fidelem nostrum Nicholaum de Turry et socios suos iusticiarios nostros ultimo itinerantes in comitatum Wiltes, quod Willelmus Longespee quondam comes Sarisburiensis primo distrinxit Mariam tunc abbatissam Shaftoñ ad reparandum pontem castri predicti durante guerra in regno nostro in tempore domini Iohannis regis patris nostri, et quod Nicholaus de Lustehull<sup>9</sup> quondam vicecomes noster Wiltes tempore vacationis eiusdem abbacie secundo distrinxit moniales dicte domus ad reparandum pontem predictum, per quam quidem districtionem ab eadem domo cepit centum solidos, et etiam quod abbatissa et moniales eiusdem abbacie non habent terram, redditum, aut aliquod tenementum per quod eadem moniales ad reparationem predicti pontis vel porte predictae [*sic*] teneantur.

The charter proceeds to remit the liability of the abbess and nuns to repair the bridge and gate. The expression *durante guerra in regno nostro* can only refer to the years 1215 or 1216. In May 1215 the barons were in arms and the king was actively preparing for the struggle. He gave orders to the earl of Salisbury concerning the repair of the royal castles, and that of Salisbury amongst them.<sup>10</sup>

<sup>5</sup> *Rotuli Chartarum*, 1199-1216, p. 150.

<sup>6</sup> For the discovery of this error I am indebted to the suggestion of Mr. H. W. C. Davis. The mistake has not been corrected in Dugdale's *Mon.*, ed. 1846, ii. 473, note (t), nor in the *Victoria History of Dorsetshire*, ii. 74.

<sup>7</sup> *Rotuli Literarum Clausarum*, 1204-1224 (Rec. Comm.), 108, 110 b, 111.

<sup>8</sup> Harl. MS. 61, fo. 94 b.

<sup>9</sup> Nicholas de Lusteshull, sheriff of Wiltshire in 1246, *List of Sheriffs*, Public Record Office, 1898, p. 152.

<sup>10</sup> *Rot. Claus.* 1204-1224, p. 198 b; *Rot. Pat.* 1201-1216, p. 135.

The earl was sheriff of Wiltshire in 1213, and probably in 1215,<sup>11</sup> and apparently in that capacity he was called upon to levy a distress upon the Wiltshire possessions of the abbess of Shaftesbury towards the repair of the castle of Salisbury. The king was enforcing a legal right which the abbess evidently disputed, and their relations must have been less friendly than at the time when he addressed her as *carissima amita mea*. Assuming the identity of the abbess with Marie de France, it was an unhappy stroke of fortune that selected as the instrument by which the king enforced his right the same 'Count William' for love of whom the *Fables* had been translated some thirty years before. In September 1216 the custody of the abbey was granted to the prior of Wareham,<sup>12</sup> and the name of Mary appears no more.

It is easily conceivable that a woman whose circumstances of birth were those of Geoffrey Plantagenet's daughter should, under the influence of bitter feeling, use her pen to express the unorthodox opinion attributed to Marie de France in connexion with *l'amour courtois*.

King Alfred was the founder of the monastery of Shaftesbury,<sup>13</sup> and if Wright is correct in his view that Marie attributed the English version of the *Fables* to Alfred,<sup>14</sup> it is open to observation that a work of the founder's would be a likely subject for an abbess with literary tastes to choose for translation, and it is not impossible, according to the given dates, that the *Fables* were translated after the king's sister entered Shaftesbury. The title 'Dame' of course would be correctly applied to an abbess.

According to Hutchins, William Longespée gave land to the abbey of Shaftesbury.<sup>15</sup> Agnes Lungspe, who was elected abbess in 1243,<sup>16</sup> has not been identified as a daughter of the Earl of Salisbury,<sup>17</sup> but the name, the position of abbess, and the date point to the existence of some near relationship.

In the absence of conflicting evidence, may we not say that a strong presumption is raised in favour of the identity of Marie de France with the sister of Henry II?

JOHN CHARLES FOX.

<sup>11</sup> See *List of Sheriffs*, p. 152.

<sup>12</sup> *Rot. Pat.* 1201-1216, p. 197. In November 1216 the king informs the prior of Wareham of the appointment of 'J.,' formerly sub-priorear, as abbess of Shaftesbury, *Calendar of Patent Rolls*, 1216-1225, p. 7.

<sup>13</sup> Dugdale, *Mon.* ii. 471.

<sup>14</sup> *Biographia Britannica Literaria*, Anglo-Saxon Period, p. 396; but see Freeman's *Norman Conquest*, iv. 796-8.

<sup>15</sup> *Dorsetshire*, 3rd ed., iii. 26. Hutchins seems to rely on the Shaftesbury Register (Harl. MS. 61) as his authority, but I have not been able to find the passage.

<sup>16</sup> *Cal. Pat. Rolls*, 1232-1247, p. 397.

<sup>17</sup> See *Dict. of Nat. Biogr.*, *sub nom.* 'William Longespée.'

*Edward Balliol's Scottish Expedition in 1347.*

THE disposition of historical writers to lend an ear to chroniclers' estimates of figures is hard to kill. The following is a telling instance of the lengths of exaggeration to which intelligent medieval writers could go. In March 1347 a little army of 480 men-at-arms and as many archers was sent to Scotland under Edward Balliol with Percy and other barons to assist him; we have the official return of the force, with their wages for a quarter in advance, to a penny—namely, 3223*l.* 3*s.* 4*d.*<sup>1</sup> Henry Knighton, the canon of Leicester, gives Balliol's force as 300,000 men (*CCC mill. hominum*) with an auxiliary force of 20,000 (*XX mill. virorum*) under Percy.<sup>2</sup>

J. H. RAMSAY.

*Suete de Prisone.*

IN connexion with Mr. R. Stewart-Brown's interesting explanation of the meaning of *suete* and of the difference between it and *secta*,<sup>1</sup> it seems worth while to present some additional evidence on the subject derived from fourteenth century documents.

The clause in the statute of labourers of 1351, quoted by Mr. Stewart-Brown for the phrase *suete de prisone*, deals with a matter of great practical importance—namely, the attempt to relieve taxpayers by applying in aid of the current subsidy the money penalties collected under the statute.<sup>2</sup> For this reason, during the next few years the clause re-appears in exchequer enrolments, translated of course into Latin. I give the original text from the statute and three instances of Latin translations from documents entered on the Memoranda Rolls.

1. Item que viscontes, conestables, baillifs, gaolers, et clerks des iustices ou des viscontes, nautres ministres queconques, rienz ne preignent par cause de lour offices, de meismes les seruantz, pur fees, *suete* de prisone, nen autre manere.<sup>3</sup>

2. Et viso statuto . . . compertum est in eodem quod Rex inter cetera concessit quod vicecomites, constabularii, balliui et gaolarii, clerici iusticiariorum vel vicecomitum, nec alii ministri quicumque, nichil capiant racione officiorum suorum de huiusmodi operariis pro feodis, *sectis* prisonum vel alio modo. . . .<sup>4</sup>

3. Memorandum quod cum in quodam statuto . . . et quod vicecomites, constabularii, balliui et gaolarii, clerici iusticiariorum vel vicecomitum aut alii ministri quicumque, nichil capiant racione officiorum suorum de eisdem seruientibus pro feodis suis vel *aisiamenis* prisonum aut alio modo. . . .<sup>5</sup>

<sup>1</sup> *Foedera*, III. 109.

<sup>2</sup> *Chron.* ii. 47, ed. Lumby, 1895.

<sup>3</sup> *Ante*, vol. xxiv. pp. 506-510, July 1909.

<sup>4</sup> See my work on the *Enforcement of the Statutes of Labourers* (1908), pp. 98 ff.

<sup>5</sup> Printed, *ibid.* app. p. 16\*.

<sup>4</sup> Printed, *ibid.* app. p. 263\*.

<sup>5</sup> Memoranda Roll, L.T.R., no. 118, cited *ibid.* app. p. 273\*.

4. . . . eo quod in statuto . . . super malicia seruiantum et laboriorum restringenda edito inter alia continetur quod vicecomites, constabularii, balliui et gaolarii, clerici iusticiariorum vel vicecomitum seu aliorum ministrorum quorumcumque, nichil capiant de seruiantibus et operariis causa officiorum suorum pro feodo suo, *sueta* prisone nec alio modo quocumque. . . .<sup>6</sup>

From these examples it appears that the exchequer clerks translate the French term *suete* by three different Latin words, one of which is *secta*. It is evident, therefore, that at this date there is considerable doubt as to the exact meaning of *suete* and that the difference between it and *secta* is not clearly understood.

It is to be noted that in the first of the three cases quoted from the Memoranda Rolls the exchequer authorities are endeavouring to ensure the delivery in aid of the subsidy of the money collected in Surrey under the head of *suete de prisone*. In this instance, therefore, the total sum was sufficiently large to attract attention and must have exceeded the 'trifling amounts' referred to by Mr. Stewart-Brown as appearing under this head in the accounts for Cheshire.

B. H. PUTNAM.

### *The Founder of Montenegro.*

THE parentage of Stephen Crnojević, the founder of the like-named Montenegrin dynasty, has hitherto rested merely on conjecture. The two oldest writers on South Slavonic history, Orbini<sup>1</sup> and Luccari,<sup>2</sup> identified him with Stefano Maramonte, an adventurer from Apulia, who is known from Venetian sources<sup>3</sup> to have been a totally different person. Subsequent writers, such as Ducange,<sup>4</sup> Fallmerayer,<sup>5</sup> Milaković,<sup>6</sup> and Lenormant,<sup>7</sup> have usually adopted without question this identification; while the first native historian of Montenegro, the *Vladika* Vasilj Petrović,<sup>8</sup> made him the son of a certain John Crnojević, who was descended from the Servian royal family of Nemanja. According to these respective theories, he first appeared in Montenegrin history in 1419, 1421, or 1423. Hopf,<sup>9</sup> and Count de Mas Latrie,<sup>10</sup> who were far nearer the truth, asserted him to have been a son of Radič Crnoje, who is described as 'lord of the Zeta and Budua and of the other parts of Slavonia' in 1392, as 'baron of the parts of the Zeta' in 1393, and as having fallen in

<sup>6</sup> Memoranda Roll, K.R., no. 133, cited *ibid.* app. p. 377\*.

<sup>1</sup> *Il Regno degli Slavi*, p. 294.

<sup>2</sup> *Copioso Ristretto degli Annali di Rausa*, pp. 85, 132.

<sup>3</sup> *Monumenta spectantia Historiam Slavorum Meridionalium*, xxi. 123.

<sup>4</sup> *Historia Byzantina*, i. 347.

<sup>5</sup> *Abhandlungen der historischen Classe der k. bayrischen Akademie der Wissenschaften*, viii. 698.

<sup>6</sup> *Istorija Crne Gore*, p. 43.

<sup>7</sup> *Turcs et Monténégrins*, pp. 20, 30, 33.

<sup>8</sup> *Istorija o Černoj Goré*, Italian translation by Ciampoli, pp. 23, 25, 29-30.

<sup>9</sup> In Ersch und Gruber, *Allgemeine Encyclopädie*, lxxxvi. 101; *Chroniques gréco-romanes*, p. 534.

<sup>10</sup> *Trésor de Chronologie*, p. 1773.

battle in 1396, after having been a 'very powerful man' and an honorary citizen of Venice.<sup>11</sup>

The Venetian documents, published by Ljubić, prove beyond all doubt that Stephen Crnojević was the son of George Juraš, or Jurašević—a name first mentioned<sup>12</sup> in a Ragusan document of 1403. Three years later George Jurašević and his brother Alexius dominated the Upper Zeta; in 1420 they were 'barons of the Zeta' and were promised the possession of Budua<sup>13</sup>—the very same places that Radić Crnoje had held. These facts might have suggested that they were his next-of-kin, not, as Hopf<sup>14</sup> and Miklosich<sup>15</sup> supposed, members of a distinct clan. The identity of the two families is proved by a document<sup>16</sup> of 1426, which mentions for the first time *Stefaniza fiol del Zorzi Juras*, while subsequent documents prove conclusively that this Stefaniza was none other than Stephen Crnojević. He had three brothers, one 'lately dead' in 1443, and in the next year mention is made of the three survivors as *Jurassin, Stefanice, et Coicini, fratrum de Zernoievich*.<sup>17</sup>

The exact relationship of Stephen's father, George Jurašević, to Radić Crnoje can only be surmised. We know however that Radić had several brothers<sup>18</sup>; if we assume that one was called George, or Juraš, this man's son would then be called Jurašević; thus Stephen would be Radić's grand-nephew—a degree of relationship which would correspond with his death<sup>19</sup> in 1466, two generations after that of his great-uncle. As the legitimate heirs of Radić, the Jurašević naturally reverted to the more distinguished surname of Crnojević, a name found in that region in 1351, while Crnagora, the Serb name for Montenegro, occurs in a Ragusan document<sup>20</sup> of 1362. There is a tradition<sup>21</sup> that the family came originally from Zažablje in the Hercegovina.

WILLIAM MILLER.

### *Bequests to the Black Friars of London during the Fifteenth Century.*

It has been asserted<sup>1</sup> on the authority of various collections of wills, edited by Sir Harris Nicolas, Dr. Reginald Sharpe, Dr. Furnivall,

<sup>11</sup> *Mon. sp. Hist. Slav. Merid.* iv. 301, 305, 372, 377.

<sup>12</sup> Geleich, *La Zedda e la Dinastia dei Balsidi*, p. 226.

<sup>13</sup> *Mon. sp. Hist. Slav. Merid.* v. 68; xvii. 36.

<sup>14</sup> Ersch und Gruber, lxxxvi. 42-3.

<sup>15</sup> *Die serbischen Dynasten Crnojević*, p. 61. <sup>16</sup> *Mon. sp. Hist. Slav. Merid.* xxi. 10.

<sup>17</sup> *Ibid.* xxi. 164-5, 167-8, 202, 205, 382, 384.

<sup>18</sup> Miklosich, *Monumenta Serbica*, p. 566.

<sup>19</sup> Between May 2 and November 11: *Mon. sp. Hist. Slav. Merid.* xxii. 364, 383.

<sup>20</sup> *Ibid.* xxvii. 212.

<sup>21</sup> *Wissenschaftliche Mittheilungen aus Bosnien und der Hercegovina*, ii. 229.

<sup>1</sup> Sir Walter Besant, *Mediæval London* (1906), pp. 147-149; G. Munroe Royce, *Nineteenth Century and After*, June 1909, pp. 1026-1037; J. Gairdner, *ibid.*, July 1909.

and others, that the number of bequests to the Friars of London, in the century preceding the Reformation, enormously decreased; and it has been inferred that the unpopularity of the Friars must be taken as a proof of moral degeneracy. But there is no need to prove that popularity does not necessarily imply high merit, or that monastic laxity is a bar to rich offerings from the people. Nor can the suggestion that legacies left to be divided among four or five religious houses show less affectionate regard than had they been bequeathed to one single Order, be taken seriously. In order to test the value of these generalisations, I have made some excerpts from the Somerset House Registers. I have selected one Order only (that of St. Dominic), and, of legacies to it amounting to over four hundred, have cited only some sixty from every rank and grade in society. From this varied selection it will be seen that the nobility, their valets, the secular clergy, widows, lord mayors, and the members of almost every city company or craft bequeathed either their money for masses or their bodies for burial to the Black Friars of London. I have chosen the dates 1413 and 1504, as it is between those years that the shortage is supposed (on the authority of the edited lists of 'select Wills') to have taken place.<sup>2</sup>

BEDE JARRETT, O.P.

- 1413 March 28. 'Iohannes Geyton alias dictus Gayton, civis et piscenarius' of London leaves his body to be buried in the cloister of the Blackfriars Church near Ludgate, bequeathing to the Prior for his interment 20s. (Principal Probate Registry, Commissary Court of London, Register Brown, fol. 246.)
- 1413 June 17. 'Thomas Polle, civis et aurifaber' of London leaves to each of the four orders of Friars (Dominican, Franciscan, Carmelite, Augustinian) in London 6s. 8d. 'ad exorandum pro animâ meâ.' (Prerogative Court of Canterbury, Register Marche 27.)
- 1413 Sept. 24. 'Willielmus Pishorne, rector ecclesie parochialis Sancti Andree juxta Eschepe' to each of the four orders of Friars 5s. to say mass for his soul. (*Ibid.* Reg. Marche 28.)
- 1414 May 21. 'Ioannes atte see, armiger de Lowthe in comitatu Lincoln' leaves to each of the five orders of Friars (Augustinian, Franciscan, Carmelite, Dominican, Crutched) in London the sum of 13s. 4d. (*Ibid.* Reg. Marche 29.)
- 1415-1416 March 21. 'Iohannes Hall, civis et botelmaker, London,' leaves his body to be buried in the Church of the Friars Preachers of London, 'secundum ordinacionem Emmote uxoris mei'; moreover to the convent against his burial he leaves 20s. (Commissary Court of London, Reg. Brown, fol. 367b.)

<sup>2</sup> Since this paper left the author's hands the following sentences were published in the *Victoria History of London*, i. 225: 'A study of contemporary records and chronicles leaves a distinct impression that about the reign of Henry V the Church in London revived after a period of decay. Henceforward till towards the end of the fifteenth century there is less evil-doing to chronicle, and instances abound of intelligent, sincere, and generous devotion among men of all classes.'—ED. E.H.R.



- 1416 Nov. 24. 'Rogerus de Swyllngton, miles' leaves his body to be buried in the Blackfriars' Convent; also the sum of 40s. for an annual mass on the feast of All Relics; also 100s. to the Prior to say mass for his soul; also 5 marks to another Friar of the same Order for the same purpose. (Prerogative Court of Canterbury, Reg. Marche 38.)
- 1418 July 30. 'Iohannes Bremore, canonicus ecclesie London' leaves to each Order of Friars in London 6s. 8d. (*Ibid.* Reg. Marche 42.)
- 1419-20 March 21. 'Robertus Cowper, unus valectorum de camera Domini Regis' leaves his body to be buried in the Church of the Friars Preachers 'infra Ludgate.' (C.C.L., Reg. More, fol. 88b.)
- 1421 Sept. 7. Agnes Lasynby, 'que fuit uxor Williemi Lasynby, dudum capitalis baronis de Scaccario domini regis' leaves her body to be buried by the side of her late husband aforesaid in the Dominican Church; also to the Prior of the Convent for burial, prayers, etc. 10 marks; also to a fit and proper Friar Preacher to say mass daily for the space of one year in the Chapel where the two bodies shall be buried 100s. (*Ibid.* Reg. More, fol. 92.)
- 1423 Aug. 20. 'Venerabilis vir Dominus Simon Gumstede, clericus nuper custos Rotulorum Cancellarie' to each of four orders of Friars in London 20s. (P.C.C., Reg. Luffenam.)
- 1425-6 Feb. 17. 'Rogerus Pognden de Comitatu Essex' to the Prior and Convent of Friars Preachers at London to pray especially for his soul 10s. (*Ibid.* Reg. Luffenam 5.)
- 1427 Oct. 7. Thomas Marleburgh 'civis et stacionarius' to each of the four orders of Friars in London 6s. 8d. for various 'Placebo' and 'Dirige.' (*Ibid.* Reg. Luffenam 12.)
- 1427-8 Feb. 14. Thomas Spencer 'civis et scriptor Curie Civitatis London' desires a trental of masses at the Blackfriars.' (*Ibid.* Reg. Luffenam 8.)
- 1430 Aug. 6. John Sankyn 'civis et pannarius' makes a bequest to the five orders of Friars in London without specifying the amount. (*Ibid.* Reg. Luffenam.)
- 1430 Aug. 15. Bartholomew Umfray 'civis et cultellarius' desires burial in the Church of the Blackfriars. (C.C.L., Reg. More, fol. 245b.)
- 1430 Nov. 20. William Shepper 'civis et hostellarius' to each of the four orders of Friars 2s. 6d.; and further 6s. 8d. to the Dominicans 'ubi ego sum frater.' (P.C.C., Reg. Luffenam 15.)
- 1430-31 Feb. 22. William Thorley 'civis et bowyer' to each of the four orders of Friars 5s. (C.C.L., Reg. More, fol. 271.)
- 1432-3 March 4. John Dawson 'wolman' of London leaves to the Dominicans 5s. (*Ibid.* Reg. More, fol. 340b.)
- 1435 Feb. 29. John Jenneye 'civis et pasteler' bequeaths his body to be buried with the Dominicans. (*Ibid.* Reg. More, fol. 495.)
- 1438 March 5. Nicholas Grave, rector of S. Andrew's Cornhill leaves 20s. to the Blackfriars 'de quorum fraternitate existo.' (P.C.C., Reg. Rous, 15.)
- 1439 May 18. Nicholas Charleton 'citezen and skynner of London' leaves 40d. to the Black, White, and Gray Friars. (*Ibid.* Reg. Luffenam 26.)

- 1439 Sept. 25. William Hethe 'civis et piscenarius' leaves 5*s.* to each of the four Orders of Friars. (*Ibid.* Reg. Luffenam 27.)
- 1443 Sept. 12. John Mestailier 'civis et letherseller' gives 20*s.* to each of the four Orders of Friars. (*Ibid.* Reg. Luffenam 33.)
- 1445 May 11. John Walsh 'laborer' leaves of his earnings 20*s.* to the Convent of Friars Preachers at London. (C.C.L., Reg. Prowet, fol. 163.)
- 1445 Sept. 3. Thomas Ewered 'citeson and chaundeler' desires his body to be interred among the Dominicans. (*Ibid.* Reg. Prowet, fol. 173.)
- 1445 Sept. 7. Roger Daveney 'civis et flecher' wishes to be buried with the Blackfriars, leaving for that purpose 6*s.* 8*d.* (*Ibid.* Reg. Prowet, fol. 189 b.)
- 1446-7 Jan. 4. Thomas Wright 'civis et tymbermonger' bequeaths 6*s.* 8*d.* to the Franciscans, and 3*s.* 4*d.* to the Carmelites and Dominicans. (P.C.C., Reg. Luffenam 32.)
- 1449-50 March 13. William Fromard 'horner' wills 'my bodye to be buryed in the Chirche-hawe of the blak Fryres in London.' (C.C.L., Reg. Sharp, fol. 5b.)
- 1452 Dec. 7. John Richemond 'civis et shethere' leaves his body to be buried with the Blackfriars. (*Ibid.* Reg. Sharp, fol. 76b.)
- 1456 Aug. 19. William Paxman 'civis et Irmonger' bequeaths 3*s.* 4*d.* to each of the orders of Friars Mendicant in London. (P.C.C., Reg. Stokton 9.)
- 1456 Nov. 29. Thomas Lyseux 'decanus Ecclesie S. Pauli' leaves 20*s.* to each of the four orders of Friars. (*Ibid.* Reg. Stokton 8.)
- 1459 Oct. 3. William Normanton 'clericus, unus Magistrorum Cancellarie Regis' leaves 'to other thre orders of Freres in the Citte of London, that is to say Prechours, Mynours, and Augustyns, that is to witte, to every order of the said iij orders for to pray for my soule vjs. viij*d.*' (*Ibid.* Reg. Stokton 19.)
- 1464 Jan. 20. John Gutt 'civis et sprior' leaves 9*s.* 2*d.* to the Blackfriars. (C.C.L., Reg. Sharp, fol. 368b.)
- 1465 Nov. 6. William Gregory 'citezein and skynner of the Citie of London and late maire and alderman of the same' gives to the Blackfriars 40*s.* (P.C.C., Reg. Godyn 16.)
- 1467 May 25. Henry Brice 'cives et fullo ac vicecomes' bequeaths to each Mendicant Order in London 20*s.* (*Ibid.* Reg. Godyn 20.)
- 1471 May 26. John White yeoman of the household of the Duke of Clarence desires to be buried with the Blackfriars and leaves to them 20*s.* (C.C.L., Reg. Wilde, fol. 79b.)
- 1471 Sept. 24. Richard Lee, knight 'nuper maior bina vice civitatis London' wills his body to be buried with the Blackfriars. (P.C.C., Reg. Wattys 5.)
- 1473-4 Feb. 1. Joan Langton 'Wydowe of London, sylkewoman' leaves her body to be buried with the Greyfriars, and bequeaths to them 13*s.* 4*d.*, to the other three Orders of Friars 6*s.* 8*d.* (*Ibid.* Reg. Waltys 18.)
- 1475 Sept. 26. William Laken, 'miles et unus Iusticiarius domini regis ad placita coram ipso rege': 'Also I bequeth to the iij orders of

- Freres in London *iii*l. in money that is to say to eche of thaim *xxs.*' (*Ibid.* Reg. Waltys 20.)
- 1476 June 5. Elizabeth Durem 'widowe, late wif of John Durem late oon of the Barons of the kyngs Eschekker,' leaves to each of the four Orders of Friars *8s. 6d.* each. (*Ibid.* Reg. Waltys 28.)
- 1479 Aug. 6. Thomas Bowes 'Gentilman, one of the kepars of the king's Exchange and money and cunage within his Tour of London,' wills to each of the four orders of Friars *13s. 4d.* (*Ibid.* Reg. Logge, 12.)
- 1485 April 14. John Paris 'citezein and peauterer of London' bequeaths to the four Orders of Friars *40s.* (*Ibid.* Reg. Logge 20.)
- 1487 July 16. 'Robard seint Lawrence, lord of Houth, in the park of Shelton, in the presens of my Lady Wiltshire and Richard Brynkoll . . . My body to be buried in the Church of the Frires prechours beside Ludgate in London.' (*Ibid.* Reg. Milles, 7.)
- 1491 Sept. 12. Robert Portingten, 'one of the clerks of the Remembraunces of the tresoures in the Kingis Eschequier at Westminster . . . Item I bequeth to the grey fryers *xxs.*, the blake friers *xxs.*, to the friers Augustines *xxs.*' (*Ibid.* Reg. Dogett, 7.)
- 1494 Nov. 4. William Hudson 'citizen and Gurdeler of London. Item I bequeth to the Freres Prechours of London, to the same extent (to pray specially for my soule) *vjs. vii*d.' (*Ibid.* Reg. Vox 14.)
- 1495 Oct. 5. John Jerrard 'thelder, citezein and Wolpakker of London' to each of the four Orders of Friars *6s. 8d.* (*Ibid.* Reg. Vox 29.)
- 1499 May 28. John Lorymer 'citezen and marbeler of London' bequeaths his body to the Blackfriars and makes other bequests for torches, tapers, bells, etc. (C.C.L., Reg. Harvy, fol. 176b.)
- 1501 Dec. 10. Agnes Rikils of London, widow, leaves 'to the friers prechours at Ludgate *xxs.*' if they attend her burial 'at seint Edmonds Church in lumbard street.' (P.C.C., Reg. Blamyr 20.)
- 1502-3 March 18. 'Richard Hasting, knyght, Lord Willoughby' leaves to the four Orders of Friars *20s.* each. (*Ibid.* Reg. Blamyr 26, 29.)
- 1503 March 23. Robert Hill 'citezen and Grocer of London' leaves *xs.* to each of the five Orders of Friars. (*Ibid.* Reg. Holgrave 7.)
- 1503 June 9. Thomas Spence, 'Citezein and Stockfyshmonger of London'—'I bequeth to the *vj* orders off freers in London and aboute London, that is to sey Freres prechours, minors, Carmelites, Austyns, Crossed frers, and observing at Grenwiche, that is to wite, to every house *xs.*' (*Ibid.* Reg. Blamyr 23.)
- 1503 Aug. 19. Robert Harding the elder, 'late alderman and citezen of London' *xxs.* to the four Orders of Friars 'that ys to say for every of them *xs.*' (?) (*Ibid.* Reg. Holgrave 4.)
- 1503 Dec. 26. John Shaa 'Knight, Alderman and Citezein and Goldsmyth of London' to the five Orders of Friars in London *20s.* (*Ibid.* Reg. Holgrave 13.)
- 1503-4 Jan. 12. Anne Browne 'widowe, late the wif of Sir John Brown Knyght' to the four Orders of Friars each *20s.* (*Ibid.* Reg. Holgrave 2.)
- 1503-4 March 4. John Barton 'citezein and powchemaker of London' bequeaths for the payment of his burial under various items *13s. 4d.* 'in the body of the Church of freers prechours next Ludgate as nigh

- as conveniently may be before the Image of our Blissful Lady there.' (*Ibid.* Reg. Holgrave.)
- 1503-4 March 4. George Lovekyn 'Citezein of London and Taillour to our sovrigne Lord the King' bequeaths xs. to all four Orders of Friars. (*Ibid.* Reg. Holgrave 6.)
- 1504 Feb. 13. John Sawnder 'citezen and Sherman of London' to the 'v houses of freers in London vjs. viijd.—of the wich vjs. and viijd. I will that iijs. iiijd. for a repast amongs the convent there.' (*Ibid.* Reg. Holgrave 10.)
- 1504 Nov. 24. Henry Thabor, 'Citezein and Fisshemonger of London': 'Also I bequeith unto the blak friers within Ludgate of London .xxs. and a barell of white Heryng and a Cade of rede Hering to thentent that they shall [say] dirige and a Trentall of Masses.' (*Ibid.* Reg. Holgrave 24.)

*The Berlin Letters of Sophia Dorothea and Count  
Königsmarck.*

IN the second edition of my book *The Electress Sophia and the Hanoverian Succession* I was enabled by the courtesy of the Geheimes Staatsarchiv at Berlin to print some thirty-four letters, or fragments of letters, preserved in those archives and contained in a packet inscribed, in the handwriting of Frederick the Great, *Lettres d'amour de la Duchesse d'Allen* [Ahlden] *au Conte Königsmarck*. These letters are fewer in number than those forming the well-known series preserved at Lund, of which there is a transcript in the British Museum, and of which a version was printed in the late Mr. W. H. Wilkins's book; the proportion being less than one to ten. The two series unmistakably form part of the same correspondence, and each may be said to prove beyond all possible doubt the genuineness of the other.

In the introductory remarks prefixed by me to my reprint of the Berlin letters I was obliged to state that nothing was actually known as to the way in which they came into the hands of King Frederick II of Prussia, the son of Sophia Dorothea's daughter and namesake, the consort of King Frederick William I. As sometimes happens in such matters, my book has not been in print for a twelvemonth, and the clue has offered itself without the slightest difficulty. In reading the second volume, just published, of the correspondence of Queen Louisa Ulrica of Sweden, the sister of Frederick the Great and the granddaughter of the unfortunate Sophia Dorothea, I came quite suddenly upon the following passage in a letter from the Swedish queen to her brother, dated Stockholm, 8 March 1754:—

Je joins ici avec [*sic*] des papiers que je crois mériter la peine de vous être offerts. J'avais appris que la maison des Lewenhaupt conservait les lettres de ma grand'mere de Zel, écrites au malheureux comte de Königsmarck.

marck. J'ai trouvé le moyen de les faire voler, ce qui m'a réussi avec quelques-unes ; mais le mal est qu'il y en a parmi qui sont en chiffre. Comme tout ce qui regarde la malheureuse duchesse de Zel, n'est guère honorable, je souhaiterais pouvoir rétirer les autres. A l'attendant, je vous envoie celles-ci, qui pourront vous servir d'éclaircissement sur sa façon de penser. Je serais charmée, mon cher frère, si je puis réussir dans l'idée qui j'ai eue, que cela pourrait mériter votre curiosité . . .

The Lewenhaupt and Königsmarck families were, as the editor of Queen Louisa Ulrica's correspondence reminds us, closely connected with one another, Countess Amalia Wilhelmina von Königsmarck, the elder sister of Sophia Dorothea's lover, having in 1662 married the Saxon Lieutenant-General Count Carl Gustav von Lewenhaupt. She is the lady to whom the history of the Lund documents can be satisfactorily traced ; and the publication of Queen Louisa Ulrica's letter, which is also preserved in the Geheimes Staatsarchiv at Berlin, finally sets the whole matter at rest. I may take this opportunity of stating that there seems to be no reason for believing that any further correspondence between Princess Sophia Dorothea and Count von Königsmarck remains in the possession of the present head of the house of Hanover.

A. W. WARD.

*Lord George Germain and Sir William Howe.*

A MEMORANDUM by William Knox, among the manuscripts of Captain H. V. Knox,<sup>1</sup> seems to settle a question on which there has been some uncertainty. According to Lord Shelburne<sup>2</sup> the failure of Howe to co-operate from the south with Burgoyne was due to Lord George Germain.

Among many singularities he had a particular aversion to being put out of his way on any occasion ; he had fixed to go into Kent or Northamptonshire at a particular hour, and to call on his way at his office to sign the despatches, all of which had been settled for both these generals. By some mistake those to Gen. Howe were not fair copied ; and, upon his growing impatient at it, the office, which was a very idle one, promised to send it to the country after him, while they despatched the others to Gen. Burgoyne, expecting that the others could be expedited before the packet sailed with the first, which however by some mistake sailed without them, and the wind detained the vessel which was ordered to carry the rest. Hence came Gen. Burgoyne's defeat, the French declaration, and the loss of thirteen colonies.

Shelburne's statement, in Sir George Trevelyan's words, has been generally received 'with caution, if not with incredulity.' The

<sup>1</sup> Historical Manuscripts Commission, *Report on Manuscripts in Various Collections*, vi. 277.

<sup>2</sup> FitzMaurice's *Life of Shelburne*, i. 358.

facts of the case, according to Knox, who was under-secretary of the America office, were as follows :

There certainly was a weak place [he writes] in Lord Sackville's defence, which was the want of an official communication to Howe of the plan and Burgoyne's instructions, with orders for his co-operation, of which I was not only innocent, but it was owing to my interference that Howe had any knowledge of the business. Mr. D'Oyly, my then colleague, having been some time deputy-secretary at war, and the particular friend of Howe, had the entire conduct of the military business ; and Burgoyne and he had settled the force and instructions. . . . When all was prepared, and I had them to compare and make up, Lord Sackville came down to the office to sign the letters on his way to Stoneland, when I observed to him that there was no letter to Howe to acquaint him with the plan or what was expected of him in consequence of it. His lordship started, and D'Oyly stared, but said he would in a moment write a few lines. 'So,' says Lord Sackville, 'my poor horses must stand in the street all the time, and I shan't be to my time anywhere.' D'Oyly then said he had better go, and he would write himself to Howe and inclose copies of Burgoyne's instructions, which would tell him all that he could want to know ; and with this his lordship was satisfied, as it enabled him to keep his time, for he never could bear delay or disappointment ; and D'Oyly sat down and wrote a letter to Howe, but he neither showed it to me or gave a copy of it for the office ; and, if Howe had not acknowledged the receipt of it, with a copy of the instructions to Burgoyne, we could not have proved that he ever saw them. I applied upon this occasion to D'Oyly for a copy of the letter, but he said that he had kept none. I then desired that he would get one from Howe, who had the original, but he would not ask for it, and Lord Sackville did not call upon Howe for it. Thurlow would however have called for it, if the inquiry had gone on, as I had told him all the circumstances.

H. E. EGERTON.

## *Reviews of Books*

*Études sur l'Histoire Financière d'Athènes au V<sup>e</sup> Siècle; le Trésor d'Athènes de 480 à 404.* Par E. CAVAIGNAC. (Paris: Fontemoing. 1908.)

THIS work contains a valuable review of all the evidence bearing upon the subject, and a useful co-ordination of the facts into several important propositions. The author has in the main established his theses, e.g. that at the time of the Persian invasion there was no treasure in bullion or coin in Athena's temple, and that the treasury of the Delian League contained about 448 B.C., when it was transferred to Athens, some 3000 talents. In an appendix the population of Athens during the period is considered, and sound conclusions are attained. Another appendix deals with the coinages of Athens and her allies and their circulation. The work, in fact, is so far successful that it may be recommended as a desirable adjunct to the study of Athenian history in the fifth century. The working out of the gradual movement towards state employment of the people is excellent. There are however certain deductions, fortunately not vital to the author's general theory, although he himself regards them as of considerable importance, to which it is difficult to assent. In the first place the evidence about Themistocles' employment of the state royalties from Maronea for ship-building is more satisfactorily reconciled if we suppose the discovery of the mine to have taken place about 486 B.C., and the sum of 100 talents to be the accumulated royalties, from which it was proposed to distribute a part among the citizens. This suggestion removes the impossibility, which modern engineers have declared to exist, of mining a sufficient amount of ore in one year to produce the sum specified by Aristotle. Moreover it explains the building of only forty-seven more triremes before Salamis was fought, and, perhaps, the twenty triremes which Diodorus (xi. 43) says were afterwards to be built yearly. Again, M. Cavaignac points out that Aristotle's assessment of 460 talents must be based on the requirements of the federal navy. He does not see that the exact figure is thus explicable: 200 ships of 200 men at two obols a day for 207 days (or seven months). Incidentally it may be observed that this settles a doubt in Thucydides' dating (ii. 2) of the Theban attack on Plataea. Campaigns began at the end of Anthesterion, just after the equinox, so that either the Athenian archon in 431 entered on office in Thargelion or we must read (as is generally done) *τέσσαρας* for *δύο*.

It is when we come to the outbreak of the Peloponnesian war that M. Cavaignac's good genius is to seek. Although he agrees that about

July 431 the federal chest contained nearly 6000 talents, he rejects the common tradition (Thuc. ii. 13) that under Pericles there had been paid in 6700 talents, besides the 3000 transferred from Delos, which may have been somewhat increased by the year 443. He falls back on a scholiast's note on Aristophanes' *Plutus* 1193. There can be little doubt however that that note is a corrupt alteration with itacism of *μύρια ἐγένετο* into *περιεγένετο*, and if we take the well-authenticated figures in the introduction we have for tribute in Pericles' hegemony from 443 to 431 the sum of  $13 \times 560 = 7380$  talents, out of which we must allow something for the Samian war. A careful examination of Thucydides' text will permit the interpretation that, if the expenditure on the Propylaea and other buildings and on the siege of Potidaea to June 431 be added, the highest amount placed in the treasury was 9700 talents, and this plainly must mean when all the years' tributes to that date were paid in. M. Cavaignac rightly believes that the Propylaea cost 2012 talents, and the Nike statues 500 perhaps. If Potidaea revolted in Anthesterion, if the first Athenian force of thirty ships and 1000 hoplites sailed when Elaphebolion began (Thuc. i. 57 §4), and the second of forty ships and 2000 hoplites soon after (60 §3, 61 §1), if the battle was fought at the end of Metageitnion (ii. 2) and the last 1600 men were sent in Boedromion (the Athenians would not wait before sending them till the first wall was finished), the sum of 1200 talents would be accounted for easily. This agrees too with the probability that the tribute of 432 was at once paid to the generals, so that we find the first withdrawal from the treasury to pay the expenses of this expedition only in August or September (70 ships  $\times$  200 men at 1 drachma + 3000 men at 2 drachmas for 6 months = 587 talents). There is certainly no occasion, then, to reject our literary authorities, especially when the evidence of Isocrates shows that possibly Pericles includes in his figures moneys of Athena as distinct from the federal treasure. As for the decree of Kallias, if it speaks of a time when, besides the 3000 talents brought from Delos, a similar sum had been paid in, it may be suggested that the figures just given show that this would be in 438-7, since 3360 talents would have come in by the spring of 438, and 3920 by 437, and we may allow, as before, 680 talents from this for the Samian war (any excess in the treasury before 443 would balance any excess in the Samian expenditure). Since the inscription betrays that it was of a year in which the Panathenaic festival fell, our date is corroborated, and we may assign the inscription to the end of 438 B.C.

T. NICKLIN.

*The Roman Law of Slavery.* By W. W. BUCKLAND, of the Inner Temple, Barrister-at-Law, Fellow and Tutor of Gonville and Caius College, Cambridge. (Cambridge: University Press. 1908.)

THE object of this elaborate and careful work is to state in systematic form the Roman law of slavery and the status of the slave. The historical student will find a great deal of useful material collected in it; but, though the author has adopted a chronological arrangement in many of the subdivisions, his method throughout is legal and not historical, so that the discussion of his conclusions does not belong to this place. It may be said generally that the book is trustworthy and easy to use, thanks to a table



of contents and a full index, and the treatment appears to be exhaustive on most parts of the subject (though it is not clear that Mr. Buckland expresses any opinion explicitly as to the relation between the imperfect passage in Gaius i. 21, and Gaius ii. 276).

A few words may be added on a point of historical interest: the law of uncertain date and authorship mentioned by Gaius in i. 85, 86, and discussed by Mr. Buckland on p. 398. The law appears to have dealt with the status of children in cases where one of the two parents was a Roman citizen and the other a slave, whether known to be such or not. Four cases could arise: (1) The father might be a Roman citizen and the mother known to be a slave. The child would naturally be a slave, and the law is not known to have interfered. (2) The father might be a Roman citizen and the mother might be in reality a slave, but supposed to be free. The law enacted that male children of such a union should be free, and female children slaves. Vespasian abolished this singular compromise, moved, as Gaius tells us, by the *inelegantia* of the law, and directed that all the children should be slaves. (3) The mother might be a Roman citizen, and the father known to be a slave. This case admits of further sub-division. (a) The father might be the mistress's own slave, and the law then did not interfere, leaving the children to be free. (b) The father might be the slave of another, and the owner might consent to the union, or (c) he might not consent. In both these latter cases, the law enacted that the children should be slaves, apparently without drawing a distinction between them; but the Sc. Claudianum, which may be assumed to be later than the unknown law, allowed the mother in the former case to make an agreement by which she was to remain free and her children to become slaves, and in the latter case, if she persisted after due notice, reduced the woman herself to slavery. Under the law and under the Sc. Claudianum a free mother might have slave children, and Hadrian remedied the greater part of this anomaly by ordering that, if she remained free under a compact, her children were to be free also. (4) The mother might be a Roman citizen and the father be supposed to be free, but prove actually to be a slave. In this case, the children would be free but would have no legal father; the law apparently did not interfere any more than in case (1).

There has been thought to be some inconsistency between the general provision in the unknown law, that the child of a free woman and the slave of another should be a slave, and the arrangements of the Sc. Claudianum; but if the Sc. Claudianum is later than the law, the Sc. may be regarded rather as limiting than as contravening the law. The owner of the slave might see fit to make a contract with the woman, and this contract, by creating a new situation, would supersede the operation of the law. There is therefore no occasion to treat the law as local, though Mr. Buckland seems inclined to follow Huschke in doing this. The mention by Gaius of the law not being universally promulgated may apply to places outside the Roman dominion, for the case might require a decision by the Roman authorities even if the union had taken place elsewhere. Of course neither Huschke nor Mr. Buckland would press the suggestion that, because Vespasian is known to have done something to the law of Latinity, the word *Latina* should be inserted in the defective text of Gaius i. 85.

Mr. Buckland asks why Hadrian, who remedied the anomaly caused by the Sc. Claudianum, did not also remedy the anomaly still left in the older law, under which a free mother might have slave children. He seems to have overlooked the word *alieno* in Gaius i. 86, and the remaining anomalous cases must have been few. But it may be doubted whether either Vespasian or Hadrian was influenced in his changes by an abstract desire to remedy anomalies. Gaius is naturally interested in the alterations from this point of view, but it does not follow that the reason which he gives is the right one. Probably it was a question of policy in each case. Vespasian wished to discourage unions with a slave, even where the fault of the other party only consisted in making insufficient enquiries; hence his modification of the law, as given in Gaius i. 85, with which the loose language of Suetonius (*Vesp.* 11) may be compared. Hadrian shared the same view, but he very properly desired to check the infamous contracts under which a mother could purchase her own freedom at the expense of her children. To improve what Gaius calls the *inelegantia iuris* was not the motive of either emperor.

P. V. M. BENECKE.

*Byzantinische Kulturgeschichte.* Von HEINRICH GELZER.  
(Tübingen: Mohr. 1909.)

THIS little work has in double measure the pathetic interest of a posthumous book. It had not received a final revision from the author, and it was brought out by his son on the advice of a yet more distinguished Byzantine scholar, Dr. Krumbacher, whose lamented death has followed speedily on that of his sometime collaborator. The character of the book, a collection of fairly detached though mutually complementary essays, has perhaps rendered the lack of revision less evident than would have been the case with a completely unified treatise. In style it is popular,—not of course superficial,—graphic in expression and attractive in choice of incidents and in general comments. The want of footnotes is only to be expected in a publication of this kind, but students must regret that for the most original portion, that dealing with the relations of the Byzantine government to Asiatic peoples, neither the editor nor anyone else is able to refer us to all Dr. Gelzer's sources.

The essays or chapters of the book are seven in number; the first is a reasoned, yet warm, almost impassioned appeal on behalf of the generally disparaged Byzantine state and society. 'An empire which was "always on the decline" for a thousand years must have had something respectable about it.' A church in which patriarchs or other dignitaries so often opposed the imperial will cannot have been entirely slavish (but is the case of Photius and Basil quite typical of this?), apart from the fact that it was a great missionary church. Byzantium did for the peoples of the East what Old Rome did for those of the West, and did it under at least equal difficulties. In the second chapter, on the Basileus and his importance, there is a discussion of the various factors: heredity, military prestige, orthodoxy, which determined the incidence of imperial power. The third chapter, on ceremonial, would if taken alone somewhat tend to corroborate the popular impression of Byzantium,

but the fourth—on international relations and Romaic (or late Roman) diplomacy, is the most important of the book. It is to be regretted that we have not more about the Senate and the Assemblies of Notables, in which patriarchs and popes (or their legates) were supposed to have seats, or also, for a time, representatives of the military rule of the provinces. In the part dealing with diplomacy, the author dwells on the importance of the Khazars, whose active alliance with Byzantium helped towards the destruction of the Sassanid empire, and who adopted many elements of Byzantine culture. Trade interests, especially that of the traffic in silk, are shown to lie at the bottom of many tortuous dealings with various peoples. The fifth chapter is on military and civil officials, the agrarian question, and the relations of nobles to peasants. It might well have been divided into two. The abandonment of Diocletian's policy of separation between civil and military authorities, and the absorption of the former in the latter, is attributed in great part to Leo the Isaurian. The iconoclastic emperors are also noteworthy (as previously shown by Zachariä von Lingenthal and others) in their attempts to found a free peasantry. The failure of those attempts and the establishment of a powerful territorial nobility is regarded as a main cause of the final collapse, especially after the Turks had taken up the rôle of the unsuccessful Byzantine rulers and recognised the independence of the small farmers.

The sixth chapter is on the Church and monasticism. Here we are, of course, on better-trodden ground. The author marks the point (in the reign of Constantine IV) in which Byzantium turned from its efforts to regain the East and tried to secure the adhesion of the West. He notes the importance of Old Rome as a support of ecclesiastical independence in Constantinople, and the failure of the independent Church party owing to patriotic dislike of Italy; finally, the great influence, in playing on that feeling, of Photius, 'the founder of Hellenic nationality in the strongest possible opposition to Rome.' The seventh and last chapter is concerned with trade, industry, and travel. There is a good deal of description from Cosmas Indicopleustes; and a sketch of the growing commercial rivalry between Byzantium and the Italian cities. One regrets that the author did not take up in detail the organisation of manufactures and general industry. The importance of the Byzantine fleet and the success, on the whole, of Byzantine finance, are well brought out in this and preceding chapters.

Perhaps the work suffers from the extent of its field. One is shifted rapidly from point to point in a long series of centuries, and is occasionally inclined to doubt whether time may not have worked more changes than one sees. Thus with regard to the titles bestowed on allies or inferiors from the Byzantine court, had they a similar significance in the sixth and in the eleventh century? But perhaps it is worth while to neglect certain discrepancies in order to get a striking view of the system as a whole. Certainly the public may feel grateful to Dr. Gelzer's son for editing this book, and to the memory of the author, as of one who did much to make known both the historical importance and also the human—even dramatic—interest of Byzantine life and culture.

ALICE GARDNER.

*A History of the Jews in England.* By ALBERT M. HYAMSON. (London : published for the Jewish Historical Society of England by Chatto and Windus. 1908.)

*The Jews and the English Law.* By H. S. Q. HENRIQUES. (London : Jacobs. 1908.)

*Transactions of the Jewish Historical Society of England.* Vol. V. 1902-1905 ; and 'Advance Fascicules' of Vol. VI. (Edinburgh : Ballantyne, Hanson, and Co. 1908.)

MR. HYAMSON gives a sketch of the history of the Jews in England from the Norman Conquest to the present day. His account of them under the Normans leads on to the period of the crusades and to the expulsion in 1290. The years from 1290 to 1550 he calls the 'middle period' ; and he brings us at length to the resettlement in the seventeenth century and to the reform movement and political emancipation in the nineteenth. There is a certain amount of overlapping in the author's treatment of the various periods ; but this is for the most part unavoidable. It is difficult to see however why the author did not take up pre-expulsion details before, and not after, his account of the expulsion itself (see chapters xi. and xii.) For the period between 1660 and 1664 a valuable contribution has been made by Mr. Lucien Wolf in his paper on *The Jewry of the Restoration, 1660-1664*,<sup>1</sup> wherein he examines the theory advanced not long since by Dr. Gaster, that there was no organised Jewish community in London before 1664, the royal order of that year constituting the fundamental charter of Jewish residence in England. Mr. Hyamson throws no light on the dark problem as to the origins of the English Jewry. He begins his volume with an account of the legends that Jews settled in England in pre-Norman days, and he decides that the evidence as to Jewish settlements in this early period is inconclusive (p. 7). He then goes on to say—

Whatever [evidence] exists must, however, be reinforced by the probability of the penetration of Jews, perhaps not in considerable numbers, to Saxon England, and, fortified by the combination of all these stray supports, the historian is justified in concluding that Jews were not unknown in England before the Norman Conquest.

Mr. Rigg, more cautiously, says that 'the origins of the English Jewry are wrapt in obscurity, and possibly date from a period considerably anterior to the Norman Conquest.'<sup>2</sup> Mr. Henriques also, in *The Jews and the English Law*, is more guarded than Mr. Hyamson :

There can be little doubt that from the earliest times . . . [Jews] came here for the purposes of trade, and reaped the profits to be derived from it, and even settled here, though probably not in such considerable numbers as to establish distinct communities of their own until the connexion between England and the continent of Europe became closer by reason of the Norman Conquest and the events immediately preceding it (p. 52).

In view of the great importance of the exchequer of the Jews, forming as it did both a financial bureau and a judicial tribunal, Mr. Hyamson's

<sup>1</sup> *Transactions of the Jewish Historical Society of England*, vi. 5-33.

<sup>2</sup> *Select Pleas from the Rolls of the Exchequer of the Jews* (Selden Society Publications), p. x.

chapter on it seems altogether too short.<sup>3</sup> There is, for instance, hardly a word on the Jewish gages of property (p. 56), and yet these form one of the leading features of the medieval history of the Jewish exchequer and of Jewish life and activity. These gages, developed and enforced by the exchequer of the Jews, seem to have been the earliest English form of pledging land where the debtor is permitted to keep possession of the land till he makes default in payment; and these gages are therefore of much historical significance in that they constituted an inroad on the old law by giving the creditor an immediate right in pledged land without the necessity of his taking immediate possession. Christian merchant creditors obtained a similar hypothecation of their debtors' lands by means of the securities known as 'statutes merchant' and 'statutes staple,' introduced by legislation of Edward I and Edward III; and ultimately of course the old 'mortgage' of the common law was transformed by equity into a form of security on land where the debtor kept possession till default.

In the chapter on Queen Elizabeth's famous Jewish physician, Mr. Hyamson—contrary to the opinion of many historians—seems to acquit Dr. Roderigo (or Ruy) Lopez of complicity in the alleged plot to poison the queen (see p. 138). This same view is also maintained, with much greater force and on the basis of 'much new evidence,' by Major Martin Hume in his paper entitled *The so-called Conspiracy of Dr. Ruy Lopez*, read before the Jewish Historical Society of England.<sup>4</sup> In an appendix to his paper Major Hume gives a list of the principal authorities on the Lopez case; and he also presents documents, transcribed by himself in the Archives Nationales at Paris, which furnish details of Andrada's mission to Madrid.

While Mr. Hyamson relies for the most part on printed materials, he has nevertheless in some instances consulted manuscripts (*e.g.* pp. 118, 247). He acknowledges special indebtedness to Mr. Abrahams' able monograph on the expulsion, to Dr. Gaster's researches into the history of the ancient synagogue of the Spanish and Portuguese Jews, to Dr. Jacobs' *Jews of Angevin England*, and to Mr. Lucien Wolf's writings on the resettlement and the period immediately subsequent to it. The illustrations—mostly reproductions from rare engravings in the possession of Mr. Israel Solomons—are excellent. Included among them are portraits of Haham David Nieto, Rabbi Aaron Hart, and Menasseh Ben Israel,<sup>5</sup> as well as views of the house of Aaron of Lincoln and of Clifford's Tower at York. Two maps show the distribution of the Jews of England before the expulsion and that of the Jews of the British Isles in 1907. An Anglo-Jewish chronology is helpful. The index might be improved.

In *The Jews and the English Law* Mr. Henriques has collected ten articles contributed by him to the *Jewish Quarterly Review*. It would have been better if he had rearranged and in part recast these papers, so

<sup>3</sup> A fuller account will be found in the lamented Professor Charles Gross's *Exchequer of the Jews of England in the Middle Ages (Anglo-Jewish Exhibition Papers)*.

<sup>4</sup> *Transactions*, vol. vi.

<sup>5</sup> An interesting letter of Menasseh Ben Israel has been edited by Mr. E. N. Adler in the *Transactions of the Jewish Historical Society of England*, v. 174-83.

as to bring them more into the form of a connected and systematic account. It is clear that the separate articles were written at different times, for the order and arrangement of the topics discussed by the author are not always logical and lucid. For instance, the early history of the Jews in England—that is, down to the time of the expulsion—is to be found in article iv., after a considerable part of the later story has already been set forth. So too it is unfortunate that the first seven articles bear no headings, but are only numbered. We are at least warned that the eighth article deals with the civil rights of English Jews, and that articles ix. and x. are concerned with their political rights. It was certainly well to republish the articles in collected form before the fiftieth anniversary of the admission of Jews to seats in parliament; but we hope that Mr. Henriques will now increase the usefulness of his book by the necessary revision; and if he does this he might well include his articles on the law as to Jewish marriages, which he has omitted from the volume as it now appears.

The reader of Mr. Henriques's volume will be able to extract from it the main outlines of the history of English law in regard to the Jews, for the author shows us at one place or another how they ceased to be serfs of the king and came to occupy their present position of equality with Christians both as regards public and private law. There is comparatively little in the treatise on the pre-expulsion history, the greater part of the volume being occupied with the acquisition of civil, religious, and political rights by Jews since the resettlement. The author explains (pp. 58–62) the various theories that have been advanced concerning the banishment. He does not accept Lord Coke's theory that there was no banishment, but only a voluntary exodus caused by the suppression of usury. He rejects alike the view that the expulsion was by decree of a synod held in London and Prynne's theory that the banishment was effected by act of parliament: in his own view the expulsion was by decree of the king alone. Speaking of the period between the expulsion and the resettlement, Mr. Henriques says that, although individual Jews landed from time to time on English shores, yet they never attempted to form a community and were treated like other foreigners, being subject as such to the ordinary law of the land governing aliens (p. 62):

It is therefore true to say that for a period of more than three centuries English history is a blank so far as the Jews are concerned; but in that long interval occurred two events of great importance in relation to the return of the Jews here. Those events were the extinction of villanage and the reformation of the English church (pp. 62–3).

Lord Coke's famous doctrine that infidels are perpetual enemies is examined by the author, who maintains that, although it was not altogether groundless, the courts in time expressly repudiated it (pp. 186 *seq.*).

In his discussion of the period between the Norman Conquest and the expulsion in 1290 Mr. Henriques remarks that 'usury was most strictly forbidden to Christians, as being contrary to the law of God and of the land.'<sup>6</sup> This bold statement does not seem to convey quite the right impression as to the peculiar character of the law towards the close of the

<sup>6</sup> P. 54, n. 1. citing Coke, 3 Inst. 251.

twelfth century, when Glanvill pictures usury as much more a sin than a crime of the living usurer. The living usurer may indeed, if penitent, escape punishment altogether. But if death overtake him in his sin his goods are then to be seized by the king.<sup>7</sup> Again, it should not be forgotten that the *mortuum vadium* of Glanvill's day, a form of security where the creditor in possession takes the profits of the land without accounting for them in reduction of the debt, is a species of usury. But it seems to be viewed as a transaction which binds the debtor and which even a Christian creditor may validly make. Still it is a sin for him to make it, and if he die in his sin, the king will get his goods by forfeiture.<sup>8</sup> If the parties so choose they may, by means of a so-called 'beneficial lease,' save themselves even from sin. The man who needs financial help leases his land to the man who furnishes him with a sum of ready money; and the lessee then keeps the land till he has repaid himself his purchase money—plus a generous addition—out of the profits of the land. There is no usury, because there is no debt: the transaction is not a loan and gage, it is the purchase of a leasehold. Christians thus find it no difficult thing to reap all the advantages of usury without making themselves into sinners and without losing their goods to the king.<sup>9</sup>

It is surprising that Mr. Henriques should maintain the exploded view that the 'Leges Edwardi Confessoris' are 'law' and 'genuine' (see pp. 53-4). Prynne wisely looked upon the 'Leges' as spurious, and it has been abundantly shown by Professor Liebermann and other scholars<sup>10</sup> that this so-called legislation of Edward the Confessor is merely a private treatise, and a private treatise too of a 'bad and untrustworthy kind,' written probably toward the close of the reign of Henry I, presenting the law in force at that time, and attributing to Norman institutions an origin in the days of the Anglo-Saxons. The book has, in the words of Pollock and Maitland,

gone on doing its bad work down to our own time. It should only be used with extreme caution, for its statements, when not supported by other evidence, will hardly tell us more than that some man of the twelfth century, probably some man of Henry I's day, would have liked those statements to be true.

Scholars who have had to take Alfred's laws into account have been puzzled by the long introduction to them, which consists of a translation of the Ten Commandments and the two following chapters of Exodus. Was it Alfred's intention to introduce Mosaic law as the binding law of his Anglo-Saxon kingdom? Or had Alfred some other object in view in thus singling it out for this place of honour in his legislation? Professor Liebermann, the learned editor of the Anglo-Saxon laws, has attempted—and successfully attempted, we believe—to solve this problem as to the exact historical value and significance of Alfred's Biblical

<sup>7</sup> Glanvill, vii. 16.

<sup>8</sup> *Ibid.* x. 8.

<sup>9</sup> See Pollock and Maitland, *History of English Law*, i. 130, ii. 111-5, 119, 121-2. In medieval Germany the *Rentenkauf* seems to have served the same purpose as the 'beneficial lease': see Gierke, *Deutsches Privatrecht*, ii. 754.

<sup>10</sup> See Liebermann, *Ueber die Leges Edwardi Confessoris*; Pollock and Maitland, *op. cit.* i. 103-4; Brunner, *Sources of English Law (Select Essays in Anglo-American Legal History)*, ii. 17-8).

introduction. In his brilliant paper on *King Alfred and Mosaic Law*,<sup>11</sup> he expresses the view that Alfred's intention was that 'practical force was to be given only to his own English code, which follows after the introduction.' Highly though Alfred valued Mosaic law it was nevertheless

far from his intention to introduce it among his Anglo-Saxons. He could not dream of such an impossibility. English monarchy, by no means absolute, required the consent of a very conservative nobility for the slightest legal alterations from time-honoured custom. For three centuries longer new laws were never permitted to be instituted in England without being masked as mere re-enactments of some older constitution. Such a radical change, therefore, was quite out of the question.

In further support of this view Dr. Liebermann draws attention to the fact that Alfred was careful to sever from each other the two parts—the introduction and Alfred's own English laws—

first by an historical passage about the abrogation of Old Testament precepts by the Christian apostles; secondly, by a separate preface to his own code, where he names three Anglo-Saxon kings as his authorities without alluding to Moses; and lastly, by putting at the head of his own code the word 'Firstly.'

Dr. Liebermann's conclusion is that Alfred's purpose in the introduction was 'half ethical, half political.' The pious king desired to present the legal genius of his people with a sample of what he looked upon as the legislation of God himself. 'It was, therefore, an ideal of humanity which Alfred desired to place before the eyes of his subjects, in order to exalt their legal thinking to a higher standard of civilisation.' But the introduction is more than a mere verbal translation of the Latin Vulgate. Alfred—assisted probably by Asser—omitted, altered, added, and rearranged. Dr. Liebermann explains in detail how these variations not only show us Alfred's character and knowledge, but also reveal Anglo-Saxon custom and economy. Alfred's suppression of eight references to the ass discloses to us, for instance, 'how small a part the humble donkey played in Anglo-Saxon economy.' Important as are the divergences between Exodus and the introduction, the latter is nevertheless faithful in the main to the original.

HAROLD D. HAZELTINE.

*Scandinavian Britain.* By W. G. COLLINGWOOD. With Chapters Introductory to the Subject by the late F. YORK POWELL. (London: Society for Promoting Christian Knowledge. 1908.)

*Brunanburh and Burnswork.* By GEORGE NELSON. Reprinted from the *Scottish Historical Review*, October 1909.

MR. COLLINGWOOD'S work has waited too long for this notice; the excuse must be that it takes some time to appreciate the learning which he has put into his book. The difficulty of his task can be seen at once. The story cannot be clearly told, for it requires perpetual reference to the history of England, which is not Scandinavian, and the history of Denmark and Norway, which is not concerned with Britain. It requires a knowledge

<sup>11</sup> *Transactions of the Jewish Historical Society of England*, vol. vi., advance fascicle, 1908.



of the old poetic literature (such as York Powell applies so well and characteristically in the forty-two pages with which this volume opens) and of the Icelandic prose as well. Irish literature and history are needed almost as much. The writer must be able to deal as an antiquarian with sculpture on the one hand, with runes on the other; as a philologist, with early and later English dialects, with the differences between Old Norse and Old Danish, with the Gaelic disguises of Norwegian names, and with the superfluous spelling of the Ordnance Survey. He has to know Round and Maitland, Steenstrup and Zimmer, the proceedings of local societies, the journals of foreign academies. It is hard to think of anything more various and exacting. Mr. Collingwood is well provided. He knows the languages, and enjoys the old literature, both verse and prose; he is at home in one of the most Scandinavian parts of Britain; as an artist and traveller he has published the best description and the truest pictures of Iceland, the scene of the Sagas. In this country he knows all the sculptured monuments and all that has been written about them. Along with this he has the curiosity of an historian, and he has spared no pains. It is not wonderful that his book should be rather difficult to follow, and at times rather perplexing with its varied matter and interests. It could hardly be otherwise, when all these different things have to be packed so close. In the chief part of the book (the 'Danelaw') Mr. Collingwood has saved himself from most of the distractions of his subject, and given from the time of Alfred to the Norman Conquest a continuous narrative of the Scandinavian part of English history.

The question of Brunanburh is alive again, since Mr. Collingwood wrote, through Dr. George Neilson's very remarkable paper in the *Scottish Historical Review* in favour of Burnswark. Dr. Neilson finds there an amazing likeness to the description of the ground in Egil's Saga, and his interpretation of the Saga's reading 'Vínuskóga' as meaning *Minscaw*, which is near Burnswark, may restore the credit of the Saga as historical evidence, though that part of it, it must be said, looks far from trustworthy. The two brothers, Hring and Adils, ruling in Wales, and joining Olaf from Dublin, are particularly difficult. Their names are too romantic. For Adils a variant reading is Aris, and it may be doubted whether there really was any such person. But places in the Sagas—*e.g.* in the chapter of Bolli's death in *Laxdæla*—are often given with great accuracy of detail, even when the story is more or less romantic, and Burnswark may hold its own.

There is a small oversight in p. 181 (cf. p. 253) with regard to a Maeshowe inscription, worth mentioning here because of its connexion with *Njála*. 'Gauk' on the Maeshowe stone is not the name of the rune-cutter. Gauk Trandilsson 'of the South Country' was foster-brother of Asgrim Ellidagrimsson, and is remembered on the Orkney stone, long after his own day, as a person of importance. Is 'thwait' used in Iceland as Mr. Collingwood explains it (p. 194)? It is not a common word, nor an element in names. One would like to hear Mr. Collingwood's opinion about 'Legberthwait'—whether there is a 'lögberg' in it or no.

The book needs close reading, and deserves it.

W. P. KER.

*Les Écoles et l'Enseignement de la Théologie pendant la première moitié du XII<sup>e</sup> siècle.* Par G. ROBERT. (Paris : Gabalda. 1909.)

THIS book, which forms part of a series called *Études d'Histoire des Dogmes et d'ancienne Littérature ecclésiastique*, is an admirable piece of work, of the highest interest to students of medieval culture. M. Robert shows that the schools of this period rose and fell with the celebrity of their masters. Monastic schools tended to decay ; the monastic reformers tending to object to the employment of monks in the instruction of seculars or laymen, or even, in extreme cases, of oblates of their own communities. The focus of the renaissance of the twelfth century is thus to be sought not in these but rather in the episcopal school. This renaissance hardly affected any but clerks ; the nobles felt its influence to a slight degree, but neither the *bourgeoisie* nor the common people at all. Manegold (in the eleventh century) is the only lay professor of the period whose name is known to us ; and it is to be remembered that Héloïse tells Abelard that, when married, he will not be able to teach. The *licentia docendi* of later times cannot be traced in the days of Abelard. Bishops, though they had ceased to teach, retained the appointment of teachers and had not yet devolved it upon chancellors or *scholastici*, of whom we read for the first time in a letter of Alexander III, 1170-1172. At Chartres, indeed, the bishops had continued to teach in person, down to St. Ivo inclusive. By the middle of the century the *scholastici* or *magistri scholarum* seem to have begun to exact fees for the licence to teach, but only in secret. This was forbidden by the above-mentioned letter of Alexander III, who however afterwards allowed a fixed fee to be paid to the chancellor of Paris. Masters were accustomed to receive presents from their pupils, but in theory instruction was gratuitous. The Lateran Council of 1179 ordered that every master should have a right to a ' living wage ' in the form of a prebend.

M. Robert inclines to attribute to Abelard a revolution in the way of commenting on Scripture, of which his commentaries on the Epistle to the Romans and on the Six Days' Work afford our earliest examples. In these beside such brief notes of explanation and quotations from the Fathers as occur in the older glosses (M. Robert notes that the gloss of Walafrid Strabo, afterwards distinguished as the *Glossa Ordinaria*, although of course already in existence, was not used by Abelard but owes its vogue to Peter Lombard), he took occasion from passages in the sacred writer to treat anew of theological questions suggested thereby. It was not until 1151 however that the Latins had the guidance in their exposition of theological doctrine of the standard systematic treatise of St. John Damascene. M. Robert traces the development of the *summae* from the earliest collections of *sententiae*. The introduction of the *summa* was due to Abelard and Hugh of St. Victor. Abelard's so-called *Introductio ad Theologiam* was the first *summa*, though its germ is to be sought in his treatise *de Unitate et Trinitate divina*, the public but unauthorised reading of which had been itself a momentous and gravely suspected innovation some years before. Abelard has thus the credit of the invention of the *summa* ; but the success of the invention was due to Hugh of St. Victor, who approved the design of such a work in the *Didascalion* and wrote one of his own in

the treatise *De Sacramentis*. The *Summa Sententiarum* which passed under his name is not his, but is an imitation in form of Abelard's *Introductio*, based on Hugh's teaching, by Master Odo, to whom some manuscripts attribute it. The other fruitful innovation of Abelard was, as Denifle showed, the method exemplified by his *Sic et Non*, which afterwards became the characteristic method of the schoolmen. This method, of the weighing of authorities against one another, had first come into use previously in regard to the canon law; the earlier attempts at its application to theology by Hincmar and Gerbert remained isolated until the independent revival of the plan by Abelard, who became in this respect the founder of a school whose centre was at Bologna and one member of which, Roland, became Pope as Alexander III. The method of *Sic et Non* finally triumphed through its influence on the two great classics of the next age, the *Decretum* of Gratian and the *Sententiae* of Peter Lombard. Lastly, Abelard was not only the parent of the characteristic method and of the characteristic literary form of the scholastic period, he was also indirectly the founder of the great institution which was the centre of intellectual life in that period, the university of Paris, as Irnerius had been of the other model university at Bologna.

This brief summary of the leading points in M. Robert's book will give our readers some notion of the ground which it covers. We recommend everyone interested in the period with which it deals to read it carefully; they will certainly find much to their purpose. It should have been noticed on p. 45 that Gerbert's definition of *philosophia* is derived from Cicero; and it might have been added that the remarks of Peter Damian and Manegold (quoted p. 90) about the invalidation of syllogism by the miracles of Christ's birth and resurrection have a precedent in St. Jerome (*Ep.* lvii. 12), and probably the same thought occurs elsewhere among earlier writers.

Were we reviewing M. Robert's work in a theological instead of an historical review, we should do more than briefly mention the disappointing intrusion towards the end of the work of a prejudice which mars the work of other contemporary Roman catholic historians of medieval thought, such as M. Domet de Vorges and M. de Wulf. The attitude of the theological censor who treats a neglect of the distinction drawn by St. Thomas between the spheres of reason and faith—a neglect in which Abelard agrees with St. Anselm, and indeed with St. Augustine, as is admitted on pp. 182 and 183—as necessarily indicating a confusion of thought, to be deplored rather than discussed, is inconsistent with that of a scientific student of medieval philosophy.

There is a very full bibliography prefixed to the work. We note without surprise the absence from it of the laborious and no doubt very uncritical, though not altogether useless, compilation of M. Feret; but Dr. Rashdall's *Universities of Europe in the Middle Ages* should not have been omitted. The only English book included however is by a French writer—namely, M. Gabriel Compayré's *Abelard, and the Origin and Early History of Universities*, published in the series of 'Great Educators.'

C. C. J. WEBB.

*Chartularium Studii Bononiensis. Documenti per la Storia dell' Università di Bologna dalle origine fino al secolo XV.* Pubblicati per opera della Commissione per la Storia dell' Università di Bologna. Vol. I. (Bologna: Presso la Commissione per la Storia dell' Università di Bologna. 1909.)

*Studi e Memorie per la Storia dell' Università di Bologna.* (Bibliotheca de 'Archiginnasio.' Serie I. Vol. I.). Vol. I. Parte I. (Bologna: Società Cooperativa Tipographica Azzoguidi. 1907.)

BOTH the undertakings of which the first volumes are before us owe their origin to the Commissione per la Storia dell' Università di Bologna, established in 1907. This body may certainly be congratulated upon the rapidity with which it has got to work. The first volume of the Chartulary is a folio volume of some four hundred pages. It reproduces (1) the thirteenth-century Registro Grosso of the city (edited by Doctors Nardi and Orioli), (2) a volume of 'Processe et Sentenze' of the years 1204–1272 (by the same editors), (3) a chartulary of the monastery of San Giovanni Battista in Bologna, (4) a chartulary of the monastery of S. Giacomo in Bologna (the last two edited by Dr. Nardi). As will be seen from this enumeration of contents, the Commissione has taken an extremely extended view of its functions. A very large proportion of the documents here printed (for the most part *in extenso*) have only a very remote connexion with the history of the university. The documents in the monastic chartularies chiefly refer, of course, to dealings connected with the property of the two houses; sometimes they have no connexion with the university, at other times the name of a doctor or scholar occurs. The city registers contain more that throws light on the history of the university, but even here the connexion most often consists in the names of doctors and scholars. There are oaths of professors pledging themselves not to lecture out of Bologna or to assist in a removal of the Studium; documents relating to suits in which doctors or scholars were engaged; sentences or, more frequently, cancellations of sentences passed upon scholars for acts of violence or theft, and the like. Very few documents are documents in which the universities or colleges of doctors play any part, and the documents—valuable and interesting as they are in their way—throw hardly any light upon the internal development of the university organisation. For this, of course, the editors are in no way blameable. There is nothing to be said against the completeness at which the Commissione, as the preface tells us, is aiming; we only feel some anxiety as to whether, if they propose to publish every document connected with the city and with every church and monastery in or near it, their task will ever be finished. It is a little disappointing too that some of the documents most directly dealing with the university—some of those, for instance, which record the crimes and offences of scholars—are not published *in extenso*, while documents relating to property are set out at length. But it is ungracious to complain where so much has been done, and will be done, to provide materials for the historian of the university.

The first number of the proposed series of memoirs upon the history of the university of Bologna consists of a collection of dissertations on

special points in the history of the university, chiefly upon the biography of its professors. There are essays upon Gratian and Nicholas de Tudeschis, upon 'the first Chair of Humanity,' upon the date of the *Decretum* of Gratian, upon Ugo di Porte Ravennate, upon Ludovico Bolognini, upon Girolamo Cardano, and upon the professorship of the Pandects, and upon Bornio and Giovanni Gaspare da Sala. The matters of most general interest in the volume are the note upon the life of Gratian, by Professor Francesco Brandileone, and the longer dissertation upon the date of the *Decretum*, by Professor Auguste Gaudenzi. It is well known that Gratian compiled the *Decretum* in the monastery of St. Felix in Bologna, and it has naturally been supposed that he was a monk of that house. A chronicle of the monastery of St. Proculus, preserved in a seventeenth-century manuscript, contains the statement that in the year 1573 a statue of Gratian was set up by the monastery with an inscription in which he is claimed as originally a monk of St. Proculus. The fact is also accepted by Sigonius, and there seems no reason for doubting it. The date of the *Decretum* has been a matter of much discussion. Signor Gaudenzi has collected much evidence which supports the view, already adopted by Schulte and others, that the traditional date, 1151, is too late. Signor Gaudenzi comes to the conclusion that it must have appeared in the pontificate of Innocent II—*i.e.* at latest before 1138—and he seems disposed to accept the statement of the almost contemporary Robert of Torigny that the actual date was 1130. The earliest manuscript of the *Decretum*, belonging to the monastery of Monte Cassino, he dates 1146. The commencement of this series may be welcomed as evidence that the history of the university is being seriously studied. The Commissione will soon, we trust, have put into print all the materials which are required for an ideal history of the university. At present it is a curious fact that, though no university has had more books written about it than Bologna, the writing has taken the form of lives of professors, collections of documents, studies of origins and other special points, or accounts of the university in books on the history of law and the history of universities in general. There is no actual history of the university which can be regarded as satisfactory.

H. RASHDALL.

*Tractatus fr. Thomae vulgo dicti de Eccleston de Adventu Fratrum Minorum in Angliam.* Edidit A. G. LITTLE. (Collection d'Etudes et de Documents sur l'Histoire religieuse et littéraire du moyen âge, tome VII.). (Paris: Fischbacher. 1909.)

ALTHOUGH two or three editions of the *De Adventu* have appeared since Dr. Brewer's Rolls Series volume of *Monumenta Franciscana*, one of them under the editorship of so good a scholar as Dr. Liebermann, there was still opportunity for corrections of some importance in the text. The best manuscript survived only in two fragments. One of them, in the Cotton MSS., Nero A. ix., was known to Brewer; the other, the Lamport fragment, now unfortunately missing, was carefully copied and edited by Mr. Howlett; but the combination of the two still left a large gap, for which the York MS. was thus the only authority. Dr. Denifle was the first to discover a complete copy of the Lamport-Cotton MS., made before its mutilation, in the Phillips library. Mr. Little, who described it in this

Review (v. 754) in 1890, is the first to use it for the purposes of his text. He has also corrected misreadings of the other authorities and has rendered a substantial service by the clear way in which he has distinguished the additions from the original text of the Lamport-Cotton MS. Thus the improvements he has been able to make in the text would alone have been enough to justify a new edition, but those who know Mr. Little's *Grey Friars at Oxford* will expect to get from this book much more than a text, and will not be disappointed. Friar Thomas's work is an amorphous compilation constructed rather with a view to edification than systematic history, and to extract from it an exact chronology, or even to identify the persons named, needed more annotation than the rules of the Rolls Series permitted, a thorough knowledge of Franciscan literature to which Brewer could lay no claim, and a diligent search in the English records of Henry III's reign which was not possible in the days before they had been calendared. Mr. Little has done all this admirably. He lets no fact go till he has turned it over on every side and worried out of it every piece of information that it can afford. Thus, although Thomas's direct statements about the general history of the order outside England are chiefly secondhand and of comparatively little value, the editor is able, by collecting small indirect references in several parts of his text, to establish the fact that the accepted chronology of general chapters is wrong, and that the chapter at Genoa assigned to 1254 should be dated somewhere in the years 1245-1253, and that at Metz in 1254, not 1249. In appendices he has added extracts from the Lanercost Chronicle, the *Liber Conformitatum*, the Register of the London Franciscans, and a sermon of Grosseteste's; catalogues, from other sources, of the ministers general and provincial; an excellent list of the English Franciscan houses under their custodiæ, with references to their earliest mention, and a valuable selection of documents relating to them. Misprints are rather numerous, but not important, and many of them are corrected in the errata. Serious errors we have not detected, but Mr. Little seems to raise a needless difficulty on p. 69 respecting William of Alnwick: '*qui postea apud montem Bononiae Neapoly legit, demum episcopus.*' He asks: '*Qu'était-ce que le Mons Bononiae à Naples?*' Surely the insertion of two commas and a capital letter will set the matter right. He lectured at the Mount (at Paris), at Bologna, and afterwards at Naples. In the next note on the same page it might have been mentioned that Friar William Herbert preserved to us two of Roger Bacon's manuscripts (Royal MSS., 7 F vii, viii), and in the present reviewer's opinion the hand of some additions to Nero A. ix (e.g. the note of Ralph Maidstone's death, p. 107) is apparently identical with that of an annotator in the Bacon MSS. who was most probably Herbert himself.

J. P. GILSON.

GUILLAUME DU BREUIL. *Stilus Curie Parliamenti*. Nouvelle édition critique publiée par FÉLIX AUBERT. (*Collection de Textes pour servir à l'Etude et à l'Enseignement de l'Histoire.*) (Paris: Picard. 1909.)

THE publication, by so distinguished an authority upon the Parliament of Paris as M. Aubert, of a new edition of the classical treatise of Du Breuil should be of interest to all students of English foreign relations

between 1258 and 1337. Thanks to the popularisation in the *Political History of England* of the researches of French scholars such as Gavrilovitch and Déprez we have now a much more lively idea of the causes of the Hundred Years' War than we had twenty years ago, and still the subject has not yet been treated in adequate detail, at any rate for the reigns of Edward I and Edward II. With the main lines of the political situation we are of course familiar, and we can see how the complicated interplay of French and English rights in Guienne provoked discord between the best intentioned kings of England and France, and how circumstances made each nation ally itself with that of which the other was suzerain, so that England and Flanders were set against France and Scotland. We can even obtain glimpses of the papal court in its character of an international tribunal and school of diplomacy, as for instance in the striking report of the mission of the bishop of Winchester to Boniface VIII in 1300, which Mr. J. G. Black published some years ago in this Review (xvii. 518). But we have not studied and are apt to pass over as unimportant the legal details of the relations of the Duke of Guienne with his feudal superior, and still more with the Parliament of Paris, of which as a peer of France he was a not inconsiderable constituent. There are still in the Public Record Office a good many reports from the agents of the King of England at the French Court between 1280 and 1337. A few of them have been printed in the French 'Archives Nationales' (Boutaric, *Actes du Parlement de Paris*), but most of them remain untranscribed and neglected. It is to be hoped that the republication of Du Breuil's treatise will direct attention to what was after all not the least of the efficient causes of war with France, for it is more than likely that some at least of these reports proceeded from Du Breuil himself.

He was appointed King Edward's proctor (so M. Aubert tells us) in 1314, jointly with the king's standing Gascon agent, William de Casis, and we find him occupying an important post among the king's advisers at Paris in the difficult crisis of 1324-5. It is probable that he retained this position until the outbreak of the Hundred Years' War, since a document at the Public Record Office shows him to have been representing Englishmen charged with piracy in 1335. He was an accomplice of Robert of Artois, and is believed to have composed his treatise between 1330 and 1332, while still in disgrace on account of his share in the forgery with which his principal was charged. M. Aubert gives very satisfactory reasons for his adherence to the traditional date; but although the treatise may well have been written then, the fact that only one manuscript—and that apparently only a translation (Harleian MS. 4426)—is known to exist in England seems to show that it cannot have been published before 1337. If otherwise, the English clerks who advised on foreign affairs, men like Adam de Murimuth, would surely have obtained copies, and one or more of these might reasonably have survived in the Exchequer or elsewhere. The points with which Du Breuil deals are constantly such as concerned the Duke of Guienne, and it is curious how seldom the leading cases which he quotes relate to his experience as the English king's proctor or advocate. Even the vital question whether the feudal superior forfeited his suzerainty by refusal

of justice is touched without any allusion to Guienne, as is also the point that an appellant from the court of a peer of France was exempted, pending the appeal, from the jurisdiction of his lord in all cases—a standing subject of difference between the English and French courts.

The manuscripts of Du Breuil, like those of the year-books, are widely divergent owing to the inclusion by various copyists of annotations of different dates, and M. Aubert has decided to print the text of his best manuscript, only correcting obvious blunders by the help of the other. He prints all *marginalia* and interlineations in italics, and gives a full *apparatus criticus* in the footnotes. He has been commendably sparing of emendations, even the most tempting. His introduction is brief and to the point, dealing with the life of Du Breuil, the manuscripts and previous editions; he has endeavoured, not always successfully, to identify the cases quoted, from the *Olim* and from the original records in the Archives Nationales; and he has appended a complete index of persons and places, and of points of law. The manuscripts are however so corrupt that it is often difficult to be sure who are the persons to whom the author alludes, and in some cases the text is a little obscure and more elucidation would be welcome. But with the help of M. Aubert's *History of the Parliament of Paris* and of this book it should be possible to form a tolerably clear idea of the bearing of the legal points which crop up in the documents printed by Rymer, and in the still unpublished memoranda in our national archives.

C. JOHNSON.

*Lettres familières de Jérôme Aléandre (1510–1540).*

Par J. PAQUIER, Docteur ès Lettres. (Paris: Picard. 1909.)

IN this volume M. Paquier collects together a hundred letters from the correspondence of Aleander, which he has already published in instalments in the *Revue des Études historiques*, 1905–9, and of which the first section had appeared in 1898 in the too short-lived *Annales de Saint-Louis-des-Français*. The only new elements are that he has been able to correct errors in the earlier publications and to add a useful index. M. Paquier has deserved well of Aleander and of the world of letters. His prolonged researches and numerous publications have made Aleander far more accessible and intelligible to the student, and in this case he has worked under great difficulties. The Vatican MS. Lat. 8075 (from which seventy of these letters come) has its ink badly blurred through damp, and transparent paper has been pasted over the softened leaves to hold them together; and indeed one who has not seen the manuscript can scarcely conceive how disgusting is the work of decipherment. But it is impossible not to feel that this volume might have been much better. For obvious reasons M. Paquier has left on one side Aleander's official correspondence, and the letters which Dr. Friedensburg has published in the *Zeitschrift für Kirchengeschichte*; but of the remnant he has only given a selection. With such material selection is dangerous. Whatever view we may take of his character, Aleander was an important person, both in diplomacy and in humanism; and for obscurer men merely to correspond with him was an event. Under such circumstances no editor can safely determine that material, which to him seems to be of no moment, may not be interesting to students upon other lines: especially when the material that he rejects



remains in manuscript. It is in the highest degree disappointing to find that autograph letters from such persons as Conrad Goclen, Nic. Clenardus, L. Marlianus, not to mention lesser names, have been omitted from this volume, although they were in M. Paquier's hands at Rome.

Failing such completeness, he might at least have given us a calendar of Aleander's correspondence as a whole. His bibliographical compilations elsewhere have shown how diverse are the sources to which the student must turn for Aleander's letters, and also how thoroughly he himself has mastered them. Such a calendar would be a most useful record of material available, and a valuable contribution towards itineraries of Aleander and his correspondents. In another point M. Paquier has missed an opportunity. Aleander had an excellent habit of noting on the backs of his letters the dates of despatch and arrival; and a large number of the autographs in the Vatican MS. Lat. 6199 are so inscribed. A table of these systematically arranged would afford a great deal of information on a point as to which our knowledge at present is fortuitous and inadequate—the length of time that letters took to reach their destinations. Neither of these features would have taken much space, and they would have been very welcome additions to the work. The transcription, in the only case where I have been able to test it, is not distinguished by accuracy.

P. S. ALLEN.

*Oesterreichische Staatsverträge; England.* Band I. 1526–1748. Bearbeitet von A. F. PRIBRAM. 'Veröffentlichungen der Kommission für neuere Geschichte Oesterreichs.' (Innsbruck: Wagner. 1907.)

*Chronologisches Verzeichnis der österreichischen Staatsverträge.* Band II. 1763–1847. Von L. BITTNER. (Wien: Holzhausen. 1909.)

THESE two volumes, dealing with the diplomatic material of Austrian history, bear creditable witness to the research and scholarship of the recent commission, whose function is to explore and publish the material in Austrian archives that bears on modern European history. The two books have this in common, that their editing has been entrusted to trained and competent scholars, and that their contents are drawn from manuscript sources. But they differ essentially both in their subject-matter, and in the method of treatment adopted by their editors. Dr. Bittner's careful work is primarily a work of diplomatic reference in continuation of the volume which we noticed in 1905 (vol. xx. 401), and at first sight appears to be little more than an exhaustive catalogue in chronological order of every diplomatic treaty, convention, and contractual document, whether completed, ratified, or not, to be found in the Austrian archives. Dr. Bittner, however, much increases its utility by the specific information and references provided. The entries are not limited to diplomatic engagements to which Austria was a principal party. For example, no. 1379 gives the alliance of 7 February (o.s.) 1795 between Russia and Great Britain, with the note that Austria acceded on 17 September (o.s.) of that year. Furthermore, each entry, besides supplying precise details (some corrections on these points are to be found in Professor Pribram's volume) as to the parties to, and the date of, the document, gives the place or places where it was concluded, and, if ratified, the date of ratification, together with a complete refer-

encé to subsequent additions, if any, to the terms or clauses, as well as to the printed collections where the whole or any part of the text may be found. Dr. Bittner thus provides a conspectus of the whole field, and leaves the publication of the text to other hands. The labour of compilation must have been wholly disproportionate to the apparent results achieved; but Dr. Bittner adds to our obligations by prefixing a concise and pithy essay on the diplomatic machinery, methods, and symbols of the Austrian chancery, together with a very complete bibliography of the printed collections of treaties and similar materials.

Professor Pribram's volume offers a substantial instalment of Austrian treaties, arranged according to countries. England is his particular sphere, and the date covered by his materials runs from 1526 to 1748, *i.e.* the end of the war of the Austrian succession. In the idea and form of the work there is a close resemblance to the well-known series of volumes edited by a great international jurist, F. Martens, for the Russian Foreign Office (*Recueil des Traités et Conventions conclus par la Russie avec les Puissances étrangères*), the value of which for modern European history does not lie merely in its convenient geographical classification or in the accurate publication of the texts, but in the prefatory and textual criticism of the editor. M. Martens for this purpose freely utilised the Russian archives, and his commentary is frequently an original contribution to Russian and European history, based on materials neither used by nor available for most students. Whether or not Professor Pribram deliberately followed M. Martens's example, certainly the importance of his stout volume of nearly 800 pages is immensely increased by the editor's decision to make it something much more than a mere compilation of texts. The texts are printed in full from a collation of the Austrian with the British originals; divergencies in wording, necessarily rare, punctuation, and the like are carefully noted; the critical apparatus as regards ratification, &c., is complete, and the editor appends notes, the value of which cannot be exaggerated, on particular clauses which draw our attention to the reason why they were included or phrased in a particular way. An example at random may be cited from the treaty of 16 March 1731, where the separate additional article printed on p. 510 has this significant comment: *Die Worte quae bis reperiuntur wurden von Robinson auf eindringliches Begehren der Kaiserlichen zugestanden*. In short, the editing throughout is based almost more on historical than diplomatic requirements.

The plan adopted by the editor has been skilfully framed to meet the character of the documents in question. As Professor Pribram points out in his introduction, it is not until 1701 that, accurately speaking, England in the period covered by his material entered into direct and specific engagements with the Austrian state as such. Even the 'alliance' of 9 September 1689, which involved England and the house of Austria as allies in the great war with France, was not a separate treaty between the emperor and William III. It simply took the form of a declaration by William III of the accession of England to the previously concluded alliances of various states with the house of Austria. Before 1701 there had been various efforts to conclude direct treaties, but these remained abortive. Accordingly the editor gives us first an

explanatory chapter on the relations between England and the rulers of the house of Austria down to the death of Maximilian I; but, as 1526 is chosen as the starting-point, only a general reference is made to the treaties of Henry VII and Henry VIII with that sovereign. Four similar chapters, treating of the period between 1526 and 1701, serve as an introduction to the manuscript materials furnished from the archives, which illustrate many complicated but fruitless negotiations. With 1701 commences the epoch of direct diplomatic contracts, forty-eight of which are printed in chronological order. The first of these is the alliance of 7 September 1701 between the emperor, England, and the United Netherlands relating to the Spanish succession, and this and each succeeding treaty is preceded by a separate preface entering at length into the circumstances in which it was concluded and the objects that those responsible for it had in view. These prefaces are frequently very detailed, and occupy quite one-half of the 600 pages devoted to the years 1701-1748. In a word, Professor Pribram has provided a continuous and critical narrative of the political and diplomatic relations between Austria and England, broken up into sections made by the documents themselves. He has not merely freely availed himself of materials at his disposal in the Austrian archives, but has compared what he found there with similar materials in our Record Office, and his researches in both quarters have enabled him to write a series of essays on eighteenth-century history of the first importance to English students, illuminating as they do at every point the foreign policy alike of the whigs under Anne, of Bolingbroke, Stanhope, Townshend, Walpole, Carteret, and Henry Pelham.

That Professor Pribram writes throughout from the Austrian point of view is perfectly intelligible; but even when he is most critical of or unfavourable to British aims and methods his comments are always well worth weighing, because they deal with materials not to be found in the histories of Stanhope or Lecky. Down to 1721 it is worth noting that there is little substantial difference between the view of Professor Pribram and that taken by Professor Michael in his chapters on our foreign policy in the first seven years of the reign of George I; but when Professor Michael fails us, the interest of Professor Pribram's contribution correspondingly increases. At this point too the articles based on the Newcastle correspondence, which Mr. Basil Williams contributed to this Review in 1900 and 1901, on the foreign policy of Walpole furnish an instructive and corrective commentary; but practically after 1731 as a writer from original diplomatic sources Herr Pribram has the field to himself. Before that date the chief features on which we get fresh light are the struggle over the Ostend East India Company, the first treaty of Vienna, the break up of the alliance between Madrid and Vienna, and the quarrel over the principles of our foreign policy, which ended with Townshend's retirement. After 1731 the decade which culminated in Walpole's fall furnishes a series of obscure and complicated problems, especially the tortuous negotiations from 1735 to the third treaty of Vienna in 1738, and the revolution in the European situation brought about by our war with Spain and the death of Charles VI, when the Anglo-French *entente* had worn itself out, during all of which our relations with the emperor and the house of Austria became the centre of the diplomatic position. Professor Pribram here emphasises

two features—the reluctance of Walpole to substitute for the Anglo-French understanding a comprehensive compact with Vienna and the readiness of a large section in the whig party to return to what its leaders regarded as a fundamental principle in our continental relations, viz. close co-operation with Vienna. He illustrates from Austrian sources the anxiety with which the parliamentary struggle over Walpole's supremacy was watched at Vienna, and the desire for Walpole's removal as the essential preliminary to an effective and comprehensive alliance. This new material amply confirms Ranke's dictum that Walpole's fall was not merely that of a great minister but of a great system.

No less interesting and important is the light thrown on Carteret's efforts to inaugurate the new system, the increasing divergence between his policy and methods, so imperfectly understood and misinterpreted by his critics outside and his colleagues within the cabinet, and those of the Austrian statesmen, the renewed struggle in the ministry, in which Carteret was driven from office, and the confusion and estrangement that culminated in the peace of Aix-la-Chapelle. The years from 1742 to 1748 are not a creditable chapter in British foreign policy, and Professor Pribram's researches do not enhance our opinion of the capacity and insight of Pelham's cabinet. At the same time they confirm well-grounded suspicions that Carteret's bitterest critic, William Pitt, both before and after Carteret's fall, was more conspicuous for his oratorical powers and passionate patriotism than for his judgment and knowledge of the complicated situation in central Europe. Moreover Professor Pribram's judicial *exposé* of Austrian policy suggests, though he certainly would contest the interpretation, that the British cabinet had considerable justification in its distrust of and aversion from the aims and methods of the Austrian court. The material that he sets out shows conclusively that by 1748 both parties to the alliance, alike at London and Vienna, were thoroughly disillusioned. Each regarded the other with a sour resentment, and freely indulged in the recriminations, all the more pointed because expressed in the language of diplomacy, that the cause had been betrayed by the selfishness and obstinacy of its partners. The relations, in fact, between the Hanoverian court at London and the Habsburg-Lorraine court at Vienna from 1741 to 1748 have a striking resemblance to the Anglo-Austrian relations from 1793 to 1801, on which the last four volumes of the *Dropmore Papers* have recently thrown such remarkable light. From Professor Pribram's essays it is easy to draw the conclusion that in 1748 the way, so far as England and Austria were concerned, to the diplomatic revolution, 'the reversal of the alliances,' was really open. The present volume has no index; if the next could include an index, not only to the treaties but to the elaborate explanatory matter in both, it would complete our obligations to its learned editor. C. GRANT ROBERTSON.

*An Historical Introduction to the Marprelate Tracts.* By WILLIAM PIERCE.  
(London: Constable. 1908.)

THERE was room for a new book on the fascinating topic of Martin Marprelate. Martin was a great satirist; he emerged at a moment of great import; his identity has never yet been established; he is in fact a mystery. Mr. Pierce has handled the topic in a large volume, and has done well

some of the work that was needed. He gives a careful account of the literature taken from first-hand knowledge of the sources. He weaves a connected account of the fortunes of the Martinist printing press, basing it upon the documents published by Arber, but adding to it from other manuscript authorities, and particularly supplying two very important new pieces of evidence, which he prints in an appendix. He also gives a good discussion of the problem of the identity of Martin, and rightly holds that the evidence, especially as newly enlarged, points strongly, though not at all conclusively, to Job Throckmorton as the author of the main part of the Tracts. On the other hand, nothing is done to investigate the statements of Martin, to distinguish truth from falsehood in his congeries of accusations against the authorities, or to appraise the value of his contribution to the puritan controversy. Every slander contained in the libels seems to be taken as gospel. The investigation therefore that was most needed is not here made; and we are left as much in the dark as before about the amount of truth which there was mixed up with Martin's reckless aspersions, or the extent to which his witticisms are to be taken seriously.

The book is called *An Historical Introduction*, but while the literary investigation is valuable, the historical falls far short of the same standard. The first half of the book which is meant to lead up to the Marprelate publications reveals the fact that Mr. Pierce had not acquired the qualities necessary for setting his literary investigation in its historical context. In questions which are matters of opinion and judgment it is natural that students should still be disagreed. Especially is this so in ecclesiastical or religious tenets: there is no ground for complaining of any writer of to-day if he holds the same views as the puritans of the sixteenth century, e.g. as to the iniquity of prelacy, or the absolute sufficiency of the Bible in matters not merely of faith but of church polity and ceremonial, or the essential identity of the doctrine and discipline of the English Church with that of Rome. It is otherwise when it comes to questions of fact and of evidence, when facts are distorted and evidence mishandled in order to support particular views—not consciously, no doubt, but only out of sheer incompetence to value anything except in so far as it makes for one point of view. A number of facts show how little pains Mr. Pierce has taken to understand the main objects of his attack, such as episcopacy, the system of the Church of England, and so forth. He imagines that the Thirty-nine Articles are a creed, and form part of the Prayer Book; he thinks that a bishop is consecrated afresh when he becomes an archbishop. He has no conception of the ecclesiastical laws, or of the position of the king's ecclesiastical courts, or of the significance of Cawdrey's case, which he discusses without coming near the point. He is ill-equipped in general knowledge of the history of the time, and is credulous as to anything that suits his polemic. Thus he quotes the old fable of Elizabeth's threat to unfrock a bishop. He is unable to distinguish the regulars from the seculars among the recusant clergy, and does not therefore understand why Bancroft should have allowed them some liberty of printing at the time of their great rivalry over the Archpriest question. These are details, though not unimportant ones. More discouraging is the pervasive

froth of rhetoric which fills all the first part of the book and severely taxes, if it does not entirely exhaust, the patience of the reader before he reaches the second half of the book and the results of the serious literary work which the author has devoted to the Marprelate documents. Throughout all this early part the pages bristle with unsupported invective and party statements, which are not possible deductions or legitimate interpretations of the facts, but at variance with them. Many of these, it is only fair to say, are borrowed, too confidently, from earlier writers.

A typical instance is his treatment of Whitgift's relation to the Ecclesiastical Commission. Some of the mistakes of statement are merely copied from Neal, *e.g.* the statement that this was the sixth commission; but Mr. Pierce adds others. He heads his section 'The Demand for a more formidable Court,' and makes out that Whitgift was thirsting for fresh powers. In fact he only asked for the continuance of the old; and the new commission followed almost *verbatim* its immediate predecessor, which had been issued when his predecessor Grindal became primate, and had expired with him. The extracts which Mr. Pierce marshals, as if they were charges against Whitgift, come ultimately, almost without exception, from the original commissions of 1559 and 1562; the oath *ex officio*, which he calls 'the chief engine of Whitgift's tyranny,' had figured from the beginning. If he had taken the elementary step of comparing Neal, his favourite authority, with such a well-known text-book as Mr. Prothero's *Statutes and Constitutional Documents*, he might have saved himself, but at the cost of excising a number of pages of rhetoric from his book. Similar enquiries on other topics would have resulted in similar excisions elsewhere. The book would have been smaller by half, and far less spicy; but Mr. Pierce would have done himself better justice. No one would now wish to go any further in defence of the Ecclesiastical Commission than to excuse it as being part and parcel of the times. But before laying the blame of it exclusively on Whitgift, there are several facts to be remembered. It was not part of the ecclesiastical system of the country, but an invasion of the system. It owed its origin to the only parliament in which the voice of the spirituality was consistently disregarded; its original constitution was due to letters patent in which two bishops, as yet only designate, were nominated together with seventeen others, and there were fifteen laymen as against four of the clergy. In subsequent commissions the proportion was not greatly altered; so the main responsibility was ultimately on the lay lawyers, and they as a rule were in a majority at its meetings. Such points as these are as nothing to our author; he seems to be as unable to see that a bishop's action may possibly be justifiable, as that a puritan's may not.

As a further specimen of anti-episcopal prejudice we may take the following, which comes from the more sober and scholarly part of the book, where an otherwise judicial account is being given of the early days of the Tracts. 'The Episcopal Hue and Cry' is the title of a section which opens with the statement, 'The Episcopal junta probably set on foot the activities of the Privy Council with the Queen's authority.' The evidence shows that the opposite of this was the case; for (as Mr. Pierce notes lower down)

the Privy Council (or rather the Chancellor and Treasurer) on 14 November 1588 instigated Whitgift to take action, directing him to call some other bishops to his help in tracking out Martin, and promising at the same time the co-operation of three lay privy councillors in the business. Thereupon, and not before, there began to be signs of episcopal action. On the same day Dr. Aubrey took some depositions at Kingston. In Mr. Pierce's narrative the three laymen are left out of account; the 'episcopal junta' is assumed to have preceded the council's action, not grown out of it (if indeed it ever existed, for the only authority is Martin); and as to the affair at Kingston we are told that 'The Prelates . . . opened an enquiry.' If they had done so, it would only have been a very prompt response to the stimulus of the Privy Council; but in fact the enquiry was made by Dr. Aubrey, a lay lawyer much in the Council's employ. This handling is also characteristic. No one would now deny that the bishops, acting both alone and also on the Ecclesiastical Commission, did a great deal of nasty work which they had far better not have touched. But the very points which Mr. Pierce obscures are the really significant and recurring ones—namely (1) that the Council instigated; (2) that it promised to back up the prelates in what was, after all, police work rather than persecution; and (3) that commonly it did not keep its promise, but left them to face the storm of abuse, misrepresentation, and slander which followed. In this case however the bulk of the investigation was done by the laymen; Cosin and Lewin followed Aubrey in doing the early work; then Serjeant Puckering and Matthew Carew. Later, so far as our evidence goes, a privy councillor, in the person of the Lord Chancellor, took his turn; and others of the Council were joined with him in the last stages recorded by Mr. Pierce's new document in his Appendix. When the Press was discovered at Manchester the action was taken by the Earl of Derby and remitted by him to the Council. Whitgift was not present on the day (24 August 1589) when the printers were dealt with by the Council and sent to Bridewell, to be handled by Mr. Fortescue, Mr. Rookesby, and the Recorder of London (Fleetwood), and if necessary put to the torture. He wrote a letter the same day from Canterbury to Burghley, asking (it is no more) that they should be 'dealt with according to their deserts,' but mainly desiring that this should be done 'rather by your Lordships than by ourselves.' All this is duly recorded by Mr. Pierce in his soberer moments; but his feelings later become too much for him. Dealing with the case of Throckmorton, who was convicted at the *Warwickshire Assizes* in 1590, he says: 'How then came Throckmorton to escape the vengeance of Whitgift? We may make some allowance for the fact that in 1590 the fury of the Lambeth League against Marprelacy was abating . . . . The taut chords of the rack on which the printers were stretched had vibrated like harpstrings, making a music highly pleasant to the ears of the Archbishop,' &c.

Yet the book is in some respects valuable. The second half of it and the appendixes are well worth reading if read with caution; but in the first half not even the literary work is well done, as a comparison of the account there given of the 'Admonition' literature with the reprint of 1907 will show. Of the historical quality almost enough has already been said; but one further point may be noted. Mr. Pierce's animus against Parker

is as great as against Whitgift, and his perversion of the facts as gross. Where Brook says, with cautious insinuation, that Field and Wilcox were sent to Newgate 'by the instigation of the bishops,' Mr. Pierce is more bold, and repeats Brook's information thus: 'The Archbishop . . . had Field and Wilcox . . . cast into Newgate,' a prison over which the archbishop had no jurisdiction. These two men were tried (very naturally in such circumstances) by the Lord Mayor and aldermen, and by them condemned to a year's imprisonment. Brook notes this, but not so Mr. Pierce. When half their term was up, the Privy Council authorised a bishop to deal with them; in consequence they were released from Newgate within ten days, and retained only in a clerical household until the Council at last gave a tardy assent to their being absolutely freed. No mention is made of all this by Mr. Pierce. He merely echoes the untrue statements of the puritans of the day; any facts that tell against them, or show them to be false, are held of no account. The bishops must have been wrong and the source of every grievance.

The reader will be glad of the hint to begin this book in the middle.

W. H. FRERE.

*The Nuns of Port-Royal, as seen in their own narratives.*

By M. E. LOWNDES, Litt.D. (London: Frowde. 1909.)

ALTHOUGH this volume, which is well and carefully written, purports to be a history of the nuns of Port-Royal, it might more justly be described as a Life of the Mère Angélique. Miss Lowndes would perhaps have presented us with a more readable biography had she adopted a larger canvas, and adhered less strictly to the narratives of the nuns. She wishes to 'rouse a purely human interest in these nuns without pronouncing on their principles, or purposing to edify the reader.' Since her study is not controversial in tone and is of so modest an aim, it gives little occasion for criticism. The extracts quoted are occasionally somewhat lengthy and tedious, dealing with events of little interest or importance. For example, when Jacqueline Pascal, the sister of the great Pascal, entered Port-Royal, difficulties were raised by her family as regards her share of the paternal inheritance, which she wished to bestow upon the convent. Jacqueline suffered much self-inflicted torment on this account, despite the reassurances of the Mère Angélique, who habitually received dowerless nuns. Miss Lowndes presents us with no less than twenty-five pages of Jacqueline's narrative dealing solely with this matter. A similar criticism would apply to the affair of the 'Chapelet secret,' the 'girl forced to be a nun,' and the events connected with Marie Claire.

We are certainly brought, as the author promises, closely in touch with feminine human nature. The narrative of Angélique is of special interest. We have, in addition, extracts from the notes of M. le Maître, her nephew, her letters, and the narratives of nuns and others connected with Port-Royal. Jacqueline Arnauld, who later took the name of Angélique, became abbess in 1602, at the age of ten, though she was represented as considerably older in order to obtain the necessary papal bull. In her youth, she tells us, she could not endure the Religious Life; 'as I grew in years I grew also in wickedness. . . I cared only to play, to converse and amuse myself.' She read Plutarch's Lives, and relished Parisian news.



Influenced by the sermon of a passing Capuchin, the young abbess soon turned to the Lives of the Saints, and began her work of reformation. This consisted in establishing stricter seclusion and a community of goods, together with a return to the severity of the original Rule. The famous 'Jour du Guichet' inaugurated the new era. The character of Angélique unfolds itself as she writes. Sensitive and sympathetic, she is also independent and self-assertive. Her personal austerity and fervour for self-mortification do not gain our complete sympathy, and would seem to justify the judgment of Bossuet upon 'les consciences captives sous des rigueurs très injustes.' Angélique rarely indulged in the forms of religious emotionalism so common to her sex. 'Save me from visions' was one of her frequent petitions. In 1618 she was removed to Maubuisson, to effect reforms where they were sorely needed. The nuns, under the late régime of Madame d'Estrées, had lived very different lives from those of their sisters at Port-Royal. They learnt their 'Confessions' by rote, entertained their visitors with private theatricals, and went for walks on the high road to Paris. Angélique set an example of humility, she chose the worst cell in the dormitory, swept the rooms, washed the dishes, and hoed the garden. By her tact she succeeded in winning several of the nuns to her schemes of reform. During this period Angélique met François de Sales, with whom she corresponded regularly till his death. 'I found in him,' she writes, 'such great sincerity coupled with so much grace and understanding of my needs, that I put my heart in his hands without reserve.'

Owing to the unhealthy condition of the Abbey in the Fields, in 1626 the convent was transferred to Paris. The Maison du S. Sacrement, as the new offshoot was called, soon developed upon individual lines. It was situated in the Faubourg S. Jacques, the noisiest quarter in Paris, near the Court, in order, as Angélique tells us, 'to attract women of rank.' Shortly after the move to Paris the abbess temporarily resigned her charge. Certain nuns from Tard were imported, who mocked at the simplicity and the cooking of the refectory, and introduced perfumes, elaborate linen, and bouquets into the church. 'All the world begged to come and say Mass and preach; every day new acquaintances were made.' Under this trying rule, Angélique lived as a simple nun. In 1647 she returned to 'Les Champs,' whose unhealthy aspect had been changed through the manual labour of the hermits.

The relation of the convent to Jansenism, *cet épisode grave dans la vie morale de la France*, and to the wider movement of the great Catholic Renaissance, is but slightly treated in the present volume. In 1634 Saint-Cyran became director of Port-Royal, and exercised a profound influence over the Mère Angélique. During the Second Fronde the nuns temporarily returned to Paris, and rendered assistance to a large number of nuns from other convents who had taken refuge in the city. Hostility to Port-Royal grew apace, the friendship of De Retz and the enmity of the Jesuits being among the most prominent causes. Antoine Arnauld was rumoured to be in league with Cromwell, and the nuns sun-worshippers because their chapel faced towards the east. As the Paris house was first attacked, Angélique moved thither in April 1661, though in a very bad state of health. The account of

her last days is given by her niece, Angélique de S. Jean. She wrote to the Queen Mother to try to vindicate the innocence of the house. She stated that the nuns were ignorant of controversial matters, and had not even read the *Fréquente Communion*. To M. de Contes, Grand Vicar of Cardinal de Retz, who came to inspect the convent she said: 'I am convinced, monsieur, that there are few religious houses where, if like search were made as in this, there would not be found more books and more curiosity and knowledge concerning all the questions of the day than among us. For assuredly, monsieur, you will find in all our sisters only a very simple faith.' She supported the courage of the nuns throughout. She thought perhaps that the convent had merited misfortune in order to humble it, for 'in all France,' she wrote, 'there was no house more filled with spiritual riches.' Angélique died in considerable mental and bodily anguish on 6 August 1661.

The laxity of French conventual life at the end of the sixteenth century, and the moral reaction consequent on the wars of the League, are facts of common knowledge. The reforms of the Mère Angélique were, after all, merely in accordance with general tendencies. It is as *la grande chrétienne du Christianisme de Port-Royal* that she mainly excites our interest, as it is her unique individuality that gives her her chief importance, and made her the centre of the widespread influence exercised by Port-Royal.

CONSTANTIA MAXWELL.

*Calendar of State Papers and Manuscripts relating to English Affairs in the Archives of Venice. 1617-1619.* Edited by A. B. HINDS. (London: H.M. Stationery Office. 1909.)

MR. HINDS compresses into this volume the papers covering the period from September 1617 to the end of August 1619, 'a period of the greatest historical importance to Europe, owing to the outbreak of the Thirty Years' War, to Venice from the famous Spanish conspiracy, and to England with the appearance of an organised English naval squadron in the Mediterranean.' There are several particulars about the Spanish plot in these papers, and it is interesting to note the great curiosity of James about it and his failure to extract information on the subject from the Venetian ambassador. Osuna, the viceroy of Naples, employed as one of his leading agents an English sea captain named Robert Elliot. The Venetians, on the other hand, employed Sir Henry Mainwaring and a number of English sailors and ships in their war with the viceroy. The Venetian ambassador wrote that he could have hired heavier Flemish ships more cheaply, but that the English were held in infinitely greater esteem, by reason of the strength of their build, the quality of their guns, and their crews, which excelled all other nations in battle (p. 162). There is a paper of Mainwaring's, going into minute explanations about manning and armament, which is of remarkable interest for students of naval history (p. 448). Yet while the merchant ships of the period, equipped for war, were so highly valued, James had allowed the navy to fall into utter decay. 'For the sixteen years that he has been king of England,' says the Venetian ambassador, 'they have never knocked a nail into any of the royal ships, nor so much as thought of such things' (p. 468). In another

letter he says, 'What regrets would not your excellencies have at seeing twenty-four royal ships, all first-rates and exceedingly fine and large, each like a fallen colossus of the sea, shut up in a ditch of stagnant water, disarmed and abandoned, a prey to the rage and injuries of the weather?' (p. 429.)

The volume is so exceptionally rich in varied information that it is impossible to give an adequate summary of its contents. It contains translations of the relations of Foscarini (p. 386) and Contarini (p. 414). The first is remarkable for the lengthy character sketch of James I, who is very favourably estimated. 'I have heard,' says Foscarini, 'almost all the ambassadors speak more highly of the king's head alone than of all the council together. His majesty understands matters excellently; would that he acted by his own counsel alone, and were not ruled by others, to the prejudice of his friends and himself' (p. 390). There are also full translations of the remarkable letters in which Orazio Busino, Contarini's chaplain, describes the social life of England and the manners, customs, and amusements of court and people. One letter gives a minute description of a lord mayor's show, 'a public ceremony performed for the satisfaction of the populace' (p. 58). Another describes a masque at court performed by Prince Charles and various noblemen before the king. This masque was clearly Jonson's *Pleasure Reconciled to Virtue*, as pointed out in a note on p. 432, and not his *Vision of Delight*, as the note on p. 411 says. The account of the characters proves it. The masque ended in a dance of twelve cavaliers and twelve ladies. Busoni's description is a good example of his vivid and humorous style.

Last of all they danced the Spanish dance, one at a time, each with his lady, and being well-nigh tired they began to lag, whereupon the king, who is naturally choleric, got impatient, and shouted aloud 'Why don't they dance? What did they make me come here for? Devil take you all; dance!' Upon this the marquis of Buckingham, his majesty's favourite, immediately sprang forward, cutting a score of lofty and very minute capers, with so much grace and agility that he not only appeased the ire of his angry lord but rendered himself the admiration and delight of everybody. The other masquers, thus encouraged, continued to exhibit their powers one after another, with various ladies, also finishing with capers and lifting their goddesses from the ground. We counted thirty-four capers as cut by one cavalier in succession, but none came up to the exquisite manner of the marquis. The prince however excelled them all in bowing, being very formal in making his obeisance both to the king and to the lady with whom he danced, nor was he once seen to do a step out of time when dancing, whereas one cannot perhaps say so much for the others. Owing to his youth he has not yet much breath; nevertheless he cut a few capers very gracefully (pp. 113-4).

In other letters Busoni describes such things as public executions, military reviews, and bear-baiting, with notes on subjects such as the water supply of London, the system of gardening, the nature of the vehicles used, and the way in which the houses were built. The ambassador visited Oxford and Cambridge, and Busoni gives the following account of the former: In Oxford

there are upwards of thirty colleges and a very fine public university, with a famous library filled with innumerable and very rare books on all the sciences

and in every language, including a folio volume full of Venetian reports, despite the state's injunctions to secrecy. They are kept in the most regular order, and one always sees fifteen or twenty gownsmen studying there most attentively and writing down the fruit of their reading. This public university was founded, or at least enlarged, by an heretic, a few years ago, but the old colleges were instituted by pious and religious persons (p. 247).

These miscellaneous letters about England, to which their author gave the name of 'Anglopotrida,' were the subject of an article printed in the *Quarterly Review* in 1857 (vol. cii.), but deserve reprinting in a separate form.

Mr. Hinds has written an excellent introduction to the volume, which co-ordinates and arranges the political information the papers supply in a very lucid way.

C. H. FIRTH.

*History of the City of New York in the Seventeenth Century.* By MRS. SCHUYLER VAN RENSSELAER. 2 vols. (New York: Macmillan, 1909.)

THE amount of new matter which has come to light since the appearance of Brodhead's and O'Callaghan's standard histories of New Netherland abundantly justifies the appearance of Mrs. Schuyler Van Rensselaer's volumes, while she deserves the highest praise for the careful and scholarly manner in which she has fulfilled her undertaking. Each chapter is followed by a full bibliography in which chapter and verse is given for the statements in the text, and the volumes give evidence of wide as well as careful reading. The author only claims to write the story of the city of New York, but, for all practical purposes, the history may be regarded as relating to the province. As proof of the new light which has been thrown on the early history, we may note that the publication of the *Rensselaer Papers* has established the fact that a new name, that of Bastiaen Janssen Crol, must be added to the list of the governors of New Netherland. Although now bearing a Dutch name, Mrs. Schuyler Van Rensselaer is careful to inform us that she herself is of English and Scottish origin, and cannot therefore on this account be accused of a Dutch bias. She writes with praiseworthy impartiality; at the same time there is no mistaking the trend of her sympathies. Recent American historians mark a reaction from the attitude of pious awe in the presence of the puritan fathers. Mrs. Schuyler Van Rensselaer, while showing no predilection towards the mother country of New England, lays stress on the view that New Netherland, although it may have been in its political constitution somewhat behind, was really more democratic than New England, in that class distinctions were less accentuated and public opinion had more power indirectly to influence the decisions of the government. The history of New York is made to bring out the conclusion that the American Revolution was not a movement of transplanted Englishmen, and that the new birth of an American people was due to the influence of their new environment acting on Europeans of diverse origin.

Although the author has no special liking for English methods, and regards the English conquest as an act of mere spoliation, her judgements on the first English governors are very favourable—indeed, in the case of

Lovelace more favourable than his own letters would seem to justify. Especially interesting is the account of the stout-hearted Irish catholic, Thomas Dongan, who, in a position of extreme difficulty, sought to block the ambitions of the French and to secure for New York its Indian allies. Considering the language that has been sometimes used regarding Andros it is refreshing to come across the following temperate judgement :

In the history of New York he appears as the faithful executive of an arbitrary, but by no means tyrannical prince, as a conscientious, very industrious administrator. He was not as quick as Nicolls to understand the unfamiliar local conditions, and never expressed the same desire to win the affections of his flock ; but when he did understand he was careful not to exasperate a flock in which the prevailing mood was discontent. He was not unkindly ; if severe when opposed, he was ready when obeyed to forgive and to forget. . . . The more one reads about him the more impersonal a face he presents.

The story of Leisler's rebellion is told with great elaboration and detail, and the description of Leisler is perhaps the best piece of writing in these volumes.

Leisler himself will prove most interesting if shown as he really was—neither villain nor martyr, but a patriot born under a hapless star, a choleric, prejudiced, untrained, yet devoted and by no means unintelligent, hard-struggling, hard-pressed, and most unfortunate leader in what he believed was a righteous and popular movement ; one whose mistakes were in tact and temper (largely Milburne's temper) rather than in aim and plan ; one, indeed, who accomplished nothing of permanence but had no real opportunity so to do, and who had enough energy, honesty, tenacity, and executive power, and enough appreciation of the needs of the moment to warrant the belief that under other conditions and with better preparation he might have made his mark as a successful administrator of public affairs.

H. E. EGERTON.

*Rikskansleren Axel Oxenstiernas Skriften och Brefväxling.* Utgifna af Kungl. Vitterhets- Historie- och Antiquitets-Akademien. Föra afdelningen, fjerde Bandet : Bref 1628-1629. (Stockholm : Norstedt. 1909.)

*Brievan van Samuel Blommaert aan den Zweedschen Rijkskanselier Axel Oxenstierna, 1635-1641. Brievan van Louis de Geer, 1618-1652. Varia betreffende Louis de Geer.* (Bijdragen en Mededelingen van het Historisch Genootschap. XXIX. Amsterdam : Müller. 1908.)

THE first series of the Oxenstierna Papers, of which the present volume, prepared, still under the guidance of the initiator of the publication, the late C. G. Styffe, by S. Clason and edited by H. Brulin, is the fourth, shows the public life of the great Swedish statesman from its inner side, containing the letters and orders emanating from himself and his chancery. The first and last impression of the reader is that of a gigantic activity in every imaginable quarter of political and administrative business. This impression is not diminished by the fact that in 1628-9, as indeed for some time before, that activity was localised ; that the chancellor of the Swedish empire was then chiefly occupied with ruling, as governor-general, the Prussian districts occupied by Sweden in the Polish war. On the contrary, at a time when most European governments began to develop their present system of administration by boards, when in Sweden

particularly the *Riksråd* was on the way to its later collective omnipotence in home affairs, the best chance for Oxenstierna's talents lay in the individualistic tasks set to Sweden by the expansive policy and the foreign wars of Gustavus Adolphus. Much more than mere diplomatic skill was wanted there, and just on account of the exceedingly complicated nature of the business it needed the personal energy of a universal genius like the Chancellor not to stake in it at every moment the whole existence of the small Scandinavian state. Nor was diplomatic work in those two years of secondary importance: everything depended on reaping, as Oxenstierna succeeded in doing by the treaties of Altmark and Fischhausen late in 1629, the political fruits of protracted and exhausting military exertions. The long series of Oxenstierna's letters to the king and the *Riksråd* show us a firm and sovereign mind working out slowly but surely the deepest results, the meanings, as it were, of any given situation. His great letter to Gustavus Adolphus of 19 April 1628, here published for the first time (pp. 119-128), in which he gently and almost imperceptibly, but most forcibly, refutes the king's bold idea of a new military attack on Poland from Livonia and through Lithuania, and points unerringly to his chief end, disentanglement as soon as possible, peaceful possession, and neutrality for future contingencies, is a masterpiece of cabinet policy and eloquence.

But these political doings are only the outcome of and the recompense for another strain of business, less brilliant and much more trying, the everyday care, especially the financial upkeep, of the Swedish military establishment abroad. Masses of work of the most inferior description were constantly forced upon the central administration, not merely because a greater decentralisation of business could not be provided for in the circumstances, but because the most central of administrative problems could at the time of early capitalism hardly be handled otherwise than in a trifling, distracted, clumsy manner. The crown of Sweden plays a sorry part over against her diverse international private creditors. The acceptance of any considerable bill of exchange involves endless troubles. Some Stralsund shippers who have been transporting Swedish troops from Sweden to Prussia cannot get payment for their acknowledged charges, and the Chancellor sends them back to a Swedish official, the governor of Kalmar, of whom he asks the settlement of the account as a personal favour sure to preserve their future good will to Sweden (p. 602). The bookkeeping of Oxenstierna's *Kammar* is to such a degree based on the personal efficiency of the chamberlain Gerdt Dirichsson that after his death in September 1629 *böckerne liggie stilla och alla rekninger ii medler tijdh quiescere, dett och alle rester och afräkninger här blifva för en tijdh tillbaka* (p. 642). Yet in this daily struggle of exigencies Oxenstierna's insight and breadth of view never fail him. In most interesting letters to the Stockholm *Kammarråd* and to the governor of Koperie, dated 15 June 1629 (pp. 531, 536), he sends detailed instructions and accounts as to the acquisition and profitable sale by the state of the crops of Sweden, Finland, Livonia, and Ingermanland. The care of Sweden's chief industrial product, the copper, which indeed already largely helped the national policy by reason of its export, inspires the Chancellor with one of those world-wide mercantilistic projects not un-

common in the seventeenth century. In a letter to the Swedish envoy to Transsylvania, 26 July 1628, he puts before the prince of that mountainous and mining country the plan of a mutual understanding for the promotion of copper currency against the domination of Spanish silver on the world market (p. 196).

Sweden's foreign wars could of course not be wholly paid out of the national revenues. In the first decad of the Thirty Years' War it had become the universal economic theory of parties in a war to live on the resources of the conquered and occupied countries—*den Krieg sich selbst ernähren lassen*. It is well known how the Swedish armies generally distinguished themselves by at least exerting general authority over these methods of quartering and foraging. A superintendence of this kind was another chief branch of Oxenstierna's duties as governor-general in Prussia. A *Tilläg* given by the editor on pp. 726 ff. mainly contains instructions for commissaries charged by Oxenstierna with the regulation of requisitioning on the spot. A further influence on the army was given to Oxenstierna by the power of issuing orders for the maintenance of justice and police in it.<sup>1</sup> All this however did not prevent frequent friction between the civil authority as represented by him and the independent constitution of armies still in the transition from the temporary to the standing system. The whole advantage of the occupation of the Prussian territories did not consist in the contributions of the country itself. Another even more prominent aim in the Prussian campaigns had been to get the control of the import and carrying trade in the Prussian harbours. This trade Sweden tried to tax at one blow by the customs of Pillau at the mouth of the Pregel. The proper collection of the *licent* duties there, which for about thirty years more constituted a prominent part of the Swedish budget, was naturally a great object of Oxenstierna's administration. His choice of Peter Spieringk, afterwards Swedish envoy to the Hague, as *tullvörwaltare* at Pillau secured what was to be done on the official side, but here too the independence of the army and navy came to thwart the ends of the state. It is clear that half of all the provisions of the *licentordningar*, frequently revised and readjusted, was to prevent the Swedish officers from utilising the control of the Prussian trade on their private account. Oxenstierna struggled hard against these abuses disadvantageous alike to the merchants and the customs. On 1 July 1629 he writes to Vice-Admiral Hans Horn (p. 557) in answer to a question or rather petition concerning a beer fee which the officers of the navy used to demand from ships coming or going :

Till svar må J veta, att såsom then plägseden inthet frunder sig på någon rätt, uthan ähr ett idelt röfuerij och allenast igienom missbruk kommen i svangh, altså ähr H. May:tt inthet därmädh tillfredz . . . vele fördenskuldh vackta edher granneligen derföre, vetandes om något sådant häreffter committeras, datt inthet skall manquere på klagare där-öfuer, fast ähn jag det sielf skulle giöra.

Some of the economic processes and results which attended Gustavus Adolphus's brilliant career are strikingly illustrated by the documents published from the Stockholm Archives by Mr. G. W. Kernkamp, the

<sup>1</sup> Cp. instructions for *generalauditör* and *rumormästare*, pp. 163, 687.

president of the Utrecht Historical Society. They show how much the rise and progress of commercial and industrial enterprise in Sweden depended on its connexion with Dutch capitalism. Louis de Geer, the Amsterdam merchant, whose correspondence he publishes, for a time even migrated to Sweden to be near some ironworks he rented from the Swedish government.<sup>1</sup> Mr. Kernkamp prints also, with a careful introduction, the letters of another Amsterdam merchant, Samuel Blommaert, to Oxenstierna on the establishment of the Swedish West Indian Company. Apart from their interest for the student of Swedish and Dutch history, there are many things to be learnt from these materials with regard to the general history of commerce. The slow development of commercial organisation by corporate bodies, as distinguished from the dubious forms of trade on joint account, is illustrated by the unfair transactions of Blommaert, who used the experience and capital won in the great Dutch Companies to serve the interests of a foreign nation—it was he who won for Sweden the former governor of Nieuw-Nederland, the famous Peter Minuit—as on the other hand by the disputes of de Geer with the heirs of his old Swedish partner de Besche, where the helpless state of bookkeeping even with leading merchants is seen to be a chief source of confusion.

C. BRINKMANN.

*Minutes of the General Assembly of the General Baptists.* Vol. I. 1654–1728; Vol. II. 1731–1811. (London: Printed for the Baptist Historical Society. 1909, 1910.)

*Transactions of the Baptist Historical Society.* Nos. 1–4. (London: Printed for the Baptist Historical Society. 1908–10.)

THE Baptists of England have not hitherto been fortunate in their historians. Crosby and Ivimey are unattractive writers, and Stoughton, in his general history of Nonconformity, has treated them very slightly. Their history is, indeed, singularly complex, and in its beginning it is almost impossible to disentangle the various threads of medieval orthodoxy, Waldensian influence, and German reform. Nor is it easier to trace the numerous severances and reunions of what has been the most fissiparous of religious bodies, if it can be spoken of in the singular. The Baptist Historical Society has an ample field, and has made a good start in this careful reprint of the proceedings of one of the oldest, and now probably the smallest, of the varieties of the denomination. Mr. W. T. Whitley, the editor, labours under the difficulty of belonging to a different branch, and has to confess that he has never been in a place of worship of the General Baptists, who belong to the General Assembly; the distinction is necessary, for there are other General Baptists who form the New Connexion, nor do these two bodies exhaust the varieties of the General Baptists. But he has carefully informed himself as to the history of the denomination, though he has hardly allowed himself enough space to make the facts quite clear to the readers of his introduction. Whether or no Mr. Whitley is right in connecting the General Baptists directly with the Lollards, at any rate one of their strongholds has been among the Chiltern Hills; and the stress they have laid upon the *imitatio Christi* as against the Lutheran doctrine shows a descent which may now be called

<sup>1</sup> Cf. *ante*, vol. vi. 685 *seqq.*



venerable. When they first come into clear light in England they are still in touch with the Anabaptists of Holland, but they soon lose this contact. Unlike the more numerous Particular Baptists, they had a strongly organised government, with a graduated ministry, suggested, Mr. Whitley thinks, by that of the church of England. Their 'Messengers,' an order still maintained, are quite unlike any class among the other Nonconformists, being ministers of the whole body and having the sole authority to ordain. Though they started with much enthusiasm, and with an ideal of life resembling that of the Friends, the General Baptists have not been able to gain either wide extension or considerable influence. The cause is evident in their failure to respond to the awakening of the eighteenth century. We find them thanking their annual preachers for 'agreeable sermons,' and taking credit for 'unexceptionable moderate principles,' and their congregations have followed the same course of thought and suffered the same diminution as those of the English Presbyterians. Yet if the story is one of decline the decline is not hastened by any personal unworthiness of the members. There is a consistent dignity and seriousness in their transactions, and a thoroughly English interest in constitutional life, which seems to have held the assembly together even after it had ceased to be a power over the congregations. It is natural that many points of detailed interest should appear: for instance, we learn a good deal about music and hymns in the eighteenth century, and find the title 'reverend,' after solitary instances in 1710 and 1768, coming into acceptance in 1792. Allusions to political topics are strikingly few. The most important name in the first volume is Matthew Caffin; in the second, there are Aspland and Vidler.

When the society publishes the records of the larger Baptist groups we shall no doubt gain even more valuable knowledge; and meanwhile the *Transactions* is a spirited little periodical, full of varied and recondite information, brightened at times by picturesque touches of what some readers may regard as prejudice.

E. W. WATSON.

*Anna van Schurman, Artist, Scholar, Saint.* By UNA BIRCH.  
(London: Longmans. 1909.)

MISS BIRCH justly contends that the life of Anna Maria van Schurman was well worth writing. Her 'career coincided with the great period of the Dutch Renaissance'; she was born in 1607, when the height of the great struggle for independence had been passed, and she died in 1678, when the commercial supremacy of Holland which lay at the root of its ascendancy in art and learning was only drawing to its close. Her 'work reflected its ambitions'—in so far as those ambitions in art centred in exact representation, warranted by a *fides oculata* beyond exception and a genius for taking pains, and in learning, as she was told by the 'Royal Historian at Koenigsberg' (the title, by the way, is not quite intelligible in the middle of the seventeenth century), in knowing thoroughly what thousands knew piecemeal. Finally, her autobiography, which she published five years before her death, 'to some extent expressed its spiritual aspirations'—or, rather, it went beyond them in depth and height, according to a necessary process of historical evolution.

Anna van Schurman's English biographer has traced the remembrances

of the labours in which 'the Learned Maid' (as she persists in calling her) delighted at Utrecht and in deserted Franeker, besides following her, as it were, through the wanderings of her declining years into many-towered Herford, and to the tranquil outlook over 'the flat green country between Leeuwarden and the Zuyder Zee.' Wieland, who in 1777 made *Eukleria*, the autobiography composed by Anna van Schurman at a late period in her life, the text of a study which in a measure revived her languishing fame, probably took less trouble about his essay; but his literary insight, the puritan sympathies which formed part of his idiosyncrasy, and, perhaps, the interest taken by his times in 'beautiful souls,' apprised him where lay the most attractive side of his theme. Miss Birch's biography is very unequal in interest, and not throughout equally skilful in treatment. Achievements of the sort to which the Schurman Museum at Franeker bears testimony cannot at the present day be expected to appeal to any but a very limited esoteric circle—though 'scissors work' may conceivably experience a transitional revival as well as portraits in wax. But in the sphere of scholarship there is neither any reason why, in her biographer's not very elegant phrase, 'the tenth Muse' should 'cut a dilettante figure,' nor why the account of her distinction should fail to make any very definite impression upon the latter-day student. In this part of her book, while dwelling at sufficient length upon Anna van Schurman's literary activity and the appreciation which it received, Miss Birch has made the mistake of assuming that the *milieu* in which that activity was carried on and honoured is likely to be familiar to her public. English readers unfortunately are still without an adequate and easily accessible account of what she describes as 'the Dutch Renaissance'; and to many the *ignotum pro magnifico* will seem to be invoked by allusions to 'the resplendent years of the Muiderkring' and 'beautiful Tesselschade Visscher.' Even of poets known as widely as Cats and Vondel a popular sketch like the present might with advantage have offered some brief account in the way of introduction or note. The theological disputes of the age, on the other hand, are indicated with sufficient clearness; and there is a fair account of Gisbert Voët, who played an important part in Anna van Schurman's history.

The second half of this biography, on the other hand, possesses an absorbing personal interest. In 1653 Anna's mother died; there devolved upon her the care of two aged, blind, infirm and rather troublesome aunts; and the whole course of her life was changed. When she returned to Utrecht with her brother Gottschalck from a sojourn at Cologne in the interests of these relatives, she was a different woman, absorbed in religious introspection; and it was in this condition of mind that through her brother (who died shortly afterwards) she became acquainted with Labadie, and henceforth followed him as her spiritual guide and prophet. I have elsewhere sought briefly to trace the career of this extraordinary man, in connexion with the life of his protectress, the Princess Palatine Elizabeth; and I need therefore only say that Miss Birch's account of the part taken in the experiences of his community by Anna van Schurman seems to me alike luminous and pathetic. No more impressive example of the irresistible force of religious conviction—for why should it be called conversion?—could be suggested than that of this high-minded and

high-souled woman, whose intellectual triumphs were to her as no more than the dust on the flower of the life within.

Should this book reach another edition, it will be worth the author's while to go over her text carefully, with a view to occasional elucidation and enlargement, and to the rectification or modification of words and phrases here and there. It is surely inadmissible to speak of the long self-styled Queen of Bohemia's daughter, the Princess Palatine Elizabeth, some years after her mother's death, as 'Princess Elizabeth of Bohemia'; and who was the 'Duchess of Nassau'? We are, all of us, captives of the pen or victims of the press, but *De Excellentia Foemini Sexus* is a little hard on 'the most wonderful woman of her day.'

A. W. WARD.

*English Local Government from the Revolution to the Municipal Corporations Act.* By SIDNEY and BEATRICE WEBB. I.: The Parish and the County. II.: The Manor and the Borough. (London: Sonnenschein. 1907, 1908.)

It is difficult to write a critical notice of these two massive volumes. It would certainly be difficult to praise them too much, and even to praise them in adequate terms would, in Aristotle's phrase, arouse disgust in ordinary persons. The one obvious criticism, upon their literary form or lack of it, is forestalled by the authors, though in a somewhat ambiguous phrase: 'We have foregone any attempt to produce a work of literature by burdening our volume with footnotes and our text with actual quotations.' No one can fail to recognise that this great work is as fair and many-sided as it is copious and complete. In order that its lessons may be utilised, it ought when finished to be condensed to a digestible bulk, put into a lucid and even literary form—the raw material relegated to notes and appendixes—and prefaced by a similar study of our local history down to 1689. Its historical value must needs be great for historical students, who are already prepared to hear that our present local government is 'rooted in the past,' and that to judge of institutions it is indispensable to study their history. The authors tell us how this lesson was borne in on them when they only started to consider the practical problems of to-day. They found out, too, as writers on similar departments of our constitution have done, that it is even necessary to write, so to speak, twice over: Volumes I., II., III., to take the successive periods, horizontally as it were; Volumes IV., V., VI., to be devoted to a vertical treatment of poverty, health, and other topics. Hitherto there has been no one English book on this vital part of English history. Gneist, who had covered the ground in German, and not very lucid German, wrote to prove a thesis in Prussian bureaucracy; Dr. Redlich's admirable work is less full and is comparatively weak on the parish. Mr. and Mrs. Webb have unearthed a vast mass of new material. They bring out the important truth that English local divisions, like English towns, cannot be classed, but must have each its own biography. Thus and only thus the anomalies and survivals become luminous; the leet and the hundred jury cease to be mere antiquarianism; 'to explain features in the government of London we found ourselves exploring

church chests in Northumberland' is a sentence which will commend itself to all investigators of institutions. They assign a just order of merit to their various sources: records of local bodies, local newspapers, contemporary pamphlets, plays, and sermons; next, documents in the Record Office, the Statute Book, the law reports, and books like Burn's *Justice of the Peace*; lastly, local histories, and general books on English history. Anyone who has delved for himself in any of these sources will agree that eighteenth-century English history cannot be properly written till all these sources are brought into use; 'if five-sixths of the population are not to be left out of account the constitutional development of the parish will loom at least as large as dynastic intrigues, Parliamentary factions, or foreign politics.' A new light is shed on religion and society in Wesley's time by the decay of the office of constable, the changes in the justices of the peace, and the collapse of the duty to make presentments.

These volumes are no less than a mine of information; and like a mine, they contain many things which will come as quite new to most readers of history. Such are the demonstration that the period from the Revolution to the Reform Bill was the first and the last period during which the central government abstained from interference in local affairs and left the local bodies quite free; the warning that since the term 'inhabitants' was often interpreted by judges to be only the 'most discreet,' the 'most substantial,' or such like, the ordinary parish government appeared to the poor a mere oligarchy; or, again, that when the justice of the peace was the landlord, the parson his nominee, the poor their employees, the officials his tenants or servants, the official rulers of the parish were also its economic masters, so that as long as a parish remained rural and fairly stationary in population, the system remained invulnerable with all its defects. Again, it is a new and illuminating idea, the importance of the ancient conduct of shire administration by judicial process, the presentment by the grand jury being 'the great spring or Primum Mobile that gives motion to all the other wheels,' so that this body even comes near to voting the supplies and almost excuses the assumption of 'an ancient popular control of finance to which we are but now reverting under the County Councils.' It is new, also, to notice, when these juries decayed and administration by judicial process gave way, that the vast growth of work, a growth measured by the increase of rates tenfold between 1689 and 1835, was met by an extraordinary enlargement in the county constitution: it developed both a county executive (treasurers, surveyors, &c.) and a county legislature as in the rules about licences, assessments, &c.; though both these developments 'were extra-legal in character, being neither initiated by Parliament, nor sanctioned by it,' and were accompanied by a development of 'lesser local authorities, such as Petty Sessions.' All this was connected with a change from the publicity of the open court and its juries to the privacy of 'two squires and five parsons in the Grand Jury room,' and a change from justices expert in law and possessed of 20*l.* a year to justices qualified only by property and politics, and not appointed as of old through the judges, but practically by co-optation worked through the lord lieutenants. It is not too much to say that parliament itself was content to act as a clearing-house for the policies initiated by quarter sessions on questions of crime,

destitution, recreations and morals, tax assessments, or road and bridge making.

The famous action of the Berkshire Justices in 1795 was very justly known as the Berkshire Bread Act or Speenhamland Act of Parliament, for, being followed by all the other southern counties, it was adopted by parliament itself. This, the most important legislative principle ever introduced into our social system, was a piece of county legislation by seven parsons and thirteen squires. All this growth outside the law is a curiously close parallel to the history of the English constitution itself. There is a sort of cabinet in each county, meeting privately at any time and place, its deliberations unrecorded, and amended or rescinded at pleasure; its chairman, its officials, its committees all unknown to the law; its recommendations and instructions imposing themselves on all the inhabitants. It provoked the wrath of sturdy democrats like Cobbett; but it is a fine piece of political evolution all the same. It is only fair to remember that the Speenhamland policy, even to Malthus, let alone Pitt and Arthur Young, commended itself as the only thing possible at the time. 'I hardly see what else could have been done,' he said, in view of the alternative being state action by the central power. It is to be noted also that when twenty years' experience and the revelations of a commission in 1817 had taught the gentry the full disastrousness of eking out wages from the rates, they were 'as much reprobated by the fervent democrats of the period as their Allowance system was by the Philosophic Radicals.'

Whether the Justices interfered with the parish officers or let them alone, whether they adopted the newest economic philosophy or acted on the humanitarian principles in which they had been educated, it was in 1828 to 1835 equally imputed to them as a crime.

It is curious and not uninteresting to find that it is one and the same county, which in January 1795 had been the first to make up wages from the rates, and which in 1830 peremptorily forbade the method as proved to be pernicious and illegal.

These volumes throw many new lights upon familiar topics, such as the introduction, working, and final abolition of plural voting (from 1818 to 1894), or the sketch of the 'abuses, impositions, and oppressions' of close vestries, from Daniel Defoe to Francis Place. These vestrymen's 'venison dinners,' their excursions in 'glass coaches,' their contractors' rings and their 'focus of jobbing,' show us that there is nothing original in local annals, not even original sin. The manufacture of faggot voters by these vestries throws light also on the dominance of a 'high-flying' church sentiment and a militant toryism in parts of London during Anne's reign; and the same bodies were a barrier against which reformers dashed themselves in vain during the years from 1793 onwards.

The common procedure in studying institutions is to start with the abstract principle of differentiation of functions, and to look for separate organs of legislation, administration, and judicature. The results of this procedure have been disastrous among our constitutional historians, making them regard as 'illegal' the judicial activity of the Council in the

Tudor and Stuart period, or its ordaining power under the Plantagenets. Later writers have begun to realise better the undifferentiated nature of early institutions; and nowhere is this better illustrated than in local institutions. As late as the eighteenth century when petty sessions licensed an alehouse, or committed a murderer, when a single justice relieved one poor man or whipped another, 'no distinction was made either by the Justices themselves or by the text-book writers between the two classes of cases.' Even in the middle of the nineteenth century the only criterion suggested by Burn between administration orders and judicial convictions is: What are they called in the Statute? As the judicial work of the county became specialised more and more in the justices, the increasing administrative work caused them to create a special set of new officers—high sheriff and constable, clerk and treasurer, and surveyor. They went further: they developed themselves into 'a sort of legislative body' (Ritson, 1791), laying down what were in fact new laws as to the number of alehouses (1787), the keeping of dogs (1795), the giving of relief in aid of wages (1795), or the prohibition of such relief (1830). All this was not mere usurpation or the self-magnifying of officials, but healthful and vigorous growth; it appears equally, though at different dates, in the sparse counties of Wales as in populous Middlesex, in the progressive shire of Gloucester as in backward Somerset. This differentiation or growth was made possible, was even made inevitable, by the particular form in which the justices had been used to take action—that is, by presentment.

This, the most interesting feature to the constitutional student, was that which no doubt endeared the device to the Justices themselves; the judicial presentments transformed themselves in the course of the proceedings into acts of direct administration.

Thus it is ordered

that Horse Shoe bridge presented by J. H. P. Esquire as being out of repair be forthwith repaired under the direction of the said J. H. P., and that the expenses be defrayed out of the county stock.

Maitland thought that presentment might be a power only acquired by courts in the middle ages; but it seems more natural to hold with Professor Vinogradoff that presentment must have been a primeval or even an inherent attribute of a court; so that there is a link between that most ancient English organism, the shire or folk, and its modern and specialised creation, the 'squirearchy.' The shire is thus seen to share in the power so marked in the English kingship, the power of throwing out successive bodies like the Chancery, the Star Chamber, the Admiralty, who continue to gravitate about their original; and the analogy of a solar system produced by a nebular evolution, which is so suggestive a metaphor under which to consider the development of English central institutions, is not without its suggestiveness for the history of local institutions also.

Incidentally we come in these volumes upon miniature biographies which often depict for us famous men in some of their less-known aspects: Henry Fielding, John Howard the prison reformer, J. L. M'Adam the road reformer, Sir John Hawkins the friend of Johnson, Sir Edward Baines of Leeds, and Lord Brougham. There are many interesting

portraits drawn of men less famous but well deserving to be rescued from oblivion; such as T. B. Bayley (1764–1802) the Lancashire justice, Sir G. O. Paul (1746–1820) the Gloucestershire justice, the Rev. W. R. Hay, first Chairman of Lancashire Quarter Sessions (1805–33), the Rev. Richard Burn of ‘Burn’s *Justice of the Peace*,’ John Cam Hobhouse of ‘Hobhouse’s Act.’ In each of these cases, our authors supplement the careful but brief Lives given in the *Dictionary of National Biography*. Even so admirable a biography as Mr. Graham Wallas’ *Life of Francis Place* has something to glean from the picture here given of Place’s activities. Many vivid delineations of interesting precursors of social reform give delightful relief to these volumes. Even the index has a human interest and attraction. The index of places is almost as full as the index of persons; and the index of subjects is unusually thorough and analytic, and adds immensely to the utility of the whole work. The same helpful consideration for future students appears in the invaluable lists of authorities given in the preface, for the whole subject; in the introduction, for the literature on the Parish; in chapter v, on the Select Vestry. For the county there is a *résumé* of the bibliography in the introduction to book II; for the Palatine jurisdictions, at the end of chapter i; for the Justices of the Peace at pages 295 and 326 of this volume; and similarly under the headings of overseer, churchwarden, incumbent, constable, sheriff, lord lieutenant, clerk of the peace, county court, coroner, grand jury. Among others are bibliographies relating to Leeds, Manchester, Liverpool, the Northumberland border, Essex, and many of the London parishes.

The mere perusal of the index under the heading Justices of the Peace throws light not merely on local history, but on general history written at large in local records. Take, for instance, the great subject of religious toleration. We see the Tudor and Stuart rule of church attendance enforced by presentments, and imitated under the Commonwealth; revived in greater stringency after the Restoration even to the extent (as at Braintree) of a ‘perambulation of each ward twice at least on every Sunday,’ or of a prosecution of eighteen absentees at Coventry quarter sessions in 1683, or even of an exercise of the archdeacon’s jurisdiction. Then, in 1689, ‘the Act of Toleration hath almost undone us; no churchwarden or constable will present any for not going to church though they go but to the ale-house.’ The activity is now turned against Papists, and the presentment of Papist recusants becomes the chief business of grand juries, constables of the hundreds, and parish constables, till the Hanoverian accession brought in a feeling that the danger was over and gave both dissenters and catholics some respite. The grand juries of London are now concerned successively with filth and nuisances which threatened a revival of the plague, with the alarming increase in gin-drinking, with beggars, vagrants, robbers, footpads, with horse-races and cock-fights. ‘By the end of the eighteenth century the presentments had come to be little more than sonorous generalities, local addresses and declarations on national politics, usually high tory in character.’ This complete ascendancy of the tory party was still more marked during the half-century before the Reform Bill in the class of the justices.

Of course it would be unfair to bring an indictment against a whole class, and to judge the gentry by this fractional part of their activities; and Mr. and Mrs. Webb are notably careful to avoid unfairness. They point out, p. 597, that the justices did not multiply liquor licences to be given to their dependants; that they were only too soft-hearted to paupers, too extravagant in expenditure on bridges, asylums, and improved prisons—in each of these cases the ultimate cost in rates falling heaviest on their own class. It might be added, too, that their work was unpaid, and that on the whole it was well done; that their records show an immense amount of public spirit, with many shining examples of high character and administrative ability, and yet in a vast majority of cases their beneficent public service has gone unrecorded. No other class in the nation would have done so well, for none would have had so high a standard of personal honour or so much freedom from pecuniary corruption. This is expressed in a report of 1838 :

irresponsible power could not have been endured if it were not controlled by the sense of private honour . . . some condition of gentility must be enforced. or for the whole county administration some substitutes would have to be found.

We need not perhaps accept unreservedly the further conclusion that the refusal to act with a man who is a grocer and has been a methodist is the dictate of genuine patriotism,

though it appears that this refusal was also a protest against the secretary of state pardoning two receivers of stolen goods without consulting the convicting magistrates. When Burke says in 1780 that the justices of Middlesex were generally the scum of the earth; when Goldsmith calls corrupt magistrates human hyenas; when Swift declares that their interest is that virtue should be entirely banished and that infamous callings have to earn double to pay the justices to support themselves; when the same character is assigned them by Steele, Fielding, and Smollett, and borne out by official reports to the lord chancellor (1738) and prime minister (1758), all this refers to the 'Trading Justices' and 'Justices of Mean Degree' who kept justice shops in London and Westminster. It was partly due to men of social position withdrawing themselves from 'drudgery among the dregs of the people and the most profligate class.' Hence the Acts of 1731 and 1744 raising the qualification to 100*l.* a year in lands. The Acts were evaded, and these men went on employing their 'barkers' and their 'runners,' arresting to bail out at 2*s.* 4*d.* each, remanding to prisons where gaol fever completed what gaolers' extortions had begun, levying blackmail on gaming dens and disorderly houses and publicans. Any zeal in a magistrate was suspected of being a cloak for such gains, so that,

what with sympathy with the average sensual man, a horror of being associated in reputation with Trading Justices and a fear of reprisals, the magistrates gave up all attempts to stem the swelling tide of licentiousness and crime.

Still less could such a flood be met by royal proclamation against vice or societies for the reformation of manners. Fielding in 1784 finds an increase in robberies and corruption of morals; a chairman of



quarter sessions in 1785 attributed this principally to the justices' neglect, and a duke who was then lord lieutenant of Middlesex refused to put in any but men of great property. In rural districts, however, there was far more insistence on birth, parentage, and education for aspirants to the bench; especially, as our authors say, when the age of Wilberforce has succeeded to the age of Walpole. Gratuitous services were rewarded by irremovableness; the office became more and more a social prize; the 'acting justices' are here estimated at 1500 after the Revolution, 2656 in 1796, 4842 in 1831; the really active and regular justices were less than 50 per cent. of the total number, of whom one-half to one-third were clergymen. It was a homogeneous local aristocracy. It met the new work by means of 'the Double Justice,' a pair meeting anywhere at any time, without lawyers, without witnesses even in important criminal cases. Even the 'Single Justice' in his private 'justice-room' had extraordinarily uncontrolled powers up to transportation, and including supervision of poor relief, upkeep of roads, making rates, appointing officials, and passing accounts, 'that any one justice with a sense of religion and duty might not be windbound by the vicious negligence of his brethren' (J. Disney, 1710). Through the reign of George III parliament deliberately increased these powers; and though the appeals to quarter sessions grew fast, yet it was mainly because of the enormous growth of litigation as to settlements of paupers. The country acquiesced in this aristocratic rule, wide as its scope was. For, under a theory of their being judicial acts, administrative orders to county and parish officers were being issued, and new rules binding on all residents; in fact, legislative enactments were being instituted. Nothing could be more opposed to the old conception of 'self-government.' The check once imposed by the jury system had gone, the check of appeal to the courts at Westminster was more and more often precluded in Acts of parliament passed during this period, the check once implied in the requirement of being 'learned in the law' was gone when all justices were by a beautiful theory deemed to be of the quorum. Well might Coke say: 'It is such a form of subordinate government as no part of the Christian world hath the like.' A similar sense of its unique character has been expressed, though with less complacency, by Gneist, by Boutmy, and by Dr. Redlich. That it lasted almost undiminished till 1888 is a striking testimony to its general efficiency, and also a striking proof of English conservatism.

These volumes have also much more than an historical interest. Since the re-establishment of a real self-government in the counties in 1888, and by the District and Parish Councils Act of 1894, it has become clear that the future of democracy must turn upon its success or failure in reconstituting the sense of personal service to the community and in submitting to leadership. Now from 1761 to 1835 Liverpool was a conspicuous example of such success. Here the Open Vestry and the Corporation 'worked together harmoniously right down to 1835 with efficiency and smoothness.' The vestry annually appointed a committee and a large and varied array of paid officials. The committee gave its orders to these officials, had a highways sub-committee, built new churches, erected a fever hospital, made provision against fire, managed 'exceptionally

well' (Sir F. Eden, 1797, and Poor Law Commission, 1834) the largest workhouse in the kingdom, kept down outdoor relief and bastardy, insisted on equitable rating, published its accounts yearly, and submitted full reports to the vestry meeting. This illustrates what Mr. and Mrs. Webb justly call the great opportunity which was before the legislature about 1817. Parliament had only to legalise for all populous places such a constitution as Liverpool had worked out for itself, where there was annual election by the people, frequent and free public meetings for debates, reference of all big matters to a popular vote, the widest publicity, responsibility, and intelligent interest; it was an education in citizenship through local government. And the conception of local government thus inherited from the parish was extraordinarily wide and far-reaching. The parishioners could almost provide any service or enact any rules they pleased as to the church, their poor, their criminals, as to education, sanitation, recreation; they could hold property in trust, levy rates at will, and even assess personalty as well as land. It is true, on the other side, that Liverpool, Woolwich, Mitcham, and the other favourable cases might have proved the exception rather than the rule; that the parish as an area varied from a hamlet to a great city; that government by mass meeting might fail; and that the absence of central supervision was dangerous. But still, parliament might have allowed a trial to be made. Instead of this, parliament, which was hostile to democracy in local affairs, proceeded with that 'strangling of the parish' which had been begun by the local Acts of the eighteenth century, was now accelerated by the Sturges-Bourne Acts (1818-19), and was completed by the Poor Law Act of 1834. The local Acts were always setting up *ad hoc* bodies and withdrawing functions from the parish. Sturges-Bourne's Acts did legalise the committee, the paid officers, and the referendum, but restricted the committee to poor-law work, made its continuance depend on the vote of the annual meeting, and weighted that meeting heavily on a scale of property. The Act of 1834 withdrew poor relief from the parish functions, set up a new local authority, the Union, and introduced central control. 'With the loss both of Poor rate and of Church rate there departed from the parish all real vitality.' The opportunity was thrown away, to be offered again to our own generation, but at a higher price.

The writing of social history is exposed to great temptations—as, to generalise from single instances, to select the picturesque or abnormal, to forget that every stream of tendency has its backwater, to forget that even the best contemporary evidence requires both allowance for bias and independent verification. These temptations are here avoided by the enormous range of the instances from which the induction is drawn, by a very judicial balancing of opposite tendencies, by checking the literature of pamphlets, speeches, biographies, novels, and plays by a mass of unprinted records. We hear of quarter sessions whose chief business seemed to be dinner and brandy punch; but we hear also that 'in all our researches we found in no county anything approaching the rule of a Boss.' They were incorruptible and honourable; they were also often narrow-minded. The Open Vestries so successful at Liverpool as elsewhere were 'mob assemblies,' 'violations of all decency,' 'disgusting,' 'in the hands of jobbers,' at Ipswich, Plymouth,

Manchester, and many London parishes. In the Close Vestries, if we try to isolate and trace the effect of co-optation, we are baffled by their displaying every variety, and greater extremes of sloth and vigour, of venality and integrity than ordinary parishes. Yet parliament assumed that co-optation was good and inserted it in almost all local Acts from 1763 to 1815. Braintree for a century and a-half was prosperous, well-governed, and contented; yet every canon of sound constitutionalism was defied by the very conditions of the twenty-four ancients, an intensely oligarchical, autocratic, secret, self-choosing, irresponsible, and convivial body, which as soon as the fresh air of popular election was let in, ceased first to dine, then to do business, and in a year more was extinct. Marylebone, 'a village a mile from town,' and governed as such, had in 1768 to be put under a Select Vestry; these noblemen and gentry were absolute. By 1823, eight Acts had heaped powers on them: they even built churches and could not be appealed from, they met in secret, published no accounts, accumulated a debt of a quarter of a million, and filled up their ranks by co-optation, but their work was upright, able, and far-sighted. So in St. George's, Hanover Square, down to 1835, and in St. Martin's down to 1814, though from 1789 St. Martin's was notorious for jobbery. One might also be assured without further question that all this is good history, when we see how it refuses to lend itself to any one party application, to support any one political formula, or to be drawn out in any one moral.

There still remain many things in Vol. I. to which we can here only refer: many biographies like that of the amazing 'Boss' Merceron; the many survivals, like open fields, lot meadows, frankpledge, &c.; the vivid pictures, as of Manchester, 1790-1815; the many happy phrases and illuminating touches—'there is less known of the English County Court in 1689 than of the Court of the Praetor peregrinus,' 'the sullen torpor of the Jacobites and the cynical acquiescence in evil of the Whigs,' 'the continuous pandemonium of speculation and jobbery among the metropolitan vestries'; the many happy quotations: 'annual election is election for life if the representative do his duty,' 'there is always a parish lawyer at the head of a parish job'; the suggestive conclusions: 'there was never a Boss in county administration . . . the chairmen are marked by incorruptibility and public spirit,' 'the more numerous and more severe the laws, the worse the corruption.'

Volume II., part i., on the Manor and the Borough, deals with exceptions to the uniform rule of parish and county: that is, it deals with survivals. These survivals have great antiquarian and even historical importance, but politically they represent, as is remarked in the introduction, various stages of arrested development. There lived on into the eighteenth century thousands of manor courts in which most of the agriculture was managed and much of the local police and small debt business; and hundreds of boroughs or quasi-boroughs not merely lived on but grew in importance. At any one time every stage of development can be found represented, from the humblest court customary to London itself. Certainly the ascending series of forms strengthens the theory that the borough was largely developed out of the manor. But some boroughs 'might almost be described as specialised forms of the county';

and in nearly all boroughs much of their organisation can only have come from the gild. In passing over these ascending forms, we get sketches of the seventeenth and eighteenth century history: among many others of Birmingham; Arundel, where the thirteen burgesses resisted the Commission of 1835 as a violation of the Bill of Rights; Godmanchester, which kept up even its collective agriculture till its Inclosure Act of 1833; Alnwick, an extreme case of a borough falling back into a mere appanage of a lord; Durham, Morpeth, and many other manorial boroughs in a scale in which at the bottom is a mere manor, at the top is a borough complete in all but having its own justices. A manor became a borough 'so soon as its lord turned the holding of its serfs into burgages, abolished villein services, and took money rents instead'; and as soon as it got a corporate income, a corporate personality is required, as Maitland remarks. Thus when Inclosure Acts superseded collective land management there were many relapses into mere lords' courts, of which the most startling case is Westminster, which has a strange story from 1585 to 1901. Another chapter is devoted to the Welsh boroughs, which make a great show of charters, members of parliament, mayors and corporations, but were described in 1828 as being 'all tools of the patron who conducts all their motions like figures in a puppet show.'

The last two chapters deal with Municipal Corporations and their decay. The question, what exactly was a borough, was found as hard to answer by the commissioners in 1835 as it had been by the judges and sheriffs in the middle ages. After a review of ten possible tests of a borough, the one here chosen as really significant after 1689 is exemption from one or more of the shire officials. This gives a list of 200 boroughs, i.e. places appointing their own justices. The lawyers have made too much of incorporation; only in the later boroughs does incorporation fix the form of constitution. In most boroughs there was much liberty and a free use of it. Indeed, the whole theory of corporations had been thrown into the melting pot, as Maitland has shown, by the Royalist lawyers who attacked Puritan trusts under James I and town charters under Charles II. The corporate body could shape itself, but its shape depended on the property and powers which the charters gave it; and in 150 of the 200 this shape was a close co-opting body which left to the freemen at best only the charities and the common. The oligarchic tendency to replace the 'whole commonalty' by a close body, which the authors note as characteristic of the sixteenth and seventeenth centuries, is familiar to students of the fifteenth and sixteenth century records. The lawyers who in that period accepted it upheld after 1810 the burgesses against the Corporation, the charters against mere usage. But, as is rightly here said, 'what is important is what actually existed, the actual local usage, not what subsequent lawyers might eventually decide ought legally to have existed.' The whole subject invites a thorough research on the lines of Maitland's monograph on *Trust and Corporation*; the sections here touching on it are full of suggestions, but inevitably are incomplete.

Even with this differentia, the 150 boroughs having their own justices range from the pettiest powers to the power over all felonies. But the distribution was quite capricious: in 1833, Bath, with 50,000 population,

could not try its own thieves; while Banbury, with a few thousands, and Dunwich, with no population at all, had their own gallows. It was desire for tribunals of their own and their own fees and fines that led to the demands for charters in the eighteenth century; and it was just these narrow tribunals that aroused the Reform cry of 1832-5. But at any rate, it was something that the boroughs kept up this one judicial duty, when all the others had lapsed—fortifications, militia, watch and ward, poor relief, wages of M.P.'s. Again, each franchise or jurisdiction held by a borough gave it a different area; but the decisive area was that of its borough justices. The members were not simply all the residents, but had to be formally admitted and could be legally extended; thus 'apprenticeship was the only broad avenue to freedom and the only way in which a residential democracy came into being,' uneducated, servile, and venal, said the householders of Liverpool in 1833. The borough justices in the eighteenth century supplanted the court leet or merged with it as in Liverpool; the presence of a professional recorder and the same three or four borough officers made it 'much more like a modern court of justice than the amateur shifting bench of the county.' All these aspects of the English borough are excellent confirmations of the very lessons that an exponent of medieval town history would have been enforcing: the rurality of the boroughs, their absolute individuality, and extraordinary diversity, their treatment as organs of state duty, their non-territoriality, their paternal government, their strong tendency to a trade oligarchy. It was truly said in 1832, 'many towns have whimsical, many more have exceedingly beautiful schemes of government.' More than 120 town councils renewed themselves by simple co-optation and chose the officers. In a second class the mayor was elected yearly by the freemen or the burgesses. In the rest these elected also the councillors. But in very few boroughs, and only those where apprenticeship was the road to burgess-ship, was the body of freemen at all large; that is, real popular election was almost unknown.

The chapters on the Manor Court and the Court in ruins are too diversified and too interesting to be judged by excerpts. It is very significant to compare the conception of government by common agreement of an association of producers with the modern conception of government by a central authority carrying out the strict legal rights of individuals. Under the former conception all men were under an equal obligation to serve the community; hence the compulsory annual offices, the jurors deciding on their own knowledge, the absence of permanent officials or corporate revenue. No doubt, as Mr. and Mrs. Webb observe, the idea of local work carried out by 'turns' could only succeed in a primitive society; 'division of labour, implying specialisation of structure and function, became a necessity of progress.' But still the old idea contains a valuable, even a vital, principle, for want of which modern states have let their local government fall either into continental bureaucracy or into English anarchy. We should in conclusion refer to the excellent bibliographies on the manor, the hundred, the liberty, the forest, and many individual boroughs; the many striking histories of borough administration, e.g. at Wisbech; the great number of new points for the constitutional historian to weigh, e.g. on manors, court baron gilds,

portmoots; the interesting survivals at Aston, Bamburgh, Great Tew, Manchester, &c.; the value of communal life as a political educator in England's past; the strength of 'automatism' in local institutions; the thorough use made of the most recent work, e.g. that of Mr. Ballard, Professor Tait, and Professor Ramsay Muir.<sup>1</sup>

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*A History of Scotland from the Roman Occupation.* By ANDREW LANG.  
Vol. IV. (Edinburgh: Blackwood. 1907.)

*History of Scotland.* Vol. III. *From the Revolution of 1689 to the Disruption, 1843.* By P. HUME BROWN, LL.D., Historiographer-Royal for Scotland. (Cambridge: University Press. 1909.)

THESE two volumes represent two different methods of writing history. Each of the two distinguished authors has read widely both on their subject and far beyond it; to neither can be applied the criticism sometimes made upon the Scottish historians of Scotland, that their work is that of men 'who only Scotland know.' Each tells his story with force and vigour and with full intent to speak the truth. The first three hundred and thirty pages of Professor Hume Brown's volume cover the period to which Mr. Lang devotes the five hundred pages which a kinder fate has allowed him. The number of pages does not accurately express Mr. Lang's advantage; in number of words it would be much greater, and it enables him to discuss in detail such topics as the site of the battlefield of Killiecrankie, the case of Captain Green, the attitude of the Cameronians, and the conduct of Clementina. The difference of space explains in part the difference of the two books. Professor Hume Brown must perforce use as few words as may be. A difference of point of view is also obvious; it is apparent not in the use of adjectives (of which Mr. Hume Brown employs very few), but in the selection of facts. In relating the battle of Prestonpans, Mr. Lang says: 'Friends like Maxwell and Murray, and an honest foe like Home, agree in testifying that the prince "thought of nothing at first but having the wounded taken care of, his enemies as well as his own."' Mr. Hume Brown is silent as to the wounded after Prestonpans, but when he comes to speak of Culloden, he writes: 'It was in dread of the future as well as in revenge for the past that Cumberland after Culloden applied those means for the suppression of rebellion which have given him his evil name in Scottish tradition. In Scotland, his severities were deplored even by those who had the least sympathy with the Stewarts; but he had the approval of public opinion in England, and even of the most enlightened English statesmen.' The quotation from Lord Chesterfield which follows scarcely seems to us to support the slaughter of wounded men in cold blood or the starving of prisoners; but the facts are, no doubt, as the author states them. Mr. Lang, on the other hand, has no extenuating circumstances to plead for Cumberland. We have quoted these passages because they illustrate how Mr. Hume Brown's whig views and Mr. Lang's Jacobite sympathies (in one place he speaks of

<sup>1</sup> A very few corrections may be noted, for the next edition; Defoe's *Tour* is much more valuable in his original edition than as smoothed out by his Continuator (ed. 1748, &c.); the *History of Castle Combe* might be named as a useful book. In vol. i. 329, note 3, 1578 seems to be put for 1758; in ii. 350 'stimulating' should be 'simulating.'

Culloden as a 'disaster') affect the general impression given by their narratives. The historian sometimes reveals himself more by his omissions than by his positive statements.

The difference of point of view is greater than a mere different reading of the problems of the period. To Mr. Lang history is a record of men's acts and deeds; to Mr. Hume Brown it is rather a record of national movements. Mr. Lang speaks of the Union as (in De Foe's words) 'merely formed by the nature of things,' but he is more interested in the men who did the forming than in the nature of things: Mr. Hume Brown pays one of his infrequent tributes to the 'far-sighted wisdom' of the men, but his chapter on the subject is most valuable as showing how, 'in an age when material interests were overriding every other, the conviction, however reluctant, was bound to prevail that between a pseudo-independence and a perilous isolation on the one hand, and material interests on the other, the alternative was decided by destiny itself.' It would be easy to show that each method has the defects of its qualities; that what Mr. Hume Brown loses in vivacity he gains in the impressiveness of his few recorded judgments, or that the occasional whimsicality of Mr. Lang is more than atoned for by the suggestiveness of many of his *obiter dicta*. It would not be difficult to point out a few slight slips in each book; 'I have never seen a history which was impeccable,' says Mr. Lang. It is juster, and (for one who has sat at the feet of both masters) a more grateful task, to express the indebtedness of students of Scottish history to both of these great and important works. Each is learned and accurate, and in each there is a wisdom which comes from long and patient study. No living writer knows more of Jacobite history than Mr. Lang, and none is better qualified to speak of the great eighteenth-century period of Scottish thought than Mr. Hume Brown. Each has brought to his task individual qualities and gifts which have widened and enriched our knowledge of the past.

It remains to say a few words about the later portion of the smaller volume. Like his brother historian, Mr. Hume Brown has little love for moderation; but if he hates the sin, he loves the sinners, and one of the best chapters in his three volumes is that in which he tells how Scotsmen were 'initiators in literature and philosophy and equally pioneers in the field of physical science.' The account of the Dundas despotism and the Reform movement is a masterpiece of clever condensation, and the story of the Disruption is told with clearness and more calmly than ever before. One word, almost on his last page, reveals the writer's sympathies in the ecclesiastical politics of to-day. The judgment of the House of Lords in the Free Church case of 1904 was 'astonishing.' It would be difficult to find a parallel for this adjective on any other page of the three volumes.

ROBERT S. RAIT.

*Lives of the Hanoverian Queens of England.*

By ALICE DRAYTON GREENWOOD. Vol. I. (London: Bell, 1909.)

In this first volume Miss Greenwood sketches the lives of Sophia Dorothea of Celle, the unhappy wife of George I, and of Queen Caroline, the brilliant consort of his son and successor. It is ground not long since traversed by

the late Mr. Wilkins, who possessed a talent for dramatic presentation somewhat exceeding the sobriety of historic fact. Miss Greenwood writes with more restraint, and, if the picture is less brightly coloured, at least the reader enjoys the satisfaction of feeling closer to reality. The difference of treatment may be exemplified in the case of the turning-point in Sophia Dorothea's life, the death of Count Königsmarck. The earlier author details the circumstances of his assassination with the exactness of a modern reporter; Miss Greenwood dismisses all this as part of a 'collection of legends,' traceable to the spiteful invention of Duke Antony Ulrich of Wolfenbüttel, nor does she lend any countenance to the fiction that the remains of the vanished count were, at some subsequent date unmentioned, discovered in the Residence at Hanover. Again, the story that George I's death followed upon a fit caused by reading a letter from his dead and divorced wife, which had been flung into his coach, is dismissed by her as 'a sensational tale.' The indisposition of the authoress to accept this last legend is the more creditable in that George I is the *bête noire* of her book. Her likes and dislikes are frankly expressed. She pursues George I with rancour, while George II's weaknesses—for that king is a favourite—are tenderly indulged. George I, then prince of Hanover, returning from a campaign in the winter of 1685, when Sophia Dorothea was in Rome, travelled no further than Venice. His wife's aversion to her husband was unrestrained. As a letter of her own, written in 1692, shows, her father and mother were 'always lecturing' her about it (p. 72). It would have been not unreasonable to credit the prince with humanity in not forcing his society upon her. Miss Greenwood dismisses, perhaps rightly, the story of the princess's intrigue in Rome. She 'may have committed a few indiscretions in the dissolute papal capital.' But no quarter is given to George. 'It is to the husband in Venice, whose proceedings were shrouded, very wisely, in darkness, that condemnation must attach.' No doubt appears to disturb the belief of the authoress in Sophia Dorothea's innocence. When a letter from her to her lover, Count Königsmarck, arranges a plan for a secret meeting, to last a whole day, a meeting longed for by the princess with 'the utmost passion,' as she herself expresses it, the comment is that 'there is no apparent reason to suppose that the secret sojourn took place, either then or at another time when she had made a very similar suggestion' (p. 88). Yet Miss Greenwood admits that one took place at Luisbourg, and that 'it is not wonderful if those who read the letters should jump to the conclusion that deeds followed' (p. 89). Given Sophia Dorothea's attitude to her husband, the disposition of an adventurer like Königsmarck, the princess's passion for him, the facilities for meeting contrived by Frau von Knesebeck, and, not least, the imperious tone of Königsmarck's letters, and not much 'jumping' is necessary. Her father's belief in her guilt is imputed to annoyance at the tone of the references to him in the captured correspondence (p. 104). He 'would never have believed her so guilty had it not been for the letters,' quotes Miss Greenwood, with the amazing comment, 'Guilty of what nobody specified.'

In the case of Queen Caroline we stand upon less debatable ground. Upon her merits as a queen all writers are agreed, and Miss Greenwood echoes the chorus of praise. Her account of the queen's early years at



Ansbach and Hanover is written in an interesting style. Indeed, Miss Greenwood is at her best in describing the now forgotten life of the small German courts. Her biography of Caroline as princess and queen is necessarily based upon Lord Hervey's Memoirs, upon which she justly remarks that 'the characters of Hervey's piece are dramatised and are all presented through a consistent medium of cynical criticism' (p. 312). The sketch of 'Fritz,' the prince of Wales, is the best part of her book. Her dislike of him is qualified by discerning contempt, which distinguishes it from her hatred of George I. Her hero is George II, for whom her partiality is curiously indicated. She castigates mercilessly the immorality of George I, for whom the attitude of his wife affords no excuse. She is indignant at Fritz's nomination, with his wife's consent, of 'his principal mistress, Lady Archibald Hamilton, as the princess's mistress of the robes' (p. 379). But Fritz was only following his father's example in the case of Mrs. Howard. Miss Greenwood benevolently intervenes in this last case in favour of the happy pair. Mrs. Howard deserted her husband to live in Kensington Palace with the prince of Wales, whose mistress the authoress admits that she was (p. 296). She at the same time occupied the place of bedchamber woman to the princess. The censor of Fritz's morals takes no exception to this, apparently because George I interested himself in Mr. Howard's endeavours to stop the *liaison*. The lady is 'the lovable Mrs. Howard.' Her 'beauty, charm, and good sense made her a favourite with a host of distinguished persons . . . She was fit enough, therefore, to provide the entertainment of George himself, who, for that matter, had very good taste about women, as about music.' An historian who insists upon moral principle should avoid eclecticism.

It would be well if in the succeeding volume the authoress were more generous with dates, of particular importance in such a case as that of Sophia Dorothea. There is frequently a cognate indefiniteness of relation. For instance, 'Two peers at once claimed the post, and to provide compensation for the disappointed one a third personage had to be enticed,' &c. (p. 337). Lord Grantham's house, which sheltered George and Caroline, is described as 'not far' from St. James's: it would have been as easy to write 'in Arlington Street.' An account is given of George II's coronation; the hours of the queen's movements are recorded, but the date is forgotten (p. 297). A graphic picture is drawn of the anxiety caused by the delay, owing to the weather, in the king's passage from Helvoetsluys in 1736; but we are not told at what date the king started, nor when he landed. 'Worthy' is not a fitting epithet of Wake, a scholar and theologian of European reputation. Why is Ireland described as an 'independent' kingdom, the inverted commas being those of the authoress? (p. 201). Spencer Compton was not a son of the earl of Nottingham (p. 292). 'Islay' and 'Scarborough' signed their names 'Ilay' and 'Scarborough.' What authority is there for saying that the duke of Norfolk consented to sell his house in St. James's Square to Frederick, prince of Wales? (p. 389). But, though such qualifications as have been indicated are to be made, the easy flow of the narrative makes the volume very readable.

I. S. LEADAM.

*La Diplomatie secrète au xviii<sup>e</sup> Siècle ; ses Débuts. I. Le Secret du Régent et la Politique de l'Abbé Dubois.* Par EMILE BOURGEOIS. (Paris : Colin. 1909.)

THIS is the first instalment of a work which, for its scientific method and the abundance of the materials which have been employed in it, should take rank among the most important contributions to the history of France. Hitherto we have had to be content with the voluminous labyrinth of Lamberty and various memoirs, or else with the numerous slighter works on the period, none of which exactly covered the ground which this book surveys. For instance, Mr. Armstrong's work on Elizabeth Farnese deals with only one particular Court, M. Wiesener in his *Le Régent, l'abbé Dubois et les Anglais* used only the English sources ; while M. Bourgeois, with almost Teutonic thoroughness, has made what seems to be almost an exhaustive study of the materials available for the history of the diplomacy of the Regent Orleans. The book deals with the first three years of the Regency, and ends with the signature of the Quadruple Alliance of 1718 and the reform of the French administration in September of that year. Briefly, it traces the struggle for supremacy in the French department of foreign affairs between the official party headed by Marshal d'Huxelles, who represented the old traditions of Louis XIV, and the new party headed by Dubois, who in M. Bourgeois' opinion, deliberately sacrificed the real interests of France to the personal and dynastic ambition of the Regent. The book, therefore, is a severe criticism upon the Regent's policy, which is held to have been launched upon a course irreparably wrong from the moment of the quashing of Louis XIV's will, which had been framed with a view to uniting all parties in the state against Philip V. Possibly M. Bourgeois has overrated the statesmanship of Louis XIV's will : it is at least open to question whether a government containing Orleans as well as Maine could have worked harmoniously against Philip V. Be this as it may, by this act the Regent created a party in France opposed to him, which in the event of the death of Louis XV would have enthusiastically welcomed Philip. Against this party, which represented French public opinion, Orleans had to entrench himself, and hence the secret policy conducted by him with Dubois, quite à la Louis XV.

M. Bourgeois has done a great work, but sometimes even his skill has been inadequate to the vast mass of materials with which he has had to deal. He is at his best undoubtedly in describing the journeys of Dubois to the Hague or Hanover, in both of which he has succeeded in maintaining the best traditions of French historical writing. In his estimate of characters he is perhaps too much dazzled by the greatness of Louis XIV and Torcy to be quite just to the Regent, and he is too much inclined to take a side against the English ministers, for, feeble diplomatists as they proved themselves to be in comparison with Dubois, they nevertheless were men of no small ability, and, for whigs, of considerable honesty of purpose. The insinuation on p. 192 about the intentions of the ministry in publishing the Gyllenborg correspondence needs more support than is adduced for it. The gossip of ambassadors and the accusations of a

minority in Parliament cannot be taken as good historical evidence in the face of the English documents of the ministers themselves.

A protest may be made against the style in which some French historical publications are given to their readers. Nothing can be said against the print; but a book of 412 pages, octavo, that weighs nearly 3 lbs. in paper covers cannot be held in the hands with any ease, and much of the pleasure derived from perusing it is destroyed.

L. G. WICKHAM LEGG.

*Les Intendants de Province sous Louis XVI.* Par PAUL ARDASCHEFF.  
II. Traduit du russe sous la direction de l'auteur par LOUIS  
JOUSSERANDOT. (Paris: Alcan. 1909.)

THIS volume is a translation of a considerably revised edition of the second volume of a work which appeared in Russian in 1900 on the provincial administration of France in the last period of the *ancien régime*, 1774-1789. The first volume dealt with the intendency as a political institution and its workings. The second deals more with persons than with institutions—is in fact a study of the *personnel* of the *intendants*, their relations among themselves and to other classes, their political ideals and aims, and their attitude towards the provincial France which they ruled and towards the central government. In the preface to this translation M. Ardascheff gives a valuable summary of his first volume. The book is based throughout on careful and wide research, and though there are some repetitions which give it an unfinished appearance, it is a very solid and considerable contribution to our knowledge of pre-revolutionary France. M. Ardascheff shows a tendency to ride his thesis, the essentially 'enlightened' and 'humane' administration of the *intendants*, a little too hard; but the other side has been put forth in so extreme a form by writers like Tocqueville that he supplies a useful corrective.

The most valuable chapter of the book is the first, in which M. Ardascheff studies the relations of the *intendants* to French society as a whole. In the reign of Louis XVI, far from being mere *hommes du roi* drawn from the non-noble classes, they were a class of hereditary administrators, closely knit together by ties of blood and marriage, most of them tracing back their nobility several generations, and entirely derived from the *noblesse de la robe* which went to make up the *parlements*. They were not only closely knit together themselves by family ties, they were united as well in the same way to the close oligarchies which governed the towns and to the class of men who furnished chief ministers of the crown, some of them, like Turgot, training for the more important post in the position of provincial *intendant*. In contrast to the ephemeral ministries which distinguished the reign of Louis XVI, the *intendants* held office for long terms of years. Out of the sixty-eight *intendants* who administered France during the reign of Louis XVI, twenty-four held their office for twenty years and more, thirty-nine at least ten years, and only eight less than five years. In their relation to the central government they were far more independent and sympathetic to local feeling and interests than it has been customary to suppose. In this local government of France

by a comparatively small number of families, forming an 'official nobility,' strong in its more permanent tenure of office, and partial representation of local interests, we have a new feature in the factors which contributed to the outbreak of the Revolution fully brought out for the first time. The second chapter deals with the intendants and the provinces. Against the view of Tocqueville that the French provinces on the eve of the Revolution were in a state of lifelessness, he points out the considerable material progress made in industry, commerce, agriculture, means of communication, growth of local academies, and re-awakening of the tradition of local liberties. Most of the intendants promoted or favoured these; some were extremely popular with those they ruled, and defended them against the encroachments of the central government and the excessive demands of the royal treasury.

In chapter iii. M. Ardaschew points out the close relationship between the intendants and the 'enlightened' public opinion which was so characteristic of pre-revolutionary France. Senhac de Meilhan, the correspondent of Voltaire, author, among other works, of a book of some value on the principles and causes of the Revolution in France, and later a pensioner of Catherine the Great and would-be historiographer of Russia, is a type of the somewhat amateur and *dilettante* politicians and philosophers who, with little real sympathy for the governed, tried to carry out the ideas of the *siècle de lumière* in their intendancies, as Auget de Montyon, man of letters, would-be philanthropist, and founder of prizes for virtue, yet pitiless in his dealing with individual cases of hardship, is of another. The simple desire for administrative efficiency caused them in some cases to strive to effect some reform in the iniquitous assessment of the *corvées*, and to protect a ruined province from the crushing weight of extra taxation in the *taille*. But in doing so they generally came into conflict with their kin in the *parlements*, as in the case of Dupré de Saint-Maur and the *parlement* of Bordeaux, 1776-1785. His attempt to replace the *corvée* by a moderate and equitably distributed tax failed in this instance through the opposition of the *parlement*, and he had to resign his office in 1785. The *parlements*, if they at times posed as the champions of local autonomy and resistance to autocracy, too often filled the less gracious rôle of defenders of class privilege. Some of the attempts of the intendants to deal with the economic and fiscal problems which troubled eighteenth-century France are dealt with in the fourth chapter, on the intendants and *la bienfaisance éclairée*. Relief works, money or corn-doles, remission of taxation, charity organisation were the chief means adopted. There was an abundance of goodwill; but perhaps we have the key to their failure to prevent the arrival of a crisis in the disdainful *insouciance* to which even so enlightened an administrator as Senhac de Meilhan was not ashamed to confess. Without a tight control, subordinates were bound to run riot, and there is evidence in the chapter on *les mœurs administratives* that such control was wanting. Nevertheless, in pursuance of their policy of enlightened administration the intendants did much in the way of encouragement of agriculture, making of roads and canals, and education, and some of them compiled valuable works on the economic statistics of the country. They even ventured at times to resist the autocracy of the central government, and remedy some of the more scandalous cases of abuse of the system of

*lettres de cachet.* The attempt of Turgot to reform the *corvée* in his intendance of Limoges was continued by him during his short-lived ministry. It is true that in the pursuit of these objects they were nothing if not arbitrary, as when in 1779 Du Cluzel, intendant of Tours, ordered the inhabitants of his province to destroy all the caterpillars which were devastating the gardens.

The concluding sixth chapter deals with the general relations between principals and subordinates in the provincial administration, of both with the governed, and with the various administrative abuses. Here he sees an increasing effort towards decentralisation. In sharp contrast to modern usage, the correspondence between the officials and their subordinates and officials and the governed was conducted in the easy manner of well-bred social intercourse between equals. The expenses of public entertainments borne by the intendants were very large. Mutual compliments passed between intendants and their subjects, such as when a child of M. de Brou was called Bresse-Bugey-Henri-Victor, as godson of his province. Some sub-delegates and secretaries of intendancies seem to have amassed fortunes by corruption and peculation, and the receiving of gifts was open and frequent among the officials. Arbitrariness and injustice were frequently characteristic of their acts, from the very nature of their mission, which was to look after everything which may concern the well-being of the affairs of the king's service, and generally to do all that he might think necessary and proper. The *cahiers* make the intendants out to have been unpopular in many cases, though we know that in some instances the local *cahiers* were dictated by their officials. In reality the intendants, penetrated as they might be with liberal and philanthropic ideas, were too much of an exclusive caste to be in close touch and real sympathy with the inhabitants of the provinces they governed. As we have seen, attempts at reform very often fell to the ground before the opposition of bodies like the *parlements*, who belonged to their own class. It was in vain for them to wish for the abolition of abuses. Though not so to the same extent as the feudal nobility, they were still in some measure 'abuses themselves.'

W. E. RHODES.

*Nouvelles Lettres du Comte Valentin Esterhazy à sa Femme, 1792-1795.*  
Publiées par ERNEST DAUDET. (Paris: Plon. 1909.)

THE second volume of Esterhazy's letters opens in April 1792, when he was still residing at the court of St. Petersburg as agent for the brothers of Louis XVI. The earliest letters suggest that he was full of confidence in his mission. He breathed the spirit of those *émigrés* who had gathered round the princes. A satisfactory settlement of France could only be attained by undoing all the work of the Revolution. With a little firmness it would be easy to put everybody back into the position which he held at the beginning of 1789. Catharine agreed with all his views. Not intending to embark any capital in the conflict with revolution, she was profuse of heroic sentiments and disinterested zeal. She had declined to receive the letter in which Louis XVI announced his acceptance of the constitution. She commended the firmness of his brothers and urged them to resist the pressure applied by the court of Vienna, which

desired some compromise with revolution, at least such restraints upon the power of the crown in France as might hamper French activity in European affairs. She promised, or seemed to promise, the princes the help of fifteen thousand Russian troops. But little, or rather nothing, came of all these fine speeches. She was too remote from the theatre of revolution; she had not been consulted; her first duty was to combat jacobinism in Poland. Gradually Esterhazy began to see that Catharine was really absorbed in her Polish schemes and would gladly have forgotten the royal family of France.

The Empress however liked Esterhazy and showed him unusual favour. These letters illustrate the fascination which she exercised and the skill with which she could act every womanly part. Esterhazy's countess was seriously alarmed. But Catharine at the age of sixty-three (not sixty-eight, as Esterhazy ungallantly wrote to reassure his wife) was perhaps capable of an honest friendship for a man of fifty-two. Esterhazy's constant entreaty that his wife would join him in Russia may be taken as a proof that he was virtuous. When the disasters of 1793 convinced Esterhazy that his mission was hopeless, Catherine gave him an estate in the Ukraine with a thousand serfs. The letters which he wrote to his wife on going to take possession afford some curious glimpses of aristocratic life in that region. The land was fertile, there were rich proprietors, and luxury was strangely blended with barbarism. You might find attached to a country house elaborate pleasure-grounds with temples and grottoes in the manner of Kew or of Stowe. But a countess in her confinement lacked the bare comforts and decencies of an invalid. Hardly had Esterhazy settled down with his family when Catharine died and a ukase of Paul restored the estate to its former proprietor, a Pole who had suffered confiscation. The Tsar, it should be said, presently gave Esterhazy another domain, where he dwelt in peace. A sketch of Russian life and manners, by Esterhazy, printed as an appendix to this volume, although it contains little that is altogether new, is interesting. It recalls the half-savage splendour of Catharine's days, the profusion of the nobles, their revelry, their gambling, their immense studs, their crowds of gold-laced lackeys, shirtless and bedless, the reckless waste of human life, the fatalism of the common people, the singular ceremonies in use at marriages and funerals, in short a type of society as strange as Europe has ever known. But it must be acknowledged that these volumes as a whole are disappointing. Esterhazy was a respectable, commonplace man, without powers of observation or description equal to the rare opportunities which he enjoyed.

F. C. MONTAGUE.

*Correspondance du Comte de La Forest.* Publiée par GEOFFROY DE GRANDMAISON. (Société d'Histoire Contemporaine.) Tomes II., III. (Paris: Picard. 1908, 1909.)

THESE volumes continue the valuable series of despatches of Count La Forest after he was moved from Berlin to Madrid. As we saw in our review of vol. i.<sup>1</sup> his despatches are of unequal interest and are of a strongly Napoleonic cast. Vol. ii. opens with a detailed account of the second entry

<sup>1</sup> *Ante*, vol. xxii. p. 385.

of King Joseph into Madrid on 22 January 1809, after the temporary flight due to the disaster at Baylen in July 1808. The pageant went off quietly, and La Forest cherished the hope that either the rabble was cowed or the courage of the upper classes was beginning to grow. A doubtful experiment was the passage along the streets of the Spanish prisoners taken at Uclès eight days earlier. But the ambassador remarks, [II] *a eu tout le succès possible*. One may question whether it did not rankle in the memories of patriots. The other despatches of this time deal with the many measures taken by Joseph and his ministers to re-establish his authority. Among other details it is worth noting that Marshal Jourdan (Joseph's military adviser) was much annoyed not to receive a title of nobility or *dotation*, such as the other marshals had recently received from the emperor. Hence perhaps his half-heartedness on several occasions in Spain. These volumes supplement at several points the memoirs of Miot de Mérito, which are franker and less official in tone than these despatches. La Forest however admits that public opinion at Madrid improved very slowly, and that assassinations continued to be alarmingly frequent, even when it was known that Sir John Moore's army was driven into the sea. The king therefore seldom went to the theatre unless the audience was known to be almost entirely French (vol. ii. p. 73). Commercial affairs caused some difficulty, and friction was not ended by the concessions mutually made by France and Spain in the spring of 1809. At that time too ferment occurred, owing to the report of Austrian victories in Bavaria. French couriers were several times intercepted near Burgos. The king's police had to arrest sixty persons at Madrid (23 May), though the populace in general was 'calm.' But Wellesley's success at Oporto and the news of Aspern produced a relapse early in June. On 22 June King Joseph set out for Toledo, owing to threatening movements in the Tagus and Guadiana valleys. La Forest remained at Madrid during the Talavera campaign, and his despatches have here only a secondary interest. They throw no new light on the conduct of the Spanish generals, especially Venegas, whose incompetence ruined the hopes of the allies. It is curious to find La Forest writing on 14 July 1809 that the return of the English into the Peninsula (*sic*) was solely in consequence of the war raised by Austria in the Danube and in Italy; also that their actions would depend on the events in Austria. This is a specimen of the blind optimism which pleased Champagne (the duc de Cadore) at Paris, and often led to the wrong steps being taken there. The news of the approach of Wellesley towards Vittoria led to a hasty levy of the French partisans in Madrid, the result being the taking of arms by 1200 Frenchmen and 700 or 800 Spaniards. Unfortunately there is a long gap (3 to 14 August) in the despatches at the very time when the news of Talavera arrived.

The events described in vol. iii. are inferior in interest to those of vol. ii. They deal with the situation caused by the peace of Schönbrunn and by the curious rumours that King Joseph would leave Spain. The military events centre in the spirited advance of La Romana and Del Parque from the north-west and the defeat inflicted by the latter upon General Marchand. The advance of Areizaga from Andalusia towards Ocaña and his defeat there by Soult are also touched upon. La Forest opined that

Wellesley's retreat into Portugal was due to that event (iii. 88). In February 1810 came the news of the emperor's decision (on the 8th) to recognise the administration in the north-east of Spain by transferring to his marshals the government of the provinces north of the Ebro. This act and the conferring of new powers on the marshals elsewhere in Spain caused Joseph great chagrin. But, as he was at that time in Andalusia, while La Forest remained at Madrid, the despatches of the latter are of subsidiary importance in February-May. Joseph returned suddenly in the middle of the latter month. La Forest admits that the capital was always beset by guerilla bands. This volume ends with June 1810, and therefore scarcely touches on the preparations for the advance of Masséna against Portugal. The notes are good, except in regard to the British side of the campaigns, on which they are decidedly deficient.

J. HOLLAND ROSE.

*Weltbürgertum und Nationalstaat; Studium zur Genesis des deutschen Nationalstaates.* Von F. MEINECKE. (Munich: Oldenbourg. 1908.)

THE earlier and larger section of this important book, our notice of which has been delayed by accidental causes, delineates, within the compass of a few hundred pages, the earlier progress of the idea of bringing to pass a German national unity, from the times of the Seven Years' War onwards to Bismarck's younger days; while the later section, which lies as it were open to the additions which the revolving years and their developments may enable the observation of the author to make to it, is occupied with an enquiry into the successive relations between 'the Prussian state-nation and the German culture-nation, whose purpose it was to become a German state-nation.' Should these compound expressions have an artificial or even a pedantic sound to an English ear, the fault will, of course, not be laid at the door of the author. Professor Meinecke's style, even in the more theoretical passages of the earlier part of this book, preserves its accustomed transparency—a quality of which among writers on political philosophy, from Hobbes to Hegel, only a few have been in the habit of taking thought.

The survey offered in this volume starts with the assumption that, notwithstanding the appeals of Karl von Moser (whose lofty aims and noble but curiously composite character are, by the way, not very suitably summed up in the epithet '*der wackere*'), the old Germanic patriotism associated with the Empire and its institutions may be said to have been left without a basis. In the latter part of the eighteenth century, when in France the word 'nation,' and the aspirations implied by it, previously (as by Montesquieu and Voltaire) mainly applied in the sphere of intellectual life and manners, came to acquire a more and more definite political significance (*Assemblée nationale*, &c.), this evolution was not followed in Germany. Here, 'national' life and activity were still regarded as emanating from the intellectual endeavours of poets and thinkers; and, except in the way of occasional passing suggestions in this direction, there was little thought of confining the application of either word or conception to the limits and conditions of a particular state. The entire current of German political thought was thus set towards universalism; and if there was an occasional



*afflatus* of what may be called state patriotism (for which Napoleon provided opportunities by dealing with the chief states not together, but in turn), it never really diverted the stream. In the years during which the intellectual advance of Germany swelled the hearts of all her children, the noblest spirits of the land proclaimed aloud their belief in the destiny of the German nation, as the most perfect representative of human culture, to expand into a community representative of humanity at large.

The circumstance that, at the same time, revolutionary and Napoleonic France, as it were, forced the civilised peoples of the world into a general combination against her encroachments, no doubt contributed to foster this tendency to universalism in the minds even of statesmen and patriots whose place is secure in particularist as well as imperial Walhallas. Its representative in the days of the French Revolution and the following years was Wilhelm von Humboldt, to whose lofty spirit it seemed that 'every people has its day in history, but the day of the German is the harvest of all time.' Even in later days, when his experience as a Prussian statesman and his share in the task of German reconstruction had brought home to him the necessity of establishing a 'free and strong' Germany, he could not realise the consequent necessity of securing to it unity and independence of action, and no place was found—perhaps could be found—in the Federal Act of 1815 for assurances of either of these indispensable conditions. Fichte again—for I pass by what is here said of Friedrich von Schlegel, whose thought (1830) of opposing to the false imperialism of Napoleon a universalism based on moral and religious ideas reveals 'the spiritual roots of the Holy Alliance'—was an unselfish cosmopolite even when he was an ardent patriot. 'Oh, might a happy fortune preserve the German from an indirect share in the spoils of the worlds beyond the seas, just as it has preserved him from a direct share.' But he saw the necessity of securing the political independence of a nation as the indispensable condition of evolving out of it the 'perfect' or 'reasonable' 'state of the future'; just as, within the narrower limits of a direct political issue, he insisted on raising to power the Prusso-German emperor or despot (*Zwingherr*) as the necessary preliminary of the 'Republic of the Germans, devoid of princes and hereditary nobility.' Nor was the nationalism of Stein nearer to the nationalism of modern German politics than was that of Wilhelm von Humboldt or that of Fichte. It is known how indifferent Stein was at heart to the means by which the end which he had in view should be accomplished—how at one time he was willing to make over to Prussia the whole of northern Germany, and at another to divide up Prussia and organise the union of Germany under Austrian supremacy. The attitude taken up by Stein towards Great Britain and Russia in their relations towards Germany is even less in harmony with the national self-consciousness of later days; and it may be regarded as open to question whether, though Metternich's intention in 1815 of securing a formal guarantee of the new German constitution by the Great Powers was not carried into effect, the *Dispositions Générales* of the Federal Act were not actually under such a guarantee, so that the central state of Europe, as Heeren phrased it, was thus constituted its pacificatory state (*Friedenstaat*)—weak for attack, but strong for defence.

With chapter x. of the first part of this work we pass into a new sphere

of political thought. Of this in its early days the chief prophet was Karl Ludwig von Haller, and the outcome was the new conservatism of the contributors to the *Berliner Politische Wochenblatt* and the men who personally or by their writings largely influenced the receptive and imaginative mind of King Frederick William IV, and who, after the Liberal breakdown of 1848-9, were indirectly even more than directly, and through the Camarilla more than through the members of any Cabinet, the chief guides of his decline. This school, in its beginnings, had many points of contact with the Romantics of both the older and the younger generation, and with the catholic or at least catholicising ideas with which several of the leading spirits among them ended. But it also drew nourishment from the Prussian patriotism which was indigenous to the soil, and which was naturally most pronounced in the nobility of the old provinces, long the nucleus of the officers of the Prussian army. This Prussian patriotism the War of Liberation had inevitably blended with the spirit of the revolt of the whole fatherland against alien domination, for which a Prussian king had braced himself to give the signal; and, to add unction to the compound, Niebuhr's imaginative power had devised the legend of the historical fidelity of the Brandenburg-Prussian dynasty to the German cause at large.

In Prussian politics, the cherished ideal of this school was the royal authority directing the destinies of a state within moderate geographical limits, with the advice of its hereditary territorial orders; in Germany, an adherence to the principle of a unity founded on common culture and common associations of the past, and abhorring any attempt to acquire a hegemony by force, or even to rebel against the hegemony established by tradition. For such a policy and such ideas—the ideas of men like the Gerlachs and the most eminent legist of the party, F. J. Stahl—it was hoped to secure the co-operation of the chief potential force among the younger Prussian conservatives, Otto von Bismarck. How this hope was defeated, and how, in place of the house of many gables and many angles dear to the heart of Frederick William IV, was gradually built up the edifice—not yet a finished edifice—of the new German state, is told in the concluding chapters of the first, and in the second section of this book. In the former it is shown how in a soil prepared by Hegel's demonstration of the indefeasible right of a nation which history has made such to unconditional autonomy and independence of action as a state, Ranke planted the principle of the individuality of great states and justified by empirical, in other words by historical, treatment, the claim systematically set up by the great philosopher. Bismarck, by whatever process, took the lesson to heart; and when the time came for him to cast the shell of uncompromising specific Borussianism, the endurance of the long-cherished universalist dream was doomed as absolutely as was that of the romanticism which clung to the forms and methods of the patrimonial state.

But, if ever statesman had a pre-eminent claim to be called a man of action, Bismarck was that man; nor has any modern politician more openly allowed his immediate decisions to be determined by the possibilities as well as by the needs of the existing condition of things. Towards the methods proposed by the Liberal leaders who sought to bring the

Revolution of 1848 to a practical conclusion, he consistently maintained an attitude of cold negation. It was in the fatal March of that year that the famous formula discovered by the Minister Heinrich von Arnim (he does not appear to have actually invented it) was put into the mouth of the unfortunate King Frederick William IV—how 'Prussia must be merged in Germany' (*in Deutschland aufgehen*). How very literal an interpretation was given to that formula by such patriotic diplomatists as Stockmar and Bunsen, is well known; and in the recently published correspondence of Lady Westmorland (who saw German politics through the medium of the reactionary circle by which she and her husband were surrounded) there is an indignant account of a conversation in which Bunsen, graciously described by Metternich in a subsequent letter as *un peu moins canaille mais encore plus dangereux* than Arnim, radiantly expounded his views. The plan of 'merging' Prussia and her institutions into a German state of which Frankfort would be the natural capital was seriously considered by the constitution-makers at work in that city—by J. G. Droysen among the rest, who afterwards as Prussian historiographer was to seek to perpetuate a very different conception of the permanent political individuality of Prussia. If only the all-important preliminary question of the headship of the nascent empire could be settled by the proffer of the imperial crown to the king of Prussia and its acceptance by him, the merging—though in what measure was still very disputable—must have followed as a necessary consequence.

From the historical point of view, by far the most interesting pages of this volume are those dealing with Heinrich von Gagern's sustained attempt to gain over the king to the great resolve, upon the consummation of which Gagern and his associates—most of them like himself, as Professor Meinecke reminds us, sons of the *Reich* or its vicinity—had really staked their political credit. It is here shown with remarkable clearness how largely the question turned on the continuance and strengthening of parliamentary institutions in Prussia itself, inasmuch as their coexistence with that of a national German parliament seemed inconceivable as a permanency. Thus it becomes at least probable that the *octroiement* of the Prussian constitution of 5 December 1848 (which Ranke supported in an interesting state paper printed in his *Collected Works*) may be looked upon as the answer of the Prussian government to its friends at Frankfort. In other words, this proceeding, intrinsically as distasteful to the king as it was annoying to those who wished to make him emperor, signified the determination of Prussia to maintain, together with the great legislative and executive factors of her own polity, her autonomy and independence of action; and it thus anticipated the royal refusal of an imperial crown offered with no guarantee but that of a majority in the Frankfort Assembly. The combination of forces and influences which made the *octroiement* possible is discussed with great acumen by Professor Meinecke, who surmises that it may have included the goodwill of the catholic church, whose position was left unshackled in the new constitution.

Bismarck's practical proposal, made on 15 April 1850, in the Erfurt parliament—the organ of the 'Union' which prefigured the *Klein-deutschland* of our own day—was his first attempt, made, it is true, with half-contemptuous *nonchalance*, to indicate a solution of the Prusso-

German problem, which was to become one of the *crucis* of his political life, though in his later days he occasionally contrived to turn even this to profitable account. His scheme went under with the rest, and it is known how in the humiliating Olmütz days the Hotspur of Prussian conservative politicians was among those who recognised the necessity of waiting. When the day of victory came, he solved—or partially solved—the problem by a series of ‘turning movements.’ In the settlement of the Empire based on that of the North-German Confederation, he avoided many mistakes, and secured the predominance of Prussia with no less moderation than ingenuity. It would be no difficult task to make good this assertion, on the lines laid down by Professor Meinecke towards the close of his most interesting book; yet few of his readers will be disposed to differ from the conclusion that the greatest merit of the new German constitution is its elasticity and capability of accommodation. For these are the qualities by which the German empire may in time become what, through many changes of thought and vicissitudes of fortune, Germany has more and more clearly shown itself destined to become—a united national State.

A. W. WARD.

*Souvenirs du Chevalier de Cussy, Garde du Corps, Diplomate et Consul Général, publiés par le COMTE MARC DE GERMINY.* Tomes I., II. (Paris: Plon. 1909.)

FERDINAND DE CUSSY was born in 1795. His mother was a Spaniard, his father, of good Burgundian family, served as an official of the revenue under Louis XVI, the Republic, and the Empire, and was one of those useful public servants who in the midst of the revolutionary storm were enabled by their indifference to forms of government, or a prudent devotion to their duties and their interests, to keep their heads and their places, and to prevent the total paralysis of administration. The Chevalier de Cussy, as he was called, served as a volunteer in the campaign of 1814, and became under the Restoration one of the *gardes du corps*. In 1816 he abandoned military service to enter upon a diplomatic career. He was appointed *attaché* at Berlin, then secretary of legation at Dresden, and subsequently consul-general at Corfu, Dublin, Dantzic, Palermo, and Leghorn. He had scarcely begun his duties in the last-mentioned place when his career was cut short by the revolution of 1848. Although steeped in royalist prejudice Cussy was willing enough to serve the republic, and not backward in signifying his adhesion to the new government. But, whether it was, as he alleges, that Lamartine wanted his place for a relation, or that the political connexions of the consul-general did not inspire confidence, he was put on the retired list. He had before hated everything that savoured of liberalism and democracy, except in Ireland, where the popular party were the enemies of the English; now further fired by the injustice with which he conceived that he had been treated, and probably by vexation that he should have swallowed his principles without profit, he indulged in unrestrained abuse and calumny of the republican leaders and their friends. Decency, he says, forbids him to repeat what he had heard concerning George Sand. An anecdote he does tell about her is so gross that it is difficult to imagine what those must have been which he, prodigal as he is of *le sel Gaulois*, thought unfit for publication.

He appears to have been in his younger years very much what foreigners a century ago expected a French gentleman to be—a light-hearted, frivolous, self-satisfied, but honourable, brave, and ready-witted man of pleasure. His recollections are too often merely an account of his amusements in the capitals he visited and of the fashionable people he met, interspersed with scandal and futile anecdotes. Nearly all the ladies he met in his youth were ‘delicious and ravishing,’ with hearts not insensible to the writer’s gallantry. He tells us that he only mentions the good-looking women, yet these are so numerous that his standard cannot have been high: a suspicion confirmed by his calling Madame de Duras, the friend of Chateaubriand, pretty. Cussy himself quotes, as an instance—surely not very convincing—of Madame de Chateaubriand’s caustic wit, her remark that the Duchess might be clever, but was not beautiful. It is characteristic of the author that he should be anxious to relieve the Duke of Richelieu, whose admirable qualities he has the good sense to appreciate, from the imputation of chastity, nor does he believe in the conjugal fidelity of the Tsar Nicholas. Yet we should remember that Pitt’s popularity is said to have been impaired by the regularity of his life. Cussy consistently approves of the debaucheries of the Duke of Berry which proved him to be a true descendant of the *vert galant* Henry IV. His incapacity to appreciate or even excuse the austere virtues of the Duchess of Angoulême is equally significant. Chateaubriand, who when ambassador at Berlin treated him with kindness, is the object of his grateful admiration. When, apparently at the instigation of Louis XVIII, M. de Bonnay asked him to send a detailed report of Chateaubriand’s life and doings at Berlin, he refused with the just indignation of a man of honour to act the part of a spy upon his chief. It is not surprising that Madame de Chateaubriand should not have attracted him. That keen-sighted lady, whose piety was accompanied by much cynical shrewdness, would have little sympathy with the airs and graces of this self-satisfied young diplomatist.

Cussy, who himself held that the two great blunders of Louis XVIII were the promulgation of the charter and the dissolution of the *Chambre Introuvable*, accuses Villèle of being, what he certainly was not, a mere tool in the hands of the Congregation. He had private reasons for disliking M. de Damas, but what he tells about the conduct of that minister on the occasion of the arbitrary arrest and expulsion from Saxon territory of Victor Cousin does but confirm what we learn from other sources about the ineptitude of the friend of Charles X, the future governor of the Duke of Bordeaux.

These lively and entertaining memoirs contain more social gossip than political information, but much may be gleaned from them about contemporary morals, manners, and opinions. The vanity and garrulous credulity of Cussy are so patent that it is superfluous to warn his readers not to be too ready in accepting his statements. He tries to impress us with a sense of his diplomatic importance by detailed but not very convincing reports of familiar conversations with crowned heads and eminent statesmen. They, and the other testimonials with which he is constantly presenting himself, are to be accepted with due caution. Was it the kindness with which he was treated by Frederic William IV which enabled him to

foresee the future greatness of Prussia with more than his usual insight ? He is as convinced that the morality of the French is superior to that of foreigners as he is that French policy is noble and disinterested when compared with that of England and of other nations. He is disgusted by the hypocritical immorality of the English. If their women form fewer *liaisons* than the ladies of some other countries it is because English houses are not built in a way to facilitate secret intrigues. The virtue of the women of Dantzig is only due to want of enterprise on the part of the men. The conversation of a French lackey is more intelligent and interesting than that of an English or Irish gentleman. The Prussians are liars and rogues, and corruption is universal among the middle classes of Germany. Honesty is unknown in Russia, the men of the upper classes have no manners, and the women no modesty. When he was sent to Palermo he found the Sicilians, with few exceptions, to be below contempt. At Leghorn he began to discover that the Italians were not much better and that their fraternal love of the French was likely to prove that of Cain for Abel. The reader wonders whether Lamartine was wholly wrong if he thought the Chevalier de Cussy not the man best suited to represent France in foreign countries.

P. F. WILLERT.

*Oxford Studies in Social and Legal History.* Edited by P. VINOGRADOFF, M.A., Corpus Professor of Jurisprudence in the University of Oxford. (Oxford: Clarendon Press. 1909.)

WITH the beginnings of more systematic historical research in this country, there is a demand for the publication of the results of special investigations, which is hardly likely to be responded to by the private publisher. The work must fall to the University Presses, and the Clarendon Press and Professor Vinogradoff are to be congratulated on the new series which makes something more than a good start with an elaborate study of the English monasteries on the eve of the dissolution by Professor Alexander Savine, of Moscow, and a shorter essay on the growth of illicit patronage in the later Roman empire by Mr. F. de Zulueta, of New College, Oxford. As a matter of convenience however it may be questioned whether it was wise to bind up two studies so disparate in subject and scope under one cover and with a different pagination. A better course probably would be to issue at least the shorter researches in paper covers.

Professor Savine's inquiry into the conditions of monastic life just before the axe was laid to the root of the tree is based primarily on the well-known *Valor Ecclesiasticus*, the new assessment for clerical tenths made in 1535 in pursuance of the Act touching first fruits and tenths passed in the previous year. It is curious that despite its obvious importance and its accessibility in the edition of the Record Commission this document should never before have been subjected to critical examination. Only less valuable and particularly useful as checks upon the *Valor* are the dissolution surveys, the so-called paper surveys of monastic demesnes in the hands of the Crown, and the ministers' accounts, which show *inter alia* the royal income from monastic property not yet alienated by gift or sale. It may be noted here that for the dissolution surveys of the

smaller Lancashire houses Professor Savine quotes only a late copy, having apparently overlooked the contemporary certificates among the duchy of Lancaster rentals and surveys. The disproportionate increase in these slightly later assessments in the case of the Lancashire and Yorkshire houses may be partly due, as here suggested, to greater carelessness in the northern part of the survey of 1535, but it is possible that the *Valor* commissioners took into account the exceptionally low assessment which clerical property in the northern counties had enjoyed since the Scottish ravages of the fourteenth century. However this may be, and despite the haste with which the whole work was done and some probable omissions, the result of Professor Savine's rigid scrutiny is favourable to the general trustworthiness of the *Valor*. The description given of the procedure of the survey is in one respect misleading. After stating that commissioners were appointed for each *shire*, which is substantially correct, the author generally speaks of the *diocesan* commissioners and the *diocesan* returns. From the statute of 1534 it would appear that diocesan commissions were originally contemplated, and this, coupled with the arrangement of the county returns by the keepers of the public records, seems to have occasioned the error. As a matter of fact, the shire was taken as the area of inquiry everywhere except in Wales, which was completely divided into dioceses but not yet into counties, and in the archdeaconry of Richmond, a quasi-diocese which extended into four counties and was therefore for convenience committed to a separate set of commissioners.

From the sources indicated above, Professor Savine, with much care and labour, deduces estimates of the wealth and population of the monasteries, of the proportions of the various elements of monastic economy, and of the extent of their charity, estimates more critical and better supported by documents than any before attempted. The calculations that the religious houses possessed this or that large fraction of the total acreage or of the total national income of the country are shown to be vitiated by the practical impossibility of translating a large income from land (in much of which the monasteries had only a fractional interest) at that date into acres or of ascertaining the total national income in the sixteenth century. Excluding the friaries, colleges, and most of the hospitals, the gross monastic income was about 160,000*l.* and the net income roughly 135,000*l.*, or, taking out the income from appropriate tithes and other 'spiritual' sources, about 110,000*l.* The great bulk of this temporal revenue was derived from agricultural land and rents, monastic industries being insignificant and their urban property a small fraction of the whole. Analysis of the agricultural income brings out the fact that to the extent of one-tenth it was drawn from demesne lands worked by the monks themselves, thus confirming the current view that the substitution of the farmer or leaseholder for the bailiff was proceeding more slowly on monastic than on lay estates. Another point of economic interest is the absence of evidence of any widespread conversion of arable land into pasture. 'Up to the last the monks tilled almost as much land as they kept for grazing purposes.' In regard to the social work of the monasteries, Professor Savine finds himself in sharp disagreement with the Roman catholic writers who lay great stress upon the number of dependents supported by

the religious houses and insist upon the democratic character of the institution. His investigations go to show that little more than 6 per cent. of their expenditure was devoted to charitable purposes and that largely in the shape of occasional distributions of alms, while the number of mouths fed by them (mostly servants and agricultural labourers), far from being ten times the number of the monks themselves, or between 70,000 and 80,000, as asserted by Abbot Gasquet, 'the hagiographer of the English monks,' cannot safely be put at more than 35,000. Nor does democratic seem the term most applicable to bodies which not only were largely recruited from the upper classes, but which entrusted their stewardships to gentlemen, knights, and peers, and not infrequently let their lands to gentlemen to farm. Professor Savine rightly emphasises the importance of this last practice in mitigating the effect upon public opinion of the transference of monastic estates to laymen after the dissolution.

Mr. de Zulueta's essay, though narrower in scope and more technical in treatment, is also a scholarly and valuable contribution towards the elucidation of a somewhat obscure social phenomenon of Roman provincial life from the fourth to the sixth century. It takes the form of a commentary on two titles of the codes of Theodosius and Justinian containing a series of enactments of the East Roman emperors, which were intended to check the attempt to avoid the unwelcome attentions of the tax-gatherer by seeking the protection of powerful persons, official or other. This private patronage was extended either to individuals or to whole villages, and in both cases under a system of joint liability for taxation it sapped the prosperity of the remaining taxpayers and sooner or later brought about a shrinkage of revenue. New light has been thrown upon the working of this process in Egypt by the papyri which have come to light in recent years, and Mr. de Zulueta shows himself thoroughly master of the literature of the subject. His discussion of the difficult terms *homologi coloni* and *metracomia* deserves special mention. He is careful to guard against any confusion of these *coloni* who were free *possessores* and those *coloni adscripticii*, whose status has attracted so much attention from Fustel de Coulanges and other students of medieval serfdom. Mr. de Zulueta has supplied a marginal analysis but no index.

JAMES TAIT.

*British Place-Names in their Historical Setting.* By EDMUND MCCLURE.  
(London: Society for Promoting Christian Knowledge. 1910.)

THE plan of this book is novel, and has some advantages. An outline of the history of Great Britain, down to the year 1154, serves as a framework for the discussion of the names of places, districts, and natural features, occurring in the records of the successive periods. Not much use has been made of Domesday Book or the charters, but, with these exceptions, the principal documentary sources for the early geographical nomenclature of the island have been explored with some care. Mr. McClure is favourably distinguished from most of the popular writers on local etymology in that he recognises the necessity of studying the phonetic laws of the languages with which he has to deal. He refers freely to the best modern authorities on Celtic and Germanic philology, and even gives a sketch of the Indo-Germanic sound system according to Brugmann, and of its representation



in primitive Celtic and primitive Germanic. It is not likely that this information will be of much practical use to the readers of the book; its bearing on the interpretation of place-names is slight, and even where it is relevant it cannot be safely applied without a considerable amount of detailed linguistic knowledge. It would have been more to the purpose to give a brief outline of the phonetic development of the Celtic languages and of English, for the instruction and warning of those would-be etymologists who fancy that ancient British names can be interpreted *ad libitum* by means of modern Welsh and Irish dictionaries, and for whom any chance resemblance of sound is good enough evidence of the identity of a modern place name with one found in an early document. Although the author has taken some pains to consult trustworthy authorities, whom, by the way, he sometimes curiously misunderstands,<sup>1</sup> his own knowledge of the philology immediately bearing on his subject does not appear to be very thorough. Some of his interpretations of names imply defective acquaintance with the rudiments of Old English grammar; e.g. the curious gibberish *Twih-ean-ham* (explained as 'the dwelling between the rivers Tamisa and *Frocesburna*'—a misprint for *Fiscesburna*) is given as the etymon of *Tuican hom*. In Celtic historical philology also there are some remarkable slips, such as the identification of the first element of *Sitomagus* with the Irish *ith*, corn. The book contains far too many errors to be recommended as a safe guide, though on the other hand, as I am glad to acknowledge, it does correct many of the traditional absurdities found in nearly all the popular works on the subject.

It would require too much space to criticise Mr. McClure's statements in detail, but there are one or two of his conjectures which it may be worth while briefly to discuss, on account of the interest of the questions which they are intended to solve. He maintains that the name of the Watling Street (*Wællinga-stræt*) is derived from *Wællingaceaster*, and that this is a corruption of the alternative name *Wærlemeceaster*, representing the Roman-British *Verulamium*. Although this does not seem to me very probable I should hesitate to say that it is absolutely impossible. But when, in order to account for the supposed corruption, Mr. McClure says that the British *l* 'at the beginning of a syllable' had the sound of the modern Welsh *ll*, which Englishmen are apt to mistake for *thl*, he forgets that in an originally intervocalic position the sound was merely the ordinary voiced *l*. It is therefore not correct to say that "'Werlam," as pronounced by natives, would sound in English ears something like Werthlam.' Mr. McClure further urges that in a fourteenth-century charter the part of the Watling Street running through Shropshire is called *Erlamstret*, 'an undoubted reminiscence of *Werleme Stræt*.' That one person has no doubt on the matter is evident, but it is not likely that the certainty will be shared by others.

Another speculation which the author regards as an important discovery is that *Venta* is not British, but a Latin word for 'market'—a participial derivative from *vēneo*. The arguments offered for this paradox are as strange as the proposition itself. In the first place Mr. McClure

<sup>1</sup> E.g. he says that the genitive of the Indo-Germanic word for 'mother' had two forms, *mātros* and *mātṛs*, 'depending on whether the nominative ended in a vowel or a consonant.'

says that the names *Venta Icenorum*, *Venta Silurum*, and *Venta Belgarum* show by their form 'that they were imposed, and intended to be understood, by a Latin-speaking and not a Celtic-speaking people.' This is true in a sense, just as it is true that the names *British Guiana*, *French Guiana*, and *Dutch Guiana* on our maps were imposed and intended to be understood by Englishmen; but that does not prove that the name of *Guiana* is of English etymology. There may be a little more appearance of force in the next argument, that the word *gwent* is not found as an appellative in Welsh, that its equivalent is not known in Irish either as a common noun or in place-names, and that it has not been satisfactorily explained from Celtic sources. But all this applies equally well to very many undoubted British place-names in Antoninus and Ptolemy. We know but little of ancient Celtic, and there is no improbability in supposing that an ancient name may be genuinely British, though the word or its elements may not have survived in Welsh or Irish. Of the language of the Romans in the second century we know a great deal; and to assume for etymological purposes the existence of an unrecorded Latin word of that period is anything but a scientific procedure. Mr. McClure quotes the medieval Latin *venta*, a place of sale, and the Spanish *venta*, an inn; but these regularly represent a popular Latin *vendita*, and cannot be supposed to go back to the second century. The author, indeed, would carry the word back further still, for he finds it in *Beneventum* (which he interprets as 'good market'), although he quotes the ancient statement that the name was substituted in B.C. 268 for the ill-omened earlier name *Maluentum*. That *venta* occurs in what are presumably Celtic compounds, such as *Glanoventa*, does not seem to have occurred to him as a difficulty. I need hardly point out that a participial formation from *vēneo* would be very irregular in Latin.

Mr. McClure says that the river name *Wantsumu* in *Bæda* (probably identical in etymology with the *Wensum* at *Norwich*) is evidently Teutonic. This is hardly certain; as *-sama* was a Celtic ending of river names (e.g. *Trigisama*), and this might naturally become *-sumu* in English, it seems not impossible that the name may be British. As the *Wensum* runs by the Icenian *Venta* I have sometimes thought that there may be some connexion between the names. It may be admitted that *Wantsumu* does look like an Old English feminine adjective. But no Old English scholar can accept Mr. McClure's notion that it means 'fordable,' and that it is derived from 'Want, or its modern dialectical equivalent *Went = Way* (cf. the "Four Wents").' It is not often that so many mistakes are packed into so small a compass as in this sentence. If *Bæda's Wantsumu* be English, I do not see what it can represent but *\*wændsumu* (in later spelling *\*wendsumu*), with the sense 'winding,' from *wendan*, to turn. *Bæda's* spelling, of course, would represent the phonetic assimilation which, in formations of this kind, the West Saxon etymological orthography disguises. The sense, I believe, is quite appropriate both to *Bæda's Wantsumu* (the *Stour* in *Kent*) and to the *Wensum* at *Norwich*.

Mr. McClure rejects my proposed emendation and interpretation of *Tac. Ann.* xii. 31, according to which the passage contains a mention of the *Trent* as *Trisantona*. This he is quite at liberty to do, for, although the weighty authority of Professor *Haverfield* can now be quoted in support of my view, there are still some very distinguished scholars on the other

side. His treatment of the question however is full of mistakes. He imagines that the purely conjectural reading *Avonam*, substituted by modern editors for *Antonam*, has manuscript authority. He says that the traditional identification of the 'Antona' or 'Avona' with the Nen was arrived at 'without etymological considerations'—a singularly infelicitous remark, for it is well known that this identification was originally suggested by the notion that the name *Antona* is preserved in *Northampton*. He finds confirmation of its correctness in the fact that Leland (whose etymologising inventions in river names are notorious) calls the Nen by the name of *Avon*, and he accepts Leland's phonologically inadmissible guess that the name of *Oundle* (on the Nen) is a corruption of *Avon-dale*. The *Tra-hannon* of Nennius, he thinks, is not the Trent (though if he had read the passage he would have seen that it is a plain description of the 'eagre' of that river), but the southern *Trisanton* of Ptolemy, which (in accordance with his fantastic system of identification of the geographer's south coast positions) he places at *Southampton*. The measurements show that the river is in *Sussex*, and I think there are strong reasons for identifying it with the *Arun*.

HENRY BRADLEY.

*The Manuscripts of Westminster Abbey.* By J. ARMITAGE ROBINSON, D.D., and MONTAGUE RHODES JAMES, Litt. D. (Cambridge: University Press. 1909.)

*The History of Westminster Abbey.* By JOHN FLETE. Edited by J. ARMITAGE ROBINSON, D.D. (Cambridge: University Press. 1909.)

*The Nave of Westminster.* By R. B. RACKHAM, M.A. From the *Proceedings of the British Academy*, vol. iv. (London: Frowde, s.a.)

THE first two of these works begin a series of studies bearing on the history of Westminster Abbey, which the dean is inaugurating. It is to be hoped that the example will receive from other guardians of chapter libraries and archives the flattery of imitation. In the first volume, in which the dean of Westminster and the provost of King's appear as collaborators not for the first time, the former writes 'on the making and keeping of books in Westminster Abbey,' and gives 'descriptions of the Westminster chartularies'; the latter deals with 'the remains of the monastic library,' 'the manuscripts in the chapter library between 1623 and 1694,' and 'the manuscripts now in the chapter library.' The Westminster library has been more than usually unfortunate: of the old monastic collection Dr. James says, 'probably not more than a single volume remains in its ancient home': the collection formed, chiefly by John Williams, dean 1620–1641 (of which three catalogues remain), perished by fire in 1694; and seven volumes which before that time had been added or restored to the Cottonian collection were destroyed or damaged by the fire of 1731. In spite of all these disasters Dr. James has been able to identify more than thirty volumes of manuscripts in various libraries as having belonged to the monks of Westminster. It should be noted that all the libraries mentioned are in England or Ireland. The absence of any special press marks in the Westminster MSS. makes it especially difficult to identify them; but it is possible that a few more may still be found in foreign libraries. The Vatican possesses a considerable number of manuscripts formerly belonging to the Dominicans and Franciscans of

Cambridge, which seem to have found their way to Italy before the middle of the sixteenth century; and foreign collectors—Germans according to Leland—were evidently busy gathering spoils from the monastic libraries at the time of the Dissolution. Dr. Armitage Robinson has edited from the chapter muniments some useful documents illustrating the value and cost of production of books. From the Customary it appears that there was a separate *scriptorium* before 1266: most of the professional writing and illuminating seems to have been done by hired scribes at the end of the fourteenth century. Of special interest is the explanation of the curious term ‘seyny books’ (pp. 10–12).

Flete’s history of the Abbey is now printed for the first time, its long neglect being, as the dean suggests, probably due to the excellence of Widmore’s history. Flete, who became prior about 1457, intended to bring the history down to 1443, but unfortunately it breaks off in fact with the death of Nicholas Litlyngton in 1386. The writer is at pains to collect evidence of the privileges of his monastery, which he regards as the ‘head of England and diadem of the realm,’ and has brought together a large number of documents in support of them. The verification of his references and quotations has added greatly to the difficulties of the editor. Among the points which stand out are the list of relics, the epitaphs of abbots, the reference to the tapestries presented by Abbot Richard de Berkyng (1222–1246), a full account of the inscriptions on which is given from a manuscript in Caius College, and the mention of the workmen and materials which Abbot Richard Ware (c. 1260) brought from Rome, whither he had gone to secure papal confirmation of his election. Flete’s history certainly deserved editing, and it would be impossible to find an editor at once so fitting and so competent as the dean of Westminster.

In his monograph on *The Nave of Westminster* Mr. Rackham has made skilful use of the fabric rolls to trace in detail the history of the building of the nave from 1341 to 1528. One among many curious facts which are brought out is the small amount of the contributions of the general public. The gifts and legacies of secular persons, excluding kings, during the whole period reached only the sum of 348*l.* 19*s.* 8*d.* (including 66*l.* 13*s.* 4*d.* from John of Gaunt), while the ‘new pyx,’ which was placed in the church to receive the offerings of the faithful and remained there for nearly forty years, produced only 7*l.* 14*s.* 4*d.* The paper is illustrated by some careful plans.

A. G. LITTLE.

*A History of Dunster and of the Families of Mohun and Luttrell.* By Sir H. C. MAXWELL LYTE, K.C.B., Deputy Keeper of the Records. (London: St. Catherine’s Press. 1909.)

IN one respect Sir Henry Maxwell Lyte has good reason to complain of his ill-fortune. Part of his book was already in the press before he came across a fragment of the Mohun chartulary, which was compiled at Dunster in the year 1350, and included copies of many original documents long since lost or destroyed. Of the new material afforded by this manuscript he has naturally been unable to make full use. Some portions of the chartulary were however already known to him through transcripts; and it is probable that he would have found others in the Dugdale

collections if he had consulted these also. The Bodleian MS. Dugdale 39 contains some charters and other matter derived *ex libro antiquo spectanti Willelmo Mohun militi*, which was presumably the Mohun chartulary. But it is ungracious to dwell upon a casual lacuna in the researches of so thorough an historian as the Deputy Keeper. He has made such careful use of the Dunster charter-chests and the public records that it is unlikely he has missed any events of great importance in which either the Mohuns or the Luttrells were concerned.

The muniments at Dunster, which will compare with those of any English family, appear to have escaped destruction merely through the accident that the castle was once for a short time used as a state prison by the Commonwealth. William Prynne, equally famous as a political pamphleteer and as an antiquary, was for eight months of the year 1650 an unwilling, though not ungrateful, guest of the Luttrells. He amused his leisure and gratified his hosts by sorting the 'confused chaos' of charters, conveyances, court-rolls, and household accounts, which had been accumulating at Dunster since the days of the early Mohuns. These documents are still arranged as he left them, and his catalogue has been the starting point of all later students. It was admirably revised by Narcissus Luttrell, the diarist, who also made extensive notes from other sources for the benefit of some future family historian. Sir Henry Maxwell Lyte has built upon the foundations laid by these learned pioneers; but he has gone deeper into the muniments, and further afield from them, than Prynne or Narcissus Luttrell ever dreamed of going. His interest in Dunster is of no recent growth. It gave him the subject for some articles which he published in the *Archaeological Journal* in 1880 and 1881. These articles he has now considerably enlarged, and has added supplementary essays on the priory, the parish church, the borough, and the manor of Dunster. He has in fact reconstructed for us the whole of the little world which looked to the Castle Tor as its Acropolis, and to the lords of the castle as an earthly providence.

Under this aspect his work is of more than antiquarian value. It is rare to find a locality on which the influence of a ruling family is imprinted so visibly as on Dunster and the neighbourhood. But almost every English shire possesses or has possessed families which aimed at doing what was so thoroughly done by the Mohuns and Luttrells of Dunster between the eleventh century and the nineteenth. Such families have seldom meddled in national politics further than was necessary for the preservation of their lands and the assertion of their social consequence. But in a hundred different ways they have sought to make themselves the quasi-sovereigns of a limited area: by building stately mansions, by founding religious houses or charitable institutions, by serving as sheriffs in one age and as justices of the peace in the next, by purchasing now a hundred-court and now a pocket-borough. This policy in its medieval shape was admirably applied by the Mohuns; the Luttrells translated it into modern terms.

The Mohuns came in with the Conqueror. The founder of the line received Dunster as a part of his endowment, and made his headquarters on the Castle Tor, although comparatively few of his manors lay in Somerset. Except Montacute, his was the only Somerset castle in 1086;

and although it cannot have been a substantial edifice, it made his family one of the most important in the West. They aspired to found an earldom—an ambition which was realised by William II de Mohun, who purchased his promotion by assisting the Empress Matilda in the early years of the anarchy. He did not succeed in transmitting the dignity to his descendants, although it appears that he tried to secure himself by a well-timed desertion to the cause of Stephen. For the rest, he is chiefly remembered as the founder of Bruton priory. Of his successors the most remarkable was Reginald II, in the reign of Henry III. A cherished family legend asserts that he was created earl of Somerset by Innocent IV, as a reward for the foundation of Newenham Abbey. But he has more authentic claims to be remembered for his works at Dunster. He it was who built the Lower Ward on Castle Tor, and to his time belong the oldest pieces of stonework in the existing castle that we can date with any confidence. He also granted the first and second charters of the borough. From his time to the extinction of the male line there is little to record of the Mohun family. In 1299 the reigning representative received a special summons to parliament; the same mark of honour was accorded to other Mohuns in the fourteenth century, though never to their successors, the Luttrells. Mohuns did military service as tenants-in-chief in the wars of Wales, Scotland, and France; one of them fought at Boroughbridge; another was numbered among the original twenty-five knights of the Garter. But in 1375, by the death of the last Sir John de Mohun, the castle and honour passed to his widow under a complicated family settlement, and were sold by her, saving her own life interest, to the Luttrells of East Quantockshead, who took possession in 1404.

The Luttrell annals are hardly more eventful than those of their predecessors. The most distinguished representative of the line was Sir John, the friend of the Protector Somerset, who did good service with the English forces in Scotland between 1544 and 1550, and commanded for three years the garrison of the island of Inchcolm. His achievements, rewarded with a substantial grant of lands, are obscurely commemorated by an emblematic portrait of contemporary date which may still be seen at Dunster. An earlier Luttrell was sufficiently conspicuous on the Lancastrian side to incur the enmity of Edward IV and the total forfeiture of the family estates. They were granted to Lord Herbert, afterwards earl of Pembroke, and remained in his family until 1485, when Henry VII restored them to their former owners. The misfortunes which fell upon Dunster in the Civil War were due to the strategic importance of the castle. It was coveted by the royalists because, in hostile hands, it was an effective check upon the communications of their western adherents with Wales. The marquis of Hertford seized it for the king in 1643; but it was hotly besieged by the parliamentarians in the winter of 1645-6, and the garrison surrendered after a blockade of four months. The castle, already seriously damaged by mines and cannon-fire, was effectively dismantled in 1650, the gatehouse alone of the fortifications being spared. Curiously enough, this disastrous siege was the first that the castle had experienced.

Of the Luttrells of later times there is little to record. Ambitious builders, they gradually remodelled the castle, till little was left of the

medieval masonry or plan. Always among the largest landowners of Somerset, they contrived, despite lavish expenditure, to consolidate and round off the family estates, making their territorial influence almost co-extensive with the area over which Earl William de Mohun had ruled with palatine jurisdiction. Their political ambitions had their centre in the parliamentary borough of Minehead, where they could always procure the return of one representative, and on special occasions of two. Their methods of canvassing were characteristic of the pre-Reform epoch. One of their agents has annotated a list of Minehead voters thus: 'Those marked *Gent* do not take money and are invited to the annual treats.' The 'treat' often took the form of a buck-feast, or a dinner at the 'Plume of Feathers.' The town of Dunster was controlled even more effectively than Minehead by the castle interest. The famous double church owes its origin to the alms of the Mohuns; the equally picturesque market cross to the commercial enterprise of the Luttrells. As with the public buildings, so with the liberties of the borough. It never received a royal charter, though it once sent representatives to parliament (1360).

The Mohuns created Dunster a borough in the course of the twelfth century; and its five charters, issued between 1227 and 1324, were granted by successive lords of the castle. Under these charters the burgesses held in fee-simple the privileged fair and market of the borough, the original sources of its prosperity. The burgess-body was never a large one. In 1266 the burgage tenements numbered 166½, and the customary burgage rents never reached a larger total than at this time. The brewers of the town were prosperous in the thirteenth and fourteenth centuries; somewhat later a considerable cloth-trade, based upon the hand-loom of the surrounding villages, sprang into being and gave a new importance to the market. But the cloth-trade did not compensate for the decay of Dunster Haven, which suffered in the sixteenth century from the silting up of the river mouth, and still more from the rivalry of Minehead. After the time of Henry VIII the numbers of the burgess body steadily dwindled, and the decadence of the borough was accelerated by the Luttrells' policy of buying up the burgages as fast as they came into the market. In 1760 there were but eighty-four burgages; by 1772 the number had been reduced to twenty-nine. It does not follow that the population declined in the same ratio as the burgess body. But the other inhabitants were never sufficiently numerous to imperil the supremacy of their privileged neighbours. The corporate spirit of the borough was chiefly displayed in repairing the parish church and paying the bellringers on occasions of public rejoicing. The burghal constitution was of the simplest type. The portmote was modelled on an ordinary manor-court. It sat once in three weeks for ordinary business, and twice in the year as a court-leet for view of frank-pledge. The steward of the lord acted as president of the court, even after the town had acquired the right of electing its own-bailiff. By the seventeenth century the bailiff had become the nominee and lessee of the Luttrells. The only other town officials were the constables, ale-tasters, bread-weighers, &c., all of whom were elected by the portmote. At one time the borough possessed a common seal, but this is not mentioned after 1498. From the Restoration the portmote only met twice in the year as a leet; and in the

nineteenth century, the two sessions were reduced to one. The court met for the last time in 1891.

We regret that the Deputy Keeper has not added to his claims upon our gratitude by editing the text of the more important documents which he has used. Even of the borough charters he has only seen fit to give translations. This omission detracts seriously from the value of his book as a work of reference. Those who are interested in the domestic architecture of Somerset will look in vain for any full account of East Quantockshead, the original seat of the Luttrells of Dunster, which has of late years been skilfully restored, and is in its own way not less beautiful than the *capitale mesuagium*. The book in details is remarkably accurate. But we have failed to discover the identity of 'William le Meschine, Earl of Cambridge,' who from the pedigree on p. 63 would appear to have flourished in the reign of Henry I, and to have been the father of Avice de Rumilly. Her name points rather to a connexion with the lords of Skipton, in Yorkshire; but no William de Rumilly appears in the history of the period.

H. W. C. DAVIS.

*Archivalia in Italië belangrijk voor de geschiedenis van Nederland, beschreven door Dr. Gisbert Brom.* 1ste Deel. Rome: Vaticaansch Archief. Two Vols. (Rijks Geschiedkundige Publicatiën. Kleine Serie.) The Hague: Nijhoff. 1908, 1909.

THESE two volumes are the outcome of Dr. Brom's mission to Italy in 1904 to make plans for the utilisation of the historical material there relating to Holland and of the subsequent foundation under his direction of the Dutch Historical Institute in Rome. Dr. Brom has set himself the task of compiling a guide to, and so far as may be a catalogue of, the Italian materials for the history of Holland. His book testifies to his success in the first part of his task and his failure in the second. The failure, as he shows us, was inevitable, having regard to the extent of the material to be examined, the small proportion which Dutch affairs bear to the enormous activities of the Roman Church, and the fragmentary nature of the existing indexes. Dr. Brom's catalogue is accordingly more properly to be described as a *Spicilegium*: no more was possible in the time at his disposal. Let us hasten to add that this part of the book, the weakness of which is fully recognised by its author, is well and scientifically done. The documents are arranged in their natural classes, according to their *provenance*, and within their classes chronologically. Each document has a short abstract in Dutch, a full reference and indications of the books in which it may happen to have been printed. Besides this the beginning and ending of each is given so that no double copyings or mis-identifications are likely to occur, and transcripts are clearly distinguished from originals. The weakness of Dr. Brom's catalogue is the strength of his guide. He has been forced to turn his attention to the history and the classification of his sources, and to make the best possible use of the indexes so carefully collected, and arranged by the much regretted Monsignor Wenzel. He gives us a detailed account of the various classes of which the Vatican Archives consist, and describes the means of reference to each class, as well as the general inventory of Depretis



and the vast collections of Garampi. There is probably no book calculated to be more useful to the beginner at the Vatican Archives, whatever his nationality, than this book of Dr. Brom's, which tells the inquirer where to look and what classes to submit to a thorough search.

All this invaluable material is contained in the comparatively few pages of introduction prefixed to each section of the catalogue. The reviewer however must take exception to one statement in this work, the attribution of the 'Lateran Regesta' to the records of the Dataria. It is of course true that both the records of that department and the register in question were removed to the Vatican from the Lateran Palace, but the internal evidence of the register itself, as may be seen from the recent volumes of Mr. Twemlow's Calendar, points to its having been the common register of all bulls expedited by the Papal Chancery, the so-called 'Vatican Regesta' after the schism being limited to the bulls expedited by the *Camera*. It is also clear from Amydenius that even in the seventeenth century the Dataria kept no register of bulls, its only register being the register of petitions which Dr. Brom quite properly assigns to it.

A certain incompleteness also attaches to Dr. Brom's book from its containing no account of the Barberini Archives which are at least as important as the Borghese collection. This however is not the author's fault, since the former collection is deposited in the Vatican Library and so not included in the Vatican Archives. The two collections are so strictly parallel that it is a pity that they must be described in different volumes. The actual matter relating to England which Dr. Brom describes is, owing partly to his method, very trifling. There are a few references to Queen Elizabeth and Mary Queen of Scots, and the English interference in the Netherlands, but most if not all of the documents described are already known and transcripts of them exist at the Public Record Office. But if the British School in Rome can find means to establish an historical section, its director cannot do better than follow in Dr. Brom's footsteps.

C. JOHNSON.

## *Short Notices*

THE Rev. H. B. George's little book on *Historical Evidence* (Oxford: Clarendon Press, 1909) might be criticised by superior persons as being for the most part so true as to be commonplace; but we agree with the writer as to the need of a short book summing up the different sources of historical information and the principles of their evidential value, and we think that many young students will profit by his straightforward and lucid exposition. The book is written from the point of view of a modern historian, and its best illustrations are from quite modern periods. The illustrations from ancient times are fairly satisfactory, but the medieval ones leave something to be desired. Indeed the student of the middle ages had better be warned off the book altogether. Mr. George thinks that 'in the medieval world comparatively little was written, and it was a matter of chance what writings were preserved beyond obvious things like the text of a law.' If Mr. George were to ask some day at the Public Record Office to see the 'comparatively little' written matter preserved in that repository alone that illustrates any single year of the fourteenth century, he would see reason to modify his statement. H.

The first volume of *Natursagen, eine Sammlung naturdeutender Sagen, Märchen, Fabeln und Legenden*, edited by Dr. Oskar Dähnhardt, contains 'Sagen zum alten Testament' (Leipzig: Teubner, 1907). It is a very tedious work, which may be found profitable, but will be little respected by competent students of folk-lore. It is an unreasoning heap; the most incongruous things are brought together, as in a subject-index by an imperfectly trained librarian—the serious cosmogonies of Babylon, India, the Gnostics, the Manicheans, along with popular gibes about various things made by the devil (the jelly-fish when he spat in the sea, &c.) or by the other side, humorously. The villanously comic origin of the Highlandman, in a poem attributed to Alexander Montgomerie, seems to have escaped notice, and ought to be added in the next edition. Perhaps this ribald story belongs more properly to the second volume ('Sagen zum neuen Testament,' 1909) which being mainly folklore, without mixture of more solemn philosophies, may be read with greater comfort and no irritation at the sudden changes of focus. There are three volumes still to come—two of beast stories, and one of plants, after which we are promised an arrangement and classification of the stories, and possibly more volumes to follow, with fables of the stars and the sea.

W. P. K.

We learn from the preface to *The Edicts of Asoka*, edited in English, with an introduction and commentary, by Mr. Vincent A. Smith (London: Essex House Press, 1909), that 'this volume has been prepared at the request of Dr. Ananda K. Coomaraswamy in order to provide lovers of dainty books who do not care for antiquarian and philological lore with a readable and accurate version of Asoka's unique sermons and other records in an attractive form.' Whether the book can be recommended to serious students of history, who do 'care for antiquarian and philological lore' in so far as these can be brought to bear on the interpretation of the past, is not so certain. Mr. Vincent Smith's plan precludes the possibility of any adequate discussion either of the many difficulties which are to be found in the edicts or of the historical problems involved in them. The disadvantages of the restrictions which he has thus placed on himself are only too apparent when his summary and often unsatisfactory notes in the present volume are contrasted with his treatment of the same subject in his excellent monograph on *Asoka* in the 'Rulers of India' series. E. J. R.

Lord Cromer has published in a more complete form the essay on *Ancient and Modern Imperialism* which he delivered as president of the Classical Association (London: John Murray, 1910). A discourse on history and imperialism by a distinguished maker of history and of the empire would in any case be of interest; but the author shows himself to be well equipped for his task, quite apart from external credentials. In dealing with British imperialism Lord Cromer simplifies his subject by leaving the self-governing colonies alone. He is thus able to draw an analogy between Roman and modern—notably British—imperial policy, which is singularly impressive. Both, he shows, were driven forward against the desire of statesmen at home. Both were made possible by the audacity and determination of individual leaders. Both made large use of native auxiliaries. Both at first sought financial profit from their conquests, though modern imperialism has finally found a better justification in itself in promoting the good of the governed. On the other hand Lord Cromer is clearly right when he maintains that the Romans succeeded far better than modern nations have succeeded in assimilating the conquered. In passing he confutes the prevalent view that the Russians or the French are in this respect more successful than are the English. The Romans had an easier task before them. They had, for the most part, to deal with tribes, not nations. Their religion gave an easy welcome to 'unknown gods,' whereas the spirit of Christianity is strongly exclusive. The deep-rooted antipathy, based on colour, which now bars the way to fusion Lord Cromer believes to be a plant of comparatively recent growth. The influence of language in aiding the work of imperial assimilation was very different in ancient times from what it is now. Latin became the language of the subject peoples; but in neither the French, the British, nor even the Russian possessions does the foreign language tend to supplant the vernacular, while knowledge of a European language does not at all imply loyalty to its rule. The modern imperialist works far more strenuously in the interests of those he governs; but he is not more successful in winning their affections. Lord Cromer is generally so

accurate as well as learned that it is strange to find him asserting that the Spanish colonies were forbidden to receive commodities from the mother country. The reason why the colonial trade fell into the hands of other nations was that the Spaniards were unable to meet the colonial demand. The intention, of course, was that the colonies should be supplied from the mother country. The grievance was not that trade with Spain was forbidden, but that it was confined to the port of Seville.

H. E. E.

Dr. P. Herre's little book on the historical development of the Mediterranean area, *Der Kampf um die Herrschaft im Mittelmeer* (Leipzig: Quelle & Meyer, 1909), forms part of an encyclopaedic series of which the author is general editor. It deals with the whole course of history from the first classical Thalassocracy (the author, citing Mommsen, puts the prehistoric period aside as not only out of his range but of no interest) to the present day, and concludes, as one might expect, with speculations on the future in which a new Thalassocracy is foreshadowed. It has the inevitable drawback of all such wide *aperçus*, that the author cannot write with equal authority, though he must write with like positiveness, throughout. We should judge that modern history rather than ancient is his special subject. He is at pains to show that the Western Roman empire became practically Teutonised throughout soon after the division, and that therefore Germany has already been once mistress of the Mediterranean. This view is an interesting and suggestive one, and, with great reservations, implies historical fact; but the author does not seem to see that it conflicts with another view of his, that the Roman empire was throughout based on militarism. The Teutonic Roman empire could have been nothing if not national. He naturally devotes much of his later attention to England, and insists on the success which she has owed to a far-seeing policy by which the Ottoman empire and Italy have been made her allies or catspaws. Middle seas he regards as the keys of history wherever found, whether washing the shores of Mexico, Japan, or Italy; and he does not leave it doubtful to what goal he would have German aspiration tend. On the whole Dr. Herre is very fair to us, and his interesting study is timely.

D. G. H.

Mr. P. C. Sands' essay on *The Client Princes of the Roman Empire under the Republic* (Cambridge: University Press, 1908) is a painstaking and on the whole an accurate piece of work, and the collection of sources appended to it gives it a distinct value for purposes of reference. The arrangement of the material leaves something to be desired; there are some repetitions, and we question whether the loose and inaccurate expressions found in writers of the Empire were worth recording in detail—few will agree with Mr. Sands in the view that Dio Cassius 'chose his terms with some discrimination' (p. 39). The main conclusions of the essay are however just; it is satisfactory to record that some were independently reached by Miss Matthaëi (in the *Classical Quarterly* for 1907). They are, briefly, these—first, that *socii et amici* are not a class intermediate between *socii* and *amici* (as was held by Mommsen), but that kings who were in reality simply *amici* with a treaty of *amicitia* came to be designated

first *reges socii atque amici*, and finally *reges socii* (p. 48); secondly, that the help which they rendered to Rome was voluntary, and not based on treaty stipulations. Mr. Sands has not much to say on the broader aspects of Roman policy, and what he does tell us suggests that he is not deeply versed in Roman constitutional history. On p. 68 f. he conjectures that the title of king was 'mainly' regarded as non-territorial by the Romans (as a statement of fact this needs much qualification) 'because their own *imperium* was likewise of a non-territorial nature,' but adds in a footnote, 'It has been pointed out to me, however, that the *imperium* was limited in the case of the Roman provincial governors, except when it was specially provided otherwise.' Most scholars would need no reminder of so obvious a fact. On p. 143 it is implied that Cyprus was annexed in 78 B.C. The true facts are given in other passages. In the list of sources, p. 204, we miss a reference to Cicero, *Prov. Cons.* 4, 9 (on the support given by Gabinius to Ariobarzanes II of Cappadocia).  
H. S. J.

Mr. Walter Ashburner's *Rhodian Sea Law* (Oxford: Clarendon Press, 1909) is a very thoroughgoing study of this curious and perplexing monument of Byzantine jurisprudence. An introduction of over 220 pages gives us a critical enumeration of the manuscripts used by the editor, with a brief notice of the others and of earlier editions; a discussion of the origin and composition of the treatise; and a comparison of the law it contains with the rules of maritime law in the Mediterranean down to the end of the twelfth century. Then follow text, appendixes, translation and commentary, and four indexes. Mr. Ashburner has obviously expended an enormous amount of labour in endeavouring to make his edition as complete and as final as possible, and there does not appear to be any point in which he has failed. Particular attention should be drawn to the third part of the introduction, which is a succinct but scientific history of Roman, Byzantine, and medieval maritime law, and by far the best account in existence.  
W. A. G.

Readers who remember Dr. A. C. Headlam's brilliant article on 'Methods of Early Church History' which opened the fourteenth volume of this Review will be glad to find it included in a collection of essays and lectures by the same author entitled *History, Authority, and Theology* (London: Murray, 1909). The paper on the Athanasian Creed is a valuable piece of historical criticism, and the other contents of the book, though less nearly connected with history, will command attention from their scholarship, lucidity, and sound judgment.  
I.

An examination of the bibliography prefixed to Mr. J. H. E. Crees's essay on *Claudian as an Historical Authority* (Cambridge: University Press, 1908) shows that the author is not at present qualified to turn out work adequate to modern standards of scholarship. There are separate entries for 'Rutilius' and 'Rutilius Namatianus'—which must be due to carelessness, since it is impossible to suppose that Mr. Crees imagines them to be different authors. 'Jordan' is but a slight improvement on the old Jornandes; and we hardly need to be told that Tillemont's

*Histoire des Empereurs* (Mr. Creech does not seem to know of the *Mémoires pour servir à l'Histoire ecclésiastique*) is 'very full and exhaustive.' Several ancient writers mentioned in the first chapter are omitted in the bibliography; and one of them, Olympiodorus, is classified with the 'secondary' authorities on p. 13, although the fragments preserved by Photius, few though they be, are among the most precious of our contemporary sources. Mr. Creech might have learnt something of their value from one of Mommsen's latest essays—that on 'Stilicho and Alaric'—with which he does not seem to be acquainted. Accordingly, though he has read his main authorities carefully, he has not, so far as we can see, made any valuable contribution to the history of the time. The historical poems of Claudian are carefully analysed, but there is no reference to the attempt which has been made to extract a political significance from the *De raptu Proserpinae*. Such expressions as 'The Suebi Kings,' 'the chronicler of Count Marcellinus, a *vir clarus*' (sic) should have been altered. There is something wrong with footnote<sup>1</sup> on p. 153, which is inapplicable to the text. 'Claudian' stands for 'Prudentius' on p. 170. H. S. J.

The author of *An Introduction to the Sources relating to the Germanic Invasions* (New York: Columbia University Press, 1909), Dr. Carlton Huntley Hayes, tells us that he had originally intended to write a history of the barbaric immigrations, but has for the present contented himself with publishing a review of the sources down to the eighth century: as an introduction to a larger work, the study might serve a useful purpose, but, as it contains nothing new, its utility in its present shape is not easy to see. The criticism is on the whole sound, but a disproportionate space is occupied by extracts, and the references to Ovid's neighbours at Tomi and to the habits of the Alans are irrelevant, while the translations are often hardly intelligible and sometimes meaningless (e.g. p. 87 note, penult. line, where 'on whose' should be 'who on his'), or ungrammatical (e.g. 109, l. 26). For absolutely false translations we may point to p. 165, l. 29 ff., where Jordanes is made to say the opposite of what he really says, and p. 97, first line of note, where we should render 'to whom it would have been an honour to be slain as a tyrant and a gain to die' (Orosius does not write classical Latin), whereby the 'diverting contradiction' disappears. The worthless account of the origin of the life of Aurelian (p. 58) should not have been quoted. The most useful part of the book is the bibliographical notes; but Dr. Hayes knows nothing of Haury's text of Procopius or Boissevain and De Boor's edition of the Constantinian excerpts, is unaware that Mommsen and Meyer's edition of the Theodosian Code contains the Novellae, and does not know that the chronicle of Maximus in Migne, vol. 80, is a modern forgery. The dating of the Augustan History is moreover more than doubtful, and Zosimus is now ascribed to the beginning of the sixth century. In some places it is hard to say whether the author is making a mistake or writing loosely, as when he seems to place Cato and Pictor after 131 B.C. (p. 146), when he says that the *Chron. Imperiale* is 'generally ascribed to a certain Prosper Tiro' (p. 148), and when he says that the Code of Justinian contains nearly 170 laws of Valentinian II alone (p. 205). Wrong forms of names and technical terms are common, as 'Fraiutus' (p. 94), 'Bagaudes' (p. 125), 'Balthes'

(p. 161), 'synodes' (p. 219). 'Hactenusagil' (p. 165) must surely be some strange misprint. At p. 67, last line, 'north' should be 'east.'

E. W. B.

To write a short history of the English Church is not an easy task. It is one that must be undertaken either at the end or else at the beginning of a writer's career. In the latter case he will in the main depend upon the work of others: in the former he will have had the opportunity of testing and digesting for himself. Ideally the former may be the better course, but it is rare to find a tried and tempered historian who will embark on it. The work therefore is generally done on the rival plan: and so it is with the Rev. M. W. Patterson's *History of the Church of England* (London: Longmans, 1809). Mr. Patterson claims acquaintance with many of the original authorities, but yet is content modestly to rest his book for the most part on the recent work of others. It challenges comparison with Wakeman's volume, being of similar scope and extent to that, and if it falls behind it in literary grace, it rises above it in evenness of view. There are a good many points of detail where reconsideration and amendment will be necessary in a new edition, but it is to be hoped that an opportunity will arise for such corrections and that so the book may have a career of usefulness before it. The tables and index are good, and there are two serviceable maps.

K.

In *Paris sous les Premiers Capétiens* (987-1223), vol. i. *Etude de Topographie Historique*, vol. ii. *Album de Planches* ('Bibliothèque d'Histoire de Paris') (Paris: Leroux, 1909), M. Louis Halphen traces with admirable lucidity the expansion of Paris on both sides of the Seine, and illustrates his conclusions by a plan (*Album*, Planche XI) showing the chief landmarks of the city in the time of Philip Augustus. He believes that as early as the eleventh century the quarters of the right bank were inclosed by a wall, or at least a palisade. But the whole parish of S. Germain l'Auxerrois was thinly populated until the canons of S. Opportuné began to drain the surrounding marshes as an agricultural speculation. This led at once to an outflow of the growing population in a westerly direction, towards Clichy. The quarters of the left bank similarly developed under the influence of religious houses. The two *bourgs* of S. Germain des Prés and Sainte-Geneviève increased in size during the twelfth century, until they touched each other and also the head of the Petit Pont. M. Halphen devotes a special chapter to the *enceinte* of Philip Augustus, and it is to this part of his monograph that the sketches and plans given in his atlas chiefly relate. Some of these were engraved fifty years ago, to record the results of the excavations made in 1838. The appendix contains an alphabetical and annotated catalogue of the streets, places, and public monuments which are known to have existed in the time of Philip Augustus. M. Halphen must be congratulated on the skill with which he has digested a large store of topographical evidence. It is rare to find a work of this character which is so readable.

H. W. C. D.

The third volume of *Select Essays in Anglo-American Legal History*, edited by a committee of the Association of American Law Schools

(Cambridge: University Press, 1909),<sup>1</sup> contains the conclusion of the series of articles on more special topics—commercial law, contracts, torts, property (in general), and testamentary and matrimonial law. The collection, which is excellently edited, is of course primarily designed for legal students, and it would be impertinent for us to criticise the choice of particular articles, though we may venture to regret that Maitland's paper on 'The Mystery of Seisin' was not followed by its sequel on 'The Beatitude of Seisin' (*Law Quarterly Review*, iv.). But the historian will find in almost every chapter something to illustrate his subject and clarify his ideas. The theory which prevailed thirty years ago of the essential opposition of the historical and the legal view of history is happily obsolete.

L.

Still less would it be proper for us to express an opinion on F. W. Maitland's lectures on *Equity*, which have been judiciously given to the public by Messrs. A. H. Chaytor and W. J. Whittaker (Cambridge: University Press, 1909). But we may direct historical students to the first two lectures which explain how equity arose, and to a passage in the eleventh which shows what it means in practice; and to the account of the trust, 'the most distinctive achievement of English lawyers,' in the third. *Equity* is followed by a short course of lectures on the forms of action at common law, the first four of which will be read by all students of the legal element in our early constitutional history. A more luminous survey of archaic procedure, of the reforms of Henry II, and of the play upon them of lawyers' ingenuity in the thirteenth century, has never been written. The book ends with a convenient little set of 'Select Writs,' for which historical students also will be thankful. How many of us can lay our hand on the writ 'Præcipe' mentioned in Magna Charta?

M.

Following up the researches of Professor Harland and the German canonist Dr. Franz Kober, Mr. Edward B. Krehbiel has put together in *The Interdict, its History and its Operation* (Washington: American Historical Association, 1909) the results of extensive reading and written a useful chapter in the history of ecclesiastical administration. The greater part of the book consists of a study of the interdict in actual operation, and gives a valuable picture of the extent to which the law was enforced. As one would expect, the efficacy of this 'administrative order' in securing obedience and submission depended upon the force of popular opinion. If this were not roused, an interdict might seriously diminish the influence of the church within the area of its operation, or, as in Venice in 1606, be absolutely ineffective. In any case the non-observance of the interdict by some of the clergy and the privileges of the monastic houses might diminish its effects. On the whole the author shows that the punishment was justified by its results. The book gives us a more impressive conviction of the horror and misery which resulted than the scattered and casual evidence of each case is able to give. The modification of the local general interdict known as the ambulatory interdict is significant as a proof of this. Dr. Krehbiel's researches have

<sup>1</sup> See vol. xxiv. 822, *ante*.



brought to light some curious details. The interesting letter of the bishop of London regulating the uncanonical burial of Londoners during the great interdict is a case in point (p. 61). Occasionally, it appears, an interdict on a very small area could be overlooked, as the one on a chapel in Maidenhead, which lasted for fifty years, or as in the case of the barren lands which were popularly supposed to have lost their fertility owing to an unrelaxed interdict (p. 46, note). In a long appendix Dr. Krehbiel gives an unannotated list of the interdicts laid or threatened during Innocent III's pontificate, including a useful account of the French interdict of 1200 (pp. 110-125). With regard to the confusion between the terms interdict and excommunication to which the author refers (p. 9), attention may be called to the very clear distinction between the two in the Constitutions of Clarendon (c. x.), a distinction which must have been understood in England for some time. Dr. Krehbiel promises us a further study on the great interdict laid on England in 1208, upon which he has thrown a good deal of fresh light in this essay. We hope he will be able to add some account of the position which Henry II took up with regard to interdicts laid upon the lands of his barons and officials (cf. Makower, *Constitutional History of the Church of England*, p. 243). If we except some lapses and some immaturity of style which will easily be pardoned, the faults of the essay are the tendency to vague and inconclusive writing and the excessive use of references. On p. 41 an incident of the French interdict is referred to as though it were a custom in France for a second publication to be made two months after the first notice.

F. M. P.

A real need of the teacher of economic history is met by Mr. W. H. R. Curtler's *Short History of English Agriculture* (Oxford: Clarendon Press, 1909). Accounts of manorial organisation, both learned and popular, exist in abundance, and for the later period we have Mr. R. E. Prothero's useful *Pioneers and Progress of English Farming*. About half of Mr. Curtler's book is devoted to the eighteenth and nineteenth centuries, and about a fifth to a sketch of the manorial period; in the remaining hundred pages he has given a fuller account of the intervening two centuries than is conveniently accessible elsewhere. He is well read in the old agricultural writers, and has diligently assimilated recent research. His book serves as a manual to both these sources and is agreeable reading, partly because of and partly in spite of abundant citations and statistics. Comment and exposition, though somewhat scanty, are on the whole judicious and impartial, though there are touches of partisanship in the later chapters which it would be wise to eliminate. The one weak point of the book lies in the want of a clear enough outline of agricultural history in its relation to other aspects of economic development; but this is not so much a fault of the author as inherent in the present condition of the subject.

G. U.

Mrs. John Richard Green has found that many of the statements made in *The Making of Ireland and its Undoing* 'have been somewhat hotly controverted.' Accordingly to the second edition of her work (London: Macmillan, 1909) she has added an appendix containing 'additional proofs and illustrations in support of her argument,' which she has seen

no reason to change, and she has corrected 'various errors of detail' in the text of the book itself. Among these, the specific errors pointed out in our review of her book (*ante*, vol. xxiv. p. 129) have substantially disappeared. Thus we no longer hear of the O'Neills tenaciously defending for centuries their Ardglass trade from the clutches of the invaders, or of Shane O'Neill erecting the towers and the famous 'New Works' at Ardglass to protect his trade. Further research has disclosed the fact that the first appearance of an O'Neill at Ardglass was two and a half centuries after the time of John de Courcy, and then this O'Neill was engaged in the more congenial task of burning the town (p. 16). Our more generic criticism however was to the effect that Mrs. Green ascribes the great outburst of trade and commercial enterprise and growth of towns, which undoubtedly followed the coming of the Normans, largely to the native Irish, whereas these marks of civilisation were almost entirely due to the new settlers and their descendants. To this criticism she makes no answer beyond pointing to a sprinkling of Irish names among burgesses or subordinate officials in a few Anglo-Irish towns in the fourteenth and fifteenth centuries, and showing that in a few exceptional cases persons of Irish blood, some of whom took English names, were granted licences to use English law, and may have participated in English trade-activity without being now recognisable (App. pp. 529-531). In any other context Mrs. Green would be the first to deny that these Anglicised Gaels were fair specimens of the virtues of the race. It would be more to the purpose if she could point to a single trading-town in all Celtic Ulster. Mrs. Green has indeed re-written some passages in her first chapter. The admission is now grudgingly made that 'coming to a land well known to commerce, the Normans opened new channels of trade, and exploited a wealth which in its origin owed nothing to them' (p. 11), and there are some similar insertions. But the point at issue is the degree of civilisation reached by the Gael, and the evidences of civilisation adduced relate almost wholly to persons of 'foreign' descent. Some of the new insertions undoubtedly remove blemishes, but others are misleading. No one, for instance, reading the passage on p. 3, quoted from a medieval Irish writer would suppose that by 'the foreigners' were meant, in the words of the writer, 'those princely English lords who were our chief rulers and under whom the old chieftains of Erin prospered' prior to Bruce's invasion. There were indeed fleets on the Shannon in 1124 (p. 10) and later, but for what purpose? Not for trade, but to plunder Munster. And so of the wicker-bridges, as Mrs. Green begins to see (App. p. 497). The new appendix contains several interesting notes, some from new sources, but adds little really pertinent to the main issue. The large amounts received for the 'new custom' by Italian *mercatores* (p. 498) (who, by the way, were mere bankers) only prove the extensive trade of certain Anglo-Norman ports. The statement that 'the services and fines of the Irish were considerable' (p. 519) is apparently intended to indicate the wealth of the native Irish, but the services referred to (the reference should be to Sweetman, iv. no. 46) were the commutations for military service paid by the English tenants in chivalry on occasion of expeditions against the Irish. To add one word as to the 'undoing' of Ireland. Far be it from us to defend English dealing with Irish trade, especially at a later period

than that with which Mrs. Green deals, and many of her accusations are, we believe, in substance justified, but we cannot think that the 'wreck of Irish society' and 'the doom of Irish civilisation' are to be attributed to any *commercial* invasion in Tudor times, but rather to England's misgovernment—one might almost say non-government—for the preceding two centuries. G. H. O.

It would not be hard to discover from internal evidence, if no other were available, that Dr. Friedrich Stieve's biography of *Ezzelino von Romano* (Leipzig: Quelle & Meyer, 1909) was written under the influence of Professor Hampe and is connected with his studies of Hohenstaufen history. We should suppose that Dr. Stieve began with the idea of examining Ezzelino's relations to the empire. At all events, the main thesis of the book appears to be that Ezzelino, though a partisan of Frederick II, was only half trusted by his patron, and in fact was the embodiment of tendencies inimical to the imperial idea; that, before as after the disappearance of the great emperor from the scene, the first of the Italian tyrants fought for his own hand. But it is only natural that a pupil of Professor Hampe should be interested in psychological analysis. And we find here and there in the course of this closely compressed narrative some suggestive remarks on Ezzelino's temperament and the spirit of the society in which he moved. The chapter on John of Vicenza and his brief alliance with Ezzelino shows that Dr. Stieve is a keen observer and a thoughtful critic. We can only regret that he has not further developed his conception of Ezzelino. Possibly for want of space, but more probably for want of literary skill, he has failed to make the most of the material available for this purpose. He draws an admirable contrast between Ezzelino and Pelavicino; and he scores a good point when he emphasises the fact of Ezzelino's German descent as accounting for his tenacity, his almost pedantic thoroughness, and the intense concentration of his energies upon a single purpose. But we should have liked a more thorough study of the evidence relating to Ezzelino's administration of Padua, Verona, and Vicenza. We fancy that, even apart from his brutal treatment of enemies and suspects, he would compare badly as a ruler with the more genial and versatile Pelavicino. Dr. Stieve's narrative has the merit of laying stress on the really important events in the stormy drama of Ezzelino's career. But he makes excessive demands upon the memory of the reader. He rarely pauses to summarise a situation; he takes it for granted that we shall remember what were the resources of Ezzelino at any particular moment; and he supplies us with no maps or plans to illustrate his minute accounts of military operations. H. W. C. D.

*The Enforcement of the Statutes of Labourers during the First Decade after the Black Death, 1349-59* ('Columbia University Studies in History,' vol. xxxii. 1908), based as it is on extensive and minute research and supported by an ample array of documents, furnishes a welcome contribution to one of the central problems of English medieval history. Miss Bertha H. Putnam has been well advised in approaching the problem on its constitutional and legal sides. She has traced in detail the experimental changes in the administration of the law from its first enactment to 1359, when the

special functions of the justices of labourers were merged in the general functions of the justices of the peace. The joint commissions which had at first been issued were replaced in 1352-9 by separate commissions, though in a majority of cases both continued to be united in the same person. Much more important than this formal change was the one from professional travelling justices to an administration by local landholders. This concession to the petition of the commons, together with the grant of the fines taken for excessive wages in aid of the subsidy, and the claim, only momentarily realised, that parliament should supervise the appointments of the justices, constitute the significant features of the social crisis and reveal the latent forces of the constitution. Here already the J.P., though but in his beginnings, has marked out for himself that pivotal position so brilliantly expounded (and misinterpreted) by Gneist, and has set a bound to the advance of centralising monarchy. Miss Putnam's essay owes its main value to the material it affords for the study of the formation of what Gneist calls the *Zwischenbau* of our constitution. The economic historian will also find much new and valuable material in the careful analysis of the cases brought before the justices, the statistics as to the occupations and status of offenders, the wages and prices exacted, the amount and disposition of the money penalties, and the interpretation of the law of contract, especially as expounded by the higher courts in cases of appeal. And he will not be the less grateful for these data because he cannot accept the conclusions drawn from them as to the equity and the efficacy of the statutes. Abundant evidence is indeed afforded that the law was vigorously administered, but wages doubled in spite of it, and it is an unsatisfactory proof of its efficacy to say that they would have risen still higher without it. As to 'legitimacy' and 'equity,' they are difficult terms to handle in relation to the fourteenth century. One cannot argue from the custom of local authorities in normal times to establish the equity of enforcing class interests by state machinery in abnormal times. The combined action of the landlords in parliament in face of an unprecedented crisis was natural enough, and may even have seemed equitable, but quite as much may be said for the almost universal combinations of peasants and craftsmen which this manipulation of the nascent state called into vigorous activity and which were largely covered by the sanction of the church. As to the equitable intention of lowering prices as well as wages, one must ask what prices were lowered, by what machinery, and how far the landlord class was affected thereby. G. U.

In *Das Budget-Privileg des Hauses der Gemeinen* (Mannheim: Bensheimer, 1909) Dr. Stanislaus Sussmann begins his tale *ab ovo*, and it is only with the hundredth page that he arrives at the year 1407. He deals too largely in the commonplaces of our constitutional history; the results of his more special inquiries might have been stated in a comparatively short form. He has searched the fourteenth-century rolls of parliament to some purpose, and gives information, as to early procedure in grants of supply, which is not to be found in Stubbs. Thus he quotes a royal answer to a petition of the commons as proving that the initiative of the commons was already in 1381 an established usage, but not yet regarded as a privilege. He also traces back to 1383 the formula that the commons

grant supplies with the assent of the lords. His account of modern theories is chiefly remarkable for the emphasis which he lays upon the influence of Montesquieu, and for the statement that Montesquieu, when he denied to the upper house the right of initiating supplies, supposed that its members were exempt from taxation. Montesquieu merely gives the reason, which is copied from him by Blackstone, that the upper house is more exposed than the lower to the corrupting influence of the crown. Dr. Sussmann's argument to prove that Montesquieu believed what he nowhere affirms may be stated thus: Montesquieu probably intended that the nobility in his ideal state should not be taxed; it is improbable that he would allow them any privilege which was not actually enjoyed by the English lords; therefore, &c. This is not logic.

H. W. C. D.

The third and fourth volumes of the *Cambridge History of English Literature* (Cambridge: University Press, 1909) contain some first-rate work, which keeps the average level high, and there is less overlapping than there was in the earlier volumes. Both volumes contain, like their predecessors, most valuable detailed bibliographies. Nearly half the chapters in vol. iii. and about five of the nineteen chapters in vol. iv. should be as interesting to the historian as to the literary critic. In vol. iii. the chapters most important for the historian are Principal Lindsay's (ch. i.), on the Renaissance in England; Professor Whitney's (ch. ii.), on Reformation literature in England; and Professor Hume Brown's (chap. vii.), on the Reformation and Renaissance in Scotland. All three are very well done. The third chapter, by the Rev. R. H. Benson, on the dissolution of the religious houses, should have been valuable also; but, whether from misunderstanding or for other reasons, it is not satisfactory. It works in a void which no preceding or subsequent chapter attempts to fill. We hear in the first few sentences of 'almost countless religious houses' swept away, and of a destruction of books 'incredibly enormous'; but why and when these things were done is nowhere exposed. There are three other chapters which should be mentioned. Mr. Charles Whibley contributes a spirited essay (ch. xv.) on Tudor chronicles and antiquaries; there is a good account (ch. xvii.) of the literature of the Marprelate controversy, and of English universities and schools in the sixteenth century (ch. xix.) In the chapter on the universities the author, Mr. Woodward, has managed with considerable success to avoid repeating too much of what had been already given in the first chapter. We have one or two small criticisms and corrections to make before leaving this volume. The author of chapter i., when praising Colet's arrangements for St. Paul's (e.g. p. 12), seems to forget the fifteenth-century foundations of schools under secular government. On p. 476 'Frith' should be Firth. On p. 485 we read that the contempt for female character is 'primarily monastic,' and the 'influence of the East is also unmistakable'; but the influence of sentences from Greek philosophy should not be left out in such an inquiry. We object to the expression, an edition 'of a poor character' (p. 43), when what is meant is 'a poor edition'; and on p. 48 we read with surprise, in a picturesque passage, of 'the courts' of Oxford, an expression generally

confined by common application to Cambridge and Zion. In vol. iv. we may draw attention particularly to chapters iv. and v., written jointly by Commander C. N. Robinson and John Leyland, on sea literature and travel; to chapter xiv., by Professor Sorley, on the beginnings of English philosophy; and to chapter xv., by Archdeacon Cunningham, on early writings on politics and economics. Chapter xviii., by Mr. H. G. Aldis, on the book trade (1557-1625), is a little disappointing, but the subject is notoriously difficult. Some parts of the chapter would almost have to be rewritten since the appearance the other day of Mr. A. W. Pollard's book on Shakespere quartos and folios.

G. S. G.

In 1901 Señor Don Genaro García, of Mexico, obtained permission from the president of the republic of Guatemala to print the original manuscript of Bernal Diaz's *Historia Verdadera de la Conquista de la Nueva España*, preserved in the town hall of Guatemala, and in 1904 appeared the first correct edition of this work in two volumes, edited by Señor García and printed by the Mexican government. This edition not only superseded that published at Madrid in 1632, but it also rendered the English translations of the latter by Keatinge, Prynne, and Lockhart for historical purposes valueless. Students of American history will therefore be grateful to Mr. A. P. Maudslay, whose contributions to the archaeological section of the *Biología Centrali-Americana* are too little known, for the first volume of his English translation of the original text of Bernal Diaz, *The True History of the Conquest of New Spain by Bernal Diaz del Castillo, one of its Conquerors*, from Señor García's edition (London: Hakluyt Society, 1908). Of Señor García's introduction, dealing with the life, character, and work of Bernal Diaz, Mr. Maudslay has given only the essential parts, omitting altogether the second section, on the character of the work. None of the important facts of Bernal Diaz's life have however been overlooked. The omission of Señor García's fourth section, on the bibliography of the *Historia Verdadera*, is redeemed by a new *Bibliography of Mexico*, which should prove useful. The plan of giving the British Museum press marks however would appear to be a mistake, for these are liable to alteration. Mr. Maudslay is a master of sixteenth-century Spanish, and presents in this volume a most readable version of the first portion (chapters i.-lxxx.) of the old conquistador's narrative. Chapter lxxx. closes at the point where Cortés is about to continue his march from Tlaxcala towards Cholula in October 1519. The route of the Spaniards from Vera Cruz to Tlaxcala is made clear by a good map, while a second of the Spanish Main enables us to follow the preliminary expedition under Francisco Hernandez, but the places mentioned in Señor García's introduction are unfortunately not all given on this map. A few mistakes are noticeable both in the translation of the introduction as well as in that of the History. Thus at page xlii, 'Surely Bernal did not finish his work' is a curious rendering of *De suerte que Bernal no acabó su obra*. Again, *Fué entonces, cuando los indigenas 'le enpendolaron siete flechas, que con el mucho algodón de las armas se detuvieron, y todavía sali herido en una pierna'* is translated literally, 'It was then when the natives "had hung seven arrows on him, which only failed to pierce on account of the thickness of

the cotton armour, and nevertheless I emerged wounded in one leg'' (p. xxiv), which strikes one as rather halting. At pages xi and 26 the same sentence is translated into very different English. 'Rabid lions' (p. xxiv) and 'lurcher' (pp. 45, 106, 221, and 242) cannot be called happy renderings. It would have been well to give the English of the words *el arriero* (p. 177) and *alferez* (p. 227), if only in a note. The appendix contains an article on 'Montezuma's Gifts to Cortés,' with reproductions of the four masks in the British Museum. Among the other illustrations are two old maps of San Juan de Ulua made in 1608 by Bautista Antoneli, while a portrait of Cortés from a painting in the city of Mexico forms the frontispiece of the volume.

H. P. B.

M. Henri Hauser has been well advised to collect and publish his scattered *Études sur la Réforme Française* (Paris: Picard, 1909). They are introduced by extracts from an admirable lecture on the manner in which the Reformation was affected by the national characteristics of France. This is followed by an article on Humanism and Reform, tracing the relations of the two movements from close alliance to coolness and thence to heated controversy. This change was partly due to the persecution which followed the Placards in 1535; the Humanists from fear, from love of peace, or from attachment to the benefices which were their reward, stepped backwards towards the old religion. Calvin again by his formularisation of doctrine drove the more pagan section of Humanists into a counter enunciation of free thought. His work was in fact to discipline the middle and lower classes, whose interest was religious, whereas the intellectual aristocracy had no mind to submit to a yet more vigorous drill-master than the church. Throughout the other articles the connecting link is really the part played by the lower classes in the earlier stages of the Reformation. This is notably the case in the three most substantial essays, the *Rebeine de Lyon*, the Reformation in Auvergne, and the *Petits Livres* of the sixteenth century. After a close examination of the celebrated bread riots at Lyons in 1529 M. Hauser concludes that an anti-sacerdotal element, often denied, was actually present, as was natural in so cosmopolitan a city, where the printing trade, moreover, was a prominent industry. The documentary evidence for Auvergne shows that the labouring class formed no small part of the total number of heretics in this generally catholic province. The *Petits Livres* of both persuasions were intended mainly for the lower classes, and those circulated in the Huguenot cause were, as is well known, a powerful instrument in the spread of reform. A short paper on *Les Consuls et la Réforme* dwells on the tendency of the municipal authorities in the consular cities of Southern France to conceal, extenuate, or tolerate the growth of heresy. They were prompted probably less by devotional sympathy than by jealousy of ecclesiastical jurisdiction, and the intervention of the central power. A study of the French Reformation, confined to the lower classes, would be of high interest, ranging, as it would, from the early and purely religious movement in Picardy and at Meaux to the socialistic outburst in Gascony, and the militant Huguenotism of La Rochelle, Dauphiné, and the mountainous districts of Eastern France.

E. A.

*The Girlhood of Queen Elizabeth* (London: Constable, 1909), by Mr. F. A. Mumby, *The Nine Days' Queen* (London: Methuen, 1909), by Mr. Richard Davey, and *Sir Philip Sidney* (London: Methuen, 1909), by Mr. Percy Addleshaw, are three books varying in value but all intended to be popular. Mr. Mumby's is superior to most historical works which find favour with the circulating libraries; and Mr. R. S. Rait, in his introduction, has provided a useful warning against the text of the letters concerning Elizabeth which form the bulk of the volume. Mr. Mumby is, as a rule, more careful than might be imagined from his reference on p. 2 to Henry VIII's 'divorce from Catherine Parr'; but the letters are transcribed from such sources as the Calendars of State Papers and Froude's renderings of the Granville papers, and not from the original manuscripts; and he even includes translations of the imaginary epistles which Gregorio Leti attributed to Elizabeth late in the seventeenth century. Leti's life of Elizabeth might well be included in the 'Romantic History' series, edited by Major Martin Hume, to which Mr. Davey's *Nine Days' Queen* belongs. Mr. Davey's volume suffers somewhat from the association; he has really taken a good deal of trouble to get at the truth, and his book is greatly superior in point of scholarship to the life of Queen Jane which last preceded it, though naturally stress is laid on the romance rather than on the serious problems connected with her tragic career. Mr. Addleshaw's biography of Sir Philip Sidney is characterised by the absence of references, by a meagre bibliography of a dozen books, and by a precious and pretentious style; it resembles the impressions of a journalist rather than the researches of a scholar. N.

M. Paul Courteault's brightly written little biography of *Blaise de Monluc* (Paris: Picard, 1909), innocent of notes and appendices and guilty of only a single page of introduction, is in reality a very serious study of Monluc, both as man of action and historian. The writer justly claims that every line is based upon a document. The book is, indeed, the outcome of his larger volume, *Monluc Historien*, which is the first elaborate and critical inquiry into the growth, the external sources and the historical value of the *Commentaires*. An admirable abstract of these results will be found in chapter xi of the present volume. Apart from this, it may be said to contain the biographical thread of the larger work, in parts abbreviated. The English general reader will find, perhaps, an excess of military detail and a too generous presupposition of an intimate acquaintance with French and Italian geography: the maps of the earlier book might well have been reproduced. The student on the other hand will wish to read the biography with the text of the *Commentaires* on one side, and the criticism on the other. We should advise him therefore to read closely *Monluc Historien* first, and then for pure enjoyment to run through the agreeably noteless biography. E. A.

In *The Pilgrim Fathers, their Church and Colony* (London: Methuen, 1909), Miss Winnifred Cockshott has written a painstaking and accurate account of a subject which is more familiar generally than in its details. It is perhaps the author's misfortune rather than fault that the fresh stream of Bradford's history becomes dull and stagnant when canalised into the channels of a popular text-book. H. E. E.



Lieut.-Colonel Sir R. C. Temple, Bt., has edited for the Hakluyt Society *The Travels of Peter Mundy, 1608-1667*, vol. i., Europe (Cambridge, 1907). After the eulogistic preface of the editor, who, with his assistants, has evidently bestowed immense pains on the preliminary matter and the commentary, we must confess to a certain sense of disappointment with the main narrative. But it would be premature to call either his judgment or the policy of the Hakluyt Society in question before the other two volumes, which will contain Mundy's journeys to the farther East, are before us. We may say however that, judging by the record of his early travels in Europe, Mundy does not strike us as an observer who was qualified to add much to our knowledge. Certainly, if this part at any rate of his manuscript had been left in the obscurity in which it has lain for nearly two centuries at the Bodleian, we should be very little less wise about seventeenth-century Europe than we are now that it has been published. Mundy was a man of candour, doubtless, but not of distinguished mind or trained intelligence. His interests were rather trivial—*e.g.* in the mere mileage which he accomplished—and he had little art of recording. Besides some brief excursions to France, Spain, and Italy, his experience of continental Europe was gained by some years' residence in Constantinople, possibly in dependence on the Turkey Company, and by a journey which he made thence to England in 1620 in the train of Mr. Paul Pindar, the retiring ambassador. The latter chose an overland route to Spalatro, doubtless to avoid the Barbary and Greek corsairs. About his residence in Constantinople Mundy seems to have recorded nothing at the time, and only to have jotted down some random recollections in later life; and he adds nothing to our knowledge of the place, or of the history of the Turkey Company. The parallel passages from other travellers, cited by the editor in appendices, serve alone to show how jejune Mundy's observations are. The journey across Rumelia to Serajevo and the Adriatic coast occasioned a record which throws some light on local life, on the relation of the ruling Turk to his subjects, and on conditions of travel. But it contains very little of interest and almost nothing new. Very ordinary sights and observations satisfied Mundy, and his road-record lacks detail and precision. We can hardly imagine an historian of the Levant in the seventeenth century making much use of Mundy. The editor, as we have said, has done his part most carefully; but he seems to have used rather old maps for the Balkan route (*e.g.* Kiepert's of 1853, instead of the much-improved Austrian or Bulgarian maps), and we gather that Turkish is not a language which he knows at first hand. A *chaoush* is not adequately interpreted as a 'high official,' or a *bezestan* (despite Mundy himself) as a place with arcaded shops.

D. G. H.

Another volume of the *Court Minutes of the East India Company, 1640-1643*, has been brought out by Miss Ethel Sainsbury (Oxford: Clarendon Press, 1909), dealing with the difficult years when the struggle between king and parliament was beginning. The editor, Mr. William Foster, again contributes an introduction. It was the singular bad fortune of the Company that just when its prospects in the East were improving, the situation at home made almost impossible the raising

of the necessary capital. No little space in this volume is occupied by the sale of pepper to the king, concerning which Mr. Foster wrote in vol. xix. no. 75 of this Review. Except as illustrating the influence of politics upon commerce, the volume is not of special interest; though this is in no wise the fault of its most experienced and accomplished editor.

H. E. E.

Kirk's *Biographies of English Catholics in the Eighteenth Century*, which have been edited by Father John Hungerford Pollen, S.J., and Dr. Edwin Burton (London: Burns & Oates, 1909), represent one portion of the large collection of material brought together by John Kirk with a view to writing a continuation of Dodd's *Church History*, taking up the story at 1688 and pursuing it through the eighteenth century. This task the assiduous scholar and busy priest never achieved, but on his death in 1851, at the age of ninety-one, he left numerous manuscripts which remain as a quarry for present and future historians of the most obscure period in the annals of English Catholics. We are here furnished with the story of some eight or nine hundred priests and people who were in some way prominent among the proscribed and penalised Catholics of eighteenth-century England. For some of these Kirk is the ultimate authority. In other cases it is possible to check and supplement from various sources. The volume abounds in interest, especially as furnishing illustrative details of the adventurous or even lives of people who combine for us the typical eighteenth-century interest touched with romance by their peculiarity of religion or environment. The 'editing' of these *Lives* has been reduced to a minimum. In fact, the editors have done so little that one wonders they have done so much. No attempt has been made to supplement the work of the compiler. True, the *Lives* are arranged alphabetically instead of under headings as Kirk, following Dodd, classified them. It seems to us that with a suitable index the original arrangement might have been maintained, the object of the edition being avowedly merely the furnishing of a document. It strikes us as unsymmetrical in collating drafts with fair copies to include fuller though insignificant details from the former in brackets and then, suddenly recognising their insignificance, abandon them 'at the end.' The volume is furnished with an interesting and suggestive introduction emphasising conclusions illustrated by the text, such as the larger number of Catholics among the titled aristocracy of the period and also of the regular and secular priests who maintained a not very precarious existence here in spite of the penal laws. It is unusual to refer to the 'Old Pretender' as 'Prince James Francis,' and it is begging the question to describe the anti-Jesuit prejudices amid which John Kirk was fostered as 'sinister influences.' To the student of ecclesiastical history this volume, in spite of its extremely small print, will be a desirable possession.

E. O'N.

The last half-volume of M. Lavissee's *Histoire de France* (tome viii. 2 : *Le Règne de Louis XV, 1715-1774*), by M. H. Carré (Paris: Hachette, 1909), is an adequate presentation of an important period, though it is hardly one of the most distinguished sections of the book. Its author,

M. Carré, professor of history at the University of Poitiers, has done well in those parts of the volume where he has allowed himself adequate space. His account of the 'philosophers' is bright and interesting, and he has paid special attention to finance, economics, colonies, and India. He has been hardly treated in having to cover the long reign of Louis XV in so restricted a space, and it is difficult to see why these sixty years should be allowed no more room than the number of pages consecrated on the average to forty years of sixteenth or seventeenth century history. The result is that while narrative political history takes up much more space than is usually allotted to it in M. Lavissee's History, M. Carré has not room to make the story of wars and treaties either very interesting or very complete.

T. F. T.

Recent publications have thrown fresh light on the position of the American loyalists during and after the war of independence. The last volume of the Report of the Historical Manuscripts Commission on the American papers in the Royal Institution deals with their position at the close of the war; and the New York state historian, Mr. V. H. Paltsits, has recently edited the *Minutes of the Commissioners for Detecting and Defeating Conspiracies in the State of New York; Albany County Sessions, 1778-1781* (2 vols. Albany: published by the State of New York, 1909). One is apt sometimes to wonder why, considering that the loyalists formed so large a proportion of the population in the middle colonies, their political importance was not greater. The history of the methods by which they were isolated supplies the answer. A ubiquitous commission, with a military force to make good its orders, served to prevent organised action on the part of the loyalists. The minutes of the various county boards of commissioners are unfortunately lost, with the exception of those of the Albany board; but there are sufficient to bring out the nature and success of the work carried on. So far as can be gathered from these minutes, the commissioners carried through an invidious and difficult task with no little discretion and good nature; but it was inevitable that there should be a seamy side to such operations. Thus on 8 August 1778 the commissioners write: 'Whereas it has been suggested to this Board that sundry persons, under a pretence of having authority from the Commissioners of conspiracies to examine into the conduct of persons by them supposed to have been unfriendly to the American cause, use unbecoming language and pretend to exercise power not vested in them, whereby sundry of the inhabitants of Hosack district are under the apprehension of being ill-used,' &c. Again: 'Received a letter from Mrs. Cumming informing us that a report prevails in her neighbourhood that a party of rangers are coming that way to apprehend disaffected persons and secure their property; and, as Mr. Cumming is confined in gaol for disaffection, she is apprehensive they may disturb her and her family, and take away their property.' In November 1780 the board find 'that the information of Abraham Hoogteling is entirely false, and, as several persons have been confined on account of the same, therefore resolved that the said persons be discharged from confinement.' The time, we cannot doubt, was one of terrorism, though terrorism mitigated by the good intentions of those who enforced the law.

H. E. E.

The second volume of the Abbé Pisani's *L'Eglise de Paris et la Révolution* (Paris: Picard, 1909) covers the period from the September massacres to the instalment of the Directory. The history of the Terror provides a wonderful combination of inspiring heroism and contemptible cowardice among the clergy. Naturally, the non-juring clergy show the finest character. Men who had the courage to refuse the oath in 1791 and remain at Paris were not likely to be dragged down the hill by the weakness which ruined Gobel. As may be expected from a canon of Notre Dame and a professor at the Catholic Institute, M. Pisani writes from a strictly ultramontane point of view. A protestant may perhaps be allowed to wonder why such a lapse from virtue as the marriage of a Constitutional priest should be regarded as an offence as heinous and unpardonable as the renunciation of the Christian religion, but he has no hesitation in saying that the present volume keeps well to the high standard established by its predecessor.

L. G. W. L.

M. Anatole le Braz's book entitled *Au Pays d'Exil de Chateaubriand* (Paris: Champion, 1909) is much to be recommended to all who take an interest in Chateaubriand or Suffolk. The author so well describes the country round Bungay and Beccles, which is, he says, a less wild Brittany, that we cannot but regret that his visit should have been made in the gloom of November. He has carefully collected all the traditions and examined all the documents which could throw light upon that part of Chateaubriand's exile which was spent in Suffolk, and he shows that the account given of this period in the *Mémoires d'Outre-Tombe* is not much more veracious than that of René's American travels. Chateaubriand says that he learnt from an advertisement in a Yarmouth paper that a society of antiquaries, whose president, the Rev. Bence Sparrow, was writing a history of Suffolk, were looking for some one who could decipher French manuscripts of the twelfth century, that he applied for and obtained this employment. M. le Braz points out that there was at the time no Yarmouth newspaper, no society of antiquaries, no French manuscripts, and that Mr. Sparrow, the rector of Beccles, never contemplated writing a history. He has discovered that the place obtained by Chateaubriand was that of French teacher in a school at Beccles, and afterwards at Bungay. Here he became the intimate friend of the Rev. John Ives and his family. All readers of the *Mémoires d'Outre-Tombe* will remember how Charlotte Ives helped her mother to nurse Chateaubriand after a fall from his horse; how as a matter of course she, a girl of sixteen, fell in love with the interesting patient; how Mrs. Ives offered him her daughter's hand, which, as he was already married, he was compelled with shame and remorse to refuse, and how he fled from Bungay in despair. M. le Braz gives reasons more conclusive than he appears to realise for thinking that the flirtation neither went so far as Chateaubriand would have us believe nor ended with so dramatic a *dénouement*. M. le Braz conjectures that the story of *Atala* was suggested by the loves of René and Charlotte, and argues with much ingenuity in support of this hypothesis. Among other reasons is the similarity he finds between the neglected but picturesque church and hamlet of St. Margaret Ilketshall, of which Mr. Ives was vicar, and the mission-house

of Father Aubry; he even believes that Anglican divine, a well-to-do port-wine-loving Hellenist, to have been the prototype of the venerable missionary. But although the assertion of Chateaubriand that he wrote *Atala* in the wigwams of the savages, and that the manuscript, which he carried with him while a soldier in Condé's army, saved his life by stopping a bullet, need hardly be taken into account, there are reasons for believing that the first version of the story was probably composed during those five months in America which, as we know, were not spent in travelling on the Ohio and the Mississippi.

P. F. W.

The contrast between the year in which Napoleon was anointed by the pope and won the battle of Austerlitz with the year of the Terror and the year of Waterloo has inspired M. Hector Fleischmann and M. Georges d'Esparbès to attempt the task of a prose epic: *L'Épopée du Sacre* (Paris: Mericant, 1909). There is much detailed information in the book: we learn the price of Napoleon's hats and boots, the weight of the coronation vestments, we trace the variations of Napoleon's anatomy. But with all this, it can scarcely be said that we have a serious contribution to history; it is an attempt to build up a fresh Napoleonic legend by depreciating all the enemies and rivals Napoleon had to face. For instance, we are told that time has ratified the judgment Napoleon passed on Pitt in the *Mémorial de Sainte-Hélène* (p. 311). Perhaps however the hero-worship of this book may find a complement in the curious learning which will doubtless fill the other volumes of the series.

L. G. W. L.

The subject of *A Colonial Autocracy; New South Wales under Governor Macquarie, 1810-1821* (London: P. S. King, 1909), was chosen by Miss Marion Phillips because the historical records of the state published by the government of New South Wales ceased with the issue of the volume containing the documents of the years 1809 to 1811, and it was therefore obvious that further research should commence where this publication left off. The period of Macquarie's governorship has not been hitherto adequately treated; yet, as Miss Phillips points out, it was a time of considerable interest, for during it the colony was expanding and becoming self-supporting. Soon after he returned to England the British government granted a measure of constitutional government to New South Wales, but during Macquarie's rule the government was still an autocracy, and his difficulties, especially his quarrels with the judges, were chiefly due to the impossibility of working such a government when the settlement began to grow, and more particularly when it grew sufficiently for the establishment of a judiciary which could make any attempt to assert its independence of the executive. Miss Phillips has drawn a most interesting picture of the colony at a little known time. The book is well written, and without being overloaded with detail quotes freely from the records, of which the author appears to have made a thorough examination. It is perhaps more successful in pointing out Macquarie's difficulties and troubles than in making clear why he attained the degree of success which he did, for the colony progressed under his rule. The narrative brings out very clearly the extraordinary autocratic power possessed by the governor. No orderly record even of the laws

in force existed in 1811 (p. 84), and the judge was of so little importance that he was not even informed of reprieves granted by the governor (p. 60). In 1815 Macquarie had trespassers on the domain flogged without a shadow of legal justification, and in 1816 the secretary of state (Lord Bathurst) animadverted strongly (p. 250) on the illegality of his proceedings in regard to the chaplain, Mr. Vale, while in another case in 1818 he censured the governor severely on the ground that 'you have had no hesitation in considering the signature of a petition to the house of commons as an act of sedition and as deserving of such punishment as it was in your power to apply' (p. 254). Yet Macquarie was, as Miss Phillips recognises, a conscientious and humane man. The system had in fact become unworkable. Nor is the result to be wondered at when we consider the difficulty of communication with Europe, which almost entirely suspended the operation of those official and other checks which restrain the most independent administrators of to-day. Neither the colonial office, which, as Miss Phillips admits, was well-meaning though not efficiently organised, nor parliament and public opinion can have exercised any effective control over a governor who sometimes could not get a reply to his despatches under a year.

H. L.

In *Virginia's Attitude towards Slavery and Secession* (London: Longmans, 1909) Mr. Beverley B. Munford brings forward much evidence to show that Virginia did not secede, at the time of the American civil war, from any love of slavery, but because of her rooted objection to the coercion by the federal government of the cotton states. The position of those who believed that, though it might be unwise for a state to secede, if it did so, there was no power in the federal government to coerce it, may appear at the present time worse than illogical. But it is only fair to remember, as Charles Francis Adams has reminded us, that in the days immediately preceding the civil war such was approximately the view of men like Charles Sumner, Abraham Lincoln, William H. Seward, and Horace Greeley. Mr. Munford writes with learning as well as with conviction; but Englishmen may complain that in dealing with the colonial period he adopts without hesitation the flamboyant judgments of Bancroft.

H. E. E.

When the future historian sits down to describe the early years of the present French Republic he will doubtless use as one of his sources *Les Projets de Restauration monarchique et le Général Ducrot* (Paris: Picard, 1909), which Vicomte de Chalvet-Nastrac has published from the general's memoirs and correspondence. General Ducrot was an ardent adherent of the Comte de Chambord, from whom he received autograph letters, here reproduced in facsimile, and for whom he worked so openly that he was deprived of his command of an army corps. The volume contains a not very edifying account of the petty disputes between the Legitimists and the Orleanists, which by dividing the Royalist party strengthened the Republic. General Ducrot, as a convinced Legitimist, had no great love for the Orleanist princes; he, like his chief, regarded the Duc d'Aumale as a 'mayor of the palace,' aiming at the presidency for himself, and he sums up the men of that family, not unjustly, as lacking in strength of character

and incapable of manly resolution. The perusal of these pages confirms our opinion alike of the political ineptitude of the Comte de Chambord, who sacrificed the throne for the colour of a flag, and of the hesitation displayed at critical moments by all the French princes. The two most important passages of the book are the general's meetings with the Prince de Joinville and the Duc d'Aumale at Biarritz in 1871, and with the Comte de Chambord during the latter's secret visit to Versailles in 1873—both striking proofs of their inability to act.

W. M.

The British Army has produced few men as many-sided as the late Major-General Sir John Ardagh, whose *Life* has been written by his widow, the Countess of Malmesbury (London: John Murray, 1909). He was a scientific soldier, 'the Moltke of the British Army' as Sir Evelyn Wood called him. He was a diplomatist, who attended the congress of Berlin and the Berlin conference of 1880 as technical and military adviser of the British plenipotentiaries. He was a member of the Bulgarian boundary, Greek frontier, and Chile-Argentine boundary commissions, and a director of the Suez Canal. He had a wide and thoroughly practical knowledge of international law. In India he showed great administrative ability as private secretary to Lord Lansdowne, and the military reforms recently carried out by Lord Kitchener are based upon the principles which he then laid down. Probably the work for which he will be remembered longest was that which he did as chief of the intelligence division. He was the director of military intelligence at the outbreak of the South African War, and he and his department were generally credited by the public with the responsibility for the initial reverses of that war. But the report of the War Commission completely exonerated him and showed that the information which his department had collected before the beginning of the war was 'extraordinarily accurate.'

The loyalty which endured in silence those many months of undeserved condemnation was amply repaid, not so much by the complete exculpation of the Intelligence Division, but rather by the national and official recognition of the value of its work and of the status which should be assigned to its staff.

Chapter xviii gives a very interesting account of the origin and growth of the intelligence division, of Ardagh's success in 'deepening and widening the mutual trust' between it and the foreign and colonial offices. It may be that the full story of Ardagh's career, especially in its later stages, has yet to be told, because, says Lady Malmesbury, 'the greater part of the material in my possession is of so highly confidential a nature that it cannot be used at all.' But she has given a lifelike picture of a man who to those enjoying the privilege of his friendship was a singularly attractive and loveable personality, and who 'by selfless devotion to duty and sterling character backed by a powerful intellect, without the adventitious aid of great family connections or moneyed influence,' rose to a position of ascendancy and established a lasting claim upon the gratitude of the profession which he adorned. On page 356 the date 1905 should be 1895.

W. B. W.

*The Clerk of Oxford in Fiction*, by Mr. Samuel F. Hulton (London: Methuen, 1909), belongs more to literature than to history, though the

literary value of the materials which it comprises is seldom high. It is a farrago of what has been written by poets, pamphleteers, and novelists about Oxford and Oxford men. Much of its contents is well known, but there is a good deal taken from obscure sources, and some parts are printed for the first time. Mr. Hulton has devoted much labour to bringing together his motley assemblage, and has produced an entertaining book. It was inevitable that caricature should settle upon a few particular types, and history suffers from the assumption that those types represented the normal undergraduate. Mr. Hulton is at great pains to prove the persistence of a single type, but we are not sure that he wishes to be taken seriously. A good many names are misspelt, and there is no early authority for assigning John Scogan to Oriel College. O.

*The History of Pembrokeshire*, by the Rev. James Phillips (London: Elliot Stock, 1909), is a posthumous work, left incomplete at the writer's death and published by the pious care of his friends and kinsfolk, who warn us clearly in the preface of the circumstances in which it has been issued, and speak very modestly of their share in bringing it before the public. It would be unfair to examine too rigorously the details of such a book, and it is perhaps enough to say that it is in substance a flowing and brightly written popular narrative of the political and ecclesiastical history of South-West Wales, and in particular of the modern county of Pembroke. Problems are seldom discussed, still less settled. Much that one expects to find in a county history is not dealt with at all; and sometimes the narrative takes us rather far afield. The medieval period is treated at greatest length, but the author has some interesting things to say about more recent times, notably some new material for the history of the plague at Haverfordwest in 1651 and 1652. The chapters on the nineteenth century Mr. Phillips did not live to write, and we may share his brother's regret at the absence of that part of his scheme. T. F. T.

In *The Hague Peace Conferences and other International Conferences concerning the Laws and Usages of War* (Cambridge: University Press, 1909) Dr. Pearce Higgins has set forth the texts (English and French) of all subsisting international conventions from the Declaration of Paris of 1856 to that of London of 1909. Such texts are already accessible to English readers in a handy form in Mr. Whittuck's *International Documents*, but the present author adds immensely to the value and importance of his work by successive commentaries on the various texts, with which they alternate. The international lawyer will find these commentaries most exhaustive and useful. The book is clearly arranged and well indexed. G. B. H.

*The Union of South Africa* (Oxford: Clarendon Press, 1909), by the Hon. R. H. Brand, comprises some 130 pages of historical outlines, political speculation and legal commentary, and a further fifty-five pages, containing the text of the South Africa Act, 1909. The author consequently risks falling between two stools, as it is difficult within so narrow a compass to deal adequately with a subject on which much can be said both by the political theorist and the constitutional lawyer. We prefer Mr.



Brand the historian to Mr. Brand the jurist; for, though he treats the legal side of his topic capably, his observations are in this respect undistinguished, and are not, we fancy, based on as wide a legal knowledge as those, for instance, which have been expressed on the same subject in a recent publication of the Society of Comparative Legislation. On the other hand, Mr. Brand's views on the recent history and present state of South Africa are of great interest, and are likely to possess lasting importance, as being those of a well-informed eye-witness of several of the events, secret as well as public, which it is his province to summarise. Such views appear to be marked by sound judgment, unusual impartiality, and a nice sense of proportion—qualities that suggest the best type of historical training.

G. B. H.

Last year we called attention to the third edition of the second volume of Sir William R. Anson's standard work on *The Law and Custom of the Constitution* (vol. xxiv. p. 354). Now we have to record the appearance of the fourth edition of vol. i., 'Parliament' (Oxford: Clarendon Press, 1909). This is not recast as the other volume was, but there are signs of careful revision and small changes throughout, especially in the parts which deal with the system of the present time; and yet, so watchful has the author been not to overburthen his book, that its number of pages has hardly increased at all, though the use of a stiff unyielding paper makes the volume bulkier and less pleasant to consult. Historical students, we may add, will do well to preserve their copies of the older editions, because a number of details, e.g., about the ordinary daily procedure of the house of commons, have been revised so as to describe the current practice and not that which formerly prevailed. We read now of 'the ten minutes' rule,' but 'morning sittings' have disappeared. Such changes, we hasten to add, are entirely warranted by the purpose for which the book is intended.

P.

Mr. Bernard W. Kelly's *Short History of the English Bar* (London: Swan Sonnenschein, 1908) is a readable, popular handbook on an aspect of legal history which has been somewhat neglected.

G. B. H.

Mr. C. E. A. Bedwell's *Brief History of the Middle Temple* (London: Butterworth, 1909) is a reprint of articles that have already appeared in various legal periodicals. The chapter dealing with the relations between America and the Middle Temple is of considerable historical interest. It is curious that this society should have numbered among its members not merely Raleigh, Amadas, Lane, Frobisher, Hawkins, and Gosnold, but also five signatories of the declaration of American independence.

G. B. H.

*Armour and Weapons*, by Mr. Charles ffoulkes (Oxford: Clarendon Press, 1909), achieves fully the end at which Viscount Dillon in his preface tells us it aims, viz. to provide 'a handy work, not excessive in size or price, giving really correct information.' Four chapters trace the development of armour from the age of mail to the age of plate, with a digression full of human interest on the manufacture, cleaning, and mending of armour, and the way in which it was put on and fastened. Chapter v.

describes the armour of the war-horse, the *destrier*, who alone could carry the fully-armed knight in his ingenious, uncomfortable, and weighty equipment. A short chapter follows on the decadence of armour, and the book closes with a too brief account of some of the main weapons used. One wishes that space had permitted Mr. ffolkes to throw light on some of the puzzling weapons prescribed by the statute of Winchester. The first four classes of men in that document, of whom only the wealthiest could provide a horse, were all alike armed with an *espe*. Was this a sword or a lance? An illustration from a fourteenth-century manuscript (p. 35) shows mounted men armed with both. Men with less than forty shillings' worth of land were to be *jure a faus gisarmes cuteus e autres menues armes*. Mr. ffolkes gives us both a picture and a description of the gisarme, the 'broad-bladed weapon . . . used only by foot soldiers . . . evolved from the agricultural scythe.' It would have been interesting to have the same for the *faus* or *falces*, which presumably represent a similar development from the reaping-hook. A clear list of other authorities, and an introduction with some warnings, point the way for further information. The admirable illustrations and the general appearance of the book cannot be praised too highly.

H. J.

The last two volumes of the *Transactions of the Royal Historical Society* (New Series, vol. ii., iii., 1908, 1909) include an interesting article by Mr. Basil Williams in vol. ii. on 'The Eclipse of the Yorkes,' from materials among the Hardwicke papers, and an elaborate biography by Mr. C. L. Kingsford in vol. iii. of Sir Otho de Grandison, the friend of Edward I, who took part in the last defence of Acre and was lord of the Channel Islands. We may gather from it how much there remains to be learned from the 'Ancient Correspondence' which was formed into a separate class not very many years ago at the Record Office. Each volume contains a paper by Professor Firth on the ballad history of the Tudors, combining learned information with entertainment. In vol. ii. Mr. G. W. Forrest writes on the siege of Madras in 1746 and the action of La Bourdonnais, and Miss K. Hotblack on the Peace of Paris; and in vol. iii. Mr. H. W. V. Temperley on the causes of the 'war of Jenkins' ear,' and Miss L. de Alberti and Miss Wallis Chapman on English traders and the Spanish Canary inquisition during the reign of Queen Elizabeth. The bicentenary of the earl of Chatham is also commemorated in vol. iii.

Q.

A book written by a distinguished historian mainly about historians deserves a welcome in this Review, though the volume of *Historical Essays* (New York: Macmillan, 1909) which Mr. James Ford Rhodes has published is merely the pleasant *πάρεργον* of a busy man. Perhaps the essay on 'Newspapers as Historical Sources' is the most valuable.

H. E. E.

*Errata in the January Number.*

P. 31, line 3, for 1204 read 1203.

P. 37, n. 45, for 'Hopf, *ubi supra*,' read 'Hopf, in Ersch u. Gruber, lxxxv. 285.'

P. 55, n. 120, transfer *ἱστορία τῶν ἀρχαίων δοῦκων* to n. 118.

*In the present Number.*

P. 232, line 23, after 'provincial councils' insert 'and parliament.'

# THE ENGLISH HISTORICAL REVIEW

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## *The Battle of Lake Trasimene*

AMONG the many puzzles of the second Punic war the problem regarding the exact site of the battle of Lake Trasimene is one of the most baffling. Twenty-four years ago the late Mr. W. T. Arnold summed up the result of half a century of investigation by saying that in the light of existing knowledge the question could not be answered; and the more recent discussion on this subject might seem at first sight to confirm his statement, for the divergences between the views of leading contemporary scholars continue to be more conspicuous than their points of agreement. Yet a review of the entire controversy brings out the fact that the number of points which really admit of dispute is not too great to be brought within compass, and suggests that a systematic application of certain canons of criticism may yield some fairly definite solution. It may therefore be of use to collect the chief data which are available for the determination of the site, and by means of these to adjudicate on the various theories which call for comment.

The list of notable essays on the subject is as follows:—

B. Nissen, *Rheinisches Museum*, xxii. (1867), 565–86.

H. Stürenburg, *De Romanorum cladibus Trasumenna et Cannensi* (Leipzig, 1883); and *Zu den Schlachtfeldern am Trasimenischen See und in den Caudinischen Pässen* (Leipzig, 1889).

F. Voigt, *Berliner Philologische Wochenschrift*, iii. (1883), 1580–98.

G. Faltin, *Rheinisches Museum*, xxxix. (1884), 260–73; and *Berliner Philologische Wochenschrift*, iv. (1884), 1017–21, 1049–53.

All these and some minor contributions are brought under review in a note by W. T. Arnold, printed as an appendix to Dr. Arnold's account of *The Second Punic War* (note E, pp. 384–393, ed. 1886).

A. Tilley, *Classical Review*, vii. (1893), 300–2.

G. B. Grundy, *ibid.* x. (1896), 284–7; and *Journal of Philology*, xxiv. (1896), 102–19; xxv. (1897), 273–89.

B. W. Henderson, *Journal of Philology*, xxv. (1897), 112-30; xxvi. (1899), 203-233.

J. Fuchs, *Wiener Studien*, xxvi. (1904), 118-50.

F. Reuss, *Klio*, vi. (1906), 226-36.

E. Sadée, *ibid.* ix. (1909), 48-67.

T. Ashby, *Journal of Philology*, xxxi. (1908), 117-22.

J. Kromayer, *Sitzungsberichte der Kaiserlichen Akademie der Wissenschaften*, philosophisch-historische Klasse, Vienna, 1908, no. 19.<sup>1</sup>

The geographical data are supplied in fair quantity by Polybius and Livy, whose evidence is *à priori* entitled to considerable respect. Polybius can hardly be accepted as a leading authority on Etruscan topography,<sup>2</sup> but the circumstantial nature of his account is in itself a ground for confidence. Livy too cannot be safely disregarded, for it is likely enough that in the course of his life he traversed Etruria by the Via Cassia, and from this highway he needed to deviate but slightly in order to inspect the site of a combat which, he says, made a great impression upon him.<sup>3</sup> The chief points of information furnished by these authors are as follows:—

1. The approach to the chief scene of combat was through a narrow defile between the lake and an abutting mountain wall.<sup>4</sup> Livy adds the important detail that the heights in question belonged to the mountain system of Cortona.<sup>5</sup>

<sup>1</sup> Professor Kromayer's article, which is in the nature of a summary sketch, is to be followed by a more detailed exposition. Although this author's interpretations of ancient battles have been severely criticised by Continental scholars, the painstaking character of his work entitles it at any rate to serious consideration. Colonel T. A. Dodge's *Hannibal*, which deals with the question under review, is only known to the present writer through a quotation by Mr. B. W. Henderson. H. Hesselbarth's *Historisch-kritische Untersuchungen zur dritten Dekade des Livius* (Halle, 1889) contains a theory about Lake Trasimene (p. 694 *sqq.*) which need not here be taken into account, as the amount of its usefulness is a negligible quantity.

<sup>2</sup> A closer inspection of Strabo's description of Etruria (v. 8-9) will show that Polybius's knowledge of the subject was not esteemed by the expert geographer so highly as Professor Voigt (*Berl. philol. Wochenschrift*, iii. 1591) has endeavoured to make out.

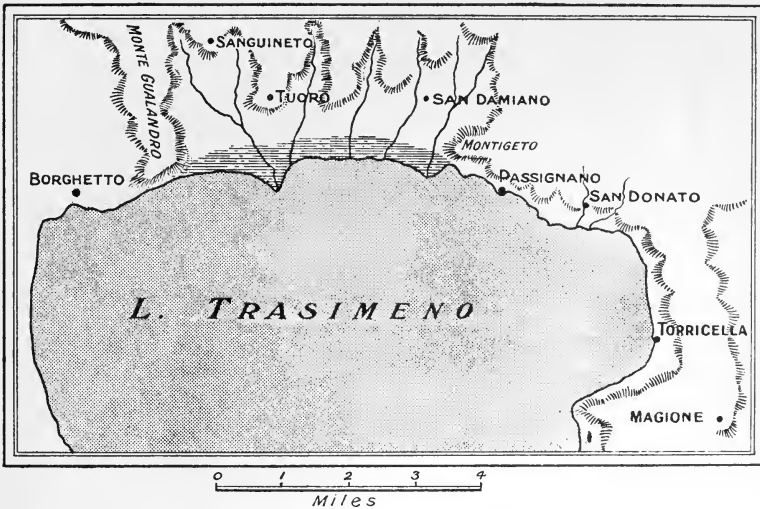
<sup>3</sup> *Inter paucas memorata clades* (xx.i. 7, 1).

<sup>4</sup> ἄλμνη τελείως στενήν ἀπολείπουσα πᾶροdon παρὰ τὴν παράρειαν (Polyb. iii. 83, 1). *Ubi maxime montes Cortonenses Trasimennus ubi via tantum interest peranzusta, velut ad id ipsum relicto spatio* (Liv. xxii. 4, 2)

<sup>5</sup> Dr. Ashby has endeavoured to show that the ancient line of road did not follow the lake shore, but was carried a little way inland across the mountain slope, which he identifies with Monte Gualandro, at the northernmost point of the lake. But this hill shelves upwards with an almost continuous slope, and its surface is not indented with any such gorge as Polybius and Livy, to say nothing of Appian (*Annibaica*, ch. 9: φάραξι) and Zonaras (viii. 25: στενόν), refer to with unmistakable emphasis. Nor does it serve Dr. Ashby's purpose to point out that nowadays a disused track runs through an ancient cutting in the plain west of Monte Gualandro. Both Polybius and Livy locate the defile as skirting the lake shore; Polybius further states that it was bounded on the other side by a mountain wall, and Livy's expression, *velut ad id ipsum relicto spatio*, suggests that the gorge was a natural and not an artificial depression. This language makes it plain that our ancient authorities imagined the road as running round the mountain wall, and not over it.

2. The defile opened out on to a level valley of no great width, which Polybius describes as running lengthwise between unbroken ranges of elevated ground, and terminated at either end by a steep transverse height and by the lake respectively.<sup>6</sup>

3. Polybius and Livy also make some incidental remarks about the topography of the site which do not entirely tally with the descriptions given above. Thus Polybius in narrating Hannibal's march to the position which he occupied at the outset of the battle declares that he went *through* the valley *along* the lake, *διελθὼν τὸν αὐλῶνα παρὰ τὴν λίμνην*.<sup>7</sup> If the word *διελθὼν* is here used in its ordinary sense of 'traversing lengthwise,' Hannibal must have been marching away from the lake, and not alongside of it. To remedy this difficulty it has been suggested that *διελθὼν* should in



this passage be taken to mean 'traversing broadways,' across the face of the valley,<sup>8</sup> or that the offending words *παρὰ τὴν λίμνην* should be deleted.<sup>9</sup> If a less violent solution than these two be preferred, it may be suggested that Polybius by an excess of brachylogy has condensed two separate moments of Hannibal's march into one. While the whole of the Carthaginian army cannot have been moving at once up the valley and along the lake, it is quite possible that the van was already turning away from the lake inland while the

<sup>6</sup> ὄντος δὲ κατὰ τὴν διόδον αὐλῶνος ἐπιπέδου, τούτου δὲ παρὰ μὲν τὰς εἰς μῆκος πλευρὰς ἑκατέρας βουνῶς ἔχοντος ὑψηλοῦς καὶ συνεχεῖς, παρὰ δὲ τὰς εἰς πλάτος κατὰ μὲν τὴν ἔντικρυ (πλευρὰν) λόφον ἐπικείμενον ἐρυμνὸν καὶ δύσβατον, κατὰ δὲ τὴν ἀπ' οὐρᾶς (πλευρὰν) λίμνην (Polyb. iii. 83, 1). *Deinde paulo latior patescit campus, inde colles adsurgunt* (Livy, xxii. 4, 2). It will be noticed that Livy's account is too vague to possess any independent value, but so far as it goes it quite bears out Polybius's exposition.

<sup>7</sup> iii. 83, 2.

<sup>8</sup> Grundy, *Journ. of Phil.* xxiv. 108; xxv. 283; Fuchs, *ubi supra*, p. 138.

<sup>9</sup> Faltn, *Rhein. Mus.* xxxix. 263.

rear was still threading the defile by the lake-side.<sup>10</sup> Again, Livy in describing the position of the Roman army after entering the valley uses the words *ab lateribus montes ac lacus, a fronte et ab tergo hostium acies claudebat*,<sup>11</sup> although this could only apply to a force caught in the entrance passage to the valley. The most straightforward explanation seems to be that Livy, like Polybius, has sacrificed clearness for conciseness and has failed to distinguish between that part of the Roman column which was already out of the defile and that part which was not yet disengaged.

4. The question remains whether the natural features of the site have persisted without change since Hannibal's time. It is clear that such is not altogether the case. The action of numerous rivulets in carrying detritus from the mountains into the lake has had the effect of widening the plain at the north-eastern end of the lake to an appreciable extent. There is also reason for believing that the lake has made corresponding encroachments on the adjoining mountain cliffs, thus obliterating the ancient line of road; but this question neither has been nor need be determined for certain.<sup>12</sup> As regards the lines followed by the ancient road, the arguments which assume its identity with the direction of the modern highway are entirely arbitrary.<sup>13</sup>

The indications of time are too scanty and indefinite to shed much light on the question of the whereabouts of the battle. But two points may serve as guidance. First, Flaminius moved through the defile and was approaching the valley shortly before sunrise—say, at 5 o'clock.<sup>14</sup> Secondly, the battle lasted about three hours,<sup>15</sup> and it was practically over by the time when the sun was growing hot<sup>16</sup>—

<sup>10</sup> A similar instance of compression being carried to the point of erroneous statement occurs just previously in iii. 82, 8: ὁ Ἀννίβας προῆει διὰ τῆς Τυρρηνίας, εὐώνυμιον μὲν πόλιν ἔχων τὴν προσαγορευομένην Κυρτώνιον καὶ τὰ ταύτης ὕρη, δεξιὰν δὲ τὴν Τορσιμένην καλουμένην λίμνην. Polybius has here represented two successive situations—first, Hannibal marching south, with Cortona on his left; secondly, Hannibal turning off east, with Lake Trasimene on his right—as synchronous.

<sup>11</sup> xxii. 5, 4.

<sup>12</sup> Although the depth of the lake is recorded by Nissen (*Italische Landeskunde*, i. 298, ii. 319) to have diminished considerably since earlier days, this result may be largely ascribed to the construction of an emissory channel on the south bank during the fifteenth century. The building of this tunnel suggests that previously the waters had made inroads on the shore at the opposite side, and the fact that in 1897 a new drain was constructed with the express purpose of guarding against inundations makes good Dr. Grundy's contention (*Journ. of Phil.* xxv. 276–280) that the cliffs on the north bank may have been eroded. Further information on this subject will perhaps be found in Danzetta, *Sul lago Trasimeno* (Perugia, 1884), of which the present writer has been unable to see a copy.

<sup>13</sup> This important point has been brought out with wholesome emphasis by Dr. Ashby.

<sup>14</sup> ὁ Φλαμίνιος εὐθέως ὑπὸ τὴν ἑωθινὴν ἤγε τὴν πρωτοπορίαν παρὰ τὴν λίμνην εἰς τὸν ἀδῶνα (Polyb. iii. 83, 7). *Vixdum satis certa luce angustiis superatis* (Liv. xx'i. 5, 4).

<sup>15</sup> *Tres ferme horas pugnatum est* (Liv. xxii. 6, 1).

<sup>16</sup> *Inclinata denique re cum incalescente sole dispulsa nebula aperuisset diem* (*ib. d.* xxii. 6, 5).

about 9 A.M. in an Italian spring. This suggests that the action began not far from 6 A.M.<sup>17</sup>

The movements of the rival armies and the incidents of the actual battle supply numerous small items of evidence which may be brought to bear upon the question of site. Flaminius was determined to fight at all costs, and in approaching the basin of Lake Trasimene had no other object than to give battle to Hannibal *wherever he might find his opponent*.<sup>18</sup> Hannibal, being thus able to choose his own ground with the certainty of Flaminius accepting battle thereon, first traversed the valley beyond the defile by the lake shore; he next posted his centre on a hill 'facing the line of march'; then he placed his Balearic slingers and other light troops on the slopes of the longitudinal heights 'to the right'; finally he stationed his cavalry and Gaulish contingents in a similar position along the hills 'on the left-hand side,' with the end of the line touching the lake under cover of some screening folds of ground.<sup>19</sup> Two ambiguities are contained in this account. The site of the 'hill facing the line of march' (*τὸν κατὰ πρόσωπον τῆς πορείας λόφον*),<sup>20</sup> is not determined with sufficient exactitude, and Polybius' point of view in speaking of 'left-hand' and 'right-hand' hills is not certain. Both these points will need to be discussed more closely later on. Again, Flaminius advanced into the valley without exploring, and with his field of view obscured by a morning mist. The only part of the Carthaginian army visible to him was the detachment on the hill 'facing the line of march,' which Hannibal had exposed on purpose.<sup>21</sup> As soon as the greater part of the Roman army had debouched into the valley Hannibal gave the signal for a simultaneous attack. The Roman van, which had not completed its formation into fighting array, was thus caught in front and on both flanks; the rear, which was still winding through the defile, was

<sup>17</sup> The statement of Zonaras (viii. 25) that Hannibal only reached the battlefield during the previous night, even if correct, hardly helps to elucidate the topographical problem. Appian's assertion (*Annibaïca*, 8) that Flaminius spent part of the morning in making an entrenchment is contradicted by the narratives of Polybius and Livy, and had therefore better be left out of account.

<sup>18</sup> Polybius (iii. 82, 4-8; iii. 83, 6-7) states this point very clearly. The neglect of this important consideration has given rise to much erroneous argument. The real character of Flaminius' intentions has recently been brought out with much force by E. Sadée (*Klio*, 1909, pp. 48-67). This author, it is true, overstates his case when he says that Flaminius had reconnoitred Hannibal's position and was given time by the latter to arrange the bulk of his army in fighting order, for both of these assertions are in direct opposition to Livy (xxii. 4, 4: *inexplorato*; xxii. 4, 7: *pugnari coeptum est ante quam satis instrueretur acies*). But by pointing out clearly that Flaminius had no other objective save Hannibal's army he has helped to remove a great deal of confusion.

<sup>19</sup> Cf. Polyb. iii. 82, 2-4; Liv. xxii. 4, 3.

<sup>20</sup> Polyb. iii. 83, 2.

<sup>21</sup> *Ibid.* iii. 83, 7-84, 1; Liv. xxii. 4, 4. Zonaras (*loc. cit.*) adds the credible detail that Flaminius thought the bulk of Hannibal's army had been sent further afield, and that the force in front of him was quite small in numbers.

assailed on one flank and from behind.<sup>22</sup> The Roman casualty list gives no clue as to the local distribution of the forces.<sup>23</sup> Among the prisoners were a body of 6000 Romans of the vanguard, who pushed their way forward through the opposing forces and made good their escape over the mountains, but were eventually rounded in by Hannibal's cavalry.<sup>24</sup> As the effort of the Roman van was directed straight ahead<sup>25</sup> it follows that the visible front of Hannibal's line was comparatively weak. This would be in exact accord with his tactics at the Trebia and at Cannae. Unfortunately the lack of detail as to the Romans' line of retreat makes it unsafe to found any topographical hypothesis on this incident of the battle.<sup>26</sup>

The names of Ossaia and Sanguinetto, situated on the north side of the lake, have been used by modern local tradition to determine the exact site of the battle. But the origin of these designations ought certainly to be found in other circumstances than those of the battle. The evidence of philology is therefore not admissible.<sup>27</sup>

Excavation has not yet been conducted on any systematic plan; and the only finds hitherto recorded have been some skulls scattered along the defile of Passignano, to the north-east of the lake. There is no proof that these are ancient, and if their presence in the ground needs to be ascribed at all to an armed conflict numerous other encounters may be supposed to have occurred on the shores of the lake. On the neighbouring hill of Magione there may still be seen a fifteenth-century fortification, once the property of the lords of Perugia, which no doubt served to check incursions from the Val di Chiana and in 1502 was the head-quarters of a league formed

<sup>22</sup> Polyb. iii. 84, 1-4; Liv. xxii. 4, 5-7; 5, 4. The interpretation given to the ambiguous passages in these contexts has been explained above, p. 419. It is noteworthy that both authors describe the attack as being delivered on the *two* flanks.

<sup>23</sup> Polyb. (iii. 84, 7, 85, 1) enumerates 15,000 killed in the valley, and more than that number taken prisoners. Livy (xxii. 7, 1) says that 15,000 were killed 'in line of battle' and that 10,000 escaped. By combining these data, and allowing for the losses in the defile, the grand total of the Roman army is brought up to about 50,000. But it is altogether unlikely that the 10,000 Romans who escaped took part in the battle. Furthermore the fact that the Carthaginians at one point of the field gave no quarter (Polyb. iii. 84, 10; Liv. xxii. 6, 3), and the silence of Livy concerning the number of captives, suggests that Polybius' total of prisoners is too high. It may also be doubted whether Livy's *quindecim millia caesa in acie* does not represent the *total* loss rather than the loss *in the valley*. Thus it seems necessary to reduce the Roman force to something under 40,000. Perhaps Appian's estimate of 30,000 (*loc. cit.*) is not far off the mark.

<sup>24</sup> Polyb. iii. 84, 11-14; Liv. xxii. 6, 5-7.

<sup>25</sup> Liv. xxii. 4, 4.

<sup>26</sup> It may be laid down as a canon that the 6000 must not have come in view of either Cortona or Perugia; else they would have made for one of these harbours of refuge instead of wandering aimlessly for twenty-four hours before their capture. Sadée (*ubi supra*) contends that a force breaking out in a north-easterly direction from the lake must have espied Perugia. The present writer's own recollection does not serve either to refute or to verify this statement; but it is certain that the basin of the lake is not visible from Perugia, as the westward view from that town is restricted by a neighbouring line of hills, and the converse statement would seem *à priori* to be true.

<sup>27</sup> Cf. Nissen, *Rhein. Museum*, xxii. 582.



to combat Caesar Borgia. Before the archaeological evidence can be allowed to bear weight it will be necessary to discover some more distinctive relics : best of all would be some Roman or Carthaginian pieces of equipment.

We have now to pass in review the most important of modern hypotheses as to the site, and to test their validity in the light of the evidence collected above.

i. According to the Torricella-Magione theory, accepted by Professor Voigt, Mr. Tilley, Mr. Henderson, Mr. Dodge, and Professor Kromayer, the defile extended from Passignano to Torricella on the north-east side of the lake, and the valley from thence up the slope of Colognola to Magione. Hannibal's army was deployed as follows : the centre stood at Magione, the Gauls and horsemen on the south side of the valley, the Balears on the opposite northern declivity and all along the range which skirts the lake as far as Passignano. This disposition certainly fits in well with the evidence supplied by Polybius in the matter of Hannibal's arrangement of his troops. It also has the advantage of interpreting that author's expression of 'right-hand' and 'left-hand' heights from the point of view of Hannibal, which appears to be the most natural orientation.

But the theory when considered in all its implications is found to conflict at several points with the data enumerated above. The mountains between Passignano and Magione could hardly be described as 'belonging to the system of Cortona.' Yet Livy's language in this passage is very precise and seems to be based on sound information rather than mere conjecture. Moreover, the valley between Torricella and Magione is by no means level, as Polybius describes it, but rises towards Magione with an average gradient of about 1 in 10,<sup>28</sup> and when seen from a distance looks like a veritable mountain pass. This difficulty is freely admitted by Mr. Henderson, the most positive advocate of the Torricella-Magione site.<sup>29</sup> The chronological evidence, so far as it goes, tells against this theory. The passage of the Roman vanguard from the entrance of the Passignano defile to Magione, over six to seven miles of mostly narrow road, would have required at least two hours. In order to come into touch with Hannibal's centre about 6 A.M. it would have had to start before 4 A.M. But this assumption, though perhaps reconcilable with the description of Livy, is hardly consistent with that of Polybius. Again, the Torricella-Magione site is not the first *locus natus insidiis* in the basin of Lake Trasimene. Yet it was clearly in Hannibal's interest to set the trap at the earliest possible opportunity, for fear Flaminius should have time to acquaint himself better with the dangerous nature of the ground, and so grow wary.<sup>30</sup> It would

<sup>28</sup> Grundy, *Journ. of Phil.* xxiv. 116.

<sup>29</sup> *Ibid.* xxv. 129-30.

<sup>30</sup> Ashby, *ubi supra*, p. 121.

have been difficult for Hannibal, if stationed at Magione, to give a signal which would have been visible to all his troops at once. Yet Polybius states emphatically that the attack was a simultaneous one at all points.<sup>31</sup> Lastly, a cavalry force posted on the end of the southern longitudinal range near the lake would have been largely wasted, as the slope is too precipitous for a charge by mounted men.<sup>32</sup> Nor does Mr. Tilley's rejoinder, that such an attack would have been possible as a surprise movement,<sup>33</sup> meet the objection. Whatever the possible measure of its success, Hannibal's cavalry at this point must have been far less efficient than if it had been posted on the more open ground *away from* the lake.

A modification of this theory, proposed by Colonel Dodge and apparently adopted in the second article by Mr. Henderson,<sup>34</sup> locates the valley at San Donato, in the middle of the Passignano-Torricella defile, where the mountains recede somewhat from the lake and leave a plain  $1\frac{1}{2}$  m. long by  $\frac{1}{2}$ - $\frac{3}{4}$  m. broad. Hannibal's centre would thus be posted on the bluff by the lake shore that terminates the eastern end of the hollow, and his wings would have extended on either side along the defile as far as Passignano and Torricella respectively.<sup>35</sup> This amendment meets the second, third, and fifth objections, as formulated above, but in no way breaks the force of the others. It also raises some fresh difficulties; for the San Donato valley could hardly be described as bounded by hills on both its longitudinal sides; <sup>36</sup> nor could it have accommodated the 'greater part' <sup>37</sup> of the Roman army, i.e. certainly over 20,000, perhaps 30,000 men. No useful purpose could have been served by the Carthaginian troops stationed between the valley and Torricella. Since Hannibal's attack began so soon as Flaminius got into touch with the troops on the projecting bluff, the Romans could not have come anywhere near Torricella, and so must have remained out of reach of Hannibal's left wing. Finally the Romans could not have been caught by the Carthaginians on *both* flanks, because on the present hypothesis their advance was along the lake from beginning to end.

ii. The Montigeto theory, accepted by Dr. Fuchs, represents Hannibal as occupying the projecting spur of Montigeto, at the western extremity of the range which extends along the defile of Passignano. The 'defile' is located at the north end of the lake, under Monte Gualandro, and the 'valley' is identified with the entire basin east of Monte Gualandro and extending as far as Montigeto. In the

<sup>31</sup> Polyb. iii. 84, 1, 3. It must be conceded that this argument will not bear pressing. A signal might have been passed from section to section in a sufficiently short time.

<sup>32</sup> Faltin, *Berliner philol. Wochenschrift*, iv. 1020-1.

<sup>33</sup> *Class. Rev.* vii. 301.

<sup>34</sup> *Journ. of Phil.* xxvi. 214-5.

<sup>35</sup> This reconstruction of Hannibal's scheme of attack is not made explicitly by Mr. Henderson, but is a necessary inference from his new premiss.

<sup>36</sup> See above, p. 419.

<sup>37</sup> Polyb. iii. 84, 1.

west of this plain, between Monte Gualandro and Tuoro, Hannibal is conceived to have stationed his Gauls and horsemen; the light-armed troops are represented as standing between Tuoro and Montigeto. This account provides Hannibal with the widest possible field of action, such as under ordinary circumstances would give most scope to a mobile and lightly equipped force. It also accords well with Polybius' description of Hannibal's march to his position being alongside of the lake.<sup>38</sup>

But it is open to about as many objections as the Torricella-Magione theory. The plain extending between Monte Gualandro and Montigeto is far too wide to be fitly described as an *αὐλὼν*, which implies a narrow valley, or as a *paulo patentior campus*. Nor could Monte Gualandro and the range that runs inland from Montigeto be called its 'longitudinal' boundaries. Besides, on this hypothesis it is necessary to take Polybius' words *διελθὼν τὸν αὐλῶνα*<sup>39</sup> as equivalent to 'marching across the face of' the valley. But it has already been observed that this rendering is of doubtful validity. The manœuvre by which Hannibal first brought his army to the hill 'facing the line of march'—that is, Montigeto—and then despatched the Gauls and horsemen back to where they came from by a circuitous march round the entire inner side of the valley, seems to be without rhyme or reason. If the cavalry were to take up their final position on Monte Gualandro, why was it not possible to tell them off to that station straightway, instead of tiring them out with a circuit of some ten miles?<sup>40</sup> Again, if the 'right-hand' and 'left-hand' hills are identified with the heights east and west of Tuoro respectively, Polybius' description must have been made from the point of view of somebody facing north. But *ex hypothesi* Hannibal's troops faced west and south, and the Roman march was directed eastward. On this showing Polybius' orientation would have been the most unbusinesslike one which he could have chosen. It may be added that Hannibal would have found it just as difficult to send a simultaneous signal from Montigeto as from Magione, and that the Carthaginian attack would have fallen upon one flank only, the Roman right being contained in its whole length by the lake.

iii. The San Damiano theory, favoured by Faltin, resembles the previous one in most respects, but differs in placing Hannibal in the eastern pocket of the plain near San Damiano. Its only recommendation lies in the fact that the valley round San Damiano is fringed by a row of small foot-hills in front of the main range, affording to the Carthaginians more easy concealment than elsewhere in the Trasimene basin. But it will be readily seen that Faltin's view

<sup>38</sup> Polyb. iii. 83, 2.

<sup>39</sup> iii. 83, 2.

<sup>40</sup> Dr. Fuchs does not make it quite plain whether he conceives Hannibal's evolutions in accordance with the description given above; but this is the only explanation consistent with a strict interpretation of Polybius' text.

shares all the weaknesses of Fuchs's. Besides, by representing Hannibal as stationed on low ground it contradicts the evidence both of Polybius<sup>41</sup> and Livy.<sup>42</sup> Nor does it explain how Hannibal's position remained visible when the mist rose in the morning.<sup>43</sup>

iv. On the Tuoro theory, which has the support of Nissen, Stürenburg, and Dr. Grundy, Hannibal's position is transferred to the ridge of Tuoro, which projects into the centre of the plain at the north-eastern end of the lake. His wings are disposed along the crescents of hills on either side of the central spur, the Gauls and horsemen extending along Monte Gualandro to the edge of the water.<sup>44</sup> In this account of the battle the most important feature is the identification of the 'valley' mentioned by the ancient historians with the level ground between the ranges of Gualandro and Tuoro which leads up to the northerly cross-ridge of Sanguineto.

Objections to this interpretation have been made on the grounds that the surrounding hills are not sufficiently lofty to accord with Polybius' statement<sup>45</sup> that the plain is not 'a little wider' (i.e. than the defile under Monte Gualandro), but much more so;<sup>46</sup> and that the Tuoro range hardly extends near enough to the lake to justify Polybius' use of the word *αὐλώων*, which connotes an enclosed valley. But the force of these criticisms is broken by some further considerations. First, the hills of Gualandro and Tuoro, which rise 600 and 450 feet respectively out of the surrounding plain, were quite high enough for the purpose in hand, viz. of attacking the Roman army *ex aequo loco*.<sup>47</sup> Indeed a moderate slope would have favoured a swift descent more than a severe one.<sup>48</sup> Besides, the word which Polybius uses in this context is applied by him specifically to indicate a short protuberance,<sup>49</sup> and the expressions of Livy (*colles*) and of Zonaras (*γῆλοφος*) likewise suggest a small rise. Secondly, when Livy used the expression *paulo patentior campus* it does not follow

<sup>41</sup> *λίφον κατελάβετο* (iii. 83, 2).

<sup>42</sup> *Colles adsurgunt. Ibi castra in aperto locat*, i.e. on the hill crest (xxii. 4, 2, 3).

<sup>43</sup> See above, p. 421.

<sup>44</sup> Dr. Grundy does not explicitly state how he supposes the Gauls and cavalry to have been located, but it seems a fair inference from the rest of his argument that his opinion on this point coincides with that of Nissen and Stürenburg. Nissen extends the cavalry action to the plain of Borghetto, west of Gualandro, where he supposes the Carthaginians to have driven the Roman rearguard onward into the defile. This view in no wise conflicts with Polybius' and Livy's account of the attack on the Roman rear, and is directly confirmed by Zonaras (viii. 25). But it is by no means indispensable to a complete reconstruction of the battle and does not square well with Livy's statement (xxii. 7, 2) that 10,000 Romans escaped. This last-named circumstance would hardly have been possible unless the extreme hind end of the Roman force had been left with a free line of retreat.

<sup>45</sup> iii. 83, 1.

<sup>46</sup> Liv. xxii. 4, 2.

<sup>47</sup> Cf. Grundy, *Journ. of Phil.* xxv. 283.

<sup>48</sup> Compare above, p. 424.

<sup>49</sup> Polyb. ii. 15, 8 opposes *τόποι βουνώδεις καὶ γεώδεις* to mountains proper. Polyb. v. 22, 1 describes the Menelaëum hill at Sparta, which is a steep but short river-side bluff, as a *βουνός*. Cf. also Plutarch, *Vita Crassi*, 25, which relates how the Romans retreating from Carrhae saw a *θῆς βουνώδης* in the plain—clearly nothing more than a *tell*, or artificial hump of earth, such as are common on the Mesopotamian plain.

of necessity that he was thinking of the previously mentioned defile as a standard of comparison. He may just as well have meant to indicate in general terms a somewhat narrow plain, which would be an apt way of describing the Sanguineto pocket as opposed to the whole expanse of open ground on the north-eastern side of the lake. Nor does Livy seem to lay any stress on the qualification introduced by *paulo*: elsewhere<sup>50</sup> he calls the field of battle *patentior*, without the use of any restrictive adverb. Thirdly, it is generally conceded that the lake shore to the south of Tuoro has moved a considerable distance further out from the high ground since ancient times. Consequently in Hannibal's days the Sanguineto valley must have been so nearly enclosed by hills on both sides that Polybius could hardly have found a better word than *αἰλῶν* to describe it.

Again, it has been urged against this view that it misinterprets Polybius' words as to the 'left-hand' and 'right-hand' hills on which Hannibal's troops were stationed. The Tuoro theory requires that 'left-hand' should mean 'westernmost,' as the 'left-hand' hill, which Polybius further describes as extending to the lake, can only be identified with Monte Gualandro, on the west side of the valley; yet since Polybius' point of view in making this description would most naturally have been that of Hannibal, i.e. with an outlook to the south, 'left-hand' ought to mean 'easternmost.' With regard to this contention it may be admitted that if Polybius had spoken of right and left *wings*, the expressions 'right' and 'left' could only be interpreted from Hannibal's point of view. But the expressions 'right-hand' and 'left-hand' hills are open to another interpretation, for they may have been intended to represent the Roman point of view, which looked towards the north; and in this case the 'left-hand' position would be the westerly one, as required. Though this construction is not quite so obvious as the other one it seems at any rate perfectly plausible, the more so because Polybius almost certainly used Roman as well as Carthaginian sources for his narrative.

It may therefore be concluded that the Tuoro hypothesis finds a satisfactory site for both the chief natural features mentioned by the ancient authorities, viz. the defile and the valley. And in so far it is superior to the preceding ones, which have been shown to err in one detail or the other. A further argument in favour of this view is that the Tuoro height answers well to Polybius' description of a hill 'opposite the line of march.'

On the other hand there are further objections to the Tuoro theory which deserve to carry more weight. First, in making for Tuoro Hannibal could hardly be described as having passed through the valley *lengthwise*, as seems implied in Polybius' expression *διελθὼν τὸν αἰλῶνα*.<sup>51</sup> Secondly, the arrangement of Hannibal's troops would have been unsuitable for the work in hand. The troops

<sup>50</sup> Liv. xxii. 4, 4.

<sup>51</sup> See above, p. 419.

at the northernmost end of the Sanguineto valley would have had nearly a mile of open ground to traverse before striking the Roman column on its march to Tuoro. Worse still, the Balearic slingers on the slopes east of Tuoro would have been practically wasted, as a Roman column heading towards Tuoro would only have offered a very narrow target. Thirdly, an attack on both Roman flanks in this position is difficult to imagine. The only troops available for a movement against the right flank would have been the light-armed troops stationed east of Tuoro. But these could hardly have ventured to thrust themselves into the open ground between the legions and the lake. Such tactics would almost certainly have resulted in the Carthaginian skirmishers being pushed into the water and suffering the same fate as the Roman rear.

v. The Sanguineto theory, which is that of Reuss and Sadée, agrees with the previous one in locating the 'valley' between the heights of Gualandro and Tuoro, but diverges in shifting Hannibal's position from Tuoro to Sanguineto at the head of the valley, and in locating the Carthaginian wings on the longitudinal ranges that bound the Gualandro-Tuoro plain on west and east. The same merits attach to this interpretation as to the preceding one. It is free from the three serious objections adduced against the Tuoro theory, and also gives more point to Polybius' elaborate description of the *αὐλῶν* by confining the entire action, save for the attack on the Roman rear, within its limits.

If it be objected that the Sanguineto ridge would hardly be 'opposite the line of march' of the Romans, it may be replied that the modern road, after emerging from the defile, skirts Monte Gualandro for a while in a northerly direction, as if Sanguineto were its objective. The reason for this deviation from its eastward course—the necessity of avoiding the swampy ground east and north-east of the defile—held good in ancient times to an even greater degree, for much of the alluvial soil north of the railway track which now is firm must in Hannibal's days have been too shifty to carry a road. Hence it may be assumed that the Romans, advancing on the road of 217 B.C., did in fact at a certain stage find Sanguineto opposite to them. A second objection is that Flaminius would not have been so reckless as to offer battle with the lake in his rear. But this objection ignores the explicit statement that Flaminius was resolved to bring on an engagement under any circumstances. Nor does it take into account the tactics actually used by Sempronius Longus in the preceding year at the battle of the Trebia, or of Flaminius himself six years previously in his campaign against the Insubres, when, thanks to the valour of his soldiers, he won a battle for which he had selected a ground essentially similar to the Sanguineto valley, with a river instead of a lake immediately in his rear.<sup>52</sup> The force of a third argument, that the valley is not large enough to have con-

<sup>52</sup> Polyb. ii. 33, 7-9.

tained the bulk of the Roman army, is difficult to estimate, because of the uncertainty concerning the total number of Romans engaged.<sup>53</sup> Nor yet is it possible to determine with any exactitude how many Romans could have found their way into the valley under the existing conditions of the battle. But a rough computation will show that the objection is not unanswerable. The distance from the mouth of the defile to the foot of the Sanguineto ridge is a little under two miles. To this a few more furlongs ought to be added to allow for the progress made by the Roman van during the course of the battle, by which the total length of ground occupied by the Romans is increased to something more than two miles. Arrayed in column of march the troops extended over this line may well have numbered 20,000. But before the battle began a portion of the Roman army had deployed into fighting formation, thus filling up to some extent the ground on either side of the line of march. It thus becomes possible to find room for quite 25,000 Romans in the valley, which number may fairly be called the 'greater part' of a total force amounting to anything between 30,000 and 40,000.<sup>54</sup>

In summarising the above survey it may be sufficient to indicate two leading conclusions. First, the accounts of Polybius and Livy are not only capable of mutual reconciliation but are in the main self-consistent and in accord with the topographical data as they appear to the modern traveller and map-maker. Such misdescriptions as occur seem rather due to infelicity of expression than to any serious misconception of the whole situation. In any case the mistrustful or even contemptuous attitude displayed by some modern scholars towards one or both of our chief ancient authorities has in effect retarded rather than hastened the final solution of the problem. Secondly, no battle-ground on the shores of Lake Trasimene fits with perfect ease into the framework furnished by the collective body of evidence. At the same time the hypothesis last brought under review, which locates the combat on the most *westerly* of all the possible sites, i.e. between Gualandro, Sanguineto, and Tuoro, accords reasonably well with all the available data and is not open to any objection of a cogent nature. Therefore pending some further research, which it is to be hoped will largely proceed by the methods of archaeology, provisional preference deserves to be assigned to the Sanguineto theory.

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<sup>53</sup> See above, p. 422, and n. 23.

<sup>54</sup> It is not merely permissible but preferable to assume that the Roman force was in very close formation at the moment of attack. It clearly suited Hannibal to entice as many of the enemy as possible into the valley, and to have them crowded together to the fullest possible extent. Moreover at the battle of the Trebia, and still more noticeably at Cannae, Hannibal did actually play for the contingency of the Romans treading on each other's toes, and owed the great measure of his success to the enemy complying with his wish.

## *Secretaries in the Thirteenth and Fourteenth Centuries*

IN attempting to investigate thirteenth and fourteenth century secretaries, to find out what manner of men they were and what kind of work they did, one is met at the outset by some confusion of terms. The *secretarius* of one passage is not the same kind of person as the *secretarius* of another, and at times the word does not seem to denote any definite type of person at all. A comparison of the various secretaries however tends to reduce them to certain well-marked classes. By the chroniclers, the word *secretarius* is certainly used somewhat loosely. The accomplices of a villain are his *secretarii*. Amerigo of Pavia, the mercenary soldier who tried to betray Calais to the French in 1350, had his *secretarii*, his companions in treachery.<sup>1</sup> A certain citizen of London, John le Marchall *revelator consilii civitatis*, was *familiaris et secretarius* of Hugh Despenser the younger, and met with his deserts in 1326, when he was beheaded by the citizens.<sup>2</sup> The king's secretaries in the chronicle of the canon of Bridlington are not the holders of any definite office. They are rather his household servants and the favourites to whom he gave his confidence. Piers Gaveston and Hugh Despenser the younger are the king's secretaries *par excellence*. When Gaveston was restored to his old position in 1312, he was made the king's secretary.<sup>3</sup> Edward II on hearing of Lancaster's pursuit came to Scarborough, and with him were Piers Gaveston, Edmund de Mauley, steward of the household, *et alii secretarii*.<sup>4</sup> After the rout of Byland in 1322, Edward fled to Bridlington with the earl of Kent, Hugh Despenser the younger, John de Cromwell and John de Ros, *sibi secretariis et familiaribus*.<sup>5</sup> Baker and some of the other chroniclers speak of the king's secretaries in exactly the same vague way. *Secretarius* was as vague as *familiaris*. But this loose usage is confined to the chroniclers.<sup>6</sup> In official documents the word is applied to certain

<sup>1</sup> Geoffrey le Baker, p. 103.

<sup>2</sup> *Annales Paulini (Chron. of Edw. I and Edw. II, i.)*, p. 315.

<sup>3</sup> Bridlington (*ibid.* ii.), p. 42.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* p. 79.

<sup>6</sup> It is also found in unofficial speech and writing even in the records. Thus the king's yeoman, Robert Lewer, in 1321, threatened the king's secretaries with injury to life and limb wherever he should find them, either in the king's presence or without it: *Cal. of Pat. Rolls, 1317-21*, p. 596. Whoever the secretaries may have been against



definite classes of people. The Calendars of Patent and Close Rolls unfortunately may not always indicate where the word occurs in the original, so that it is possible that various secretaries lurk hidden under the appropriate equivalent 'confidant,' or 'member of the household.'<sup>7</sup> But to generalise from the secretaries of the Calendars and from the representative documents in Rymer's *Foedera*, letters patent and close among the rest, it would seem that *secretarius* nearly always to official minds bears one of three senses. The few *secretarii* who fall outside these categories, such as the *secretarius scaccarii* and the *secretarius cancellarie*, are just as definite and technical.

1. In France, the earliest secretaries are members of the king's council. In the eleventh century certain councillors are *a secretis*. The intimate councillors of the German kings of the same period are *consecretarii*, *secretarii*, *secretales*, *consecretales palatii*.<sup>8</sup> In England there is a close connexion between the growth of the king's council from the latter half of the thirteenth century and the increasing number of *secretarii*. How the king's council was called the 'secret' council, or the 'great and secret council,' how members were appointed to be *de consilio secreto* has been shown by Mr. Baldwin.<sup>9</sup> The connexion between the *consilium secretum* and the *secretarii* is well brought out by an entry on the close rolls. In 1346 William de Thorp was summoned to come to London to hear and do what should be set forth by Bartholomew Burghersh and others of the king's secretaries, for 'the king has sent Bartholomew and other secretaries to that city to show the king's will to William and others of the council now there in the present parliament.'<sup>10</sup> The king's secretaries in this sense were members of his secret council, to whom were imparted his secrets of state. From the comparatively few examples of councillors being called secretaries, it would seem that all the members of the 'wide and heterogeneous body' were not secretaries, and that the term was reserved for the active and prominent councillors. It is most appropriately applied to the most active and trusted of all, as in 1323, when Hugh Despenser the younger, Geoffrey le Scrope, justice of the bench, and Master Robert de Ayleston, keeper of the privy seal, were described by Edward II as *secretarios nostros, quibus secretiora negotia nostra committimus et communicamus*.<sup>11</sup> In an

whom Robert's hostility was directed, it is interesting to find that John de Carleton, *clericus regis de privato sigillo*, was chosen to go to Wales with men-at-arms and foot-soldiers to pursue Robert Lewer, *inimicus et rebellis regis*, and that his expenses were paid by the king's chamber: Pipe Roll, no. 171, m. 41 d.

<sup>7</sup> I have however examined the Close Rolls for the first seven years of Edward II without finding any uncalendared secretaries, and the Patent Rolls for 35 and 36 Edward III without finding any secretaries at all.

<sup>8</sup> Luchaire, *Institutions monarchiques*, i. 196, note 1; Waitz, *Deutsche Verfassungsgeschichte*, vi. 293.

<sup>9</sup> *Ante*, vol. xxiii. 1-14, 1908.

<sup>10</sup> *Cal. of Close Rolls*, 1346-9, p. 154.

<sup>11</sup> *Foedera*, ii. 541.

early example of the admission of a foreigner to the privy council however he is made a *secretarius*, though he could hardly be one of the inner circle. In 1294 master Wykebold, dean of Cologne, like certain citizens of Ghent and Ypres under Edward III, was appointed by Edward I *in familiarem et secretarium nostrum*.<sup>12</sup> Three years later the king wrote to him as to *dilecto clerico ac secretario suo*.<sup>13</sup>

2. The most numerous secretaries are those who were sent as the king's ambassadors to foreign parts. Of all affairs of state foreign affairs are the most 'secret.' The Exchequer accounts, like the *Rekeningen der Stad Gent*, are full of items for journeys undertaken secretly, or for the secret affairs of the king, by the king's envoys and messengers.<sup>14</sup> The ambassador was in his master's inmost confidence. He was to bring back the secret intentions of the foreign power to his sovereign. As Henry III said of Simon de Montfort in 1254, the envoy was one into whose mouth the king had put certain secrets.<sup>15</sup> The king explained that his envoy shared his own intimate counsels in order that the foreign potentate might have no hesitation in revealing his own inmost policy. Like the king of Castile in 1325, he was to open to the English ambassador the secrets of his heart.<sup>16</sup> As the king had a 'great and secret council' at home, so he had 'great and secret business' in foreign parts.<sup>17</sup> *Secretarius* in this sense is frequently used from the end of the reign of Henry III to the middle of that of Edward III. In 1284, for instance, the bishop of Durham, John de Vesey, and John de Luvetot, knights, and master Thomas de Sudington, clerk, *secretarii et fideles nostri*, are sent to the duke of Brabant.<sup>18</sup> The bishop of Winchester, William de Montacute, Henry de Beaumont and Anthony de Pesaigne are described as *secretarii nostri* in 1331.<sup>19</sup> As late as 1350, an embassy to the pope consisted of the bishop of Norwich, the earl of Lancaster, *et alios secretarios et fideles nostros*.<sup>20</sup> Exactly in the same way the count of Holland sent to England the dean of Utrecht, a knight, and a clerk, *dilectos familiares nostros ac secretarios*.<sup>21</sup> The king's envoys were not indiscriminately called secretaries, and a considerable proportion of the diplomatic secretaries were king's councillors. The same names recur in divers embassies as *secretarii*, and many are known to have been councillors. At the same time, as may be seen from the examples quoted above, all the members of a large embassy are at times included as secretaries, and beside the names of well-known councillors are men who are at any rate not known to

<sup>12</sup> *Foedera*, i. 813.

<sup>13</sup> *Ibid.* p. 859.

<sup>14</sup> Mirot and Déprez, 'Les Ambassades anglaises pendant la Guerre de Cent Ans,' in *Bibl. de l'École des Chartes*, lix, lx, lxi.

<sup>15</sup> 25 August, *Foedera*, i. 306.

<sup>16</sup> *Quam benigne aperuistis eis secreta cordis vestri.* *Ibid.* ii. 611.

<sup>17</sup> *Cal. of Patent Rolls*, 1334-8, p. 494.

<sup>18</sup> *Foedera*, i. 643.

<sup>19</sup> *Ibid.* ii. 827.

<sup>20</sup> *Ibid.* iii. 201.

<sup>21</sup> *Ibid.* i. 652.

have belonged to the council. It is probable that the latter were 'secretaries for special missions,' or rather that the mere fact of forming part of an important embassy showed that a man shared the king's counsels, even if he were not actually one of the ordinary body of councillors at home. After 1350 the diplomatic use of *secretarius* ceases. Privy councillors and ministers of state are no longer called *secretarii*. Ambassadors are called *consilarii*. The third sense of the word, to denote the holder of a special office, supersedes the other two.

3. The well-known complexity of baronial households in the fourteenth century is well illustrated by the papal registers. Constantly lords and ladies make requests to the pope for members of their households, particularly for the clerical portion of them. Among the household clerks, none is more frequently mentioned than the secretary. Great people kept secretaries earlier than their appearance in the *Calendars of Papal Registers*. Peter of Aigueblanche, bishop of Hereford, had a secretary, who attested his will, as early as 1267.<sup>22</sup> But the papal registers show that by 1340, at any rate, the custom was very general. Between that date and 1377, mention is made of the secretaries of Queen Isabella, Queen Philippa, the Black Prince, John of Gaunt, the earl of Cambridge, the earls of Lancaster, Huntingdon, Salisbury, and Warwick, the archbishops of Canterbury and York, the bishops of Winchester, Lincoln, and Exeter, the countess of Arundel, Blanche de Wake, Bartholomew Burghersh, John Chandos, besides less notable persons. In the case of some of the greater people it is possible to trace a succession of secretaries. In 1327, Robert de Wyvil was Queen Isabella's secretary, an office which he probably retained until he became bishop of Salisbury in 1330.<sup>23</sup> Alan de Retford is called her clerk in 1332, her secretary in 1343 and 1351.<sup>24</sup> Robert de Conghan had succeeded him before 1353.<sup>25</sup> Queen Philippa's secretaries are Benedict of Norwich in 1344, Robert de Chigwell in 1344 and 1345, Richard de Ashton in 1346, 1349, and 1353, John de Dranfield in 1362, and John de Clisseby in 1368.<sup>26</sup> Henry of Lancaster's secretaries were John de Ripis in 1346, John de Welburne in 1349 and 1355, Thomas Cock in 1351, William Claville in 1353, and Roger de Burton in 1355.<sup>27</sup> It is clear from the petitions that these secretaries held an

<sup>22</sup> Mugnier, *Les Savoyards en Angleterre*, p. 316.

<sup>23</sup> *Cal. of Papal Reg., Letters*, ii. 261; Murimuth, p. 60.

<sup>24</sup> *Cal. of Papal Reg., Letters*, ii. 386, iii. 418; *ibid. Petitions*, i. 70.

<sup>25</sup> *Ibid. Letters*, iii. 497; *Petitions*, i. 242.

<sup>26</sup> *Ibid.* pp. 80, 36, 99, 110, 156, 239, 395; *Letters*, iv. 68. A letter of Edward III under the secret seal, dated 5 July, at Freshwater (Chancery Warrants, file 1332, no. 3), speaks of *Johan de Clisseby, cleric et secretaire notre treschere compaigne la Reine*.

<sup>27</sup> *Cal. of Papal Reg., Letters*, iii. 29; *Petitions*, i. 173, 271, 218, 238, 275.

office as well defined as that of the treasurer, or receiver, or almoner, or steward.<sup>28</sup>

The king had numbered a secretary among his household clerks quite as early as his subjects. But since he called his councillors and ambassadors secretaries, the royal official is more liable to misconception. The secretaries of the reign of Henry III and the earlier part of the reign of Edward I are unfortunately particularly difficult to discriminate. John Mansell is called the king's secretary more than once in 1253 and 1254,<sup>29</sup> but always in connexion with a diplomatic mission, the embassy to Castile to arrange the marriage of the king's son, and he was besides a very special councillor. He is distinguished among the 'special councillors' of Matthew Paris as *specialior* and as *summus consiliarius*,<sup>30</sup> and the king himself gave him a testimonial 'of his faithful service in giving counsel and all else.'<sup>31</sup> Robert Walerand, Roger de St. John, and Thomas de Clare are shown by the *Calendarium Rotulorum Patentium*<sup>32</sup> to have been secretaries, but without enough detail to determine whether they were more than diplomatic secretaries. During the first ten years of Edward I's reign Francis Accursi, Otto de Grandison, John de Vescy, and Anthony Bek are called secretaries,<sup>33</sup> but here again it is in connexion with embassies, and they were all prominent councillors. The analogy of later secretaries however points to Mansell and Accursi at least being official secretaries.<sup>34</sup> For, from the later years

<sup>28</sup> See, for example, Isabella's household officers in 1353 (*ibid. Petitions*, i. 243)—chamberlain, receiver, treasurer, almoner, principal chaplain and two other chaplains, secretary, and domestic writer; or the duke of Lancaster's in 1355 (*ibid. p. 274*)—physician, secretary, almoner, chaplains, and clerks.

<sup>29</sup> 15 May 1253, *Foedera*, i. 290; 23 July and 22 August 1254, *ibid.* pp. 305, 306.

<sup>30</sup> *Chron. Mai.* iv. 237, 294.

<sup>31</sup> *Cal. of Pat. Rolls*, 1247-58, p. 194.

<sup>32</sup> Pp. 36, 39, 44.

<sup>33</sup> Accursi, 12 July 1278, *Foedera*, i. 559; Grandison, 26 July 1280, *Cal. of Patent Rolls*, 1272-81, p. 389; 18 Febr. 1282, *Rôles Gascons*, no. 558; Vescy and Bek, February 1282, *Foedera*, i. 602; *Cal. of Patent Rolls*, 1281-92, p. 11. Joseph de Chancy is addressed by Edward I as *secretarius* in a letter of 20 May 10 Edward I: *Ancient Correspondence*, xii. 118.

<sup>34</sup> In the patent of 15 May 1253 Mansell is called secretary in distinction from his colleague the bishop of Bath (*W. episcopum . . . et fidelem nostrum I. Mansell cancellarium London. ac prepositum Beverlacie, secretarium nostrum, procuratores nostros*). If secretary meant 'councillor,' it might equally well be applied to the bishop. Again, on 23 July 1254, Edward speaks of him as *patris nostri secretarius*. If he simply meant that Mansell shared the royal counsels, would he not have called him *secretarius noster*? Accursi also is distinguished from his four fellow-envoys as *consiliarius, familiaris, ac secretarius noster*. A few years later an ambassador would not thus be singled out unless he held the secretaryship. The order of 20 January 1280 to cause Francis Accursi, the king's secretary, to have the manor of Martlegh (*Cal. of Close Rolls*, 1279-88, p. 5) would in the next century prove his tenure of office. It is just possible that at this date it only indicates that he was a councillor. The term seems to have been more freely applied to councillors at this period than it was later, after the official secretary was more widely recognised. For instance, in 1290 there is a reference to John de Vescy, knight, 'late secretary and councillor of the king' (*Cal. of Close Rolls*, 1281-92, p. 347), and here secretary seems to be merely

of Edward I, the holders of the office are much more clearly marked out. In 1299 it is conspicuously mentioned. In the midst of a list of witnesses, John Benstede, *secretarius*, is as clearly an official as another with *cancellarius* or *thesaurarius* after his name.<sup>35</sup>

When the king wrote to the pope for preferment for his 'beloved clerk and secretary,' we might suspect him of using the word somewhat vaguely, as one likely to impress the pope favourably, like the conventional eulogies of the candidate's blameless character and sound learning; but as a matter of fact he never did. The secretaries of the royal letters, it is clear from other sources, were holders of the office. For no suspicion can attach to the use of the term in the ordinary routine of business, as, for instance, in 1331, when the king granted power to Master Richard de Bury, canon of Lincoln, king's clerk and secretary, and Anthony de Pessaigne, knight, to borrow 50,000*l.* in the king's name,<sup>36</sup> or in 1337, when he issued an order to pay Master Richard de Bynteworth, his clerk and secretary, 200*l.*,<sup>37</sup> or when there is a reference to the time when a man was the king's secretary as if it was a perfectly definite period of his life.<sup>38</sup> In 1348 the officials who examined into a certain case of forgery were Master John de Offord, dean of Lincoln, the chancellor, William bishop of Winchester, the treasurer, . . . Richard Talbot, steward of the household, and Master Simon de Islip, the king's secretary.<sup>39</sup> Though casual references of this sort prove the existence of the royal secretary and make it possible to draw up a rough list of the holders of the office, yet since they were essentially private household officers, paid out of the household funds, and fulfilling their duties close to the person of the king, the chancery documents naturally furnish scanty information about them. Patent and close rolls refer to the man as a member of society, but seldom furnish a clue to his work. The indications however all point to the secretary's work being of the same nature, whether in the household of the king, or the queen, or some great noble, and the occasional glimpses we get of the latter throw some light on the problems connected with the king's secretary.

It is clear in nearly every case that the secretary was a clerk. The great majority of secretaries are described at one time or another as the clerk of their patrons. It is clear also that the secretary was a special and important kind of clerk. But beyond that there is little to indicate the nature of the secretary's duties. Arduous they evidently were, for Robert de Chigwell, Queen Philippa's secretary,

councillor. In a letter to the king in 1285 Accursi described himself as his *clericus et secretarius atque familiaris*: Ancient Correspondence, xiv. 132.

<sup>35</sup> *Foedera*, i. 916.

<sup>36</sup> *Cal. of Patent Rolls*, 1330-4, p. 98.

<sup>37</sup> *Ibid.* 1337-9, p. 157.

<sup>38</sup> *Ibid.* 1348-50, p. 131, 'when Robert de Taunton was the king's secretary.'  
Cf. *ibid.* 1381-5, p. 276, of William of Wykeham.

<sup>39</sup> *Ibid.* 1348-50, p. 131.

though he held canonries and prebends in London, Salisbury, Wells, and Dublin, yet asked for a canonry and prebend of Lincoln, 'in order that he might properly support his position with the queen.' Only in one case, and that one of the earliest in the papal registers, do we find any more definite account of the secretary's work. Robert de Wyvil, says Murimuth, *scripsit speciales literas reginae*.<sup>40</sup> *Specialis* is a word which recurs at various times in connexion with the *secretarius*. The term *clericus specialis regis*, applied by Paris to Mansell in connexion with his Castilian mission, sounds like a paraphrase of the *secretarius* of the patent rolls on the same occasion.<sup>41</sup> Roger Northburgh, one of Edward II's secretaries, was described by him as *clericus noster specialis*.<sup>42</sup> Benedict of Norwich and Robert de Chigwell are both called the 'special' secretaries of Queen Philippa, rendered in the *Calendar* 'private secretary.'<sup>43</sup> The secretary is not only attached to the person, to the private service of his lord, but also specially concerned with his private, unofficial correspondence. For one of the earliest secretaries who are clearly officials is John Benstede, and his business was to write the king's letters under his privy seal<sup>44</sup>: in other words, he wrote Edward I's 'special letters' as Wyvil wrote Isabella's.

This brings us to the most definite and important information furnished by the *Calendars of Patent and Close Rolls* about the royal secretary. From 1307 to 1367 almost all the keepers of the privy seal are at the same time the king's secretaries.<sup>45</sup> Moreover, before 1330, there is no mention in any of the records, so far as I have been able to discover, of any other official secretary.<sup>46</sup> The question at once arises, whether it was not the essential function of the secretary to keep the privy seal, whether there was not even a connexion between the popularity of the name *secretarius* for a confidential clerk, and the fashion of using a privy seal, a *secretum*? The probability is heightened by the fact that contemporaries recognised the secretary as a kind of chancellor. Robert de Wyvil was called the chancellor of Queen Isabella. The *Eulogium Historiarum* says that one of the three

<sup>40</sup> Murimuth, p. 30.

<sup>41</sup> *Chron. Mai.* v. 396. Paris however describes in the same words various people who were not secretaries.

<sup>42</sup> *Foedera*, ii. 374, 431.

<sup>43</sup> *Cal. of Papal Reg., Letters*, iii. 166.

<sup>44</sup> *Liber Contrarotulatoris Garderobae*, p. 83.

<sup>45</sup> I am indebted to Professor Tout for this point, as well as for much other information about the secret seals and the privy seal and its keepers, particularly for notes from the Issue Rolls of the Exchequer. I have also had the advantage of seeing some letters of Mr. W. H. Stevenson to Professor Tout on the meaning of the word 'secretary.'

<sup>46</sup> In one instance at least there is an exact parallel from the queen's secretary. Philippa writes of *notre trescher clerc et secretaire, sire Johan de Hemesthorpe* in Add. Charter 15422. In a wardrobe account of 43 Edward III (Exchequer Accounts, K.R. 396 no. 11) is recorded a payment of 53s. 4d. for robes, *Iohanni de Hermesthorp, clerico privati sigilli regine*; to a subordinate clerk is mentioned the payment of 20s. *Iohanni Mills, clerico, scribenti ad sigillum regine*.

cardinals who came to England in 1357 *quondam fuit cancellarius regis Francie sive secretarius*. The secretary had nothing to do with the great seal, but he was, like Matheus Fernandi, the clerk of Pedro of Castile, *secreti sigilli cancellarius*.<sup>47</sup> It is significant that, as we shall see later, the papal registers frequently describe the same man as king's secretary, and clerk of the king's secret seal, a practice not without precedent from the English records. In England the term *secretarius* first comes to the fore in the reign of Henry III, not long after the appearance of the privy seal under John. In France, the first known official secretaries are the three *clerks du secré* mentioned in 1316, four years after the appearance of the *sceau du secret* in 1312.<sup>48</sup>

Both *secretarius* and *secretum* are connected with an idea that was very prevalent, as the numerous references in the writings of the period to 'secret' or private matters prove. Just as Boniface VIII in 1298 was allowed to mediate between Edward I and Philip the Fair 'as a private person, Benedict Gaetano,'<sup>49</sup> or Edward II's agents took possession of a certain castle *tanquam personae privatae*,<sup>50</sup> so 'matters specially touching the king' are 'secret' matters.<sup>51</sup> The king's personal service is 'secret' service, as in the touching grant to Thomas Cole, the king's yeoman, in 1345, 'in grateful consideration of his long and quiet service and varied labours endured in secret attendance at the king's side'<sup>52</sup> Undoubtedly 'private' was an element in the meaning of *secretarius*, as it was in *secretum*. It is possible that the popularity of both had a common origin in the necessity for an independent establishment, a private seal and a private clerk, when the chancellor and his subordinates had passed beyond the king's immediate control.

It is possible that the special clerk was called the *secretarius* because he wrote the secret letters of the king. In France the *secretarii* did not keep the secret seal in the fourteenth century. The keeper of the secret seal was the chamberlain. The function of the secretaries was to write the king's letters of the secret seal and the signet. Moreover, in England the secretaryship and the custody of the privy seal were separated after a time. Wykeham is the last fourteenth-century keeper of the privy seal, so far as I know, who was also secretary. By the reign of Richard II the secretary was as well known as the keeper of the privy seal, and in some cases more prominent. Now when the secretaryship and the custody of the privy seal parted company, the secretary continued to be the

<sup>47</sup> *Eulogium Historiarum*, iii. 227; *Foedera*, iii. 672.

<sup>48</sup> Morel, 'La grande chancellerie royale,' in *Mémoires et Documents publiés par la Société de l'École des Chartes*, iii. pp. 62, 244. The term had been used earlier by the chroniclers. Cf. 'Gesta Francorum,' in *Monumenta Germaniae Hist., Script.* xxvi. p. 307. In 1214 Philip II recovered Tournay, *misso exercitu cum fratre Garino hospitalario, suo secretario, et comite Sancti Pauli*.

<sup>49</sup> Hemingburgh, ii. 161.

<sup>50</sup> *Foedera*, ii. 416.

<sup>51</sup> *Cal. of Close Rolls*, 1346-9, p. 238.

<sup>52</sup> *Ibid.* 1343-5, p. 526.

private clerk of the king. Even in the twentieth century the method of appointment of secretaries of state by the delivery of the signet and the cachet recalls the time when the secretary kept the seal used for the king's private letters, and the authentication of the sign manual by the secretary's signature may have originated in the signature of the clerk who wrote the royal letters.

Long however before the keeper of the privy seal ceased to be the king's secretary, the privy seal had ceased to be the secret seal. As early as the reign of Edward II there was a secret seal which was not the privy seal. Moreover, the privy seal became more and more an instrument of state. The letters of privy seal were in the latter half of the fourteenth century no longer the private letters of the king. For his private letters then, as we have seen, the king set up a secretary who was not the keeper of the privy seal. He was however in the reign of Richard II the keeper of the signet, which had by that time replaced the secret seal. Just a hundred years after John de Benstede, the secretary, employed a clerk in his absence *pro litteris sub priuato sigillo faciendis*, the clerk of John Lincoln, the secretary, was employed to write *ad signetum*.<sup>53</sup> On the one hand, the coincidence of date in England and France between the secretary and the *secretum*, the fact that in England the secretary kept the privy seal while it was the secret seal, and later the signet, point to a connexion between secretary and *secretum*. On the other hand, since the French secretaries wrote the secret letters but did not keep the seal, and since the English secretary wrote letters in addition to keeping the seal, it is possible that the custody of the seal was an incident in the secretary's essential duty of letter-writing.

It is a pity that the English secretaries did not leave as many records of themselves as the French. The French secretary signed his name on all the documents he drew up.<sup>54</sup> He was more of a

<sup>53</sup> Issue Rolls of the Exchequer, 343, m. 2; cf. 341, m. 18.

<sup>54</sup> See Morel, *op. cit.* ch. ii., 'Les secrétaires et les notaires du roi.' In England signatures of secretaries and secretaries' clerks begin to appear at the end of signet letters in the middle of the reign of Richard II, and are frequently, though not always, to be found there down to the end of the reign. In Treasury of Receipt, Warrants for the Privy Seal, series I, file 1, nos. 5, 7, 8, 12-15, 18, 19 and 21 are signed 'Buckenhill,' nos. 6, 9, 10, 11, 16, 'Macclesfeld.' Buckenhull's name is on Chancery Warrants, file 1354, nos. 4 and 9, and Macclesfield's on nos. 3, 12 and 14, and file 1355, nos. 5 and 10. Macclesfield is clearly John Macclesfield, who was secretary in 1392 (*Cal. of Papal Reg., Letters*, iv. 428, 430), and Buckenhull must be Hugh Buckenhull, whose name appears in the Papal Registers and Calendars of Patent Rolls. Buckenhull was probably Macclesfield's clerk, but as the signet letters do not give the year, and cannot always be dated precisely from internal evidence, it is difficult to be sure that Buckenhull was not secretary for a short time before Macclesfield. 'Lincoln' appears on a letter of 1393 (Chanc. Warrants, file 1354, no. 15), when Roger Walden was secretary and John Lincoln still clerk in the secretary's office. John Swift, the clerk who 'wrote for the signet' when Lincoln was secretary, signed nos. 16, 18, 23 on the same file. Nos. 17, 19, 20, 24-26, 29, and 1355, nos. 31 and 40, which also belong to this



government clerk and less of a household officer than the English secretary, which partly accounts for the greater publicity of his existence. The secretaries formed one body with the royal notaries, who were the clerks of all the great government departments. Every secretary had to be a notary before he could be a secretary. He received pay as a notary with an additional sum double the first in virtue of being a secretary. He was under the jurisdiction of the chancellor, like the notaries, and though his proper work was close to the person of the king, he sometimes served in a government office. Together with the notaries, the secretaries formed a guild, dedicated in characteristically medieval fashion to the four Evangelists, because as *testes veridici, relatores mirifici, notarii doctissimi, celi secreta scire et actionum Christi ac ejus Incarnacionis Evangelia scribere meruerunt*.<sup>55</sup> Instead of one secretary at a time, as in fourteenth-century England, the French king had some number, varying from eight to eighteen, who served in relays near his person. Just because they formed part of the body of government clerks, the French secretaries had not the political importance of the English secretary. In 1370 a first secretary was created, and he was the first secretary to be a councillor.

In England there were certain affinities between the secretary and the notary public, but the connexion was not as close as in France. Peter de Lacy is called a notary when keeper of the king's privy seal, and he had been secretary to the prince of Wales.<sup>56</sup> Baker calls Wyvill the queen's notary.<sup>57</sup> Thomas de Burgh, secretary of Sir William de Burton, recalls an occasion on which he rode to Paris with Michael (Northburgh), the king's secretary, and 'acted as the king's notary in receiving confirmation of the truce' by order of the pope.'<sup>58</sup> There is no indication however that a secretary was always and necessarily a notary. A notary was often employed in addition to the secretary. In 1353 Queen Isabella had, besides her secretary Robert Conghan, a 'domestic clerk and writer,' William de Tateford, who was about to become a notary public.<sup>59</sup> Edward III had his special notary, John de Wellwyk.<sup>60</sup> English secretaries often began their career in the household in very different capacities. Even in France it was felt that a secretary must possess qualities not to be gauged like the technical acquirements of an ordinary notary. When the *gens de Parlement* examined the notaries of Philip VI in French and Latin letter-writing, they did

period, are signed 'Hugoun,' probably the William Hugoun, king's clerk, of the Patent Rolls. Names of clerks in the Privy Seal office occur at times in a similar position in the previous reign. A large number of privy seals of 34 & 35 Edward III, bearing the names of Dighton, Ashton, and Tyrington, are to be found in Exch. of Receipt, Warrants for Issue, bundles 7 and 9.

<sup>55</sup> Charter of 1350-1 in Morel, app. p. 500.

<sup>56</sup> *Foedera*, iii. 849; *Cal. of Papal Reg., Petitions*, i. 155.

<sup>57</sup> Baker, p. 45.

<sup>58</sup> *Cal. of Papal Reg., Petitions*, i. 343.

<sup>59</sup> *Ibid. Petitions*, i. 243.

<sup>60</sup> *Ibid.* p. 288.

not examine the secretaries of the king, or the queen, or the duke of Normandy, for, as they wrote to the king, 'you know them better than we do, and examine them every day.'<sup>61</sup>

The successful secretary was necessarily a man of education. At the same time, he was not a profound scholar. He must be a man of the world, practical, no *dévo*t and no pedant. There was an element of truth in the judgments of envious chroniclers on the most prominent, in Murimuth's description of Richard of Bury as *mediocriter literatus*, or the St. Albans' Chronicle of Thomas de Hatfield as *levis et laicus*, or the *Annales Ricardi II* of Roger Walden as *vir penitus insufficiens et illiteratus*.<sup>62</sup> But lay sympathies and superficial learning were no reproach to a secretary. Adam of Usk's favourable view of the *modestus, pius, et affabilis* Roger Walden embodies the same characteristics, for he continues, *verba utilia et composita proferens, magis militaribus et mundialibus negociis quam clericalibus aut liberalibus imbutus*.<sup>63</sup> Power of ready and happy expression, to take a keen interest in his worldly affairs, was what the king required of his secretary. Warlike qualities were no drawback. Henry III's special interest in John Mansell dated, according to Matthew Paris, from the campaign of 1242, and especially from the siege of Vérines, when he distinguished himself in the fight and was severely wounded.<sup>64</sup> It is unnecessary to relate the careers of secretaries in the first half of the fourteenth century, for to deal with them is to deal with keepers of the privy seal. They were essentially inconspicuous clerks of the household. John de Benstede, William de Melton, Thomas de Charlton, and Robert de Baldock, secretaries of the first quarter of the fourteenth century, were controllers of the household during their term of office. They performed the prosaic duty of keeping a minute account of the daily expenditure and receipts. Yet they were among the most influential of the persons surrounding the king. Their subsequent preferment alone indicates their position with the king. Melton, after a short period of office as keeper of the wardrobe, became archbishop of York. Baldock, chancellor after his secretaryship, was only less powerful than the Despensers.

Throughout the century the position of the secretary remained the same. His office was a private one, and yet of such importance that it was natural for a man to pass from the secretaryship to the highest offices of state, the treasurer'ship or the chancellor'ship, or to the primacy. The secretary suffered no loss of prestige in the middle of the century, as the household ordinances of 1347<sup>65</sup> might seem

<sup>61</sup> Morel, app. p. 497.

<sup>62</sup> Murimuth, p. 171; *Chron. Angliae*, p. 20; *Annales Ricardi*, p. 186.

<sup>63</sup> P. 38.

<sup>64</sup> *Chron. mai.* iv. 236.

<sup>65</sup> *Collection of Ordinances and Regulations for the Government of the Royal Household, Edward III-William and Mary* (Soc. of Antiq. 1790), p. 10.

to indicate. They certainly state that, while the officers—that is, the treasurer of the household, the controller, the keeper of the king's privy seal, and even the cofferer, almoner, and physicians—receive eight marks a year for robes, the clerks, in the first rank of whom stands the secretary, receive little more than half that sum. His associates are such humble persons as the two receivers of the king's chamber, the clerk of the kitchen, five clerks of the privy seal, and eight chaplains. But this cannot mean, as Sir Harris Nicolas inferred, that the secretary had fallen from the high position he occupied under Henry III. For some twenty years after 1347 the keeper of the privy seal was still the secretary. Simon de Islip, Michael de Northburgh, and William of Wykeham,<sup>66</sup> keepers of the privy seal and king's secretaries after 1347, were as powerful as any secretary of earlier times. But the ordinances do indicate the existence of a new officer, the subordinate secretary. About this officer Rymer's *Foedera* and the *Calendars of Patent and Close Rolls* are silent. The *Calendars of Papal Registers* however afford a clue. The papal registers are not an infallible authority for English terms. They apply the word secretary to a class of men who are not apparently secretaries in the English sense. Adam de Hilton was a notary, and is called a secretary in a papal letter of 25 January 1359. Adam was at Avignon at the time, and was employed by the pope to write a letter in French to the king.<sup>67</sup> John de Winwick in 1345,<sup>68</sup> and William de Dighton in 1363 and 1367<sup>69</sup> are also called secretaries in the registers, but the issue rolls of the exchequer show that they all belonged at the time to a far more numerous class, the clerks in the office of the privy seal. Hilton, Winwick, and Dighton may have held some special position under the secretary and keeper of the privy seal, but it is much more likely that 'secretary' is merely the papal chancery's rendering of the English 'one of the clerks of the privy seal,' for the clerk or keeper of the privy seal was the secretary, and it is not unlikely that the papal clerks would fail to grasp that his subordinates were not all secretaries too, since in France, and at their own chancery also, the secretaries were a body of special clerks. *Clericus secreti sigilli*, the regular equivalent of *clericus privati sigilli*, would naturally become *secretarius*.

There is another class of secretaries in the papal registers, and

<sup>66</sup> Michael de Northburgh, 'keeper of the king's privy seal and his secretary.' *Cal. of Patent Rolls*, 1350-4, pp. 178, 301, 362. Cf. *ibid.* 1348-50, pp. 103, 131; *Cal. of Papal Reg., Letters*, iii. 48, 394, 432; *Foedera*, iii. 202, 230; *Cal. of Papal Reg., Letters*, iv. 15; *Foedera*, iii. 817; *Cal. Rot. Pat.* p. 181, where they are called secretaries while keepers of the privy seal.

<sup>67</sup> *Cal. of Papal Reg., Letters*, iii. 628.

<sup>68</sup> *Ibid., Petitions*, i. 101. He is called secretary again in 1360 when keeper of the privy seal: *ibid.* p. 355.

<sup>69</sup> *Ibid.* p. 420 *Letters*, iv. 63.

they are probably the secretaries of the ordinances of 1347. Thomas Bramber is called secretary in 1345, 1348, 1349, and 1357,<sup>70</sup> Richard of Norwich in 1355,<sup>71</sup> and William of Wykeham in 1361.<sup>72</sup> All these men were clerks or receivers of the king's chamber, Bramber from 1347 to 1349,<sup>73</sup> Norwich at least in 1351,<sup>74</sup> Wykeham in 1361.<sup>75</sup> At first sight this connexion with the chamber seems utterly foreign to the character of a secretary, for the chamber was a department of the king's property and finance, and the clerk of the chamber was occupied with the custody and administration of jewels, arms, lands, and money. There was this connexion however, that for the business of the king's chamber his secret seal was considered especially appropriate. In the reign of John the small seal was used for letters relating to money which was to be paid into the chamber, and in Edward III's reign the chamber received a secret seal of its own, the seal of the griffin. The clerk of the chamber, having the custody of this seal, would naturally be a 'clerk of the secret seal,' as Norwich is called in 1349,<sup>76</sup> and if the papal registers stood alone it might be doubted whether he had any other claim to be called a secretary; but the issue rolls of the exchequer refer to 'the king's secretary, William de Kilsby' on 27 September 1335, and Kilsby was receiver of the chamber from 25 January 1335-6 July 1338.<sup>77</sup> In the same way, Peter de Lacy was the secretary and receiver of the prince of Wales.<sup>78</sup> Clearly, then, the papal registers had English precedents for making the clerk of the chamber the king's secretary.

There remains the question whether he is the subordinate secretary of the ordinances, and the link between the secretary and keeper of the privy seal of Edward III's reign and earlier times and the secretary of Richard II and later times. If it were so, he might be expected to have the care of the signet, and to be set apart for secretarial work under the keeper of the privy seal. The extensive financial and administrative duties of the clerk of the chamber seem to preclude this. On the other hand, the care of the griffin seal may have been the only secretarial duty which the keeper of the privy seal delegated to a subordinate. It must be remembered that William de la Zouch and Richard de Bynteworth, keepers of the privy seal while Kilsby was clerk of the chamber, were both secretaries, and that

<sup>70</sup> *Cal. of Papal Reg., Petitions*, i. 101, 142, 135, 157; *Letters*, iii. 625, 627.

<sup>71</sup> *Ibid. Petitions*, i. 281.

<sup>72</sup> *Ibid.* p. 373.

<sup>73</sup> *Exch. Accounts*, K.R. 391 no. 1. He was connected with the chamber down to 1353 (*Cal. of Patent Rolls*, 1350-4, p. 418), and perhaps later.

<sup>74</sup> *Cal. of Papal Reg., Petitions*, i. 217; *Letters*, iii. 430. He accounted as receiver from 1349 to 1355: *Exch. Accounts*, K.R. 391 no. 1.

<sup>75</sup> *Cal. of Papal Reg., Petitions*, i. 380.

<sup>76</sup> *Ibid., Petitions*, i. 183.

<sup>77</sup> *Cal. of Patent Rolls*, 1340-3, p. 448. Eighteen years later a successor of Kilsby as clerk of the chamber, Richard of Norwich, is described in the wardrobe accounts as *clericus secreti sigilli regis*.

<sup>78</sup> *Cal. of Papal Reg., Petitions*, i. 155.

when Kilsby and Wykeham were promoted from the chamber to the custody of the privy seal, both, like the other keepers of the privy seal during the transitional period, were emphatically secretaries while they were in office. The griffin seal ceased to be used towards the end of Edward III's reign, and was replaced for chamber business by the signet, another indication, perhaps, of the connexion between the secret seals and the secretary. It is probably more than a coincidence also that the papal registers mention irregular secretaries in the period during which the separation of the secretaryship and the custody of the privy seal must have been in preparation. Before 1330 and again in the reign of Richard II, when the separation had been effected, there is no confusion or overlapping.<sup>79</sup>

The secretaryship suffered no loss when it was divorced from the custody of the privy seal. The first secretary of Richard II, Robert Braybroke, a kinsman of the king's mother, learned in civil law and already canon of York,<sup>80</sup> became bishop of London while still secretary, and from the secretaryship was appointed chancellor. As secretary he was chosen to arrange the important and personal matter of the king's marriage.<sup>81</sup> John Bacon, who had been keeper of the king's jewels, Richard Medford, a clerk of his chapel, John Macclesfield, a clerk in the office of the privy seal, had no such advantages of birth and standing, but their secretaryship also is marked by numerous ecclesiastical preferments, and Medford at least passed on to a bishopric. Though comparatively insignificant, they were no more obscure than the majority of the contemporary keepers of the privy seal. Roger Walden, to judge by the impression made on the chroniclers, must have been one of the most influential

<sup>79</sup> Robert de Woodhouse is called secretary in 1327 (*Cal. of Papal Reg., Letters*, ii. 261), but he was keeper of the wardrobe at the time, and would be a councillor. Walter of London, called secretary, confessor, and almoner in September 1331 (*ibid.* p. 351), may have acted as secretary during Bury's absence at Avignon in the spring. (Déprez, *Préliminaires de la Guerre de Cent Ans*, p. 74, note 1.) The other somewhat mysterious secretaries of the intermediate period are William de Dalton, in 1347 (*Cal. of Papal Reg., Petitions*, i. 127), and Guy Brian, in 1348 and 1352 (*ibid.* i. 227; *Letters*, iii. 36). Dalton was controller of the household from 1344 to 1350. In 1351 he is spoken of as Guy Brian's clerk (*ibid. Petitions*, i. 220), and later as his 'intimate friend' (p. 265) and his 'most special friend.' Guy Brian was at this period a king's yeoman (*Cal. of Patent Rolls*, 1377-81, p. 248) and subcamerarius (*Archaeologia*, xxxi. 94), later admiral of the fleet and steward of the household (*Foedera*, iii. 398, 452). He may be called secretary, simply as councillor (*Cal. of Papal Reg., Letters*, iii. 50); but it is also possible that as sub-chamberlain he was in some sense entitled to the name. A sub-chamberlain of Richard II., Simon de Burley, was very closely connected with the receiver of the Chamber (*Cal. of Patent Rolls*, 1381-5, pp. 157, 211, 218).

<sup>80</sup> *Cal. of Papal Reg., Petitions*, i. 397; *Letters*, iv. 183.

<sup>81</sup> Mirot and Déprez, cdxxxviii, cdxli, cdxlvii, accounts of R. Braybroke, 'clerk, king's secretary, sent to treat of the marriage of the king and the sister of the king of the Romans and Bohemia,' 18 June-1 December 1380, and 2 January-22 March and 12 May-30 September 1381.

men of his time. For him, again, the secretaryship led to the treasurer'ship and the primacy.

By the reign of Richard II the secretary had clerks under him in the 'office of the secretary.'<sup>82</sup> Letters were sent to the secretary to be sealed with the signet as they were sent to the keeper of the privy seal to be sealed with that instrument; <sup>83</sup> but the relations of king and secretary remained the same. Walden the secretary, not Skirlaw or Stafford, the keeper of the privy seal, was the direct successor of Robert Baldock. The secretaries of the fourteenth century were powerful as the keepers of a seal, but not the seal of a government department, as the privy seal of Richard II had become. The bearer of the king's own seal, the agent of his will, that the secretary was, and as such he had his place in fourteenth century England. He was from the nature of his duties in close touch with the king. 'The beloved clerk who stays continually by our side,' a phrase applied to more than one secretary, is no mere figure of speech. He tended to become the king's confidant and adviser. He tended also to become the exponent of the king's will to the outside world,<sup>84</sup> *clericus quem rex . . . constituit organum suae vocis*, as was said of Baldock. Thus, while holding no public office, he ranked with the great officers of state. It is natural that under the Lancastrians he should have fallen into obscurity, that with the Tudors he should once more have assumed a place of power.

The official use of the word secretary, though perfectly definite and consistent, involves somewhat opposite ideas. The use of secretary for councillor implies that government was the king's private business, that matters of state were secrets to be imparted by the king to those whom he chose for the purpose. The essential point about the household secretary was that government was no longer the king's private business; that he could not treat the chancellor like a servant or dependant; that the chancery was a public department, and that he must seek in his own private establishment the exponent of his arbitrary policy. As time went on, the distinction between the government and the king's private concerns became clearer, and the term was reserved for the private clerk, a clerk who in his turn was to become a secretary of state.

L. B. DIBBEN.

<sup>82</sup> Issue Rolls of the Exchequer, no. 311, m. 14.

<sup>83</sup> *Ibid.* no. 335, m. 22.

<sup>84</sup> *Foedera*, ii. 422.

## *Bishop Shirwood of Durham and his Library.*

THE nucleus of the library with which Bishop Foxe endowed his college of Corpus Christi in Oxford is a collection of books made principally at Rome in the last quarter of the fifteenth century by John Shirwood, who was Foxe's predecessor in the see of Durham. As Shirwood bought his books he wrote his name in them, usually on the last leaf, with the time and place of purchase; and the dates which he thus contributes, together with the mentions of him in Burchard's diary, make it possible to amplify his biography considerably, whilst at the same time we get an interesting view of the books which an English bishop collected and read in the days when printing was just beginning to encourage the formation of private libraries.

Shirwood, or, as he habitually writes himself, Shirwod (in Latin, *limpida silua*), was probably the son of a John Shirwood of York, to whose will he was joint executor with the widow, Agnes Shirwood, in 1477.<sup>1</sup> The father held a small office under the crown at York from December 1445<sup>2</sup> until his death, about May 1475,<sup>3</sup> and was for many years in the commission of the peace for the county. In the wars of the Roses he espoused the Yorkist cause, and suffered heavily, losing his three sons-in-law by 'cruel deaths, without process of law'; and 'for his good service to the king, the king's father and uncle,' he was rewarded in 1462 by the appointment of clerk to the sheriff of the county of York.<sup>4</sup> Of the son's early life nothing is known. Leland, who mentions him incidentally in the *De Scriptoribus Britannicis*<sup>5</sup> (completed in 1545), states that he had seen verses by him preserved at Fountains Abbey, and adds that he was intimate with a Carthusian named Roche, who appears however to be nothing but a name. Shirwood first emerges into reality on 7 March 1450, when he took his M.A. degree from University College, Oxford.<sup>6</sup> In the same year, a few months later, the B.A. degree was conferred

<sup>1</sup> *Cal. of Patent Rolls* (1467-77), p. 581.

<sup>2</sup> *Ibid.* (1441-6), p. 392.

<sup>3</sup> *Ibid.* (1467-77), p. 518.

<sup>4</sup> *Ibid.* (1461-7), p. 107.

<sup>5</sup> Ch. ccxxxix. p. 262, Oxford, 1709. I am indebted for much guidance, here and elsewhere, to Mr. E. I. Carlyle's article on Shirwood in the *Dict. of Nat. Biogr.*

<sup>6</sup> Boase, *Register of the University of Oxford* (Oxford Hist. Soc.), p. 9.

upon a young Balliol undergraduate to whom Shirwood was destined to owe much—George Neville, brother of Warwick the kingmaker and first-cousin to Edward IV. After proceeding M.A. in 1452 with almost regal splendour, Neville was elected chancellor of the university; and before long the ambitions of his family set him to mount the ladder of ecclesiastical preferment. In 1456, when only twenty-three, he received the temporalities of Exeter; and though the pope tried hard to delay his consecration until he should reach the canonical age of twenty-seven, the ceremony was carried out in 1458. Two years later he became lord chancellor of England, and in 1464 archbishop of York, with an installation feast, on the latter occasion, of unexampled prodigality.

Shirwood perhaps remained for a while in Oxford, where someone of his name is found 'admitting determiners' in February 1455;<sup>7</sup> or he may be the person who on 29 October 1456 was incorporated and allowed to proceed D.D. with a B.D. from Cambridge.<sup>8</sup> But his fortunes soon followed his patron's. Within two years of Neville's consecration to Exeter Shirwood appears as chancellor of his diocese; Neville had not been archbishop for a year before Shirwood received the archdeaconry of Richmond; and finally in 1471, at the first vacancy in the rich prebend of Masham in York Cathedral, which Neville himself had held as a boy of fourteen, its 'golden' revenues were conferred upon Shirwood. There was also a bond of union between the two in classical studies. Among Neville's contemporaries at Balliol had been some of the humanists who afterwards began the work of undoing in Italy the bad name made for England in earlier centuries by the long line of English schoolmen<sup>9</sup>—Free, Tiptoft,<sup>10</sup> earl of Worcester (who became Neville's brother-in-law), and perhaps Gunthorpe. But there is more definite evidence of Neville's interest in, or at least patronage of, learning, in a Greek manuscript containing some *sermones iudiciales* of Demosthenes, and letters of Aeschines, Plato, and Chion, which was written for him, presumably in England, by a certain Emmanuel of Constantinople—with a donatory inscription dated 30 December 1468. This manuscript, which is in Isaac Voss's collection at Leiden,<sup>11</sup> has recently been shown by Dr. Montague James<sup>12</sup> to be by the same hand as the 'Ferrari group' of manuscripts—a happy identification which, besides

<sup>7</sup> Boase, *Register of the University of Oxford*, p. 24.

<sup>8</sup> *Ibid.* p. 9. The inscription in the manuscript which he bought in 1461 shows that he was then D.D.

<sup>9</sup> For England's reputation in Italy as the home of *barbarae et indoctae literae* see Aldus' preface, 14 October 1499, to Linacre's translation of Proclus' Sphere, printed in the Aldine *Astronomi Veteres*, 1499, fo. T. v<sup>o</sup>.

<sup>10</sup> See Professor J. Tait's article on Neville in *Dict. of Nat. Biogr.*

<sup>11</sup> Graec. 56. For the sequence of events which took Voss' collection from Windsor (where some part of it had doubtless been formed) to Leiden, see Molhuysen, *Gesch. d. Universiteitsbibliotheek te Leiden*, 1905, pp. 28 seq.

<sup>12</sup> *Journal of Theol. Studies*, v. (1904), pp. 445-7, and xi. (1910), pp. 291-2.



its interest here, has done much to solve a long-debated problem of New Testament criticism. The group consists entirely of Greek manuscripts, a Plato and Aristotle now at Durham, two psalters in Cambridge libraries, a psalter and part of a Suidas at Oxford, and the famous Leicester codex of the Gospels, which, despite its name and present habitation, was, with at least one of the Cambridge psalters also, at the beginning of the sixteenth century in Franciscan hands at Cambridge.<sup>13</sup> Dr. James conjectures that the Plato and Aristotle were written by Emmanuel for Neville during his prosperity (perhaps, we may add, under Shirwood's influence)—that is, at about the same time as the Leiden manuscript; and he quotes the *Paston Letters*<sup>14</sup> to show that when the archbishop's household was broken up in 1472, 'som that ar greete klerkys and famous doctors of hys, goo now ageyn to Cambrygge to scoolle'—thus very plausibly explaining the subsequent existence at Cambridge of three manuscripts written by Emmanuel.

Much light is thrown on Shirwood's movements by his books. The first of them are manuscript, the earliest being a thirteenth century copy of Peter Cantor's commentary on the Psalter,<sup>15</sup> which he bought in London on 6 June 1461. On 22 December 1464 he was again, or perhaps still, in London, his purchase on this occasion being a fifteenth century manuscript containing Pliny's *de Viris illustribus* Sextus Ruffus' *Breviarium* of Roman history, and some Latin lives of Virgil, Plato, Cicero, and Demosthenes.<sup>16</sup> His appointment to Richmond took him northwards, and on 9 October 1465 he bought at York a twelfth century manuscript of Justin's abridgement of Pompeius Trogus.<sup>17</sup> A few years later, when the 'golden prebend' enlarged his resources, he was able to employ scribes to copy manuscripts specially for him, his two acquisitions in this way being a Terence and a Cicero *de Finibus*,<sup>18</sup> which he had written for him in 1471-2—unfortunately without any record of the originals used.

It must have required tact and judgment for Shirwood to play his part during these troubled years, when the Nevilles gradually became estranged from the king they had made and were led into their fatal restoration of Henry VI. Shirwood was not wanting in courage, but he seems to have avoided offending either side, though his adherence to his patrons made a general pardon necessary in June 1471, when he submitted to Edward IV.<sup>19</sup> Subsequently he was appointed king's clerk and chaplain—an office which he was holding six years later.<sup>20</sup> Our next trace of him is in Rome, where on

<sup>13</sup> J. Rendel Harris, *Origin of the Leicester Codex*, 1887, pp. 17 seq., and *Further Researches into the History of the Ferrar Group*, 1900, pp. 25-8.

<sup>14</sup> Ed. Gairdner, no. 692 (1872-5), no. 800 (1904), 30 April 1472.

<sup>15</sup> Coxe, *Catal. Codd. MSS. Coll. Oxon., C.C.C.*, 49.

<sup>16</sup> *Ibid.* 84.

<sup>17</sup> *Ibid.* 81, where the date is wrongly given as 1464.

<sup>18</sup> *Ibid.* 60 and 92.

<sup>19</sup> *Cal. of Patent Rolls* (1467-77), p. 267.

<sup>20</sup> *Ibid.* (1476-85), p. 60.

13 January 1474<sup>21</sup> he bought a copy of Cicero's Orations, published in 1471 by Rome's first printers, the Germans Sweynheym and Pannartz. The inscription on the last leaf may be taken as typical of many others: 'Liber Jo. Shirwod, sedis ap<sup>cae</sup> protonotarii archidiaconique Richemundiae, emptus Romae ipsis idibus Januariis a<sup>o</sup>. do<sup>i</sup>. 1474.' His business at Rome was probably legal, in connexion with English interests at the Curia; for a few years later, 12 December 1477, his work was recognised by his appointment as king's proctor there.<sup>20</sup> In January 1475 he bought Livy, of the same printers; but later in the year he made a journey to England, and on his return we get a pleasant glimpse of him. In 1472 the archbishop of York had been 'deported,' and lodged at Calais in a not very close confinement. Shirwood on his journey back to Rome went somewhat out of his way—for his route lay through Flanders—to visit Neville; and in order to solace his imprisonment he taught him to play Arithmomachia, or 'the philosophers' game,' which he had learnt as a young man from his first teacher in dialectic and mathematics.

This highly complex game was for two players, each of whom had a chess-board with twenty-four pieces, including a king; the two sides being named 'Pars par' and 'Pars impar.' Each piece had a different numerical value, assigned upon definite but very complicated principles: the even king being ninety-one, the sum of the squares of one to six; the odd king 190, the sum of the squares of four to eight. But strength was not dependent on numerical value, for the odd side entirely outnumbered the even. The pieces were divided into three classes, circles, triangles, and squares, able to move respectively one, two, and three places in any direction; the kings being among the squares. The object of the game was first to capture the opposing king, and then to gain a victory by one of two methods; and to this end it was desirable to take the enemy's pieces, and also to transform one's own into 'triumphs' or trumps, which became thenceforward immovable, neither taking nor being taken. Capture of a piece could be achieved in four ways: by equality, 25 taking 25; by multiplication, 4 at 3 places distance taking 12; by coacervation, 72 and 153 taking 225; and by obsession, when a piece was so completely surrounded as to be unable to move. Besides these possibilities of danger, it was necessary in the final stages to take account of arithmetical, geometrical, and harmonical proportions; so that the game must have required great readiness in calculating, and Neville, if he mastered it, doubtless found that it killed plenty of time for himself and his attendants. On Shirwood's part it was no mean achievement to recover these intricate

<sup>21</sup> It is impossible to determine which year Shirwood used; but as Burchard in Rome uses the year beginning at Christmas (cf. *infra*, p. 452, n. 45), it seems likely that Shirwood may have done the same.

<sup>20</sup> *Cal. of Patent Rolls (1476-85)*, p. 60.

rules from his memory after the lapse of years, and to express them in intelligible Latin.

The precise date of Shirwood's visit to Calais is not established. His own account of it is given in the preface to the *Arithmomachia*, which is dated from Rome, 1 April 1482; and it is there stated that six or seven years had passed since the occasion. Neville was kept in durance until 1475—perhaps till nearly the end of the year, for the first indication of his release is that he confirmed the election of an abbot at Westminster in November 1475.<sup>22</sup> That Shirwood, who was by way of hoping for court patronage, should have ventured to visit in his adversity a patron who had incurred court disfavour, is greatly to his credit.

Neville's release has another interest for us in that it brought to England a person who was afterwards of some note—George Hermonymus of Sparta.<sup>23</sup> The attention of Sixtus IV had been directed to Neville's position, and he accordingly despatched a letter to Edward IV urging him to set his kinsman at liberty. For such diplomatic missions it was no uncommon thing to employ Greeks, whose knowledge of languages and natural finesse made them suitable agents. Thus Chrysoloras came to England in 1405-6 in the service of Manuel Palaeologus,<sup>24</sup> and John Lascaris spent several years of his life as French ambassador. Hermonymus' experiences on this occasion were not fortunate: He effected the object of his mission, apparently without much difficulty, but, lingering on in England, he was himself cast into prison, through trouble with some Italian merchants residing there, who brought against him a charge of espionage. From this predicament he only escaped with a heavy fine, which swallowed up all that he had received from the grateful archbishop and obliged him to raise a considerable loan; and it was not till the summer of 1476 that he found himself safely back in Paris, commencing his long career of activity as a Greek teacher and copyist of Greek manuscripts. One wonders what would have been the effect on the development of the Renaissance in England, if the one native Greek teacher to be found in the north—to whom Reuchlin, Erasmus, Budaeus, and many lesser humanists were obliged to turn—had met with a kinder reception in London.

After Shirwood's return to Rome his library grew steadily. In 1476 he bought Jerome's Letters and Lactantius, Gellius, Suetonius, Josephus,<sup>25</sup> and Martial; all but the Martial being by Sweynheym

<sup>22</sup> Privy Seal, 6 November; cited by Sir James Ramsay, *Lancaster and York*, ii. 415 n.

<sup>23</sup> See Omont in *Mém. de la Soc. del' Hist. de Paris*, xii. (1885), pp. 67, 68, 91.

<sup>24</sup> Legrand, *Bibliographie Hellénique*, i. (1885), p. xxiv.

<sup>25</sup> On the last leaf of Josephus, Shirwood has copied the inscription on the tomb of Adam Easton, a native of Herefordshire, who was Cardinal of St. Cecilia 1381, dean of York 1382-5, and who at his death on 15 August 1398 was buried in the church of St. Cecilia at Rome. The last word, *potum*, which has been partially shorn off by the

and Pannartz or Pannartz alone. In 1477 he added Cicero *de Oratore* and Aeneas Sylvius' *Dialogus de Somnio*; in 1478 Cicero *de Finibus* and Statius' *Silvae*; in 1479 Statius' *Thebais* and Platina; in 1480 Plutarch's Lives in Latin and Cicero's Letters—the three Ciceros being by Sweynheym and Pannartz. Between May and September 1481 he bought Plautus, the Confessions of Augustine, and works by the moderns, Sixtus IV *de Sanguine Christi*, Christopher Landinus' Disputations at Camaldoli and the Rhetoric of George of Trebizond. After this there is an interval of some years in his book-buying; but to the early period may probably be assigned some of his purchases which bear his name or marks of his reading, but without date—Polybius in Latin, by Sweynheym and Pannartz, Hierocles in Latin, by Pannartz alone, a Cicero *de Oratore*, Dionysius of Halicarnassus in Latin, Horace, Terence, and the Tragedies of Seneca.

The *Arithmomachia* was printed at Rome by Planck,<sup>26</sup> probably not long after the date of its preface, which is addressed to Marco Barbo, Patriarch of Aquileia and Cardinal of St. Mark. But then we have no trace of Shirwood until 1483. He seems to have returned to England, perhaps in consequence of the death of Edward IV on 9 April 1483, and to have attached himself to the cause of Richard III; for on the death of William Dudley, bishop of Durham, on 29 November 1483,<sup>27</sup> the see was conferred upon Shirwood. The precise date of his appointment is not known; but it may be dated not later than February 1484, for in February 1492 he is described as in the ninth year of his episcopate.<sup>28</sup> Shortly after his nomination he was sent off to Rome with Thomas Langton, bishop of St. David's, afterwards Pace's patron at Winchester,<sup>29</sup> to tender the obedience of Richard. The king's letters to Sixtus IV, 29 February and 2 March 1484,<sup>30</sup> in enumerating the merits which might carry Shirwood into the cardinalate, specially mention his skill in Latin and Greek.

binder, can be supplied from the British Museum Addit. MS. 5830, f. 124 v° (cf. n. 45) or from Ciaconius, *Vite Pontificum*, 1677, ii., 648-9.

<sup>26</sup> The British Museum has a copy in the Grenville Library (G. 8928). The Bodleian has a contemporary MS. (Ashmole, 344).

<sup>27</sup> This date, which is unknown to the historians of Durham, was unearthed for the *Dict. of Nat. Biogr.* by Mr. Sidney Lee from an account of Newark College (in which Dudley at one time held a prebend) in J. Nichols' *Hist. of the County of Leicester*, i. (1795), p. 333. It is roughly confirmed by two letters from the University of Oxford (*Epist. Acad. Oxon.*, ed. Anstey, Oxford Hist. Soc., no. 315, 316) dated 20 October 1483, and inviting the bishop of Durham to become chancellor. That the bishop was Dudley (as is rightly stated by Wood, *Fasti Oxon.*, ed. 1790, p. 64) is shown by the fact that there was another vacancy in the chancellorship before the end of the year, and that it was filled by John Russell, bishop of Lincoln. The date disposes of the identification (which has more than once been made) of Shirwood with the bishop of Durham who sat on Richard III's right at the coronation banquet in Westminster Hall, 6 July 1483.

<sup>28</sup> Raine, *Historical Account of the Episcopal Castle of Auckland*, 1852, p. 58. In the letter cited below, p. 451, n. 31, Richard speaks of having nominated Shirwood some time before (*tam dudum*).

<sup>29</sup> Pace, *de Fructu Studii*, p. 27; cf. *Engl. Hist. Rev.* xviii. (1903), p. 516.

<sup>30</sup> Rymer, *Foedera*, xii. 214, 216.

Another letter from Richard, 10 March 1484,<sup>31</sup> indicates that application for Shirwood's appointment had been made from Rome by his patron, Cardinal Barbo. Sixtus' reply providing him to the see is dated 29 March; <sup>32</sup> on 24 April he received custody of the temporalities,<sup>33</sup> and on 26 May he was consecrated at Rome. Between August 1484 and February 1485 he appears occasionally in the pages of Burchard's diary<sup>34</sup> as assisting at papal ceremonies, but in the summer of 1485 he perhaps returned to England. The temporalities of Durham were restored to him on 6 August 1485, but this does not necessarily imply that he was present. Three letters from Durham expressing pleasure in anticipation of his return are unfortunately without year-dates, and it is not possible to determine whether they belong to 1485, 1486, or 1488.<sup>35</sup>

Shirwood's adherence to Richard appears to have done him no harm in the new reign: his ability and experience of the Curia perhaps made it impossible to overlook him. On 28 February 1486 he was nominated among others to be king's proctor at Rome; <sup>36</sup> and in 1487 he was sent on the embassy headed by Thomas Milling, bishop of Hereford, which was charged to offer Henry VII's obedience to the Pope. To a man with Shirwood's tastes the journey must have been agreeable, for the company included the learned prior of Christchurch, Canterbury, William Sellinge, and his former pupil, Thomas Linaere, now a young Fellow of All Souls'. The cavalcade entered Rome at eight in the evening of 8 May, and Burchard notes<sup>37</sup> that whilst the bishop of Hereford attracted notice by his somewhat unusual costume, Shirwood and the bishop of Limerick, who were well acquainted with Rome, had adjusted their dress to the niceties of Roman fashion. When business was over, Shirwood fell to buying

<sup>31</sup> Rymer, xii. p. 221.

<sup>32</sup> *Historiae Dunelmensis Scriptores tres*, ed. Raine (Surtees Soc.), 1839, App. 283.

<sup>33</sup> *Cal. of Patent Rolls (1476-85)*, p. 436.

<sup>34</sup> This may be quoted in the editions of Thuasne, Paris, 1883-5, i. pp. 20, 90, 128, 141; and of Carducci and Fiorini in the new edition of Muratori, vol. xxxii. (1907-10), pp. 21, 72, 99, 110.

<sup>35</sup> *Hist. Dunelm. Script.*, App. 284-6, where Raine does not substantiate the year-dates which he adds; 286, dated 1 February, seems to belong to 1488, for it answers a letter of Shirwood's dated 24 August and received in Durham 18 January, in which he expresses his thanks for the entertainment shown to the bishop of Imola, Jae. Passarelli. Rymer, xii. p. 313, shows that Passarelli was sent to England with a letter from Innocent VIII, dated 23 July 1486, sanctioning Henry's marriage with Elizabeth of York, and that he subsequently went on into Scotland. Passarelli perhaps left England on his return to Rome about the end of July 1487; see a letter from Henry VII dated 18 July 1487, printed in Ughelli, *Italia sacra*, ii. 642. For these and many other indications I am indebted to Count Ugo Balzani's penetrating article on this embassy of 1487, 'Un'ambasciata inglese a Roma,' in *Archivio della Società Romana di Storia patria*, iii. (1880), pp. 175-211.

<sup>36</sup> W. Campbell, *Materials for a History of Henry VII* (Rolls Series) i. 323. Innocent's letter acknowledging the nomination (dated 29 March 1486, Raynaldus, *Ann. Eccles.* xi. pp. 109, 110, cited by Balzani) speaks very highly of Shirwood.

<sup>37</sup> *Diar.* i. 257; 195.

books again—a Juvenal on 11 June, Frontinus on Aqueducts and a Vitruvius on 16 August, which he inscribed proudly with his title ‘Jo. Dunelmensis.’ Other of his books which may be ascribed to this period are a Statius, and Alberti *de re aedificatoria*. He was probably still in Rome on 4 December 1487, when he obtained an indulgence from Innocent VIII for his church at Durham.<sup>38</sup> But in any case his employment in this year is sufficient to explain why he was not appointed on the commission to enquire into the causes of Lambert Simnel’s rising in the north in June 1487: a fact which misled Surtees<sup>39</sup> into the deduction that he must have been out of favour with Henry VII.

When he returned to England is not known. In 1490 we find him ‘scribbling in the moste haste’ from Auckland to John Paston,<sup>40</sup> proposing to exchange some of the coal, which was destined to make his see golden, for ‘cornes, wyne, and wax.’ In 1491 he protests to Henry against a violation of sanctuary at Hartlepool.<sup>41</sup> Then once again he was appointed ambassador to the papal court. In February 1492 he was in London for the last time on his way to Rome, and his private accounts<sup>42</sup> show him making a handsome present of 13*l.* 6*s.* 8*d.* to a cousin and her husband ‘for the relief and assistance of them and their children.’ On the evening of 14 June he entered Rome with his train,<sup>43</sup> but the business was not quickly finished. On 14 December at a consistory he delivered an elegant oration announcing the arrival of letters from Henry VII, dated 6 September and tendering obedience to Alexander VI.<sup>44</sup> But this was his last public utterance. On 10 January 1493 he was taken ill, and at vespers on the Monday following, 14 January, he died.<sup>45</sup> His body was carried in state from his house to the church of the English hospital, near what is now the Piazza Farnese, and buried there.

It appears that he had left claims in England unsettled, for within three months of his death a warrant was issued by the crown attaching his property for the satisfaction of his creditors.<sup>46</sup> His Latin books were acquired by Foxe, when, after more than a year’s

<sup>38</sup> *Hist. Dunelm. Scriptores*, App. 287.

<sup>39</sup> *History of Durham*, i. (1816), p. lxi.

<sup>40</sup> *Paston Letters*, no. 917 (1872–5), no. 1040 (1904).

<sup>41</sup> Gairdner, *Letters and Papers of Richard III and Henry VII* (Rolls Series), i. 98.

<sup>42</sup> Raine, *Hist. Account of the Castle of Auckland*, p. 58.

<sup>43</sup> Burchard, i. 489; 370.

<sup>44</sup> Burchard, ii. 18; 381.

<sup>45</sup> This date of year is usually interpreted as 1493/4; but the evidence of Burchard (ii. 36; 394) is quite indisputable. The month-date also is usually given as 12 January, from copies of the inscription on his tomb in the English hospital at Rome; but Burchard supports his date by adding the day of the week. The earliest copy of the inscription that I can trace is that quoted by Mr. Carlyle from the British Museum Addit. MS. 5830, f. 128v<sup>o</sup>. (made in 1721). It gives 12 January, but on the whole Burchard’s evidence seems the better here too. The copy of the inscription given in Forcella, *Iscrizioni delle Chiese di Roma*, vii. (1876) p. 167, from Galletti (Vatican MS. 7919, c. 10, n. 18, of the middle of the eighteenth century) agrees in date with the British Museum MS.

<sup>46</sup> Surtees, *History of Durham*, i. p. lxi.

interval, the see was filled up ; and thus they passed in due time to Corpus, probably at the first foundation of the college in 1516-17. That library, therefore, which the generosity of Foxe and Claymond quickly enriched, and the promise of which Erasmus extolled,<sup>47</sup> is the fortunate possessor of some thirty volumes whose ownership can be traced almost from the day when they issued from the press. The list of them gives some indications of Shirwood's tastes. Cicero has the first place beyond dispute. History is well represented ; there is some poetry, a little theology, three books on architecture, and a few books of his own generation. But he was not merely a buyer. Many of the books bear his mark, *Nota*, scattered over the margins, or a hand with a long pointing finger. These notes occur usually at the beginnings. In the days when chapters and sections were unknown and divisions into books rare, when head-lines were not and pages sometimes had no signatures even, not to speak of numbers, a reader had to go solidly through a book, and could not lightly turn up a passage he wished for, by the aid of a reference. But except in Cicero and in Plutarch—which is read almost from beginning to end—the marks do not often go far. Shirwood was doubtless too busy to find much time for reading, and before he had made much way with a book a new purchase had come to arouse his interest.

It is noticeable that there is no trace of Greek among them, although, as we have seen, Shirwood had the reputation of being learned in both languages. But his book-buying days, as reckoned by the latest recorded date of a purchase, were over before the appearance of the Florentine Homer in 1488, the only Greek author printed in his lifetime. Anything, therefore, that he had in Greek must have been in manuscript ; and, in fact, Leland states that Tunstall, who became bishop of Durham in 1530, found a store of Shirwood's Greek manuscripts at Bishop Auckland. In connexion with the castle was a collegiate foundation of great antiquity, which had been remodelled in 1428 by Bishop Langley.<sup>48</sup> It consisted of a vicar and nine canons, and its purpose, from being at first connected with the service of the episcopal chapel, became in course of time educational. The vicar enjoyed the title of dean of Auckland, and there can be little doubt but that the William Shirwood, dean of Auckland, who died at Rome on 11 October 1497 and was buried in the church of the English hospital,<sup>49</sup> was a kinsman of the bishop and owed to him this promotion. An inventory taken in 1498 on the advent of the new dean, William Thomeson, shows that the college

<sup>47</sup> *Epistolae*, London edition, iv. 11 ; Leiden edition, 438.

<sup>48</sup> Raine, *Hist. Account of the Castle of Auckland*, pp. 100-1.

<sup>49</sup> British Museum Addit. MS. 5830, ff. 127<sup>v</sup> and 209<sup>v</sup>. In one of the documents printed by Raine (*Hist. Dunelm. Script.* App. 285), the writer, at Durham, refers to a letter recently received by M[agister] Shirwood from the bishop at Rome.

then possessed a number of books in its library,<sup>50</sup> mostly medieval indeed, but including Cicero's Offices and Epistles, 'Cilius Ytalicus,' and two copies of Boethius *de Consolatione*, one being in print. It is quite clear that at that time Shirwood's Greek books formed no regular part of this library, but it is not difficult to suppose that the Greek manuscripts may have found their way there in deposit—perhaps through the agency of his kinsman the dean<sup>51</sup>—and that they perished with the rest at the Dissolution. The college then fell to the crown, and Bishop Pilkington (1561–75), who was Tunstall's successor, made a bowling green in its quadrangle and converted the chapel into shooting butts. At such a time we need not wonder if the library was dispersed.

Of these lost Greek books I have not been able to find more than one—a manuscript of Theodore Gaza's Greek grammar, which is now in the university library at Cambridge,<sup>52</sup> bearing Shirwood's name and his inscription, 'scriptus emptusque Romae a<sup>o</sup>. do<sup>i</sup>. 1476.' But this date cannot be lightly accepted, for the writer of the manuscript, John Rhosus of Crete, added a colophon to his work stating that he completed it at Rome on 10 November 1479 (ἑβδομικόστω ἐνάτω). Either of these statements standing alone would be taken as needing no confirmation, but together they are perversely contradictory. It is not possible to reconcile them by reading ἑκτω for ἐνάτω; and it must therefore be inferred that one of the two is an aberration—more probably Shirwood's, whose inscription is added after Rhosus'. The intermediate history of the manuscript cannot be fully traced. It came into the library from the property of Meric Casaubon (†1671), its earlier owners having been Gabriel Appleby in 1614, and before him Walter, son of Richard Harton, in the sixteenth century.

Shirwood's list of books presents an interesting contrast with a collection presented to the library of Durham monastery at almost exactly the same period, by John Auckland, who was prior of Durham 1484–94. They are all in manuscript—a fact which in itself is perhaps an indication of the prejudice against printing then current in some quarters—and they contain nothing which is not strictly within the limits of the medieval apparatus. Aquinas on the Sentences, the Meditations of St. Bernard, seven treatises by St. Chrysostom (in Latin), five by St. Anselm, seven by Grosseteste, three by Albertus Magnus, part of Vincent de Beauvais' *Speculum Historiale*, Lannham's *Philosophia Naturalis*, Bonetus' Metaphysics, Neckam's

<sup>50</sup> *Wills and Inventories of the Northern Counties*, ed. Raine (Surtees Soc.), 1835, pp. 101–3.

<sup>51</sup> The inventory just quoted mentions a vellum MS. of 'Constitutiones secundum vsum Cantuariensis prouinciae, cum glossa Willielmi Sherwode.'

<sup>52</sup> II. 4, 16. For the information about this MS. I am indebted to the kindness of Dr. M. R. James and Mr. F. J. H. Jenkinson. It has escaped the notice of Gardthausen, *Griechische Palaeographie*, pp. 326–7.



sermons, *Summa Bibliorum, Concordantia realis de historiis Bible, Stimulus amoris in Iesum, Tractatus de scaccario moralis iuxta mores hominum, Exempla de animalibus*<sup>53</sup>—here is no breath of that new life and hope which scholars were then bringing home with them from Italy to the North. We may perhaps conjecture that the worthy prior, in staunch opposition to paganism, had set his face against that reconquest of the lost heritage of antiquity which the printer's art was now beginning to make possible. If so, he cannot have been much in sympathy with his bishop.

In conclusion, two questions arise. First, why did not Foxe secure the Greek books for Corpus as well as the Latin? Greek was as much in his view as Latin, as his statutes show; and the books which he himself bought for the Corpus library include almost everything that was then available in Greek. No answer is possible, nor ever likely, beyond the surmise that he overlooked them; perhaps not visiting Auckland much during his seven years' tenure of the see. Or had the dean a hand in their temporary disappearance? The second question, Where are Shirwood's other Greek books? admits more readily of solution; and in these days of careful investigation and cataloguing it is not too much to hope that they may yet be discovered.<sup>54</sup>

P. S. ALLEN.

LIST OF BOOKS FORMERLY BELONGING TO JOHN SHIRWOOD.

(In this list J = Jenson; S = Sweynheym; P = Pannartz; W = Wendelin of Spires.)

I. AT C.C.C. OXFORD.

Date of Purchase	Title	Date of Writing	Coxe	Press-mark
6 June 1461	Cantor on the Psalter	sec. xiii.	49	D. 2. 4
22 Dec. 1464	Pliny, Sextus Ruffus, etc.	sec. xv	84	F. 2. 11
9 Oct. 1465	Pompeius Trogus	sec. xii	81	A. 2. 8
1471	Terence	sec. xv	60	D. 1. 7
1472	Cicero, de Finibus	sec. xv	92	F. 1. 1
Date of Purchase	Title	Date of Printing	Proctor	Pressmark in $\Delta$
13 Jan. 1474	Cicero, Orations	Rome, SP. 1471	3318	10. 1
Jan. fin. 1475	Livy	Rome, SP. 1472	3326	10. 5
1476	Lactantius	Rome, SP. 1463	3291	12. 15
„	Jerome, Epistles	Rome, SP. 1468	3294	24. 8, 9
„	Aulus Gellius	Rome, SP. 1472	3327	12. 9
„	Suetonius	Rome, SP. 1472	3329	12. 9
„	Josephus, Lat.	Rome, P. 1475	3532	12. 9
„	Martial	Venice, 1475	4298	11. 6
1477	Cicero, de Oratore	Rome, SP. 1469	3295	9. 16
„	Aeneas Sylvius, Dia- logus de Somnio	Rome, 1475	3487	12. 12

<sup>53</sup> Rud, *Codd. MSS. Eccles. Cathedr. Dunelm. Catalogus*, 1825, pp. 81, 88, 90-1, 161-3, 168-9, 234-6, 305-6.

<sup>54</sup> Since writing this article I have seen a list of Shirwood's books contributed by Proctor to Quaritch's *Dictionary of English Book-collectors*, Part iv., May 1893. I have examined again the few points in which the list that follows differs from Proctor's, and find them all demonstrably correct.

Date of Purchase	Title	Date of Printing	Proctor	Pressmark in Δ
1478	Cicero, de Finibus	Rome, SP. 1471	3320	10 . 2
„	Stattius, Siluae	Rome, P. 1475	3528	11 . 10
1479	Platina, Vitae Pontificum	Venice, 1479	4336	20 . 7
„	Stattius, Thebais		p. 261	7 . 12
1480	Cicero, Epistles	Rome, SP. 1470	3311	9 . 8
„	Plutarch, Lives, Lat.	Venice, J. 1478	4113	9 . 2
15 May 1481	Plautus	Venice, W. 1472	4046	11 . 3
„	Sixtus IV, de Sanguine Christi	Rome, 1473	3389	20 . 8
Aug. init.	„ Augustine, Confessions	Milan, 1475	5883	16 . 6
12 Sept.	„ C. Landinus, Disputationes Camaldulenses	Florence, s.a.	6119	8 . 9
„	„ George of Trebizond, Rhetorica	Venice, W. s.a.	4057	19 . 15
11 June 1487	Juvenal	Venice, 1483	4620	11 . 15
16 Aug.	„ Vitruvius	Rome, s.a.	3951	19 . 8
	„ Frontinus, de Aqueductibus	„ „	3940	19 . 8
	Undated			
	Cicero, de Oratore <sup>55</sup>	Venice, 1470	4131	9 . 13
	Polybius, Lat. <sup>56</sup>	Rome, SP. 1473	3336	7 . 12
	Horace <sup>57</sup>	Rome (c. 1475)	3559	11 . 10
	Hierocles, Lat. <sup>58</sup>	Rome, P. 1475	3530	15 . 4
	Seneca, Tragoediae <sup>56</sup>	Ferrara (c. 1475)	5731	12 . 6
	Terence <sup>59</sup>	Venice, 1476	4246	11 . 6
	Dionysius Halic., Lat. <sup>56</sup>	Treviso, 1480	6490	8 . 1
	Stattius <sup>60</sup>	Venice, 1483	4578	11 . 15
	Alberti <sup>56</sup>	Florence, 1485	6131	19 . 8

The following books possibly belonged to Shirwood, being bound up with books that are certainly his. In each case his inscription comes at the end of the bound volume, and thus may be intended to apply to all the component parts.

Festus, Collectanea	Rome, 1475	3475	12 . 12
L. Aretinus, de Bello Italico	Foligno, 1470	5721	„
Themistius, Lat.	Treviso, 1481	6488	8 . 9

## II. IN CAMBRIDGE UNIVERSITY LIBRARY.

(1479)	Gaza, Grammar	10 Nov. 1479	Ii. 4 . 16
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<sup>55</sup> Shirwood's mark, *nō*, occurs on ff. 10, 12, 14-6.

<sup>56</sup> Shirwood's marks unmistakable.

<sup>57</sup> Head-lines written by Shirwood on two pages of *Ars Poetica*.

<sup>58</sup> Head-lines by Shirwood on some of the early pages.

<sup>59</sup> The mark . *μ* . by Shirwood, as in Δ. 12 . 9.

<sup>60</sup> The mark *nō* occurs in the *Epistola Saphus*.

## *England and Denmark, 1660-1667*

JUST before the Restoration in 1660 Charles II, who was staying for a few days at the Hague as the guest of the Estates of Holland, declared to John de Witt that he intended to reverse the foreign policy of England. Instead of joining France, Sweden, and Portugal, as Cromwell had done, he proposed to cast his lot with the Dutch republic, with Spain, and with Denmark. Charles was prompted in this decision not so much by his knowledge of European politics or by any consideration of the interests of England as by his personal feelings and by his opposition to the powers which had been friendly to the late Protector. But when the statesmen of the Restoration undertook to carry out this foreign policy they discovered that the commercial rivalry of England and Holland made an alliance with the United Provinces impossible; while Charles's failure to return Jamaica and Dunkirk to Philip IV so estranged that monarch that all hope of an understanding with Spain was soon abandoned. Charles II was able, however, to carry out in some measure the policy which he had announced in regard to Denmark.

Among the first to arrive in England to congratulate the English king on his restoration was Henry Rosenwing, envoy extraordinary from Denmark, to whom Charles expressed a desire to join England and Denmark in a defensive alliance; and in the autumn of 1660 Frederick III sent Count Alfeldt to London with instructions and the power to negotiate a treaty to that purpose.<sup>1</sup> This was the only treaty made by England in which there was no delay, and it was the first one which the restored monarchy concluded with any state. It was ratified on 13 February 1661 and was particularly advantageous to the king of Denmark. While both rulers mutually agreed not to assist each other's enemies, the king of England undertook to include the king of Denmark in all treaties, and if his territories were invaded, to assist him with such forces as his affairs required.<sup>2</sup> Under a minor provision of this treaty the case of the English ship 'Salvador,' which had been confiscated by Danish officers because she ran through the Belt and not past Elsinore, apparently to avoid paying

<sup>1</sup> Foreign State Papers, Denmark, xvii. 5, 12, 29.

<sup>2</sup> Dumont, *Corps Universel Diplomatique*, vi. ii. 346.

the Danish customs, was adjusted in 1661 ; as was also that of the Norwegian ship 'Sampson,' which was detained in the port of London because of a dispute between the owner and an English commission merchant in regard to freight.<sup>3</sup> As an expression of the cordial feeling which existed between the two kings, the son and heir of Frederick III, Prince Christian, paid a visit to the English court in the autumn of 1662, and was received with every mark of favour. The king of Denmark thanked the king of England particularly for this testimony of his regard, and Prince Christian always referred to his visit to England in glowing terms.<sup>4</sup> In June 1663 Leonora Christina, half-sister of Frederick III and wife of the able but unprincipled Danish statesman, Korfits Ulfeldt, came to London to collect a debt of 18,700 rix-dollars, which she maintained that her husband, when ambassador to Holland in 1649, had lent to the marquis of Montrose to assist in his projected royalist rising in Scotland. She produced four receipts, three for various sums amounting to 13,700 rix-dollars, and a fourth for eleven diamond rings, upon which Montrose raised 5000 rix-dollars before he left the Hague. Charles II told Leonora Christina that he could never forget the service which her husband had performed for him on that occasion, and promised to give her claim every consideration. But it was not merely the satisfaction of this debt which Leonora Christina desired : she wished to collect the sum in order to assist her husband in a Danish revolution. When Frederick III wrote to the king of England to arrest the Ulfeldts if they were in his territory, Charles had no difficulty in repressing his satisfaction ; he arrested Leonora Christina just as she was escaping from Dover and sent her a prisoner to Copenhagen. The king of Denmark wrote to Simon de Petkum, his resident at London, to thank Charles for this service and to express his desire to do something in return.<sup>5</sup>

But more abiding interests tended to make this ephemeral union of England and Denmark permanent. The two kings had common cause against the Dutch West India Company, which attempted to prevent the founding of English and Danish factories on the coast of Guinea. Since 1618 Englishmen had occasionally traded with the natives of the Gold Coast in gold and in ivory, but it was not until the Restoration, when the Navigation Act gave Englishmen a monopoly of the slave trade with the American colonies, that the African trade was taken seriously in hand. Charles II chartered the Royal African Company and sent Sir Robert Holmes to the Gold Coast in 1661 to secure places for the merchants to trade at. He was followed in 1662 by the 'James' and by the 'Charles,' two vessels of the African company ; but at every point on the coast the 'Golden

<sup>3</sup> Foreign State Papers, Denmark, xvii. 74, 96.

<sup>4</sup> *Ibid.* xvii. 85, 87, 89, 92, 140.

<sup>5</sup> *Ibid.* xvii. 100, 102, 106, 113, 116, 122, 124, 163 ; Gardiner, *The Commonwealth and Protectorate*, i. 76.

Lion,' a Dutch man-of-war, obstructed the English.<sup>6</sup> In 1663 Charles II took up this question with the States-General. Sir George Downing presented the English demand that Englishmen had the right to seize and to hold unoccupied points on the coast of Africa, and asked the States-General to repair the damages which the Dutch African Company had done to English commerce in the year preceding.<sup>7</sup> Neither the States-General nor the Estates of Holland admitted this claim; they maintained that the Portuguese had possessed control of the trade to Africa, and that this control had passed into Dutch hands when the Hollanders drove the Portuguese from the Guinea coast. The various questions involved in this dispute so estranged England from the republic that in the autumn of 1663 Secretary Morice told Peter Cunaeus, who remained in England to represent the United Provinces after the departure of the Dutch ambassadors in 1662, that the council would not receive any further communications from him; and the earl of Clarendon said that this resolution was due to the failure to secure a settlement of the principles involved in the case of the two ships.<sup>8</sup>

The king of Denmark and the Danish West India Company also found themselves in antagonism to the monopolistic policy of Holland. In 1657, when Frederick III declared war on Charles X of Sweden, he had sent Henry Carlost to Africa to capture the Swedish factories on the Guinea coast. Carlost took Cape Coast Castle, at that time in the hands of the Swedes, and captured the 'Stockholm,' a Swedish merchantman. But after his departure Caspar Husden, of the Dutch West India Company, with the help of a small bribe persuaded the Danish commander of the fort to surrender it to him, arguing that the Danish Company would lose it in any case, since the king of Sweden had completely routed the Danes in Europe, and that his men-of-war would soon appear off the African coast. But it was not the Swedish men-of-war but Carlost who returned to the Gold Coast in 1659, and insisted upon the restoration of Cape Coast Castle to the Danish Company. The fort remained Danish only for a short time. In 1660 Husden laid siege to it, and after investing it for six weeks, with the assistance of the king of Fetu, in whose territory it lay, secured it again for the Dutch West India Company. In order not to be excluded from the Gold Coast trade the Danish company occupied a place near by, fortified it, and called it Fredericksberg; but the Hollanders drove them out, seized their merchantmen, and confiscated their cargoes.<sup>9</sup>

<sup>6</sup> Colonial State Papers, xv. 86; xvii. 34.

<sup>7</sup> Domestic Entry Book, Charles II, xiii. 355.

<sup>8</sup> N. Japikse, *De Verwickelingen tusschen de Republiek en Engeland, 1660-1665*, p. 271.

<sup>9</sup> *Klaghvervolgh van den Heeren Staten over de pretensie violentie door de Nederlandsche West-Indische, Africaensche Compagnie gepleecht*: Foreign State Papers, Denmark, xvii. 42, 134-137.

In the autumn of 1663 the king of Denmark, having failed to secure any satisfaction by a direct appeal to the States-General, resolved to ask the king of England to assist him in securing redress for the injuries which the Dutch company had inflicted upon the Danish company on the Gold Coast, and wrote a personal letter to Charles II to that effect, enclosing a statement of the grievances. At the same time Simon de Petkum presented a memorial to Secretary Bennet asking that Downing should be instructed to support the Danish claims with the States-General. Charles II gladly issued the necessary instructions ; and Downing presented the grievances of the Danish company in his characteristic manner, but without receiving or indeed expecting any satisfactory answer. Canizius, the Danish resident at the Hague, thanked Downing for this service, and expressed his belief ' that talking would do no good nor obtain any satisfaction for what had passed nor security for the future, unless attended with something that was real and did bite.'<sup>10</sup> In November 1663 the two kings discussed the question of an offensive alliance against the United Provinces, but so far as can be gathered from the letters of Petkum to Williamson, which alone seem to contain references to the negotiations, the king of Denmark favoured legislation against the commerce of Holland rather than war, because the late struggle with Sweden had so drained his treasury that he could hardly afford another conflict. An attack on the Provinces, however, was ' nearest to his heart,' and in that case he desired the king of England to become a guarantor of the treaty of Copenhagen in 1660,<sup>11</sup> so that Sweden would at least remain neutral, if indeed that power did not unite with England and Denmark to form a triple alliance against the Dutch republic. These negotiations were apparently abandoned, or perhaps temporarily postponed, in order to make another effort to settle the English and Danish claims by diplomacy at the Hague. In January 1664 Frederick sent Hannibal Sehested, his ambassador to England, from London to the Hague, where for two months he attempted to secure the recognition of the Danish claims ; but he returned to Copenhagen convinced that such attempts were useless. He wrote to Bennet ' that the Estates of Holland seemed to desire to reduce the king of Denmark to some sort of dependence upon them,' and asked that in case the Dutch insisted on closing the coast of Guinea to the trade of other nations the king of England would make no resolution in regard to them without the participation of the king of Denmark.<sup>12</sup> On 11 May 1664 Frederick wrote to Charles in a similar vein. Since the

<sup>10</sup> Thomas Lister, *The Life and Administration of Edward, First Earl of Clarendon*, iii. 259.

<sup>11</sup> *Continuation of the Life of Clarendon*, s. 551.

<sup>12</sup> ' Qui ille ne donnera jamais, sil luy plait, aucunne resolution sans notre participation : ' Foreign State Papers, Denmark, xvii. 142, 145, 152, 159, 170.

relations of England to the United Provinces were such that sooner or later the king of England would make another treaty with the States-General, Frederick asked Charles not to do so without including him in it, and without securing a complete adjustment of the Danish claims against the Dutch West India Company.<sup>13</sup>

These letters from the king of Denmark and Sehested, coming as they did after the discussion of an offensive alliance between England and Denmark in the preceding autumn, gave Charles II every reason to believe that Frederick would unite with him in an offensive alliance against Holland; and in June 1664 he resolved to send an extraordinary envoy to Copenhagen to negotiate a treaty to that effect. He chose Sir Gilbert Talbot for this mission. At the same time he determined to send Henry Coventry to Sweden with the same rank. This decision probably arose out of the negotiations with Sehested in the autumn of 1663, when it was perceived that the co-operation or at least the neutrality of Sweden was necessary if the king of Denmark was to act with vigour against Holland. The two envoys sailed on the same vessel, and with one important exception carried identical instructions. They were to guarantee the treaty of Copenhagen to both powers as the basis of cordial co-operation by them, and to negotiate with each commercial treaties which would exclude Dutch shipping from the Baltic Sea. Here the instructions to Coventry stopped, because it was not supposed in England that the regency in Sweden would think of joining Charles in a war against the United Provinces; but Talbot was particularly instructed to unite England and Denmark in an offensive alliance against the Dutch republic.<sup>14</sup> This policy of combining with the northern powers was well conceived, for if the Baltic were closed to Dutch trade that alone would almost destroy the commercial supremacy of the Provinces. Without grain from Danzig and without shipbuilding material from other Baltic ports, the Dutch merchant marine would no longer be able to maintain its position upon the sea.

It is possible however that Charles and his advisers did not fully understand the difficulty of uniting Denmark and Sweden. Since the opening of the century the position of these two powers had been completely reversed. From a condition of relative weakness and isolation Sweden had become a state of the first rank. Swedish

<sup>13</sup> 'Et comme je voy les affaires entre Votre Majeste et les dites Estates Genereaux dans une disposition que me fait juger, que tost ou tard il en faudra venir a une nouveau traitté, j'ay une si grande confiance en l'amitie de Votre Majeste que j'espere que dans ce cas elle aura un tel esgard a mes interests, qu'elle ne conclura aucun accommodement avec les dites Estates sans j'ay soy compris, et que les differents que j'ay avec eux n'ayent este entièrement adjustes.' Foreign State Papers, Denmark, xvii. 180.

<sup>14</sup> There seem to be no written instructions either in the collection of the Danish or Swedish Foreign State Papers or in the Treaty Papers, but it is fairly easy to ascertain what these instructions were by a perusal of the despatches of Talbot and Coventry to England. In the continuation of his *Life Clarendon* mentions only the commercial treaty with Denmark, s. 552.

soldiers had taken a decisive part in the Thirty Years' War, and at its close Swedish statesmen had annexed the mouths of the Elbe and of the Oder; they had conquered Esthonia, Livonia, and Ingria; they had claims on Prussia and on Poland: they might well aspire to the dominion of the lands surrounding the Baltic with the right to levy tribute on the commerce of all nations. Denmark opposed the growth of Sweden with all her strength, but would have been overthrown but for the intervention of the European powers. At the treaty of Roeskilde in 1658, and again at the treaty of Copenhagen in 1660, Frederick III surrendered Halland, Scania, and Bleking to Sweden, thereby giving up the northern shore of the Sound as well as three valuable agricultural provinces. A guarantee of the treaty of Copenhagen was thus a matter of urgency: without it Sweden probably could not receive any overtures from England, but with it Denmark could not hope to regain the lost provinces except in opposition to England.

On the afternoon of Saturday, 17 September 1664, the English frigate which carried the two extraordinary envoys cast anchor in the Sound. Coventry landed at Helsinborg to proceed overland to Stockholm, and Talbot landed at Elsinore for Copenhagen. Talbot was received by the king of Denmark on the 21st, not however in the palace, but in the royal garden house, lest the meeting should 'give any cause of jealousy to the Dutch,' and explained the purpose of his mission, 'a private firm league betwixt England and Denmark for the better maintaining the freedom of commerce.' After a brief private consultation with the members of his council, Frederick replied through Chancellor Ritz 'that he was so sensible of the exorbitant growth of the Hollanders at sea that he would gladly join with his Majesty of Britain to prevent it and recover the trade out of their hands.' For an offensive alliance with England however he asked 'to be secured from the invasion of the Swedes' and 'to have restored the freedom of imposing customs in Norway and in the Sound which obtained before 1645 if his Majesty should bring the Hollander to reason.' The king appointed Sehested and Gabel to work out the details of the treaty with Talbot, but before they were fairly under way Petkum wrote from London that war between England and the Provinces was practically inevitable. This letter however had no effect on the negotiations, for early in November Talbot agreed with the Danish commissioners on the terms both of the commercial treaty and of the offensive alliance. The king of Denmark 'accorded every point' in the former, but was not so gracious in the latter. He agreed to close his ports to Dutch shipping, to recall Danish sailors from the Dutch service, and to enter the struggle against Holland. The war on his part however was to be confined to an attack on Dutch commerce on the coast of Norway and in the Sound,



provided the king of England sent twelve men-of-war to be commanded by him to make this attack effective. The protocol also required Charles to give him a subsidy at the end of the war 'to enable him to defend himself in case the Hollander fell upon them,' and not to make any treaty with the Provinces without 'including the whole interest' of the king of Denmark.<sup>15</sup>

Talbot's mission to the Danish court seems to have been easily fulfilled; with no delay and with comparatively little discussion Frederick III agreed to a commercial alliance with England and engaged also to enter the war against the Provinces. For greater secrecy and despatch Frederick provided a galliot to carry the treaty papers to England, and Talbot sent his secretary away with them early in November; but the vessel was caught in a storm on the North Sea and did not reach London until the end of that month. It was only on 4 January 1665 therefore that Talbot received an answer from the earl of Clarendon, to the effect that his majesty would not make peace with the Dutch republic without the consent of the king of Denmark nor without making full provision for his interest, and that before 15 February he would send twelve men-of-war to the Sound, and at the end of the war would assist Frederick as his necessities required.<sup>16</sup> On the questions of the commercial treaty and the offensive alliance therefore the two kings were in agreement; to complete the union there remained only the question of the guarantee of the treaty of Copenhagen, in regard to which Clarendon anticipated no difficulty since Sehested had asked for it when he was in England in 1663.

Talbot was somewhat surprised to discover almost immediately after his arrival in September 1664 that the Danish statesmen desired to reopen the questions which had been settled by the treaty of Copenhagen. It was especially the cession of the three provinces which Frederick III was unable to forget, and it is not surprising that he thought the minority of Charles XI an opportune time for regaining them in case there should be a western European war. At least he did not desire that his English ally should in any way guarantee the possession of them to Sweden. Early in October Talbot wrote to Coventry that the king of Denmark objected to the guarantee, and Coventry in turn wrote to Clarendon on 2 November that he was very much 'startled' at the contents of Talbot's letter, because without the guarantee he could not advance the interests of England at the Swedish court. Coventry's letter arrived in London just after the treaty papers from Talbot. In the

<sup>15</sup> Foreign State Papers, Denmark, xvii. 190, 194, 238; Clarendon MSS. lxxxii. 130, 191; *Continuation of the Life of Clarendon*, s. 677. A few of the despatches of Talbot and Coventry, which have been preserved in the collection of Clarendon manuscripts in the Bodleian Library, have been published in the second volume of Lister's *Life of Clarendon*.

<sup>16</sup> Clarendon MS. lxxxiii. 38.

letter which contained the acceptance of the terms of the offensive alliance, Clarendon wrote to Talbot that the guarantee had been proposed by Sehested and that the whole policy of England toward the Scandinavian powers, or in other words the formation of a triple alliance to exclude Dutch shipping from the Baltic Sea, had been based upon it ; and he suggested that Talbot should meet Coventry at some convenient point in Sweden to agree if possible on a guarantee which would be acceptable to both powers. But the earl of Clarendon did not think it worth while to write to Coventry to this effect, although it would have been courteous had he done so in answer to Coventry's letter of 2 November, if indeed an answer containing instructions for the meeting with Talbot was not necessary to make the plan succeed. Talbot wrote to Coventry on 7 January 1665, and again a few days later, asking him to meet him at Jencoupen, a half-way point between the two capitals, early in February to discuss the question of the guarantee ; and on 30 January, on the pretext of a hunting expedition, he left Copenhagen and started for Jencoupen.<sup>17</sup>

With the exception of a treaty between England and Sweden in 1661, which only recognised the return of the Stuart monarchy, there were no diplomatic relations between the two states until the autumn of 1664. Possibly the cordial relations between the Protectorate and Sweden explain this fact. The five regents however who governed during the minority of Charles XI pursued a pacific policy, not only because the late war had disorganised the national finances, but also because a war would *ipso facto* change the balance in the government by making one of the regents, General Wrangel, by virtue of his position as minister of war, practically supreme. Coventry on his first arrival at Stockholm found the regency ready to negotiate with him, but suspicious of English policy, especially since he could not produce written powers to negotiate a treaty. On 12 October he wrote to Secretary Bennet for proper powers, and at the same time told the Swedish chancellor, Magnus de la Gardie, who directed foreign affairs, that the king of England desired to guarantee the treaty of Copenhagen as the basis of an alliance between England and the Scandinavian powers against the Dutch republic. The regents thereupon appointed three commissioners, Mathias Biornklou, Peter Cojet, and Israel Lagerfeldt, to treat with Coventry, and even proposed to incorporate the guarantee in a defensive alliance with England ; but nothing was accomplished, because, as Coventry discovered on 25 October, the regents suspected that the king of England desired 'to see what would become of Holland first, and in the meantime amuse them.' Coventry took advantage of the first opportunity to assure La Gardie that the king considered an alliance with Sweden not in the light of a temporary

<sup>17</sup> Clarendon MSS. lxxxii. 207 ; lxxxiii. 36, 38.

expedient in a war against Holland, but as a permanent part of English foreign policy because of the lasting community of interests of the two powers.<sup>18</sup> After this positive declaration the commissioners granted Coventry two interviews in the first week of November, and apologised to him for not having done so sooner. He proposed that in case of war between England and the United Provinces Swedish subjects should be forbidden to serve in the Dutch navy, and that the king of England should be free to buy commodities in Sweden in such quantities as he might need. The commissioners assented to both propositions, and asked that the English Hamburg Company should be removed from Hamburg to Stade, in the bishopric of Bremen. They considered the guarantee of the treaty of Copenhagen however as the most important matter; but they 'were still in very great pain' that Coventry did not show power to treat with them, and they soon declined to continue the negotiations until he did so.<sup>19</sup> Thus the proposed defensive alliance of England and Sweden to which both parties agreed in principle in November 1664 was at a stand until the middle of December, when ample powers arrived; but these were still unsatisfactory because they were written in English, whereas the regents expected the use of Latin and the forms used in concluding the treaty of 1661.<sup>20</sup> Not until the end of January 1665, when a new and entirely satisfactory set of instructions arrived from England, could Coventry resume negotiations, and just at that time he received Talbot's first letter; but he was getting on so rapidly with the commissioners that he felt to leave town at this juncture 'might ruin his whole business. His haste is because he must be back to conclude; the same reason keeps me from going.'<sup>21</sup> So Coventry remained at Stockholm, busied in the details of his negotiations, while Talbot journeyed two hundred miles through the cold and snow of a northern winter to meet him.

Talbot remained several days at Jencoupen awaiting Coventry, and when he did not arrive he hoped at least for a letter explaining the reason for his delay; but in that too Talbot was disappointed, and on 11 February 1665 he began his return journey to Copenhagen. The earl of Clarendon seems to have been chiefly responsible for the mishap. If, as he said in his letter to Talbot, the guarantee was the most important matter under consideration by the three powers because it was the basis of all common action, he should have instructed Coventry carefully about the meeting. It is not surprising that Coventry did not act on instructions from a fellow-minister, especially when his negotiations were proceeding so smoothly; but he might have had the grace to write to Jencoupen to say that he

<sup>18</sup> Foreign State Papers, Sweden, v. 2, 3; Clarendon MS. lxxxii. 207; *Continuation of the Life of Clarendon*, § 674-676.

<sup>19</sup> Foreign State Papers, Sweden, v. 7.

<sup>20</sup> *Ibid.* v. 8, 9.

<sup>21</sup> *Ibid.* v. 11; Clarendon MS. lxxxiv. 60.

was not coming. That the two envoys did not meet to discuss the character of a guarantee which would be acceptable to the two Scandinavian states was a serious matter; but the lack of decision and direction at Whitehall was vastly more important, and augured ill for the future of English diplomacy.

Coventry continued negotiations with the Swedish commissioners, and, with the exception of two articles which were arranged separately, agreed with them upon the terms of a defensive alliance before the end of February. The treaty of Stockholm, dated 1 March 1665, consisted of thirty-one articles and was valid for ten years. Its provisions applied only to the Baltic, the Sound, and the North Sea; in case of war each party engaged to assist the other with four thousand foot or an equivalent in money, and either party could enlist soldiers or buy ships from the other provided they could be spared. The king of England also agreed to declare war on either Scandinavian power in case of an infringement of the treaty of Copenhagen. A secret article provided for the annulling of the Elucidations of Elbing, which were part of the treaty of Elsinore between Sweden and the United Provinces in 1659. If the States-General agreed to their abrogation, Charles was not to appear in the matter; but if they opposed it, Charles engaged to make war on any power except France which united with the Provinces against an annulment, and he promised to oppose France diplomatically.<sup>22</sup> With the conclusion of this defensive alliance between England and Sweden, the policy of Charles II to unite the northern powers with England seemed in a fair way to succeed, if only Frederick III could be induced to accept a guarantee of the treaty of Copenhagen as the basis of an alliance between Denmark and Sweden.

On his return from his fruitless journey to Jencoupen, Talbot took up the threads of his negotiations with the Danish commissioners; but he soon discovered that the situation was not so favourable as it had been before his departure. Coventry had told the Danish resident at Stockholm frankly that he had offered, and that the regents had accepted, a guarantee of the treaty of Copenhagen as the basis of a defensive alliance between England and Sweden, and the resident sent this news to the king of Denmark by the first post. This was the first official information at the Danish court as to the course of English diplomacy at Stockholm; and Frederick, being strongly opposed to a guarantee of the treaty of Copenhagen because it would seal the loss of the three provinces, told Talbot in the first interview after his return that no alliance between England and Denmark could be based upon it. 'I told you in my letter of the 14th,' Talbot wrote to Bennet on 18 February, 'what a disorder Mr. Coventry's plain dealing with the Danish resident concerning the guarantee hath begat in the mind of this

<sup>22</sup> Foreign State Papers, Treaty Papers, 69.

king. I never saw him more disquieted, and I assure you it had like to have shaken all to pieces. When I acquainted him with passages from Mr. Secretary Morice's letter, he began to be somewhat pacified.' <sup>23</sup> So far as is known, this letter from Morice has not been preserved, but it probably interpreted a guarantee of the treaty of Copenhagen not as guaranteeing the terms of that treaty so as to secure the three provinces to Sweden, but merely as guaranteeing a peace between Denmark and Sweden, and thereby making possible the recovery of the provinces by Denmark with the assistance of England if Sweden disturbed the peace between the two Scandinavian states. On 25 February Talbot wrote that 'they had swallowed the guarantee but so as they expect his Majesty should under his own hand confirm somewhat of that which Mr. Secretary Morice hath written as an explanation of his meaning.' <sup>24</sup> It was in all probability through this perverted interpretation of the guarantee, just the reverse of the guarantee given to the Swedish regents, that Talbot secured the consent of Frederick III. But no permanent alliance of England and the northern powers could be created in this manner by guaranteeing to one the possession of conquered provinces and to the other a peace with the hope of the reconquest of the same provinces. At the end of February Frederick issued a proclamation recalling Danish sailors from the Dutch service, but he still declined to affix his name to the offensive alliance with England until he knew that Sweden would join with England also. 'I am at a dead stay as to the main of my business till I hear what Mr. Coventry doth in Sweden, for these can no wise think it safe to embark and leave Sweden loose.' <sup>25</sup> But at that time Coventry was giving the final touches to the treaty of Stockholm, and the completion of the treaty would soon be known at Copenhagen. Thus towards the end of February, just before the opening of the first Dutch war of the Restoration, the English alliance with Denmark and Sweden to close the Baltic to the commerce of Holland seemed destined to succeed, though the contradictory guarantees contained the germs of future discord.

But the Dutch statesman John de Witt was far too expert a diplomatist not to be well informed as to the English negotiations at Copenhagen, and he took measures to prevent the success of the English policy. He instructed the Dutch resident at Elsinore, Jacob le Maire, to present a memorial to the king of Denmark, in which he was to point out that the English African Company was in reality the aggressor on the coast of Guinea, and that in accordance with the treaty of 1659 between Denmark and the Dutch republic Frederick III was bound to assist the United Provinces. De Witt desired that the king of Denmark should 'make an open and round

<sup>23</sup> Foreign State Papers, Denmark, xvii. 276.

<sup>24</sup> *Ibid.* xvii. 283.

<sup>25</sup> *Ibid.* xvii. 283.

declaration' to Charles II of his obligation to aid the States-General so as to dispose the English king to adjust his differences with Holland.<sup>23</sup> Le Maire presented this memorial on 7 December 1664, but on 10 January and again on 28 January 1665 he wrote to De Witt that he had been unable to obtain any answer to it.<sup>27</sup> But an appeal to the king of Denmark to observe his treaty with the Dutch republic was not the only card which De Witt had to play. Notwithstanding the divergent interests of France and of the United Provinces in regard to Flanders, Louis XIV signed a defensive alliance with De Witt in April 1662, which required him to assist the States-General with fifteen thousand men in case they were attacked by any power. De Witt maintained that the time had now come when Louis XIV should assist the Dutch republic in accordance with this treaty, and the king of France seemed in a measure to acquiesce in this opinion. He instructed M. Courtin, the French resident at Copenhagen, to inform the king of Denmark of his intention to keep inviolable his treaty of 1662 with the Provinces, and to ask Frederick in the name of the king of France to observe his treaty with them likewise.<sup>28</sup> The attitude of Louis XIV towards the commercial struggle between Holland and England was a matter of grave concern to Frederick III, because he considered the king of France as his most important ally. In 1663 these kings had signed two treaties: the first was a commercial treaty, part of Colbert's plan to create a commercial empire for France; the second united France and Denmark in an offensive alliance, in accordance with which Frederick became a member of the Rhine League and Louis agreed to assist him with troops against all enemies except Sweden, and against Sweden with subsidies. When on 24 February 1665 M. Courtin asked the king of Denmark to announce himself in favour of Holland, Frederick III retired to his country seat to reconsider his foreign policy. Thus the intervention of Louis XIV interrupted the formation of the triple alliance just as it was about to be concluded.

The king returned to Copenhagen on 3 March, and Talbot knew by his demeanour that a crisis had come in his negotiations. Warned by Coventry to beware of French influence, he determined to press for a conclusion of the offensive alliance between England and Denmark as the best way to defeat Louis XIV. He therefore presented a memorial to Sehested asking for the conclusion of the treaty, with the interruption of the negotiations as a possible alternative. But Sehested sent no answer, and Talbot insisted on having an interview with the king. This conversation revealed the change which French influence had made in his policy. While Frederick was still willing to unite with England, it was only 'so far

<sup>26</sup> Foreign State Papers, Denmark, xvii. 234

<sup>27</sup> *Ibid.* xvii. 260, 266.

<sup>28</sup> *Ibid.* xvii. 281.

as Sweden,' that is in a defensive alliance ; and since war had already broken out between England and the United Provinces, he stipulated that this treaty should not be valid for the present war because 'it would call his honour into question and place him in opposition to France.' He also desired a private article 'to confirm what was offered to him in his Majesty's name upon the warranty.' Such a statement could be interpreted only as a positive refusal to enter the war against the Dutch republic, possibly also as a desire to escape from any alliance whatever with England.<sup>29</sup>

For three weeks all negotiations were at a standstill, and when the Danish commissioners finally granted Talbot an interview on 21 March, they again took up the treaty of commerce with England which the king of Denmark had accepted in all respects in the preceding autumn. This reopening of the commercial treaty led Talbot to suspect that the commissioners were merely temporising with him ; and he was soon convinced of this fact, for they introduced many new articles, and on one occasion especially he found himself 'in a kind of war' with them on that account. They objected particularly to *commeatus* being classed as contraband, since this would ruin the export trade of grain and cattle to Holland, and it was not until Talbot pointed out that *commeatus* was considered as contraband in the treaty of 1661 that they consented to the interpretation. Even then the king announced his intention of raising this question personally with the king of England.<sup>30</sup> In his despatch of 15 April Talbot wrote that the treaty of commerce was practically recast, but the addition of Alfeldt, who had negotiated the treaty of 1661, to the commission postponed the final agreement until 29 April, when Talbot sent it to England for ratification. This treaty provided for the ordinary commercial facilities, and both kings agreed not to make any treaties contrary to it without the other's consent. A secret article required Charles II to assist Frederick III with a fleet against any power that might oppose the treaty, and prevented him from making peace with the United Provinces, in case they opposed it, until Frederick's 'customs seized by them be restored unto their ancient state.'<sup>31</sup> This new commercial treaty brought no advantage to Charles II, and it is possible that Frederick did not expect him to accept it.

The other treaty with England, even in its changed form as a defensive alliance without being valid for the present war, was not to be secured unless Charles deposited forty or fifty thousand pounds at Hamburg for the use of the king of Denmark. Frederick also complained that the twelve English men-of-war had not arrived in the Sound, although it is difficult to see on what ground he could expect them, since he had repudiated the protocol providing for their

<sup>29</sup> Foreign State Papers, Denmark, xvii. 285, 287.

<sup>30</sup> *Ibid.* xvii. 303, 308, 312.

<sup>31</sup> *Ibid.* xvii. 313 ; Treaty Papers, 111.

despatch and had so far refused to accept any other. As if these new conditions were not sufficient to prevent an agreement with England, Frederick asked to see the text of the treaty of 1 March between England and Sweden. Charles had already assured him that this treaty contained nothing to his disadvantage, and was surprised to receive the request, and irritated because it reflected on his veracity. He concluded that the king of Denmark desired only to spin out the negotiations in order to escape uniting with him, and instructed Talbot to ask him in a memorial to explain his action. Talbot presented his memorial on 18 May 1665. He pointed out that Charles had made many concessions during the course of the negotiations, but that each concession only called forth a new demand. It was not in keeping with the trust which the two friendly monarchs had for each other for Frederick to ask for a sight of the treaty after Charles had assured him that it contained nothing to his disadvantage. Other motives, the memorial concluded, must prevent him from joining England. Frederick was 'much startled by this memorial,' and wrote at once to Charles that he intended to unite with England, and explained to Talbot in a counter-memorial that it was no more than just for him to see the English-Swedish treaty, since his action depended upon the action of Sweden. In the comments which Talbot appended to the memorial before he sent it to England he expressed the conviction that the king of Denmark was still pursuing a dilatory policy.<sup>32</sup> Thus at the end of May there was apparently no prospect of an alliance between England and Denmark, although the continuance of negotiations with Talbot, and especially his letter to Charles, seemed to indicate that Frederick did not wish to break entirely with England.

If Charles II made no headway with Denmark, neither did the States-General. They sent Godert van Rede tot Amerongen as extraordinary ambassador to Copenhagen to secure the execution of the treaty of 1657 between the republic and Denmark and the recall of the proclamation which withdrew Danish seamen from the Dutch service. Amerongen arrived on 3 May 1665, and asked Frederick to furnish six thousand men or the equivalent in money for the war against England in accordance with the treaty, and to countermand the proclamation. The king replied that the treaty of Copenhagen, which had been negotiated through Dutch mediation, had so weakened his kingdom that he could not give any assistance, and that in addition the treaty of 1661 with England prevented him from doing so. As to the Danish seamen, they had been recalled because they were needed for the royal navy.<sup>33</sup> Thus Frederick did not espouse the cause of the Dutch. Had he determined to remain neutral during the war between them and England, or was

<sup>32</sup> Foreign State Papers, Denmark, xvii. 327, 333, 335, 338, 342.

<sup>33</sup> *Ibid.* xvii. 340-361 *passim*.



he merely waiting until the maritime powers tested their strength upon the sea ?

On 3 June, in a naval battle off Lowestoft, the English fleet defeated the Dutch fleet and drove it across the North Sea to the Texel, and on the 13th the Danish commissioners, without any discussion of subsidies, or of men-of-war, or of the treaty of Stockholm, told Talbot that Frederick was ready to unite with England. 'The commissioners have just now been with me to tell me that the King will enter into a private alliance with his Majesty and break that with Holland, and join the King of Sweden in the defence of the Baltic for the advantage of the three crowns.'<sup>34</sup> This victory seemed to end Frederick's hesitation, though he could not have been blind to the difficulties of a choice which placed him in opposition to France, the United Provinces, and the Rhine League ; possibly he thought that this victory of the English fleet augured a speedy end of the war, and that he would secure advantageous terms from the States-General before his alliance with England embarrassed him with Louis XIV. At all events he joined his cause to that of Charles II and signified his intention of concluding the secret treaty immediately. Both northern powers also resolved to send ambassadors to London to draft the terms of a treaty between them.

The conclusion of the triple alliance however made way for an attempt by the new allies to strike a blow at the Dutch merchant marine. On 17 June, just four days after the Danish Commissioners accepted the alliance with England, the king of Denmark proposed to Talbot that the English fleet should seize all Dutch vessels in Norwegian harbours and that the two kings should divide the spoil equally between them.<sup>35</sup> The king of England was glad

<sup>34</sup> Foreign State Papers, Denmark, xvii. 359.

<sup>35</sup> The letter of 17 June from Talbot to Lord Arlington is wanting in the collection of Foreign State Papers, Denmark, but it is mentioned in Arlington's reply to Talbot on 30 June : 'As to your other letter of the 17th I have imparted it to his Majesty and to his Royal Highness and you can not doubt the satisfaction they both received in the hopes of having such an evidence of the King of Denmark's friendship. Towards the execution of which it is hard for us at this distance to give any other help than the promise that the movements of our fleet shall be directed to attend it with all possible care, by lying so in the way of the other passages, as may oblige the enemy to shelter himself in the ports of Norway and follow them thither to secure it with all fitting orders accordingly. As to the point of the King of Denmark's declaring himself for the King and against the Dutch it is wholly left to his own conduct that he may do it to his own satisfaction with the assurance that the spoil will be divided fairly with him, and that all other circumstances on our part shall be applied to his utmost satisfaction and content with security from all dangers and accidents that may befall him upon his declaration to the utmost of the King our Master's power. And if it should happen that the Dutch fleets shall come into the ports of Norway before ours arrive upon the coast to help to master them, art must be used to entertain them there for some little time, that we may not be exposed to the uncertainty of meeting them at sea, and galliots and expresses must be sent over by you to find out our fleet, and to give them notice of the stations or motions of the enemy. In fine you may depend upon it, that all things shall be done and performed on our side which may secure

to assist in this design, and the prey was already at hand. Unwilling to risk the last stage of the homeward voyage, sixteen heavily laden East India merchantmen, having passed to the north of Scotland, put in to Bergen, the port of a friendly power, to await the escort of a Dutch squadron to Holland. On 1 July news of their arrival came to Copenhagen, and on the same day Talbot sent the news on to Morice. After some preliminary correspondence between the two courts on the subject, Talbot agreed with the king of Denmark on 23 July on the details of the seizure of the merchantmen. Frederick ordered Alfeldt, his governor at Bergen, 'to storm and to seem to be highly offended, but not to shoot at the English or at least not to hurt or to touch them.' According to this agreement Talbot also wrote a letter to Alfeldt directing him to deliver an enclosed letter to the commander of the English fleet when it appeared before the port, so that he also might be cognisant of the particulars of the seizure. On 24 July the king of Denmark sent a messenger to Bergen with these letters; but since it required at least a fortnight to make the journey from Copenhagen, this messenger could not arrive at Bergen until the end of the first week in August.<sup>36</sup> On the 20th Talbot had despatched his secretary to the English fleet to acquaint the earl of Sandwich with the rumour that Admiral de Ruyter was in the North Sea, and to inform him concerning the negotiations about the vessels at Bergen; but the secretary was captured by the Dutch. On the 26th Talbot sent another messenger to Sandwich to give him the details of the agreement of 24 July with the king; but the English fleet had sailed away from the Dogger Bank, and there seems to have been no communication whatever between the commander of the English fleet and the English representative at Copenhagen in regard to this attack on Bergen.<sup>37</sup>

On the 31st Admiral Teddeman appeared off that port with a fleet of twenty sail and found the coast clear. With the exception as to whether the English fleet or the Danish fort fired the first shot, the official report of Alfeldt to the king of Denmark agrees in all important points with the English account which was afterwards published by the king's command. In the preliminary negotiations between the English commander and the Danish governor, the former declared that the seizure of the Dutch vessels in the harbour of Bergen had been arranged between Charles II and Frederick III; while the latter as stoutly affirmed that he had not received any such commands from Copenhagen. Alfeldt suggested that Teddeman should await the next post, which was expected from Denmark in a

the booty, but also conceal it from the world that any thing is done by concert which may expose the King of Denmark's honour in the least degree: Foreign State Papers, Denmark, xvii. 368.

<sup>36</sup> Foreign State Papers, Denmark, xvii. 372, 380.

<sup>37</sup> *Ibid.* xvii. 403.

few days; but the English admiral, possibly believing that Alfeldt was only acting a part, refused to do so, and began an attack on the merchant fleet at six o'clock on the morning of 2 August. The Danish fort immediately replied, and in an engagement which lasted for four hours the English fleet suffered severely and was finally compelled to withdraw. On 6 August the messenger whom Frederick had despatched from Copenhagen on 24 July arrived, and Alfeldt immediately sent word to Admiral Teddeman that he was now ready to assist in the capture of the merchant vessels. Sir Thomas Clifford went on shore to discuss a plan of operation, but according to the English account of the affair, Teddeman dismissed Alfeldt's proposals as impracticable, because he would not permit the Dutch ships to be boarded. On 8 August the English fleet sailed away, and on the 30th the East India fleet also sailed, and, with the exception of two vessels which the English captured, reached Holland safely.<sup>88</sup> Thus ended the perfidious design to seize the merchant vessels at Bergen. Its failure was not due to any lack of precaution on the part of Frederick or of Talbot. The fault lay at Whitehall in not ordering Sandwich to await instructions from Talbot, or else in Sandwich in not obeying those instructions if they were sent. Teddeman also might have acted on Alfeldt's suggestion to await the next post from Denmark. The lack of direction and control from the home government which caused Talbot's fruitless journey to Jencoupen, and which prevented any understanding between him and Coventry on the question of the guarantee, has thus its counterpart in the mismanagement which produced the failure at Bergen.

The English victory off Lowestoft in June, which had such a decisive effect on the foreign policy of Frederick III, had scarcely less effect on that of Louis XIV. It placed England, temporarily at least, in a commanding position on the sea, and the king of France did not desire that this position should become permanent. He instructed his ambassadors at London to ask for an immediate reply to the overtures which the States-General had again made to England, so that he might know while the Dutch fleet was refitting what Charles II proposed to do. He also instructed his ambassadors to inform the king of England that he was in honour bound to assist the Dutch in case the war continued. At the same time he desired that his ally the king of Denmark should assist them by diplomatic means. Hence on 21 July, when Frederick and Talbot were in

<sup>88</sup> The Relation which Claus von Alfeldt General of Norway sent to the King of Denmark 3 August 1665 about the late action at Bergen (Foreign State Papers, Denmark, xvii. 387); A true Deduction of all Transactions between His Majesty of Britain and the King of Denmark with a Declaration of War against the same King (Domestic State Papers, Charles II, clxxi. 45). Clarendon gives a fairly accurate account of the attack on the Dutch fleet, but he attributes the failure to the 'accidents of weather which had hindered the positive orders from arriving in the precise time': *Continuation of Life*, §§ 679-691, 824.

the midst of their negotiations concerning the merchantmen at Bergen, the French ambassador at Copenhagen, the Chevalier Terlon, asked the king of Denmark to instruct the Danish ambassador at London to co-operate with the French ambassadors there in obtaining a declaration of the policy of Charles II with regard to the late overtures from the States-General, and also informed Frederick that as a last resort Louis intended to declare war on England.<sup>39</sup> Despite its warlike tenor, this announcement of French policy had no apparent effect on the king of Denmark until the news of the failure at Bergen arrived at Copenhagen on 15 August. Then, as in the February preceding, when French influence defeated the completion of the triple alliance, Talbot noticed a change in the attitude of Frederick towards him; and Amerongen wrote to the States-General on 19 August that the king of Denmark began to 'manifest a greater inclination for the United Netherlands.' He added that the chief ministers had told him that the action of Alfeldt at Bergen had saved a very rich fleet for their high mightinesses, and that 'it was high time to consider the security of each other and to speak of a nearer alliance.'<sup>40</sup> Frederick in fact was willing to abandon the alliance with England to which he had agreed after the English victory in June, but which he had not yet formally ratified.

When Talbot wrote to Lord Arlington on 29 August that Frederick had fled to his country seat and that he 'was sick of their delays' in concluding the secret treaty with England, Charles II resolved not to accept with composure both a naval defeat and a diplomatic reverse. He determined to present an ultimatum to the king of Denmark which would permit him to choose between joining England in an offensive alliance against the republic, so as to erase the 'stain on his honour,' and publishing the English-Danish agreement relative to the seizure of the merchantmen at Bergen. He sent out Sir Thomas Clifford to make the presentation of the ultimatum more effective. Clifford arrived at Copenhagen on 13 September, and the two English envoys presented the alternatives to the king 16 September. Frederick's attempt to escape from his alliance with Charles placed him in an extremely awkward position. If he united with England, making another change of front, his sincerity would certainly be doubted; and if Louis XIV declared war on Charles II, he would find himself opposed by France, the Dutch republic, and the Confederation of the Rhine, against which the English fleet would be of little value. On the other hand, the publication of his agreement to share the spoil of the Dutch merchant fleet would reveal him to the world as desiring not only to seize vessels which had come into his port for protection, but also to

<sup>39</sup> Foreign State Papers, Denmark, xvii. 378, 393; *Recueil des Instructions données aux Ambassadeurs et Ministres de France, Suède*, p. 45.

<sup>40</sup> Clarendon MS. lxxxiii. 193.

elude his treaty obligations to Holland and to France. Frederick once more withdrew to his country seat and took no notice of the ultimatum until 26 September, when Talbot wrote to him that unless he returned to town the English envoys would come to him to announce Clifford's departure for Stockholm. Since such an announcement would be equivalent to a declaration of war, an eventuality which Frederick was not as yet prepared to accept, he returned to Copenhagen on the 29th. Next day the Danish commissioners explained to the envoys that the king could not join England in a war against Holland because the depleted state of the Danish treasury did not permit it. Ignoring the hint to offer subsidies, the envoys replied that they must declare themselves dissatisfied with the king of Denmark, and that 'Sir Thomas Clifford would take his leave of the Danish court on the morrow.'<sup>41</sup>

That same night, after Talbot and Clifford had retired, Sehested came to see them, and his business was so urgent that he presented it to Talbot's secretary. He asked that Clifford should postpone his departure, and said that Denmark was still free to unite with England although not able to bear the expenses of the war. He added that Frederick was bound to the United Provinces by treaty and that it would be difficult to declare war on them, but that it might be managed if England and Denmark joined in offering terms to the States-General which they could not accept.<sup>42</sup> If Sehested was sincere in what he said, the king of Denmark was again willing to join in the war against Holland provided that Charles II paid him a subsidy to support it. On the next morning, before Talbot was up, Sehested was at his side to repeat the offer of the previous night. Talbot asked for an audience with the king, and was received at eleven o'clock in the forenoon. He addressed Frederick both as a public official and as a private person. In his official capacity he was compelled to express his king's 'offence at the miscarriage at Bergen, because it exposed him to the censure of the world as a violator of the law of nations,' and 'to press his Majesty to a conjunction with him in an offensive war against Holland as the only means to save his honour.' But as a friend to the king of Denmark Talbot explained that he was not asked to enter into a war, but only to close his ports in Norway and in the Baltic to the commerce of Holland, in return for which the king of England would send ten or twelve men-of-war to the Baltic and advance him fifty thousand pounds on the security of the customs of the Sound. Frederick replied that these terms were very hard to accept, since the exclusion of the Dutch from his ports would ruin his customs and at the same time subject him to an attack from them. The envoys did not interpret this reply as fulfilling the expectations which Sehested

<sup>41</sup> Foreign State Papers, Denmark, xvii. 417, 422, 423.

<sup>42</sup> *Ibid.* xvii. 427.

had held out to them, in the early morning, and on the next day, 2 October, they presented a memorial expressing their dissatisfaction to the king. Talbot 'never saw a man so broken in one day.' On the 6th the envoys asked permission to make a farewell call, when Sehested came to them and said that the king had definitely decided to join England in an offensive alliance against Holland.<sup>43</sup> The articles which the Danish commissioners presented were unsatisfactory, and Talbot accused them of temporising; but they denied the charge and asked the envoys to make counter-proposals. This they did, and after some discussion and alteration both parties on the 18th agreed to and signed a treaty engaging Charles to assist the king of Denmark with his whole fleet in case of need and to pay him an annual subsidy of one hundred thousand pounds, in return for which Frederick agreed to break off all commercial relations with the United Provinces, and to permit English ships to pass duty free through the Sound during the war and for five years afterwards. But the treaty was not to be binding unless ratified by both kings within two months, and was further conditional upon a declaration by the king of Sweden against the United Provinces.<sup>44</sup>

This alliance with England, which the envoys forced from the king of Denmark at the point of the sword, depended for its final ratification upon the action of Sweden. After the conclusion of the defensive treaty of Stockholm on 1 March, the earl of Clarendon wrote to Coventry that the king would give a 'good round sum of money' if Sweden would enter into an offensive alliance against the United Provinces; and Coventry accordingly offered La Gardie a hundred thousand pounds for a war against the States.<sup>45</sup> The Swedish Chancellor was glad to accept this offer, and said that he believed little difficulty would be encountered in arranging for the war. But when Clarendon saw that the exchequer scarcely bore the strain of the subsidies to the bishop of Münster, he wrote to Coventry that the offer of money to the regency in Sweden must be withdrawn. Throughout the summer of 1665 Coventry urged this matter repeatedly upon the English chancellor; in his despatch of 6 September especially he pointed out that the ambassadors from France had assured the regents that the States-General would give Sweden all possible satisfaction, and that an English subsidy was necessary to counteract this influence. To this letter Clarendon replied on 4 October that England could not pay a large sum to Sweden, but that if the regents would be satisfied with a moderate amount he 'would make a hard shift to comply with them.'<sup>46</sup> Thus at the end of October 1665, just when Sir Thomas Clifford

<sup>43</sup> Foreign State Papers, Denmark, xvii. 429.

<sup>44</sup> Foreign State Papers, Treaty Papers, 111.      <sup>45</sup> Clarendon MS. lxxxiii. 92.

<sup>46</sup> Foreign State Papers, Sweden, v. 33; Clarendon MS. lxxxiii. 202, 259.

was expected from Copenhagen with the English-Danish treaty, which depended for its validity upon the union of England and Sweden, Coventry informed Biornklou that England was again ready to offer money for a war against Holland, and Biornklou replied that in his opinion the regents would accept the offer immediately.

Clifford arrived at Stockholm in the first week of November, but only brought with him new difficulties. In the first place, the powers to negotiate with the regency ran in the names of Coventry and of Clifford jointly, while the instructions had been issued to Clifford alone. Secondly, the recent treaty with Denmark gave Frederick III one hundred thousand pounds annually and naval support in case of need, for which he only closed the ports of Denmark and Norway to Dutch shipping. The envoys did not believe that Sweden would declare war on the republic for a smaller sum. On 8 November Coventry wrote to England concerning these two points, and on 7 December Clarendon replied that, if the king of Sweden agreed in all other respects to a war against the United Provinces and nothing remained save the question of money, he should offer the regents subsidies equal to those to be paid to the king of Denmark.<sup>47</sup> This letter from Clarendon arrived at Stockholm at the end of December, after the two months had expired within which Sweden must unite with England in order to make the Danish-English treaty of 18 October effective. Even after the receipt of this letter the English-Swedish treaty could not be hastened, because all government officials were out of town for the holiday season; still Coventry had interviews with La Gardie and Biornklou at their country houses, and reported to Clarendon on 17 January 1666 that both were eager for an offensive alliance against the Dutch. At the end of January the regents had not returned to town nor had the Swedish commissioners granted a single interview to the English envoys, when a report that the king of Denmark had agreed to a treaty with the States-General and that the king of France had declared war on England paralysed all negotiations between England and Sweden until the facts could be ascertained.

Both reports were true. While the king of Denmark treated with Charles II in September and concluded a conditional treaty with him in October, he was also negotiating with the States-General and with Louis XIV. He desired especially the settlement of his debts to Holland and the restoration of the former tariffs on Dutch commerce at the Sound; and D'Estrades, the French ambassador at the Hague, urged the States-General to comply with this request. On 11 August, just before news of the affair at Bergen reached Copenhagen, Frederick said that he was willing to refer his differences with Holland to Louis for arbitration; and when news of that disaster

<sup>47</sup> Clarendon MS. lxxxiii. 277, 293, 387.

actually arrived, he seems to have definitely turned to the republic and to France.<sup>48</sup> Within a week after the arrival of Clifford at Copenhagen, Frederick despatched his postmaster-general, Paul Clingenberg, secretly to the Hague to hasten the concessions of the States-General; and just after the English-Danish treaty of 18 October, Amerongen departed from Copenhagen, and on his arrival at the Hague reported to De Witt that the king of Denmark was resolved to join the republic.<sup>49</sup> But it required several months to arrange the terms. The States-General offered to cancel Frederick's debts, amounting to fifteen million livres, and to give him another million for the war. Frederick asked for two millions; De Witt replied that the republic could not pay so much because four of the provinces were ruined, Zealand had no trade, and Holland had to pay the expenses of the war.<sup>50</sup> The matter was finally adjusted by Louis XIV, who gave Frederick one hundred thousand écus, which the States-General placed against the debt which they maintained was due to them from the French king's failure to assist them promptly in accordance with the treaty of 1662. On 26 January 1666 Louis XIV declared war on England, and on 11 February the king of Denmark joined the Dutch in an offensive alliance against England. In return for the cancellation of his debts to Holland and the payments by the States-General and France, Frederick was required to close his ports to English commerce and to keep forty men-of-war at sea each year, but only in Danish waters, from 1 April until 1 December, until the war ended.<sup>51</sup>

The Danish fleet did not put to sea on 1 April, nor did it number forty sail. In September the king of Denmark despatched seven men-of-war to convoy fifty Dutch merchantmen to the North Sea, and in October Admiral Heldt sailed with a small squadron to make prize of English vessels trading to Gottenburg. Of these five were cast away in a storm and the remainder returned in a crippled condition to Copenhagen in November. That was the part which Frederick took in the first Dutch war of the Restoration. The closing of the Sound to English commerce was a different matter. Talbot had quitted Denmark in March, but John Paul, who remained as English consul at Elsinore, reported that no English ship passed through the Sound during the season of 1666, and that fully one-half of the tonnage consisted of Dutch vessels carrying grain and ship-building material from the Baltic ports to Holland.<sup>52</sup> Charles II declared war on Denmark on 19 September, and published an account of the negotiations which preceded the attack on Bergen.<sup>53</sup> But

<sup>48</sup> D'Estrades, *Lettres*, iii. 238, 279, 318; de Witt, *Brieven*, ii. 105.

<sup>49</sup> De Witt, *Brieven*, ii. 118.

<sup>50</sup> *Ibid.* ii. 142; D'Estrades, *Lettres*, iii. 618.

<sup>51</sup> Dumont, *Corps Diplomatique*, vi. iii. 81.

<sup>52</sup> Foreign State Papers, Denmark, xviii. 14-110.

<sup>53</sup> Domestic State Papers, Charles II, clxxii. 88.



negotiations for peace were already in progress, and the war closed with the treaty of Breda, 21 July 1667. In his instructions to Denzil Lord Holles and to Henry Coventry Charles demanded satisfaction for the dishonour he had sustained at Bergen, but the intercession of the Dutch and of the French ambassadors secured complete indemnity for the king of Denmark.

Thus the policy of Charles II to unite England and the Scandinavian powers in order to strike a blow at the commercial supremacy of the Dutch republic failed. The failure was due to the rivalry of Denmark and Sweden, to the loose methods of English diplomacy, and to the failure at Bergen, but above all to the opposition of Louis XIV, whose influence with Frederick III was decisive upon the foreign policy of Denmark.

HENRY L. SCHOOLCRAFT.

## *The Last Years of the Navigation Acts*

### I.

RECENT historians, economic as well as general, have neglected the antecedents of the repeal of the navigation laws. The Act of 1849 is usually, and in the main rightly, treated as an appendix to the story of the fall of the corn laws, as 'a logical sequence to the freeing of trade';<sup>1</sup> but this alleged logical necessity has apparently acted as a deterrent from detailed inquiry into subsidiary causes and attendant circumstances. No doubt the whole system was infirm in the nineteenth century, though its infirmity was not so generally recognised as has sometimes been suggested.<sup>2</sup> No doubt, too, it was doomed after the measures taken by Wallace and Huskisson between 1821 and 1825; but its declining years deserve more attention than they have received.

At no time were all the rules affecting navigation to be found in a single statute or group of statutes. The great Navigation Act itself<sup>3</sup> only received its final character through the passing of a series of supplementary acts. Of these the chief are the statute for preventing frauds and regulating abuses in his majesty's customs,<sup>4</sup> which prohibited the importation of a long list of staple wares into England from the Netherlands or Germany in any sort of ships or vessels whatsoever, and declared that a foreign-built ship could not become British by purchase; and a statute<sup>5</sup> which further regulated the plantation trade and forbade the export of the enumerated plantation wares to Ireland.<sup>6</sup> The regulation of the taxes levied on goods brought legally in foreign bottoms was part of the customs law; but port and harbour dues, which before Huskisson's time were usually preferential, were often determined by local enactments. It will be well however to examine first and most

<sup>1</sup> *Political History of England*, xii. 88.

<sup>2</sup> E.g. by Dr. Cunningham, *Growth of English Industry and Commerce*, ii. 830.

<sup>3</sup> 12 Car. II, c. 18.

<sup>4</sup> 13 & 14 Car. II, c. 11.

<sup>5</sup> 15 Car. II, c. 7.

<sup>6</sup> Other details of the plantation trade are dealt with in 22 and 23 Car. II, c. 26 and 25 Car. II, c. 7: see Egerton, *Short History of British Colonial Policy*, p. 71.

carefully the consolidating Acts of 1825 and 1833, the Navigation Acts properly so called, which contain the central principles of the code as it existed at the beginning of the last phase.<sup>7</sup> The outlying parts of the code, the matter that had dropped out of it, and the more important legal and administrative rules related to it can most conveniently be treated in connexion with these Acts.

The Act of 1825, as its preamble explains, was rendered necessary by the general recasting of the customs law resulting from Huskisson's reforms. It begins with a list of goods, the produce of Europe—masts, timber, boards, salt, pitch, tar, tallow, rosin, hemp, flax, currants, raisins, figs, prunes, olive oil, corn or grain, potashes, wine, sugar, vinegar, brandy, or tobacco—which may not be imported into the United Kingdom, to be used therein, save in British ships, or in ships of the country of which the goods are the produce, or in ships of the country from which the goods are imported. This list, not to be confused with the list of goods which, under the old *régime*, the colonies were obliged to export to the mother country, is a pale reflexion of the earlier enumeration clauses, an outcome of the Acts of 1822 and the following years. The special attack on the Dutch, contained in the statute of frauds in the customs, has gone; enumerated goods may be imported in any bottoms, if they are warehoused for re-exportation, and ships of the country from which the goods are imported are put on the same footing as ships of the country of which the goods are the produce.<sup>8</sup> This last clause was a matter of convenience pure and simple. There had been endless trouble to the English officials and merchants involved in the attempt to ferret out whether or no goods coming from a given country, in its own ships, were its own produce. For some reason, which it is difficult to explain, the list was considerably extended in 1833. Salt, pitch, rosin, potashes, sugar, and vinegar disappear; but in their place are inserted wool, shumac, madder, vanilla, brimstone, oak bark, cork, oranges, lemons, linseed, rapeseed, and clover seed. It must be assumed that in the interval cases of the import of (say) brimstone from Sicily, or oak bark from Spain, in Dutch, Hanse, or other ships had attracted the attention of the board of trade. The list—which was repeated verbatim in the Act of 1845—became curiously arbitrary at the last. When devised in the seventeenth century it was meant to include, and did actually include, the chief

<sup>7</sup> 6 Geo. IV., c. 109 and 3 & 4 Will. IV, c. 54. Both are entitled, as is the final consolidating Act, 8 & 9 Vict. c. 88, Acts 'for the encouragement of British shipping and of navigation.'

<sup>8</sup> A common mistake in descriptions of the law as Huskisson found it is the statement or implication that it prohibited the import of all European goods save in British or 'producer' ships: e.g. *Political History of England*, xi. 203; *Cambridge Mod. Hist.* x. 585. This was the rule of 1651, not that of 1660. Only the enumerated goods and goods from Russia or Turkey had to come in British or 'producer' ships. See M'Governey, *The Navigation Acts and European Trade*, in *Amer. Hist. Rev.* ix. 4.

bulky articles of European commerce. The revision of 1833 shows that this intention had not at that date been abandoned. But when the import of cattle became legal, under Peel's administration, they were not inserted. Flour, fish, and many other goods were not on the list, and the possibly accidental omission of sugar in 1833 allowed European refined sugar, which was treated as a manufacture of the refining country, to come here in any bottoms whatever.<sup>9</sup>

The great Navigation Act had absolutely prohibited the import of Asiatic, African, or American goods by way of European ports or in non-British ships.<sup>10</sup> This latter rule had been rendered obsolete by the changed condition of America, resulting from the independence first of the United States and then of the Spanish colonies. Its various infringements receive a general sanction in the Act of 1825. Non-European produce, with certain exceptions, may come only in British ships, or in 'ships of the country . . . of which the goods are the produce and from which they are imported.' Here is a slight difference between the law for America and that for Europe—an 'and' instead of an 'or.' A Portuguese ship may bring Spanish wine from Lisbon, but a United States ship may not bring Cuban sugar from New York.

In principle, the rule that non-European goods might not come from European ports even in British ships was retained. Its object was to give to British ships the long voyage instead of the short one. This remained to the end one of the most really operative clauses of the law. The exceptions, which are intricate, concerned the Mediterranean. Broadly speaking, Asiatic or African wares might come in British ships by way of non-Asiatic and non-African ports in the Mediterranean; though the Act of 1833 cautiously added that such wares must be *bona fide* articles of Mediterranean trade, that is, must not have come into that sea by way of the Atlantic.<sup>11</sup>

The coasting trade of the United Kingdom was of course retained for British ships, and the rule, which in all previous Acts had applied only to goods, was made to cover passengers in 1845. No ship was recognised as British, for that or any other purpose, unless properly registered, commanded by a British subject, and manned by a crew 'whereof three-fourths at least are British seamen.' A native of the East Indies was not a British seaman. A foreign ship, to secure recognition, had to be 'of the build of or prize to' the country

<sup>9</sup> Lefevre's paper in the *Report of the Select Committee on the Navigation Laws*, 1847, q. 5, 6. See also Ricardo, *Anatomy of the Navigation Laws*, 1847, p. 72, and *A Short Review of the History of the Navigation Laws* [by Sir Stafford Northcote], 1849, p. 60.

<sup>10</sup> There were some exceptions even here; for there was no end to the complexity of the law, Northcote, p. 29; Shillington and Chapman, *Commercial Relations of England and Portugal*, p. 285.

<sup>11</sup> Further, bullion and jewels were subject to no rules; wares of Asiatic Turkey might come in the ships of Turkey in Europe; after 1833 silk and mohair yarn from any part of Asia might come in Turkish ships from Levant ports.

concerned, with her master and three-fourths of her crew natives of that country.<sup>12</sup>

Both in the Acts of 1825 and 1833 the rules for the colonial trade are few and simple. The legal situation was however more complex, though hardly more burdensome, than the Acts indicate. Long before Huskisson's time the old colonial system had been breaking up, and a series of acts and treaties, starting from the Free Ports Act of 1766, had eased the colonial trade. So little galling, it has been said, were the bonds which remained that Huskisson's reforms and the final repeal of the Navigation Laws 'aroused little interest in the colonies, because the restrictions that had been removed had caused no serious inconvenience.'<sup>13</sup> By 1825 the enumerated exports are extinct: the colonies may send their goods where they please. Foreign goods from foreign countries may enter the colonies (through the free ports, but all the important ports were free) in British ships or in ships of the producing—not in this case of the exporting—country, and foreign ships may carry colonial goods anywhere, provided always that the foreign country grants reciprocal privileges.<sup>14</sup> Not all foreign countries did. The chief exceptions to the end were France and Spain, who enjoyed only limited trading rights in the colonies, with Holland, Belgium, and Sardinia, who enjoyed no such rights at all. The grant of trading rights was usually made by order in council, occasionally by treaty.<sup>15</sup> The East Indies were not a British possession within the meaning of the Acts. All ships of the East India Company were 'British,' though foreigners could hold its stock; and there were other exceptions to the registration laws. Under an eighteenth century statute, never repealed but not much used, the directors might regulate as they thought fit the trade of the ships of friendly powers; and by a special agreement of 1819 ships of the United States might clear with cargoes from Great Britain for the East.<sup>16</sup>

Huskisson's reciprocity treaties dealt mainly with matters which were outside the true Navigation Laws, though the restrictions which they superseded had effectually stiffened the navigation system.

<sup>12</sup> The chief registration laws of the period are, for seamen, Sir James Graham's Act of 1835, 'To amend and consolidate . . . laws relating to merchant seamen and for forming and maintaining a register,' 5 & 6 Will. IV, c. 19 and 7 & 8 Vict. c. 112; Registration of Ships, 3 & 4 Will. IV, c. 55 and 8 & 9 Vict. c. 89.

<sup>13</sup> Davidson, *Commercial Federation and Colonial Trade Policy*, p. 18. Professor Egerton takes the same view, paying no attention to the laws in the nineteenth century: *British Colonial Policy*, pp. 258, 332.

<sup>14</sup> If it had colonies, it had to grant corresponding privileges therein; if it had none, to concede most-favoured-nation treatment in all commercial relations.

<sup>15</sup> The full lists of countries admitted, partially admitted, and excluded is given by Ricardo, p. 125. The bargaining rules are not in the Navigation Acts but in the corresponding series of Possessions Acts, 6 Geo. IV, c. 114, 3 & 4 Will. IV, c. 59, 8 & 9 Vict. c. 88.

<sup>16</sup> Lefevre's paper, *ubi supra*; also the *Report of 1847*, q. 116, 128, 129.

These restrictions were due to the various differential charges on foreign ships—port, tonnage and pilotage dues—and on the goods which they brought, as well as to the practice of refusing to the owner of goods legally shipped in foreign bottoms certain drawbacks and bounties of the old customs system. How the United States secured equal port and customs treatment for their ships in 1815, and how Prussia and other powers, including again the United States, threatened or began reprisals between 1817 and 1823 is well known. The results were the Acts of 4 Geo. IV, c. 77, 'to authorise his Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in foreign vessels, and to exempt certain foreign vessels from pilotage,' and of 5 Geo. IV, c. 1, 'to indemnify all persons concerned in advising, issuing, or acting under a certain order in council for regulating the tonnage duties on certain foreign vessels; and to amend' the Act of the previous session.

In all the earlier treaties and orders connected with these Acts the Navigation Laws proper are scrupulously safeguarded, though reciprocity made a serious breach in the navigation system.<sup>17</sup> A typical treaty and order of the early series and of the widest scope legally possible are those relating to Prussia dated 2 April and 25 May 1824: charges on vessels of the contracting parties in one another's havens are to be equalised; goods, the produce of either, whose import or export is not specially prohibited, may be moved to and fro in the ships of either power indifferently; no special duties shall be levied on any articles, whether the produce of the contracting parties or not, merely because they come in the ships of the other party when their import is otherwise legal (this clause fully safeguards the Navigation Acts); bounties, drawbacks, or allowances shall not be withheld by England merely because goods legally exportable are shipped in Prussian rather than in English bottoms. Such an arrangement had the effect of rendering the direct trade with countries admitted to the full privileges of reciprocity perfectly free and equal, customs duties apart. Already before 1830 Prussia, Denmark, Sweden, the Hanse towns, Mecklenburg, Hanover, the United States, France, Austria, and most of the new South American republics had taken advantage of the system, although not all of these powers enjoyed the fullest possible trading privileges in the British empire. Prussia, by order in council of 3 May 1826, secured the right to trade with the colonies in return for most-favoured-nation

<sup>17</sup> Nearly all the treaties and orders of the period are collected in Macgregor, *Commercial Statistics*, 4 vols. 1844. It was found in practice that an order alone could not get rid of some of the local differential dues, hence the need for treaties—which were also desirable as more permanent than orders. See below, p. 486. Condensed references to these treaties are sometimes misleading, e.g. *Political History of England*, xi. 207, 'owing to Huskisson's enlightened policy the old Navigation Laws had been repealed upon the condition of reciprocity.'

treatment of British commerce and navigation. Many other powers followed suit, but France, as has been said, did not enjoy full rights of entry into the colonial trade<sup>18</sup> because of her own colonial policy; and there were others in the same case. Besides the wholly or partially excluded, there were also the penalised powers. The Dutch, who never gained entry to the colonial trade, were admitted to equality of port charges in the United Kingdom by order in council of November 1824; but two years later Canning 'clapped on Dutch bottoms just 20 per cent.,'<sup>19</sup> and the 20 per cent. extra duty was maintained until 1837. It must not be forgotten that admission to the colonial trade did not mean admission on terms similar to those granted to the ships and goods of the mother country. Colonial differentials in favour of British trade remained in full force till 1846.

The last of the early reciprocity treaties of what may be called the Huskisson type was that concluded by the earl of Aberdeen with Austria in December 1829.<sup>20</sup> During the next three years England and the continental powers had other things than commercial negotiations to think of. The Belgian revolution and the persistent ensuing friction between King William of Holland and his neighbours postponed for seven years the readjustment of economic relations between England and the Dutch. During the years 1830-6 only three commercial treaties were concluded; two with Frankfort, in 1832 and 1835, and one with Venezuela in 1834. None of these are in themselves of very great interest; but those with Frankfort open out the whole question of the relations between England and the Zollverein—a question which dominated the commercial diplomacy of the time and was intimately connected with the break up of the navigation system. It will be well therefore to deal first with the Dutch treaty of 1837, and then to take up the Frankfort treaties in connexion with the Austrian treaty of 1838, the Hanse and Prussian (Zollverein) treaties of 1841, and the Mecklenburg, Hanover, and Oldenburg treaties of 1844, for this whole series forms a part of the Zollverein question.

Palmerston cared little enough for commercial matters. 'On the economic or the moral side of national life, in the things that make a nation rich and the things that make it scrupulous and just,' says Viscount Morley, 'he had only limited perceptions and moderate

<sup>18</sup> French ships might only import certain classes of French goods and only into our American and West Indian colonies: Order in council of 3 May 1826, Macgregor, i. 241.

<sup>19</sup> The correct text of Canning's famous rhyming despatch of 31 January 1826 is printed by Sir Harry B. Poland in *Notes and Queries*, 9th ser. x. 270, 4 October 1902.

<sup>20</sup> It was based on the Prussian treaty. Aberdeen refused to put any reference to the colonies into the treaty—though he opened the colonial trade to Austria by order in council—because Austria had no colonies: Aberdeen to Esterhazy, 20 August 1829, Foreign Office, Austria, 218.

faith.'<sup>21</sup> His commercial despatches are few, and follow very closely the briefs supplied to him by the board of trade. The relatively subordinate position of the president of the board rendered it very difficult for any man holding that post, who was not a statesman of the first rank, to initiate decisive negotiations when the foreign secretary was indifferent. And the whig presidents—Lord Auckland (1830–4), Poulett Thomson (1834–9), Labouchere (1839–41)—though men of ability were not the equals of Huskisson. It may well be that the barrenness of the thirties, from the present point of view, was due rather to accident and the state of international politics than to the defects of the whig cabinets; but it is at least noteworthy that, in commercial negotiations as in finance, these cabinets achieved so little. The two failures were not without connexion; for no striking commercial treaties could be negotiated unless the cabinet was prepared to deal vigorously with the tariff and kindred matters, and the papers of the foreign office and board of trade show no traces of vigorous initiative, save on the part of the permanent officials.<sup>22</sup> It is the old tale of the great whig administration: the utilitarians in the background.

The negotiations with Holland in 1836–7 arose out of complaints addressed to the board of trade by certain East India merchants, who alleged that the Dutch were failing to carry out obligations entered into by them in a treaty signed on 17 March 1824 for the regulation of the trade between the East Indian possessions of the two powers.<sup>23</sup> The matter had long been in hand. As early as 1830 the merchants had secured what they held to be conclusive evidence of the abuse, and in 1833 the English government began to complain. Early in 1836 Palmerston suggested that Holland should refund the overcharge.<sup>24</sup> Six months later, as nothing had been done, he pointed out that Holland only enjoyed equality of port charges by order in council; that 'all other countries included in that order, with the exception of Belgium, had placed the principles therein recorded under the more formal sanction of treaties,' and that his majesty's Government could not be expected to continue the existing provisional arrangement indefinitely, 'while they required from other countries that such provisional arrangements should be abandoned.' He suggested, at the recommendation of

<sup>21</sup> *Gladstone*, i. 367.

<sup>22</sup> When Auckland was president and Poulett Thomson vice-president it was the exception for both to attend meetings of 'the board' (*Minutes, Board of Trade*, 5, 42). I have not been able to consult the board of trade papers beyond 1837, and those that I have consulted are not very valuable.

<sup>23</sup> This treaty is not one of the reciprocity series: it relates exclusively to the eastern trade. The text is given by Macgregor, i. 836. Documents relating to the negotiation of 1836–7 are in *Foreign Office, Holland*, 198, 204–8.

<sup>24</sup> Palmerston to Sir E. Disbrowe, 26 January 1836. It was almost impossible to prove the existence of this alleged overcharge: Disbrowe to Palmerston, 21 February 1837.



the board of trade, that the navigation relations of the two countries might advantageously be regularised by treaty.<sup>25</sup> This gentle pressure started the negotiation. The Dutch had little to lose—that little they succeeded in retaining—and much to gain. In September Palmerston forwarded a draft treaty, stipulating for complete reciprocity of navigation dues and most-favoured-nation treatment in the European dominions of the contracting parties. Incidentally its acceptance would get rid of the ‘twenty per cent.’<sup>26</sup> Discussion ranged outside the navigation system, and included contemplated changes in the Dutch tariff and the establishment of consuls in the eastern possessions of the two powers, as well as the question of refunding the overcharge. Nearly all the English proposals found their way into the treaty that was signed after long delay on 27 October 1837, but Disbrowe had to drop his claim to the refund, ‘a subject which was never touched upon without raising the angry feelings of the king and his ministers.’<sup>27</sup> When all was done the East Indian grievance remained, and the merchants were still petitioning that the reciprocity guaranteed by the treaty in the case of European trade might be extended effectively to the trade of the East. It is worth noting that one clause, the third, was only accepted by the Dutch king with the greatest reluctance. This clause contained the definition of a Dutch ship, which definition was made to conform to the English law. A ‘British’ ship had to be British-built, or a lawful prize, and ‘owned, navigated, and registered according to the laws of Great Britain.’ A ‘Dutch’ ship was one Dutch-built, or a lawful prize, ‘wholly owned by any subject or subjects of the king of the Netherlands’ with ‘the master and three-quarters of the crew Netherlands subjects.’ The king, who had not yet finally abandoned his claims on Belgium, whose country also was somewhat a land of passage, thought that this rigid definition might prove burdensome. But he accepted it, and for the first time since the days of the early Stuarts Holland found herself ‘most favoured’ instead of most hampered in her trade with England. The treaty was entered into for ten years.

While British commercial diplomacy was in its most inactive stage, between 1829 and 1835, the Zollverein came into existence. The documents hardly justify Treitschke’s implication of a sustained and malignant English opposition to the various steps in its creation. Naturally enough the board of trade disliked any prospect of change in the very favourable customs tariffs of such states as Hanover, the Hanse towns, and the city of Frankfort—the emporia for English manufactures and colonial produce; but at the foreign office neither Aberdeen nor Palmerston took the matter very seriously. On the other hand, most of the ambassadors and agents in Germany were

<sup>25</sup> To Disbrowe, 3 June 1836.

<sup>26</sup> *Ibid.* 20 September 1836.

<sup>27</sup> To Palmerston, 21 February 1837.

hostile, or at least suspicious, towards Prussia, and England as a whole rightly welcomed any scheme that seemed to offer a chance of perpetuating or extending the comfortable tariffs of the agricultural states and trading cities of Northern and Western Germany. True, the Prussian tariff of 1818-9, the foundation of that of the Zollverein, was less rigorous than anything which England could show before the days of Peel; but its heavy duties on colonial produce and on certain manufactures were troublesome to the English trader, the more so as they were particularly well enforced.<sup>28</sup> Still more annoying were the various devices that Prussia adopted to coerce the minor states into accepting her tariff, especially the transit dues on goods crossing Prussian territory. Hesse-Darmstadt was Prussia's first considerable recruit by the treaty of 14 February 1828; for Schwarzburg-Sondershausen hardly counted. The trade of Offenbach, just across the Main from Frankfort in the territory of the grand duchy, at once began to injure that of the free city, and Charles Grant, president of the board of trade, complained a little to Bülow, the Prussian minister in London.<sup>29</sup> In September of that year the Mitteldeutscher Handelsverein—including Saxony, Hanover, Hesse-Cassel, Brunswick, Weimar, Hamburg, Bremen, Frankfort, and a few others—began by the treaty of Cassel its ill-starred career of opposition to the Prussian league of the north and the Bavarian-Württemberg league of the south.

Its birth was blessed by Henry Unwin Addington, our representative in Frankfort, and Hanoverian statesmen were among its most active directors. It was feared that if Prussia absorbed the central states 'our commerce with the interior of Germany would be almost entirely destroyed.'<sup>30</sup> The new league with its 'free trade' tariff, on the other hand, would keep the road to the interior open; and 'besides these lawful commercial advantages such a state of things would afford immense facilities for carrying on the contraband trade in the dominions of Prussia, Bavaria, Württemberg, and Darmstadt,'<sup>31</sup> an unpleasantly cynical admission. Such considerations apart, the attraction of the policy of the league for England was both natural and right. But the attraction was short-lived. First Meiningen and Gotha, then Hesse-Cassel, then Saxony deserted, and by 1831 the

<sup>28</sup> Milbanke, *chargé d'affaires* at Frankfort, wrote to Lord Dudley, on 14 March 1828, 'the Prussian custom house establishment is conducted with the utmost severity: ' Foreign Office, Germany, 28. The duties on woven goods were nominally only 10 to 15 per cent.; but being levied by weight they fell very heavily on coarse materials. These became cheaper as manufacturing processes were perfected, so that in 1844 Macgregor maintained that some paid as much as 95 per cent. *ad valorem*: *op. cit.* i. 547.

<sup>29</sup> Treitschke, *Deutsche Geschichte*, iii. 637, 644.

<sup>30</sup> Milbanke to Dudley, 24 March 1828.

<sup>31</sup> Addington to Dudley, 27 May 1828. Treitschke's account of Addington's doings is not seriously exaggerated. I have found no specific instructions for him on this head; but he was not discouraged.

Middle Union was dead. Hesse-Cassel promptly made terms with Prussia. The absorption of both the Hesses left Frankfort hopelessly isolated, with efficient Prussian customs houses at her very doors on all sides save that facing Nassau. True, the conclusion of the Rhine Navigation Convention between Prussia and Holland in August 1831 made the great river in fact what it had been since 1815 in name, an open road from the North Sea to High Germany,<sup>32</sup> but Frankfort's difficulty was less to procure sea-borne wares than to dispose of them. So she turned to England, and had no difficulty in concluding a treaty of customs and navigation in London on 13 May 1832. 'Frankfort,' wrote Thomas Cartwright, our representative there, three years later, 'has all along fought against the Prussian system. The treaty [of 1832] was contracted to obtain support against Prussia and encourage other states to take the same course.'<sup>33</sup> It contained a mutual ten years' guarantee of most-favoured-nation treatment, whereby of course Frankfort was excluded from coming to terms with Prussia, the usual reciprocity clauses for navigation, and a special concession on England's part connected with the definition of a Frankfort ship: it might be built at Frankfort or in Great Britain, and three-quarters of its crew must be Germans, but not necessarily Frankforters. The reason assigned for this favour was the smallness of the Frankfort territory.<sup>34</sup>

Frankfort's hopes that this treaty would encourage the rest were vain. In 1833 Bavaria, Würtemberg, the Thuringian States, and Saxony came to terms with Prussia, and before 1834 was over Frankfort herself, squeezed by Prussia and aware that her neighbours Nassau and Baden were negotiating at Berlin, swallowed her anger and went there too—in the person of Senator Thun. Thun was a supporter of Prussia, and so was replaced at the end of the year by M. de Guaita, who was not. In England the board of trade had tried to persuade the foreign office to protest against the preliminary squeezing of our ally, but Palmerston 'was of opinion that there did not appear to be sufficient ground for a remonstrance.'<sup>35</sup> This was a little hard on Guaita, who was told at his first interview in Berlin, 'that Frankfort was little else than an *entrepôt* for British manufactures, and that the Prussian government considered him [Guaita] in the light of an agent who was come to Berlin to fight a battle for British interests.'<sup>36</sup> However, Palmerston agreed that

<sup>32</sup> Treitschke, *Deutsche Geschichte*, iii. 473, 675.

<sup>33</sup> To Palmerston, 4 June 1835. The 1835 despatches are in Foreign Office, Germany, 55-8.

<sup>34</sup> The treaty is in the State Papers, 1831-2, p. 165. It was the occasion of violent anti-British outbursts in the German press: Treitschke, iv. 401 seq.

<sup>35</sup> Palmerston to the board of trade, 9 May 1835: Board of Trade, 5, 42. Prussia had, among other things, granted special privileges to Cologne, thereby intercepting the Rhine trade below Frankfort.

<sup>36</sup> Cartwright to Palmerston, 13 May 1835.

if England were to abandon the treaty of 1832—the necessary preliminary to Frankfort's coming to terms with Prussia—' it could only be on condition that the fullest privileges compatible with the Prussian commercial system should be granted ' <sup>37</sup> to our ally, and he used his influence in this sense. Prussia was really anxious to secure a treaty with Frankfort, if only to stop the brisk smuggling trade for which the free city was a centre. The adhesion of Nassau to the Zollverein brought the Prussian customs houses ' within a few hundred yards of the gates of the town on every side.' Therefore all the Frankfort merchants, ' British as well as other,' <sup>38</sup> were now in favour of a settlement: so the business went forward without serious hitch. On 29 December 1835 <sup>39</sup> we agreed to abandon the most-favoured-nation and navigation clauses of the treaty of 1832, and next year Frankfort came into the Zollverein on satisfactory terms.

By this time England had realised that a new economic power had risen in Europe, and curiosity about the working of the ' Germanic Union of Customs,' as it was officially styled, and as to its possible future influence on our own commercial and navigation policy became intense. Now it happened that James Deacon Hume, one of the secretaries of the board of trade, had projected in conjunction with a utilitarian friend, John Macgregor, ' a huge work on the commercial statistics of all nations.' <sup>40</sup> Between 1832 and 1839 Macgregor was travelling up and down Europe collecting materials. He received some kind of roving commission from the board of trade and the foreign office, and in 1836 <sup>41</sup> began to report on the commercial situation in Germany and the effects of the Zollverein tariff on English trade. He was also feeling his way towards a treaty with the new power providing for some reduction of the duties on English manufactures.<sup>42</sup> In July 1836 he was present in Munich, with a watching brief, at the first tariff conference of the Zollverein. He discussed the question of a treaty informally with Kühne, the Prussian commissioner, who told him that if England

<sup>37</sup> To Cartwright, 7 July 1835.

<sup>38</sup> Cartwright to Palmerston, despatch of 4 June; private letter of 9 June 1835.

<sup>39</sup> The treaty is in the State Papers, 1836, p. 525.

<sup>40</sup> See *Dictionary of National Biography*, under John Macgregor. The article does not refer to Macgregor's diplomatic work in 1836-8.

<sup>41</sup> His mission, which has not hitherto been generally known, was an anticipation of that of Dr. (afterwards Sir John) Bowring, three years later, which led to the publication of a famous report on the Zollverein. The documents relating to Macgregor's mission are in Board of Trade, I, 322-4, and Foreign Office, Austria, 262-277. I have found no formal commission and imagine that all was arranged informally through Hume.

<sup>42</sup> In April 1836 the Prussian commissioner at Leipzig, who ' only knows me as a traveller making statistical inquiries,' ventured the opinion that England might get the Prussian duties on textiles reduced in return for reductions on timber, linen, and, if possible, corn: Macgregor to board of trade, April 29. Possibly this is the discussion referred to by Treitschke, iv. 575, *Palmerston liess in Berlin unter der Hand die Ermässigung der Englischen Holzzölle anbieten*, &c.

meant business she must go to Berlin and must begin 'with a reduction of her corn duties to a fixed figure.' When Macgregor talked of other possible reductions Kühne 'took his stand upon corn.' It is interesting to find the fixed duty, which became the whig election cry five years later, in the mouth of a Prussian agent, though the idea was of course not new. Macgregor was equally unsuccessful when he sounded Baron Schmitz, the Würtemberger. Schmitz was all for free trade, but pointed out that the English duties on manufactures were higher than those of the Zollverein, which Macgregor could not deny.<sup>43</sup>

While in Munich the wandering utilitarian came into touch with the Austrian *chargé d'affaires*, and in October he moved to Vienna.<sup>44</sup> Metternich, recently awakened to the importance of those economic forces of whose working he was so profoundly ignorant, had decided in a general way that if Austria was to keep pace with Prussia she must enter into commercial alliances, and to that end must abandon her system of prohibitions and prohibitive tariffs.<sup>45</sup> There had also been complaints from the shipowners of Trieste about the working of the Anglo-Austrian treaty of 1829 and about grievances arising under the English Navigation Law. Moreover, Aberdeen's treaty was about to expire. The times seemed ripe for the conclusion of a fresh one, which might deal with commerce as well as navigation, might be accompanied by some relaxations in the Austrian tariff system—without which it would be of little use—and so might provide a measure of compensation for the loss of that treaty with the Zollverein which could hardly be secured save by a radical remodelling of English commercial policy. Austria at any rate could not say that her fiscal system was already more liberal than that of England. Before the year was out Sir Frederick Lamb and Macgregor had started operations with Metternich and the endless bureaus and mutually hostile officials of Vienna.<sup>46</sup>

Apart from the difficulties inherent in any negotiation with so imperfectly systematised a government as that of Austria in 1836-8, there were others arising from Macgregor's somewhat irregular position, his ignorance of and contempt for the details of the English navigation system, and the casual methods of Palmerston. During Macgregor's first visit Metternich asked him as a favour to construct an informal treaty. Upon this document, which contained some of the concessions that Austria was most eager to secure, the

<sup>43</sup> Macgregor to the board of trade, 9 and 14 July 1836.

<sup>44</sup> Sir F. Lamb, the ambassador, reports his arrival on 2 November to Palmerston.

<sup>45</sup> See Lamb to Palmerston, 2 November 1836; A. Beer, *Die Finanzen Oesterreichs im 19. Jahrhundert*, 175 sqq., and the shorter references in his *Allgemeine Geschichte des Welthandels*, ii. 124-5, 205-7.

<sup>46</sup> The initiative came from the board of trade. See Macgregor's memorandum on the history of the negotiation to Baron Neumann, 14 May 1838. There are no references to the negotiation in Palmerston's drafts in 1836-7, and few in 1838.

authorities at Vienna based an official draft that was sent to England for comment and criticism in July 1837. The comments were incisive—apparently its origin was unknown in England—and Sir Frederick Lamb found himself in the awkward position of having ‘to withdraw this project of our own proposing, in order to substitute for it an entirely new one, demanding additional advantages in return for the same concessions. This was not a very promising undertaking.’<sup>47</sup> All Lamb’s political vaticination and all Macgregor’s profuse economical and statistical resources were brought to bear. The ambassador urged that the alliance, which among other things was intended to increase the traffic of the Danube, together with the suggested fiscal reforms, had important political bearings: they would bind the Austrian empire together, develop its resources, revive its friendly relations with England, contribute to the ‘independence of all neighbouring states’—independence, that is, of Russian and Prussian influence—and ‘give to Bavaria and Würtemberg a community of interests with Austria, and counter-balance the ascendancy which Prussia had acquired over them.’<sup>48</sup> Macgregor informed the Austrians, in his most didactic manner, that nothing would save them short of ‘a complete change in their financial and commercial system’; he convinced Hungarian landowners that a freer trade in manufactures was to their interest; and, returning to the officials, who showed signs of liberal leanings in the matter of shipping but could not see their way to alterations of the tariff, told them that, after all, ‘commodities and not ships were the objects of international commerce.’<sup>49</sup> At length, in the spring of 1838, the Austrian government accepted the principle of tariff revision and officially signified its willingness to sign the treaty.<sup>50</sup> The abandonment of the traditional system of prohibitions involved the overthrow of a sacrosanct edict of Maria Theresa, ‘in fact a change in the fundamental law of the empire’;<sup>51</sup> hence the delays. The treaty was still in danger during March, but Metternich signed it on 3 July and in due course it was ratified. Baron Eichhoff, the finance minister, was so angry ‘that he declared himself to be on leave of absence’ and took no part in the later proceedings.<sup>52</sup>

In its final form the treaty, by article 1, guaranteed perfect

<sup>47</sup> Lamb to Palmerston, 29 December 1837.

<sup>48</sup> *Ibid.* 3 July and 29 December 1837.

<sup>49</sup> Macgregor’s despatches to the board of trade and foreign office (Foreign Office, Austria, 275) of 12 July and 22 November 1837; also an enclosure, Macgregor to Kolowrath, in Lamb’s despatch of 29 December 1837.

<sup>50</sup> In this condensed account I have laid stress on the influence of the English negotiators on the Austrian tariff changes. That influence was clearly of the first importance, but it could hardly have been effective had not other forces been working in the same direction. For these see Beer’s works, as above, p. 491, note 45.

<sup>51</sup> Macgregor to the foreign office and Lamb to Palmerston, both of 28 February 1838.

<sup>52</sup> Lamb to Palmerston, 3 July 1838.

reciprocity of navigation dues throughout the whole of both empires. Article 2 guaranteed reciprocal treatment of goods, the produce of the two empires, including Austrian goods 'exported through the northern outlet of the Elbe and the eastern outlet of the Danube.' This final clause had not been in the treaty of 1829; it was now inserted at the request of Austria, and, as it 'was not at variance with the navigation law of 1833,' Macgregor 'did not contend that it should be suppressed.'<sup>53</sup> There was no formal provision for such cases in that law, but Frankfort furnished a precedent and the negotiators were much impressed with the possibilities of steam navigation on the great European rivers.<sup>54</sup> Article 3 guaranteed equality of treatment in the case of those non-Austrian goods which might legally be sent to British ports, and extended to Austria the full benefits of the Navigation and Possessions Acts of 1833 and most-favoured-nation treatment for the future. Article 4 was revolutionary, but as its full meaning seems hardly to have been recognised at first, except by Macgregor, it went through without much discussion: 'All Austrian vessels arriving from the ports of the Danube, as far as Galacz inclusive, shall, together with their cargoes, be admitted into British ports exactly in the same manner as if such vessels came direct from Austrian ports.' This article, much desired by Austria, would allow Austrian ships to bring enumerated goods—grain or timber, for instance—for consumption in England from river ports on Turkish territory. It was in direct contravention of the existing Navigation Law.<sup>55</sup> Article 5 was also of moment. It allowed British vessels to enter Austrian ports as though they had themselves been Austrian, when coming from places not on British territory—a privilege that 'no previous treaty contains,' as Macgregor subsequently boasted.<sup>56</sup> In return for this solid concession the Navigation Act was again breached: the produce of the Mediterranean ports of Asia and Africa might be brought from Austrian ports in Austrian or British vessels indifferently. That this was illegal had been one of the original complaints of the shippers of Trieste, and Austria fought hard for the concession. It was made definitely conditional on the first part of the clause to prevent other nations claiming a like privilege without return.<sup>57</sup> Articles 6–8 related to details of reciprocity—drawbacks, warehousing, and so

<sup>53</sup> Macgregor's explanatory memorandum, forwarded by Lamb, 3 July 1838.

<sup>54</sup> This point constantly occurs in the correspondence. A reference to it was usually inserted in the preamble of the later treaties of this type.

<sup>55</sup> J. G. Shaw Lefevre, one of the secretaries of the board of trade, told the committee of 1847 (q. 33): 'I rather believe that this line of policy originated in the inconvenience which was found to arise from the impossibility of completing . . . cargoes . . . at some of these ports.'

<sup>56</sup> *Commercial Statistics*, i. 21. Austria had allowed our ships to do this before, but as a favour not as a right. See Labouchere's speech, 6 July 1840; Hansard, iv. 469.

<sup>57</sup> Lamb and Macgregor's memoranda.

on ; 9 gave Austria, most-favoured-nation treatment for the East Indian trade ; 10 safeguarded the coasting trade ; 12 dealt with the trade of the Ionian Islands. Article 11—which Macgregor regarded as the most important of all except 5—contained the mutual guarantee of most-favoured-nation treatment in all matters of commerce and navigation. It was to be strictly interpreted and promptly applied. The remaining clauses were formal.

The customs concessions that accompanied the treaty were published on 18 June 1838. In the cases of wrought brass and copper, cotton manufactures, earthenware, 'fire engines,' glass, ironmongery, leather goods, linen, woollens, and some other articles prohibition was replaced by duties.<sup>58</sup> In other instances duties were appreciably lowered, though not always so much as the English negotiators had hoped, particularly in the case of sugar. Yet the reduction in this instance was enough to stimulate the import trade greatly.<sup>59</sup> It need hardly be said that the prohibitions had never been effective. There was an immense smuggling trade in English wares up the Elbe from Leipzig, to mention only one line of fraud. Indeed, the Bohemian manufacturers had asked for the abandonment of prohibition ; they said they would rather compete with the legally admitted and taxed than with prohibited and smuggled goods.<sup>60</sup> Besides introducing these customs changes, Austria modified her quarantine regulations in the interests of British shipping. Both parties were well satisfied with the first working of the new system, and Count Kolowrath told Macgregor that 'the revenue had gained even beyond his expectations from the change.'<sup>61</sup>

This is not the place to discuss at length the political significance of the treaty, which was probably not great. Lamb, very naturally, thought otherwise. He hoped that his handiwork, if successful, might prove 'the first step towards raising a solid bulwark against the further encroachments of Russia south of the Danube.'<sup>62</sup> Macgregor wrote to Kolowrath about binding 'the countries lying below the Austrian dominions, south to the Balkans and north to the extremities of Wallachia, in the . . . bonds of friendly alliance and of possible amalgamation with Austria.'<sup>63</sup> The negotiations, he said, had 'completely dispelled the illusions of "Young Italy"'

<sup>58</sup> The full list is in *Commercial Statistics*, i. 20.

<sup>59</sup> Macgregor's report to Lamb on the working of the treaty, 24 October 1838. He had visited both Bohemia and Venetia.

<sup>60</sup> Lamb to Palmerston, 2 November 1836.

<sup>61</sup> Macgregor's report. Kolowrath with Metternich and a couple of archdukes sat on the inmost council of the empire. He had all along favoured movement : Lamb to Palmerston, 9 October and 20 December 1836.

<sup>62</sup> To Palmerston, 3 July 1837, 3 July 1838, *inter alia*. Oddly enough the treaty was denounced in England as favouring Russian aggression : Miss Martineau, *History of England*, ii. 367.

<sup>63</sup> 1 November 1837 ; enclosure in Lamb to Palmerston, 29 December 1837.



[in looking up to England] within the Austrian states.’<sup>64</sup> But if Palmerston’s opinions can be inferred from the rarity, brevity, and character of his despatches, he did not take his agents very seriously. As a rule he ignored the negotiations. He did back up Lamb’s attempts to play Vienna against Petersburg, and wrote a slashing attack on Russia, a power ‘more ambitious than strong, and not less wily than ambitious.’<sup>65</sup> But one of his last despatches was a long essay on the sins and untrustworthiness of Austria, with the conclusion that ‘England ought never for the sake of pleasing Austria to swerve from that course which her interests and her principles point out.’<sup>66</sup> Clearly he had no illusions and no politico-economical imagination.

The treaty once concluded, it remained to be interpreted and regularised. Article 4—the Danube ports article—was not merely a breach of the Navigation Law, it was also a bad bit of drafting and led to a long discussion between the contracting parties. While this discussion was in progress, Poulett Thomson was unwilling to bring the matter before the house.<sup>67</sup> A week after Labouchere succeeded him at the board of trade, in September 1839, an Austrian ship, with a cargo of Turkish corn shipped at a Turkish Danubian port, came into Gloucester. She was seized for breaking the Navigation Law, but let free on payment of a fine. Not until July of the following year did Labouchere move for leave to bring in a bill ‘to enable her Majesty to carry into effect’ the Austrian Treaty, ‘and to empower her Majesty to declare by order in council that ports which are the most natural and convenient shipping ports of states within whose dominions they are not situated may in certain cases be considered’ as the national ports of such states.<sup>68</sup> The whole unbusinesslike proceeding gave the opposition an excellent opening. As to Article 5—which dealt with the shipping of Asiatic and African produce—it had been regularised in 1839, as Herries contemptuously put it, by a clause ‘smuggled’ into a customs bill on the third reading.

No sooner had Labouchere brought in his bill than Prussia, acting for the Zollverein, began to press for concessions.<sup>69</sup> Palmerston was far too much occupied with French affairs to attend to the matter, Labouchere was out of town, and the treaty was drafted in

<sup>64</sup> Macgregor’s final report, 24 October 1838.

<sup>65</sup> To Lamb, 8 December 1837.

<sup>66</sup> To Lamb, 21 March 1838. When the treaty was discussed in the Lords, Aberdeen twitted the government with its new-found love of Austria: Hansard, xlv. 252).

<sup>67</sup> So Labouchere said in the speech quoted above. The whole episode was threshed out in this debate by Herries, Labouchere, Colquhoun, Palmerston, and others.

<sup>68</sup> Hansard, lv. 469. The bill became 3 & 4 Vict. c. xcv.

<sup>69</sup> The foreign office documents referring to the business begin in August 1840; but Bülow had opened the matter earlier, so presumably his instructions were based on the treaty rather than the bill. The chief documents are in Foreign Office, Prussia 231 (1840) and 235 (1841), others in 232.

friendly negotiation between Baron Bülow and John Macgregor, who had just succeeded his collaborator J. D. Hume as secretary to the board of trade.<sup>70</sup> The foreign office officials knew nothing of the course of the negotiations until Macgregor and Bülow sent in their draft for transmission to Palmerston. Then a difficulty arose. Prussia wanted to have the Scheldt, as well as all the waterways from the Meuse to the Elbe inclusive, recognised as a natural outlet, and its ports, meaning Antwerp, as 'national' ports of the Zollverein. Bülow's argument was that the Scheldt was a branch of the Rhine, being connected with it by a natural waterway, just as was the Meuse, which England was quite willing to accept, and further that in practice the Rhenish riparian states had always reckoned Antwerp as a port on a mouth of the Rhine.<sup>71</sup> Macgregor, never unwilling to stretch the Navigation Laws and perhaps outgeneralled by Bülow, admitted the Scheldt into the draft, though after some hesitation as to the legality of his action.<sup>72</sup> Subsequently both Palmerston and Labouchere objected, and Macgregor had to argue in the name of 'my lords' against his own suggestion.<sup>73</sup> The situation was rendered the more awkward by the fact that the law officers said that the Scheldt was quite legal, so that they could not be made use of in the explanation with Bülow. 'My lords'—that is, Labouchere—thought that the Scheldt was outside the spirit of the recent Act; that its inclusion would raise trouble with France; that we were already giving quite enough in return for what we got.<sup>74</sup> Palmerston was apparently decided by the consideration that, if the Scheldt was a natural outlet for Prussia, *a fortiori* it was a natural outlet for France from whose territory it flows.<sup>75</sup> He already knew of those suggestions for a Franco-Belgian customs union which became a definite scheme in the hands of Leopold I during the summer of 1841. Obviously any precedent for a French claim that Antwerp should be reckoned a 'national' port would have given the king of the Belgians the best possible argument in favour of a proposal which, when it saw the light, was most distasteful to England.<sup>76</sup>

The difficulties having been smoothed away, Palmerston and

<sup>70</sup> Since his Austrian work Macgregor had been engaged in unsuccessful commercial negotiations at Naples. For the British grievances which he failed to remedy see *Commercial Statistics*, i. 1196 sqq.

<sup>71</sup> Two memoranda from Bülow, August 1840 and February 1841.

<sup>72</sup> He pencilled his doubts in the margin.

<sup>73</sup> E.g. Macgregor to Lord Leveson (of the foreign office) 19 September 1840. Palmerston wrote to his puzzled subordinates: 'The fact is that I believe the Scheldt was put into the convention at the board of trade while Mr. Labouchere was away and without his knowledge and sanction.'

<sup>74</sup> Macgregor to Lord Leveson, as above.

<sup>75</sup> See his letters to Schleinitz, Bülow's deputy, 12 October 1840, and to Bülow, 2 March 1841.

<sup>76</sup> Palmerston discussed the scheme in the latter part of 1840 with Lord William Russell at Berlin: Foreign Office, Prussia, 227. Aberdeen entirely agreed with his view: e.g. Aberdeen to Lord Stuart, 29 October 1842, Foreign Office, Russia, 279.

Bülow signed the convention on 2 March 1841. British ships were to be free to enter the harbours of the Zollverein on the same terms as native ships, whether coming from British or non-British ports. This was not a new thing: Treitschke rightly says that the Prussian Navigation Laws were already far more liberal than the English; they made no distinction between direct and indirect voyages.<sup>77</sup> In return for the guarantee that no alterations should be made in this rule during the currency of the treaty, England made the concession already referred to: she would treat Zollverein ships and their cargoes coming from all the ports between the Meuse and the Elbe as though they came from ports on Zollverein territory. The king of Prussia and his allies were to place the import trade in sugar and rice—not the import trade generally—‘upon the same footing as that of the most favoured nation’ (art. 2); and any states that might join the Zollverein in the future were to enjoy the privileges guaranteed by the treaty (art. 3). Prussia’s rights in the colonial trade remained as determined in 1824. Apart from the river ports clause there was no widening of the British Navigation Law. It is worth remembering that the treaty was bitterly denounced by List and the South German protectionist party as a public disaster for the Zollverein and as truckling to the sworn foe of German commercial unity.

Meanwhile the ‘free trade’ states of Germany that meant to remain outside the Zollverein or were in doubt as to the wisest course to pursue, recognising England’s desire to encourage a policy advantageous to herself, also hastened to demand concessions. In 1840 Hamburg was discussing postal business with the board of trade, and in connexion with this negotiation Syndic Banks handed in, in December, a proposal for a commercial convention between England and the three Hanse towns—his government having understood that the Prussian treaty was already concluded and that by it (as was the case) Zollverein ships sailing from the North Sea ports would enjoy privileges as great as or greater than those of the Hanse ships themselves.<sup>78</sup> There were rumours afloat a little later that Hamburg might after all join the Zollverein, rumours which help to explain the speed with which the negotiation was concluded.<sup>79</sup> Indeed so rapid was the workmanship that the convention was actually ratified by the citizens of Hamburg, in April 1841, in a form which rendered it illegal under the Navigation Law, so that it had to be withdrawn and redrafted.<sup>80</sup>

<sup>77</sup> *Deutsche Geschichte*, v. 458.

<sup>78</sup> Foreign Office, Hamburg, 88.

<sup>79</sup> Colonel Hodges, Consul-General at Hamburg, to Aberdeen, 2 November 1841: Foreign Office, Hamburg, 91.

<sup>80</sup> ‘It is now clear that we have gone farther than we intended—and farther than we can under the Navigation Laws’: Labouchere to Palmerston, 6 April 1841.

The official copy is dated 3 August 1841. As in the Zollverein treaty, English ships might now enter the Hanse ports on equal terms from whatever part of the world they came. Their cargoes also were to receive 'national' treatment. In return we made similar promises, but only in the case of ships coming from Hanseatic ports. Further we permitted all German goods whatsoever, that might legally be imported from the Hanse towns or any Elbe or Weser ports, to be imported in Hanse ships from the Hanse towns on the same terms as if they came in British ships. This clause overcame the difficulty arising out of the Zollverein treaty. There were no other working articles, the convention being merely supplementary to the treaty of reciprocity concluded with the Hanse towns in 1825.

The cases of Mecklenburg, Oldenburg, and Hanover are closely associated with that of Hamburg. The four states had many interests in common. There were even vague schemes in the air for a customs union between the Hanse towns, Hanover, Oldenburg, the Mecklenburgs, Holstein, Schleswig, and possibly Denmark, to be established 'on liberal principles, which would make a powerful counterpart to the restrictive system of the Zollverein.'<sup>81</sup> Mecklenburg-Schwerin was known to be divided. Already in 1841 Colonel Hodges reported to Aberdeen how Baron Lützwow, the leading Mecklenburg statesman, had told him that they would soon be forced to join the Zollverein. 'I inquired, "if England were to make any alteration in her existing corn laws, whether such a measure would make any change in the views of his government."' He answered, "It is very probable that it would do so."<sup>82</sup> Next year Mecklenburg asked for an order in council extending to her ships the privileges enjoyed under the recent treaties by those of the Zollverein and the Hanse towns. This England was prepared to grant, but Aberdeen pointed out that certain differential harbour charges levied under local acts of parliament, not of recent date, could only be equalised by treaty.<sup>83</sup> He accordingly forwarded a draft convention. The Mecklenburgers saw their chance. They promptly asked, among other things, that all the 'natural outlets' for the Zollverein trade should be recognised as 'national' ports of Mecklenburg; for 'it cannot be expected,' wrote Lützwow, 'that the British government will now refuse to the Mecklenburg flag that favour which by the accession to the Zollverein could without doubt

<sup>81</sup> Fox Strangways to Viscount Canning, reporting a conversation with the Duke of Holstein-Augustenburg, 16 October 1843, Foreign Office, Germany, 82. See also Bligh to Aberdeen, 18 January 1844, Foreign Office, Hanover, 42. This would have been an extension of the *Steuerverein* formed between Hanover, Brunswick, Oldenburg, and Bückeburg in 1834. Brunswick had in the meantime joined the Zollverein.

<sup>82</sup> 24 September 1841, Foreign Office, Hamburg, 91.

<sup>83</sup> To Hodges, 27 June 1843, based on a letter from the board of trade of 20 February 1843. These negotiations are in Foreign Office, Hamburg, 95 sqq.

be obtained.’<sup>84</sup> The rest of the negotiation, which was long, is unimportant. Mecklenburg carried almost all her points, and in the end her ships and their cargoes secured all the advantages of reciprocity ‘when coming from the ports of Barth, Stralsund, Greifswald, Wolgast, and Stettin, or from the ports in the Trave, Elbe, or Meuse, or in any other river between the Elbe and the Meuse, or between the Trave and the Oder’ (art. 5). By the signature of the treaty (1 May 1844) and of a duplicate for Mecklenburg-Strelitz, the latter state, which has no sea coast at all, found that one of its ‘natural outlets’ was Rotterdam. Oldenburg, who secured her treaty on 4 April 1844, was hardly so successful a bargainer. Her ‘natural outlets’ reached from the Meuse to the Elbe, but included no Baltic ports.<sup>85</sup> ‘The impression upon my mind,’ Hodges wrote, ‘is that it was not expected that the advantages asked for by Mecklenburg and ceded by his Majesty’s government would have been granted, and in case of refusal it would have been used as an additional motive . . . by M. de Lützwow for urging a junction with the Zollverein.’<sup>86</sup>

In Hanover, as in Mecklenburg, there were Zollverein and anti-Zollverein parties.<sup>87</sup> Their balance was eagerly watched by the English agents at the Hanoverian court.<sup>88</sup> The accession of Brunswick to the Zollverein weakened the party of opposition and led to irritating negotiations with both Brunswick and Prussia during 1843–4. Meanwhile Aberdeen, advised by the board of trade, instructed our representative to ‘take every proper opportunity of encouraging the opinion that it will be more advantageous and more honourable for Hanover to maintain an independent position.’ Bligh replied that this was what he had invariably done.<sup>89</sup> In order to stiffen the Hanoverian opposition, every possible legal concession was made in the treaty signed by Aberdeen, Gladstone, and Count Kellmansegge in London on 22 July 1844. Hanover, like Prussia, allowed British ships to come freely from all countries. This practice she undertook not to alter during the currency of the treaty. She also made some special reductions in favour of British goods in the so-called ‘Stade toll,’ levied on cargoes passing up the estuary of the Elbe.<sup>90</sup> In exchange she secured reciprocity, most-favoured-nation treatment, and a promise that all

<sup>84</sup> Lützwow to Hodges, 30 September 1843. Lützwow was in favour of joining the Zollverein, but was in a minority: Hodges to Canning, 10 October 1843.

<sup>85</sup> State Papers, 1844.

<sup>86</sup> To Aberdeen, 7 May 1844.

<sup>87</sup> Hanover eventually joined in 1851, Mecklenburg not till 1867.

<sup>88</sup> Foreign Office, Hanover, 39 sqq. See especially Mr. Bligh to Aberdeen, 5 January and 30 March 1843.

<sup>89</sup> Aberdeen to Bligh, 26 February 1844; Board of Trade to Foreign Office, 16 February 1844; Bligh to Aberdeen, 14 March 1844.

<sup>90</sup> This toll looms large in the commercial diplomacy of the period. Its history from A.D. 1038 is traced in a memorandum from Bülow to the foreign office in August 1840: Foreign Office, Prussia, 231.

river and river-mouth ports from the Meuse to the Elbe and from the Trave to the Memel should be treated as her natural outlets.<sup>91</sup>

The Mecklenburg treaty led to further demands from the Hanse towns, and the Hanoverian treaty equally stimulated the Mecklenburghers. Within a week of the signature of the former, Syndic Sieveking, one of the few senators of Hamburg who favoured junction with the Zollverein, told Hodges that of course England would now extend to his government every privilege granted to Mecklenburg; and a month after the signing of the latter Lützow wrote to say that, if his government had ever supposed that ports as far east as the Memel could be conceded, it would have asked for them. Of course England would do as much for Mecklenburg as for Hanover. A mere declaration would suffice.<sup>92</sup>

So the situation stood in Germany a year before the first failure of the potato crop and the beginning of the cataclysmic age in British commercial policy. The principle of 'natural outlets' had been stretched to breaking point. In return for the stretchings England had safeguarded the right of her ships to trade with German and Austrian ports direct from all parts of the world. She never gave so unqualified a right in return, though any vessels might bring any goods into her ports to be warehoused for re-exportation. The terms of admission to the colonial trade remained almost as Huskisson had left them. It was still illegal to bring non-European produce from European ports, except in the case of the Mediterranean trade; and Austria was the only foreign country to whose vessels had been recently conceded the right to share in this exception.<sup>93</sup> The consolidating Navigation Law of 1845 provided for such concessions (§ 4). Also, for the first time, it extended the warehousing privilege to the colonies (§ 22), enumerating about forty free colonial warehousing ports. Some special privileges were granted to the shipping of Hong-Kong, and the penalties for breach of the law were lightened; but these were the only changes of the least significance.

The other important commercial negotiations of the period that bear on the Navigation Laws may be dismissed briefly. The treaty with Russia of 11 January 1843 formally guaranteed to England certain rather limited advantages hitherto enjoyed 'in a great degree by sufferance,'<sup>94</sup> and to Russia the use of Dantzic and other German ports on her own rivers according to the true geographical principle of natural outlets. Its interest, such as it is, lies in its connexion with the transition which was taking place in Russia, as in Austria,

<sup>91</sup> Hanover was very eager to secure the use of these Baltic ports: Bligh to Aberdeen, 20 June 1844.

<sup>92</sup> Hodges to Aberdeen, 7 May 1844: Lützow to Hodges, 27 August 1844.

<sup>93</sup> Turkey had long enjoyed the right: see above, p. 482, note 11.

<sup>94</sup> Aberdeen to Lord Stuart de Rothesay, 24 November 1842, Foreign Office, Russia, 279. For the negotiations see 279-289.

from a system of prohibition to one of protection,<sup>95</sup> rather than in its navigation clauses. The Sardinian treaty of 6 September 1841 was the result of a wearisome negotiation by which England had hoped to secure a treaty of navigation and commerce. She failed on the commercial side, and even in the matter of navigation it was only with some reluctance that Sardinia was brought to sign a very colourless document. To the annoyance of our negotiators the Sardinian government—and particularly Charles Albert—could not be brought to accept an article based on the Austrian treaty of 1838, whereby we offered to give most-favoured-nation treatment in all our dominions and the right to bring goods into the United Kingdom from the Mediterranean ports of Africa and Asia through Sardinian ports, if they would allow our ships to enter their ports on equal terms with their own, wherever they came from. The Sardinians kept on asking why we would not give precisely what we demanded on this head; and the reply that our Navigation Laws would not let us do so failed to convince. In the end the treaty did little but secure reciprocity of navigation dues for the direct trade.<sup>96</sup> The Portuguese treaty of 2 July 1842 is an elaborate affair, covering a wide field, from the abolition of the *droit d'aubaine* to reciprocity of navigation dues. It freed the direct trade and opened the colonial trade of the contracting parties, within the regular legal limits so far as England was concerned. Certain extra differential duties, the result of a commercial quarrel in 1836–7, were removed. This appears to be the last case of active retaliation in our fiscal history, and as such may have some little interest. But in the history of the Navigation Laws the treaty is of no account.<sup>97</sup>

J. H. CLAPHAM.

<sup>95</sup> See Schulze-Gävernitz, *Volkswirtschaftliche Studien aus Russland*, p. 244 sqq.

<sup>96</sup> Foreign Office, Sardinia, 111–8. See especially Palmerston to Sir A. Foster, 26 October 1839. Sir A. Foster to Palmerston, 20 January 1840, 17 February 1840. Mr. Abereromby to Palmerston, 5 December 1840, 19 February 1841. Board of trade to foreign office, 16 January 1841, 12 March 1841. There had been an abortive negotiation in 1836.

<sup>97</sup> Foreign Office, Portugal, 521. The treaties of the period 1830–45 omitted from this account are Venezuela, 1834; Peru-Bolivia, 1837; Greece, 1837; Turkey, 1838; Ecuador, 1839; Bolivia, 1840; Texas, 1840; Denmark, 1841 (regulating the Sound dues); Würtemberg, 1841; Uruguay, 1842; Sicily, 1844; and the treaties with China. For various reasons none of these claim consideration in this connexion.

## *Notes and Documents*

### *Antiochus Strategos' Account of the Sack of Jerusalem in A.D. 614.*

IN the ninth volume of his *Texts and Studies in Armenogruzian Philology* (*Tekstve i Razveskaniyah po Armyāno-Gruzīnskoe Philologii*) Professor N. Marr, of the University of Petersburg, published early last year the old Georgian version of a narrative entitled 'Antiochus Strategos, the Capture of Jerusalem by the Persians in the year 614' (*Antiokh Strateg, Playnenie Jerusalīma Persamī*). The Greek text of this narrative is lost, all except an insignificant fragment; but as it is our only detailed narrative by an eye-witness of this important but hitherto obscure episode, I have thought it worth translating for English readers. The Georgian text, edited by Professor Marr from two codices, of which one was written in the thirteenth century, fills sixty-six large octavo pages of thirty-three lines each. I have much reduced its bulk by omitting pious ejaculations and other passages devoid of historical interest. These omissions I note. Professor Marr's book contains, besides the Georgian text, a long and learned introduction, and a careful Russian translation of the Georgian. The latter materially aided me in my rendering, because, as students of Georgian well know, the lexicons of that language are very imperfect. Without it I could only have conjectured the meaning of several words omitted in the lexicons. Professor Marr ascribes the Georgian version to the tenth century; and, on grounds which to me are a little doubtful, argues that it was made not directly from the Greek but from an Arabic version of the Greek. He prints a fragment of the Arabic text which contains the enumeration of the dead. <sup>†</sup>

FREDERICK C. CONYBEARE.

#### *The Capture of Jerusalem.*

The treatise of the blessed monk Strateg, who lived in the Laura of our father Saba.

He told about the devastation of Jerusalem, the capture of the Cross of Christ, which is the tree of our life, and of the burning of the holy churches, and their demolition; the captivity of the patriarch Zachariah,



the destruction of priests, of deacons and monks ; about the folk which believed in Christ, and about all that befell Jerusalem and its inhabitants from Babylon, at the hands of Persians and Chaldeans by command of their king Chosro.<sup>1</sup>

For Zachariah, the chief of fathers of Jerusalem, patriarch and shepherd of the holy city, was shepherding his flock in a manner correct and decent and pleasing to God. But in these days there arrived certain wicked men, who settled in Jerusalem. Some of them aforetime dwelled in this holy city with the devil's aid. They were named after the dress which they wore, and one faction was dubbed the Greens and the other the Blues. They were full of all villainy, and were not content with merely assaulting and plundering the faithful ; but were banded together for bloodshed as well and for homicide. There was war and extermination ever among them, and they constantly committed evil deeds, even against the inhabitants of Jerusalem. . . .<sup>2</sup>

Then the Judge of truth, who desires not the death of the sinner, but that he may turn again and live, sent on us the evil Persian race, as a rod of chastisement and medicine of rebuke. And they advanced with a great force and numerous host. They seized all the land of Syria ; they put to flight the Greek<sup>3</sup> detachments and forces, and sundry of them they captured, and thereafter began to enter with a swarming army and to capture every city and village. And they reached Palestine and its borders, and they arrived at Caesarea, which is the metropolis. But there they begged for a truce, and bowed their necks in submission. After that the enemy advanced to Sarapeon, and captured it, as well as all the seaboard cities together with their hamlets. . . .<sup>4</sup>

Next they reached Judea ; and came to a large and famous city, a Christian city, which is Jerusalem, city of the Son of God. And they came on in wrath and mighty anger of soul ; and the Lord surrendered it into their hands, and they fulfilled all in accordance with His will. And who can depict what took place within Jerusalem and in her streets ? Who number the multitude of dead who lay stretched in Jerusalem ? . . .<sup>5</sup>

But who, my brethren, will not grieve over this deed which was done in Constantinople by the Emperor Justinian, when he cried out ' Victory ! Victory ! ' When a river of blood flowed in the middle of the city, from the massacring of an innumerable multitude ? And who has not heard what happened in the great city of Antioch, what woes and disasters overtook its inhabitants ? Who will not lament and deplore the fate which overtook the city of Laodicea<sup>6</sup> and its inhabitants, how that souls innumerable were destroyed by the jealousy and passion of a God-hating enemy ? Who can keep silence and restrain his tears in presence of all this evil and suffering ? Who compute the multitude of woes and labours, and how many tens of thousands were slain in consequence of the crime committed by the worthless Bonosus ? . . .<sup>7</sup>

And if you would fain understand that which happened, listen to what I had related to me by a certain God-loving man about the death of that

<sup>1</sup> Spelled Khuasro. Here I omit four pages.

<sup>3</sup> Berdzen.

<sup>4</sup> Three lines omitted.

<sup>6</sup> Spelled Lavdikia.

<sup>2</sup> I omit half a page.

<sup>5</sup> Eleven lines omitted.

<sup>7</sup> Five lines omitted.

worthless man who was called Bonosus, that you may know that I am telling the truth. For this worthy man, who lived in the Jordan region,<sup>8</sup> recounted to me and said : ' Just when the ill-starred Bonosus died, I saw terrible folk who carried his soul to a well which was sealed, and on it sat a sentinel, and they said to him : " We bid thee, O man, open for us the well, that we may shut in it the soul of Bonosus." ' The man answered them, he that sat on the well : " I cannot open this well, until the Lord commands me so to do." ' But one of them that carried the soul of Bonosus, made haste and furnished unto him a document<sup>9</sup> of the Lord. Forthwith the sentry that sat on the well glanced thereat, sighed from the depth of his heart, and, smiting himself on the breast, said : " Woe to this ill-starred soul, forasmuch as since the time of the impious Emperor Julian, I have not opened the door of this darkling abyss of hell." ' For this reason we have told this, namely that you may know what men lived in our country ; and how many villainies they committed, in the way of slaughter and desolation and extermination of your brethren.

And leader in all was this worthless Bonosus. For he was full of all sorts of godlessness and on the watch for the demolition of cities and desolating of churches together with the aforementioned worthless men ; so that riot and destruction overtook the churches, and he had a design to seize and kill the patriarch who preceded the patriarch Zachariah, and to lay waste the churches. Such deeds did these men commit, who sojourned among us. And as we knew not God, nor observed His commands, God delivered us into the hands of our enemies, and we fell under the lordship of this abominable tribe of Persians, and they dealt with us in all ways as they pleased. And now I will begin to tell you what happened. For these evil tribes, when they had seized all the land of Syria<sup>10</sup> and the littoral, laid hold of a certain couple of monks out of the monasteries by the sea. . . .<sup>11</sup>

And when they seized the monks and led them to their chief, he looked them in the face and considered their worth. And although the chief was an enemy of God, he ordered that they should be preserved until he should see how the matter should end. And as he approached the holy city of Jerusalem, he began from day to day to ask them, saying : ' What say ye, O ye monks, will yon city surrender to me or not ? ' The monks in answer said : ' In vain dost thou hasten, and idle are thy designs, leader of an evil and foul race, for the right hand of God protects this holy city.' And when they reached Jerusalem, the magnates and chiefs of his host went and reconnoitred the city and its walls. And when they perceived the number of the monasteries and habitations of the God-fearing ones, which were in the environs of the city, their mind was opened and they desired to conclude a treaty with the inhabitants of the city. Then the blessed patriarch Zachariah, when he learned their desire and understood from the Lord what had overtaken the city, likewise was minded to conclude a treaty with the enemies. . . .<sup>12</sup>

But when the leaders of the riotous factions became aware what the

<sup>8</sup> This story seems to contradict the generally received account, according to which Bonosus was murdered in Constantinople.

<sup>9</sup> = χερσόγραφον.

<sup>10</sup> Shami.

<sup>11</sup> I omit eight lines.

<sup>12</sup> Four lines omitted.

patriarch designed to do, they gathered together and, assailing him like wild beasts, said to him : ' We warn thee, who art leader of this people, thou art intent on no good thing, in so far as thou thinkest of making peace with the enemy. . . .'<sup>13</sup>

Then, beholding their folly and that on which they were bent, the blessed Zachariah began to lament and bewail his flock and the destruction of his faithful folk. He feared moreover the miscreants lest they should slay him. . . .'<sup>14</sup>

And in the same manner the walls of Jericho, when it pleased God to lay them low, were suddenly overthrown ; and He, the all good, humbled also by the Emperor Heraclius the multitude of the Persians, so soon as He, the clement One, looked with pity on His people. But the blessed Zachariah, a true shepherd, invited them to make peace ; and when they hearkened not to him, he gave them other counsel ; and he summoned a monk, who was named Abba Modestus, and he was superior of the monastery of St. Theodosius,<sup>15</sup> and bade him go and muster men from the Greek<sup>16</sup> troops which were in Jericho, to help them in their struggle. But the blessed Modestus received the order of the patriarch, went out, and mustered the Greek troops which were in Jericho.

The Persians however beleaguered the entire city, and surrounded it for the combat ; and hourly they questioned the monks in regard to the city, whether God would deliver it or not into their hands. And the first day they asked them the same question afresh. Then the monks consulted one with the other and said : ' If we lie, 'tis evil ; but if we tell the truth, woe to us. Rather, whether we tell or whether we conceal the truth, it cannot but be that this city be laid waste. So it is right that we should not conceal the truth.' Then the monks sighed from the depths of their hearts, and smiting themselves on the face, and shedding tears, as if in a flood from their eyes, they replied : ' For our sins God hath delivered us into your hands.'

We however, when we were delivered into captivity, said to those monks : ' Why did you then from the first not tell us that the city was to be delivered into the hands of the enemy ? On the contrary you declared that by God it would be saved ; and we know that your word was of the Lord ; and again you said that He had delivered it over to devastation.' The monks answered us and said : ' We were not prophets and forecasters of divine decree ; but rather were, because of our sins, given over into the hands of our enemies ; and have been taken captive at their hands, and been smitten together with this people according as our deeds merited. But as regards the holy city be not surprised at this having overtaken it ; for as we were with God, so too was God with us. But as for us, when the Persians had led us out of our caves, they conducted us here to Jerusalem. We looked on the wall of the city, and saw a marvellous sight. For on each of the towers and battlements stood an angel holding in his hands shield and fiery lance. And when we beheld this sign, we were much rejoiced. We understood that God was on our side. Wherefore we said to the enemy : " In vain you hasten, idly do you imagine of this city, that it is to be delivered into your hands." . . .'<sup>17</sup>

<sup>13</sup> Seven lines omitted.

<sup>14</sup> I omit half a page.

<sup>15</sup> Thevdos.

<sup>16</sup> Berdzen.

<sup>17</sup> Five lines omitted.

In that season there came down from heaven an angel three days before this evil overtook us and advanced as far as the angels which were standing upon the wall of Jerusalem and guarded it ; and he said to them : ' Depart hence, withdraw ; for the Lord has given over this holy city into the hands of the enemy.' And when the assembly of angels heard this, they departed ; for they could not oppose the will of God. And thereby we knew that our sins exceeded God's grace. . . .<sup>18</sup>

But the Persians when they found that the inhabitants of the city would not consent to submit, were agitated with lively anger, like ferocious beasts, and planned all sorts of hurt against Jerusalem ; and they laid siege to it with much watchfulness and gave battle. Meanwhile the monk Abba Modestus, who had been sent by the patriarch to collect Greek troops to aid them in distress, persuaded them to start. But God willed not to help them. For when the Greeks saw the numbers of the Persian host which was encamped around Jerusalem they fled with one accord, put to flight by the Persians. Then the Abba Modestus was left alone, inasmuch as he could not flee. He saw a rock in a ravine and climbed up on to it. The rock was already surrounded by Persians : some of them stood on it, and others again stood over against the rock. But God, who preserved the prophet Elisha and destroyed the murderers who came against him before they sighted him, darkened the eyes of the enemy, and preserved His servant unscathed. And he peacefully went down to Jericho. But the inhabitants of the city began to grieve when they learned of the flight of the Greeks, and there was found from no quarter any aid for them. Then the Persians perceived that God had forsaken the Christians, and that they had no helper ; and with intensified anger they began to search out ways and means to the extent of building towers around the city ; and they placed on them balistas for a struggle with the inhabitants of Jerusalem ; and they made ready every sort of military engine, as is customary with warriors ; and with lively wrath they engaged the Christians. They were however all the more on the watch, and desired to get possession of Jerusalem, because they knew that that city was a refuge of all Christians and a fortress of their dominion.

The beginning of the struggle of the Persians with the Christians of Jerusalem was on the 15th April, in the second indiction, in the fourth year of the Emperor Heraclius. They spent twenty days in the struggle. And they shot from their balistas with such violence, that on the twenty-first day they broke down the city wall. Thereupon the evil foemen entered the city in great fury, like infuriated wild beasts and irritated serpents. The men however who defended the city wall fled, and hid themselves in caverns, fosses, and cisterns in order to save themselves ; and the people in crowds fled into churches and altars ; and there they destroyed them. For the enemy entered in mighty wrath, gnashing their teeth in violent fury ; like evil beasts they roared, bellowed like lions, hissed like ferocious serpents, and slew all whom they found. Like mad

<sup>18</sup> Two pages omitted, of which the original Greek exists in two Sinai MSS., no. 448, f. 335 and no. 432, f. 162, of the years 1004 and 1334 respectively. The episode is that of John, a monk of St. Saba who lived in the place called Seven Mouths, who narrates to his disciple a vision he has had of the impending ruin of the Anastasis church, and is then slain by the Persians.

dogs they tore with their teeth the flesh of the faithful, and respected none at all, neither male nor female, neither young nor old, neither child nor baby, neither priest nor monk, neither virgin nor widow. . . .<sup>19</sup>

Meanwhile the evil Persians, who had no pity in their hearts, raced to every place in the city and with one accord extirpated all the people. Anyone who ran away in terror they caught hold of; and if any cried out from fear, they roared at them with gnashing of teeth, and by breaking their teeth forced them to close their mouths. They slaughtered tender infants on the ground, and then with loud yelps called their parents. Their parents bewailed<sup>20</sup> the children with vociferations and sobbings, but were promptly despatched along with them. Any that were caught armed were massacred with their own weapons. Those who ran swiftly were pierced with arrows, the unresisting and quiet they slew without mercy. They listened not to appeals of supplicants, nor pitied youthful beauty, nor had compassion on old men's age, nor blushed before the humility of the clergy. On the contrary they destroyed persons of every age, massacred them like animals, cut them in pieces, mowed sundry of them down like cabbages, so that all alike had severally to drain the cup full of bitterness. Lamentation and terror might be seen in Jerusalem. Holy churches were burned with fire, others were demolished, majestic altars fell prone, sacred crosses were trampled underfoot, life-giving icons were spat upon by the unclean. Then their wrath fell upon priests and deacons: they slew them in their churches like dumb animals. . . .<sup>21</sup>

And who can relate what the evil foes committed and what horrors were to be seen in Jerusalem? However, my beloved brethren, listen to me with patience, because my heartache impels me to speak and forbids me to keep silent; and once having begun to describe this calamity, I am minded to recount to you the whole of it. For when the Persians had entered the city, and slain countless souls, and blood ran deep in all places, the enemy in consequence no longer had the strength to slay, and much Christian population remained that was unslain. So when the ferocity of the wrath of the Persians was appeased, then their leader, whom they called Rasmi Ozdan, ordered the public criers to go forth and to make proclamation saying: 'Come out, all of you that are in hiding. Fear not. For the sword is put away from you, and by me is granted peace.' Then, as soon as they heard that, a very numerous crowd came forth that had been hidden in cisterns and fosses. But many of them were already dead within them, some owing to the darkness, others from hunger and thirst. Who can count the number of those who died? for many tens of thousands were destroyed by the number of privations and diversity of hardships, before those in hiding came out owing to the number of their privations; and they abandoned themselves to death when they heard the chief's command, as if he was encouraging them for their good, and they would get alleviation by coming out. But when those in hiding had come out, the prince summoned them and began to question the whole people as to what they knew of the art of building.<sup>22</sup> When they had one by one specified their crafts, he bade those be picked out on one side who were

<sup>19</sup> Eight lines omitted.

<sup>21</sup> Nearly one page omitted.

<sup>20</sup> Lit. 'beat themselves,' i.e. ἐκόψαντο.

<sup>22</sup> Or 'carpentering.'

skilled in architecture, that they might be carried captive to Persia ; but he seized the remainder of the people and shut them up in the reservoir<sup>23</sup> of Mamel, which lies outside the city at a distance of about two stades from the tower of David. And he ordered sentinels to guard those thus confined in the moat.<sup>24</sup>

O my brethren, who can estimate the hardships and privations which befell the Christians on that day ? For the multitude of people suffocated<sup>25</sup> one the other, and fathers and mothers perished together owing to the confinement of the place. Like sheep devoted to slaughter, so were the crowd of believers got ready for massacre. Death on every side declared itself, since the intense heat, like fire, consumed the multitude of people, as they trampled on one another in the press, and many perished without the sword. . . .<sup>26</sup>

Thereupon the vile Jews, enemies of the truth and haters of Christ, when they perceived that the Christians were given over into the hands of the enemy, rejoiced exceedingly, because they detested the Christians ; and they conceived an evil plan in keeping with their vileness about the people. For in the eyes of the Persians their importance was great, because they were the betrayers of the Christians. And in this season then the Jews approached the edge of the reservoir<sup>27</sup> and called out to the children of God, while they were shut up therein, and said to them : ' If ye would escape from death, become Jews and deny Christ ; and then ye shall step up from your place and join us. We will ransom you with our money, and ye shall be benefited by us.' But their plot and desire were not fulfilled, their labours proved to be in vain ; because the children of Holy Church chose death for Christ's sake rather than to live in godlessness : and they reckoned it better for their flesh to be punished, rather than their souls ruined, so that their portion were not with the Jews. And when the unclean Jews saw the steadfast uprightness of the Christians and their immovable faith, then they were agitated with lively ire, like evil beasts, and thereupon imagined another plot. As of old they bought the Lord from the Jews, with silver, so they purchased Christians out of the reservoir ; for they gave the Persians silver, and they bought a Christian and slew him like a sheep.<sup>28</sup> The Christians however rejoiced because they were being slain for Christ's sake and shed their blood for His blood, and took on themselves death in return for His death. . . .<sup>29</sup>

When the people were carried into Persia, and the Jews were left in Jerusalem, they began with their own hands to demolish and burn such of the holy churches as were left standing. . . .<sup>30</sup>

How many souls were slain in the reservoir<sup>31</sup> of Mamel ! How many perished of hunger and thirst ! How many priests and monks were massacred by the sword ! How many infants were crushed under foot, or perished by hunger and thirst, or languished through fear and horror of the foe ! How many maidens, refusing their abominable outrages,

<sup>23</sup> Birqa.<sup>24</sup> Fliskhina.<sup>25</sup> Lit. ' submerged.'<sup>26</sup> One page omitted.<sup>27</sup> Birqa.<sup>28</sup> Here but a single Christian is mentioned. In the sequel however many are declared to have thus perished at the hands of the Jews.<sup>29</sup> Half a page omitted.<sup>30</sup> Four lines omitted.<sup>31</sup> Fliskhina.

were given over to death by the enemy ! How many parents perished on top of their own children ! How many of the people were bought up by the Jews and butchered, and became confessors of Christ ! How many persons, fathers, mothers, and tender infants, having concealed themselves in fosses and cisterns, perished of darkness and hunger ! How many fled into the Church of the Anastasis, into that of Sion and other churches, and were therein massacred and consumed with fire ! Who can count the multitude of the corpses of those who were massacred in Jerusalem !

We have recounted this, for it all happened to us in reality, that in this chastisement we may recognise the Lord, as Paul the Apostle said : ' If we are judged by the Lord, we are chastened, that we may not with the world be condemned. . . . ' <sup>32</sup>

Listen to me, my brethren, and I will relate to you what befell the holy mothers.<sup>33</sup> In Jerusalem, on the Mount of Olives, there was a monastery, in which lived holy virgins 400 in number. The enemy entered that monastery, and expelled, like doves from their nest, those brides of Christ, blessed, of worthy life and blameless in chastity. Having led them out of the monastery, they began to pen<sup>34</sup> them in like cattle ; and they shared them among themselves and led them away each to their own quarters. . . . <sup>35</sup>

Now listen, my brethren, and I will relate. For after all this evil doing they captured the good shepherd, the patriarch Zachariah, and conducted him to Sion through the gate through which our Lord Jesus Christ came in ; and he was conducted cautiously, like a brigand, pinioned with cords. . . . <sup>36</sup> Then they led out the good shepherd, as they did Christ when He went forth from Sion to the Cross. But Zachariah they led forth from the gate of Jerusalem, like Adam forth from paradise. . . . <sup>37</sup> Then went forth the blessed pastor with the people by the gate called Probatike, from which also went forth the Saviour for His Passion ; and he sat down on the Mount of Olives, and as for a widowed bride so he wept for the holy church. Then there came up before him all the people. They fell prone on their faces furrowed<sup>38</sup> with excess of mourning. He gazed upon them, and beheld the members of his flock, that weakened with lamentation, overcast with grief, and beset with perils, were brought nigh unto death. Then he began to console them. . . . <sup>39</sup>

Once more they raised up their eyes, and gazed upon Jerusalem and the holy churches. A flame, as out of a furnace, reached up to the clouds, and it was burning. Then they fell to sobbing and lamenting all at once and loudly. Some smote themselves on the face, others strewed ashes on their heads, others rubbed their faces in the dust, and some tore their

<sup>32</sup> A page is here omitted.

<sup>33</sup> Or ' women.'

<sup>34</sup> Professor Marr renders 'slay,' which offends in the context. I conjecture *aghdeherad* for the form, omitting the *e*, given in the MS.

<sup>35</sup> There follows the story of a maiden who offered her would-be ravisher, if he would spare her virginity, a phial of miraculous oil of a kind to guard him from being wounded in battle. She rubs her neck with it and invites him to smite her with his sword, in token of her good faith. He smites and beheads her. This episode fills two pages.

<sup>36</sup> Two-thirds of a page omitted.

<sup>37</sup> Six lines omitted.

<sup>38</sup> Lit. 'destroyed.'

<sup>39</sup> Six lines omitted.

hair, when they beheld the holy Anastasis afire, Sion in smoke and flames, and Jerusalem devastated.

40

These words the blessed Zachariah uttered before the people on the holy Mount of Olives. And as he ended his words, he heard a tramping and outcry of the people. He looked round and perceived that the multitude of the Persians was advancing, who intended to take them to Persia into captivity. . . .<sup>41</sup> Then the enemy were mingled with the company, like wild beasts among sheep ; they carried them off to slaughter like lambs, and seized the blessed Zachariah, and led him off. Meanwhile the righteous man ceased not to lament and sob, but every moment he looked away and said : ' Farewell,<sup>42</sup> O Jerusalem ! ' And from that time forth he never beheld her again. But he said : ' Farewell, holy city ! Forget not thy servant ! Thou knowest my love for thee, and my earnest zeal to serve thee ; and therefore I pray thee to remember me and this people, whenever thou shalt pray to Christ.' . . .<sup>43</sup>

And they descended from the Mount of Olives in the direction of Jericho by the road which leads to Jordan. Then, my brethren, there took hold of all the Christians of the whole world great sorrow and ineffable grief, at the fact that the city, the elect, famous, and imperial city had been given over to rapine ; that the holy places and refuges of all the faithful had been given up to fire, and Christian folk vowed to captivity and death.<sup>44</sup> . . . My own eyes witnessed further more another incident, worthy of tears. For there were two striplings, brothers in the flesh, twins born in one and the same hour, and they were carried off into captivity from the Holy City. About them we heard of a marvellous episode, which their parents and neighbours related of them, how that between the boys there existed such intense affection, that they could not be parted even for a minute from one another. For their birth was on the same day, and their baptism was on the same day, their mother brought them up together, and they shared a single bed.<sup>45</sup>

So far I have given you an account of what happened in Jerusalem and on the road to captivity. But henceforth I shall inform you of how our entry into Persia took place, of what sorrow fell upon God's children, and how their grief, pain, and mourning burst out afresh. For before our entry into Babylon they halted us in an enclosure of great dimensions, and afterwards they brought the Cross of Christ, the tree of our life, and laid it at the threshold of the gate which led into the enclosure. Then the wicked enemy came up and began to arrest the faithful. They drove them, like lambs out of a pen, with great haste, and they said : ' You shall trample on this Cross of yours, in which you set your trust. If not, we will slay you and throw your bodies to the dogs to devour.'<sup>46</sup> . . . And

<sup>40</sup> Eight pages omitted.

<sup>41</sup> Two and a half pages omitted.

<sup>42</sup> Or ' Peace with Thee,' and so below.

<sup>43</sup> Six lines omitted.

<sup>44</sup> I omit the episode of Eusebius, deacon of the *Anastasis*, who is martyred along with his two daughters because they will not accept the Magian religion. It fills three pages.

<sup>45</sup> In the sequel their parting scene is described, and also how, subsequently, they met by accident for a moment on the way to Persia. Three pages omitted.

<sup>46</sup> Five lines omitted.



godless and merciless, they acted as follows; for they took their stand at the gate with naked swords in their hands and cut down those who had faith in the Lord, but left alive the renegades. All the same not many obeyed their godless word so far as to go through the gate, and insult the Cross of Christ by denying it, but only a few, of weak mind.

But the majority of the folk perished for the sake of Christ, preferring to die rather than insult the Cross with their feet. Then, my brethren, vehement sorrow and immeasurable pain befell us all, because on our approaching Babylon, it was not to the river of Babylon they led us, but to the river of Persia. Nor was it to a purifying bath that they presented us, but drove us into a bloody river. And not before a Christian emperor they brought us forward, but before a Persian emperor, by name Khosro; <sup>47</sup> and we reached not confessors of the Holy Trinity, but for our sins were ranked with deniers of the Holy Trinity.

But the blessed Zachariah the Patriarch on reaching the gate remembered the captivity of the children of Israel and exclaimed: 'Blessed be the Lord, who hath brought on us also all that happened in former days of the people of Israel and in the time of Moses.' Then the man of God asked the Persians to leave him for a time and cease their molestation. And when they did so, the blessed man bade assemble all the priests, deacons, and monks; and as soon as they were assembled he took his stand in their midst, and he kneeled down <sup>48</sup> to the East, and all together with him kneeled down to the Lord. When they rose from prayer, the saint ordered them to chant three psalms of David. . . .<sup>49</sup> When they had ended the chanting of the psalms, the blessed Zachariah went up to much higher ground and uttered the 'Alleluia,' which the monks repeat at the hour of the rising sun. He twice uttered it together with the *sticheron*,<sup>50</sup> and all the people chanted it after him. Then the blessed one extended his hand in the direction of the river and said: 'By the rivers of Babylon we sat down and wept, when we remembered thee, O Sion. If I forget thee, Jerusalem, then may thy right hand forget me.' When he uttered this, the people were moved to sobs and could no longer utter the second Alleluia. But they bowed their heads in pensive grief to the earth, while the good pastor, the holy Zachariah, prayed to Christ with tears and groans. And then, while the people with bowed heads prayed a long time to the Lord, Zachariah ordered them to collect the children from seven years of age and less. And their number was 3000. The enemy however did not prevent their collecting them, but looked on to see what they were about to do. When they had collected the crowd of children, the blessed Zachariah stood to the East some space away from the people, placed the children before him and behind him the people, and bade all to call upon the Lord out loud and say: 'Merciful Lord, have mercy on us!' . . .<sup>51</sup>

Now listen, my brethren, and I will tell you. For when we reached Babylon, and they had informed the evil King of our arrival—one day previously he summoned his table-companions and princes, his magi, sorcerers, and diviners, for he imagined that our faith in the Cross was

<sup>47</sup> Spelled Khūasro.

<sup>48</sup> Or 'adored.'

<sup>49</sup> Psalms cxix., cxvii., cxx., cxxii., cxxvi. (in the Greek numeration) are cited. I omit half a page.

<sup>50</sup> *Dasdebeli*. I use Professor Marr's equivalent. <sup>51</sup> Two and a half pages omitted.

vain. And he said to us : ' Look ye, the might of the fire in which we put our trust, has given us the great city of the Christians, Jerusalem, and their Cross which they trust in and adore. There has also been delivered into our hands the leader of their religion, and he will to-morrow arrive before us together with his people. Therefore hasten ye now and prepare for an encounter with him, and work some miraculous effect such as they are not able to work ; and if you can prevent their doing anything, and they do not accomplish the like of your achievements, I will magnify you with gifts and great honours.' Then one of the Magi answered the King as follows : ' O King, live for ever, and let not your heart be disturbed about their leader, the Christians' president. For to-morrow you shall see and know of what quality your servants are and of what the table-companions who sit in your presence.'

When we reached the city, they led us like sheep to be slaughtered ; and they conducted us to the palace and set us in the presence of the King. Before him stood also the Cross of our Redemption, even as our Lord Jesus Christ stood before the ruler Pilate ; and they began among themselves to mock and rail at the Cross. . . .<sup>52</sup> Then the King commanded them to present and set before him the blessed Zachariah, and he said to him : ' Who are you, or whence come you ? What miracle have you the power to accomplish, that we may behold it and believe in you ? ' But the holy man addressed the King in answer : ' O King, I am a sinful man and sunk<sup>53</sup> in sins ; and now behold, how because of our sins the Lord has delivered us into your hands for chastisement ; yet I will not tempt the Lord my God, but rather accept with gratitude this visitation of misery ; but you desire me to tempt Him. Thou knowest.' The King said to him : ' How can you affirm that there is no other god like unto your God ? Behold, now you know that my faith is above your faith, and my god greater than your God.' And when he had said this, he invited the Magus in presence of all the people, and said : ' Tell me what you are minded to do or with what sign you intend to overcome him.'

But the Magus began to praise [himself], and said to the blessed Zachariah in presence of the King : ' Tell me what I did yesterday and what I mean to do to-day, in order that I may recognise the power of your God and believe in you. If not, I will tell you what you did yesterday and what you are prepared to do to-day ; and you will put your trust in fire and abandon your Christian faith.' On hearing this the holy patriarch, the peaceful shepherd, was filled with the Holy Spirit and said to the King : ' O King, is it right that your servants should lie before you and outrage your majesty with lies and phantasy ? ' But the King when he heard these words began to swear and imprecate in the presence of all the people, and said : ' In truth, I declare, if my servant dares to utter a lie before me, I will order his head to be cut off : but if my servant tells the truth I will order the Christian president to be slain.' Then the saint rejoiced because he knew what God intended to do through him. He went up to the Magus and said : ' Tell me, O evil Magus, and enemy of God, are you able to tell me what I did yesterday and what I intend to do to-day ? ' The Magus replied : ' Yes, I am able to tell to you the secrets of your heart.'

<sup>52</sup> Thirteen lines omitted.

<sup>53</sup> Or ' sold.'

That very moment, the good shepherd stretched out his hand and took the rod which the Magus had, for that the Magi should hold a rod in their hands is their custom, and he said to him : ' Tell me, evil Magus, this very moment what I mean to do, and do not slyly busy yourself with lies for yesterday or to-day. Am I going to smite you with this rod or not ? ' Then the Magus, when he heard this, was surprised. His face changed colour, and he could not answer anything ; but he began to take counsel with himself and said : ' What have I done ? I have doomed myself to ruin ! I know not now what answer to make. If I say : You intend to strike me, he will reply to me : I do not intend to strike you. But if I tell him : You do not intend to smite me, then at once he will strike me. And I do not know what to answer. For I am defeated in either case. Where is the essence of fire and the majesty of the sun ? I pray he may come to aid his servant, and save me now in the hour of disaster.' So he spake in his mind, but it did not advantage him. And inasmuch as the Magus and sorcerer remained silent, stupefied by his own reflections, and could make no answer, the King ordered his head to be cut off, because of his oath and of his table-companions. For shame took hold of them because of the people. But the Magus, as soon as he knew of this, was seized with fear and trembling. And all the Chaldaeans were confounded when they witnessed the speedy execution of the Magus, and from that moment forth no one any more dared to go near the Lord's Cross, the tree of our salvation, because fear took possession of all alike owing to this miracle.

Now, my brethren, I will acquaint you with a miracle which was wrought by our holy Father, and which I learned from others. For I myself only witnessed the one of the Magus ; and owing to my impatience I, herein negligent, became pusillanimous and fled. I could not display perfect endurance along with the holy Father Zachariah, so as to remain with him for a long time. Nor could I persevere with the people, so as to share with them in the reward. Among the prisoners on the contrary there were certain monks, who fled from the Persians by night, and I, poor wretch, fled together with them, reached Jerusalem, and longed to acquaint you with all that my eyes beheld. But what remains I learned from the brethren who deserve credence. Now there was a certain monk whom they called Abba Simeon. He recounted to me about the patriarch Zachariah and said : After a good time they began to show much honour by the will of God to him, who was magnified on all occasions and respected by those who truly honour and magnify him, as the Word of God says : ' I magnify them that magnify me.'<sup>54</sup> For there was found among the wives of the King Khosro a certain woman who adored the tree of holy Cross and the holy man, the patriarch Zachariah. For this woman was in name a Christian, but after the heresy of Nestorius, the impious and despised of God. She petitioned the King and obtained of him the tree of the holy Cross duly sealed, together with the patriarch and certain of the prisoners, as she chose. She led them into her palace and gave them a good place and reposeful. She lavished honour on them and gifts, and bestowed upon them abundance of fragrant incense with candles and everything they wanted.

<sup>54</sup> 1 Reg. ii. 30.

After a certain time one of the Hebrews became jealous of the honour which all bestowed on the man of God, and delated him to the King; for with the triumphant help of the devil the Hebrews had liberty of access to him. And they said: 'He is given up to fornication.' And they promised money to a certain wretched girl, who had only a few days before been delivered of a child, and so induced her to complain of him to the Shah.<sup>55</sup> . . .

And another similar wonder to this in connexion with the holy patriarch Zachariah was related to us by the same Simeon. The wife of a prince of that land was barren and had no child. She had petitioned several sorcerers and soothsayers in order to have children, but did not attain her object. Her husband however went in faith to the holy man and besought him to pray, and then God would grant him a son.<sup>56</sup>

. . . . .<sup>57</sup>

*The number of the slain that were found in Jerusalem.*<sup>58</sup>

Hear, my beloved brethren, the number of the slain who were found in Jerusalem after the invasion of the Persians, and the massacre of the population, and their taking into captivity; and by what sort of death the flocks of Christ our God were destroyed. In Jerusalem there was a certain one by name Thomas. He, blessed one, was armed with the might of Christ. He resembled Nicodemus who buried the body of the Lord, and his wife Mary Magdalene. For they accomplished good deeds, for which they are worthy to be remembered; and it is our duty to mention them. He who wishes to inform himself of what happened to those of Jerusalem, let him ask them. For these blessed ones displayed divine zeal. They were on the spot when the Persians came; and they knew in detail everything which was done by them, and in every deed shewed true zeal in God's service.

When the Persians withdrew, they began to search for all the dead that had fallen at the hands of the Persians in the city and in its environs, in all the alleys and public places. Those whom they found they collected in great haste and with much zeal, and buried them in the grotto of Mamel, and in other grottos they collected and buried them. And from these blessed persons we learnt about the terrible massacre of the faithful people, and some people we ourselves saw destroyed by similar wounds. For some were lying cloven asunder from head to breast; others lay with fissures from shoulder to belly; some lay transfixed with the sword and cut in bits like grass; some lay cut in twain. Some had their belly cloven asunder with the sword and their entrails gushing out, and others lay cut into pieces, limb by limb, like the carcasses in a butcher's shop. But above all it was piteous and deplorable to think of, how some wallowed

<sup>55</sup> In the sequel the infant speaking like an adult denies before the judges that Zachariah is its father. Half a page omitted.

<sup>56</sup> The patriarch washes his face in water and sends the water to the wife to drink. She refuses, and remains sterile. I here omit three quarters of a page.

<sup>57</sup> Four pages omitted.

<sup>58</sup> This is preceded by the Epistle of Zachariah, here omitted, to those who had escaped captivity.

in the streets mixed up with the soil; others with clay and mud, besmirched with impurities; while others wallowed in the churches and houses imbrued in blood. Some had fled into the Holy of Holies, where they lay cut up like grass. And some were found of the slain who had in their hands the glorious and life-giving body of Christ, and in the act of receiving it had been butchered like sheep. Others were clasping the horns of the altars; others the holy Cross, and the slain were heaped on them. Others had fled to the Baptistery and lay covered with wounds on the edge of the font.<sup>59</sup> Others were massacred as they hid under the holy table,<sup>60</sup> and were offered victims to Christ.

Listen, and I will acquaint you with the number of all the slain, for the blessed Thomas informed us of the following: After the departure of the Persians, he said, I remained in Jerusalem, and began to search out the corpses of the slain that had died by the hands of the evil foe. And I found in the church of the holy martyr George, which is outside the town, and I began from this spot to search for corpses and to bury them in the grottos. We found at the altar of the holy church seven persons lying. The Lord and Saint George gave us strength and we buried them. Next we set about to seek for all the dead and to bury them. Some we collected in the grottos, others we buried in sepulchres and graves.<sup>61</sup> And we found them as follows:—

For we found in the court of the government <sup>62</sup> 28 (18) persons. In the cisterns we found of the slain 275 (250) persons. In front of the gates of Holy Sion we found 2270 persons.<sup>63</sup> At the altar of the Holy New <sup>64</sup> we found 600 (290) souls. In the church of St. Sophia we found 477 (369) souls. In the church of Saints Cosmas and Damian we found 2212 (2112) souls. In the Book room <sup>65</sup> of Holy New 70 souls. And we found in the monastery of Holy Anastasis 212 souls. And we found in the market place 38 souls. In front of the Samaritan temple <sup>66</sup> we found 919 (723) souls. In the lane of St. Kiriakos we found 1449 (1409) souls. And we found on the western side of Holy Sion 196 (197) souls. At the gate Probatiké we found 2107 souls. In the passage of St. Jacob we found 308 (1700) souls. In the flesher's row we found 921 souls.<sup>67</sup> And we found at the spring of Siloam 2818 (2318) souls. And we found in the cistern <sup>68</sup> of Mamel 24,518 souls. In the Gerakomia of the patriarch we found 318 souls. In the place called the Golden City 1202 souls. In the monastery of Saint John we found 4219 (4250) souls. In the imperial Gerakomia 780 (167) souls. We found on the Mount of Olives 1207 souls. On the steps <sup>69</sup> of the Anastasis we found 300 (83) souls. In the place of Little Assembly we found 202 (102) souls. In the place of Large Assembly we found 317 (417) souls. In the church of Saint Serapion we found 338 souls. We found in front of Holy Golgotha 80 souls. We found in the grottos, fosses, cisterns, gardens, 6917 (6907) souls. At the Tower of David we found 2210. Within the city we found 265 souls. Just where

<sup>59</sup> *Embasis.*

<sup>60</sup> *Trapeza.*

<sup>61</sup> Georgian *akaldama.*

<sup>62</sup> Or 'Praetorium.' The numbers given here and below in parenthesis are those of the Arabic text wherever it differs from the Georgian.

<sup>63</sup> The Arabic omits this item.

<sup>64</sup> *Nia* i.e. *ved.*

<sup>65</sup> Or 'writing room'; perhaps 'library.'

<sup>66</sup> *Bagin.*

<sup>67</sup> The Arabic omits this.

<sup>68</sup> *Birqa.*

<sup>69</sup> *Sapatroniké.*

the enemy overthrew the wall of the city we found 9809 (1800) souls. And in Jerusalem we buried many others in addition that were massacred by the Persians beside these saints. The total number of all was 66,509 souls. . . .<sup>70</sup>

*The story of how the life-giving Cross was brought back from Babylon to Jerusalem.*

In the 15th year after the capture of Jerusalem, in the 19th year of the reign of Heraclius, the 10th indiction, Khosro the Persian king was slain by his son, Siron by name, in the month of March. Now about that time King Heraclius with his forces had already reached Persia, and took possession of many of his cities and of the royal palaces, slew thousands of the Persian soldiers, and led back again the Greeks<sup>71</sup> who had been carried into captivity and liberated the Christians from slavery by force. But the King Siron who had taken possession of his father's kingdom died in the month of September; and his son Artasir took the kingdom. He was only a child, and his reign lasted three months. Between the Greeks and the Persians was then concluded a written peace through the mediation of Rasmi-Ozan, who was the Persian commander-in-chief. But before this King Heraclius sent a eunuch whose name was Nerses, his principal chamberlain.<sup>72</sup> He advanced with a numerous army to fight the Persians. The multitude of the Persians drawn up in battle was defeated, and they fled in terror before the face of the eunuch: so that the Persians in great sorrow exclaimed once more: 'How has this happened to us? For we have been worsted by a eunuch who is despised among women and is not reckoned a man. And this piques our spirits all the more, that we flee before a woman.'

But in the 17th year however after the capture of Jerusalem, in the 3rd year after the murder of Khosro, in the 21st year after the accession of Heraclius, the 3rd indiction, the Persian general Rasmi-Ozan slew the Persian king Artasir, whom we mentioned above. He seized the kingdom, became an ally of the Greeks, and bestowed on the King Heraclius the life-giving tree, the Cross of Christ, as the treasure of the whole world, and as the richest of gifts, and he gave it him. But King Heraclius took it to Jerusalem on the occasion of his going there with Martina, who was daughter of his father's brother; and he had married her against the law, and therefore was very much afraid that the high priests would rebuke him on the score of that indecent action. And when he had entered Jerusalem, he on the 21st of the month of March re-established in its own place the glorious and precious tree of the Cross, sealed as before in a chest, just as it had been carried away. And it was set up altogether unopened; for just as the ark of the covenant was left unopened among strangers, so was left the life-giving tree of the Cross, which had vanquished death and trampled on Hell. Then King Heraclius, seeing the glorious event—namely, the restoration of the holy places, which had been rebuilt by the blessed Modestus, was much rejoiced and ordered him to be consecrated patriarch over Jerusalem; for the blessed Zachariah had died in Persia, and the church was widowed.

But in the 4th indiction, in the 21st year of the reign of Heraclius, the blessed Modestus assumed the patriarchate of Jerusalem. Not long

<sup>70</sup> One page omitted.

<sup>71</sup> Berdzen.

<sup>72</sup> Senakapan.

time afterwards the blessed Modestus set off to go to the king about certain advantages conducive to the administration of the churches, to ask Heraclius the king for his gracious sanction. Having reached a town called Sozos, which is on the borders of Palestine, he died on September 17. Some say that he was poisoned by malignant people who were with him. From that city they brought the holy body of Modestus and laid it side by side with the holy patriarchs in the Martyrium, with chanting on the part of the crowd, with incense and candles in the hands of the faithful folk, who carried his body to the tomb.

Let us with all them give glory to God extolled in the Trinity and glorified as Unity, to whom is due reverence and prostrations to Father together with Son and Holy Ghost now and ever.

### *A Myth about Edward the Confessor.*

It is always interesting to trace the genesis of a myth, particularly when it touches a national hero. In studying albinism, especially in relation to certain traditional heroes, I was naturally much excited when I was told that to Zāl and Tīmūr Leng I might add our own Edward the Confessor as most certainly an albino. The first edition of Dean Stanley's *Historical Memorials of Westminster Abbey* was issued in 1868, and the preface is dated 18 October 1867. Stanley writes :

We know the Confessor well from the descriptions preserved by his contemporaries. His appearance was such as no one could forget. It was almost that of an albino. His full-flushed, rose-red cheeks strangely contrasted with the milky whiteness of his waving hair and beard. His eyes were always fixed on the ground (p. 13).

I am not aware that 'full-flushed, rose-red cheeks' are characteristic of the albino. How did the phrase about the eyes fixed on the ground arise? Who were the 'contemporaries' who gave descriptions? The second volume of Freeman's *Norman Conquest of England* also appeared in 1868. The date of the preface to the first edition is 21 April 1868. Presumably therefore Freeman wrote later than Stanley, possibly however independently. In vol. ii., p. 27, Freeman writes: 'In person Eadward is described as being handsome, of moderate height, his face full and rosy, his hair and beard white as snow.' In a note to this passage he cites the *Vita Eadwardi* and William of Malmesbury, whom he considers to copy the *Vita*, and adds, 'Eadward was seemingly an albino.' Thus we have passed from Stanley's 'almost an albino' to 'seemingly an albino.' Dr. William Hunt in the *Dictionary of National Biography* (xvii. 8), presumably following Freeman, tells us that Edward was 'doubtless an albino.' He gives no authority for this statement, but immediately above it he says: 'Eadward is described as of middle stature and kingly mien; his hair and his beard were of snowy whiteness; his face was plump and ruddy, and his skin white.' Where does the phrase 'his skin white' come from?

The passages quoted indicate that the statement as to albinism has been strengthened in the course of thirty years,<sup>1</sup> and to prevent it becoming an accepted fact it is desirable to look at the actual statements of the early historians. We have first the author of the *Vita Eadwardi*, the biographer of the Confessor, who had certainly seen him. Then we have William of Malmesbury, who flourished some sixty years after the Confessor's death. Lastly we may refer to Osbert of Clare, prior of Westminster, who wrote an account of Edward's life and miracles in 1138 with a view to obtaining his canonisation. Ailred of Rievaulx, who wrote (about 1163) another life, merely rewrote Osbert. The following extracts are taken (a) from Luard's edition of the *Vita Aedwardi* (p. 396), (b) from William of Malmesbury's *De Gestis Regum Anglorum*, lib. ii. 220, ed. Stubbs, p. 272, and from (c) Osbert's Life, which is still unpublished, the Dean of Westminster having most courteously sent me a transcript of the passage from the British Museum Add. MS. 36737, cap. iv.

## (a) VITA AEDUARDI

Et ut statum sive formam eiusdem non praetereamus, hominis persona erat decentissima, discretæ proceritatis, capillis et barba canitie insignis lactea, facie plena et cute rosea, manibus macris et niveis, longis quoque interlucentibus digitis, reliquo corpore toto integer et regius homo. Continua gravitate iocundus, humiliatis incedens visibus, gratissimæ cum quovis affabilitatis. Si ratio aliquem suscicaret animi motum, leonini videbatur terroris, iram tamen non prodebat iurgiis. Cunctis poscentibus aut benigne daret aut benigne negaret, ita et ut benigna negatio plurima videretur largitio. In frequentia vere se regem et dominum, in privato, salva quidem regia maiestate, agebat se suis ut consocium.

## (b) WILLIAM OF MALMESBURY

Erat discretæ proceritatis, barba et capillis cygneus, facie roseus, toto corpore lacteus, membrorum habitudine commoda peridoneus.

## (c) OSBERT'S LIFE

Decentissima hominis erat persona, proceritate discretæ, caesaries et barba canitie lactea, cutis rosea, et facies apparebat plena: macrae manus et niveae: longinqui [*v.l.* longi quoque] et interlucentes digiti; et reliquo toto corpore regia venustus incedebat integritate, gravis et iocundus in vultu, humilis in visu, suavis et dulcis alloquio: hilaris erat in dato. Si ratio suscicaret animi motum, leonis spectaret [*v.l.* spectares] intuitum.

<sup>1</sup> Green has a quite different version (*Short History of the English People*, p. 64, ed. 1876). He says: 'There was something shadow-like in the thin form, the delicate



Now an examination of these three extracts shows that William of Malmesbury and Osbert knew nothing beyond the biographer. They follow his *Vita*, and they use his words even when they, like William, are simply using scissors and paste. William takes *toto corpore* out of one line of the *Vita* and combines it with *lacteus*, taken from another; he means no more by his *toto corpore lacteus* than is to be found in the *Vita*, and if he signified anything by it that something is probably best rendered by Giles—‘fair throughout his whole person (ed. 1847, p. 247). It contains no evidence really additional to that of the *Vita* as to Edward’s albinism. Yet these words are the sole basis for the statement that Edward’s skin was white as a whole. Stanley’s ‘contemporaries’ are reduced as a matter of fact to one.

The fundamental and most striking features of an albino are: (1) a very white skin, in some cases almost cadaverous in whiteness; (2) white hair from birth; (3) red pupils, red reflex from grey or violet irides (according to the illumination); (4) marked photophobia, nystagmus, or oscillation of the eyes, and usually extreme myopia.

The evidence for (1) is, I take it, a misinterpretation of William of Malmesbury’s *toto corpore lacteus*. The *Vita* tells only of a full face and ruddy skin, and remarks on his *manibus macris et niveis, longis quoque interlucentibus digitis*. Into this statement as to Edward’s hands and fingers we cannot read an albinotic skin. It would appear as if Stanley and Freeman had given weight to an obscure phrase of William of Malmesbury, which is not substantiated in any way by William’s original. There is no evidence for (2), namely, that Edward’s hair was white from birth. In the case of the heroes Zāl and Timūr Leng, who have been held to be albinos, the statement is directly made that their hair was white from birth, and Zāl is reported to have been exposed on this very account. The writer of the *Vita* almost certainly saw Edward towards the end of his life, probably when he was over sixty years old, and the flowing white hair and beard may well have been ‘senile majesty.’ As to (3), red or pink pupils are practically the rule with the European albino, and would hardly have escaped remark by the biographer had they existed. The albino usually keeps the eyes half closed in

complexion, the transparent, womanly hands that contrasted with the blue eyes and golden hair of his race.’ Does this mean that Edward had blue eyes and golden hair? If so, on what authority is the statement made? If the passage contrasts Edward with other members of his race, on what authority is he denied blue eyes? Most anthropologists would expect that a delicate complexion and the ‘plump and ruddy skin’ of the early writers would be found associated with blue eyes and blond hair. This part of the contrast then appears idle. In the somewhat later *History of the English People*, i. 104 (1877), the words ‘that contrasted with the blue eyes and golden hair of his race’ have been omitted. Possibly Green recognised that they were without authority.

bright daylight, turns the face towards the ground, or shades the eyes with the hand or otherwise. Stanley tells us that Edward fixed his eyes always on the ground. All we have are the words, *Continua gravitate iocundus, humiliatis incedens visibus, gratissimae cum quovis affabilitatis*. If *humiliatis incedens visibus* can be interpreted to signify photophobia, then almost every medieval saint was an albino. Of the general description of the biographer the remark that when angered *leonini videbatur terroris* is hardly consistent with the habit or appearance of the typical albino. It seems to me that the single characterisation by a contemporary which we possess does not in the least justify us in asserting that Edward 'was doubtless an albino.' The miniatures of the Cambridge University French Life of Edward, probably painted within 150 years of his death, give him a yellow beard and hair; they show at any rate that the tradition of white hair from birth, or of albinism, was not current at that date.

KARL PEARSON.

#### *A Point in the Itinerary of Henry IV, 1076-1077.*

THE identification of the place where Henry IV negotiated with his mother-in-law, Adelaide of Turin, for leave to cross the Alps on his way to Canossa, has been long in dispute.<sup>1</sup> Its name is only given by Lampert of Hersfeld, and in the two best manuscripts (of which the superior, A<sup>1</sup>, derives from an eleventh, the other, B<sup>1</sup>, from an eleventh or twelfth century copy) it appears as *Ciuvis* (A<sup>1</sup>) and *Cuus* (aut *Ciuvis*) (B<sup>1</sup>).<sup>2</sup> These two forms leave the original reading a little doubtful, with perhaps a slight balance of probability in favour of *Cuus*, as the more strange and more likely to be changed by a copyist into the more Latin-sounding *Ciuvis*.

The route on which we have to look for this place is made clear by Berthold.<sup>3</sup> He says :

Rex natalem Dei apud Bizantium in Burgundia, uno ibidem vix die commoratus, quomodoque celebravit. Inde assumpta uxore et filio necnon toto suorum comitatu et apparatu, . . . Genovae Rodano transito, Alpes asperrimo vix scandens reptansque itinere, festinus Longobardiam per Taurinensem episcopatum intravit.

Thus Henry must have crossed the Alps by the Mont Cenis pass, since he reached Italy by the diocese of Turin.<sup>4</sup> One detail, supplied by Lampert, confirms this, viz. that the empress and her ladies were drawn down the snow-covered pass on ox-skins, a

<sup>1</sup> See for the various views Meyer von Knonau, *Heinrich IV*, ii. 749-50, and Wurstemberger, *Peter der Zweite, Graf von Savoyen*, p. 37-8, n. 9.

<sup>2</sup> See Holder-Egger, *Lamperti Opera*, 'Script. Rer. Germ.' p. 285.

<sup>3</sup> *Monum. Germ. Hist., Script.* v. 288.

<sup>4</sup> This is also the conclusion of Meyer von Knonau, *op. cit.* ii. 750-2, and of Coolidge, *The Alps in Nature and History*, p. 165.

practice which, under the name of *glissade à la ramasse* and with the substitution of wooden sledges for the skins, long remained a peculiarity of the Mont Cenis transit.<sup>5</sup> Besides, the Mont Genève is out of the question, since it is far more roundabout from Geneva, Henry's last certain halting-place, and, if it were chosen, we should hear of the intervention of the Guigonids (later Dauphins), through whose lands its Burgundian approach led. Before Henry reached the pass, however, he met Adelaide of Turin and her son Amadeus II. Adelaide, the mother of Henry's queen, Bertha, was at that time the real ruler of West Piedmont (i.e. the 'March of Turin,' which was her paternal inheritance) and of the counties of Maurienne, Savoy proper, and Belley, as well as of other lands, which had belonged to her deceased husband, Oddo I of Savoy. Her two elder sons by Oddo I were Peter I, marquess of Turin, whose absence from all these negotiations is curious,<sup>6</sup> and Amadeus II, later<sup>7</sup> count of Savoy, who in 1077 is seemingly in possession of a great appanage, although he has no title, west of the Alps.

Lampert after mentioning Henry's Christmas at and start from Besançon, then proceeds :

Cum in locum qui Ciuus (Cuus) dicitur venisset, obviam habuit socrum suam filiumque eius Amedeum nomine, quorum in illis regionibus et auctoritas clarissima et possessiones amplissimae et nomen celeberrimum erat. Hi venientem honorifice susceperunt.

Professor Holder-Egger in his note on this passage considers that *Ciuus* is a corruption of *Iais* (i.e. Gex), as elsewhere Lampert's text has *Civois* for *Ivois*. Thus Gex at the foot of the Jura, north of Geneva, would be the place of meeting. Against this identification however it may be urged that it involves a considerable misreading in the text, and that Gex lay well to the north of the Savoyard domains of that time; we know of no possessions north of Geneva,<sup>8</sup> while the main block of land from Geneva to Annecy was ruled by the counts of the Genevois, not by the combined house of Savoy-Turin. This last point is important, as the text of Lampert

<sup>5</sup> This was kindly pointed out to me by Mr. Coolidge; see his *Alps*, l.c.

<sup>6</sup> He may have been dead however, for a document in which he appears as alive in July 1078 has been declared a forgery by Count Cipolla (Carutti, *Regesta Comitum Sabaudiae*, clxxxix., exciv.; Cipolla, *Monumenta Novaliciensia*, i. 168). He was certainly dead by October 1078 (Carutti, *Reg.* cxcviii.; *Cartario di Pinerolo*, 'Bibl. Soc. Stor. Subalp.' ii. 348), and perhaps the story of his intervention in the affairs of the abbey of S. Michele della Chiusa implies that he lived till 1078 (Willelm. Monach. *Vit. Benedict. Abb. Clus.*, in *Mon. Hist. Patr., Script.* iii. 289-91).

<sup>7</sup> No document in which he is styled count certainly antedates Peter I's death.

<sup>8</sup> The only mentions of members of the house north of Geneva in this period are the following:—(a) Carutti, *Regesta*, xlv. (Cibrario e Promis, *Documenti ecc.* p. 25), in which Count Humbert acts as agent in a transfer of land near Nyon to Romain-Moutier in 1018; (b) Carutti, *Supplemento ai Regesta ecc.* xxx. 'Misc. Stor. ital.' Ser. iii. tom. ix., where Count Humbert II is advocate of the monastery of St. Victor at Geneva c. 1095<sup>1</sup>. The northernmost lands of the house, known at this epoch, are at Ambilly, just south of Geneva, in 1022 (Carutti, *Regesta*, li.; Cibrario e Promis, *op. cit.* p. 97).

implies clearly that Ciuis or Cuus lay in the midst of the Savoyard lands.

We are in consequence led to look further south for the meeting-place. From Geneva Henry's route would naturally go past either Annecy, or else Rumilly, to Albens, shortly after which, and before Aix-les-Bains, he would enter the principal division of Savoyard territory. He would join the pilgrim route from Lyons beneath the Mont du Chat to the south of the Lac du Bourget, and then follow it past Chambéry, Montmélian (where it crossed the Isère), Aiguebelle, and so on up Maurienne to the Mont Cenis.<sup>9</sup> Now he would naturally make his halts at castles which belonged to the house of Savoy or at monasteries which gave hospitality to travellers, for we need not suppose that the latter would dare to make Henry's excommunication a pretext for shutting him out when he was the countess Adelaide's guest. Of such halting-places the following are to be found on the road after he had entered the Savoyard lands:—Le Bourget (Maltacena, Burgetum), castle of the Savoyards and priory; Lémen (priory by Chambéry); Montmélian (Savoyard castle); Coise (priory); Aiguebelle (town in Savoyard demesne, commanding the entrance into Maurienne). Among all these Coise seems the only possible. It was a priory under the abbey of Novalesa, and was founded in 1036.<sup>10</sup> Its name, in Latin *Cosia* or *Coisia*, would easily become *Cuus*, or *Civis* even, in the writings of a German who had only heard the word. It is a convenient halfway house between Aiguebelle and Montmélian, and the last monastery where Henry IV could halt before entering Maurienne.<sup>11</sup> Adelaide and her son would ride out to meet the king from Aiguebelle, the entrance of the Maurienne valley, which he was not to pass till the bargain had been made. Indeed, in view of the facts that it was winter time and that this is Adelaide's only recorded visit north of the Alps, it is likely enough that they were in Italy when they knew of his intentions (for he only went by this route as a last resource), and they would in that case barely have time to go further north than Aiguebelle.

Only two other places near the route seem to have a suitable name. One is Cuines (Latin, *Cuina*) in Maurienne; the other is Cusy (Latin, *Cusea*) near Albens. But neither has a monastery or a Savoyard castle at this date at least, and Cusy also lies off the main road.

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<sup>9</sup> See *Ann. Stad. in Monum. Germ. Hist., Script.* xvi. p. 337, where the route is given, and compare Ball's *Western Alps*, ed. Coolidge, 1898, p. 195-6.

<sup>10</sup> Cipolla, *Monumenta Novaliciensia*, i. 161.

<sup>11</sup> The highroad from Montmélian to Maurienne, as I learn from Mr. Coolidge, crosses the Isère at once and runs above the south bank of the river past Coise to Aiguebelle. Coise lay between the posting-stations of Planaise and Maltaverné. In the map of Savoy given in *Theatrum Statuum . . . Sabaudiae Ducis*, 1682, vol. ii. the road is clearly shown. See also Brockedon's map in *Passes of the Alps*, 1828.

*The 'Itinerarium Peregrinorum' and the  
'Song of Ambrose.'*

THE chief western authority for the history of the third crusade is the narrative which in its Latin form is known as *Itinerarium Peregrinorum et Gesta Regis Ricardi*, and of which the French form has received from its illustrious editor, M. Gaston Paris, the title of *L'Estoire de la Guerre Sainte par Ambroise*. Both these works were certainly composed within a few years after the close of the expedition which they record. In each of them a considerable part of the narrative is in the first person; in each the writer makes a general assertion of personal participation in the crusade as a whole, and mentions many incidents as having been seen by his own eyes, without any hint that he is speaking not of himself, but as the translator of another man's work. Yet the parallelism between the two books is so close and so peculiar that they cannot be wholly independent of each other; while, on the other hand, there is internal evidence that both cannot be the work of one and the same author. What, then, is the relation between them?

*Si quis plenius nosse desiderat, legat librum quem dominus prior sanctae Trinitatis Londoniis ex Gallica lingua in Latinam tam eleganti quam veraci stilo transferri fecit.* Thus the continuator of the *De Expugnatione Terrae Sanctae Libellus* dismisses his readers after bringing that treatise to a hurried close by means of a summary—made up chiefly of headings of chapters, with one literal quotation—of part of the first book of the *Itinerarium*. In 1864, when the *Estoire* lay as yet undiscovered in the Vatican library, the assertion that the *Itinerarium* is a translation from a French original was rejected by Dr. Stubbs as incredible. But the discovery of the poem, some seven years later, set the matter in another light, and in 1897 M. Gaston Paris, in his introduction to the complete edition of the *Estoire*, declared positively that this work was the original from which books ii.–vi. of the *Itinerarium* were translated,<sup>1</sup> and denounced the 'translator' as 'the most impudent of plagiarists,' who 'wished to deceive his contemporaries, and has to this day deceived posterity, by giving himself out as the English king's companion on pilgrimage, and effacing from his book the name of the real pilgrim whose work he was translating.' Some students however felt that this theory failed to meet certain difficulties which, in their eyes, made the problem of the relation between the *Itinerarium* and the *Estoire* something much more complex than a mere question of translation. They felt that a satisfactory solution of that problem could not be reached till all the evidence available for its elucidation had been taken into account, and that this had

<sup>1</sup> The first book of the *Itinerarium* was thought by M. Paris to be independent of the *Estoire*.

not—so far as could be gathered from his introduction—been done by M. Gaston Paris. The analytical comparison of the two books which he there printed is avowedly cursory and meagre. A much fuller and more minute comparison, the work of another now departed scholar, has brought to light the evidence which I am about to discuss. A few words will explain the circumstances which have led me to undertake the responsibility of trying to set forth that evidence and indicate its results.

Some months after the death of my esteemed and regretted friend Mr. T. A. Archer his copies of the *Itinerarium* and the *Estoire* passed into my hands, and certain separate notes written by him were also made available to me by the kindness of his brother, Mr. Charles Archer. Throughout each of these two books I found in the margins passages from the other copied or cited, divergencies between the two and additions or omissions of fact or date in one or the other noted, significant words and phrases underlined. I found, in short, the work of comparing the two books and noting whatever in either of them might throw light on its authorship, date of composition, or relation to the other, so prepared that what would otherwise have been a labour of much time and difficulty was reduced to little more than the easy process of copying marked passages, grouping extracts, and tabulating results. It seemed almost a duty to make some attempt to use, for the investigation of a problem which had so deeply interested Mr. Archer, the materials thus left by him.<sup>2</sup>

## I.

1. The only known manuscript of the *Estoire* dates from near the end of the thirteenth century; it is a copy made by an Anglo-Norman scribe from a manuscript which was written in Poitou, and was therefore not the original one, since the author of the poem was a Norman.<sup>3</sup> The evidence as to the date of composition consists of eight passages.

(1) ll. 97-8: *Richard l'enginuz, Qui tant fud sages e ginuz.*<sup>4</sup> This 'Richard' is Cœur-de-Lion.

(2) ll. 1161-2: *L'arcevesque de Roem, Gauter, qui mult est saives hoem.*<sup>5</sup> Archbishop Walter of Rouen died 16 November 1207.

<sup>2</sup> I have deferred publication until now in the hope that there might be found among Mr. Archer's literary remains some paper in which he had himself worked the matter out, or at least put on record the latest conclusions which he had formed upon it. In the five years that have elapsed since his death however nothing of the kind has come to light.

<sup>3</sup> G. Paris, introduction to *Estoire*, pp. v-vi, xi.

<sup>4</sup> The *Itinerarium* has nothing corresponding to these lines.

<sup>5</sup> *Itin.* lib. ii. c. 26, p. 176: 'cum archiepiscopo Rothomagensi Waltero, viro magnarum virtutum.'

(3) ll. 1166-7: *Gilebert de Wascoil oveques, Cil qui Gisorz prendre laissa.*<sup>6</sup> The surrender, or betrayal, of Gisors by Gilbert of Vacoël took place 12 April 1193.

(4) ll. 3517-8: *Li Cuens de Chaalons, Qui iert forz home e halz e lons.*<sup>7</sup> Ralph, count of Châlons, died 3 January 1203 (*Art de vérifier les Dates*, II. xi. 137).

(5) ll. 10995-6: *Raols de Mallion, Qui a la baniere al lion.* Ralph de Mauléon was living 3 February 1200; his lands were granted to his son Savaric, 10 August 1204 (*Rot. Chart.* p. 59; *Rot. Claus.* i. 5).

(6) ll. 11879-80: *Raols Tessons, Qui mult amoit notes e sons.*<sup>8</sup> Ralph Tesson seems to have died between 2 September 1203 and 25 August 1204 (*Rot. Chart.* 110 b; *Rot. Claus.* i. 6).

(7) ll. 11881-2: *De Salesbire li evesques, Qui depuis fu faiz arcevesques.*

(8) ll. 12101-3: *Li evesques, Cil qui depuis fu arcevesques De Canterbire la cite.*<sup>9</sup> This bishop is Hubert Walter, who died 13 July 1205.

We thus find that ll. 97-8 were written after 6 April 1199; ll. 1161-2, before 16 November 1207; ll. 1166-7, after 12 April 1193; ll. 3517-8, after 3 January 1203; ll. 10995-6 appear to have been written before 10 August 1204; ll. 11879-80 were written after 2 September 1203; while ll. 11881-2 and 12101-3 can hardly have been written till after 13 July 1205; in Hubert Walter's lifetime it would have been natural to describe him as 'he who *now is*,' rather than as 'he who afterwards *was*,' or '*was made*,' archbishop. These last four lines may have been added some twelve months, or more, after the work had progressed as far as ll. 10995-6; or the transfer of Ralph de Mauléon's lands may have been caused not by his death, but only by his retirement into a monastery, or some similar reason. We may therefore say that the poem *as we now have it* was written between September 1203 and November 1207; more probably, perhaps, between July 1205 and November 1207.

2. Of the three manuscripts of the *Itinerarium* now known one (Dr. Stubbs's 'manuscript B') dates from the early thirteenth century; another (A), c. 1240; the third (C) is late thirteenth century. These three manuscripts represent three different editions of the whole work, besides which there appears to have been an earlier edition of book i. alone.<sup>10</sup> The evidence for the date of composition consists of five passages.

(1) Lib. i. 17, p. 32: *Hanc viri [i.e. Regis Ricardi] constantiam Dominus remunerandam iudicans, quem primum aliorum omnium incentorem elegit, eum, caeteris principibus vel defunctis vel regressis, negotii Sui executores reservavit.*<sup>11</sup>

(2) Lib. ii. 5, pp. 143-4: Richard's person and character are described in the past tense.

<sup>6</sup> See below, p. 526.

<sup>7</sup> Not in *Itin.*

<sup>8</sup> L. 10996 and l. 11880 are not represented in *Itin.*

<sup>9</sup> *Itin.* lib. vi. 31, p. 432, and 34, p. 437, has merely 'episcopus Salesberiensis.'

<sup>10</sup> Stubbs, preface to *Itin.* pp. lxix-lxxv.

<sup>11</sup> This passage and the next are not represented in *Est.*

(3) Lib. ii. 26, p. 176 : *Gilebertus de Gascuil*, cuius postea prodicione obtinuit rex Franciæ castellum illud famosum Gisortium.<sup>12</sup>

(4) Lib. v. 22, p. 333 : *Frate regis tunc comite Iohanne*.<sup>13</sup>

(5) Lib. vi. 37—the last chapter of the whole work—consists in manuscripts A and B of a brief mention of Richard's capture, release, and subsequent war with Philip in Normandy, without any allusion to the end of their struggle. The concluding part of this chapter as it stands in these two manuscripts is printed by M. Gaston Paris in his introduction to the *Estoire* (pp. lxxiv–v); it corresponds closely with *Est.* ll. 12301–37. In manuscript C the narrative in this closing chapter is amplified by the insertion of two passages copied almost *verbatim* from Ralph de Diceto, and the letter of the 'Old Man of the Mountain' to Leopold of Austria; and it winds up with an elaborate character of Richard, containing another mention of John as *tunc comitem*, and a distinct reference to Richard's death (pp. 441–50).

Lib. i. 17 was unquestionably written before Richard's death; *negotium suum*—'the Lord's business'—here clearly means the recovery of Jerusalem, and the author when he wrote this passage still believed that Richard was destined to be the instrument of accomplishing that business (*Dominus . . . executorem reservavit*). But further, the pointed way in which he contrasts the princes who had died or *gone home* (*regressis*) with the one who was 'reserved' to fulfil the divine purpose implies that he was looking forward, not to the possibility of Richard's return to Palestine (as we know Richard himself was when he left that country), but to his remaining there till the work was done; in other words, that this passage was written before Richard made his treaty with Saladin in September 1192.<sup>14</sup> Lib. ii. 26, as we now have it, was written after 12 April 1193; lib. ii. 5 and lib. v. 22 were written after Richard's death, and the conclusion of lib. vi. 37 as it stands in manuscript C was written after the publication of Ralph de Diceto's History. In other words, the *Itinerarium* in the earliest of the three forms now extant was not completed till after 6 April 1199, and its conclusion in manuscript C was added probably not earlier than 1202. But one passage in lib. i. was written *before September 1192*<sup>15</sup>; and it is chronologically possible that the whole work, except the conclusion as it stands in manuscript C, may have been written before that date; the fifth chapter of book ii., the remark about Gilbert of Vaceil in the twenty-sixth chapter of the same book, and the words *tunc comite* in lib. v. c. 22 may have been inserted later.

There is thus no *chronological* difficulty in accepting the author's assertion in his prologue (p. 4) that his work had been written in the camp, amid the din of war: *At si cultiorem dicendi formam*

<sup>12</sup> See above, p. 525.

<sup>13</sup> *Est.* l. 8536 has merely 'sis freres.'

<sup>14</sup> This was pointed out by Dr. Stubbs, p. lxxi.

<sup>15</sup> The fact that this passage is absent from the oldest extant MS. (B) shows that there must have been an earlier edition of book i. at any rate.



*deliciosus exposcit auditor, noverit nos in castris fuisse cum scripsimus, et bellicos strepitus tranquillae meditationis otium non admisisse.*<sup>16</sup>

That these words cannot apply literally to the whole work in either of its three extant forms is indeed obvious. But the later books may very well have been put into shape after April 1199 from a more or less rough draft or series of notes jotted down 'in the camp' while the crusade was in progress. There are indications that even in its latest existing form the work had not received its author's final revision; and if this be so, he might fairly claim the indulgence of 'dainty listeners' for the whole of it on the plea put forth in his prologue.

These dates indicate that the *Estoire* and the *Itinerarium* were composed within a short distance of time the one from the other; but they are insufficient to decide which of the two works, in its original form, is the earlier. So far as our existing evidence goes there is no *chronological* reason why the Latin work should be a translation from the French, rather than the French from the Latin.

## II.

Apart from the indirect and doubtful testimony of the *Expugnatio Terrae Sanctae*, the actual evidence adduced by M. Gaston Paris in support of his theory consists of seven passages.

(1) *Itin.* ii. 11, p. 154 :

*Est.* ll. 514-16 :

In confinio Siciliae et *Risae*, . . . El chief de Sezille,  
*quae illi famoso Agolando dicitur* Desus le Far, encontre Rise  
*olim fuisse pro servicio suo collata.* *Que Agoland prist par s'emprise.*

M. Gaston Paris (p. 529) says the 'Latin translator' has rendered l. 516 all wrong, through his being unacquainted with the *chanson de geste* in which Agoland is a principal character. But it is very improbable that any person having enough knowledge of French to translate the *Estoire* at all could misunderstand anything so simple as line 516. More naturally might the Latin writer's blunder be regarded as an indication of originality on his part. The confusion is just such as a traveller unversed in romantic literature, picking up a fragment of a legend by word of mouth on the spot with which it was connected, might easily make and never discover for himself; while a professional student of such literature—which, according to M. Paris, is precisely what the author of the *Estoire* was—would notice the mistake at once, and be careful to correct it in his version of the passage.

(2) *Itin.* ii. 14, p. 158 :

*Est.* ll. 615-16.

Longobardi cum *communa* civi- Li Longebard e la comune  
 tatis semper in quantum licuit Orent toz jorz vers nos rancune.  
 nostris erant infesti.

On the Latin word *communa* M. Paris notes (p. lxvi, note 3): 'Mot visiblement pris à la rime française.' I venture to doubt whether, to

<sup>16</sup> The prologue to the *Itinerarium* and the introductory lines (1-34) of the *Estoire* have nothing in common.

any one who had no preconceived theory on the subject, the use of *comune* and *communa* in this passage could convey the slightest hint as to which of the two is derived from the other. The employment of the word in the sense which it bears here—'the common people,' or 'the body of the townfolk'—is not a whit more unusual in Latin than in French.

(3) The *Itin.* ii. 16, p. 160, mentions, as does *Est.* l. 671, Jordanus 'del Pin.' On this M. G. Paris observes (p. lxix): 'Le traducteur a conservé à Jordain del Pin la forme française de son surnom (Roger de Howden l'appelle de Pinu).' Roger of Howden mentions this man three times: once (iii. 57) he calls him 'de Pino' (not 'Pinu'); in the other two places (iii. 54, 66) he uses the form 'del Pin,' and in the second of these two places he is copying from the *Gesta Ricardi* (ii. 138). Thus the implied suggestion that the use of the French form in the *Itinerarium* is a sign of translation from a French original falls to the ground.<sup>17</sup>

(4) *Itin.* ii. 16, p. 163.

*Est.* ll. 809-10:

Citius . . . occupaverat Mes-	Plus tost eurent il pris Meschines
sanam quam quilibet presbyter	C'uns prestres n'ad dit ses matines.
cantasset matutinas.	

M. Paris says (p. lxix) that in the Latin here 'on ne peut méconnaître l'écho des rimes de l'original.' That the 'original' in this case was French, and that it was a rime, can scarcely be questioned; the form of the comparison was doubtless suggested to the mind of its inventor by the jingle of *Meschines*—*matines*. But it does not follow that the couplet in the *Estoire* was the original. French was the language common to most of Richard's troops, and the phrase has very much the look of an epigram current among those troops at the time of the event to which it refers.

(5) In *Itin.* iii. 6, pp. 217-218, is a list of fifteen names which are not in the *Estoire*, but which the editor says (p. lxxiii) must have been there, because 'on reconnaît que la formation de plus d'un couple a été amenée par la rime.' The names are: *Henricus filius Nicholai*, *Ernaldus de Magnaville et Stutevillenses*, *Willelmus Marcel*, *Willelmus Malez*, *Willelmus Bloez*, *Chotardus de Loreora*, *Rogerus de Satya*, *Andreas de Chavengny*, *Hugo Brunus*, *Gaufridus de Rancona*, *Radulfus de Maloleone*, *Willelmus de Rupibus*, *Gaufridus de Lacellis*, *Hugo de Fierte*. Mandeville and D'Estouteville, Malet and Bloet, Satye and Chauvigny, Rancon and Mauléon, certainly rime; but it does not necessarily follow that the order in which the names are placed was originally determined by this fact; that order would be quite a natural one on other grounds. Its derivation from a lost passage of the *Estoire* is a pure supposition.

(6) *Itin.* iv. 19, p. 267:

*Est.* ll. 6378-85:

Unus eorum, frater Garnerius	Quant li uns d'els clama
de Napes nomine, exclamavit . . .	. . . . .
Ad haec Magister Hospitalis regem	C'ert de Napes freres Guarniers,
adiens . . .	Li mestre des Hospitaliers.
	Cil vint al roi . . .

<sup>17</sup> 'Del Pin' occurs only in MS. B. In A and C the name appears as 'Luppini,' which looks very much like an attempt at phonetic spelling of the words as they would be heard at Messina, 'dello Pino.'

The distinction which the Latin writer here seems to make between 'Brother Garnier' and the Master is certainly wrong; but it is not so certain that his mistake must be due, as M. Paris thought (pp. lxxiii, 543), to his having misunderstood the poet. If other evidence should be found to indicate that the latter is the real translator, or imitator, it may reasonably be argued that here, as in (1), he is tacitly rectifying a confusion—which, after all, may be only verbal—in his original.

(7) *Itin.* vi. 36, p. 440 :

*Est.* ll. 12266–70 :

Pro Willelmo de Pratellis redimendo . . . decem ex nobilioribus Turcis commutandos dimisit liberos, qui quidem infinitae summam pecuniae pro eodem Willelmo gratanter impendissent retinendo.

. . . Por Guillame de Preals  
 . . .  
 Leissa dis Sarazins de pris,  
 Qui mult rendissent grant avoir,  
 Por le cors Guillame ravoir.

M. Paris (p. lxxiv) says the Latin writer's version of this incident is a *contresens* caused by his 'not having understood that a comma was wanted at the end of line 12269.' Two things however may be observed : (a) Any person knowing enough French to translate the *Estoire* must have known that *ravoir* means 'to get back,' not 'to keep.' It is hard to conceive how this word could have failed to show the supposed translator that the purpose for which the ten Saracens 'rendissent grant avoir' was not the retention of a Christian captive in the Saracen camp. (b) The necessities of verse-making seem hardly a sufficient cause for the tautology in ll. 12266, 12270—'por Guillame de Preals,' 'por le cors Guillame ravoir.' Once again, as in (1) and (6), there is at least a possibility that the Latin writer's error may have had its source elsewhere than in a misunderstanding of the poet's version of the incident; and that, on the contrary, the poet is here tacitly correcting a mistake in his original—in this instance, a mistake which seems to have left its traces in the peculiarly awkward construction of his lines.

The evidence from these seven passages is thus seen to be inconclusive. Four out of the seven really tell nothing either for or against the theory that the *Itinerarium* is a translation from the *Estoire*. Of the three others, two may seem, at first glance, to suggest a slight presumption in its favour, but they are capable of explanation on the opposite hypothesis—that the *Estoire* is based on the *Itinerarium*; and a stronger presumption in favour of this latter hypothesis is furnished by the first of the passages.

### III

But is the translator—be he the Latin writer or the French one—necessarily a 'plagiarist,' at least in the sense in which the author of the *Itinerarium* is so called by M. Paris? The illustrious editor of the *Estoire* accuses its (supposed) translator of taking to himself the credit not only of another man's literary labours, but also of toils, perils, and sufferings undergone in a sacred cause by that other

man, while the 'translator' himself sat at home at ease. We have seen (and indeed this has never been disputed) that there is no chronological reason why the assertion of personal participation in the crusade should not be equally true in the mouths of both writers; and if this were so, the translator's failure to state or even to hint that the history of the expedition in which both had taken part had been originally composed by a fellow-pilgrim, and merely put into another form and another language by himself, would scarcely constitute a serious offence against the loose medieval code of literary morality and honour. This supposition however M. Paris rejects without discussion, merely glancing at it in a footnote:

On ne saurait en effet supposer que Richard de la Sainte-Trinité, tout en traduisant le poème français, aurait néanmoins, comme il l'affirme, assisté aux événements que raconte ce poème. Nous verrons par la comparaison des deux ouvrages qu'il n'ajoute au récit d'Ambroise rien qui décèle une connaissance personnelle des faits, qu'il suit son modèle avec une docilité minutieuse à laquelle n'aurait pu s'astreindre un témoin oculaire, et qu'il commet des erreurs et des contresens qui prouvent son absence du théâtre de la guerre et son ignorance des hommes et des choses (p. lxii, note 2).

The only 'errors and blunders' noted in M. Paris's printed comparison of the two books<sup>18</sup> are the three which have been considered in section II. of this paper; of those three, one relates to a matter unconnected with the crusade; while the other two are almost ludicrously insufficient to 'prove' the writer's 'absence from the scene of the war' and 'ignorance of the men and things' concerned with it. With regard to the Latin writer's 'additions' to the story as told in the poem, I will here only observe that the printed comparison conveys a very imperfect idea both of the number and the character of those additions.<sup>19</sup> It also conveys a somewhat misleading idea of the 'docility' with which the supposed translator 'follows his model'; for it not only omits all notice of sundry divergences between the two books on points of detail, some of which, when looked at in the light of other evidence, are not without suggestiveness in a literary aspect, although of small historical importance; it also omits all notice of one marked divergence which has a direct bearing on the question of 'plagiarism.'

<sup>18</sup> I.e. the two books exclusive of the introductory history of affairs in Palestine down to the arrival of Philip Augustus and Richard I, which in the *Itinerarium* occupies the whole of the first book and in the *Estoire* forms a long retrospective parenthesis (ll. 2394-4568) inserted between the arrival of the kings at Acre and their subsequent proceedings there, and of which neither the Norman nor the Englishman pretends to write from personal knowledge.

<sup>19</sup> Books ii.-vi. of the *Itinerarium* contain upwards of fifty statements of fact, date, or other details, which are not in the *Estoire*, and of which only thirty are noted in the printed comparison; of these thirty, several are there assumed to have been originally in the poem, but no evidence is given in proof of this assertion.

Each of the two writers tells the story of the Crusade in terms distinctly implying that he himself took a personal share in it from its outset to its close. *Vidimus, transivimus, pervenimus, experti sumus*, 'nos nos departimes,' 'nos revenimes,' 'a nos oilz le veimes,' 'ge vi,' 'ge fui': such are the phrases they use. But they do not always both use them on the same occasions.

(1) The Latin writer says in his prologue, p. 4: *Nobis etiam historiam Ierosolimitanam tractantibus non indigne fides debetur, qui quod vidimus testamur, et res gestas adhuc calente memoria stilo duximus designandas.* In the *Estoire*, as has been already mentioned, the prologue is not represented at all.

(2) *Est.* ll. 133-4 says of the archbishop of Tyre and his efforts to reconcile Henry II and Louis VII in 1188: *Mult le veimes entremetre Des reis en dreite veie metre.* For the first of these two lines *Itin.* ii. 3, p. 140, has merely *satagente demum plurimum.*

(3) Of the conference of the two kings between Gisors and Trie *Est.* l. 150 says: *Vi ge iloc si grant la presse = Itin.* ii. 3, p. 141: *Tantus itaque factus est eadem die crucem accipientium concursus.*

(4) At Richard's coronation, *Est.* ll. 193-9: *La vi ge des granz dons doner . . . Les tables vi si encombrer.* The *Itin.* ii. 5, p. 142, gives other details which are not in the poem, but no account of the festivities, and has no first person.

(5) An incident in the march southward from Vézelay is introduced thus in *Est.* l. 383: *Une cortoisie vi faire.* The Latin writer, lib. ii. 9, p. 151, relates the incident, but without suggesting that he had seen it.

(6) The Latin writer's first piece of narrative in the first person occurs after the division of the crusading host at Lyons, whence the pilgrims proceeded by various routes to Messina. He gives here, lib. ii. 10, p. 153, a detailed itinerary in the first person plural: *De Liuns transivimus per Viaria . . . iacimus apud Donpas . . . Marsiliam, ubi moram fecimus per tres hebdomadas. Postea mare intravimus . . . transivimus . . . navigavimus . . . transivimus per fluvium Farum . . . pervenimus ad Messanam civitatem.* Of all this the poet has not a word; he merely tells us, ll. 499-510, that 'li fols e li sage Alerent quere lor passage' at various ports, till 'A Meschines mult en ralerent Tant que li dou rei ariverent.'

(7) Once at Messina, the poet again uses the first person, but the Latin writer does not. (a) *Les genz trovames malveises*, l. 518 = *Civitas Messana homines habens pessimos*, lib. ii. 11, p. 154. (b) *La navie* [*i.e.* the English fleet when it reached Messina, 14 Sept. 1190] *onques ne vi tele en ma vie*, ll. 539-40 = *Classis . . . cui similis nunquam ibi visa fuisse ferebatur*, lib. ii. 12, p. 154. (c) [The townfolk] *Ramponoent noz pelerins, Lor deiz es oilz nos aportouent, E chiens pudneis nus apelouent; Chascon jor nos i laidissouent*, ll. 552-5 = *Cives . . . nostris admodum exstiterunt contrarii et infesti. Quotidiana eis irrogabant convicia, digitos suos in oculos eorum protendentes et canes foetidos appellantes*, lib. ii. 12, p. 155. (d) *Ge fui al manger en la sale* [*i.e.* at Richard's Christmas banquet at Mategrifon], l. 1091; this banquet is also described in *Itin.* ii. 24, p. 173, but without any hint that the writer was present at it.

(8) In describing the voyage of Richard and his fleet from Messina

to the Gulf of Attalia, *Est.* l. 1201-1332=*Itin.* ii. 27, 28, pp. 177-181, both writers use the first person plural throughout.

(9) *Est.* ll. 1503-28 describes the fight on the day of Richard's landing at Limasol in the first person plural, *Itin.* ii. 32, pp. 189-90, in the third.

(10) *Est.* ll. 1689-90: *E si pristrent son [i.e. Isaac's] drugeman Que jo oi apeler Johan.* These two lines are not represented in *Itinerarium.*

(11) *Est.* l. 1748 says of Richard's ships: *Ne veimes tels en noz vies* =*Itin.* ii. 35, p. 196: *Quibus meliores et securiores nemo vidit unquam.*

(12) Of the treasures found in Isaac's palace *Est.* says, ll. 2077-8: *De dras d'escharlete e de seie Ne vei tels en liu o jo seie.* The second line is not represented in *Itin.* ii. 41, p. 204.

(13) In describing the march from Caesarea to the Dead River, *Itin.* iv. 14, pp. 256-7, uses the first person plural: *Exieramus . . . ante nostrum adventum . . . conservavit nos Deus.* The *Est.* ll. 6011-38 uses the third person.

(14) The crusaders' sojourn between Casal Maen and Casal of the Plains, their march thence to Ramleh and sojourn there, and their further advance to Beit Nuba, are related in the first person plural by both writers; *Est.* ll. 7195-7205, 7456-80, 7631-37=*Itin.* iv. 29, p. 290; 32, pp. 298-9; 36, p. 303.

(15) *Est.* ll. 7841-2: *A Rames fumes la jornee Le jor de cele retournee* =*Itin.* v. 2, p. 310: *Ramulam . . . ubi totus dispositus exercitus regressus est.*

(16) *Est.* ll. 7897-7900: *Escalone siet sor la mer De Grece, issi l'oi nomer. N'onques ne vi, a ma devise, Nesune citie mielz assise.* The *Itin.* v. 4, p. 313, gives a like description of Ascalon, but has no first person.

(17) *Est.* ll. 8668-9 says of Richard's appeals to Conrad of Montferrat to rejoin the host: *Li reis Richarz l'ot requis Par tantez feiz, com nos veimes*=*Itin.* v. 8, p. 319: *Mandavit rex Ricardus, missis legatis, illi satis praememorato Marchiso, sicut et antea pluries fecerat.*

(18) *Est.* ll. 8715-16: *Li messagier dont nos deimes, Que el message aler veimes.* The *Itin.* v. 25, p. 337, also relates the sending of these messengers (from Ascalon, to inform Conrad of his election to the crown), but has nothing answering to the second line.

(19) Of the wedding of Henry of Champagne and Queen Isabel, *Est.* says, ll. 9047-9: *Eth vos les noces e la joie, Si ne cuit que ja meis tel oie Ne ne veie en tote ma vie*=*Itin.* v. 35, p. 348: *Celebrantur nuptiae regali magnificentia.*

(20) Of Henry's royal banquet at Acre, *Est.* ll. 9101-2: *La tint li coens si riche ostel, Toz jorz eusse jo autretel*=*Itin.* v. 36, p. 350: *Magnificentissimum instruxit convivium.*

(21) *Est.* ll. 9127-32: *El contemple que li Marchis Fud a Sur des cotels ocis, En icel point e puis e primes, E par plusors feiz le veimes, Qu'al rei d'Engleterre veneient messenger.* The fourth of these lines is not represented in *Itin.* v. 38, p. 351.

(22) At the siege of Darum, *Est.* ll. 9200-3: *E li vaillanz reis d'Engleterre Porterent as cols, ço veimes, Si compainon e il meismes, Les fusz e les trefs des perieres*=*Itin.* v. 39, p. 353: *Petrariae . . . quas rex etiam cum aliis proceribus . . . portabant in humeris . . . sicut tunc vidimus.*

(23) The Whit Sunday sojourn at Darum and the march thence to

Furbia are related in the first person plural in *Est.* ll. 9385-9. The Latin writer, lib. v. 40, p. 356, uses the third person, but in a way which seems meant to include himself; *In castro Darum die magno festivitatis Pentecostes commorati sunt universi. Die Lunae . . . profecti sunt.*

(24) At Ibelin, June 1192, *Est.* l. 9519: *La vi l'ost tote esleicee=Itin.* v. 44, p. 361: *Ibi moram faciens exercitus laetabatur eximie.*

(25) On the march to Blanchegarde, *Est.* ll. 9779-84: *La veissiez . . . Tant chevaliers preuz e seurs Qu'il deussent al mien entendre Bien quarante tels Turs atendre=Itin.* v. 48, p. 367: *Ibi videre fuit . . . toi milites probatos et electos quod me iudice sufficerent ad Turcorum multitudinem et satis ipsis maiorem conterendam sive sustinendam.*

(26) The sojourn at Blanchegarde and the march thence to Toron are related in *Est.* ll. 9797-9805 in the first person plural; in *Itin.* v. 48, 49, p. 368, we are told *commoratus est . . . prodibat . . . exercitus.*

(27) During the second encampment at Beit Nuba both writers use the first person, but not always on the same occasions. (a) *Est.* ll. 9829-34: *Cel terme que nus sujurnames En la valee ou nus turnames Advindrent plusurs aventures E baraz e desconfitures Que nus veimes avenir, Si nos conveneit retenir=Itin.* v. 49, p. 369: *Dum ea valle qua resederat commorabatur exercitus, plura contingere vidimus accidentia quae non existimamus praetereunda silentio.* (b) A scout brings Richard news from the mountain, *Dont jol vi revenir a joie, Est.* l. 9838. The Latin writer, lib. v. 49, p. 369, gives this incident with a date (12 June), but does not say or hint that he saw the scout return. (c) *Itin.* v. 52, p. 376: *Sic igitur quod ea die gestum est aestimabatur mihi memorandum=Est.* ll. 10087-8; *Issi rala ceste aventure Qui bien deit estre en escripture.* (d) Of certain spies disguised as Saracens, *Est.* ll. 10276-8: *Si vos os bien dire en plevine C'onques ne vi gent mielz senblasent Sarazins=Itin.* vi. 3, p. 384: *Qui revera a Saracenorum in nullo discrepabant habitu.* (e) *Est.* ll. 10617-19: *Si que devant bones deus lues U nus n'avioms pais ne triuues, Ne fust sanz grieve eve trovee=Itin.* vi. 7, p. 394: *Ut infra duo milliaria non inveniretur aqua potabilis, unde nimis angustiaretur exercitus.* (f) *Est.* ll. 10642-6: *Car vertez fud que nos veimes Par meintes feiz quant herbergerent Al seir quant il d'errer las ierent Que li Franceis se departouent Des autres genz.* The corresponding passage in *Itin.* vi. 8, p. 395, has nothing to represent *nos veimes.*

(28) On the retreat from Beit Nuba, *Est.* l. 10706: *Nos errames.* The *Itin.* vi. 9, p. 397, has no first person here.

(29) When the bulk of the host retired with Richard from Joppa to Acre, *Est.* ll. 10787-91, 10807-8: *Si tost come Salahadins E li sons freres Saffadins Seurent que nos nos departimes De Jaffe, si come vos deimes, E que nos nos en esloignames . . . Le demeinches, el jur meimes Que a Acre nus revenimes=Itin.* vi. 12, 13, p. 400: *Audiens Salahadinus Ioppitas iam regis carere presidio . . . Eadem Dominica . . . qua rex Ricardus cum exercitu pervenit Achon.*

(30) *Est.* ll. 10943-5: *Li reis Richarz meimes, Si que a nos oilz le veimes, Avoit ja pris congie al Temple.* The *Itin.* vi. 14, p. 404, mentions this leave-taking, but without any hint that the author was an eye-witness of it.

(31) The visit of the second detachment of the pilgrims (led by Ralph

Tesson) to the Holy Places is minutely related by both writers in the first person plural, *Est.* ll. 12013-12100, *Itin.* vi. 33, pp. 435-6.

(32) Both writers wind up the story of the crusade in the first person plural, *Est.* ll. 12231-6, *Itin.* vi. 35, p. 439.

Mais nos meimes qui i fuïmes,  
 Qui ce veïmes e soumes,  
 E qui covint les mals sentir,  
 Nus n'en devom mie mentir  
 De ço que li autre soffrirent  
 Por amor Deu, que nos eilz virent.

*Nobis autem arbitramur esse cre-*  
*dendum, qui vidimus et experti*  
*sumus quas illi [i.e. cruce signati]*  
*sustinuerant tribulationes et an-*  
*gustias.*

Exclusive of this last passage, and of the similar general assertion of personal experience made by the Latin writer in his prologue, we find that

*a.* The Norman poet uses the first person (singular or plural) on at least thirty-four occasions; two of these (4, 10) are not mentioned in the *Itinerarium* at all, and on twenty-seven (2, 3, 5, 7 *a-d*, 9, 11, 12, 15-21, 23, 24, 26, 27 *b, d, e, f*, 28-30) out of the remaining thirty-two the Latin writer does not use the first person.

*β.* The Latin writer uses the first person plural in seven passages; of these, one (6) has no parallel in the *Estoire*, while another (13) deals with matters which the poet relates in the third person plural.

*γ.* The poet's use of the first person singular, which occurs some twelve or thirteen times, is paralleled in the *Itinerarium* only once (25); while in the only other place where the Latin writer uses the first person singular (27 *c*), it is not used by the French poet.<sup>20</sup>

The significance of these facts may be better brought out by summarising them in another way.

(i) Both writers make a general assertion of personal participation in the crusade from its outset to its close (1, 31).

(ii) The poet asserts his own presence at several conferences between the archbishop of Tyre and the French and English kings in 1188-9, especially at the meeting between Gisors and Trie, 21 Jan. 1189 (2, 3); also at Richard's coronation feast, 3 Sept. 1189 (4); and on the pilgrims' journey from Vézelay to Lyons (5).

(iii) The Latin writer tells us nothing of his own movements till the host had reached Lyons. Thence he gives details of the route which he professes to have taken (in company with others) till he embarked at Marseilles on 16 August and thence sailed to Messina (6).

(iv) The poet does not tell us how he got to Messina; but he implies that he was there throughout the quarrels between the crusaders and the townsfolk, and he distinctly asserts that he was at the Christmas banquet at Mategrifon (7).

<sup>20</sup> From the reckoning of the poet's use of the first person singular such phrases as 'mien escient,' 'ço me semble,' 'ço m'est avis,' 'al mien esme,' 'al mien entendre,' are with one exception omitted, as they do not necessarily imply personal knowledge. The exception is (25), where from the context 'al mien entendre' seems—like *me iudice* in the Latin version—distinctly meant to imply that the writer is stating an opinion formed from personal experience.



(v) Both writers claim to have been in the squadron which sailed with Richard from Messina to Cyprus, April–May 1191 (8).

(vi) The poet implies that he was present at the fight at Limasol on 6 May 1191 (9); and at several incidents of the sojourn in Cyprus (10–12).

(vii) The Latin writer implies his own presence in the host on the march from Caesarea to the Dead River, 1 Sept. 1191 (13).

(viii) Both writers claim to have been in the host Nov.–Dec. 1191 (14).

(ix) The poet claims to have been in the host on its return from Beit-Nuba to Ramleh, c. 13 Jan. 1192 (15); to have seen Ascalon (16), and to have been an eye-witness of several incidents during Richard's sojourn there, April 1192 (17, 18, 21). He implies that he saw the marriage of Count Henry and Queen Isabel at Tyre (19), and their wedding banquet at Acre (20), during the same period.

(x) Both writers profess to have seen Richard carrying machines of war at Darum, 17–22 May, 1192 (22).

(xi) The poet claims to have been with the host at Darum on Whit Sunday, 24 May, and on its march thence to Ascalon, 25–27 May (23); also at Ibelin in June (24).

(xii) Each of the two writers implies that he was present at a fight with the Turks on the march to Blanchegarde, 6 June (25).

(xiii) The poet implies that he was at Blanchegarde, 7–8 June, and at Toron, 9 June (26).

(xiv) Both writers make a general claim to have been eye-witnesses of occurrences during the second stay of the host at Beit Nuba, 11 June–3 July (27). The poet further specifies four incidents in particular which he professes to have seen during that sojourn (27 *b, d, e, f*). He also implies that he took part in the retreat from Beit Nuba, 5 July (28), and that he was among those who returned with Richard from Joppa to Acre, c. 20 July (29); and he claims to have been an eye-witness of Richard's farewell to the Templars at Acre (30).

(xv) Both writers profess to have been among the pilgrims who visited Jerusalem under the leadership of Ralph Tesson in September 1192 (31).

We cannot but ask why, if the Latin writer were an impostor, he should make his imposture so much less thorough and consistent than he easily might have made it: why, instead of saying 'we did this,' 'we saw that,' 'we went,' 'we suffered,' in every place where the poet spoke thus, he chose to do so in only about one-fourth of those places:<sup>21</sup> and why, on the other hand, he should imply his own presence on three other occasions, on two of which (13, 27*c*) his 'model' makes no such claim, while the third (6) is an addition of his own?

If however both writers were crusaders—and we have seen that

<sup>21</sup> The poet speaks of himself in the third person as an eye-witness on two other occasions where the Latin writer relates the same incidents without making any such claim: *Si vit Ambroises a cele hore*, l. 728; *La cerleie Que Ambroises vit cele foie*, ll. 4827–8; cf. *Itin.* lib. ii. 16, p. 161, and lib. iv. 8, p. 221. To these two passages may perhaps be added a third: *Que cil vit qui l'estoïre troie*, l. 7084, on which see below, pp. 541 and 542, note 33.

no evidence has been brought forward sufficient to prove that either of them was not a crusader—then these divergences involve no difficulty at all. The two men, Norman and Englishman, might well have taken the cross at different places and different times—the one perhaps at that memorable assembly 'between Gisors and Trie,' where he 'saw the throng so great,' the other, it may be, at a later date in England—and gone to Vézelay, Lyons, and Messina by different routes.<sup>22</sup> They might sail from Messina to Cyprus in the same squadron, and even in the same ship, yet not necessarily land on the same day, nor be constantly together during the fortnight which Richard and his followers spent in the island. After their arrival at Acre they would, as fellow-subjects of the English king, be alike members of the Anglo-Norman division of the crusading army, and in a general way its movements would include theirs; on many occasions where one writer or the other speaks of 'the host,' that term would imply his own presence and that of his brother-writer as matter of course. Often—especially if, as we shall find reason to think, the two men were friends—they would be literally side by side, watching some particular incident which each of them records as seen by his own eyes. At other times they would be apart; one joining in a foray or a reconnoitring expedition, while the other sat in the camp; the Norman at one end of a battlefield while the Englishman was at the opposite end. The lively Norman jongleur might diversify the tediousness of the sojourn at Ascalon in the spring of 1192 by going to enjoy the sight of the royal bride's beauty<sup>23</sup> and her gay wedding at Tyre, and the dainties of the banquet at Acre, which made him wish he 'could have the like every day,' while the staid English clerk perhaps chose rather to remain at Ascalon like his sovereign, whose views on the subject of Queen Isabel's marriage he may possibly have shared. On the other hand, when towards the end of July Richard left a detachment of his troops at Joppa, while he himself with the bulk of his followers returned to Acre, the poet might be—as his own words imply that he was—among those who accompanied the king, the prose writer among those who stayed behind and went through the exciting experience of the siege of Joppa by Saladin and its rescue by Richard.

<sup>22</sup> M. Paris (p. lxxviii) thought the itinerary of King Richard from Tours to Vézelay, and seemingly also from Vézelay to Lyons, was derived by the Latin writer 'from an official source.' That no such official document is known is of course no proof of its non-existence; but the critic's theory fails to account for the fact that the Latin writer goes on to give the route followed by a portion of the host, in which he implicitly includes himself, on the third section of their journey, viz. from Lyons to Messina, and that *this* cannot be explained as a mere copy (with the third person changed into the first) of an official itinerary of the king, for he says, 'We stayed at Marseilles three weeks and put to sea on the morrow of the Assumption,' i.e. 16 August, whereas it is known from the *Gesta Ric.* (ii. 112) that Richard stayed at Marseilles only one week, 31 July-7 Aug.

<sup>23</sup> *Est.* ll. 9041-46.

Lastly, they might meet again at Acre and thence proceed to complete together, as fellow-members of the company which visited the Holy Places under Ralph Tesson's leadership, the accomplishment of their pilgrim vows.<sup>24</sup>

Moreover, if these two men were friends as well as comrades, a record drawn up by one of them—whether 'in the camp' or after their return home—of the expedition in which they had been thus closely associated, might, with its author's full knowledge and sanction, be used by the other as the basis of an account of the same expedition, composed in a different form and intended for a different audience. The acceptance of this suggested explanation would, of course, end all question of 'plagiarism,' and also all question of 'originality' as between the two books, from a purely historical point of view. From a literary point of view however this latter question would still remain; and an investigation of it from the literary side may reflect some additional light on the historical aspect of the problem.

#### IV

Assuming, then—if only as a working hypothesis—that the *Estoire* and the *Itinerarium* were written by two honest men, fellow-crusaders and friends, one of whom used the other's work (*in some form or other*) as the basis of his own, we must seek to ascertain which of the two books is, in this sense, the 'original.' For this purpose we must include in our investigations a portion of both works with which we have thus far had nothing to do: the first book of the *Itinerarium* and the corresponding lines (2394–4568) of the *Estoire*, containing the preliminary history of affairs in Palestine down to the arrival of Philip and Richard at Acre in spring 1191. Neither of the two writers professes to have, and on their own showing neither of them could have, any personal knowledge of what they relate in this section of their narrative.<sup>25</sup> M. Paris held that they both

<sup>24</sup> We might perhaps venture to trace the two comrades one step further still. On the way from Crete to Cyprus Richard's fleet touched at the island of Rhodes. The Latin writer describes the ruined capital of that island and remarks that it was 'Romae non multum dissimilis' (*Itin.* ii. 27, pp. 179, 180), and the poet says it was 'autresi grant pres come Rome' (*Est.* l. 1289). As Mr. Archer suggested long ago, this comparison seems to imply that the person making it had seen Rome. The two writers may probably have returned to Europe together and visited—as did many other pilgrims on their way home from Holy Land—the Eternal City before they separated to go each man to his own country.

<sup>25</sup> In one place the Latin writer *seems* to imply that he was at Acre on 12 Nov. 1190. Describing the attack made on that day upon Saladin's camp, he says: *Principes nostri acies suas . . . e castris in plana deducunt. Quas cum cerneremus signis prodire distinctis . . . animo titillanti iocundius influebat de multitudine stupor* (lib. i. 61, p. 115). Of course a pilgrim who reached Messina shortly after the middle of September (cf. *Itin.* ii. 10, p. 153, and below p. 543) could very well have gone on to Acre before the middle of November: but in that case it does not seem likely that he would sail back to Messina to make the outward voyage over again with Richard

derived this portion of their work chiefly from one and the same written document (now lost, and not mentioned elsewhere), a sort of journal of the siege of Acre down to April 1191, which was used by each of them independently of the other : the poet supplementing its contents by oral information obtained during his own sojourn at Acre, the Latin writer from various sources which the editor of the *Estoire* was of course not called upon to investigate.<sup>26</sup> But his printed comparison of *Itin.* lib. i. and *Est.* ll. 2394–4568<sup>27</sup> contains no evidence that if such a document ever existed, each of the two writers used it independently, and not one of them through the medium of the other ; nor is there any proof that such a document ever existed at all. For our present purpose therefore, this introductory history, alike in the *Itinerarium* and the *Estoire*, must stand in the same category with the rest of the work of which it forms a part.

i. We may begin by inquiring what sources of information other than personal knowledge are referred to in the two books, and what those references imply.

(a) Each of the two writers relates several incidents on the testimony, seemingly *oral*, of persons who had been present at them : *Referentibus iis qui intererant* = *Ço conterent cil qui la furent*, and the like. As this source of information would obviously be open to both men alike, if both were crusaders, their references to it can throw no light on the relation between their works.

(b) Of references to a *written* source the *Itinerarium* has only two. One of these also occurs in the *Estoire*, but there is nothing to show which of the two versions of it is derived from the other.<sup>28</sup> The second passage is in a chapter which is not represented in the poem.<sup>29</sup>

(c) But the poet in no less than twenty-seven other places refers, or seems to refer, to a *written* authority, under the various appellations *li livres*, *la letre*, *l'estoire*, *escripture*. In six of these places

in April ; and we have seen that the Latin writer, as well as the French one, uses the first person repeatedly in his narrative of Richard's voyage from Messina to Cyprus ; though, on the other hand, it is somewhat remarkable that he never once uses it in his narrative of the crusaders' sojourn at Messina. To me it seems just possible that he may have gone to Acre in the autumn of 1190 and returned (possibly on some conventual or ecclesiastical business, if he was really a canon of Aldgate) to Messina very shortly before Richard's departure thence in April 1191 ; or he may have taken the passage in lib. i. 61 from some notes of an eye-witness, and inadvertently omitted to change the first person into the third.

<sup>26</sup> Paris, pp. lxxvi–viii, lxxxv.

<sup>27</sup> *Ib.* pp. lxxxix–lxxxiv.

<sup>28</sup> ' Summa vero tantummodo maiorum, sicut quidam scribit, ommissa numerositate quam se dicit nullatenus posse expedire, sic colligitur. In exercitu mortui sunt . . . quadraginta comites,' &c., lib. iv. 6, p. 245 = ' La mururent tant prince e conte, *Dont uns bons clers escrist le conte* . . . Sanz les maenz e les menuz Dont ja ne fust a chief venuz, Se il les i volüst toz metre, Car trop i eust cust e letre ; *En la letre trova e dist, El fol que de sa main escrist.* . . . Si ot morz quarante contes, *Dont li clers retint les acontes,*' &c. *Est.* ll. 5581–86.

<sup>29</sup> ' Sicubi ter centena vel plura legantur fuisse millia' [Turcorum], lib. i. 23, p. 51. Another phrase in the same chapter (p. 53)—' Sicut modestus aestimator asseruit'—may point to either a written or an oral source.

(ll. 46, 2488, 4565, 6658, 8088, 11,800) *l'estoire* appears to be used in a general sense, sometimes for 'our story,' i.e. the story of the Crusade as told in the poem, sometimes for 'History' in the abstract. In one line the word *livres* and in another the word *escripture* occurs in connexion with a name, 'Ambroises': *Ambroise dist qui fist cest livre*, l. 171; *Ço conte Ambroise en s'escripture*, l. 3734. In the former of these two lines there can be no doubt that the author is speaking of his own work—'this book,' i.e. the book in which these words occur, and of which he thus proclaims himself to be the author, Ambrose by name. The name is found in seven other places, in six of which (ll. 728, 2401, 3226, 4560, 4827, 6012) the poet is again obviously speaking of himself; but the seventh passage—*En testimonie en trai Ambroise* (l. 5920)—and the second of the two lines quoted above (l. 3734), scarcely admit of the same interpretation. *Ço conte Ambroise en s'escripture* looks like a reference to a book by some writer other than the writer of that particular line; and *En testimonie en trai Ambroise* would be, if the writer of this line were Ambrose himself, such an extraordinarily clumsy and unnatural expedient for making out a couplet<sup>30</sup> as we can hardly believe any versifier of the capacity shown by the poet of the *Estoire* could ever be reduced to. I venture to suggest another explanation of the origin of these two lines. We know that the *Estoire* in its present form is at least two steps (and it may be much more) removed from the author's original manuscript. These two lines, 3734 and 5920, may have been inserted by a later hand to supply a hiatus where a line had been lost.<sup>31</sup> Whatever may be thought of this suggestion, it is at any rate clear that *s'escripture* in line 3734—the possessive pronoun unquestionably referring to 'Ambroise'—stands, like '*cest livre*' in l. 171, for the poem itself.

The other nineteen passages where a written authority is cited in the *Estoire* are as follows:

(1) ll. 968-75:

Mult se penerent haute gent  
De metre entre els acorde e pais  
. . . . .  
Mais onques n'i porent fin metre  
Tant ne se sorent entremetre,  
*Si com testemoine la letre.*

*Itin.* ii. 20, p. 168:

De pace vero inter eos reformanda  
pars magna potentum satagebat  
. . . Frustra vero operam impendunt  
et diligentiam.

(2) ll. 2165-82:

Si reconta cil quil saveit  
Ki a Barut este aveit  
Quant cele nef i fud chargee  
Qui a honte fud deschargee,

*Itin.* ii. 42, p. 206:

Erat quidam qui diceret se apud  
Baruth exstitisse quando navis illa  
his omnibus congestis fuerat onerata,  
centum videlicet camelorum

<sup>30</sup> The preceding line ends with *noise*.

<sup>31</sup> It will be noticed that each of these lines is the *second* line of a couplet.

Qu'il vit porter cent chameeles  
Des bones armes afilees

E uit cenz Turcs toz esleuz

E si erent en la nef mises  
Dous cenz serpenz laides e grises ;  
*Ço conte l'estoire e la letre*  
E cil quis i aida a metre.

(3) ll. 2607-10 :

E li reis Guis fud lors delivres  
Par tel covent, *ço dist li livres*,  
Que oltre la mer s'en ireit  
E le riauue guerpireit.

(4) ll. 2744-5 :

*Si dist l'estoire* qui ne ceste  
Que quatre mois fud sujornez.

(5) ll. 35256 :

Avint meinte grande aventure  
*Que l'om retint par escripture*.

(6) ll. 3535-7 :

Il aveit dedenz la citee,  
*Ço dist l'estorie* en verite,  
Mult perieres . . .

(7) ll. 3543-6 :

Car el<sup>32</sup> getoit les pieres teles  
Volanz com s'eussent eles  
Que dous genz coveneit a metre  
En la funde, *sulonc la letre*.

(8) ll. 3659-60 :

E tel femme, *ço dist l'estoire*,  
Deit chescons avoir en memoire.

(9) ll. 6691-6 :

Un samedi fud la bataille,  
E le diemeinge sanz faille  
Fud la feste a la gloriose  
La mere Deu, la preciose,  
Cele que l'em fait en Setembre,  
*E l'estorie issi le remembre*.

sarcinis omnis generis armorum  
. . . Septem inerant Saracenorum  
admirati et octingenti Turci electi  
. . . Habebant . . . et ducentos  
serpentes perniciosissimos.

*Itin.* i. 25, p. 59 :

Salahadinus illum sub districta  
pactione, sicut diximus, absolvit,  
videlicet ut abiurato regno mare  
quam citius exul transiret.

*Itin.* i. 26, p. 61 :

Transactis denique quatuor men-  
sibus.

*Itin.* i. 47, p. 97 :

Casus contingebant multiplices  
. . . . quos ad notitiam posterio-  
rum visum est non indignum  
recitari.

*Itin.* i. 47, p. 98 :

. . . Petrariarum hostilium,  
quarum fuit in civitate copia.

*Itin. l.c.* :

Incredibilis quippe molis lapides  
iaciebat.

*Itin.* i. 50, p. 102 :

O zelus imitabilis mulieris !

*Itin.* iv. 20, p. 276 :

Sabbato proximo ante Nativita-  
tem B. Mariae fuerat illa praedicta  
pugna commissa ; et Dominica  
sequenti, hoc est ipsa die Nativi-  
tatis B. Virginis, decretum est, &c.

<sup>32</sup> I.e. one of the *périères* mentioned above.

(10) ll. 7083-5 : Mais ore orez en quel esprove, *Que cil vit qui l'estoire trove*, Fu l'ost tote a icelle termine. Thus the poet introduces the incident, which he and the *Itin.* iv. 28, pp. 286-8, relate in almost identical terms, of Richard's narrow escape from capture near Joppa, 29 Sept. 1191.

(11) l. 7135 : Lie e joant, *ço dist li livre*. The *Itin.* has here (iv. 28, p. 287) merely *eximie laetati*.

(12) l. 7544 : *Ço dist li livres*. This remark occurs in the middle of the account of an adventure of Earl Robert of Leicester, which *Est.* ll. 7479-7604 and *Itin.* iv. 33, pp. 300-3, relate almost exactly alike.

(13) l. 8734 : *Itin.* v. 25, p. 337 :  
*Si dist l'estoire finement.* Fetur.

(14) ll. 9433-7 : *Itin.* v. 42, p. 358 :  
 A la Canoie iert l'ost tendue Apud Cannetum Sturnellorum  
 . . . . . venit ad regem ab Anglia desti-  
*Si dist cil qui l'estorie traite* natus nuncius.  
 Qu'al rei vint la uns messagiers.

(15) ll. 10949-53 : *Itin.* vi. 14, p. 404 :  
 A l'endemain se deveit metre Praemiserat quoque septem gale-  
 Por aler s'en, *ço dit la letre*, arum suarum cum armata gente  
 Par Barut, il e ses maisnees, usque Baruth, qua transiturus erat.  
 E aveit ja enveiees  
 Set gualées . . .

(16) ll. 11267-8 : *Itin.* vi. 14, p. 405 :  
 Ce fud un jor d'un samedi, Mane sabbati, scilicet die ad  
*Selone l'estoire que jo di.* Vincula Sancti Petri.

(17) l. 11414 : *Si dist l'estoire finement*—after which the poet enumerates Richard's ten comrades in the fight at Joppa. The *Itinerarium*, lib. vi. 22, p. 415, gives the same list of names, introducing it with the words *quorum haec sunt nomina*.

(18) ll. 11707-9 : *Itin.* vi. 26, p. 425 :  
 Lors remanda il par le conte Destinavit comitem Henricum  
 Henri, *ce dist l'estoire e conte*, Caesaream, mandans iis qui prius  
 A Cesaire por les Franceis. eo venerant Francis.

(19) ll. 12341-8 : Si sachent tuit cil qui sunt ore E tuit cil qui seront encore Que *l'estoire en icel point fine* Qui afiche por verte fine Que l'an que la croiz fu conquise . . . Ot mil anz e cent e uitante E uit, e *l'escrit le creante*.

The arbitrary introduction of phrases such as '*ço dist l'estoire*,' '*l'estoire le raconte*,' was a common practice among the makers of *chansons de geste*. The *chanson*, no matter how wildly unhistorical it might be, nearly always purported to be derived from some authentic record of antiquity, some 'old book'; and a

reference to this (real or supposed) fact was dragged in whenever it could help the singer to fill up a line or complete a couplet, serving at the same time as a reminder to the audience of the ground on which his claims to credibility were based. For this latter purpose however no such expletives would be needed in a strictly historical work such as that of Ambrose—a work dealing with contemporary history, and dealing with it, moreover, from the position of personal knowledge—and the repeated employment of them merely as expedients for filling up, though not actually impossible, appears so unnatural that we are led to seek in them some other meaning. It might be suggested that they are, as I have supposed l. 3734 to be, interpolations by a later hand, and that the 'book' or 'writing' which their author had in his mind was thus in every case the very work in which he was inserting them, viz. the poem of Ambrose itself. But they are too numerous to be all accounted for in this way; and moreover the formulae employed in them do not, like the formula in l. 3734, involve an implication that Ambrose himself was not their author. There is no reason for supposing that they are not an integral part of his work. If they are, we have to face the extreme improbability of his choosing this particular form of expletive so frequently, unless it had a basis in fact; and therefore we have to consider whether, for any or all of these references to written authority, such a basis can be found or suggested.

Six of the above-quoted passages (3-8) are in the poet's 'parenthesis,' i.e. the introductory history. If the hypothetical 'journal of the siege of Acre down to Easter 1191' really existed, these six passages may refer to that document. But there is no proof that it ever did exist. A document however does exist—and moreover one portion of it at any rate was certainly already in existence, and the whole of it may have been so *in some form or other*, before the Song of Ambrose assumed its present shape—containing *literally* twelve of the thirteen statements for which the poet in the body of his work alleges a written authority, and *practically* every one of the six statements for which he alleges a like authority in his interpolated introduction or retrospective parenthesis;<sup>33</sup> and also containing three

<sup>33</sup> In (1-6) and (9-18) the precise statements for which the poet refers to the 'book,' or 'story,' or 'writing,' occur (without any hint as to their source) in the *Itin.* In (7) the detail with which the poet seems specially to connect his reference to the 'letter' or writing—viz. that it took two men to load the *périère*—is not in *Itin.*, but the general description of the *périère* in question is practically the same there as in *Est.* In (8) 'O zelus imitabilis mulieris' practically corresponds to 'Tele femme deit chescous avoir en memoire,' though another explanation of *l'estoire* here is also possible; the word may be here used in a general sense, 'Ço dist l'estoire,' meaning 'Such is the verdict of History.' In (10) it may be questioned whether the poet is speaking of his own work or his comrade's. In (19) 'l'estoire en icel point fine' is just as true of the *Itinerarium* as of the poem, for in both works the narrative ends at the same point. The former however does not, in any of the extant MSS., state—as Ambrose in (19) twice tells us his written authority does—that the Cross was taken in 1188;



other statements for which the poet expressly alleges an authority other than his own knowledge, without specifying the nature of the authority.<sup>34</sup> That document is the *Itinerarium Peregrinorum*.

ii. The use of phrases such as 'mien escient,' 'a la meie entente,' 'ço me semble,' in the *Estoire* as in other vernacular verse of the time, is in the great majority of cases a mere expedient for purposes of metre or rime. On five occasions however (besides one which has been mentioned already)<sup>35</sup> an expression of this kind appears, when the passage where it occurs is compared with the *Itinerarium*, to have another reason for existence.

(1) *Est.* ll. 1111-14 :

*De la Setembresce, al mien esme,  
Jusqu'a l'issue de quareme  
Fu a Meschines a sujor  
L'ost . . .*

*Itin.* ii. 26, p. 174 :

*A festo enim S. Michaelis in  
civitate Messana . . . commorati  
sunt reges cum universo exercitu  
usque ad iam transmissam Quadra-  
gesimam.*

*Septembresce* is 'the feast of our Lady in September,' i.e. 8 September. Neither of the two writers seems to be strictly correct here ; for the *Gesta Ricardi* (ii. 124-5) and Roger of Howden (iii. 54, 55) say the English fleet arrived on 14 September, Philip on the 16th, and Richard on the 23rd. It looks however as if Ambrose were modestly correcting (or at least endeavouring to correct) a date in which, to his thinking—'al mien esme'—his friend had made a mistake.

(2) *Est.* ll. 3225-9 :

*E lors firent en cel quaresme,  
Si com Ambroise dit e esme,  
Li Aleman premierement  
Le premerain molin a vent  
Que onques fust feiz en Sulie.*

*Itin.* i. 33, pp. 78-9 :

*Dum Alemanni magno apparatu  
machinam molendinariam fabri-  
cassent . . . gygrantibus equis . . .  
Nunquam enim antea huiusmodi  
mola asinaria visa est in terra illa.*

This passage is in the interpolated or parenthetical section of the *Estoire*, the introductory book of the *Itinerarium*. If the two writers were here drawing independently of each other on a common written source, it is hard to see how they came to differ thus in their accounts of the German mills. If however we consider the fact that not only the independent use,

yet even this date may come from a misreading of the opening sentence of *Itin.* i. 1, p. 5, 'Anno Verbi Incarnati M<sup>o</sup>C<sup>o</sup>LXXXVII<sup>o</sup> . . . aggravata est manus Domini super populum suum'; or, again, as one MS. has 'M<sup>o</sup>C<sup>o</sup>LXXX<sup>o</sup>,' and another (that printed by Bongars) seems to have had 'M<sup>o</sup>C<sup>o</sup>LXX<sup>o</sup>VII<sup>o</sup>,' it is not impossible that there may have been yet another variation, and that in the MS. used by Ambrose the date may, by a slip of the pen, have been written as he gives it.

<sup>34</sup> (1) *Est.* ll. 5225-31 : 'Le jor que Aere fud rendue, *Si com jo ai l'ovre entendue*, Ot quatre anz, *ço fud chose enquire*, Que Sarazin l'orent conquise ; *Si ai en memorie e a main* K'el fud rendue l'endemain De la feste Saint Beneeit.' Cf. *Itin.* iii. 19, p. 234. (2) *Est.* l. 8382 : '*Si dist cil apres cui jel di*,' with regard to the story of Saladin and the Easter fire, of which the poet's account tallies almost word for word with that in *Itin.* v. 16, pp. 328-9. (3) *Est.* ll. 8928-30 : 'Eth vos que li bons cuens Henris Vint en la vile e descendi, *Si dist cil apres cui jel di*.' Cf. *Itin.* v. 28, p. 342.

<sup>35</sup> See above, pp. 533 and 534, note 20.

but the very existence of a common written source for this part of their narrative is not proved, we may see in l. 3226 something more than a mere rime to *quaresme*. 'In that Lent the Germans made a mill, the first of its kind that ever was made in Syria. [It has been described as a horse-mill; but] as I, Ambrose, say and think, it was a windmill.'

(3) *Est.* ll. 8282-6 :

E la metie en fud al conte.  
La part as serjanz fud vendue,  
*Si come j'ai l'ovre entendue,*  
Plus de *quatorze* cenx besanz  
Sarazineiz forz e pesanz.

*Itin.* v. 12, pp. 324-5 :

. . . Praeda infinita, cuius medi-  
etas *comiti qui custodiebat civitatem*  
cedebat; altera medietas vendita  
est octo *millibus* Byzantiis Sara-  
cenicis probatae monetae.

No 'count' has previously been mentioned by the poet in connexion with the foray from Joppa in which the booty here referred to was taken, nor indeed in connexion with Joppa at all. Ambrose's '*conte*' here seems to be a hasty and therefore obscure summary of the Latin writer's clear description of the personage in question; while *si come j'ai l'ovre entendue* looks like a polite way of introducing a correction of the extravagant figure given in the *Itinerarium* as the price of the spoil.

(4) *Est.* ll. 9748-9 :

Ço fud a close Pentecoste,  
*Mien escient le samedi.*

*Itin.* v. 48, p. 367 :

Die *Dominica* scilicet in octavis  
Sanctae Trinitatis.

Bohadin dates the event here referred to on Saturday. *Mien escient* may therefore be, in Mr. Archer's words, 'perhaps intended as a modest correction of *Itinerarium*.'

(5) *Est.* ll. 9947-9 :

Le jor d'un *mardi*, ço me semble,  
Iert que nostre carvane ensemble  
Veneit . . .

*Itin.* v. 52, p. 373 :

Quinto decimo Kalendas Iulii,  
hoc est, die S. Botulfi, scilicet die  
*Mercurii*, egressa carvanna nostra.

'Ço me semble' is one of the commonest of poetical expletives; Ambrose indeed uses it almost every time he wants a rime to *ensemble*. But in this case it is *ensemble* that looks like an expletive, a word dragged in where it has no meaning for the sake of a rime to *semble*; and l. 9947 appears to be another tacit correction (also supported by Bohadin) of the Latin writer.

Three other passages where a blunder in the *Itinerarium* seems to be tacitly corrected by the poet have been noticed above (pp. 527-529).

iii. I will here add two passages from which I think it may be argued on linguistic grounds that the *Itinerarium*, not the *Estoire*, is the original.

(1) *Itin.* iv. 18, p. 263 :

Ut nec a duobus circumquaque  
milliariis quicquam spatii vel quan-  
tum *pugno* comprehenderetur visui  
pateret.

*Est.* ll. 6243-5 :

De deus liues tot environ  
Ne veissiez plein mon *giron*  
De terre voide.

There seems to be no reason why a prose translator, in any language, should substitute 'handful' for 'lapful'; but there is a very obvious reason why a writer turning prose into French verse should substitute 'lapful' for 'handful' in the second line of a couplet whose first line ended with *environ*.

(2) In the account of the siege of Joppa by Saladin, *Est.* ll. 10857–11058 = *Itin.* vi. 13, 14, pp. 402–6, the word *Toron* occurs in the poem eight times. In ll. 10857 and 11058 the phrase is *el Toron devant la tur*; for the former line the Latin version (p. 402) has *in turrim castris*, for the latter nothing. *Toron* in *Est.* l. 10868 is represented in *Itin.* (l.c.) by *turrim castris principalem*; in ll. 10883 and 10964, by *castris turrim, turri castris* (pp. 402, 404); in ll. 10887, 10915, and 11055, by *turri* (pp. 402, 403, 406). The word *Toron* means an eminence; frequently, but not necessarily, a fortified eminence. It is not an equivalent of *turris*. If the Latin writer is here translating from the poem, he is distinctly mistranslating the word *toron*. But it is hardly possible that he could mistranslate it; for an earlier passage in his work shows that he was perfectly aware of its meaning. Both he and the poet apply the designation *Toron* to a height just outside Acre: *El Thorom, Est.* l. 2786 = *montem proximum quem vulgo Turonem dicunt, Itin.* i. 26, p. 62;—*al Thoron, Est.* l. 2831 = *in montem, Itin.* i. 27, p. 63;—*Torun, Thoron, Est.* ll. 2816, 2877, 2890, 2979 (not in *Itin.*);—*in loco qui urbem et Turonem interjacet, Itin.* i. 27, p. 65; *Mons quidam Turoni quem supra descripsimus objectus eminet, ibid.* 29, p. 69; *supra Turonem vero qui urbi vicinus incumbit, ib.* 32, p. 75 (not in *Est.*). Here, then, we find the Latin writer correctly defines *Toron* as *mons*. It is therefore hardly credible that if he came to the same word elsewhere he would mistranslate it *turris*, and would go yet further out of his way to misexplain it by *turris castris*. On the other hand, we have seen that the Norman poet, according to his own account, left Joppa before the siege began (ll. 10789–91; see above, p. 533). He could therefore have no personal knowledge of its details. The natural inference from these considerations would seem to be that he erroneously substituted *toron* for *tur*, through misunderstanding the topographical indications given by the Latin writer.

iv. It may be asked what, then, is to be made of the statement in the *Expugnatio Terrae Sanctae* about 'the book which the prior of Holy Trinity caused to be translated from French into Latin'? For myself, I should be content to accept as an answer to that question either of the two alternatives proposed by Dr. Stubbs in his preface to the *Itinerarium* (p. lxiv): viz. that the first draft of this latter work was in French, or that the statement of the *Expugnatio* was a mistake.

A word may be added here with reference to the remark made by the editor of the *Estoire* upon the absence of all trace of that poem in medieval literature. One probable notice of it which does not seem to have been pointed out elsewhere is mentioned by Mr. Archer in a note pencilled on the fly-leaf of his copy of the *Estoire*: 'For allusion to Latin and French form of Ambroise and *Itin.* Rdi. see

Stubbs, *Chronicles of Ed. I and II*, Auctore Malmesburiensi, under 1312 or 1313 A.D.' The passage indicated is as follows :

'Rex noster Edwardus sex annis complete regnavit, nec aliquid laudabile vel dignum memoriae hucusque patravit, nisi quod regaliter nupsit et prolem elegantem regni heredem suscitavit. Alia fuerunt initia regis Ricardi, qui nondum elapso triennio regni sui probitatis suae radios longe lateque dispersit ; nam Messanam civitatem Siciliae uno die viriliter subiecit, et terram Cypri in quindecim diebus potenter subiugavit. Deinde apud Acon et in aliis partibus transmarinis quomodo se habuerit *historia Latino et Gallico sermone digesta luculenter percurrit*' (*Chron. of Edw. II*, ii. 191).

These words evidently refer to two versions, one Latin and the other French, of one and the same 'history.' The Latin version is of course the *Itinerarium* ; whether the French one be an earlier form of that work, afterwards put into Latin by its author, or the *Estoire* of Ambrose, there is nothing to show. Even if the *Itinerarium* was originally composed in French, however, it seems more probable that the Song of Ambrose is what the 'monk of Malmesbury' here had in his mind.

## V

A Norman poet, Ambrose by name, and an English clerk who is supposed to have been Richard 'de Templo,' canon of Holy Trinity in London, went through the crusade together as comrades and friends. While it was in progress 'Richard' took notes—whether in French or Latin—of the experiences which befell one or both of them in particular, and the host in general ; and also of what information he could collect about the siege of Acre down to the time of their arrival there. He worked up a portion of these notes into fairly complete literary form before the close of the crusade. In after years he worked out the whole of them into the form in which his book has come down to us. But meanwhile, probably, before doing this—possibly while both men were still in Holy Land—he had lent the rough draft of his work to his Norman friend, to serve as the basis of another record of the crusade, which the latter writer intended to compose in the form of an historical *chanson*. So far as the substance of the narrative was concerned, Ambrose had only to translate his comrade's notes, perhaps from Latin into French, perhaps only from prose into verse, making such additions, omissions, and alterations as might be suggested to him by his own judgment and his own independent memory of the events recorded, and, for the introductory history, of what he too had picked up from those who had been earlier on the scene of action. On the other hand, 'Richard's' work would also receive additions and alterations from its author when he came to revise it for publication. But it

evidently never received a final revision from him; and thus certain imperfections and confusions—such as the blunder about Agoland, the confusion about Garnier of Naplous, and that about the ransom of William des Préaux—which were no doubt in his original notes, jotted down 'in the camp,' amid 'the din of war which left him no leisure to think quietly'—remained uncorrected and were repeated by scribe after scribe from one copy to another.

Such are the conclusions indicated to my mind by the evidence which I have tried to set forth above. As I have already said, the materials on which my study of the problem has been based are not the fruit of original research on my part. Another has laboured; I have entered into his labours in this particular corner of the historical field; and I have now done what I could to enable other students to enter into them with me. In what form or to what conclusions Mr. Archer might himself have finally worked out his studies on the subject, I cannot tell; the separate notes which give some conclusions that he had reached at the time of writing them date from April to May 1898, when the complete edition of the *Estoire* had been in his hands only a few months. For whatever in my handling of the subject scholars may find reason to criticise or condemn, I alone am responsible.

KATE NORGATE.

*Jean Malet, Seigneur de Graville, and Edward IV,*  
1475.

JEAN DE WAVRIN states, in his *Anchiennes Chroniques d'Engleterre*,<sup>1</sup> that among the Frenchmen who were taken prisoners on Holy Island, after the failure of the attempt which Margaret of Anjou made in the autumn of 1462, with the assistance of the grand sénéchal of Normandy, Pierre de Brézé, to replace Henry VI on his throne, was a Norman nobleman, the seigneur de Graville; and he tells us, further, that after these French prisoners had been carried to London Edward IV set them all at liberty, *sans prendre renchon de nulz d'eulz*. Mademoiselle Dupont, the learned and painstaking editor of Wavrin's chronicle, concluded that the person referred to in this passage was Louis Malet, seigneur de Graville, de Montagu, de Marcoussis, &c., who was a trusted councillor of three successive French kings—Louis XI, Charles VIII, and Louis XII—and became marshal of France in 1487. But M. P. M. Perret, in a lengthy monograph on Louis Malet de Graville,<sup>2</sup> has offered conclusive proofs that the prisoner taken on Holy Island was not Louis Malet, who did not at that time bear the title of seigneur de

<sup>1</sup> Mademoiselle Dupont's edition, ii. 320-1.

<sup>2</sup> *Notice biographique sur Louis Malet de Graville, amiral de France, Paris, 1889.*

Graville, but Louis Malet's father, Jean Malet VI, and that the unlucky Frenchman, far from being set free without ransom, was detained a prisoner in England until 1478, when his son, who possessed wealth and influence, but, it would seem, had used neither during all those years in his father's behalf, finally advanced to him—on excellent security, be it noted—ten thousand crowns to pay his ransom.<sup>3</sup> M. Perret's documents also show that on 23 January 1479 Louis XI granted to Jean Malet, seigneur de Graville, a pension of two thousand livres in consideration of his services in days gone by, especially in the conquest of Normandy and Guienne (from the English), in which

il a employé sa personne et ses biens sans riens y esparagner, et en icelles despieça fut prins prisonnier en Angleterre, où il a esté detenu par long-temps et jusques à puis nagueres, que moiennant certaine grant finance qu'il luy a convenu payer pour sa rançon, il a esté mis hors desdictes prisons.<sup>4</sup>

It does not appear whether Louis XI and Louis Malet knew that in June 1475, when Edward IV was on the eve of crossing the Channel to attempt the reconquest of France, Jean Malet, who, no doubt, was weary of his long captivity and had ceased to hope for aid from his prosperous son, swore allegiance to him as *Roy Dangleterre et de Fraunce*, and, *pour la Reduction de ma personne en lobeissance et subgection* of King Edward, and for the sum of thirty thousand gold crowns, which he was under bond to pay to John Forster, esquire, at that time 'provost of the king's army beyond the seas,'<sup>5</sup> transferred to that gentleman, *de ma pure et bonne volente et sans contraunte*, all his hereditary estates in France. Of those thirty thousand crowns Edward IV was probably to have at least one-third as the seigneur de Graville's ransom. But France was not conquered; the seigneur de Graville's deed turned out to be only waste parchment; and so in the end it was not John Forster, but Louis Malet, who paid the ten thousand crowns which at last set free the old veteran of the English wars in France. Jean Malet died four years after his release, and lies buried at Graville (Graville-Sainte-Honorine).<sup>6</sup>

CORA L. SCOFIELD.

## I.

[Chancery Warrants, Series I. file 1510, no. 4768.]

*Memorandum quod quintodecimo die Iunii anno regni Regis Edwardi iiiij<sup>ti</sup> quintodecimo ista billa liberata fuit domino Cancellario Anglie apud Cantuar' exequendo.*

[Sign Manual]

Rex dilecto et fideli clerico suo Iohanni Broun' uni magistrorum Cancellarie sue, Salutem. Sciatis quod nos de fidelitate et circumspeccione

<sup>3</sup> *Notice Biographique sur Louis Malet de Graville*, pp. 55-6, 243-4.

<sup>4</sup> *Ibid.* p. 4. <sup>5</sup> *Cal. of Patent Rolls, 1467-1477*, p. 591. <sup>6</sup> Perret, pp. 61-2.

vestris plenius confidentes assignavimus vos ac vobis plenam potestatem damus et committimus ad sacramentum fidelitatis et ligeancie Iohannis Malet militis domini de Graville in ducatu nostro Normannie oriundi in regno nostro Anglie ad presens existentis nobis prestandum modo et forma debitis sufficienter et consuetudinis recipiendis et ad nos in Cancellaria nostra de prestacione sacramenti illius cum illud receperitis distincte et aperte debite certificandis. Et ideo vobis mandamus quod ad prefatum Iohannem personaliter accedentes huiusmodi sacramentum suum recipiatis et nos in dicta Cancellaria nostra de recepcione sacramenti illius debite certificetis in forma predicta. Damus autem universis et singulis quorum interest in hac parte tenorem presencium firmiter in mandatis quod vobis in execucionem premissorum intendant, pareant, et obediant in omnibus diligenter. In cuius, &c.

## II.

[Close Roll, 15 Edward IV, m. 31 *dorso*.]

De scripto  
irrotulato  
Malet.

A tous ceulx qui cez presentes lettres verront ou orront, Salut. Je, Jehan Malet, chevalier, seigneur de Graville, confesse que Je estant a ma franchise et libertie le jour et date de cez presentes de ma pure et bonne volente et sans contraunte ay transporte quietie et delaisie pour moy et mes hoirs a Jean Forster, Escuier, et a ses hoirs affin de heritage maditte seigneurie de Graville et toutes aultres seigneuries, rentes, terres, heritages et possessions esuelles Jay este et deu estre intitule par droit heritage a cause de pere et de mere cy enparavant dedens lez Royaume de France et Duchie de Normandie, en quelques Bailliages, vicontez ou autres lieux ou places quelles soient assises, avecque toutz les patronnages deglises, dignites, honneurs, franchises et aultres prerogatives et toutz aultres appartenances et deppendences a icelles deues et appartenants. Et dicelles mesditz seigneuries de Graville et toutz autres services, rentes, terres, heritages et possessions dessusditz, ou que elles soient assises esditz Royaume et Duchie, ay desherite et desherite par cesditz presentes a tousjoursmaiz<sup>7</sup> moy et mesditz hoirs et toutz aultres qui cy apres y pourroient ou voudroient chalengier ou demander aucun droit ou tittle aprez la succession de moy en aucune manere, et dicelles ay Revestu et revestz dezapresent ledit Jehan Forster pour lui et sesditz hoirs a perpetuite, en rendant et faisant telz droitz Capitaulz comme a cause de ce doyvent estre faitz, et les faiz et choisiz droit et vray heritier dicelles seigneuries, rentes, terres, heritages et possessions avecque leurs appartenans par cesditz presentes Esuelles il peult et pourra entrer et dicelles prendre la saesine et possession par lui mesmes ou son commis et depute quant et toutesfoiz que bon lui semblera et dicelles et de leurs revenues et appertenauncez joir et user a luy et a sesditz hoirs aussi franchement et paisiblement comme je ou aucun autre avons joy et use cy enparavant Avecque tout le droit, action, raison, justice, saesine et seigneurie que je y avoye et povoye avoir chalengier et demander. Et ay ce fait tant pour la Reduction de ma personne en lobeissance et subgection du Roy Dangleterre et de France nostre souverain seigneur, lequel jay prins et prens pour mon souverain seigneur et non aultre, que pour la somme de trent mille escus dor, lesquelz Jestoye tenu bien et loyaument paier audit

<sup>7</sup> Sic.

Jean Forster, et aussi pour la tres grande confidence et vraye amitié que Jay et ay euez in sez loialte, sagesse et proudomye pour lez grans biens et plaisirs quil ma faiz en plouseurs manieres en temps passe. Et a ce tenir et acomplir Je Jehan Malet chivaler seigneur de Graville desussdit oblige moy, mez hoirs et tous noz biens meubles et heritages, ou quilz soient ou purront estre trouvez, a estre venduz se mestier est doffice de Justice a cause de ce enceriquer<sup>s</sup> et de ceo restituer et rendre toutz coustz, misez et despens faiz et eubx pour ce.

En tesmoing desquelles choses Jay signe ces presentz de moon saing manuel et scelles du scel de mes armez en la presence de messire Thomas Coke, messire Jehan Yonge et messire Thomas Stalbroke, Chevaliers, Symon Smyth, Jehan Fynkel et Edmond Newman, marchans de Londres, et Jehan Morecok, clerk, Tesmoingz a ce appelez. A Londres le xxj jour de Juyn, lan de grace mil cccc soixante quinze.

*Et memorandum quod predictus Iohannes Malet venit in Cancellaria Regis apud Westmonasterium vicesimo secundo die Iunii, anno presenti, et recognovit scriptum predictum et omnia contenta in eodem in forma predicta.*

### *The Coronation of Queen Elizabeth.*

I PRINT yet another document on the subject of Queen Elizabeth's coronation, namely, an account of the creation of Knights of the Bath on 13 January 1559. The document, which so far as I can discover is now printed for the first time, is among the Ashmole manuscripts<sup>1</sup> in the Bodleian Library, and was copied for Ashmole, like the English report of the coronation, from the collections of Anthony Anthony, who was surveyor-general of the ordnance in 1559.

The creation of Knights of the Bath had formed part of the ceremonies attending the coronation of English kings for at least two centuries before Elizabeth's accession. According to a medieval *modus*<sup>2</sup> the procedure was as follows. The esquire who was to receive knighthood was conducted to his chamber, the barber was sent for, and the bath was made ready. The esquire was then shaved and his hair was cut; he was next put into his bath, where the oath was administered to him, and after bathing he was taken out and put to bed till he was dry. He then proceeded to the chapel, where he spent the night in watching and prayer. At daybreak he confessed and heard mattins and mass, after which he returned to bed for a short rest until it was full daylight. He was then robed in gorgeous apparel, conducted to the presence chamber, and knighted by the king.

These ceremonies were repeated for the most part in the case

<sup>s</sup> The sentence is thus written on the roll.

<sup>1</sup> MS. 862, p. 299.

<sup>2</sup> For copies of this *modus* see British Museum, Cotton MSS. Domitian xviii. p. 243, and Nero D. ii. p. 259. It is printed in Anstis' *Observations introductory to an Historical Essay on the Knighthood of the Bath*, p. 106.



of Elizabeth's knights, but with significant exceptions. The shaving of beards was excused, no mention is made of confession, the all night vigil was omitted, the Litany was substituted for mattins and was said in English, and, most important of all, the Queen's chaplain, who sang the mass, omitted the elevation of the Host. Since everything connected with the ceremonial of the mass at Elizabeth's coronation has a peculiar interest I reproduce, for purposes of comparison, the prescriptions of the medieval *modus* on the specifically religious services of the ceremony. My extract is taken from an English translation, made early in the sixteenth century, which is among the Cotton manuscripts in the British Museum.<sup>3</sup>

and whan the dawninge comyth he [the knight postulant] shall have a preste and be confessed yef it will lyke hym of his synnes and trespasses which thyng ended he shall have his matens and masse and be comonyd if he wyll. Aftyr his entre in to the chapell he shall evyrmore have a serge or a taper of wex brennyng be fore hym. And whan masse is be gone Oon of the governours shall holde the taper brennyng be fore hym unto the tyme that the gospell be begonne. And than he shall be take it un to his maister which shall holde it in his hande tyll the gospell be endyd alwey his hede beyng coveryd. And at the ende of the gospell the governor shall receyve the taper agayne and put it before his maister un to the ende of the masse. At the levacion of the sacrament oon of the governours shall putte of the hooede of his mayster. And aftyr the sight of the sacrament he shall doo it on ayen tyll In principio be begonne. Oon of his governors shall putte of his hooede and make hym stande and holde the sayd taper in his hande havynge in the seide taper styckyng a peny nygh the lyght. And whan the prest seith Verbum caro factum est he shall knele down and offre the taper and the peny. It is to wete the taper to the worshippe of god. And the peny to the worship of hym that shall make hym knyght. These thynges doon the governors shall lede hym ayen in to his chambre and ley hym ayen in his bed tyll it be forth dayes. And there he shall take the reste that the wacche of the nyght made wery.

A contemporary report of the creation of knights at Mary's coronation may also be cited<sup>4</sup> :—

and that donne [*i.e.* after the bath] they [the knights postulant] went all to ther beddes/and soo slepte tyll abowte iii<sup>or</sup> of the clocke in the mornyng and then they dyde a rise beinge soundyde w<sup>th</sup> the mynstrelles and dyd putt on theyr clothes and aparell russet lyke bachelers of the lawe wythe a hooede tfurryd w<sup>th</sup> whyte menyver and beinge leade w<sup>th</sup> bothe theyr esquyers to the chappell and ther Immedyaty were shrevyn and then serten servys and masse was sayed/and at thend of the seyd servys and masse/all they dyde offre a lyttle taper w<sup>th</sup> ii<sup>d</sup> or a grotte in hyt/and that donne all they recevyd the sacrament/And then they were lede holme a yen in to ther chambers were as the bathinge tobbes were taken awaye and soo they went unto their beddes.

<sup>3</sup> Nero C. ix. p. 168 r. This MS. is printed at p. 99 of Anstis' *Observations*.

<sup>4</sup> B. M., Add. MS. 4712, p. 51, printed at p. 53 of Anstis' *Observations*.

It will be noticed that the all night vigil was omitted in the case of Mary's as well as Elizabeth's knights, but the mass was celebrated in the orthodox way and Mary's knights received the sacrament.

The omission of the elevation at the mass of the 13th January has an indirect bearing on the vexed question of the coronation mass. If the elevation was omitted at the mass of the knights the probability is increased that it was omitted at the mass of the coronation. Both services were part of a continuous ceremonial, and it is improbable *a priori* that a capital alteration of ritual would be made at one service and not at the other.

In his Note <sup>5</sup> on this question, Professor Pollard has quoted a conversation of Elizabeth with the French ambassador in 1571, in which the latter reports her as saying that she was crowned with catholic ceremonies *sans toutefois assister à la messe*. At first sight this seems to settle the question, since no one, it may be presumed, knew better than Elizabeth what happened at her coronation, and her words necessarily imply that the mass was celebrated in a catholic way. It must be remembered, however, that Elizabeth was not scrupulous about truth in her conversations with ambassadors and that conversations are not always reported correctly. It is possible that what she said was that at her coronation she did not assist at a catholic mass. If we understand her to mean that she did not attend at the mass, or the central part of the mass, at all, we have to explain how it comes to pass that the Italian reporter, Ribadeneira, Sanders, and the herald's report all say, or imply, that her chaplain sang the mass, omitting the elevation. The concurrent testimony of these contemporary witnesses seems to me too strong to be overborne by the French ambassador's report of what Elizabeth said in 1571. Mr. Pollard explains the conflict of testimony by assuming that Oglethorpe vacillated. At first he led his friends and Elizabeth to suppose that he would celebrate without elevation, but at the last moment he changed his mind and performed the ceremony with the full catholic ritual. This conjecture seems to me improbable, because it makes Oglethorpe act in an incomprehensible way. In his own eyes and in the eyes of all catholics, Oglethorpe, by celebrating without elevation, would have committed the most horrible impiety. It seems incredible that having refused to do so at Christmas he should have yielded a few days later and should then, at the last moment, have returned to his original attitude. The question involved was not some trifling point of ritual, but a great matter of doctrine. That Oglethorpe should blow hot and cold on such a subject in the way that Mr. Pollard supposes seems to me incredible.

C. G. BAYNE.

<sup>5</sup> *Ante*, p. 125 (January).

Ashmole MS. 862, p. 299.

The order of the makeing of knights of the Bath for the Coronation of Queene Elizabeth the XIIIth of January

Transcribed  
from Mr.  
Anthony  
Anthony's  
collect.

Item XI knights videlicet <sup>6</sup> Item the said knights having a Bankett in the said White Towre before their entering to the Bath.

The said knights entered into a Hall in the said White Towre and than and there was prepared XI syelde bedes which bedds closed w<sup>th</sup> Courtyns of silke and golde byfore every sylde bed a Bathe coverid with red say and white Linnen Cloath And upon every Batthe the Armes of every Knight.

Item every of the said Knightes sitting byfore their Batthes there being Barbors ready to wash and trymning them to have shaven the Knights beardes the Queenes Ma<sup>ty</sup> pardonyd for their beardes And soe being whassed and trymmed enteryd into their bathes nakid and the Musisyons played upon their instru<sup>m</sup>tes.

Item immediately the Lord Arundell being Lord Steward of England the Lord William Hawward being Lord Chamberlyn who were brought in by the harrowd at Armes and S<sup>r</sup> Lyeutenant of the Towre Sir Ambrose Cave and Sir William Sackevile The Lord Stuarde and the Lord Chamberlayn whent with the Harrowld at Armys to every knight and gave them their oathes, and soe kissed the Booke And that done the Lordes departed and the Knights whent out of their Batthes and whent to Bed and to every Knight was brought a bolle w<sup>th</sup> ypcoras.

Item at iii of the Clock in the Morning the said Knightes of the Batthe rose out of their Beddes and were clothed in longe side Gownes of russet Cloth w<sup>th</sup> hoddies over their hedds who were with harrowds at Armes, Gentylnen and the Musisyons playing and so conducted w<sup>th</sup> Torche staves to the Church in the Towre. And the knightes sitting in the Quer. And than and there the parson of the said Church knelynge said the procession in Englyshe and all that were there answered the parson.

Item one of the Queenes Chaplaines said Masse and at the consecration hee heavyd not up the osty. And whan Masse was done all the said Knightes every of them a perche of wax in their handes w<sup>th</sup> halfe a grote and so offered the said perche kneeling upon their knees and kissed the patyn and soe returned to their places And immediately the Musicions played and there the Knightes were served with breade, Surkatts, Comfetts, and hypoeras and that done were conducted to the white Tower and there the Knights dawnsing and leaping, and after that went to bedd.

Md the XV<sup>7</sup> of January anno 1558 being upon a Satterday the Queenes Ma<sup>ty</sup> was honourably conducted with all the Nobles and pyers of the Realme spirituall and temporall from the Towre of London through the Citie of London to her Ma<sup>ty</sup> palace at Westminster And at her Ma<sup>ty</sup> going out of the Tower of London there was a great shott of gunnes and Chambres to the nombre of ix<sup>c</sup> shott.

<sup>6</sup> The names are left blank in the MSS. The knights were Lord Sheffield, Lord Darcy of the North, Lord Darcy of the South, Sir Robert Rich, Sir Roger North, Sir John Zouch, Sir Henry Weston, Sir Edward Umpton, Sir Nicholas Poyntz, Sir Robert Berkeley, Sir George Speke (Ashmole MS. 840, p. 153; B.M., Harl. MS. 6063, p. 23.)

<sup>7</sup> This should be 14. The 15th, on which Elizabeth was crowned, was a Sunday.

*The Duke of Richmond on the Conduct of the War  
in 1793.*

Two letters of the duke of Richmond to Pitt, dated 3 and 5 April 1793, which have been hitherto unnoticed, deal with important questions bearing on the whole course of the war with France. At that time, not long after the receipt of the news of the defeat of Dumouriez at Neerwinden and of his attempt to overthrow the Jacobins at Paris, there seemed every prospect of easily overcoming the resistance of France; and ministers were evidently contemplating the advisability of colonial and coast expeditions rather than an extended campaign in concert with the prince of Coburg in Flanders. As is well known they finally attempted to undertake all three forms of warfare, and with disastrous results. It is clear that the duke of Richmond, and to some extent perhaps also Pitt, preferred expeditions against the French colonies. The duke wished the government to take a firm stand at the conference of the commanders-in-chief and envoys of the allies soon to be held at Antwerp for the discussion of the plan of campaign. In the shorter and less important letter of 3 April he expresses a fear that the ardour of the duke of York will lead him on into a Flemish campaign, and points out that Great Britain will effect far more by efforts against the French ports from Cherbourg to Bordeaux. In any case, he says, we must not attempt both kinds of warfare at once. The second letter is too long to print *in extenso*, but all the important parts are here given in full, along with a *précis* of the others.

J. HOLLAND ROSE.

Goodwood: Friday morning, April 5, 1793.

My dear Sir,—It strikes me that if your ideas are quite clear that we must make expeditions on the coast of France and to the West Indies our principal object as soon as we are able, it would be far better, indeed fairer, immediately to apprise the meeting at Antwerp [7th inst.] of such being our resolution, and particularly to state to them that any co-operation of the British forces with the German armies, if it can be essentially useful in the present moment, we could only so far give as not to interfere with our own plans—that is, until we can be ready to carry them into execution—and that we hope after the next six weeks the Austrians and Prussians would not require our aid, or at least only in a small proportion. Knowing these to be the sentiments of Great Britain, they will be able to state theirs to you, and I make no doubt will strongly remonstrate against your plan.

[The duke adds that they will urge their very heavy losses in war, the difficulties of the campaign, the pressing need of 5000 or 6000 British horse, and that France, if not pressed, will recover from her recent losses.]

To these arguments your minister at the conference should be prepared to answer that Great Britain was originally no party in this war, or in any shape consulted as to the manner of undertaking it. That she became

one only when she and her ally, the Dutch, were attacked. That she immediately proposed a concert of operations, but hitherto without effecting that object. That we never had it in our contemplation to engage in a Continental war, which is always so ruinous in expense and so much against the sentiments of this nation. That were the British government to involve itself in such measures they might be obliged to abandon them at some critical moment, and perhaps thereby ruin the common cause. But that, confining our operations to a naval war and to such expeditions on the coast of France or on her possessions abroad as we could manage, we should be sure of support at home and essentially assist the allies, perhaps more so than by engaging in a plan of war which would be unpopular. That we had, it was true, sent what troops we could into Holland for the defence of our ally, and should have sent our whole force, if necessary, for that service; but by so doing we by no means meant to engage any further, and that, however formidable the attack might at first appear, we trust that, under all the circumstances of the war, it might have been defeated by the Dutch themselves, aided by the English and the Hanoverians in our pay. That the able and glorious attack made by the prince of Coburg, immediately as it has saved Holland, was no less necessary for the operations of the Austrians to recover their provinces in the Netherlands. That we also feel the force of his reasoning for pressing the enemy as far as possible and taking advantage of their present state of dismay; but that, however useful every addition of force may be, we cannot persuade ourselves that in armies of 200,000 men the difference of 10,000, which is the utmost force that we could send this year, could be so essential as to decide the success of such vast armies. That there is besides a circumstance that makes it peculiarly unadvisable for England to send British forces to act immediately on the Continent, which is that our army, cavalry and infantry, consists almost wholly of recruits, no part of which, men or horses, have been raised two months, and the greater part of which are at this moment only raising.

[The duke of Richmond then states that the prince of Coburg should be informed of all this frankly, otherwise he would have great cause of complaint against us, if he relied on us and then was disappointed. Pitt should therefore send a special messenger at once to Lord Auckland at the Hague to inform him of these ideas. Coburg would probably urge that the British, Dutch, and Hanoverians should besiege Dunkirk, Gravelines, and St. Omer. The duke adds that he thinks it likely that the duke of York might then press on to Paris; also that we should not even so have a very large voice in the peace negotiations; that the German powers would probably dismember France, in which case we should acquire little of importance. More would be gained by our acting elsewhere and securing the destruction of Cherbourg, Toulon, &c.]

## Reviews of Books

*Mélanges d'Histoire ancienne.* (Paris : Alcan. 1909.)

THIS is the first of a series of works to be published by the University of Paris on subjects connected with the study of ancient history. It contains three essays : *M. Aemilius Scaurus ; Étude sur l'histoire des partis au VII<sup>e</sup> siècle de Rome*, by M. G. Bloch (pp. 1-84) ; *Histoire de l'ostracisme athénien*, by M. J. Carcopino (pp. 85-272) ; and *L'approvisionnement d'Athènes en blé au V<sup>e</sup> et au IV<sup>e</sup> siècles*, by M. L. Gernet (pp. 273-391). The value of the volume is greatly lessened by the absence of an index.

M. Bloch's subject is both important and interesting. The career of Scaurus shows us that the Roman nobility had developed into a true aristocracy in the seventh century ; in other words, that the mere fact of belonging to their order gave a man, however reduced in circumstances, a substantial claim upon their consideration, and would prevent his poverty from being a sufficient bar to marriage with one of their daughters : it could be compensated by a display of energy and ability. The family of Scaurus was so poor and its members so deficient in activity that for three generations not one of them had held any office ; yet Scaurus himself married Caecilia Metella, heiress of one of the wealthiest families among the nobility, and became consul, censor, princeps senatus, and practically the ruler of the Roman empire. The splendour of such a career naturally awoke the admiration of the Romans, and all with one exception treat Scaurus with the greatest respect. This exception was Sallust, who describes him as *homo nobilis, impiger, factiosus, avidus potentiae honoris divitiarum, ceterum vitia sua callide occultans* (Jug. 15). Carefully considered, this criticism contains nothing that might not be accepted without hesitation by the admirers of Scaurus ; and yet modern writers have with hardly an exception repeated the verdict of Jugurtha's eminently moral historian in accents most indignantly righteous. M. Bloch is wiser. He appraises Sallust, tacitly at least, at his true value, which is that of a careless and indolent investigator, gifted by nature with an almost unequalled genius for portrait painting, and having all the defects of his qualities fully developed. If Scaurus had indeed been the hypocritical creature painted by Sallust, his maintenance of the pose during a life of over seventy years would have extorted our admiration ; but the facts do not force us to this wild hypothesis. Scaurus had the faults and the fine qualities of the great Roman noble in the Gracchan age ; and if we condemn the one, we should not fail to recognise the other. M. Bloch's attitude may be seen in the following paragraph, which concludes his essay :

Il avait un second fils qui, dans une rencontre avec les Cimbres, s'était laissé emporter par la déroute et, avec les autres cavaliers, avait abandonné le général et repris le chemin de Rome. Indigné il le bannit de sa présence, sur quoi le jeune homme désespéré se tua. Attitude théâtrale, dira-t-on. Il soutenait son

rôle. Il jouait les Brutus, les Manlius. Qu'en sait-on ? Trahir sa patrie, et à cette même patrie immoler la tendresse d'un père, c'est un chef-d'œuvre d'hypocrisie qui me laisse des doutes. C'est pourquoi je verrais plutôt dans la sévérité inflexible de Scaurus en cette circonstance la preuve qu'il a été, dans toutes les autres, un ardent et sincère patriote.

M. Bloch's essay is more than a mere literary appraisal of his subject. It discusses carefully the difficulties which meet the historian in connexion with Scaurus. As regards the alleged second consulship, which is still presented in Drumann-Groebe, M. Bloch disproves it once and for all in an appendix. He points out that, since the Aurelius Scaurus defeated by the Cimbri in 105 B.C. was a consular, it can only be to him and not to our Scaurus that the fragment of the Capitoline Fasti refers in giving the consul elected to replace the condemned Hortensius in 108. The problem of the *legatio Asiatica* is solved by supposing that the trial of Scaurus in 91 was nominally for extortion when an envoy in Asia in 104, the scandal that he had accepted bribes from Mithradates being revived for political purposes. But our authorities are hopelessly confused. It may be suggested that Asconius, in describing Scaurus as put upon his trial for extortion under the Servilian law *ob legationis Asiaticae invidiam*, has wrongly introduced into this case one of the factors in the accusation of high treason brought against him shortly afterwards under the Varian law. Apparently Cicero said nothing in the *Pro Scauro* about any direct or indirect charge of treason on this occasion, whereas he seized the opportunity afforded him by the Varian prosecution: *custos ille rei publicae*, he exclaims, *proditionis est in crimen vocatus*. On the whole, then, I think that the trial under the Servilian law turned nominally on some acts of Scaurus when invested with office, we know not what or when: it might even have gone back to the building of the Via Aemilia by Scaurus as censor in 109. Pliny's curious description of Scaurus as *Mariani sodalicii rapinarum provincialium sinus* (36, 116) is discussed by M. Bloch (pp. 36 ff.), and explained as meaning that Scaurus increased his wealth by the proscriptions of 88 B.C. (the year of his death), which compelled the partisans of Marius to disgorge the plunder gained in the provinces. This is a very attractive suggestion. I find no difficulty in the second genitive; the phrase is a sarcastic adaptation of *socii publicorum vectigalium*. Altogether, this essay on the political history of Rome at an important period commands respect and will be read with much interest.

M. Carcopino's contribution ranks among the half-dozen essays of the first class which have appeared in the last ten years. The author discusses every problem connected with ostracism, cites all the ancient authorities, deals with all the arguments of modern students that are worth touching, besides many that are not—in short, he has produced a work 'foursquare without a flaw.' This is not to say that M. Carcopino's reasonings and conclusions will always command assent;—for example, he seems to be wrong in his arguments on the legislation of Cleisthenes, which he regards as born like Athena from the head of Zeus:—but he supplies the material for his own correction. There are two matters in connexion with ostracism which call for special study: one is the procedure, the other the instances of its use. M. Carcopino first discusses the question whether the preliminary vote was made by the senate (as alleged by Lugebil and

others) or by the people in the Ecclesia, and shows that there is no evidence for the former view. He then argues that there was no debate at this preliminary meeting, the date of which is fixed, after a careful discussion, in the sixth prytany, if the auspices are favourable; if not, in the seventh. Hence it always took place in time to affect the election of strategi. The ostracophoria itself took place in the Agora, not the Pnyx, and was presided over by the nine archons and the entire senate. Part of the Agora was palisaded, with ten openings for the citizens to enter by their ten tribes, undergo the scrutiny of the senators, and deposit their potsherd voting tablets. Here the author has an interesting discussion of the various views held about the famous story of Aristides and the peasant, after which he takes up the much-disputed problem: What do the ancient authorities mean by saying that a citizen was ostracised *if there were 6000 votes*? Do they mean that at least 6000 citizens must have voted before anyone could be ostracised? Or that no one could suffer thus unless 6000 citizens voted against him? The former view is stated definitely by Plutarch and accepted by Lugebil, Fraenkel, Beloch, Holm, Thumser, Lipsius, Busolt, Martin, and Bury; the latter is given by Philochorus, and accepted by Schoemann, K. F. Hermann, Perrot, Boeckh, Grote, Curtius, Valetton, and Glotz; while Gilbert figures in both lists, holding the latter view in 1877, the former in 1898. M. Carcopino's discussion is far and away the most searching which has yet appeared; his convincing argument (pp. 149-160) results in the conclusion:

Pour que le vote d'ostracisme fût définitivement acquis, pour que l'ostracophorie donnât lieu au bannissement d'un citoyen, deux conditions étaient nécessaires à la fois: ce citoyen devait avoir réuni sur son nom la majorité des suffrages, et cette majorité devait être d'au moins six mille suffrages.

The list of ostracised Athenians is divided into parts, one containing *les ostracisés imaginaires*, the other *les victimes réelles*. The former contains Cleisthenes, Callias, Miltiades the son of Cimon, and Damon, the last named being the subject of a very careful discussion (pp. 174-185). Finally, the conflicting views on the ostracism of Hyperbolus are fully considered. M. Carcopino rejects them all. According to his view of the political situation, Phaeax was in reality acting as the friend of Nicias, and the object of their attack was Alcibiades; but when Hyperbolus came on the scene as the impartial enemy of Nicias and Alcibiades alike, and revived the law of ostracism in order to get rid of one or other, private negotiations resulted in the withdrawal of the attack by Phaeax and the concentration of all their forces upon Hyperbolus. His banishment was the immediate result; the profounder effect was to discredit the institution finally, because the circumstances showed that with the altered conditions of Athenian political life, the organisation of the political clubs, and the increase in the population it was no longer capable of effective service to the state.

M. Gernet's work is divided into four chapters, dealing with the needs of Athens, the corn-growing countries, the corn merchants, and the corn supply. There is a good analytical index. If we do not enter into a detailed account of the writer's arguments and conclusions, it is not because the work is in any way deficient in value. But the problems which



it raises are so complex, and the materials for their solution so uncertain, that it would be impossible briefly to do them justice, especially as M. Gernet has complicated them by adopting as his *objet fondamental* 'action commune, psychologie collective des Athéniens.' It may suffice to say that the work is a valuable contribution to the study of its subject.

W. A. GOLIGHER.

*Early Church History to A.D. 313.* By H. M. GWATKIN, Dixie Professor of Ecclesiastical History, Cambridge. 2 Vols. (London: Macmillan. 1909.)

STUDENTS of ecclesiastical history, remembering the success of Professor Gwatkin's comparatively early work, *Studies in Arianism*, have long hoped that he would publish a book covering a wider period. These two volumes go far towards satisfying those hopes. As would be expected from the author, the style is always vigorous and readable, the illustrations are fresh and ingenious, and a due sense of proportion is maintained throughout. It is not easy to think of any other work where the contemporary events in secular history are treated with equal clearness, and the reader who wants a guide through the bewildering mazes of the third century might well consult it, even if he only took a slight interest in the affairs of the Church. There is plenty of good sense shown in dealing with the rash suggestions even of such great scholars as Harnack (i. 198) or Bardenhewer (ii. 217). There are many ingenious hints on difficult passages in the texts. We may mention the notes on *στοιχεῖα* in Eus. v. 24 (i. 264), on *ἴσως* in Eus. v. 28 (ii. 185), on *περίψημα* in Eus. vii. 22 (ii. 263). It must be admitted that the author is himself occasionally tempted to try to get too much out of passages; thus, it seems difficult to believe that the point of the evangelist's comment on the prophecy of Caiaphas is that 'Israel is now no more than one of the nations' (i. 86); or that the words of Tacitus in *Ann.* xv. 44 (written long afterwards) prove much as to the currency of charges of immorality against the Christians 'even before the Neronian persecution.' Occasionally we come across a phrase that appears to be questionable; it is strange to express a doubt, in view of 1 Cor. xv. 51, whether St. Paul ever had an expectation of the Lord's immediate return (i. 242); it is hard on Polycrates to imply that he 'fails to reach a decent level of literary merit' (i. 235); and it is not easy to understand what is meant by saying that 'Melito, Irenaeus, the Dionysii, and Cyprian are much outweighed as thinkers by nearly the whole of the rest of the literature' (i. 287; contrast ii. 106).

The bibliographical notes, though short, are to the point; but a reference might with advantage have been given (i. 211) to Geffcken's work on the Apologists, and (on i. 169) to Geffcken and Harnack's controversy on Apollonius, which is subsequent to Klette's book. On i. 256 the important reference to Socr. v. 22 (misprinted 23) might have been accompanied by a few words of commentary.

It is unfortunate that Dr. Gwatkin allows his prejudices on certain points to appear in a form which defeats his object. His allusions to views which approach Roman catholicism are at best of such a character as to prevent readers of a certain class from studying his book, and at worst they are mere perversions of the historical judgment.

The word 'catholic' is frequently used in a purely depreciatory sense. Thus the Gnostics are described as 'in many directions the forerunners of catholic developments,' and among these catholic developments are included the use of 'images, Mariolatry, and transubstantiation.' Elsewhere the worship of saints, 'in the same way and under the same beliefs as the gods,' is described as arising in 'catholic' times. It might have been thought that an English churchman would wish to save the word 'catholic' for a good sense, so long as the creeds remain unaltered.

It is perhaps fair comment to distinguish the behaviour of heathen from that of papal Rome in matters of persecution, though Dr. Gwatkin often writes as if he were unconscious of the difference created by the growth of the belief that truth in religious matters is ascertainable and worth ascertaining. From the heathen point of view there is no need for persecution on religious grounds; the Christian attitude makes persecution intelligible, and, however convinced we may feel that persecution does not represent the mind of Christ, we are bound at least to recognise the problem. Dr. Gwatkin admits the element of truth in some of the best parts of heathen religions; yet he elsewhere appears to condemn Christian writers for holding certain views in common with heathens. If it were true that 'Chrysostom's idea of priesthood is the same as Julian's,' it would not necessarily prove that both Chrysostom and Julian are wrong. It would have surprised Cyprian's contemporaries a good deal to be told that he was 'the most Roman of the writers of the time.' But the most unsympathetic of Dr. Gwatkin's remarks and allusions are reserved for asceticism. It is unnecessary to quarrel about words, and, if Dr. Gwatkin chooses to use 'ascetic' purely in a bad sense, it is impossible to prevent him from doing so. There is certainly one form of defence for asceticism which is dualistic and incompatible with Christian monotheism. If all asceticism is dualistic, then there can be no such thing as Christian asceticism. But many Christians, though they may feel utterly unworthy of the title 'ascetic,' are keenly aware of the need of a strong self-discipline; and they would no more admit that life is soured for them by the continuous sense of sin than they would allow the parallel between membership of a religious order and slavery. It would serve no useful purpose to cite any of the expressions in which Dr. Gwatkin, through his strong antipathy to asceticism, strikes hard at self-discipline. Such expressions can produce no good result, and surely those who stand might feel reluctance to wound those who fear lest they may fall.

P. V. M. BENECKE.

*A History of the Use of Incense in Divine Worship.* By E. G. CUTHBERT F. ATCHLEY, L.R.C.P., M.R.C.S. (Alcuin Club Collections XIII.) (Longmans. 1909.)

THE Alcuin Club and the author alike are to be congratulated on the issue of this portly volume. In it Mr. Atchley has accumulated a vast mass of information bearing on the use of incense. The first part is devoted to the non-Christian use, Egyptian, Babylonian, &c., and Jewish; but the bulk deals with Christian ceremonial. The mass of material is somewhat overwhelming, and some further skill in handling it would have made the book far more easy to read, and far more likely to

impress upon the reader's mind some clear and lasting ideas as to the symbolism and the principles of its employment. The author, it is true, has grouped his evidence and has made his deductions and generalisations; the book is not a mere antiquary's congeries of instances; but even so the trees overpower the wood, and only someone who knows his way already through the mazes of medieval and modern ceremonial is likely to be able to orientate himself correctly in the book on a first reading. There is little to be added to Mr. Atchley's erudition. The *Homilies of Narsai* came out in English dress too late to be utilised by him; and therefore the case for the developed use of incense in the Liturgy in the middle of the fifth century may now be taken to be stronger than the book represents. The only other point where we miss what might be looked for is in regard to the English use of incense in the seventeenth and eighteenth centuries. This topic is shown by the preface to have lain outside the author's plan; but it is a pity that, at any rate, a use of incense that is as liturgical as that of Bishop Andrewes and his imitators has found no mention in a large volume which will be the leading authority upon the subject for many years to come.

Mr. Atchley was well advised to go so far beyond the limits that he had imposed upon himself as to add a chapter on the use of incense under the First Prayer Book of Edward VI. The severe castigation which he gives to the argument of the counsel who appeared against the present lawfulness of incense at the Archbishops' Hearing in 1899 is not at all too severe. If the argument had been merely uttered at Lambeth it might well have passed into the limbo of oblivion, to join many other monuments of the incompetence of distinguished lawyers to handle matters requiring an expert knowledge of ritual and ceremonial. But since the leading counsel was so ill-advised as to allow his argument to be published as a book under the title *The Case against Incense*, it was desirable that in due course some competent person should expose its superficial fallacies and lay bare the underlying depths of ignorance. In doing this Mr. Atchley has an easy task; but when it comes to building up a rival argument of a positive and convincing kind, he is not able to get far; for indeed the circumstances do not allow it.

The book is further valuable for its large collection of illustrations, which are all the more illuminating because the author has devoted twenty-six pages to the description of them. Some that are easily accessible elsewhere, such as, e.g., the cuts from the *Sarum Processional* might perhaps have been spared; but others, such as the Egyptian scenes, find themselves in quite a new light in this connexion, while many more are newly taken from medieval manuscripts at Cambridge and in the British Museum, and some set before the reader censors which have survived from pre-Reformation English use.

W. H. FRERE.

*A History of Medieval Political Theory in the West.* By R. W. CARLYLE and A. J. CARLYLE. Vol. II. *The Political Theory of the Roman Lawyers and the Canonists, from the Tenth Century to the Thirteenth Century.* By A. J. CARLYLE. (Edinburgh: Blackwood. 1909.)

THE qualities of the earlier volume will be found in this continuation. There is the same careful analysis, the same wealth of citation in full, the

same lucidity, and, it must be added, the same lack of atmosphere and synthesis. If a modern and ugly word may be pardoned, the book states clearly some of the notions of the medieval world, but it does not bring before one in any vividness or force the medieval 'mentality.' At the same time it will be invaluable to the student, if only for the number of passages given as a whole, and for its clearness of arrangement. In the present volume there is no such fault as the lack of an adequate treatment of the *De Civitate Dei* in the earlier part; indeed we do not know that the reader can complain of any actual original author being omitted who deserved treatment; and the use made of Fitting's collection will serve to indicate to the casual reader, if this work finds any such, the source of much knowledge. What is really to be lamented is that the third volume has not been written before the second. It is only when the atmosphere of the politics of the middle ages has been made clear, and the general spirit of the pamphleteers becomes apparent to the reader or the writer, that he is likely to appreciate the meaning and drift of the legists and canonists who breathed that atmosphere as they wrote. It is more needful in a history of thought to make plain the conscious or subconscious elements in the world than the explicit statements of theorists. For it is the former which colour and control the latter, often giving a completely different purport to phrases and dogmas which remain verbally unchanged. Indeed it is the lack of this sense on the writer's part which seems to me the main defect of a book in many ways admirable. However we shall hope to see all these controversies revived in the later portions of the book.

The author's work continues the lines laid down in the first chapter of his former volume in laying stress on the permanence right through from Cicero's day to Rousseau's and our own of that notion of human equality which was not present to Aristotle, and has been discarded by Nietzsche; and in this sense he helps the reader to break the barrier of the centuries and realise the kinship of the medieval and the modern worlds. In the same connexion may be noted that Dr. Carlyle traverses the common statement that the revived study of Roman Law was inimical to liberty, owing to the plebiscitary conception of imperial power. This is true, but only partially true. The *lex regia*, as that very interesting dialogue of Salomonius, *De Principatu*, makes clear, not only allows, but even postulates, the notion of original popular sovereignty. Nor can there be any doubt that this conception helped forward that view of the consciousness of communal unity which took practical effect at Constance, is set forth explicitly in writers like Suarez, and flames in every page of *Le Contrat Social*. But two reservations must be made. This notion, as Lord Acton shows, makes for equality, but it does not make for liberty; and while it may help a nation groaning under an autocracy, it has nothing but dismay for minorities oppressed by the whims of democracy or any other form of state tyranny. It is from the Teutonic, non-Roman elements with their strong communal consciousness in their smaller areas, from the feudal liberty, from ecclesiastical immunities, that alone come the balanced powers which secure that recognition of mutual rights we call political freedom. We hope in the later volumes for a more adequate recognition of the truth of which the *Genossenschaftsrecht* of Gierke is the classical

expression. Secondly, the strong individualism of the Roman system and its sharp contrast between slavery and freedom were unfavourable to liberty in two ways. In the first place, as is well known, it tended to depress the legal position of the semi-servile classes by making impossible the notion of a limited freedom, though that, after all, is the lot of most people. Secondly, and this is yet more important, by hardening the notion of pure *dominium* in property, it led to that apotheosis of right as against duty in regard to all forms of possession from which the modern world has not yet shaken itself free, and the evils of which no one knows better than Dr. Carlyle. Therefore I think that, though the author's qualification of the traditional union is justified, it is only a qualification, and not a negative.

By far the most interesting and valuable part of the volume is that which deals with the relation of civil and ecclesiastical authorities. Dr. Carlyle seems rather to incline to the view which Gosselin arguing for Gallicanism once developed at great length and with considerable erudition, that the medieval popes and canonists never claimed more than what was afterwards known as the *indirect* power. For this there is much to be said ; but I think that the minimisers will find it hard later on to justify their position when they come to deal with Augustinus Triumphus and his congeners. At any rate, there is no real point in discussing it in the limited sphere covered by this volume ; we need to consider assertions like those of Boniface VIII. whether in the *Unam Sanctam* or in the statement that he carries all laws in his breast, or that of the knight in the *Somnium Viridarii* that *omnia iura civilia sunt canonica*, a fairly wide claim if no political supremacy is claimed by the church. A very complete discussion of Innocent IV, the loss of whose treatise against Frederick is sadly to be deplored, is also needed. This however is a point on which opinion is always likely to differ, owing to the fact that the whole thing depends rather on emphasis than statement, and is also largely to be judged by practical facts.

What strikes one however as peculiarly valuable is the stress laid by Dr. Carlyle on the connexion between the canonist view and the system of Justinian. This connexion is as undoubted as it is significant, and is entirely destructive of the common notion that in the medieval world conflicts between civil and ecclesiastical authority are international in the modern sense ; i.e. that church and state are two distinct societies, though their members are the same. Such a view is quite modern and could not have arisen in the middle ages, and, if it could, was unlikely to do so in a world which took over its conception of clerical power, not entirely but very largely, from the *Code* and the *Digest*. The truth is that both church and state are conceived rather in the thought not of their members but their officers ; that these officers are like two modern departments, which often quarrel, but they belong to the same society, which is fundamentally one, whether we call it commonwealth or church. No one thinks of the king as a power outside the church ; no one thinks of the pope as a power outside the commonwealth, at least in the empire. The whole trouble comes from the fact that both pope and emperor are officials in the same society, each in turn claiming supremacy, or at least a freedom which came very near to supremacy. The conception of a great

church-state or state-church was both pagan and early Jewish ; it was broken into by the early church, but revived with Christianity, tolerated and then persecuting, remained dominant ever since, and is only partially destroyed with modern religious heterogeneity. Dr. Carlyle does not state all these things directly, but his careful and balanced account of the relations between the two powers paves the way for a more complete study, and will be of great assistance in ridding the mind of false notions which have the merit of being clear-cut, but have little or no relation to facts.

J. NEVILLE FIGGIS.

*La Société Française au Temps de Philippe-Auguste.*

Par ACHILLE LUCHAIRE, Membre de l'Institut. (Paris : Hachette. 1909.)

WE shall be surprised if this volume of lectures does not take the first place in the long list of the writings of the late M. Luchaire. It is his most characteristic work, for it could hardly have been written before his other books, and it is, to some extent, based upon them. The whole of that varied material upon which Luchaire laboured during the last thirty years is used with unflinching confidence in this comprehensive study of French society ; and in the same way the book reveals all the qualities of his mind, all the marks of his method.

In their reaction against the sentiment and dogmatism which used to beset the study of the middle ages many scholars have been content to regard the charters or chronicles or vernacular literature in which they were interested as ends in themselves. Luchaire, on the contrary, not only widened his interests but as he did so wrote more and more for the general reader. His work shows us what can be made of medieval authorities within the limits of rigid scholarship. He never wrote a popular book ; he brought nothing to his books save clear impartial thinking ; he was one of the best representatives of the second generation of French scholars which has sought to throw off the prejudices of race and the influence of romanticism. As M. Imbart de la Tour has said, Luchaire in his early books upon the communes and upon early Capetian institutions, shows himself unmoved by the enthusiastic theories of the historians of the Restoration and the July monarchy, and reduces the influence of 'race.'<sup>1</sup> The trenchant criticism in this last book of Guizot's theory that the feudal castle encouraged domesticity (p. 374) illustrates this independence of judgment. These lectures also show throughout by the dislike of generalisation and the indifference to uniform certainties how far Luchaire is separated from Fustel and the first generation of modern scholars. The sources are all examined in turn and tell their own tale. If there is any vagueness or silence, the fault is theirs, not M. Luchaire's. Luchaire was not content until the evidence was put together. He worked at charters, in his study on the acts of Louis VII. He investigated legal and constitutional antiquities and tried to show the principles of development in French administration. In 1891 he turned to chronological narrative in his history of Louis VI. Finally he made the great pope Innocent III the centre of a series of pictures of political and ecclesiastical Europe during the transition from the

<sup>1</sup> *Revue des Deux Mondes*, 15 August 1909, pp. 879, 883.

twelfth to the thirteenth century. In the lecture room charter, papal register, letters, romances, chronicles were all used to reveal social conditions during the reign of Innocent's ally and antagonist, Philip Augustus. It is said that at one time M. Luchaire intended to write an authoritative history of this reign, but that he afterwards gave way to Dr. Cartellieri. If this is so, we have here the firstfruits of his ripest work.

M. Luchaire took the structure of society for granted. He had become familiar with it and felt no difficulty in understanding it. He was interested to catch the different orders of men and women at their work or in their play. The book stands in great contrast to Professor Vinogradoff's recent treatise on *English Society in the Eleventh Century*, where the thoughts and feelings of particular men are of no account, and a multitude of hard facts reveals the structure of the state and the principles of social distinctions. Even in his constitutional essays M. Luchaire was never attracted by the difficult and abstract, if more hopeful, suggestions of organic growth. In this work there is no attempt at comparative analysis, no desire to show how social changes brought about changes in social structure. Thus, the chapter on parishes and their curés leaves the reader quite uninformed about the more abstract relations between the curé and his parish. It seems that in England this period saw the beginning of the end of the lay rector; in France lay government of the treasury of the fabric was well understood, and it would have been interesting to know to what extent the French curé interfered in the administration of the parish. Again, we have a vivid account of student life at the university of Paris, including the growth of the right to form associations. Incidentally M. Luchaire quotes the constitution of 1215: 'it is necessary that every master have jurisdiction over his scholar' (p. 100), and he adds, *indice du lien étroit alors établi entre le professeur et ses élèves*. M. Paul Viollet, commenting upon the same text, brought it into connexion with the law of the family and the relation between master and servant.<sup>2</sup> On p. 430 M. Luchaire makes the startling and interesting suggestion that the rural population was much more nomadic, much less sedentary in the days of Philip Augustus than it is to-day. He gives instances of the flight and removal of whole villages. If this conclusion be correct, the author was obviously at the threshold of important economic and social discoveries which might clear up the problem of medieval population. Investigators of another school would have made this the starting point of a prolonged inquiry: M. Luchaire threw it out as an *obiter dictum*.

The strength of the book lies in its directness and also in the skill with which the varied sources are treated. Rigid deductions from the texts are presented in the form of obvious truths, illustrated by a few apt quotations. M. Luchaire's ease and surety of touch would have been no less evident if M. Halphen, who edits the volume, had added references to the cartularies and less familiar chronicles or letters which are quoted. Those who are familiar with the period will not experience much difficulty in tracing the evidence, with the help of the bibliographies of Stein and Molinier, but they too would have been helped by a few footnotes. The chief question raised in the reader's mind is, whether M. Luchaire, unduly

<sup>2</sup> *Histoire littéraire de la France*, xxiii. 140.

influenced by his wide knowledge of all the provinces of medieval France, has not exaggerated the completeness of his conclusions; the references would have said something in answer to this question. There is no doubt that the book is gloomy. There is no attempt at mystification; the sentimental haze which so often gathers over medieval history retires to the horizon, and the hard grey lines of naked truth are somewhat overpowering. The period was fortunately not so characteristic of the Middle Ages as is generally supposed, and the reader will make reservations before he regards this picture of brutality and reckless cynicism, in which the good is held in subjection by the bad, as typical of all social intercourse in medieval Europe. France was disunited and disturbed to a peculiar degree. The numerous feudal states, small and great, fought against each other with the old fury in a time of great religious and political crisis, of considerable wealth, and of more or less scientific warfare. Then again, it was a time, with the exception of Innocent III, of inferior men. As one reads that unusually direct and amusing satire, the contemporary *Bible* of Guiot of Provins, one feels that the poet had special justification for his conventional contrast between the great men who had gone and the new generation. The long list of heroes and nobles whom he has known, from the emperor Frederick downwards, is in itself a sufficient testimony to the great days which preceded the third crusade but had gone so quickly. The downfall of the house of Henry II, the horrors of the interdicts in France and England, the Albigensian crusade, the civil wars in Germany, must have brought much more misery to Western Europe than existed in the time of St. Louis, or even of Louis VII. Yet, in spite of these reservations, M. Luchaire's picture must be largely true of the twelfth and thirteenth centuries as a whole. He shows how these conditions were the direct and inevitable outcome of feudal society. The military classes, still dominated by barbaric tastes, regarded extravagance as a necessity as well as a virtue, and despised the classes upon whom they lived. The clergy either shared in the secular life to the full, or developed modes and fashions of their own in the monasteries, which were largely filled by unwilling people, the victims of 'society.' In such a society all popular movements like that headed by the carpenter of Puy, or like the frequent petty outbreaks of the peasantry, were doomed to failure. Such is the theme of M. Luchaire's book. A comprehensive study of this photographic kind, which looks neither to the past nor to the future, is denied the serenity either of limited surveys like M. Langlois' attractive analysis of the moralists and romances, or of serious treatises upon the formation of social institutions and upon the growth of custom. In spite of M. Luchaire's learning, one feels that some truths about social life are revealed by both these types which are hidden from us in his own book.

It is impossible to pick and choose from the store of facts and anecdotes which M. Luchaire put together. After a chapter on moral and material conditions in general, in which the effects of mercenary warfare and the impetus given by the crusades to the superstitious element in religion are mainly considered, different types of persons are studied in turn; the curé, the scholar, the canon, the bishop are placed in their setting. The life of the canon in and out of the cathedral, and the survey of the economy and services of the cathedral itself are especially good. Two long chapters



are devoted to monasticism. Of these the first, on the monastic spirit, considers various types of monk, and is chiefly remarkable for the evidence upon the widespread objection to their life felt by monks and nuns themselves. Guiot of Provins, already familiar in M. Langlois' *La Vie en France au Moyen Age*, is used with great force. The second chapter examines the relations between the monasteries and their patrons, the donations, the growth of the buildings, and the general financial position of the religious houses. M. Luchaire's method is here of great value, since he shows how uncertain and precarious the existence of a monastery really was. Bad management, debts to Jews and others, wasteful expense caused the downfall of many houses. A loan at 65 per cent. could lift even the dead hand. Then comes a chapter of unrelieved gloom, whose title explains itself, 'La Feodalité pillarde et sanguinaire.' This, as in the following chapters on the more peaceful sports and exercises of the nobility, on the seignorial budgets, on the ladies, and the beginning of 'courtesy,' naturally owes a great deal to the *chansons de geste*. The most remarkable is certainly the chapter on feudal finance, which might be entitled bankruptcy as a fine art. Finally the author turns abruptly to examine the lot of the peasants and burgesses. So many books have been written about the economic and legal problems of the villein and the commune that this gallery of portraits and scenes of common life is very welcome. Perhaps most welcome of all is the paraphrase of James of Vitry's unpublished sermon *ad agricolas et operarios* (p. 419), in which the ordinary view of the peasant's place in society, the danger of avarice, the duty of observing holy days are commended to poor creatures whose labours were constantly ruined by war. In a district of Flanders, we learn from the abbot Philip of Harvengt (p. 422) the peasants revealed their pagan indifference to society by working naked in the fields on account of the heat: 'What business is it of yours? Is it your duty to teach us the law?' was their reply to the monks who were passing through their village. M. Luchaire makes one feel faintly how absolutely unintelligible the mind of the peasant must have been then, as always, to their masters.

F. M. POWICKE.

*Canon Pietro Casola's Pilgrimage to Jerusalem in the year 1494.* By M. MARGARET NEWETT, B.A. (Manchester: University Press, 1907.)

THE charming and instructive picture of the man and his times which is contained in Casola's account of his journey to Jerusalem was quite worth presenting in English, all the more so as Porro's unique Italian edition of only one hundred copies, published for the *nozze Trivulzio*, Milan, 1855, is now very rare. Miss Newett has performed her task admirably, preserving much of the racy humour and shrewd phrasing which mark the original, and adding, in the introduction, a general treatise on the Venetian pilgrim industry, and in the notes copious illustrations of the text. It seems ungracious to cavil at work which is, on the whole, so spiritedly and adequately accomplished, but at times Miss Newett's persistent rendering of *detto* or *detti* by 'the said,' for example on pages 254, 255 and 258, 'the said Moor,' 'the said building,' 'the said chapel,' becomes exasperating; the proper rendering for *detto* or *detti* is 'the,' 'this,'

'that,' 'these,' or 'those.' Again *certi* is not always properly rendered by 'certain,' but by 'some' or 'a.' We sincerely hope that Miss Newett's book will go into a second edition and that the learned authoress will consent to a revision and thus make it throughout, what it is in larger part, an excellent rendering of a fresh and delightful narrative. Miss Newett is usually so painstaking and accurate that it is surprising to find her insisting (pp. 87, 88 and 89) on the form *tholomarius*. The leading document on the subject (Venice, Archivio di Stato, *Officiali al Cattaver*, Busta II. fol. lxxxiv) gives three forms of the word, *tholomagius*, *tholomazius*, and *tholomacius*, but never *tholomarius*; the word is of course a transliteration from the German *dolmetscher*, which would exclude the form *tholomarius*. The unidentified *Dominus Dugnyi* (p. 31) is almost certainly one of the Della Torre family, Lords of Duino near Nabresina.

Pietro Casola was a canon of Milan, a gentleman, well-to-do, genial, kindly, and possessing a dry humour somewhat rare among Italian writers and more akin to the French. He was an acute and accurate observer, and his journal is a mine of diverting information connected with that serious undertaking, a pilgrimage to the Holy Land. From it we learn much about prices, navigation—the galley hugged the shore where possible—rate of speed, and so on. Contarini's galley, in which Casola sailed, frequently made ten and twelve miles an hour, and was reputed to be capable of making eighteen. The author was much impressed by the city of Venice, and has left us a charming description of the interior of a nobleman's house, while the vivid account of the voyage, the storms, the landing, the struggle with the rapacious Moslems, the visit to the Holy Sepulchre, where it was the custom to imprison the pilgrims for the whole night, who, according to Fra Felix Faber, Casola's predecessor by a few years, *tota nocte sedebant in templo manducantes et bibentes . . . et erat deformitas quia unus esuriit et alius ebrius fuit*, all make a lively narrative. But the most engaging part of Casola's work is the portrait he unconsciously draws of himself: a shrewd, sarcastic old gentleman, full of physical vigour and practical resource—he was fond of walking, could swim, could cook, and rather enjoyed rough weather; he had a kindly feeling for the galley's crew 'even if they had been greater scamps than they were,' and gladly made room for them in his quarters to change their dripping clothes. He took care to stand well with the commander and owner of the galley, Ser Agostino Contarini, and dined at the captain's mess, which he praises. He has a fine picturesque style, and his description of a squall and a water-spout—'a tail of cloud,' *una coda de nivola*—of the capture and skinning of a shark, of the watch dogs at Longo, leave a vivid impression on the reader. By the way, that 'very evil beast called *scio*,' is nothing else than the *scion*, or cyclone, of Venetian mariners to this day. Casola had a strong dose of scepticism, and, except in matters of religion, does not draw frequently on his 'sack of faith'; for example, as regards the temple he says *si che al mio giudicio, del dicto templo de Salamone non ci stanno alcuni vestigi*: nor will he accept as gospel all that he hears; 'the Prior of Mount Sion told me that he had seen bunches of grapes at Gaza which weighed thirty-six pounds. As he belongs to the order he does I took his word for this.' Though not so

learned nor so far travelled as Fra Felix Faber, Pietro Casola well deserves the resuscitation he has so adequately received at the hands of Miss Newett.

HORATIO F. BROWN.

*Margaretha van Oostenrijk, Landvoogdes der Nederlanden tot den Vrede van Kamerijk.* Academisch Proefschrift van L. M. G. KOOPERBERG. (Amsterdam: Van Holkema & Warendorf. 1908.)

It is a pity that the language will make this a sealed book to most English readers, for it is much the most elaborate work on Margaret that has yet appeared. So elaborate is it, indeed, that this stout volume only extends to the formation of the league of Cambrai at the close of 1508, and it cannot be said that Margaret had much personal importance, except as a matrimonial pawn, until her appointment as regent of the Netherlands in March 1507. The four chapters which precede this event are devoted respectively to the treaties of Arras and Senlis, the Spanish marriage and the Savoyard marriage. In those the art of the true biographer is sometimes a little wanting. Margaret is not always made to take the centre of the stage, and, in the chapter on the Savoyard marriage in particular, the details of the extraordinarily complicated general history of Philip's reign might have been summarised with advantage. This criticism does not apply to the two last and most important chapters on Margaret's first appearance as regent and on her foreign policy. The latter gives an admirable account of the influence which Margaret early began to exercise upon her father. She represented a national Netherland policy, as distinct from Maximilian's ambitions in Italy and from his hostility to France. As long as Maximilian interfered on his own individual account in Italy, so long would France be hostile, and as long as France was hostile, so long would the Netherlands have no peace from the irrepressible duke of Guelders. The duke was directly or indirectly responsible both for the truce with Venice, made at his expense, and for the subsequent coalition against Venice. Margaret realised that the Netherlands could not at once finance Maximilian's Venetian war, and protect themselves from the attacks of Guelders upon her northern provinces and of France upon her southern. The truce with Venice once made, it was essential to divert French ambitions from the Netherlands to Italy, and hence the league of Cambrai. It was creditable to Margaret's good sense that she could thus forget her own personal grievances against France. Whether the league was in the general interests of the Habsburg dynasty is another question, but Margaret was perhaps rather a Burgundian than a Habsburg, and the alliance with France undoubtedly gave the Netherlands the indispensable repose and restored to them their best customer. More than once in the reign of Charles V Margaret and her niece and successor, Mary of Hungary, reverted to this independent Netherland policy. It would have been well for Philip II if he could have learnt their lesson.

The author has added greatly to the value of his book by printing a long series of letters from Mercurino Gattinara to Margaret. She sent this devoted diplomatist to Maximilian when he was preparing for his Venetian campaign (1507-1508). His immediate object was to secure the cession of the county of Burgundy as life appanage for Margaret,

but his entertaining letters contain a mass of illustrative detail upon Maximilian's general policy, if policy it may be called, upon the success and failures of the campaign, and above all upon Maximilian's character. The unfortunate envoys are engaged in pursuing the king of the Romans backwards and forwards over the Brenner from Innsbruck to Trent and back to Augsburg. They have appointments at or after every meal or every mass, but he is always in too great a hurry to give a definite answer. The description of a dance which he attended at Augsburg is a luminous glimpse at personal and social history. Neither Margaret nor Maximilian were punctual paymasters, and Gattinara and his colleagues were more than once reduced to the last extremities, not only for cash but clothing. In March 1508 Maximilian gave Gattinara and Pflug an order upon Augsburg for 100 florins' worth of silk for vests and breeches. The silk was so coarse that they could not wear it with credit, and they had to sell it for seventy florins in order not to be detained at their inn for non-payment of their bill.

E. ARMSTRONG.

*Geschichte der Päpste seit dem Ausgang des Mittelalters.* Von LUDWIG PASTOR. IV. 1, 2; V. (Freiburg im Breisgau: Herder. 1906, 1907, 1909.)

THESE volumes, which cover the history of the papacy from 1513 to 1549, have the qualities we now expect from their writer: fulness of detail always under perfect control, command of the literature down to the latest discussions, and skilful use of much unprinted material. Besides all this, many of the ample and numerous notes discuss briefly incidental matters, and always with full references. The period treated is most critical for Europe at large and even more intimately so for the papacy itself. The local history of religious revolutions and growth demands full treatment, and if one part of the field is forgotten, the view of the whole becomes distorted, sometimes all but unintelligible. But, if the history is to be coherent, a point of view for the whole area must be found, and the papal court has peculiar advantages for such a choice. And yet, if it is to be so chosen, papal policies, often petty and provincial, curialistic factions, often ignoble and involved, have to be disentangled. Then the general view of Europe (and even of more than Europe) at large has to be taken, and we have to consider the special responsibilities of the papacy, formed by its traditions, its powers, and its claims, and covering the whole field.

Under the first of these heads, the inner workings at the papal court, this work stands alone. The conclaves are described in detail, and of course with use of the best material; the initial conditions for each papal reign, the tendencies and pressure which helped to direct its course, are thus revealed to us; then further each creation of cardinals, e.g. that of thirty-one cardinals in 1517 with its influence in making the pope master of the cardinals and somewhat raising the low tone of the college (as described in iv. pt. i. pp. 137-8, and iv. pt. ii. p. 680, in an extract from the diary of Paris de Grassis), and that of 1535 (vol. v., pp. 99-103), with its influence upon the coming reforms, makes a new atmosphere for the papacy to breathe. For the first time these processes are fully and fairly described both in themselves and in their relations to wider politics. The leading cardinals as individual men, the college as an effective whole, receive their

proper share of space in history. What has been often brought before us in the shape of general statements or of detailed sketches of single situations is given us here in a continuous history, based upon a full use of all existing materials.

Under the second head the spiritual importance of the papal position is always insisted upon. Because the popes of the day sometimes looked merely at their power as sovereigns in Europe or as rulers in Italy, it is easy to regard their influence in politics and their constitutional position in Rome as the main things we have to consider. The question some writers ask is, What effect had this or that pope on Europe as a political or ecclesiastical force? Other writers look mainly at the Roman surroundings of a special pope, and judge him as a diplomatist sharing in the defects of his day. Both methods are accompanied by a lack of moral criticism. We cannot judge the popes even mainly as politicians or as statesmen of their day. Critics and admirers of Creighton's *Papacy* have rightly found in him a lack of this needed moral judgment. The same lack is not to be found in Professor Pastor: Leo X, Adrian VI, Clement VII, and Paul III are all tried by the highest conception of what a pope should be. Creighton was writing when for an English public at any rate a fairer judgment of bygone popes was to be sought: he was consciously trying after this and therefore laid stress upon the political needs of the papacy and the moral tone of the day as a palliative of much that was bad. Dr. Pastor, on the other hand, starts with the full conception of what the popes' highest responsibilities were; their religious ideals and endeavours, their political success, their social influence, are all judged as parts of a whole: they themselves are estimated by the ideal of their office, and not by the lower conception of the day. This seems the truer method, and it certainly gives us the more complete picture. It is possible to lay down Creighton, and say about any given pope of whom we have been reading—'that is all true, but after all what was he as pope?' We do not think any reader of Dr. Pastor would need to ask the question, for he would find it answered as he read.

A few matters of special interest in these volumes deserve notice. The character of Leo X and of his pontificate is very fully treated; the anti-papal feeling in Germany, differing markedly in type from that in Italy (iv. pt. i. p. 424), where moreover the distinction between the man and his office—so necessary to remember and so fruitful in evil results—was always drawn; the positive side of the movement by which princes grasped at the power of the church, as shown, for instance, in the frequent undertaking by the lay princes of monastic reform (iv. pt. i. p. 214); the indulgence for the rebuilding of St. Peter's (iv. pt. i. pp. 223 *seq.*):—all these are amply described, and upon the last we have illuminating notes and references; all said, it remains none the less a shabby business more typical of the day than of religion, even if it escapes the worst condemnation. Justice is done to the consistently religious attitude of Charles V. but Erasmus is less sympathetically drawn, and it seems, we confess, that justice is hardly dealt him. The relation of Leo to the Renaissance (ch. xi.) is happily expressed in the phrase that his reign is 'the afterglow' of Julius II's reign (p. 558). Leo has reaped credit for much that rather belonged to Julius. To literature and learning Leo was less indulgent than his predecessor; he was by no means a leader of the Renaissance;

his sympathy for it—not very effectively expressed—was more the natural tendency of the day than a peculiarly personal quality. For art he did more than for literature (iv. pt. i. 256). On the whole Dr. Pastor's view agrees with that of Kraus (as expressed in that chapter of the second volume of the *Cambridge Modern History* which he unhappily did not live to revise) than with the view of earlier writers. The note (iv. pt. i. 488–9) on the point is an example of a most useful feature of the work.

The Lateran council (iv. pt. i. 559–577) is significantly sketched, and indeed the attitude of the papacy towards reform is described in every phase, so that we can see how much depended upon it. Because it is in reality the underlying 'motive' of the whole drama, it is an excellent thing to find it treated consecutively and fully, not merely spasmodically. But, also quite rightly, reform means for Dr. Pastor not a mere approximation to Lutheran doctrine, still less a radical change in organisation. It is a positive movement resulting in the Counter-Reformation itself, no mere afterthought or skilful bit of counter-strategy. Very significant is the account (iv. pt. i. 569–70) of the suggested association among the bishops for the preservation of their rights: the question of episcopate and papacy—so dangerously explosive and so delicately handled at Trent—had already made itself heard.

Adrian VI is sympathetically sketched: the pathos of his position loses nothing by the more favourable view taken of his powers and policy. One fine trait is the courage he showed during the ravages of the plague in Rome; and his attempts to unite Christendom for an attack upon Islam were unceasing. The final judgment upon his character and reign (iv. pt. ii. 150–157) demands careful consideration, and is in marked contrast to Creighton's less favourable view. Our lack of material may affect the verdict or at any rate make it less absolute when given, but the fact remains that his high ideal never came nearer realisation, and that he was a lonely man in a court which was surely open to persuasion even if it was bound by selfishness and custom. The pressure of circumstances was as strong upon him as upon Clement VII, and his reign, short in actual dates, was even shorter when allowance is made for his journey from Spain and the cessation of business due to the plague. But a man of the strongest personality might have commanded success, and a man of greater practical energy would have not suffered so much from isolation. Dr. Pastor points out that he lacked the machinery needed for carrying out reforms, that his death came just when he was drawing nearer to the Italian party of reform, and was also forming new ecclesiastical plans. But there is in all this something speculative and uncertain, 'the might-have-been' rather than the 'was' about the higher estimate of his ability, although no one can question his nobility and righteousness.

The baser diplomacy of France, so strongly contrasted with that of Charles V, had thwarted the plans of Adrian for uniting Europe, and it had even worse effects upon Clement VII. The new pope was mainly guided by political considerations, and hence the state of church affairs grew worse. The great strength of Charles V in Italy, which many states, but mostly the papacy, had really caused, destroyed the national life in that unhappy country, but the same cause alone prevented the triumph of the Turks. The suggested council loomed larger but drew no nearer: Clement

was accommodating in church matters (he was ready to yield clerical marriage and communion in both kinds), but he seemed to misunderstand the state of things in Germany. In the chapter on the divorce of Henry VIII and the English schism Cranmer is severely characterised, but the shade in his character certainly turned towards the papacy, while the light turned towards England. The suggestion of bigamy as a possible solution of Henry VIII's difficulty, and as removing pressure from the papacy, was discreditable. It came up more than once (September and October 1530), and while Dr. Pastor's text and notes (pp. 508-9) make it clear that the pope had not definitely decided to give a dispensation for it, it is clear he had dallied with the temptation. At any rate he would not have been displeased had Henry settled the difficulty himself by marrying Ann Boleyn, and then awaiting a suit. Clement's neglect of the interests of religion lost him Germany, and it was not due to himself that it did not lose him Switzerland also (pp. 523-6): Escher's *Glaubensparteien in der Eidgenossenschaft* has thrown much light upon imperial diplomacy in Switzerland; the little that is said by Dr. Pastor on Filonardi's nuntiature is very significant. A papacy of embarrassment and of situations mishandled fairly sums up the rule of Clement VII, and all its issues are fully indicated in the work before us.

Under Paul III the papacy rises higher. Here again the writer is quite candid in discussing the past life of the new pope, who in spite of it was of great ability and of dexterity in management. It was his capacity for seeing what was needed that brought reform once more to the front; and it would be difficult to get this process more ably sketched: here again the creation of cardinals (1535) played a decisive part and the old reforming influences gained fresh power. Reform commissions were in the air, until at last the council met. The chapter (vol. v. ch. ii.) which treats of reform before the council, and of the new influences brought into the college of cardinals, relates a course of history too often passed over. While the inner and local politics of the papacy are fully dealt with in separate chapters, the religious colloquies in Germany and Contarini's activity there are the more significant features of the time. Here the important doctrine of justification emerges, and the narrative shows the difficulty caused to the papacy by the proposed compromise upon it. Then the reformation of the church in Italy (ch. vi.) and the foundation of the Jesuits (ch. vii.) have admirable chapters to themselves, and finally (ch. x.) we reach the council itself. The important discussion for the Decree on Justification<sup>1</sup> (session vi.) is carefully handled, and a most interesting phase in the history of doctrine is elucidated. The parts of the different theologians and professors in the earlier stages before the council, and of the great Jesuit fathers in the council itself, are clearly described. In spite of his nepotism, Paul III by the sessions of the council held in his reign had made a great gain for the papacy.

It is impossible to speak of the many points of interest, of the many threads of the narratives, kept distinct where necessary, and gathered together where advisable. But the whole so far as we have it already is a worthy history of the papacy as a great institution; around that the

<sup>1</sup> Hefner's *Die Entstehungsgeschichte des Trienter Rechtfertigungsdekretes* (Paderborn, 1909) has since added to the works on the point.

varied interests, human and political, are fitly grouped; above all we are made to feel the responsibilities of the papacy. Nothing is more impressive than the advance in realising those religious responsibilities as we pass from 1513 to 1549: at the one date the papacy seems likely to become purely temporal; at the other, although politics and diplomacy have still too much of their olden power, the ideal of the papacy is immeasurably raised, and raised above all at Rome itself.

J. P. WHITNEY.

*History of the People of the Netherlands.* By P. J. BLOK. Part IV. Translated by O. A. Bierstadt. (New York: Putnam. 1907.)  
*Geschichte der Niederlande.* Von P. J. BLOK. IV (bis 1648). (Gotha: F. A. Perthes. 1910.)

THIS part of Professor Blok's book covers the years to 1702, that is, as the sub-title reminds us, the times of Prince Frederick Henry, John de Witt, and William III. It includes therefore the period during which the destinies of England and Holland were most closely intertwined, since after three great wars between the two peoples they were for thirteen years subjects of the same ruler. As there is not in English any history of Holland during this period of the smallest historical value, this translation will be of the greatest use to English historical students. But besides this Professor Blok's book is a work of real value and originality. Its characteristic is the large place assigned to social and economic history: the history of the great trading-companies and the Dutch colonies, and that of art and literature, are treated side by side with the history of politics and religion. It is only by skilful compression that this feat is possible, and occasionally the attempt to include everything leads to a too allusive treatment of certain points and a lack of adequate clearness in others. Yet in the main the attempt to include in one narrative all sides of the national history is extremely successful.

The relations of England and Holland are treated with great fairness, and the latest English books bearing on the questions involved are used and cited. For instance, in dealing with the Anglo-Dutch wars the author refers not only to Dr. Gardiner's history and the life of John de Witt by Mr. Geddes, but also to the works of Dr. Tanner and Mr. Oppenheim on the English navy. Nevertheless, on some points the account of Anglo-Dutch relations given is misleading. The account of the origin of the 'First English War,' pp. 186, 187, while pointing out the extent to which commercial and maritime disputes had embittered the relations of the two countries, somewhat antedates and exaggerates the 'national enmity' of the English against the Dutch. Before the war that feeling was confined to a limited class. Amongst the Puritan party in general the feeling towards the Dutch nation was friendly for religious reasons, and a close alliance with the United Provinces was part of the programme of that party. To the Puritan leaders the influence of the House of Orange seemed the chief obstacle to such an alliance, and the death of Prince William in November 1650 seemed to render its conclusion natural and feasible. It is clear that St. John and Strickland in the negotiations of March 1651 and the government of the English Republic had a very inadequate understanding of the political position in Holland and of the strength of the commercial interests there opposed to the alliance. On



the other hand, the feeling against the Dutch amongst the mercantile class in England was extremely strong, the influence of that class on English foreign relations was steadily increasing throughout the century, and the war which began in 1652 developed that feeling to such a height that it remained a permanent danger to the peace of Europe. Dr. Blok scarcely states with sufficient definiteness the nature of the 'troubles in the Indies,' or makes sufficient allowance for the reality of the grievances of the English merchants against the Dutch East India Company. The fact is that in both countries the government at home exercised a very limited control over its subjects in the East. Yet with all this hostility between the two countries there was in England an admiration for the economic and financial methods of the Dutch which should be set against the clumsy abuse of contemporary satirists. The growth of a better understanding during the last quarter of the seventeenth century was due to the perception of the common political interests of England and Holland and the necessities of the struggle against Louis XIV. None did so much to create and foster this understanding as William III.

Professor Blok's book is not only an adequate presentation of the Dutch state at the time of its greatest power, but an indispensable addition to the library of all students of English seventeenth-century history. Mr. Bierstadt has produced a readable translation. He appears however to have left out some of the notes. In chapter iv, for instance, which is entitled 'The United Netherlands in 1640,' there are sixty notes appended to the German translation of the same chapter which do not appear in the English version. Half a dozen of these are references to passages in earlier volumes treating the subject referred to in the text, and three or four are explanations added by the German translator. But the other fifty are references to original authorities supporting the author's statements or the names of historical monographs. Again, in the sixth chapter, which deals with the treaty of Münster, one notes a considerable number of passages in the German translation which do not appear in the English. Sentences and half sentences in the summary of the terms of the treaty have been omitted, so that the completeness and accuracy of the summary is greatly diminished. No explanation of this is given by Mr. Bierstadt, but on looking back to the translation of the first volume one finds in its preface a statement that 'the English version has been prepared with the approval of the author, and according to the author's suggestion the political narrative has been somewhat abridged in translation, while the account of the development of social, industrial, and intellectual conditions is given in full.' Presumably the omissions noticeable in volume iv have been made with the author's sanction, but it is a pity that these changes were thought necessary. Serious students will find it desirable to use the German rather than the English translation, if they cannot use the Dutch original.

C. H. FIRTH.

*Der junge De Spinoza. Leben und Werdegang im Lichte der Weltphilosophie.*

Von STANISLAUS VON DUNIN-BORKOWSKI, S. J. (Münster i. W.: Aschendorff. 1910.)

THE first sight of this very learned and elaborate book suggests more than one question. Was it possible by fair means for an author coming

after Meinsma and Freudenthal to write a book of 600 pages and more on Spinoza's early life and philosophical environment? As to this Count Dunin-Borkowski has proved the affirmative beyond a doubt. Next, is the result adequate to the long and minute labour expended on it? That seems to be rather a question for the author than for his readers. He has certainly brought out some definite new results in the way of information and correction, and arrayed a vast mass of material, from the most to the least familiar, with excellent diligence and critical skill. Future students of Spinoza who know how to use this work will be saved a great deal of trouble in finding out, according to their special objects, exactly what lines they ought to follow up in detail. When an author has done so much, it would be an impertinence to suggest to him that perhaps he might have been more fruitfully occupied. He is entitled to say: 'So and not otherwise I chose to occupy myself; if I have done real service to you who come after, I have no other account to render.' Further, what would happen if all the great philosophers received the same kind of attention? Would the world hold the books that should be written, and would not some of them be a terrible weariness to the flesh of the most devoted historical student of *Weltphilosophie*? One shudders to think of the dead and forgotten Wolfian dissertations that might herald, in a spectral procession, the *incunabula* of Kant. But perhaps this danger may be thought sufficiently remote by reason that few men have the patience to undertake so much as Count Dunin-Borkowski, and fewer the capacity to perform it. Still it may be reasonable and historical to ask why this should be done for Spinoza rather than for Descartes or Leibniz. Here there seems to be a substantial answer. The circumstances of Spinoza's entrance into the world of philosophy were both singular and obscure; and the strangely diverse views which many competent scholars have taken of his work in its final form show that in his case it is of special importance to investigate its formation as a purely historical problem. Now the peculiar value of the present book is that the author, besides achieving his task as a conscientious historian, has put all his resources at our disposal. One hardly knows whether to call it a wonderfully well-documented biographical study (it does not include the latter part of Spinoza's life) or an exhaustive critical apparatus displayed in biographical order. No one has yet written about Spinoza with such full and balanced command of all the relevant literature.

We can only indicate some of the points which appear to be well taken. Spinoza's ancestors were Spanish not Portuguese Jews, probably Galician. Their name was Espinosa or De Espinosa. The philosopher's usual signature was Despinoza. But we decline to follow Count Dunin-Borkowski in calling him so for ordinary purposes. He must even share with Confucius, Averroes, Shakespeare, Henry of Bratton (*Bracton De legibus Angliae*), and other illustrious persons the fate of being written down by posterity as he did not write himself. He is already too much indexed to be turned over from S to D. As to the discrepance between Vidiferre near the Portuguese border, whence it would seem the Espinosas last came, and the 'Vidiger' of an Amsterdam registry facsimiled at p. 84, we suggest with diffidence that in this document the *g* may be read without violence as a carelessly written *h*, which would give just the form

of corruption desiderated by our learned author as an intermediate stage; disclaiming nevertheless any kind of authority in the elucidation of bad seventeenth-century handwriting.

As to Spinoza's studies, Van den Ende, as an ex-Jesuit, was qualified to introduce him to the schoolmen (p. 472). Such a late and rather superficial acquaintance would account very well both for the familiarity with scholastic terms and the misunderstanding of scholastic doctrine which may be found in the philosopher's writings. With regard to oriental speculation, Count Dunin-Borkowski points out that important Arabic works (of which he gives, as always, a pretty full report) were accessible in Hebrew versions. But we must observe that Spinoza's knowledge of Moslem authors (or indeed European travellers in Mohammedan lands) cannot have gone far: his innocent assertion that there has never been any schism in Islam (Ep. 76) is a clear warning signal. The fact that the Jews of Amsterdam had regular political intelligence from London and Venice (p. 151) may help to explain how Spinoza, not being favourably placed for contact with public life, showed no lack of resource in dealing with the problems of statecraft. His mistakes—for example, that of supposing the Restoration in England to be the final discomfiture of the parliamentary party—were not those of an amateur student, but rather those of the well-informed man, like official European opinion, two centuries later, about Italian unity and the American Civil War.

It would take us beyond the province of this Review to speak of the relative weight of various influences at various times in determining Spinoza's speculation, and the paths by which they reached him. No one who follows our learned author's exposition can repeat the blunders of those former writers who have jumped at particular coincidences as if they were conclusive, not to speak of downright oversights, as when Spinoza has been taken for the inventor of 'Amor intellectualis Dei.' Neoplatonism in a dozen forms, western and eastern, pure, mixed and corrupt, had been in the air for centuries. The classical Platonism of the Renaissance had come both to correct and to reinforce it, as the 'little Renaissance' had brought Aristotle to put new life into the ethico-political ideas of the *Corpus Iuris* and Cicero. One branch of western thought seems to have been a closed book for Spinoza, the philosophy of the higher catholic mysticism, orthodox or otherwise; we collect from negative rather than positive indications that Count Dunin-Borkowski would agree to this. Then the presumption that there must be an infallible scientific method waiting to be found was in the air too, though not ancient. Bacon's eloquence for that faith secured him the respect of such practical workers as Huygens, tempered by the practical sense that individual felicity could not be eliminated; and the faith survived Spinoza by not a few years. Altogether the difficulty is not to see where Spinoza can have got his impulses, but to assign among the many currents that were stirring those that were most likely to move him with effect. Even if we had Spinoza's note-books we should still be left with alternatives. A cautious historian with this rich and complex matter for conjecture will hardly commit himself beyond a Thucydidean *τοιῦδε*.<sup>1</sup> Perhaps Count Dunin-Borkowski

<sup>1</sup> How much did Spinoza know, for example, of Giordano Bruno? Need he have known anything? No confident answer can be given.

has been tempted now and again to say *τάδε* too easily; but in every case his evidence is fully disclosed.

There is also profitable critical discussion of the early biographies and literature of Spinoza. Let it be noted (see p. 50) that the mysterious 'Lucas' has been run to earth by Mr. W. Meijer of the Dutch Spinoza Society. He was a real person, and what little is known of him fits his authorship of *La Vie de feu Monsieur de Spinoza*, which appears to have circulated in manuscript before the end of the seventeenth century. We are confirmed by Count Dunin-Borkowski in the opinion that this Life must be used with great caution—like certain books of reports which English lawyers know, for their tribulation, as the only contemporary authority for the period they cover. He has found that only eight out of nineteen incidents related by Lucas alone can be accepted as historical. The portrait illustrations are very well reproduced, and a welcome addition. Hobbes however is not quite the Hobbes we know; and we wish it had been possible to give us Descartes after Frans Hals, as one sees him in the Louvre.

F. POLLOCK.

*London Citizens in 1651*: Being a Transcript of Harleian MS. 4778. Edited with notes and index by J. C. WHITEBROOK. (London: Hutchings and Romer. 1910.)

THE manuscript which Mr. Whitebrook has here edited and annotated contains the signatures of various members of twenty-two London Companies at a date which he fixes correctly by internal evidence as some portion of the year 1650–51. The Companies represented form but a fraction of the total number, and are for the most part among the least eminent. No one of the twelve 'Greater Companies' is included, and among the lesser the Leathersellers, the Brewers, the Stationers, and the Dyers are conspicuous by their absence. The occasion of the signatures does not appear. The only indication which the manuscript affords is one the obvious meaning of which the editor appears to have misunderstood. George Carleton, of the Company of Painter-Stainers, prefixes to his signature the remark 'To live quiet and peaceable [*sic*] I subscribe.' Mr. Whitebrook takes this observation to be 'pregnant with suggestions both as to the nagging persistence of well-meaning advisers, and the obstinate testiness of the subscriber who nullified the whole purpose of subscription by his act'; he goes on to infer from Carleton's words that 'pressure was brought to bear upon the signatories.' Surely the natural interpretation of the words is that his signature bound him to live quietly and peaceably, without causing trouble to the constituted authorities. But the most interesting entry is that of the name 'John Milton' among the members of the Company of Coopers. Mr. Whitebrook assumes that the similarity between the signature in this manuscript and that of the poet is so great as to warrant the deduction that the poet and the cooper were identical, though he admits that the connexion of the former with the London Company has hitherto escaped the notice of all his biographers. It happens that an undoubted signature of Milton—and that a practically contemporaneous one (1651)—exists in Egerton MS. 1324 at the British Museum, and there is also the well-

known signature at the foot of the agreement with Simmons the bookseller regarding the copyright of *Paradise Lost* (1667). After careful examination, being not without considerable experience in comparison of handwriting, though I do not claim to be a professional 'expert,' I am convinced that there is in this case no such degree of similarity as would establish, or even make probable, the suggested identity, in the complete absence of any external confirmatory evidence.

Mr. Whitebrook pleads very reasonably the indifferent handwriting of many of the signatories as an excuse for possible misreadings of their names. But a transcriber of more experience in the deciphering of ancient documents—and, it may be added, better equipped for his self-imposed task in respect of ancillary knowledge of the times and the persons with whom he had to deal—might have been more successful. Thus, apart from the antecedent improbability of any human creature being compelled to bear the burden of such a name as 'Humilistian' (Hynd, Cooper), it needs very little skill to see that the true reading is 'Humiliation,' this unhappy person obviously owing his baptismal appellation to Puritan parents of the same type as those who inflicted the respective names of 'Accepted' and 'Praise-God' on a future Archbishop and on the eponymous hero of a Commonwealth 'Parliament.' The at first sight rather feminine baptismal name of 'Grace,' as applied to Mr. Hardwin, the Master of the Wax-Chandlers, is doubtless to be accounted for in the same way. It is needless to go through all the corrections which are obvious to a careful and competent reader of the manuscript, to say nothing of variant readings which may with less certainty be suggested. We may instance 'James,' which is certainly the true reading of Mr. Whitebrook's 'Fanes,' 'Hide' for 'Fide,' 'Pierce' for 'Yeuce,' 'Lorymer' for 'Lorymery' (where a flourish of the pen has been mistaken for a final letter), and probably 'Tutchin' for 'Tute senr.' One of the most difficult signatures is that of a 'Chirurgion' which Mr. Whitebrook reads as 'Jas (?) Stickle.' The Christian name is undoubtedly 'Wm.,' and a reference to Young's *Annals of the Barber-Surgeons*, confirmed by the position of the name in the list of signatories, shows clearly that the patronymic is 'Huckle,' and denotes a Past-Master of that Company. The oddest entry of all, as transcribed by Mr. Whitebrook from the signatures of members of the Turners' Company, reads thus: 'Edmund Walker, bedell to the eum tu.' The interpretation of this apparent excursion into very mysterious Latin might baffle the most learned scholar, but a careful inspection of the original supplies a simple solution. The beadle (whose orthography was weak) wrote 'cum : turn'—the last word being partially obliterated by a smudge—meaning 'Company of turners.' A few notes are given identifying some of the names, but many of the better-known signatories are entirely passed over. Robert Hiekes, Abraham Chambers, Thomas Allen, Richard Hill, and John Lorymer were all aldermen, but Mr. Whitebrook ignores the fact. So also Henry Isaacson, the well-known chronologer, is not identified.

Mr. Whitebrook supplements this transcript with a more important and interesting contribution to the history of the times, viz. a reprint (not mentioned on his title-page) of a scarce pamphlet giving a list of the (Whig) grand jury of the London quarter sessions in October 1681,

whom Jeffreys, the chairman, discharged without allowing them to be sworn. The writer of the pamphlet, who was himself one of the number, resenting very warmly the characteristic vituperation of Jeffreys, appends notes to the names vindicating them from the stigma of being 'of obscure and mean Condition and picked up on the Highway.' He also adds lists of the four juries which condemned respectively Fitzharris, Lord Russell (who, by the way, in this contemporary document is accorded his correct designation and not the then impossible style of 'Lord *William* Russell'), Cornish, and Oates. Mr. Whitebrook has not supplied any notes or identifications of his own to this pamphlet, though not a few of the names (e.g. Sir Peter Colleton, Sir Michael Heneage, Francis Charlton, Edward Clarke, Henry Crispe, Sir Edmund Wiseman, Thomas Rawlinson, Sir William Dodson) might easily be annotated. In the preface he deprecates the harsh measure that history has meted to Jeffreys, and obviously sympathises rather with Mr. H. B. Irving's view of his character than with that of Macaulay. The present writer has no quarrel with Mr. Whitebrook on that score, nor is it due to any prejudice on that or any other account that his gratitude to him for endeavouring, at the cost of much laudable labour, to make known to a wider circle than the few students already familiar with them the documents which he has printed is tempered with regret that he has not given proof of more adequate qualification for the task of editing them.

ALFRED B. BEAVEN.

*Calendar of State Papers, Ireland, 1666-1669.* Edited by R. P. MAHAFFY.  
(London: H.M. Stationery Office. 1908.)

WE congratulate Mr. Mahaffy on this volume, which, so far as the editorial part of it is concerned, affords little ground for criticism. Most of the slips we noted in reading it we afterwards found to have been corrected by Mr. Mahaffy himself in a note placed, contrary to the usual practice, between the text and the index. A few remain. Auvuquerque (p. 7 n.) is a misprint for Auverquerque; for 'thereby' (p. 92, l. 2) is to be read 'thoroughly'; Sir L. Dyne (p. 220) should, we conjecture, be Sir L. Dyve, a well-known royalist agent; 'made' (p. 272) is evidently a slip for 'small'; 'wringed' (p. 316) means, we think, twisted, not wronged; for 'Cromwell' (p. 544) is to be read 'Coote'; Armes head (p. 733) is no doubt Ormes Head; and the document entered 26 January 1668 belongs to June 1667. The identifications of place-names leave little to be desired. Mr. Mahaffy still persists in giving Valentia as the equivalent of Kilmare (p. 91). There is a Killaraght in county Roscommon as well as in county Sligo: it is the former that is meant (p. 41), and Killelaugh (pp. 59, 156) is the tuath of Killelaugh (cf. Erck, Patent Rolls, James I, p. 285). Two important documents, viz. (1) Memorandum of the speeches delivered by — against the bill prohibiting the importation of Irish cattle (pp. 533-542), and (2) Memorandum criticising the Restoration settlement (pp. 543-559) Mr. Mahaffy leaves unidentified. The former we take to be a note of the speeches delivered by Sir Heneage Finch; the latter is merely a copy of the *Sale and Settlement of Ireland* by Nicholas French, Bishop of Ferns. In his preface (p. xii) Mr. Mahaffy suggests that the exclusion of the Roman Catholics from the militia was due to the narrow Anglicanism of

Clarendon. We think, on the strength of the document printed on p. 157, 'I therefore moved that the oath of supremacy might be administered to the militia,' etc., that the real author of the exclusive policy was Orrery.

The period covered by the volume is an important one in Irish history, and from the documents printed in it there is much to be learned as regards (a) the proceedings of the commissioners for executing the Acts of Settlement and Explanation; (b) the state of the army, the mutiny of the garrison at Carrickfergus, and the establishment of a protestant militia; (c) the effects of the Acts restraining the exportation of live cattle and the general condition of trade; (d) the unsettled state of the country owing to the terror inspired by the tories.

To take these points in order, attention may be called to an interesting account (p. 679) of the closing sittings of the court of claims on 2 January 1669. The satisfaction expressed by the writer at the conclusion of that long and 'very troublesome piece of work' was doubtless shared by every government official; but the feeling of disappointment among the thousands whose claims for restitution had been either rejected or not heard left room for serious doubt as to whether the last had actually been heard of that business. 'Annus mirabilis' was a doleful year for Ireland as well as for England. Even at the reduced standard of 4090 foot and 1440 horse it was impossible to find money to pay the army, the arrears amounted in round numbers to 184,820*l.*, the forts were forts only in name, and there was no means of resisting the enemy if he came. So Ormond reported in January 1666. A few weeks later the country was startled by the news that the garrison at Carrickfergus had revolted. The mutiny was suppressed, nine of the ringleaders were hanged, and the rest sentenced to transportation to the plantations. It might be true, as the lord lieutenant suggested, that the mutiny was 'instigated by some other motives than that of want'; but it was impossible not to sympathise with the poor wretches, who down to that time had 'considering their hard condition' been 'very civil and patient.' The sentence of transportation, as being equivalent to making slaves of them, was remitted, and in the end they were formed into a new company. But the warning was one that government could not afford to neglect, and steps were at once taken to form a national militia. The scheme, as Ormond recognised, was not without its dangers, for though there was no difficulty in finding men acquainted with the use of fire-arms, there was a serious doubt whether they might not be tempted to misemploy them. In the end it was determined to restrict admission to those who were willing to take the oath of supremacy. Fortunately the occasion to use them against a foreign enemy did not arise. 'We here begin to fear the French will not land amongst us,' wrote Ormond in a strain of melancholy irony to Viscount Conway, 'for we are too poor, and have too sad prospects of being poorer to fear them or any other enemy.'

No doubt the commercial policy of England was at the bottom of the mischief. The documents here printed show clearly how hardly Irish landlords were hit by the restrictions placed on the export of live cattle. One in particular—a letter from the lord lieutenant and council to the king (pp. 289–293) suggesting measures to alleviate the distress of the country by fostering a provision trade in connexion with the victualling

of the navy—deserves special attention. As to the state of the country generally the frequent reports of outrages (some of them very horrid) committed by roving bands of tories shed a lurid light on the insecurity of life and property in many outlying districts. Of the careers of two of these robber chiefs, Nangle and Costello, there are some additional details supplementing the account given of them by Prendergast in his *Ireland from the Restoration to the Revolution*. A curious case of abduction (pp. 566–70) reminds us that we are approaching a period when such incidents became of startling frequency.

Perhaps on the whole however the most generally interesting documents in this, as in the preceding volumes, are the letters of Sir George Rawdon to Viscount Conway. We wish someone would make a complete collection of them. They are as important for the social life of Ireland in the seventeenth century as the *Verney Memoirs* are for that of England, and they would form an admirable companion volume to the *Egmont MSS*. In conclusion we would call attention to a curious reference (p. 286) to the missing volume of the Council Books of Ireland, known as the 'Red Council Book.' According to Ormond it was in 1667 in the possession of Lord Fitzwilliam. The hint might be worth following up.

R. DUNLOP.

*Korbs Diarium Itineris in Moscoviam und Quellen, die es ergänzen.*

Beiträge zur moskowitzisch-russischen, österreichisch-kaiserlichen und brandenburgisch-preussischen Geschichte aus der Zeit Peters des Grossen. Von FRIEDRICH DUKMEYER. 2 vols. (Ebering's Historische Studien, LXX and LXXX.) (Berlin: Ebering, 1909–1910.)

JOHANN GEORG KORB went as secretary of legation to Russia with Ignatius Christophorus von Guarient, the imperial envoy to the Muscovite court, in 1698–9, and on his return published, about the end of 1700, a diary which attracted much attention in Europe and roused a good deal of ill-feeling in Russia. Dr. Dukmeyer has found in the archives at Amberg original drafts of letters and papers which supplement the diary, and the Prussian Royal Library and the Secret State Archives at Berlin have yielded additional material which, when read with the authorities already existing in print, throws a clearer light on the period beginning with Peter the Great's return from his travels in the west. The religious question is very fully treated, and we are able to realise how the inner life of the foreign communities, Lutheran, Calvinist, and catholic, affected the course of events to a surprising extent and rendered still more difficult the task of the imperial envoy, who had to perform duties of a delicate character more fitting for an emissary of the Holy See, to the detriment of the political aims he had in view. The fantastic hope of a conversion of the Russian sovereign and his people to catholicism was seriously entertained and the Jesuits carried on ceaseless intrigues. To the British reader the most interesting part of the book will probably be the section dealing with General Patrick Gordon and his family; Gordon is represented as an admirable character well worthy of the deep affection he inspired in his royal master and gaining by contrast with the Calvinist Lefort, and there are many facts and impressions given which might profitably be used in any new work on the Gordons. Among



other subjects treated with considerable fulness are the repudiation of the empress Eudoxia, the early history of Peter's son Alexis, the abortive negotiations carried on with a view to the education of that unfortunate youth in western Europe, and those diplomatic relations with Brandenburg, and subsequently with the newly created kingdom of Prussia, which have remained essentially similar in nature down to the present day (ii. p. 76, *perpetua amicitia inter Germanicum et Russicum imperium*; p. 77, *quam proficua Russiae*), the execution of the Streltzi, and the story of Anna Mons and her family.

To the 'Monsische Tragödie' nearly 200 pages are devoted, and some readers will probably think this too much in a work which might reasonably be expected to deal only with Korb's Diary and matters directly connected with the events therein narrated; there is a good deal of trivial detail on the subject of Peter's mistress, and the subsequent fortunes of her family might have formed the subject of a brief monograph elsewhere. The character of Dr. Dukmeyer's book as a whole is that of a series of groups of materials for monographs. The materials could have been compressed, and the long stretches of print (over 800 pages) without any index or marginal summary, and with only two dozen lines of 'contents' to guide the student, are bewildering. Hence the stores of information are not readily accessible to the busy reader, and this is a pity, for there is a great deal that is new and interesting. The author's criticisms of existing literature on the subject (e.g. ii. pp. 45-100) are helpful, though it seems strange that he should have to confess (p. 59) that M. Charykov's well-known account of Menzies, which appeared in 1906, is too recent to have been consulted by him; or that he vaguely describes M. Waliszewski's book on Peter (ii. p. 284) as *nicht falsch aber ebensowenig . . . in allem richtig*. Dr. Dukmeyer has a sense of humour in his comments, but his lyrical outbursts (ii. pp. 101, 341-2) shine out too brightly against the sober background of official documents, and his long excursus (ii. 203-7) on the etymology of German family names hardly seems in its place. The rendering of Russian names and expressions is accurate, but, in the second volume at least (pp. 212, 229, 303, 342, 345) there are evidences of careless proof-reading. One of the chief impressions left on the mind of the reader is that of the trials, dangers, and discomforts endured in Peter's day by foreign representatives at the Russian Court (ii. 241, *Hof an welchem . . . das Sort fast aller fremden Ministres gemeiniglich sehr niedrig und unangenehm . . .* (246), *horribele Pillen zu verschlucken*). In spite of the great mass of official materials existing in native official archives for the history of Russia, beginning from the seventeenth century, the documents, for self-evident reasons, are jejune, and such foreign observers as Korb and his colleagues did good service to history by their reports. Though Korb's diary is fairly well known in Russia, and a translation with notes by Professor A. J. Maleiin appeared at St. Petersburg in 1906, it has not received sufficient attention from historians in the west; and to them the book before us will be useful, for it contains not only the confidential reports to Vienna and Berlin, but a great deal of other material not easily accessible to the student.

OLIVER WARDROP.

*Francis Atterbury.* By H. C. BEECHING, M.A., D.Litt., Canon of Westminster. ('Makers of National History.') (London: Pitman. 1909.)

IF compared with the subjects of other volumes of this series—Cardinal Beaufort, Archbishop Parker, Wolfe, and Castlereagh—Atterbury might appear as a handsome and eloquent figure who, so far from making national history, attempted the task and failed. But if we ask ourselves whether English history would have been very different had Atterbury not been made bishop of Rochester and dean of Westminster in 1713, Dr. Beeching's book gives us a satisfactory reply. Atterbury's chief work lies in the sphere of the church of England. Dr. Beeching apologises for what he seems to think is the lack of interest in the dulness of the debates in Convocation to anyone who is not a member of that body; but it is not too much to say that one of the chief features of this excellent biography is the way in which the author has succeeded in investing those disputes with interest. For without Atterbury it may well be doubted whether the church of England would have had its convocations to-day. Since the reign of James II convocation, though summoned with each parliament, had done nothing save meet and adjourn immediately; save when, at the beginning of William and Mary's reign, it had been asked to revise the Prayer Book; and even then the Lower House had, as usual, shown greater wisdom than the Upper, and refused the perilous task. But in 1700 Atterbury entered upon his controversy with Wake about convocation, and, although he undoubtedly spoilt a good case by over-statement, he succeeded in his main object, and rescued convocation from the oblivion into which it was rapidly falling. Therefore, although Walpole closed convocation after the Bangorian controversy, Atterbury had enabled convocation to meet and transact business of importance even after the surrender of the right of self-taxation in 1664. This was a precedent of the utmost value to the restorers of convocation in the nineteenth century; and inasmuch as, for good or for evil, convocation has moulded the destinies of the church of England during the last fifty years, Atterbury's claim to be a 'maker of national history' has considerable justification.

But there is more than this in Dr. Beeching's book. It gives an excellent picture of the manners and customs of the clergy under William III and Anne. We find, as is generally the case, a sharp division between the bishops and the rest of the clergy: the former showing a sense of their responsibilities which might almost be called timidity, and diplomacy bordering on vacillation; the Lower House, under Atterbury, full of excellent men, but easily led by a commanding personality. Indeed, the resistance of the Lower House to the domineering attempts of the Upper is one of the most surprising features of the story, and is of no small interest to others than members of convocation. The same however cannot be so easily said of the capitular disputes in which Atterbury too readily engaged. They serve to depict only too clearly Atterbury's hasty pugnacity; but the validity of the statutes of cathedral or collegiate churches is not a subject which will prove attractive outside those bodies.

The fact that this book is by Dr. Beeching is sufficient warrant for its readability and scholarship. He makes no attempt to conceal Atterbury's many faults: his inconsistencies, his quarrelsome disposition, his straining of the truth; he brings in a verdict of guilty in the matter of his

treason—a verdict, in view of the evidence here given, which few will reverse; but, on the other hand, he has given us for the first time a sympathetic, clear, and just account of one whom zeal, acumen, and literary skill place high among the intellectual clergy of the reign of Queen Anne.

L. G. WICKHAM LEGG.

*George I and the Northern War.* By J. F. CHANCE.  
(London: Smith, Elder and Co. 1909.)

STUDENTS of the eighteenth century and readers of this Review require no introduction to this work, and they will welcome with gratitude the completion and publication in a single volume of the articles contributed by Mr. Chance on the complicated diplomacy of Europe in the northern question from 1709 to 1721. Until Mr. Chance devoted some years of laborious research to exploring the British manuscript sources and collating their information with that of the continental archives, partially explored and utilised by foreign scholars, the British share in the transactions, and the principles and methods of our policy particularly from 1714 onwards, had to be gleaned from Professor Michael's valuable *Englische Geschichte im achtzehnten Jahrhundert* (a second volume of which would be very acceptable), from Droysen's *Geschichte der preussischen Politik* (vol. iv.), from Dr. Ward's necessarily brief treatment in his Ford Lectures on *Great Britain and Hanover*, from Mr. Ballantyne's unsatisfactory *Life of Carteret*, and from the Swedish and Danish experts, such as Axelson, Carlson, Holm, Lundberg and Westrin, and from Wiesener's important study of the Regency and the abbé Dubois. Mr. Leadam's narrative in his recently published volume is admittedly indebted to Mr. Chance's articles. The present volume therefore, as a study of our diplomacy in the critical years that preceded and followed the accession of George I, will be indispensable to every student simply because it is the first and only critical treatise so far based on a thorough examination of the original material available. The laborious and patient research that it has obviously involved is a matter for respectful congratulation to the writer; and the range and completeness of the sources, alike at London, Hanover, and Paris, that Mr. Chance has laid under contribution and pieced together into his narrative are certainly remarkable. It is worth noting too that the volume contains chapters on the years 1720 and 1721, which have not already appeared in the pages of this Review, thus bringing the narrative down to the peace of Nystad and working out in detail the papers read to the Royal Historical Society,<sup>1</sup> as well as some supplementary information derived from Russian sources.

In this important chapter of British history, singularly neglected by English scholars, Mr. Chance is our teacher, and we have only to register a few of the additions to our knowledge made by an elaborate study of the manuscript material and the despatches in the Record Office, the Robethon and Craggs papers among the Stowe MSS., and the journals of Norris at the British Museum. The first chapter is as much a contribution to economic as to political history. It emphasises the interesting paradox that while the economic maxims of the day condemned the

<sup>1</sup> *Transactions*, 1906 and 1907.

Baltic trade as financially injurious, the character of the commodities of that trade imported to Great Britain (i.e. materials for building and equipping ships) made its maintenance a matter of life and death to our government. British squadrons, in short, went to the Baltic to secure amongst other objects that the British fleet might continue to exist. And in the complicated transactions that followed after 1714 it is not easy to separate the political from the commercial fear first of a hostile Swedish and then of a hostile Russian monopoly controlling the Baltic to the detriment of British interests. No less striking throughout in its influence on events so far as Great Britain is concerned is the difference between the realities of a shifting situation and the prevalent ignorance or misinterpretation of those realities. Alike in 1716, in 'The Swedish Plot,' and in 1718, when Alberoni was feverishly engaged in weaving a great coalition between north and south, to put Great Britain out of action, the belief in our country that Charles XII had been successfully won over to the Spanish-Jacobite schemes was practically decisive. And to our knowledge of these critical phases Mr. Chance has added no little. He shows how in 1716, whatever the uninformed thought, our government throughout had its hand on the Görtz-Gyllenborg affair; how Görtz, who understood, so far as any man might be said to understand, the impenetrable Charles XII, was not the catspaw of the Jacobites, but rather made the Jacobites his catspaw, and how the notable arrest of Gyllenborg was a clever and successful party stroke to save the ministry from a parliamentary defeat; while among the numerous corrections of Droysen, Mr. Chance (p. 181, note), with convincing detail, confirms Holm's refusal to believe that the British government first learned of 'the plot' from papers intercepted from the Danes. Similarly in 1718 the reaction of the northern on the southern situation is clearly brought out when the declaration of war against Spain was materially facilitated by the general belief (an unfounded belief, as Mr. Chance proves) that Alberoni had secured the alliance of Charles XII and Peter the Great against Great Britain and France.

The new evidence cited from the Kurakin archives (pp. 286-288) as to the futility of the Jacobite intrigues and the incurable optimism of the Jacobite dreamers is particularly interesting. But our government was genuinely alarmed at the prospect, and the treaty (Vienna, 5 January 1719) between Hanover, the emperor, and the king of Poland, drawn up without the knowledge of the British ministers, and never ratified, illustrates almost humorously both the fears of George I and his ultimate dependence on the British parliament. We may infer that Mr. Chance declines to believe, as do the Swedish authorities, that Charles XII was ever secured or likely to be secured in 1716 or in 1718 by the Jacobite intriguers (see pp. 78, 167, 290). It is rare that Mr. Chance omits to note any scrap of evidence bearing on the matter in hand, but in this connexion, he does not refer to the material collected and discussed by Mr. Dickson,<sup>2</sup> though it is not difficult to see that fuller knowledge of the labyrinth in which Görtz worked really disposes of it, and Mr. Lang's scepticism as to the value or likelihood of Swedish aid<sup>3</sup> is fully justified by

<sup>2</sup> 'The Jacobite Attempt of 1719,' *Scottish Historical Society*, vol. xix.

<sup>3</sup> *History of Scotland*, iv. 186, 262.

Mr. Chance's researches. Yet British policy for all that was profoundly influenced by such stuff as Jacobite dreams were made of. Other points on which Mr. Chance throws new light are the missions of Fabrice, the whole of Carteret's notable efforts in Sweden, which established his reputation, the work of Whitworth at the Hague, Amsterdam, and Berlin, the importance of the *entente cordiale* between France and Great Britain and the difficulties in maintaining it against the strong anti-English party at Paris, and the continuous divergences of views both as to ends and means between the British and the Hanoverian ministers. Chapters xxii.-xxviii. indeed form a singular tribute to the skill, persistence, and fertility of resource of Stanhope, whom Professor Michael first placed in his due position amongst the great foreign ministers of this country. These and many other features of the complicated diplomatic tangle are worked out with a wealth of detail and documentary proof that leaves nothing to be desired. Students will certainly regret that Mr. Chance is so severely parsimonious in his own handling of the broad aspects and issues raised by the northern question. The page in which he sums up the phases through which our northern foreign policy passed from 1714 to the final defeat of the aims of George I and the victory of Peter the Great at Nystad might have been expanded to our profit into a separate chapter. Some of the conclusions there expressed with such self-denying brevity do not seem to follow inevitably from the evidence. Was it, for example, George I who really 'restored to Great Britain the foremost place in Europe'? Was not the chief credit due rather to the whig ministers, and to Stanhope in particular, whose ability, activities, and patriotism are conspicuous in Mr. Chance's pages? And can the ultimate failure at Nystad, the collapse of Sweden, the impotence of Denmark be ascribed with certainty to the heroic and inexplicable obstinacy of Charles XII or to the genius of Peter the Great? The inscrutable and tragic refusal of the Scandinavian peoples to recognise the essential unity of their interests, alike against the Teuton and the Slav, not for the first nor for the last time in modern European history, might be shown to have contributed more to the catastrophe than the folly of the Swedish and the ambition of the Danish ruler.

C. GRANT ROBERTSON.

*Dreissig Jahre am Hofe Friedrichs des Grossen. Aus den Tagebüchern des Reichsgrafen Ahasverus Heinrich von Lehndorff, Kammerherrn der Königin Elisabeth Christine von Preussen.* Von K. E. SCHMIDT-LÖTZEN. (Gotha: F. A. Perthes. 1907.)

ALTHOUGH now only published in part (the contents of eighteen large volumes of manuscript could hardly be printed in full) and in a German version of their French original, Count von Lehndorff's Diaries form a contribution of unusual interest and piquancy to the already extensive literature of Prussian court memoirs. During all but thirty years this cadet of an ancient Prussian family, distinguished both before and since his day, was attached to the service of the Prussian court, where he held the post of chamberlain to Queen Elizabeth Christina, the consort of Frederick the Great. His lameness precluded him from military service; but he was a man of high character and serious intellectual interests, who often deplored the conditions of the life that had fallen to

his lot, and bore himself in them with a very striking combination of courteous amiability with occasional proud reserve. He was never happier than with his books, and his favourite study was that of ancient history. His hopes of a large fortune were frustrated at an earlier date, but he married twice, and on his elder brother's death from wounds received at Hochkirch, succeeded to their mother's estate of Steinort, whither in his later years he retired and where his Diaries were discovered by their present editor about twenty years ago. To Lehdorff, as to the princes of the court where his best years were spent, the French language was no doubt as his mother-tongue; and, though he was an ardent patriot, he was also a genuine cosmopolitan, admiring French manners in so perfect an exemplar as the Duc de Nivernais, and half breaking his heart because the king would not allow him to pay a visit to England in the company of his beloved 'Chevalier Hotham.'

Such was the chronicler of thirty years of a court life in many respects *sui generis*, although of course it is only on some of these that special light could here be thrown. Indeed, the portions of the Diaries which are here translated in anything like fulness extend only over the four or five years preceding the outbreak of the Seven Years' War, the course of that struggle itself, and the troubles at court after the victorious king's return. Even so they have to deal with not a few strange vicissitudes—the 'reversal' of alliances, the extraordinary changes of fortune in the war, the double flight of the royal court (or what remained of it) and its sojourns at the detested Magdeburg, the second extending over something like three years, and the shameful story of the divorce of the princess of Prussia, the young wife of the heir-presumptive to the throne. These events and transactions are commented on with brevity and candour, but in some passages, as in the account of the panic at Berlin in August 1757, to which the incompetence of the governor, Rochow, largely contributed, the narrative is so graphic that it could have been transferred almost bodily into the pages of Carlyle. It will thus appear why—apart from the fact that Lehdorff was attached to the service of the queen—we do not hear very much of King Frederick II himself. Yet nothing could be more characteristic than the way in which, whether he is present or absent, the reverence—and the fear—entertained for him overshadows the whole life of all else. Lehdorff, who was his whole-hearted admirer, seems never after his original appointment to have received any mark of personal favour at his hands, and, indeed, in 1764, was warned off, in Frederick's most tyrannical manner, from entering into intimate relations with the young prince of Prussia, whose father had been specially dear to him. The diarist repeatedly complains how the great king ignored the devotion of his own subjects, and especially neglected to take advantage of the promise shown by younger members of the nobility. The charge of preferring Frenchmen to natives is brought against all the royal brothers, but especially against the king, and this quite apart from his literary preferences for such 'bad characters' as Maupertuis and his arch-foe Voltaire. On the other hand, Lehdorff loses no opportunity of placing on record the admiration felt for the king both at home and abroad (especially, of course, in England); and there are some touching anecdotes showing how he was idolised by his soldiers—

such as the story of the thirty men who (in 1759) insisted on carrying him, when unwell, in a sedan all the way from Silesia into Saxony, though relays had been arranged for at the end of every mile. Nor was their instinct wrong: notwithstanding the tastes of his earlier days and a certain elegance of mind to which he could give expression whenever he chose, his feelings as well as his manners had gradually become those of a soldier; and, in the year after the conclusion of the war, he is found flying into a passion at the dinner-table against the governor of the young prince of Prussia, who had ventured on the commonplace that peace is always preferable to war, and who was told that had these views of his been known he would never have been appointed to his post.

One of the most repellent things in the personal life of Frederick the Great was his conduct towards his queen, and the editor of these Diaries is perfectly justified in his opinion that the immorality of the court of Berlin, which is usually associated with the reign of the great king's successor but actually began in his own, is in part attributable to no other cause. No doubt Frederick had come to realise with the complete certainty which was distinctive of most of his own conclusions that Elizabeth Christina was no wiser than she was born to be. Lehndorff's remarks about this unlucky lady—with whom he contrived to remain on good terms, notwithstanding incidental 'explanations,' her loud talk, her furious passions, and her general incompetence—leave little doubt as to the correctness of the king's judgment. But, surely, never was a queen consort, whether in the eighteenth century or in the early middle ages, subjected to indignities such as she had to undergo. This sister of the ambitious Juliana Maria of Denmark was neither publicly nor privately in the counsels of her consort. She saw Sanssouci for the first time *en passant* on the first flight of her court from Berlin; and on her spouse's triumphant return to his capital he apostrophised her with the cheerful remark that she had grown more corpulent. When his sister, Queen Alicia of Sweden, revisited Berlin after the absence of half a lifetime, her sister-in-law was indicated to her as 'my old cow, whom you know already.' This pleasing paraphrase the editor, perhaps judiciously, relegates to his appendix of notes.

Two of the king's brothers were endeared to Lehndorff not less by the charm of their personal qualities than by their good will to himself. The tragic story—for such it may be called—of the disgrace and death of the prince of Prussia (Augustus William) has been told before, but never with a more intimate touch of personal sympathy than in these pages. But the real hero of the earlier years of this Diary is Prince Henry, with whom Count Lehndorff's relation was one of affectionate friendship, subject to the emotional changes to which such relations are liable. Certainly they were never more conspicuously so than in the case of the princes of the Prussian royal family. The subject is not one about which it is easy to write; but it should not be overlooked in the later history of the house of Hohenzollern. In the case of Prince Henry's relations with Lehndorff all ended happily and reasonably; while it is pleasant to note how King Frederick's coolness towards a brother whose genius was akin to his own was in their later years exchanged for the most magnanimous recognition of services to which was due the ending of the great war and all that

this result implied. We have no space left for touching on the passages in these Diaries referring to the son of Augustus William—afterwards King Frederick William II—a prince much sinned against, however much he may have sinned on his side. Lehdorff observes with his usual point, in mitigation of the charges to be carried to the younger man's account, that his education was worse than his father's, inasmuch as he was left entirely to himself, his tutor, and the queen. Nor can we add any references to the princesses of the court and their attendant ladies, though it seems preposterous to pass by Princess Amalia, as original a character as her elder sister Wilhelmina, and far more favoured by opportunity for a display of eccentricities which did not alienate from her the good will of the most difficult of men, her great brother. She was 'everything by turns,' and the *fête* prepared for her on her installation as abbess of Quedlinburg is the *non plus ultra* of farcical irreverence. Much however could be forgiven to the sister of a king who received the Turkish ambassador on Good Friday, and borrowed the communion table from the Dom for the display of gifts of plate. An unexpected addition to these vignettes is afforded by that of Princess Charlotte of Mecklenburg-Strelitz, on the occasion of whose departure to England as the bride of King George III Lehdorff attended as representing the queen of Prussia. The princess had, he notes, defeated seven rivals (whom he names) in the race. He reflects rather severely on the want of munificence shown on the occasion by the British court; though liberality in money matters was, as he confesses elsewhere, not a quality for which 'our princes' at home were celebrated. As for the king, frugality was a necessity to which he made few exceptions in the hard period of administrative effort which followed on the Seven Years' War.

The editor of this most interesting volume has accomplished his task as translator with remarkable competence, though *Langeweile* (a constant experience of Count Lehdorff's) is an unsatisfactory rendering of *ennui*. Should this volume, as it well deserves, be translated into English, a certain amount of expurgation will be advisable.

A. W. WARD.

*A Century of Empire.* Vols. I, II. By Sir HERBERT MAXWELL, Bt., F.R.S., D.C.L., LL.D. (London: Arnold. 1909-1910.)

THESE are the first and second of three volumes in which Sir Herbert Maxwell intends to trace 'the dealings of fortune and fate with the British empire during the nineteenth century.' The task before him is clearly onerous, by reason of its enormous complexity, its numberless authorities, its huge labyrinth of detail. Sir Herbert has accordingly refrained from attempting the impossible, and has given us in these volumes an exclusively political and parliamentary history of England down to 1868. All industrial, social, or literary side-issues, however important, have been left out. In spite of the title that he has chosen for his book, it is extremely reticent as to British colonies and dependencies over sea. Such a process of selection is probably inevitable in the circumstances, but at times it involves the partial sacrifice of breadth of view. The tale of our struggle with Napoleon requires more than a casual reference to the orders in council and Continental system, and



calls for at least a comment on the utility of naval predominance. The rise of Australia and New Zealand deserves proper recognition.

Within the scope that he has allowed himself however, Sir Herbert Maxwell's work is concise, interesting and well proportioned. The style is fresh and animated; occasionally it is reminiscent of Carlyle. The author is fairly obviously on the side of the Tories; his heroes are Wellington and (in a lesser degree) Lord Derby; but he writes mainly without bias, and gives even Fox his due. Justice has been too rarely done to Castlereagh and Liverpool by writers on their period, and the able and temperate recognition given to them in these pages is the more welcome. Palmerston is thoroughly understood. No sympathy is expressed for the reformers' agitation in the decade after Waterloo, and 'the precious Peterloo massacre,' as Sir Herbert styles it, is reduced to small proportions. It is, we think, incorrect to state that 'no sabre was fleshed' on this occasion. Convincing evidence of 'cutting' by the yeomanry was adduced at the coroner's inquest held at Oldham on the body of John Lees, 'who died of sabre wounds at Manchester' on the day of the riot. There are a few other slips in the first volume. The action attributed to the 'Shannon,' on p. 179, was really that of the 'Leopard.' On p. 21 '1785' should be '1780,' and in the marginal note on p. 280 '1824' should be '1823.' More serious are the occasional misjudgments on military and naval questions. The difficulties, for instance, which beset Moore in December 1808 are much under-estimated. In view of the ludicrously small force at his disposal no general could have done more than he did to stem the tide of French invasion in the Peninsula. Sir Herbert's description of the Crimean War is more forcible and clear, and indeed the whole of his second volume is less calculated to provoke military than political criticism. Disraeli's maiden speech did not fail because it was bad, as is here suggested, but as Disraeli told his sister at the time, simply because of uproar, 'all organised by the Rads and the Repealers.' The best recent writers on international law are far from regarding Palmerston's position in the Pacifico case as 'wretchedly weak from the first.'

When finished, *A Century of Empire* will no doubt challenge comparison with the last two volumes of the *Political History of England*, edited by Dr. Hunt and Mr. Poole. For learning and compactness we imagine that the latter works are not likely to be transcended, and they are also marked by a wider range of observation. Sir Herbert Maxwell has however the great literary advantage of irresponsibility. He is not shackled by the austere requirements of a studiously impartial series, and his pen is consequently the more spontaneous and free. It is a relief to have nineteenth-century history whole-heartedly purged for once of whig glosses, and to find Sir Spencer Walpole boldly and repeatedly controverted on his own ground. Nor does Sir Herbert hesitate to condemn his own party whenever he sees occasion, and he does not spare the Derby-Disraeli policy of 'dishing the Whigs' in 1867. When he comes to treat of men and measures more nearly within the circle of his own personal knowledge, his narrative will probably gain an added breadth and colour. The observations on the primary importance of social history in the introduction to J. R. Green's *Short History* are more often quoted

than believed in; but they are nearer the truth in respect of the nineteenth century than of any other era in England's past. It must be deemed a defect in the well-informed and valuable book before us that, with the exception of a few vivid pages on factory legislation and its causes, it does not adequately depict (because its writer does not himself realise) the storm and stress of English artisan life before its emancipation. Most of the ministerial changes minutely narrated here were of less moment than the contemporaneous transformation of the occupations and character of the people, in determining the destinies of England and the fate of her empire.

GERALD B. HERTZ.

*Bayern im Jahre 1866 und die Berufung des Fürsten Hohenlohe.* Eine Studie von K. A. VON MÜLLER. (*Historische Bibliothek*, herausgegeben von der Redaktion der *Historischen Zeitschrift*, xx. Band.) Munich: Oldenbourg. 1909.

*Bismarck und Bayern in der Zeit der Reichsgründung.* Von G. KÜNTZEL. (*Frankfurter Historische Forschungen*, Heft 2.) (Frankfurt: Joseph Baer. 1910.)

THESE two publications are alike valuable contributions towards a final settlement (for which the documentary evidence, though still incomplete, is rapidly accumulating) of a far from simple problem connected with the antecedents of the foundation of the new German empire. There are, of course, more ways than one of looking at the question as to how the process of including the most important of the secondary states of Germany in a framework which was itself evolved only after many hesitations and misgivings was actually brought to a consummation. The essays now before us are specially instructive as treating it from the point of view of the special political antecedents and consequent special political situation of Bavaria. They are at one in refusing to be carried away by certain alarms and excursions connected with their theme which have been recently sounded by A. von Ruville, in illustration of the new method of 'the Broken Coin.'

Dr. K. A. von Müller's account of the phases of Bavarian political history which led up to the appointment of Prince Hohenlohe as leading minister in Von der Pfordten's place in the autumn of 1866, is not the less useful because the writer adheres to the limits of his design, that of a *Vorarbeit* to the history of the Hohenlohe ministry, of which we here only become acquainted with the programme. Nothing could have been less complete than the result seemed to be—neither was Hohenlohe actual head of the ministry, nor was its composition transformed; neither had he a majority in the chambers at his back, nor (which in practical politics was of far greater importance) could he trust in the support of the king. As a matter of fact, in circumstances which lie outside the range of Dr. von Müller's present survey, actual power passed out of Prince Hohenlohe's hands before the actual crisis in the affairs of Bavaria arrived. But the summons of him to office nevertheless possessed an enduring significance. The avowed and declared representative of a new policy—a national in the place of a purely Bavarian policy, which, whether it leaned on France as of old, or on Austria as of late, was anything rather than national—had prevailed; and, so far as the co-operation of Bavaria

in the final determination of the German question was concerned, a new epoch had begun.

To have made this clear is the chief service rendered by the first of these essays ; and its opening chapter, though beginning a little laboriously, is in its way an admirable specimen of historical composition based on a careful, and indeed detailed, investigation of contemporary and occasionally conflicting currents of popular feeling. The two conclusions which are specially worthy of note are the determining influence of the suspicions entertained, especially in south-western latitudes, against the designs of France ; and (negatively) the relatively slight strength of religious prejudice—the ultramontane party proper, it must be remembered, was still unformed in Bavaria. What the author has to say about the personality and earlier political history of Prince Hohenlohe, though put with much force, can hardly be said to contain much that will be new to the readers of his *Memoirs*. None of the actors on the crowded scene of the political history of Germany in the latter half of the nineteenth century has held a position resembling that occupied by this conscious representative of the traditions of an ancient intermediate family, whose training was that of a cosmopolite, but whose heart was thoroughly German, and whose political views, notwithstanding his diplomatic readiness for talk and for compromise, had in them the national-liberal strain characteristic of the south-west. On the other hand, the account of the programme with which his ministerial career opened, and of the modifications which his designs had from the outset to undergo, is neither very easy nor altogether satisfactory to follow in detail. Hohenlohe's appointment was a moral rather than an actual victory ; and Bavaria remained unbound to Prussia except by the treaty of alliance concluded by Von der Pfordten in August 1866, certainly not under the pressure of opinion in the Bavarian chambers or people, to whom that treaty was alike unknown. Thus, by a curious and only partially deserved irony of fate, the minister who was made—nor wholly without justice—the scapegoat of the ire excited by the Bavarian collapse, was directly instrumental in opening the door to future possibilities which his successor could do little or nothing to bring nearer to fulfilment. Yet Von der Pfordten had, in his anguish, almost at the last moment looked wistfully towards France ; whereas Hohenlohe had from the first foreseen what ought to be and what actually came to pass.

In an appendix Dr. von Müller addresses himself specially to the assertion of A. von Ruville, that King Lewis II (of whose relation to the progress of affairs at this critical season the essay contains a very careful estimate) had gained better conditions for Bavaria in the peace by pledging his royal word to King William as to the maintenance of the secret treaty of alliance. The confutation of this hypothesis, the external evidence for which hardly deserves to be called specious, is taken up with great vigour by Professor G. Küntzel. He shows that the easy terms granted to Bavaria by Bismarck, and above all the avoidance of any offence to her and her sovereign's pride by insistence on a territorial cession such as the pride of the other sovereign immediately concerned would have been gratified by receiving, need no such explanation, and were consistent with the policy, always considerate of the dynasties and for manifest reasons especially

of the Wittelsbachs, pursued by him throughout a *quinquennium* of arduous diplomacy. Professor Küntzel continues his polemic, much on the same lines, in a discussion of the comparatively unimportant question of the first appearance of Bismarck's design of making his master emperor, and in three illuminating chapters on the relations of the South German states to this question, and the issues involved in it, from the outbreak of the great war to the final negotiations at Versailles. It is unnecessary here to discuss the question whether the famous Cerçay discoveries damaged anybody but Dalwigk (whose position as minister of 'divided' Hesse-Darinstadt was in any case peculiar, and who was duly 'retired' before long); but we think that Count Bray's shifts and delays, with regard to the other South German states and to the new constitution, largely accounted for, in any case, by the unaccountable ways of his sovereign, are here quite sufficiently explained without the necessity of imputing to him either political ineptitude or Austrian leanings; and, which is of more importance, that the sagacity of Bismarck's diplomacy is thoroughly vindicated in an instance where not ruthless violence but patient vigilance lay at the root of its success.

A. W. WARD.

*Nordische Personennamen in England in alt- und frühmittelenglischer Zeit.*

Von E. BJÖRKMAN. (*Studien zur englischen Philologie*, XXXVII.) (Halle a. S.: Niemeyer. 1910.)

*The Norse Influence on Celtic Scotland.* By G. HENDERSON. (Glasgow: Maclehose. 1910.)

A NEW work by the author of *Scandinavian Loan Words in Middle English* is always welcome. In the present work Professor Björkman passes in review the forms that Norse personal names assume in England, in Old English and in Early Middle English. His material is extensive, yet much is left out. For instance, Round's *Ancient Charters prior to 1200*; *Landholders in Lincolnshire, Leicestershire, and Northamptonshire, temp. Hen. I*, the early *Pipe Rolls*, the *Testa de Nevill*, the *Feet of Fines*, the *Charter Rolls*, the *Patent Rolls*, the *Close Rolls*, the *Inquisitiones Post Mortem*, the *Taxatio Ecclesiastica*, *Kirkby's Quest*, the *Index of Ancient Petitions*, the *Index of Court Rolls*, all of which are printed and accessible. He has had the pages of the *Liber Vitae Ecclesiae Dunelmensis* containing most Norse names photographed, and has thus corrected many errors in Joseph Stevenson's edition, yet he does not seem to know Hellwig's *Die Namen des nordhumbrischen Liber Vitae* (Berlin, 1888). A flood of light is thrown on the subject by the author's methodical research. Still a few criticisms may find place here. Mr. Björkman adopts Freeman's derivation of Freystrop, Pembrokeshire, from Freyr; but since the name of a god is not found combined with *porp*, it is likely to be Freysteinsporp, as Frestintorp, Yorkshire, in 1086, becomes Fraisthorp in 1285 (*Kirkby's Quest*.) He derives Aynderby, Yorkshire, from Anund. But Enderby, Leicestershire, is Endredeby, early Hen. III, Harl. Charter 83. A. 19, Endirdeby in 1286, Harl. Charter 83. A. 20, Enderdeby in 1337, Add. Charter 19841.<sup>1</sup> This can only be Eindriði. Mr. Björkman in a footnote inclines to derive Eindrebi, Endrebi, 1086, from Eindriði. He explains Ulf fenise, 1086, as Ulfr fénízki, 'Ulf the niggard.' In the Hyde Register,

<sup>1</sup> *Index to Charters, British Museum*, i. 260.

Atzor feonisca occurs, i.e. *fjónski*, from *Fjón*, Funen: *Fenisc* would be the Norman spelling of *feonisca*. Unlot, 1086, he equates with *úhlutr*, 'damage,' which never occurs as a name. *Úliótr* is a likely name. Leot, i.e. *Liótr*, occurs in the tenth century, and as *Let* in 1086. Konráð Gíslason has shown from Scaldic verse, the only sound test, that Norwegian-Icelandic retained *-ketill* in personal names as late as the beginning of the eleventh century, while Danish-Swedish *-kel*, *-kil* (for *-ketill*) is found already on the earliest runic stones. This would seem to be a more valuable criterion than Mr. Björkman is inclined to think. Hawer must be *Hávarr*, as *Ulf* is *Úlfarr*, and the fact that the same man is called *Haward* and *Hawerd* does not run counter to that. *Lefer* must be *Leifr*. The new reading *Thorleuer* for *Leuer* in *Liber Vitae Eccl. Dunelm.* supports this quite as much. *Lefsi* from N. *Leifsi*, Iceland, is paralleled by *Copsi*, 1086, from \**Kofsi*. Under *Snenni*, 1086, *Snarri* de Thurketliston, Leicester Merchant Guild Roll, 1260,<sup>2</sup> near in form to *Snorri*, should have been given. Under *Sigríð Cireth*, Leicester Guild Roll, 1196.<sup>3</sup> Mr. W. H. Stevenson, in a note to 'fil. Germunde,' in the Leicester Roll of 1199, says 'Probably a feminine, Frankish Germunda,'<sup>4</sup> but the regular weakening of *Geirmundar*, gen. of *Geirmundr*, is, in Danish, *Germundæ*, i.e. *Germunde*.

The Norse influence on Gaelic Scotland has always been overlooked and underestimated. Mr. Henderson's book is mainly a survey of the Norse linguistic influence on Gaelic vocabulary, place-names, and personal names, dealing also with belief, ritual, and literature. As a Gaelic scholar the author is well equipped for that side of his task, but he is sadly to seek in his knowledge of Norse. A few examples will suffice. *Mikinn-nes* (i.e. *mikla nes*), *Galgeððlar* (for *Gaddeðlar*, Galloway), *hestja*, 'horse,' for *hestr*, *Breiðafærðar*, *fjörða*, *sjá-fjörða*, as nominatives, *Flatr-ey*, *Gnupaskarð* (for *Gnúpa-skarð*) to explain *Ben Auskard*, fra *Giljan*, in the *Landnáma*, for fra *Giljum*, *hlíðr*, 'slope,' for *hlid*. *Vatersay* he explains from a non-existent *vats* gen. of *vatn*, adding 'the Norse form *vatr* is rare, the usual spelling being *vatz*; hence *vats-ey*.' *Vatr* never existed. *Vatersay* may be from *veðr*, gen. *veðrs*, 'ram,' while *Waternish*, according to Mr. Henderson *Vatns-ness*, is *veðr-nes*, 'weather-ness,' in analogy with *Waterford*, *veðra-fiörðr*, in Ireland.

Some derivations of place-names demonstrably wrong may be subjoined. *Raasa*, Gaelic *Raarsaidh*, Mr. Henderson gives as *Rár-áss-ey*, 'roe-ridge-isle': it is *Rei(ð)ars-ey*. *Nerabus*, which Mr. Henderson explains from Norse *knörr*, 'ship-stead,' is *neðri-bólstaðr*. *Saddell*, Gaelic *Sà'adal*, Mr. Henderson takes as *sag*, 'saw,' a place where wood was sawn down; it is *sau(ð)a-dalr* 'sheep-dale.' *Fladda*, Mr. Henderson derives from *fjót-ey* instead of *Flat-ey*. *Killegray*, Mr. Henderson gives as *Kjallakr-ey*; it is probably *Kellingar-ey*. *Helmsdale*, Mr. Henderson derives from *Hjalmund's-dalr*, 'Hjalmund's dale,' but the *Orkneyinga Saga* calls it *Hjálmundalr*, supposed to stand for *Hjálmundalr* in analogy with *hjálmavölr*, *hjálmunvölr*, *hjálmvölr*, 'tiller.' The non-existent *Hjalmund* is used to explain *Halmadairigh* as *Hjalmunds-erg*. *Liddesdale*, in South Scotland, Mr. Henderson takes from *Hlið-dalr*. It is *Liddeles-dale* in early forms, from the river *Liddel*. *Lanndaidh* in *Islay* is not, as Mr. Henderson says, from *landareign*, but

<sup>2</sup> Miss Bateson, *Records of Leicester*, i. 88.

<sup>3</sup> *Ibid.* i. 13.

<sup>4</sup> *Ibid.* i. 17 n. 10.

the Icelandic *land-ey*, *land-eyjar*, in South Iceland. Ulverston is from *Úlfarr*, not from *Úlfr*; Ullapool is not *Ulli-bólstaðr* but *Óla-ból*; Boisdale, not 'slight-bay-dale,' but *Bægis-dalr* (Iceland); Stornoway, not *stjórnvagr*, but *stjórnu-vágr*; Appleby, not *apaldr-by*, but *eplabýr*. On p. 135 the author says *setr* 'figures in Thrumster, Bulbster, and other like endings in Caithness, and again in Ulster, Leinster, Munster.' It is however common knowledge that this *-ster* is Norse *staðir*, *staðr*, and the author applies it himself to three names with *-ster* in Caithness on p. 155. Snizort, Mr. Henderson explains as Snow-firth, or from *snúð*, 'slice,' 'to go zig-zag'; it is either from *Sneis*, a Norse nickname, or from *Sneris*, gen. of *Snerir*, which in Norway becomes *Snes-* in place-names. Cornabus is not *kornabólstaðir*, 'corn-town,' but comes from *Korni*, nomen, which is found in Norway: *Korna-bólstaðr*. Similarly Cadboll is not *kattar-ból*, 'cat's stead,' but *Kata-ból*, from *Kati*, nomen, found in Norway. The author derives Harris from a Norse comparative *haerri*, 'higher,' the higher ground as compared with the low-lying ground of Lewis. The early forms show it to be Norse *herað* with a plural *s* added, in analogy with *Hérað* in N. Iceland, and Harray or Hara, a part of Mainland, Orkney. Macleod of the Heradh appears in the *Book of Clanranald*, c. 1500; Herag de Lewis, 15 June 1498, *Reg. of the Great Seal of Scotland*, Herag de Lewis, 1572, 1580. Dean Muir, 1549, speaks of 'the Harry.' In maps it is *Hary*, *Herrie*, *Harry*, *Haraia*, *Harrea*, *Harray*, between 1546 and 1654. The earliest instance of the plural *s* is *Harreis*, 1508, *Reg. of the Great Seal of Scotland*. In Gaelic it is called *Na-h-Earradh*. Modern Norse names fare no better than old ones—Bjornssen for Björnson, Stefannson for Stefansson. Still, this book is of great value as a storehouse of the traces of Northmen in Scotland. The early forms of place-names in Scottish state papers have not been made use of, but they often throw unexpected light on this matter.

JÓN STEFÁNSSON.

*The Medieval Hospitals of England*, by ROTH M. CLAY, with a Preface by the Bishop of Bristol. (London: Methuen. *s.a.*)

THE authoress of this excellent book has ransacked local histories, the calendars of Patent Rolls, and even manuscript sources; and the last chapter, giving a list of all the hospitals in England to the number of nearly 800, bears witness to much hard work. There is a good index, and the illustrations are abundant and excellent. It is not only a readable but a scholarly volume, so much so that we wish Miss Clay had been allowed to give fuller references for her statements. The drawback of the subject is that the term hospital was used of many institutions which had nothing in common, viz. a grammar school, an inn, a lunatic asylum, a medical institution, an almshouse, a place for lepers, or a monastic house; and it is difficult to make any statement that is true of all hospitals. Naturally in a work which covers in detail the whole of England there are errors, and the writer asks that those who have local knowledge will help her to correct them. Thus Crowmarsh Hospital (p. 314) was not under the patronage of Oseney Abbey, nor in any way connected with it; Clattercote was a Gilbertine priory for nuns of that order who were lepers, and ought not be reckoned among hospitals. The hospital of Bethlehem at Oxford (p. 314) is not mentioned as early as 1219,

though Anthony Wood says so; the date is found on one of those deeds of University College to which false dates were assigned to prove the antiquity of the college; the real date is about 1350. A more serious error of Wood is the statement that there was a house for converted Jews in Oxford as well as in London; he gives the history of the house, mentions some of the inmates, and Skelton gives a picture of it; but it is all an error. Henry III gave two houses in Oxford to the *Domus Conversorum* in London, one on each side of St. Aldate's Street, which as late as the reign of Elizabeth paid rent to the master of the rolls; when Wood found one of them described in a will as *domus Conversorum* (i.e., 'the house which paid rent to the converts'), he formed the conclusion that there was 'a house for converts' at Oxford. 'Eve the converted Jew' (*Eva conversa*) of whom he found mention in the cartulary of St. Frideswide was no doubt 'Eve the lay sister.' Therefore, in another edition, pp. 22 and 99 will need correction. On p. 127 Banbury may be added to the list of the hospitals which had the right of electing or (to use the term which the Bishop of Lincoln said was correct) 'nominating' their head.

It is to be hoped that Miss Clay will continue to work at her subject, and in another edition she might be able to give fuller information about the visitation of hospitals. Some of them were regularly visited by the bishop when he visited the monasteries; others seem to have been visited by no one; others according to Miss Clay were visited by laymen, while the chancellor had the visitation of hospitals founded by the king. But in this last case, did the chancellor visit in person, and did he hold visitations at regular intervals or only when the king gave him a command? Unfortunately much of the material is to be found only in bishops' registers, and at the present rate of progress of the Canterbury and York society it will be 300 years before all episcopal registers are printed. The 'thirteenth-century inquisition,' quoted on p. 71, is now called 'Hundred Rolls,' vol. ii. p. 725; 'Augustinian chaplains' (p. 152) might be better rendered 'Augustinian priests,' for *capellanus* was the regular word in the thirteenth and following centuries for a priest; thus in the rolls of institution at Lincoln the five orders below a bishop are *clericus, acolitus, subdiaconus, diaconus, capellanus*. The note on p. 202 should read '29 Hen. III,' not '22 Ed. I.' The book is a storehouse of information on hospitals and indispensable for one who is studying that subject. H. E. SALTER.

*A History of Northumberland.* Vol. IX. By H. H. E. CRASTER, M.A. (Newcastle-upon-Tyne: Andrew Reid, 1909.)

WE have reviewed previous volumes of this work in 1904 and 1908, and have pleasure in testifying that the good workmanship which they evinced is maintained in the present volume. It deals with the parochial chapelry of Earsdon, comprising the separate townships of Earsdon, Backworth, Burradon, Holywell, Hartley, Seaton Delaval, and Newsham with South Blyth; and with the parochial chapelry of Horton, comprising the separate townships of Horton, West Hartford, East Hartford, Bebside, and Cowpen. Earsdon is a chapelry of Tynemouth parish, and Horton a chapelry of Woodhorn parish, and both are situate in the south-east part of the county of Northumberland, immediately to the north of the parts of Tynemouthshire treated of in vol. viii.

The district is naturally flat and uninteresting, and the aspect of its surface is now irreparably injured by colliery workings, but it has always been a fertile tract, as productive in ancient times of agricultural crops as it is in modern of mineral wealth, and its annals serve to illustrate the lives and fortunes of many well known Northumbrian families. Foremost amongst these were the Delavals of Seaton Delaval. Their names appear as baronial landowners in the county within sixty years after the Conquest, and by the thirteenth century their family residence became fixed at Seaton, in Earsdon Chapelry. A very complete account, with carefully compiled genealogical tables, is given of prominent members of the family, amongst others of Gilbert Delaval, who took an active part in the rebellion of the northern barons against King John, which brought about the signing of Magna Charta; of Sir John Delaval, who was five times sheriff and served on the borders in the reign of Henry VIII; of Sir Ralph Delaval, commissioner for the borders in the reign of James I, and of his grandson, Sir Ralph Delaval, who made the harbour at Seaton Sluice, described by Roger North in his account of the visit paid by Lord Keeper Guildford to Seaton Delaval in 1676. The family became extinct in the male line in 1814, and the Seaton estates devolved by entail on the Astleys, who represent a daughter of the house. The frontispiece of the volume is a view of Seaton Delaval Hall, built by Vanbrugh, and standing on or near the site of the former tower, alluded to in Scott's *Marmion*.

Seghill and Hartley form the text of a narrative of the Northumbrian rebellion of 1317 in favour of Robert Bruce against Edward II, in which Walter Selby, of Seghill, and Gilbert Middleton, of Hartley, took a prominent part. The chief exploit of the rebels was their capture of Lewis de Beaumont, the newly appointed bishop of Durham, and of the two Roman cardinals and legates, Gauselin and Luca Fieschi, who were accompanying the bishop on his ill-fated journey to Durham to take possession of his see. The description of Horton is illustrated by pedigrees, more complete than any hitherto published, of the well known genealogical line of the Charrons, Monbouchers, and Harbottles. Guischard de Charron, a Savoyard relative of Queen Eleanor, consort of Henry III, married the heiress of the lords of Horton; Bertram de Monboucher, a Breton knight, married the ultimate heiress of the Charrons; Robert Harbottle, a Northumbrian landowner, married the ultimate heiress of the Monbouchers; and of the ultimate two co-heiresses of the Harbottles one married Sir Thomas Percy and became an ancestress of the dukes of Northumberland and of Athol, and the other married Sir Edward Fitton, and became an ancestress of the Newdigates, the Gerards, and the Staffordshire Levesons. Extracts from the Tynemouth chartulary are again used to furnish details of the customs and dues incident to landholding in the thirteenth century, and these are supplemented by the Hartley and Seaton Delaval manor court rolls of the fifteenth and sixteenth centuries, which are of the greater value owing to the dearth of this class of record in Northumberland. A report made by Joshua Delaval in 1596 gives a sad account of the depopulation of the rural districts in Elizabethan times through the eviction of the common field tenants and the conversion of their holdings from arable to pasture. It relates that in Seghill there were in 1569 ten



farmholds, whereon dwelt ten husbandmen, who kept ten ploughs, and each occupied 60 acres of arable land in three fields, and that before 1596 all of these were displaced by the landlord, who turned the 600 acres into pasture, to that 'there is now not any tenant, tenement, house, nor furniture;' and a similar report is given of the then state of Hartley and Seaton Delaval.

The volume ends with a description of the modern seaport of Blyth. Owing to the opening out of coal pits in the more northern part of Northumberland and to the deepening of Blyth Harbour a considerable proportion of export trade has been in recent years diverted from the Tyne to Blyth, whence four million tons of coals are now annually shipped.

Contributions on the Backworth find of Roman articles by Professor Haverfield, on the collieries and coal trade by Mr. T. E. Forster, on the genealogy of many well known and influential modern local families by Mr. John Crawford Hodgson, on ancient and modern architectural buildings in the district by Mr. Knowles, and on the non-established churches by Mr. Maberley Phillips, add to the completeness of an ably written, well edited, and very readable volume, which is illustrated with plates of views, maps, and plans, and with engravings of seals, coats-of-arms, Roman relics, and other objects of interest.

F. W. DENDY.

*Brasenose College Register, 1509-1909.* Vol. I, Register; Vol. II, Tables and Index. (Oxford: Blackwell. 1909.)

*Brasenose College Quatercentenary Monographs.* Vol. I, General; Vol. II, Special Periods. (Oxford: Blackwell. 1909.)

No happier official commemoration of the four hundredth year of Brasenose College could have been devised than this very full list of its members since its foundation. Under the editorship of the Principal, Dr. C. B. Heberden, the most scrupulous pains have been taken to append to every name all the facts which the college records furnish as to admission, status, and departure from the college. An antiquary desiring the minutest information as to the college career of any Brasenose man will find full satisfaction here. From 1800 onwards every member has also attached to his name an outline of the known facts as to his subsequent career, so providing a record of surpassing interest and completeness for all Brasenose men. It is, however, much to be regretted that an essentially faulty ground-plan has been adopted, greatly impairing, and in some points quite destroying, the usefulness of the Register for general students of academical history. The editor seems to have decided that the college records of admission were too meagre and uncertain to form the backbone of the Register, and that recourse must be had to the University matriculation records. These are fairly continuous from 1576, and, except for the Civil War period, are tolerably full and complete from 1623. So far they are accessible only in the index to them supplied by Joseph Foster's *Alumni Oronienses*. Had these records for Brasenose College been printed in full and in order of time, this Register would have filled a great gap in academical history, and set a noble example to other colleges. Instead, this Register has mutilated the record both by omissions and by dislocations. All mention of parentage, or of parish of origin, is left out, and these facts have still painfully to be gathered from Foster's eight volumes.

The names in each year are given not in order of time, but in two alphabetical sections, one for January–March, the other for the rest of the year. It is thus impossible to get a true chronological view of Brasenose admissions without rewriting the whole book. The immense tedium of so great a compilation has led to somewhat undue meagreness. Thus, the year only of degree is given instead of day and month as well. If exact information is desired as to any recent Brasenose graduate recourse must still be had to the voluminous *University Gazette*.

Some special features of the Register deserve notice. It supplies a college *Athenae* by giving an alphabetical list (ii. 153) of known Brasenose authors, and by adding to each author in his place in the Register the names of his books, with a distinctive mark if the work is found in the college library. This furnishes both a guide to prospective donors to the library and an incentive to further inquiry as to Brasenose writers and their books. This record might well have been fuller, and have given at least some indication of the size of the books. We notice that the college library appears to be without any treatise by its great ornament Jeremy Taylor (i. 152). There are excellent lists of fellows and scholars on their respective foundations, and of college officers. Especially commendable are the lists of college lecturers. When supplemented by like lists for other colleges, these will supply a means of judging of the reality or unreality of formal college tuition from Elizabeth to Victoria. Other classified lists, as of incumbents of college benefices, of members of other societies who have also been members of Brasenose, &c., are admirable in themselves, and deserve imitation by compilers of other college registers. Four charts, one for each century, compare Brasenose numerically year by year with a conjectural average college. The first and part of the second are useless, because of the patent inadequacy of the data. The two others show that Brasenose has not only increased its revenues and enlarged its buildings, but has been steadily ascending in the scale of comparative numbers.

As part of its official celebration of its four hundredth anniversary, Brasenose College has issued two volumes of monographs on the college buildings, property and history. Individually and collectively the fourteen papers are of great interest, but their effect is much obscured by the intercalation of a variety of original documents which ought to have been put by themselves in a separate volume. Of the eight monographs in the first volume the palm must be assigned to Mr. E. W. Allfrey's terse, scholarly and professionally exact *Architectural History of the College*. In its brief compass (sixty-three pages) this gives an account, fully illustrated with views and plans, not only of the past and present fabric and of the new buildings now in progress, but of designs formerly contemplated but never carried out. No such contribution has been made to the history of any Oxford college since T. G. Jackson's *Wadham College* (1893). Equally concise and full of exact information are the Bursar's (Dr. A. J. Butler's) monographs on the portraits, painted, on glass, or engraved, in the possession of the college, and on the college estates. He has also printed, with sufficient introductions, certain old lists of benefactors and of donors of plate. Mr. Falconer Madan sets out with clearness and minute accuracy the facts as to the site of the college, the name and arms,

and the eponymous 'Brasen Nose.' His *Brief Annals*, a concise chronological list of college events, and his *List of Books relating to the College* provide new and suggestive models for students of college history.

The bulky second volume was designed to exhibit, something like century by century, the main features of the general and social history of the college. This division of duty has brought out in a pleasant way the special proclivities of the writers as lawyer, historian or essayist, but has involved a considerable amount of repetition in the use made of available material. The first of these monographs in the second volume gives an account of the founders, earliest benefactors, and successive codes of statutes. The analysis of the statutes is somewhat bewildering, partly because it neglects to set out how much in the Brasenose code was common to all colleges of the time. The second and third monographs cover the period 1547-1660. Both are brilliantly written, and make considerable use of the quaint records contained in the college account-books. These accounts afford much valuable matter for academic history, hitherto inaccessible and therefore unused. It is to be hoped that the college will one day publish the information to be gleaned from this source as a substantial work by itself, instead of drawing on it only for tags to enliven an essay or two. Professor Richard Lodge deftly employs the contemporary notes of Anthony Wood to connect Brasenose with general political history in the later Stuart period. The writer of the monograph on the eighteenth century is unduly impressed by the apparent gargantuan lavishness of meats and drinks in the college menus. He seems to overlook the fact that such gaudies were attended by a very large number of guests. Most borough muniment-rooms have records of far greater prodigality in annual banqueting. The nineteenth century nominally claims 'Monograph XIV,' but has in fact six tractates assigned to it. Mr. T. Humphry Ward's *Reminiscences* (all too brief, in eight pages) are steeped in the charm of leisurely, lovable old Oxford. College rowing, cricketing, and successes in the schools have each a full, distinct treatise. Brief appreciations are given of 'Nine Brasenose Worthies,' typical men of the century, in divergent ways of life. The index to vol. ii suffers from over-classification, with inadequate cross-references. In an index one naturally looks for Godstow and Magdalen College under their own letters: here they are to be found only in the long columns assigned to Oxford City and Oxford University.

ANDREW CLARK.

*History of Secondary Education in Scotland; an Account of Scottish Secondary Education from Early Times to the Education Act of 1905.*

By JOHN STRONG. (Oxford: Clarendon Press, 1909.)

*Scottish Education; School and University, from Early Times to 1905.*

By JOHN KERR. (Cambridge University Press. 1910.)

MR. STRONG gives a valuable summary of the growth and development of secondary education in Scotland. Beginning with Columba's landing in Scotland in 563 A.D., he traces the story of higher school education through stages of Celtic influence, 'catholic supremacy,' and the fifteenth century. He devotes an interesting chapter to the pre-Reformation studies. He then shows the effects of the Reformation on Scotch education, and describes the course of the influence exercised

by the church on education. Next follow a chapter on the parish school (1600–1872) and a chapter on the burgh or grammar school (1600–1872). The space devoted to the history of Scotch secondary education down to 1872 occupies only 192 pages. The remainder of the volume explains the chief features of Scotch education since 1872. The explanatory account of the recent period, 1872–1910, summarises most acceptably the legislative and administrative changes under which secondary education is now organised in Scotland, and puts the reader in touch with the Scotch system, pleasantly and fully. Moreover, constant references are given to the sources of official documents. The space allotted to this latest period has necessarily restricted the scale of treatment of the history from 563 to 1872. Mr. Strong himself however, in his preface, points out that the reading of his book does not remove the necessity of having recourse to Grant's *History of the Burgh Schools of Scotland* and Professor Edgar's *History of Early Scottish Education* for the particular subjects with which they deal. Within the limitation of space thus imposed Mr. Strong has given an attractive account of Scotch educational history. It must be remembered that Scotch education does not lend itself to clean-cut divisions into elementary, secondary, and university education, and accordingly Mr. Strong has to afford glances into educational development as a whole. As a history of school education with special emphasis on the secondary school the work is distinctly able, illuminating, and suggestive. Much restraint must have been exercised to give so much information in so short a space. The writer shows a wide grasp of general educational history, and in his description of the Scotch schools has made independent research, giving his book marked value to students of educational history as well as to the general reader. Though not an exhaustive work on the subject it is clearly the result of close study and careful thinking. It is clear in expression, as befits a teacher, and scholarly in its constant appeal to original authorities. In short, Mr. Strong gives a trustworthy presentment of the whole course of Scotch educational history, such as academical students of education and the general reader will be glad to find is, at last, obtainable.

Shortly after Mr. Strong's book has followed one by Dr. John Kerr, which has been delayed in publication by the writer's illness. This book contains a fuller account than Mr. Strong's book of the history of the universities, and the history of schools is thus brought into closer connexion with the development of the organisation of learning as a whole. Dr. Kerr begins his history with the twelfth century, contending that the historian of education in Scotland of earlier periods can 'scarcely be said to stand on sufficiently solid ground.' Both writers ground their history of the schools on Grant's *Burgh Schools of Scotland*. Mr. Strong aims at making his book particularly valuable to the student-teacher as well as the general reader. Dr. Kerr's aim is, as he says himself, to give an impressionist or bird's-eye view of the subject. The two books, therefore, have much similarity in their scope. Dr. Kerr's division into four periods—(i) down to 1560, (ii) 1560–1696, (iii) 1696–1872, (iv) 1872–1908—is helpful and suggestive; and in the fourth period, as the late senior chief inspector of schools and training colleges in Scotland, he is especially well equipped with knowledge. It is regrettable that the two books cover so much of

the same ground, for both are the result of much thought and labour. Mr. Strong offers more material on the history of the secondary school, while Dr. Kerr gives the fuller account of the whole course of Scotch educational history, and by the inclusion of universities, secondary schools, primary schools, and training colleges, gives a more comprehensive view, as well as affords the reader more interesting incidents of student life, more details of scholars and of educationists, together with the concentrative outcome of great experience on recent educational legislation and administration. On the subject of secondary schools, it may be again emphasised, Mr. Strong has written in the spirit of special research.

FOSTER WATSON.

*Essays relating to Ireland, Biographical, Historical, and Topographical.*

By C. LITTON FALKINER. With a Memoir of the Author by EDWARD DOWDEN, LL.D. (London : Longmans, 1909.)

ALL students of Irish history deplore the unhappy accident in the Swiss mountains which caused the untimely death of the author of these essays in the summer of 1908. Though Falkiner never attempted to give a complete account of any lengthened period of Irish history, he had shown by numerous historical essays, dealing with many periods, a faculty and a habit of painstaking original research, a power of presenting salient facts in a lofty and not unattractive literary style, and above all an admirable temper in approaching topics which though long past are still too often the subject of bitter feeling. These and other qualities go far to justify Professor Dowden in saying that had Falkiner lived he would probably have 'ranked among the students of Irish history of the younger generation as Lecky's immediate successor.' But it was not to be, and we must be grateful for this the third volume of his collected essays.

The biographical essays in this volume are arranged chronologically. The first, on Edmund Spenser in Ireland, endeavours to trace the influence of the poet's Irish surroundings on the scenery and imagery of his poem. The second, on Sir John Davis (as Falkiner, following custom, writes the name of the Irish attorney-general of James I, though 'Davies' appears to be the correct form), is more historical in its aim. Davies was specially concerned with three great transactions, each of which left its mark on the history of the country : the organisation of local government, particularly in Ulster, the 'tremendous operation' of the plantation of Ulster, and the reform of the parliamentary system. The second of these achievements, as being best known, is not here dealt with. Indeed, it seems a guiding principle in Falkiner's essays to select the less conspicuous landmarks of the past for treatment. 'For,' as he says, in another essay, 'it is in the examination of hidden history that the true origin of familiar events is most often revealed.' To show the importance of the work of Davies in the shiring of Ulster, Falkiner gives a brief survey of the civil state of Ireland at the accession of James I. In the course of this survey he notices the significant fact that Armagh was the only town of the smallest importance in the whole of Celtic Ulster, and Armagh, as a centre of English influence, was continually harried by O'Neill. He also makes this suggestive remark : 'It is certainly something more than a coincidence that the anglicising of Ulster, arrested in the fourteenth century by the

Scottish invasion, was never effectually resumed until the hostile exertion of Scottish power had ceased to be a possibility through the accession of James I to the English Crown.' Falkiner's work as editor of the Ormonde Papers for the Historical Manuscripts Commission renders his essay entitled 'An Illustrious Cavalier' specially authoritative. He does not however attempt a survey of the political aspects of the career of the 'Great Duke,' but deals mainly with his personal character as revealed in hitherto unused sources. The essay on Archbishop Stone covers a somewhat obscure period between the age of Swift and the rise of Flood and Grattan, in which the author handles the leading figures as if they were quite familiar to him, and introduces them to his readers. In that on Robert Emmet he taps sources only recently made available, such as the diary of Thomas Addis Emmet, and the *Projets et Tentatives de Débarquement aux Iles Britanniques 1793-1805*, from the French archives. Putting these together it is manifest that if Emmet's rising had the appearance of an independent movement it was only because he was 'too impatient to await the tardy development of the plans of the French Government for sending assistance to Ireland.'

In some slight historical sketches of Irish towns we note, as he runs down the centuries, the rare combination of breadth and accuracy in Falkiner's statements. There are some obvious slips, which may be due to the printer, and on p. 166 Maurice FitzGerald, half-brother of Fitz-Stephen, and his grandson of the same name are confounded, but Falkiner, while eliminating the rubbish that too often passes for the early history of Irish towns, has in a few sentences collected in each case a series of the most interesting associations which can be securely linked with the history of the place.

The last and perhaps the most important essay in the volume deals with 'Irish Parliamentary Antiquities.' In it he shows that the Irish Speaker was probably of nearly equal antiquity with his English prototype and, like the latter, was originally a nominee of the crown. Indeed, it may be said in general that the usages of the Irish house of commons were modelled on those of the lower chamber at Westminster, though sometimes, as in the case of the successive styles of architecture, parliamentary usages would continue in Ireland after the corresponding usage had fallen into desuetude in England. In early times parliament was peripatetic and held its sessions in various county towns. In the Tudor period, 8 A.M. to 11 A.M. were the normal hours, the afternoons being devoted to committees, and a sitting extending to 2 P.M. appears to have been more exceptional than an all-night sitting with us. But the most striking result brought out by Falkiner's study of Tudor parliaments is that 'Poyning's Law,' which came to be regarded as an attempt of the English governors to shackle the independence of parliament, originated in the desire of parliament to limit the authority of the deputies appointed by the crown, and was supported with that object by the anti-English or national party in successive parliaments during the sixteenth century. To this paper some useful appendices are annexed.

GODDARD H. ORPEN.

## *Short Notices*

IN the first *fasciculus* of his *Recherches sur l'Histoire et la Civilisation de l'Ancienne Egypte* (Leipzig: Hinrichs, 1910) Professor J. Lieblein, of Christiania, gives his views of the history of Egypt, the elements of its early population, and the growth of its civilisation and power down to the age of the El Amarna tablets (XVIIIth dynasty) in the fourteenth century B.C., giving special attention to the chronology. It is interesting to have the views of the veteran Egyptologist, though they may be difficult of acceptance. The XVIIIth dynasty is the point where general agreement as to age begins amongst authorities; but Professor Lieblein is undismayed. He adopts for his chronology, as in 1863, the Manethonian figures of Africanus, having first discounted certain dynasties as contemporary with others in order to obtain a total of 3555 years (recorded as Manethonian by Syncellus) between Menes and the fall of the last native king. The result is revolutionary, lowering the date of the XVIIIth dynasty and the whole of the New Kingdom by 250 years. Manetho, even if his real figures have thus been ascertained, seems a broken reed to rely on for a revolution. It may be remarked that Professor Lieblein's reading of a crucial name in the calendar of the Ebers papyrus is impossible; the name is certainly of Amenhotp I. Similarly his interpretations of Egyptian names in the story of Joseph are not only far-fetched but also, for the most part, philologically indefensible; those of Steindorff which he condemns seem to us too clear to be even seriously questioned. Professor Lieblein is perhaps too anxious to assume the historical character of the tale.

R.

Professor Alexander Clarence Flick's book on *The Rise of the Mediaeval Church and its Influence on the Civilisation of Western Europe from the First to the Thirteenth Century* (New York: Putnam, 1909) may be described as a collection of lecture notes with lengthy bibliographies. The author has evidently consulted a great many books, some of them quite recent, and feels interested in his subject. Unfortunately the lectures do not show much historical grasp, and the bibliographies are not sufficiently discriminating to be very useful. Some of the mentions of books are peculiar—e.g. at the end of chapter iii.: 'Sources . . . A. Primary . . . II. Pagan. 1. Greek; i. The classics. Bohn Lib. Excellent. Fine transl. by W. H. Appleton, Bost. 1893.' The heads under which the matter is to be treated or questions discussed are carefully tabulated: 1, 2, 3; *a, b, c, &c.*, in a way that perpetually suggests the class-room. All the inaccuracies in the book might be corrected by use of the authorities cited, but some of them are rather

striking. We are told, on p. 282, that the images in the Greek church were restored by Theodora, widow of Leo the Armenian, and on p. 296 we have the curious passage, 'But the Arian Ostrogothic rulers declared that they had succeeded to the Roman empire's power over the church. Indeed the Theodosian code was practically incorporated in the Visigothic code in 506 by Alaric II. Consequently, Odoacer issued a decree forbidding the alienation of church property.' Mistakes in Latin words and phrases might be regarded as printers' errors if they were not so frequent and conspicuous. We have *pater patrae, Turtullian, Bythinia, Monophistic, domus* (for *dominus*), &c. The professor seems throughout to be adapting himself to an audience of limited knowledge and capacity; but if this is the case, he should have drawn his historical outlines so as to give a clear and accurate impression. One cannot doubt that his pupils would gain information, and guidance towards further information, from the lectures, but the advisability of publishing them is not beyond question. Of their literary style the less said the better.

A. G.

*Les Catacombes de Rome*, by M. Maurice Besnier (Paris: Leroux, 1909), is admittedly an introduction, intended to put students and visitors in possession of the results of the last fifty years' discoveries; but it is scarcely up to date, for, though it notices the so-called Petrine baptistery at St. Priscilla and two of the newly opened subterranean basilicas, it does not call attention to the more important basilica of St. Sylvester reconstructed two years ago; no number of the *Nuovo Bolletino* since that of 1906 seems to have been consulted. This detracts from the value of the work, but no doubt local differences and disputes make it very difficult to keep pace with the latest discoveries in Christian archæology. Otherwise the manual is well arranged and carefully written; its bibliography is specially useful. The author only represents the current local feeling in the guarded and indecisive way in which he deals with disputed matters; whilst he is clearly against the cult of St. Filomena, which is founded on the misapprehension of one inscription, he does not hesitate to throw doubts on the Christianity of Flavius Clemens and Acilius Glabrio or to suggest that the vexed question as to the number of martyrs and others who bore the names of Agnes, Lucina, &c., may be solved by assuming that they are merely mystic surnames. There has recently been too much confident assertion in the reports of catacomb excavations and their exact significance, and it is well that a book such as this should not at once set its seal to any one of the many interpretations which have been proposed on every occasion.

H. M. B.

*Excavations at Toothill and Melandra* and *The Roman Fort at Manchester*, edited by Mr. F. A. Bruton (Manchester: University Press, 1909), are somewhat belated reports of excavations made in 1906-7 in and near Manchester. The first, a stout pamphlet, brings little grist to the historian's mill, for the Toothill diggings proved nothing historical and the Melandra diggings were mere fragments. The large and copiously illustrated volume on the Manchester Fort deserves more attention. The Manchester excavations were not without result. If the date when the fort was first planted remains so obscure that the two chief writers on the point differ



widely about it, and the date when the fort came to an end is admittedly unknown, still the size of the fort has been confirmed at about five acres and knowledge advanced in other details. Moreover the volume contains miscellaneous contributions to the history of Roman Manchester which may be of use to the archaeologist. Professor Tait points out how and why the Roman name of the place is unknown, freely quoting Dr. Bradley's article in this Review (xv. 496). Dr. Hicks, now bishop of Lincoln, writes well of Mithraism, though the peg on which his article hangs is, in reality, not demonstrably Mithraic. The illustrations of Roman pottery may interest students of the new Roman ceramical chronology, though the text to these plates is not altogether satisfying. The minute account of the coins, compiled by Dr. Conway and his colleagues, ought to be noted by numismatists. Historians would probably have been more pleased if the contributors to the volume had combined to write a methodical account of Roman Manchester and its antiquities. But perhaps the time for that was not yet. At any rate, whoever tries the task will have reason to be very grateful to Mr. Bruton and his colleagues for much material of real, if somewhat uneven, value. S.

The *First Annual Report of the Liverpool Committee for Excavation and Research in Wales and the Marches* (Liverpool: University Press, 1909) deserves a welcome because it opens up a prospect of much-needed investigation of Welsh archaeological sites under skilled direction, comprehensive organisation, and adequate equipment. A first report is in the nature of things tentative, and it was inevitable that more should be said in it of what the committee proposes to do than of what has been actually accomplished. Yet apart from two 'preliminary reports,' mapping out future possibilities of work, Mr. Newstead has already contributed to the society an interesting addition to our knowledge of the Roman wall on the east side of Chester, and Mr. Evelyn-White publishes an elaborate account of excavations made in 1908 at Caerleon, each article being copiously illustrated. The chief preoccupation of the committee at present is Roman antiquities, but it also looks forward to work in other fields, and expects important results from the excavation of early monastic localities such as Whitland and Bangor-on-Dee. It is much to be desired that the sites of these ancient houses of religion should be carefully examined; though it may be permitted to doubt whether the material remains of early Celtic monasticism are sufficiently solid to have survived the ages, especially when later buildings have in many cases been erected on or near them. Norman and post-Norman monasteries are a more hopeful field, though few Welsh monasteries are likely to yield results of more than local importance; but medieval castles are after all the best archaeological monuments in Wales, and it may be hoped that the committee will early turn its attention to them. Our only complaint as regards this most encouraging report lies in the fact that there is not so much as a line of suggestion that Wales is a land of castles. T.

The principal task that Mr. A. W. Wade Evans has set himself in his *Welsh Medieval Law; being the Text of the Laws of Howel the Good* (Oxford: Clarendon Press, 1909) is to present an accurate text of the Laws

of Howel Dda from the Harleian MS. 4353 and Cotton MS. Cleopatra A. xiv. in the British Museum. On the whole he has succeeded. His edition of the text bears everywhere signs of industry and care. The accompanying English translation is avowedly based upon that of Aneurin Owen, but there are many differences between the two, and Mr. Evans's alterations are invariably justified either by the correction of his text or by a desire for greater precision. The introduction is the weakest part of the book. It is confused in arrangement, and is marred by much irrelevant and highly speculative matter. The attempt to re-name the different codes is unfortunate. Owen's classification may be open to serious objection, but it has as much to recommend it as has that of Mr. Evans. With all his ingenuity Mr. Evans cannot persuade us that the persons whose names he adopts to christen his codes are jurists of importance, or that they are in any real sense the compilers of the codes he names after them. Of one of them he says: 'Nothing more appears to be known of this Blegywryd beyond what is stated in this preface. Hence this particular group of law books may not inaptly be styled the "Book of Blegywryd"' (p. ix). If this represents the evidence upon which we are asked to accept a new classification, it is hardly likely that the latter will meet with acceptance. It would have been for the convenience of those students who cannot read Welsh had the English translation been indexed. But on the whole the editor is to be thanked for supplying a trustworthy text of the Welsh laws issued in a cheap and handy form. A. J.

Dr. Philipp Funk in *Jakob von Vitry, Leben und Werke* (Leipzig: Teubner, 1909), which forms the third number of the *Beiträge zur Kulturgeschichte des Mittelalters und der Renaissance*, edited by Dr. Walter Goetz, has produced a careful and useful study of a man whose writings exercised a lasting influence on medieval thought and literature. Jacques de Vitry's influence was felt in so many directions that it is impossible to do full justice to it in a short monograph. Dr. Funk has little to say on the importance of the *Exempla*: *dazu*, as he remarks, *ist nur der Romanist kompetent*. He has in the first part of his essay, dealing with 'Jakobs Leben,' cleared up a good many doubtful points in chronology. In the second part, 'Untersuchung der Schriften,' the pages dealing with the life of Maria of Oignies and her importance in the history of religious experience are of the highest interest. In her adoption of voluntary poverty, manual labour, and mendicancy, in her devotion to the lepers, she presents a curiously close parallel to St. Francis. Yet it is certain that Jacques de Vitry wrote his friend's life shortly after her death (in 1213) and before he had been brought in contact with the Franciscan movement. Maria, in her fervent longing to realise the sufferings of Christ, inflicted wounds on her own body and was rewarded by a seraphic vision: *frusta non modica cum cultello resecauit, quae pro verecundia in terra abscondit et quia nimio amoris incendio inflammata carnis dolorem superavit, unum de Seraphim in hoc mentis excessu sibi adstantem aspexit*. Dr. Funk, in discussing Jacques' references to the Franciscan movement, adopts Dr. Goetz's inferences as to the original character of the order (against Mandonnet and to some extent Sabatier); and he agrees with Denifle's view (against Mandonnet and we may add Mortier) that the *nova religio et praedicatio*

*Bononensium canonicorum* described in the *Historia Occidentalis* does not refer to the Dominicans but to a community formed by canons of San Salvatore. This may be so: but it is strange, in view of his connexion with the Albigensian crusade and his relations to Fulk, bishop of Toulouse, if Jacques has omitted to mention the Dominicans. The question depends partly on the date of the *Historia Occidentalis*, and on this point Dr. Funk shows a tendency to argue in a circle.

A. G. L.

*The Court of a Saint*, by Miss Winifred F. Knox (London: Methuen, s.a.), is a clever and a charming book. Without attempting to reproduce the atmosphere of the wonderful century to which St. Louis of France belonged, the writer describes it with a wealth of contemporary detail and modern illustration which reveal not only an intimate use of the main printed western sources, but a power of genuinely sympathetic, if whimsical, interpretation. Perhaps the points of difference and of contrast which divide off the thirteenth century from modern life are as yet more apparent to her than those of contact. Some of the most interesting and picturesque statements of the chroniclers are however, it should not be forgotten, open to criticism. In the case, for instance, of Charles of Anjou, the direct challenge contained in Professor Sternfeld's work to the fairly widespread belief of Charles' own contemporaries in his diversion of St. Louis' second crusade, should, at least, have been mentioned. Perhaps a fuller knowledge of certain recent theories of the medieval church and state might simplify some of the real difficulties so vigorously stated in chapter xviii; and the friars' movement, also alluded to here, should have come earlier and more prominently into the study of a saint in this age of saints. There are some small misprints, as in the preface; and some glaring ones, as on p. 43 (repeated on p. 53); also an occasional mistake in chronology, as on p. 127, lines 7-9, where more than one date seems to be confused.

A. M. C.

There is not very much of general interest in the *Registrum Radulphi Baldock*, recently issued by the Canterbury and York Society (London, 1910). Baldock's folios may have been used 'as a formula book rather than a register, for the names and dates are missing in many cases.' As bishop of London from 1304 to 1313 Baldock of necessity dealt with much routine business, and most of the entries in his register are of this kind. No exception need be made in favour of the series of monastic visitations to which the introduction calls attention. Other bishops at other dates in other places dealt with similar problems in a similar spirit. A comparison in this very register of the faults selected for criticism in one London priory in 1303 and in 1423 (pp. 26, 29) furnishes a pathetic commentary on the vanity of human effort in this respect. Some of the formal entries are interesting. For example, there is a specimen (p. 42) of the precept sent by the bishop to his archdeacons and the dean of his cathedral, together with a copy of the writ of summons to parliament, in accordance with the *praemunientes* clause. The text on the whole leaves something to be desired. There can be no object in printing *audiendum* for *audiendum* (p. 23), *ipis* for *ipsis* (p. 100), or *concensu* for *consensu* (p. 59) even if those slips occur in the manuscript. The insertion

of commas on pp. 28 (*de vita, fide &c.*) and 24 (*casibus nobis specialiter reservatis*) introduces a difficulty where none occurs in the original.

H. J.

A suggestive paper by Dr. Chalfant Robinson, of Yale (reprinted from the *American Journal of Insanity*, vol. lxvi. no. 3, Jan. 1910), asks the question *Was King Edward II a Degenerate?* The author puts together material which suggests to his mind the view that the pathological condition of the king explains both his personal weakness and the paralysis of government that characterised the reign. The facts are ingeniously marshalled, and the study was well worth making. One would perhaps be more convinced by the arguments as to Edward's mental condition if there was not so much evidence of the king's physical robustness. It may however be doubted whether the vague and unscientific phraseology of the chroniclers who speak of Edward's state of health affords a sufficient basis for a diagnosis, even in the hands of the most far-seeing modern physician. Perhaps the best chance of arriving at a solution of the problem would be a study of the medieval history of the English royal house something on the lines of Brachet's *Pathologie mentale des rois de France*.

T. F. T.

The Belgian Historical Institute in Rome has issued part i. of the second volume of M. Fayen's *Lettres de Jean XXII* (Rome: Bretschneider, 1909), bringing the Calendar down to 1330. The index is reserved for the second part. Amongst other letters printed in full is one granting an indulgence to the chapel built for the miraculous picture of the Virgin at Cambron, with an account of how the picture was maliciously pierced with five sword-thrusts by a pretended converted Jew, who subsequently confessed his crime when overcome in a duel by a pious blacksmith. Some space is occupied by letters consequent upon the disturbed state of Flanders in 1327, which gave rise to various bulls of excommunication and absolution. As to the execution of the work there is nothing to add to the previous notice in this Review (xxiv. 190).

C. J.

It is a pity that Mr. R. P. Dunn-Pattison did not take a little more trouble with his popular history of Edward the Black Prince (*The Black Prince*. London: Methuen, 1910), for his pleasant gift of narrative and his keenness about military matters would have gone a long way towards equipping him for his task, even without research in unpublished archives. As it is, the book can only be commended under strict reserves. Mr. Dunn-Pattison has read widely but not very precisely, and has not always understood the books with which he deals. His carelessness extends to neglect in correcting his proofs, incuriousness as to the right spelling of his proper and foreign names, and even as to the names and styles of English authors such as his 'Professor Maund Thompson.' Worse than this is a want of appreciation of medieval conditions, which comes out, for instance, in the slight acquaintance which he shows with the conditions of medieval warfare. However he seldom goes very far wrong, and the general reader, who happily forgets details, will doubtless derive profit as well as pleasure from this facile narrative,

though he will hardly get much enlightenment from the author's commonplace generalisations. It is hard, however, to think that Mr. Dunn, Pattison's 'modest efforts' are likely to 'inspire some future historian with the desire of writing a really great history of the Black Prince.' They are more likely to suggest to the future historian an austere view as to the dangers of loosely compiled popular history. There are some pleasing illustrations.

T. F. T.

There was certainly room for a new edition of John Barbour's *Bruce* in a handy form, and Mr. W. M. Mackenzie has very ably discharged the task of supplying this (London: A. and C. Black, 1909). His text, like Professor Skeat's, follows in the main the Cambridge MS. so far as this exists, the first three books being necessarily taken from the Edinburgh one. Something might be said in favour of a new print of the entire Edinburgh text, for which one must still resort to the edition by Jamieson, but this is a matter of minor importance. Mr. Mackenzie's preface gives a succinct but very clear and critical account of the manuscripts and editions, and explains the lines on which his own text has been prepared. As this is primarily intended for the general reader, or for the historical student, there is no reason for objecting to the few modifications made in the spelling; the changes do not approach to modernisation, and will probably be of service to readers who are not quite familiar with early Scottish. The introduction gives a brief account of Barbour himself, touches on the various works that have been attributed to him, and discusses the historic value of his poem. The notes, which cover nearly 120 closely printed pages, deal mainly with historical matters, but also explain the precise force of Barbour's language in many passages. Altogether a remarkable amount of interesting and accurate information has been packed into these notes, and on all debatable points Mr. Mackenzie appears to take liberal and reasonable views. An example of this is the note on line 477 of the first book, where Barbour seems to confuse Bruce with his grandfather; to his argument however might be added the possibility that Barbour had excised some lines in which the grandson was actually mentioned, and then forgot to alter this reference. In addition to the notes there are several appendices, the first three of which deal with Bannockburn—the site of the battle, Bruce's speech, and the numbers engaged on both sides. The fourth disposes of the lines in book xx on the throwing of Bruce's heart, while the two following deal judiciously with the theories of Dr. Neilson and Mr. J. T. T. Brown. The concluding appendices on the language of the poem, taken together with the glossary, will assist materially in making Barbour's narrative intelligible to those who face it for the first time.

W. A. C.

Miss A. Abram's thesis on *Social England in the Fifteenth Century* (London: Routledge, 1909) contains a sketch of the industrial, agrarian, financial, and commercial changes of the time, and this is followed by a description of the effects produced upon English social life and character. The writer has taken great pains to digest the conclusions of modern writers upon special aspects, and she has, to some extent, utilised evidence drawn from personal research among the early chancery proceedings and other original authorities. We wish that, in tracing the course of

change, more attention could have been concentrated upon the unpublished sources to which Miss Abram has turned, and that a smaller portion of her thesis had been devoted to a summary of opinions already well known to students. The value of such compilation is not to be under-estimated, and in this case there is evidence of wide and careful reading; but in a thesis we look primarily for fresh material and for fresh conclusions based upon it. Miss Abram holds that the cloth and silk industries 'took root' in England during the fifteenth century (p. 5). Was not that early process already complete? For purposes of the general argument it would have been sufficient, as it would certainly have been more accurate, to emphasise the rapid growth of the woollen industry during that period. The silk weavers of London secured a privileged position as early as 1363, and the evidence cited for 1455 cannot indicate taking 'root' at so late a date. An attempt was then made to secure protection for an established industry against foreign competition. Nor is it possible to accept Miss Abram's conclusion as to the value set on English cloth abroad from the mere fact that Eugenius IV thanked Henry VI for a present of cloth. He could scarcely have done less. In dealing with the effects of the changes readers will probably differ on various points from Miss Abram, but many interesting facts will be presented to their notice which will be a real help towards the formation of views concerning a century about which it remains difficult to generalise and to dogmatise.

U.

M. Raimond van Marle in *Le Comté de Hollande sous Philippe le Bon* (La Haye: Nijhoff, 1908) gives a study of Holland and its institutions during the middle of the fifteenth century. As he points out, that age has received too little attention, though the great part which Holland was able to play in the world's history from the middle of the sixteenth to the end of the seventeenth century was due above all to the work achieved by the Burgundian government. His object is not, however, to give a history of the country but to trace the course of its political development. Consequently he only sketches briefly the events by which in 1428 Philip the Good made himself master of the province, and devotes the greater part of his narrative to showing how a prince who had made a science of politics built up its future. The Burgundian dukes had gathered a number of very different states under their dominion. It was their aim to weld them all into one strong whole. But before this could be accomplished it was necessary that in each separate state the power should be concentrated and centralised in the hands of the prince. This was the task which Philip undertook in Holland. Before his time the towns had been stronger than their counts, but the duke of Burgundy could command from his other dominions a force to which the towns of Holland had to submit. On the other hand, the towns were attracted to their new ruler by their mutual opposition to the nobles. So they were content to abandon a part of their own privileges and assist the duke against the nobles, not foreseeing that Philip and his successors would keep the power for themselves. M. van Marle traces the lines of Philip's policy in the spheres of government, justice and finance, the position of the church, the growth of municipal organisation, the development of agriculture,

trade, literature, science, and art. He concludes that Philip's rule was to the advantage of Holland. The policy of the Burgundian dukes fostered both the foreign commerce and the native industries of the country. The wealth of which they thus laid the foundations, combined with the political unity which they enforced, endowed Holland with the strength which enabled her a century later to throw off the yoke of Spain. More than half the volume is taken up by a collection of unpublished documents, political ordinances, and commercial regulations. Some of these are of interest for English economic history. Trade relations with England made the cities of Holland reluctant to fall in with the change of foreign policy after 1435, and Philip had to remonstrate with them for their indifferent assistance in the war. Other documents deal with the trade in cloth and the negotiations which resulted in the commercial treaty between Holland, Zeeland, and England in April 1445. There is a copious bibliography of sources, both manuscript and printed.

C. L. K.

Dr. J. Lindeboom's dissertation on *Erasmus, Onderzoek naar zijne Theologie en zijn godsdienstig Gemoedsbestaan* (Leiden: Adriani, 1909) is a very meritorious piece of work. The author has made a careful study of Erasmus's theological writings, and is thereby enabled to emphasise a side of his character which is often overlooked. Despite the efforts of Dr. Seebohm and some other biographers the common estimate of Erasmus is still based on the *Praise of Folly*, the *Colloquies*, the *Letters*, and the dreadful, unconvincing *Apologies*; is still tinged by the venom vomited forth upon him from both sides by combatants whom he would not join. Brilliant, shifty, unheroic, ready to jest on any subject, however holy, ready to part with any conviction if it proved dangerous—such is the presentment his enemies created for him; and it has lived far longer than they could have hoped. Now, however, students have come to recognise the intense earnestness of the man; to value at its worth, despite his obvious weaknesses, the strength which could stand unwavering between the two lines of battle and not seek shelter with either; to perceive, despite all appearances to the contrary, the independence which refused one offer after another, each more tempting than the last, rather than sacrifice to courts any fraction of the lifetime he had devoted to learning. Erasmus's theology was not profound; religion was to him a spring of moral force rather than of orthodoxy. A simple view of life, offering no solution of fundamental difficulties; but, such as it was, he held to it with great tenacity, though here too, as everywhere, seeking and ensuing peace. It is this aspect of Erasmus which Dr. Lindeboom has set himself to develop; and he has carried out his task with great patience and lucidity. In his first part he examines in detail Erasmus's attitude towards the Bible and his views of the institutions, the doctrines, and the sacraments of the church; in his second he discusses Erasmus's character more generally, from the religious point of view. His interest is mainly theological; but here and there he touches on historical and biographical matter. One point on which he incidentally lays stress may be mentioned. Erasmus's hatred of the monasteries led him to represent them as anything but homes of learning. Dr. Lindeboom points out that his two most intimate friends

during his monastic life were humanists of note, notwithstanding their vows, and that the correspondence between them shows considerable acquaintance with the classics and the fathers. P. S. A.

Dr. Paul Herre's book on *Barbara Blomberg* (Leipzig : Quelle & Meyer, 1909) will strip the mistress of Charles V and mother of Don Juan of every shred of romance or sentiment. Her father, Wolfgang Plumberger, was a decent Regensburg citizen, but Charles was probably not Barbara's only lover—at all events in a fit of temper she told her son that he was not the child of the emperor, but of a commissariat officer. She was married either soon before or soon after his birth to one Kegler, and settled in the Netherlands. It was only after her husband's death in 1569 that she was brought into relations with the Spanish court, though Charles V had left her a legacy. Henceforth the licentious, extravagant, obstinate woman was the bugbear of successive governors of the Netherlands and of the Spanish king himself. Her life was such a scandal that the government was determined on her removal to Spain, while she vowed that she would sooner be cut in bits than go. The conflict forms a curious parallel to that with the Netherland rebels. Alba, finding stern measures of no avail, on his retirement advised Requesens to try gentler methods. These availed nothing, but he at least succeeded in deporting her most permanent lover, the Englishman Anthony Standen. There were schemes for sending her to Regensburg, and even for shipping her to Spain from Genoa, under pretence that she was being escorted to join her son in Naples. Don Juan's arrival in the Netherlands produced a crisis. The scandal was becoming a serious political danger, and the subject of opposition squibs. Don Juan insisted on her removal to Spain, where she was placed in a convent near Valladolid, where she made love to her major-domo and borrowed money of him. After her son's death she was allowed to settle at Colindres, near Laredo, where she lived a free and comparatively jovial life, dying on 18 December 1597, aged seventy. Philip II's conduct to the end was marked by creditable consideration. He even accepted her inheritance, which meant her debts and legacies, and the personal effects, of which an interesting schedule is given, including pictures of Lepanto, of Mary Stuart, of Barbara, and Don Juan, of which the last can be probably identified. The volume is very attractively presented, and the notes prove how widely the author has gleaned for his material in German, Flemish, Spanish, and English archives. Whether so worthless a woman deserved so much of a good scholar's time may be doubted. E. A.

The life of *Elizabeth, Queen of Bohemia*, forms the longest and most important of Mrs. M. A. Green's historical biographies. It is based largely on manuscript, almost exclusively on contemporary evidence, and its compilation exhausted the first-hand material then available on the subject. The result of the author's conscientious and untiring labours is an able, considered, and well-written monograph which remains, after a lapse of more than fifty years, the standard authority on the fascinating but unfortunate Stuart princess. Mrs. Green's niece, Mrs. Lomas, has been well advised to re-issue this particular biography as a separate memoir (London : Methuen, 1909), and the necessary revision has been



executed in a manner worthy of the original work. While avoiding all superfluous alteration, the editor has corrected inaccuracies in the text, added notes where later discoveries have increased knowledge, and carefully brought up to date the manifold references appended as footnotes to every page. This last amendment was at once especially desirable and especially difficult, as the state papers, to which so large a proportion of the references relate, have been entirely re-arranged since the first publication of the book. Further, there has been added an excellent index, a list of the documents, books, &c., consulted by Mrs. Green, and another list of those bearing on the subject which have appeared since the completion of her book. From the most important of these later publications—namely, the letters edited by Fräulein Wendland—Mrs. Lomas quotes freely in her introduction. There is, besides this introduction, a prefatory note by Dr. A. W. Ward, Master of Peterhouse, and the new edition is altogether a good piece of work. E. S.

In *Trois Familiers du Grand Condé* (Paris : Champion, 1909) MM. Jean Lemoine and André Lichtenberger present to us in a light and amusing style the biographies of the Abbé Bourdelot, Père Talon, and Père Tixier. The material used is drawn from correspondence preserved in the archives of Chantilly, consisting mainly of letters written to the prince for his entertainment when in retirement. The Abbé Bourdelot was a doctor of considerable versatility and reputation. About 1638 he became attached to the house of Condé, and remained in the service of the family till its implication in the Fronde, when he deemed it advisable to leave it for that of Christina of Sweden. He became the chief doctor at her court, and by reason of his medical skill rose high in the royal favour, incurring thereby the universal jealousy and dislike of the courtiers. Returning to France at the end of 1653, he re-entered the service of the prince of Condé, supervising the state of his health at Chantilly, or from a distance at Paris, where his patients included such notable personages as La Rochefoucauld, Madame de Sévigné, and the Duchesse de Longueville. Despite Molière's severe attacks on the profession, Bourdelot's own methods seem to have been fairly rational, some of them, for example in his treatment of gout, being in accordance with modern usage. His great reputation is attested by the fact that he was chosen to attend the post-mortem examination of Henrietta of Orleans, for the purpose of explaining the cause of her death to the representatives of the English king. Bourdelot was the instigator of the first medical journal published in France, and founded an academy for the discussion of nominally scientific subjects. He seems also to have posed as a philosopher and poet ; he wrote a treatise on the existence of God, and addressed a sonnet to Condé on the taking of Lens. In the light of his medical skill and extraordinary devotion to the house of Condé, Gui Patin's estimate of him as *un charlatan canonisé par la Fortune* seems a little severe. Père Talon embodied the Jesuit influence exercised over Condé, especially towards the end of his life, when in common with many of his fellow Frondeurs he turned to things of religion. As almoner of the prisons he came into contact with the criminal population of Paris. The accounts of tortures, executions, and so forth that he sent to the Prince are what we might expect in an age

when, according to a contemporary, *La torture était un spectacle capable de faire passer une heure ou deux*. Talon's paraphrase of the Old Testament written for people of fashion, 'at once edifying and agreeable,' went through many editions. The extracts given are delightfully grotesque. Père Tixier was sub-prior of the abbey of Saint-Denis during the Fronde. Without breaking with the court he was able to render to Condé certain services which earned his gratitude. He took part in the state coronation of the king at Rheims, and has left an account of the rôle played therein by the monks of Saint-Denis. In 1669 he became prior of Saint-Germain-des-Près, when he came into contact both with Casimir, the ex-king of Poland, and Madame de Montespan; and he was afterwards prior of the abbey of Saint-Georges in Normandy. He disapproved of the policy of persecution adopted with the revocation of the Edict of Nantes, and relates its mischievous effects upon the province. The bulk of illustrative matter is gathered together in about seventy pages of appendix, the lack of an index to which is to be deplored.

C. E. M.

Dr. Ferdinand Fehling's essay on *Die europäische Politik des Grossen Kurfürsten, 1667-1688* (Leipzig: Quelle & Meyer, 1910), falls into two distinct parts, although they are not marked as such. The first is a very fair appreciation of the policy of the Great Elector of Brandenburg at the epoch of the great struggle between France and Austria for the European supremacy. A proper estimate of Brandenburg's possibilities as a power just then growing to external influence and internal union equally prevents Dr. Fehling from sharing the opposite prejudices of the old Austrian and Prussian schools of German historiography, which would make Frederick William either the traitor or the hero of his nation. A second part treats of the several French envoys to the court of Berlin at the period, and particularly of that last famous diplomatist of the Feuquières family, the count of Rébenac. The favourable criticism here given of his diplomatic relations preserved at Berlin is borne out by the author's book on the relations between France and Brandenburg, 1679-84, published in 1906.

C. B.

*Les Mavroyéni, Histoire d'Orient (de 1700 à nos jours)*, by M. Théodore Blancard (Paris: Leroux, 1909), relates in two volumes of 1587 pages the fortunes of a single clan, of which one member alone has played a really important part. In discussing the origin of the Mavroyéni, he mentions with favour the theory of Pouqueville that they were lords of Karystos in Venetian times. The Venetian domination of Euboea ended in 1470—for the island was not reconquered by Morosini nor yet ceded to Venice in 1699, as he states (i. 37, 38)—and, while it lasted, no Mavroyéni was baron of Karystos, whose history has been written in great detail by Hopf. All that is certain about the early history of the family is that a Mavroyéni is mentioned in a Corfiote document of 1440, and that they appeared in Paros early in the eighteenth century, after the Turkish reconquest of the Morea. A further error (i. 42) is to ascribe the heroic defence of the Parian castle of Kephalos to a Venier; its defender was Bernardo Sagredo. The Mavroyéni, like so many other Greeks in the eighteenth century, sought their fortune in the Turkish service, without forgetting their own race. Four members of the family became drago-

mans of the fleet; one of the latter rose to be Hospodar of Wallachia. As dragoman he used his influence to mitigate the condition of the Greeks after the futile Russian invasion of their country in 1770, and was instrumental in placing Maina with its native bey under the authority of the Capitan Pasha. As Hospodar he fought in the Russo-Turkish war of 1787, and was beheaded by the Turks in 1790. His reign and character, which bulk large in Thomas Hope's *Anastasius*, have been very differently judged by both contemporaries and recent historians. Emerson and Finlay wrote with appreciation of his early services to his countrymen, and M. Blancard loads him with praise and dismisses everything that has been said against him as mere calumny; Professor Xénopol, on the other hand, while admitting that he served the Turks with fidelity, considers him to have been a poor diplomatist of inordinate vanity. At any rate he lived at an interesting time and filled an important position, and his memory is still cherished at Nauplia and in his native island of Paros, where several fountains, besides inscriptions in the famous Church of the Hundred Gates, preserve his name. But since his time, although the Mavroyéni have produced several men of respectable rank, none of them merited elaborate biographies, while far greater personages of history would suffer from the torrent of indiscriminate praise which the author pours over his heroes. At the same time, the book incidentally contains valuable information about the Levant. Thus the history of Samian autonomy down to 1904 is not easily found elsewhere; moreover, in the absence of the memoirs which the late Dr. Dickson and the Mavroyéni who was Abd-ul-Hamid II's body physician both composed, the chapter on that member of the family possesses considerable interest. But no one, unless he belongs to the clan, will read through so uncritical and so voluminous a work.

W. M.

The *Zeitschrift für Brüdergeschichte*, published at Herrnhut since 1907, is inspired both by confessional piety and historic feeling, the same motives which caused the formation of a union for the history of the brotherhood. The *Unitas Fratrum* has a long history, interesting both from its process and the ideals it expressed, so that this periodical ought to have an attraction for a wide circle of readers. Among the papers may be mentioned those by W. E. Schmidt on the 'Religious Life in the Earliest Times of the *Unitas Fratrum*,' and by G. Reichel and Müller on 'Zinzendorf's Diary, 1716-1719.' There are also added useful lists of publications concerned with the history, and smaller contributions, such as letters by Zinzendorf, &c.

J. P. W.

*The Voyage of Captain Don Felipe Gonzalez in the ship of the line 'San Lorenzo' with the frigate 'Santa Rosalia' in company to Easter Island in 1770-1, preceded by an Extract from Mynheer Jacob Roggeveen's official log of his discovery of and visit to Easter Island in 1722, transcribed, translated, and edited by Dr. Bolton Glanvill Corney, forms one of the publications of the Hakluyt Society for 1908. The Spanish documents were collected by Dr. Corney from the Spanish archives, and are now published for the first time. They are, like Roggeveen's log, translated. The log has not before appeared in English, though it was published in Holland in 1838. The documents which Dr. Corney has*

collected throw light on a hitherto obscure chapter in the history of the Eastern Pacific. They are preceded by an introduction, in which he traces the causes which led to the Spaniards sending an expedition to Easter Island. The island had first been reported by Edward Davis in 1687, and was visited by Roggeveen in 1722, but his visit was barren of results, and the Spaniards were only roused to send an expedition there by the fears for their South American dominions which were excited in the mind of the Spanish government by English and French expeditions, especially those to the Falklands. Short biographical notices and a bibliography are also given with much other information to elucidate the text, and the book is not only valuable as contributing entirely fresh matter, but bears abundant evidence of knowledge and care. In these circumstances it seems ungracious to complain of small errors, but surely the name of Roggeveen's principal ship should not be 'Den Arend' or 'The Arend,' but 'De Arend' or 'The Eagle.' If 'rovers' on p. 25 represents the Dutch 'roover,' it should be 'robbers.' Louis XVII on p. xli is an obvious printer's error for Louis XV. The volume contains a picture of one of the colossal stone figures which are the most remarkable objects in Easter Island, and some excellent reproductions of maps.

H. L.

For a long period before the dawn of the Roman catholic revival in England, which has rightly been dated from the repeal of the penal laws in 1778, the prospects of the church here were gloomy. The missions were supplied only from colleges abroad, and were supported by a small number of wealthy families; the priests in London lived in poverty and disguised as laymen, and, save those who ministered in embassy chapels, were forced to say mass in the back rooms of public-houses to escape detection by informers; and the laity were oppressed by financial penalties and other disabilities, among which that entailed by the Marriage Act of 1753 was not the least grievous. During the thirty years before the relief granted in 1778 the English catholics decreased, not merely relatively as compared with the increase in population, but in actual number. A full and well-drawn picture of their condition is given by the Rev. Dr. Burton, vice-president of St. Edmund's College, Old Hall, in his *Life and Times of Bishop Challoner, 1691-1781* (2 vols. London: Longmans, 1909), an excellent biography with but one fault: it is somewhat too long. Challoner, who in 1738 became co-adjutor to Bishop Petre, vicar apostolic of the London district, then in feeble health, succeeded to the vicariate twenty years later, and presided over it until his death in his ninetieth year. He held a position of vast responsibility, for, besides his own vicariate, it is evident that he was regarded as the chief authority of his church in England; and he also had charge of the church in America and the West Indies. Of his personal holiness there can be no question, and though not a man of commanding intellect, he was wise and able, at once cautious and brave, kindly, and deservedly held in honour by his people. He wrote much, and with the sole object of supplying the religious needs of catholics, his best-known works being his edition of the Douay Bible and *The Garden of the Soul*, a manual of devotion which has been so often edited that little of the original book survives. Among the more important events of his public life are a dispute between the vicars apostolic and the regular clergy, and the difficulties consequent on the grant of the college

at St. Omer to the seculars after the suppression of the Jesuits in France in 1761, a matter in which Challoner's judgment for once seems to have been at fault. The account of the persecution of the priests in 1765 and later, which was due to the action of the informer Payne, confirms Oliver's statement that Father Malony, who was sentenced to imprisonment for life for saying mass, remained in prison for four years. Lecky, though referring to Oliver in a footnote, only says 'some years' in his text, apparently because Burke spoke of 'two or three years' imprisonment.' Lastly, in recording the proceedings of the committee who petitioned for relief in 1778, Dr. Burton notes the manifestations of the spirit of independence, and indeed of antagonism, with which some of the leading catholic laymen regarded their ecclesiastical rulers, and which brought so much trouble on the church during the next twenty-five years. When Bishop Hay presented himself at the Thatched House tavern, where the committee met, he was refused admission, 'Sir Robert Throckmorton bluntly remarking "We don't want bishops."' W. H.

Mr. Roger H. Soltau has succeeded admirably in the difficult task of giving a clear and concise account of the career of *The Duke de Choiseul* (Oxford: Blackwell, 1909). Out of the tangle of diplomacy he has produced a compact and well-proportioned account. He furnishes us with a convincing estimate of the work of the statesman, and one in which everything that is of outstanding significance is skilfully disentangled from the vast mass of subsidiary clues to interpretation. Of course the double diplomacy of Louis XV complicates matters very much. When Choiseul became a powerful minister, he perceived the perverseness of the Pompadour-Bernis policy. Thus he became ultimately hostile to Saxony and opposed, as Casimir Stryienski's *La Mère des Trois Derniers Bourbons* testifies, to the influence of the margravine Josepha at Versailles. He was a friend—a critical one at times—of Austria, and there was considerable prejudice against him in France on account of this. His conception of the Seven Years' War was that 'this was a war from which no party had very much to gain,' and it certainly expressed the truth of the case as regards France. We agree with Mr. Soltau in rating his diplomatic skill highly, but as a statesman he does not rise above the level of his contemporaries. His memoir of 1765 is fairly typical. In it he writes: *Il n'y aura que la révolution de l'Amérique qui arrivera, mais que nous ne verrons vraisemblablement point, qui remettra l'Angleterre dans l'état de faiblesse où elle ne sera plus à craindre en Europe.* The chapter on his military, naval, and colonial policy is excellent. Choiseul's state paper giving an account of his reforms in the army, navy, and colonial affairs shows his great administrative talent. Whatever admiration we may have for his public character, for his private character we can have none. His *Mémoires*—there is an excellent criticism of their historical value in the *Revue Historique*, May-June 1905—reveal the fact that even for a licentious age he was grossly immoral. He thought that it would not matter much to England if a vicious king ruled over it, and this remark shows his insight. His discriminating sketch of the character of Louis XV deserves reproduction:

Après une étude suivie, dont rien ne m'a jamais distrait, je voyais le roi, un homme sans âme et sans esprit, aimant le mal comme les enfants aiment à faire

souffrir les animaux, ayant tous les défauts de l'âme la plus vile et la moins éclairée, mais manquant de force, à l'âge où il était, pour faire éclater ses vices aussi souvent que la nature l'aurait porté à les montrer ; par exemple, il aurait, comme Néron, été enchanté de voir brûler Paris de Bellevue ; mais il n'aurait pas eu la courage d'en donner ordre ; le spectacle qui lui ferait le plus grand plaisir serait celui de voir les exécutions de la Grève, mais il n'a pas le courage d'y aller.

R. H. M.

Mr. James Smith's *Junius Unveiled* (London : Dent, 1909) is an attempt to prove that Junius was Gibbon. Beyond showing that Gibbon had both the brains and the cynicism necessary for the task, the author makes little serious attempt to prove his case. Gibbon's year in the Militia is made his authority for the statement that 'Junius exhibited a particular knowledge of military affairs such as was possessed by no English writer of the time, with the single exception of Gibbon' (p. 91) ; and his other arguments are equally futile.

W. L. G.

Mr. H. Belloc's *Marie Antoinette* (London : Methuen, 1909) is a clever and a most readable book, and an amusing one, in spite of the shadow of impending disaster which throws something of tragic gloom over even the frivolities and follies of Marie Antoinette. Mr. Belloc is not to be taken too seriously, and part of the entertainment he gives his readers is due to his humorously paradoxical dogmatism. The Jew, the philosopher, the protestant, indeed the whole mechanism of modern society he loudly declares to be accursed. The Reformation, he says, checked Europe in the career of progress on which she had entered under the stimulus of the Renaissance and the guidance of the catholic church, and is the source of all the evils which followed. The French Revolution, by breaking the shackles of deadly routine, by startling society out of a blind optimism, and by restoring the vigour of the church, has given democratic Europe a chance of once more advancing on the right path under the conduct of Rome. Mr. Belloc is troubled by no doubts. He would seem to have had access to the pages of that book after the production of which all secrets will be revealed. At all events he pronounces sentence with the confidence of an infallible judge. He knows not only the secrets of men's hearts but even what the future has in store for them (e.g. p. 62). His prejudices and their source are alike undisguised. Maria Theresa was on the whole a faithful daughter of the church, and her great qualities are fully recognised, while the sketch given of Joseph II is a caricature so grotesque that it has lost almost all likeness to the original. The estimate of Marie Antoinette, on the other hand, is neither unjust nor unsympathetic. Her follies and mistakes, if not extenuated, are explained by her education and the difficulties of the position in which she was placed. Her part in bringing about the fall of the monarchy is scarcely exaggerated. Though she stood for much of which Mr. Belloc disapproves she was a believing catholic. The scales in which she is weighed are therefore equally balanced. Mr. Belloc, who generally shows little discrimination in the use of his authorities and accepts without hesitation most of the revolutionary legend, justly rejects the calumnies with which not only the republicans but even some legitimists have besmirched the memory of the unfortunate queen. An amusing instance of the author's perverse ingenuity is the parallel he

draws between the obstinate credulity of the believers in the innocence of Captain Dreyfus and that of those whose conviction that the queen was guilty in the affair of the collar could be shaken neither by evidence nor common sense.

P. F. W.

Prince Murat is continuing his invaluable *Lettres et Documents pour servir à l'Histoire de Joachim Murat*, the third volume of which (Paris: Plon, 1909) gives us the letters during Murat's tenure of the office of governor of Paris until August 1805. The present volume therefore comprises the critical seasons of the conspiracy and the murder of the Duc d'Enghien. As regards the former, we get abundant evidence of the anxiety which the government felt on the occasion, and rightly so if members of the council of state were implicated in it. As regards the latter, those who hoped that fresh light would be thrown on Murat's attitude towards it may be disappointed, for little else is printed save Mosbourg's account of the affair in full, and therefore in its essentials the matter remains as it has been since the publication of Count Murat's *Murat, lieutenant de l'Empereur en Espagne*. The fresh material, slight as it is, goes to confirm the story of Murat's horror at the whole proceeding, and it is a pity that he signed the order constituting the commission for the trial nominated by the First Consul, for then no one could accuse him of having had even the slightest share in the crime. The number of jobs done for the town of Cahors is surprising.

L. G. W. L.

Under the title of *Officers of the British Forces in Canada during the War of 1812-5* (Welland Tribune Print, 1908) Mr. L. Homfray Irving, the honorary librarian of the Canadian Military Institute, gives a list compiled from official sources of 'the staff of the British army, the officers of the Upper and Lower Canadian militia, the Indian department, the provincial marine and the royal navy.' He does not however include the names of the regimental officers of the British army. The list of names is supplemented by biographical footnotes and a variety of appendices dealing with pay, uniform, &c. It shows the Canadian militia as it was at that period, and being evidently compiled with great care should prove of service to the student of the war and of special interest to the Canadian reader.

W. B. W.

M. Paul Frémeaux' *Sainte-Hélène, Les Derniers Jours de l'Empereur* (Paris: Flammarion, 1910), is a pleasantly written book, but it adds nothing material to our knowledge of Napoleon at St. Helena. The author is uncritical, takes a violent line against the British government, and labours to prove that Napoleon's last illness was complicated by liver trouble. Extracts from Dr. Henry's well-known narrative form a substantial part of a work which can hardly be reckoned as a serious contribution to history. The book has also appeared in an English translation (*The Drama of St. Helena*, 1910).

H. A. L. F.

Professor G. E. Cory's *Rise of South Africa* (London: Longmans, 1910) purports to be not a history of South Africa as a whole, but an authoritative and careful account of the Eastern Province. The first volume, which carries the history down to 1820, tells the same facts which are found in Dr. Theal's volumes in much fuller detail and with somewhat more distinction

of style, together with the advantage that always belongs to the later historian. Mr. Cory cordially expresses his indebtedness to the invaluable volumes of the *Records of Cape Colony*, collected and transcribed by Dr. Theal. The publication of *The Rebellion of 1815, generally known as Slagter's Nek*, edited by H. C. V. Liebbrandt, has made possible a more complete and accurate account of the facts connected with that dismal tragedy than has been given hitherto; and some letters of Colonel John Graham, the founder of Grahamstown, add not a little to the interest of the book. The appearance of a history written by an English professor under the auspices of the Rhodes Trustees at Rhodes University College, Grahamstown, might seem to be a counterblast to Dr. Theal's history, which has been accused of prejudice in favour of the Dutch. But in fact Mr. Cory and Dr. Theal are generally in substantial agreement. Both write with genuine respect and admiration of the Dutch farmers. Both denounce with the same vigour the attitude of the missionaries and of the British statesmen whose consciences the missionaries directed. The judgments of both upon the British governors whom they deal with are very similar; and assuredly the later writer shows no greater favour to either Lord Caledon or Lord Charles Somerset. In truth the book is concerned neither with controversy nor with the philosophy of the history; but we can cordially echo the writer's belief 'that a straightforward, unbiassed account of the circumstances of hardship, endurance, and perseverance under which the Eastern Province took its rise and continued to struggle for many years will be read with interest.'

H. E. E.

Bismarck literature grows apace. Some time ago we noticed a French biography<sup>1</sup> of the German statesman; now Herr Erich Mareks has begun a fresh work on the same subject, under the title of *Bismarck; eine Biographie* (Stuttgart: B. I. Cotta, 1909). The importance of the present book, the first instalment of which covers the period of Bismarck's youth, from 1815 to 1848, lies in the fact that its author had special means of information from the late Prince Herbert Bismarck, and has been allowed to make researches in the family papers at Schönhausen and Friedrichsruh. He has thoroughly assimilated his information; his style is commendably clear; and his pages are readable as well as learned. The most interesting part of the volume is that descriptive of the future chancellor's student life, about which various legends had accumulated. Bismarck did not carry away much intellectual baggage from the university; his considerable knowledge of history he picked up later in life; but he made his mark among his fellow-students, as he did everywhere. A great amount of space is devoted to his wooing and wedding, and throughout, as is natural in a volume mainly occupied with his private life, the personal note predominates. It was hardly worth while however to reprint the manuscript of Bismarck's first newspaper article, a poor production on an unimportant question. Two excellent portraits find places in this section of the biography.

W. M.

In the recent history of the British empire, no event compares in importance with the marvellous development during the last twenty

<sup>1</sup> See *ante*, xxi. 182, 810; xxiii. 413.



years of Western Canada. It is therefore fitting that the memory should be held in honour of the man who played no small part in that development (*Life of Robert Machray, Archbishop of Rupert's Land*, by R. Machray. London: Macmillan, 1909). 'In the providence of God,' said Archbishop Machray in 1888, 'I have been present at the birth of a new people,' and undoubtedly he played no little part in the shaping of that new people to worthy ends. Becoming bishop of Rupert's Land in 1865, when his diocese mainly consisted of wandering tribes of Indians and of half-breeds, he, from the first, foresaw the possibilities of the country, and threw his whole energies into the task of making the organisation of his church equal to the needs of the advancing population. During the unhappy episode of the Red River rebellion, he rendered political services of no little value; and the chapters dealing with this subject are amongst the most interesting in the volume to the student of Canadian history. There seems good ground for the claim of his biographer that to him, more than to any one man, it is due that the magnificent heritage of Manitoba and the North-West remained to Canada and to the empire, and did not, through the blundering of Canadian statesmen, become absorbed in the United States. In 1865 Rupert's Land was one see, with eighteen clergy; in 1904, when the Archbishop died, the original see had been carved into nine, and there were some two hundred clergy; and this result was not achieved without endless work and self-sacrifice. 'The work of a colonial bishop,' the Archbishop wrote in 1899, 'is the history of a constant struggle; work ever branching out, calls on all hands, and such insufficient means.' By dint however of incessant dunning of the great London societies, and by the example of his own individual life, the means were somehow forthcoming, and in Western Canada the Church of England can compare in organisation with the other protestant denominations. The development also of education in the west owed not a little to Machray's exertions. During his whole episcopate he was connected very closely with the education of the country, and when the university of Manitoba was founded in 1877 it was generally recognised as right that he should be its chancellor. It was on the ground of his services to education that provincial Government gave him a state funeral. Although he was neither exceptionally eloquent nor brilliant intellectually, he was in his way a really great man, and there is every reason to welcome this sober and adequate record of his work. H. E. E.

The limits of this Review preclude us from noticing the two volumes in which, under the title of *Primitive Paternity* (London: Nutt, 1910), Mr. E. S. Hartland has collected, chiefly from English and German sources, a large mass of materials illustrating primitive and savage beliefs relative to the history of the family.

In his posthumous book on *The Strength of England* (London: Longmans, 1910), Mr. J. W. Welsford tried to do for the special history of England what he had endeavoured to achieve in a previous volume, entitled *The Strength of Nations*, for the general history of the world. That earlier production of his pen was described frankly as 'an argument from history'; and it would be impossible to pronounce that signs of having been 'written

for a purpose ' could not similarly be found in this later work, which also, unfortunately, bears the marks of incompleteness. Throughout both the author's intention is manifest. It is to enforce the moral that Protection is the prudent and far-sighted, and Free Trade is the hazardous or disastrous, fiscal policy for a nation to pursue. Whatever doubtful advantage the latter may momentarily bring, of its final issue in a balance of serious disadvantage Mr. Welsford, it is clear, entertained no doubt. He had formed and expounds the conception that in such economic forces an illuminating interpretation of political history was to be discovered. Yet we agree with Archdeacon Cunningham that it would have been a subject for regret if this specimen of the zealous industry with which research thus prompted and directed was pursued, and of the lucidity and force with which the results obtained were stated, had not been given to the public. For, with all its imperfections, some of which at any rate the author, had he lived, might have removed, this book offers a general view of the economic history of this country which has been deliberately conceived, and Mr. Welsford contrives to suggest here and there on particular points fresh *aperçus* which had before remained unopened. In some important instances indeed he supplies an explanation which, as Archdeacon Cunningham remarks in his preface, must be considered by future historians. We may on that account readily concur in the concluding sentence of the preface that ' we prize what is left us all the more because we cannot forget that so much has been lost.'

L. L. P.

Mr. J. A. R. Marriott is anxious that his book on *Second Chambers* (Oxford: Clarendon Press, 1910) should be deemed ' an inductive study in political science,' and not a mere *livre de circonstance*. Regarded in the latter aspect, its accuracy and impartiality give it a real claim to public attention. Viewed in the light of its author's more ambitious design, it is harder to classify, for its virtues lie rather in Mr. Marriott's good judgment, pleasant style, and wide range of observation than in any depth of learning or speculation. There is no fresh ground to break in briefly sketching the history and present state of our own house of lords, and Mr. Marriott's work is in this respect not much more than a *précis* of well-recognised authorities. The constitutions of the other second chambers described in this volume are of course also ascertainable by English readers without much difficulty, but it is useful to have them brought within the same purview, and Mr. Marriott's comments upon their various characteristics are always able and acute. We have noticed a few small misprints; there are three on p. 308.

G. B. H.

*Chetham Miscellanies*, vol. ii. (Chetham Society, New Series, vol. 63. Manchester, 1909), includes two papers of local interest—an account of the township of Broughton, now overgrown by Manchester, which contains good material not always put to the best account, and a Manchester assessment of 1648. There were 750 land-owning burgesses, of whom seventy were non-resident. The remaining article is a brief biography, or rather sketch of the character and habits of Ambrose Barlow, a Benedictine martyred at Lancaster on 10 September 1641. It is a charming picture, drawn by one of Barlow's Lancashire flock, but unhappily contains few facts, and no account of his trial or death. W.

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## *Rome and Armenia in the Fourth Century*

THE aim of the present paper is to inquire into the chronology and the historical value of the work of Faustus of Byzantium, and to attempt to estimate his contribution to our knowledge of Roman history in the fourth century. The thesis from which the paper proceeds is that modern writers have failed to appreciate the importance of that contribution, because of a confusion which occupies a central position in the narrative of Faustus; it is sought to demonstrate that when once this confusion is recognised we may gain a new insight into the relations between east and west, and that, further, we are enabled to institute fresh comparisons with the account of Ammianus Marcellinus, and to judge from the study of an independent authority the value of his narrative. It should be understood from the outset that we are concerned with the internal history of Armenia only so far as may be necessary to understand its influence upon the policy of the Roman empire.<sup>1</sup>

The confusion in the work of Faustus to which reference has been made arises from the acceptance by the historian of the view

<sup>1</sup> This paper owes its existence to H. Gelzer's study, 'Die Anfänge der armenischen Kirche,' in *Berichte über die Verhandlungen der kön. sächsischen Gesellschaft der Wissenschaften zu Leipzig*, Phil.-hist. Klasse, xlvii. (1895), 109-174. I have been unable to touch upon geographical questions and would merely refer the reader to the map of ancient Armenia given by H. Hübschmann, 'Die altarmenischen Ortsnamen, mit Beiträgen zur historischen Topographie Armeniens,' in *Indogermanische Forschungen*, xvi. (1904), 197-490, and to J. Marquart, 'Eränsäbr nach der Geographie des Ps. Moses Xorenac'i,' in *Abhandlungen der kön. Gesellschaft der Wissenschaften zu Göttingen*, Phil.-hist. Klasse, N.F. iii. no. 2 (1901). Being unfortunately unable to read Armenian, I have used the German translation of Faustus by M. Lauer (Köln, 1879), and it is to this book that reference is made in the following notes.

that Nerses, the great Armenian catholicos, was consecrated by Eusebius, bishop of Caesarea (A.D. 362–370), in the presence of St. Basil, and that, in consequence, this event took place in the reign of Valens. The result of this confusion has been that the name of Valens has been substituted in several cases for that of Constantius, and that, since Faustus mentions no emperor by name except Constantine the Great<sup>2</sup> and Valens, his chronology has been greatly obscured. In truth, as we shall see shortly, Nerses was not consecrated by Eusebius in the reign of Valens, but (presumably by Bishop Dianius) in the year 339 or 340, when Constantius was ruling over the Roman east.<sup>3</sup> If we ask however how this confusion arose, a natural explanation lies ready to our hand. Nerses had been educated at Caesarea and had adopted as his own the aims and methods of the eastern church; he carried out in Armenia the same policy as was followed by St. Basil in Cappadocia; it was Basil who on the murder of Nerses refused to recognise King Pap's nominee, who was consecrated in his despite, an event which led to the independence of the church of Armenia.<sup>4</sup> Men who looked back upon the old régime with longing and who approved of the intimate connexion which had bound nascent Armenian Christianity in the closest ties of intimacy with the see of Caesarea felt that their last great catholicos<sup>5</sup> must at the most solemn moment in his career have been brought into touch with Basil and with the honoured bishop Eusebius, whom the latter had served so faithfully. Thus in their view Nerses is consecrated by Eusebius, Basil is present at the ceremony, and the holy dove only leaves the head of Basil to settle on that of their national hero: further, an incident from the career of Basil is related at length as an event in the life story of Nerses.<sup>6</sup> The loving reverence of Armenia has transported a beautiful fancy into the realm of history. The remarkable fact however is that this account has simply been inserted by Faustus into the true historical framework: there has been no consequential chronological displacement;<sup>7</sup> if the references to Eusebius and Basil (Barsilios) are omitted, and if we

<sup>2</sup> Faustus, iii. 21, and cf. iii. 10.

<sup>3</sup> It is unnecessary to labour the point that Nerses could not have been consecrated in the reign of Valens. One argument among many may be mentioned: Gnel was assassinated by Arsak before A.D. 358, and from the day of the murder the catholicos refused to appear at the king's court (see Faustus, iv. 15, v. 1). It is then impossible that Nerses should only have been consecrated at some date subsequent to the year 364. The chronology of Moses of Chorene is of course quite untrustworthy: it is however worth noticing that according to him Nerses was patriarch for thirty-four years: he was poisoned by Pap some time before A.D. 375 (cf. Moses Chor. iii. 38).

<sup>4</sup> On this subject cf. Gelzer, *op. cit.* p. 155 *sqq.*

<sup>5</sup> Cf. Faustus, iv. 4, *s.f.*

<sup>6</sup> Compare Allard, *Saint Basile* (4th ed., Paris, 1903), p. 81 *sq.*; Greg. Naz. *Or.* xliiii. 54; Socr. iv. 26; Soz. vi. 16; Theod. iv. 16, &c. (on the death of the son of Valens in 372), with Faustus, iv. 5.

<sup>7</sup> Excepting only the opening words of bk. iii. 13, which are merely resumptive of the close of iii. 10.

read, where necessary, Constantius for Valens, the history of Faustus is a consecutive chronological whole. It is this statement which we shall now proceed to illustrate in some detail so far as the history of the Roman empire is concerned.

The starting point for our study may well be the passage in the panegyric on Constantius in which Julian describes<sup>8</sup> how Constantius upon his arrival in Asia (after the meeting of the sons of Constantine in 338) restored the fugitive Armenian king to his throne and exiled those nobles who had deserted their sovereign. Now this had always seemed a very remarkable achievement in view of the fact that the armies of the east were disorganised and the defences of the Asian provinces endangered. How came it that Constantius was able to effect so much? We return to the detailed account of Faustus; in barest outline it is as follows: Waras, the Persian satrap of Atrpatakan, had been offended by Tiran,<sup>9</sup> king of Armenia, and in revenge reported to his master Narses that the king was plotting against Persia; he then treacherously seized the persons of Tiran, the queen, and the young prince Arsak, and carried them prisoners to the Sassanid court, where Tiran was blinded. The feudal nobility of Armenia,<sup>10</sup> after an unsuccessful attempt at recapture and a foray into Persian territory, called a national assembly, at which were present, it is interesting to note, not only the great ones of the land but also representatives of the peasantry and the common folk.<sup>11</sup> Feeling their own weakness before the might of Persia, they determined to appeal to the allied empire of Rome.<sup>12</sup> Andok and Arshavir—representatives of two old Armenian houses—were at once despatched to plead the cause of their distressed country. In their absence the Persian king at the head of a vast army marched into Armenia to take formal possession of the land, and with him travelled the royal harem. The nobles fled before him and took refuge within the empire. Now it is almost certain that Arsak was restored to his country by Constantius and ascended the throne in the year 339,<sup>13</sup> but in the thirtieth year of the reign of Arsak the Armenians looked back over a period of thirty-four years of almost constant hostility with Persia;<sup>14</sup> we are thus led to the conclusion that this enmity began in or about the year 335. It is just at this time that, as we learn from our western authorities, Constantine raised

<sup>8</sup> Julian (ed. Hertlein), p. 24, 20 *sqq.*

<sup>9</sup> The Armenian king had failed to send him a particular horse which he coveted (Faustus, iii. 20).

<sup>10</sup> Cf. Gelzer, *op. cit.* p. 132.

<sup>11</sup> Faustus, iii. 21.

<sup>12</sup> *Ibid.* (Lauer, p. 46). The treaty of Constantine with Armenia is to be accepted as historical: cf. Gelzer, *op. cit.* pp. 165 *sqq.*

<sup>13</sup> It is the first operation of Constantius in the east recorded by Julian, *loc. cit.* Cf. Seeck, *sub voce* 'Constantius,' in Pauly-Wissowa, iv. 1, p. 1053.

<sup>14</sup> Faustus, iv. 50.

Hannibalianus to a 'kingdom' (*regnum*)<sup>15</sup> over Armenia and the allied peoples.

Faustus proceeds to relate that, in response to the appeal of the fugitive nobles, the emperor chose Andok and Arshavir as generals, and himself marched to Oscha in the canton of Basan, where the Persians had fixed their camp, surprised the unsuspecting enemy, routed them, and captured the Persian harem. Narses fled into Persia, while Andok and Arshavir were appointed as vice-generals of Rome and *the emperor took into his own possession the land of all the Armenian satraps*. It is a natural conjecture that Hannibalianus was really the 'emperor' who led this expedition, and the account of Faustus gives us a clear explanation of the institution of a *regnum* over Armenia, which has often created great difficulties for later historians. Hannibalianus was in fact for the time being to represent the captive royal house of Armenia.<sup>16</sup> Constantine in 337 was himself on the point of driving home this success by a campaign against Persia when death overtook him. But what is even more important is that we can now understand how in 339 Constantius was enabled to achieve so startling a success: he held in captivity the Persian harem. The Persian monarch himself sent an embassy praying that at the least his wives might be returned to him and that this horrible blot upon his kingly honour might be removed. The answer of the emperor is thus given by Faustus:

'First,' said he, 'thou shalt give up the prisoners taken captive in Armenia and the king Tiran himself unharmed, together with all the booty which has been carried off. If thou dost this, I will surrender my prisoners which I have taken. But if thou dost not surrender first thy spoil, neither will I surrender my booty.'

The bargain was struck: Tiran returned to Armenia but refused on account of his blindness to resume his kingship, and his son Arsak ascended the throne. With honourable escort and queenly pomp the Sassanid harem was restored by Constantius and the Persian captives released. It would seem that at this time the emperor, in order to secure the loyalty of Armenia,<sup>17</sup> took as hostages Gnel and Tirith, the nephews of Arsak.

Julian the panegyrist suggests that force had won a victory which, as appears from Faustus, was in fact a diplomatic triumph. The two accounts however supplement each other: Julian tells us that Constantius banished those Armenian nobles who had deserted the cause of their king; we learn from Faustus that Arsak broke

<sup>15</sup> Cf. Amm. xiv. 1, 2, 'Hannibaliano regi.' See the note of Valesius on this passage (in Wagner's edition, i. 3-4), and the citations given by Clinton, *Fasti Romani*, under the year 335. Compare Professor Bury's appendix to Gibbon, ii. (1897). 561.

<sup>16</sup> We need not conclude that the arrangement was intended to be permanent.

<sup>17</sup> Cf. Faustus, iv. 5 *sub fin.*

up the power of the feudal nobility by distributing their armed followers in various parts of the country, and thus weakened the force of local connexions. The one measure is manifestly a sequel of the other.<sup>18</sup>

The intervention of the Roman empire brought with it the general supremacy of Greek ideas under the restored monarchy : church and state were both alike to be reorganised, and accordingly a new catholicos was selected without delay.<sup>19</sup> Nerses had been educated on Roman soil, and was ready to introduce into Armenia the institutions of which he had learned from his teachers at Caesarea.<sup>20</sup> The account of Faustus implies that his consecration followed almost immediately upon the accession of Arsak (late in 339 or early in 340). Faustus, having described the new system inaugurated by Nerses, tells of an embassy to Constantius (' Valens ') headed by the catholicos, and of the latter's detention for nine years by the Roman emperor. This account has been rejected as incredible,<sup>21</sup> and we must therefore consider when this embassy of Nerses took place, and whether the chronology of Faustus must be dismissed as untenable. It is essential for this purpose to have before us a scheme of the order of events according to Faustus. The following is a brief outline :—

- Book iv. c. 1—The restoration of Tiran to Armenia and the beginning of the rule of Arsak.
- c. 2—Administrative and military reorganisation of Armenia.
- c. 3—Election of Nerses ; sketch of his early life.
- c. 4—His consecration at Caesarea and his reforms.
- c. 5—His embassy to ' Valens ' and his imprisonment (here the incident from the life of Basil has been introduced).<sup>22</sup> The persecutions of the Arian emperor ' Valens ' ; he restores the hostages Gnel and Tirith, and sends costly presents to the king of Armenia while detaining Nerses.
- c. 6—Nerses is banished to an island, and for nine years the emperor refuses to permit his return to Armenia.
- cc. 7–10—Incidents from the lives of Eusebius and Basil.<sup>23</sup>
- c. 11—The return of the embassy from ' Valens ' ; wrath of Arsak at the detention of Nerses. Wasak the Armenian leads an expedition into Roman territory as far as Ancyra, and after this for six years in succession conducts forays into Roman territory.
- c. 12—Bishop Chad, the representative of Nerses during his absence, continues the policy of the catholicos and resists Arsak.

<sup>18</sup> Faustus, iii. c. 21, *s.f.* Lauer, p. 48. This was throughout his reign the policy of Arsak : cf. iv. 12, Lauer, p. 80 *sqq.* ; iv. 19, Lauer, p. 101 ; cf. Gelzer, *op. cit.* p. 154 *sqq.*

<sup>19</sup> Faustus, iv. 3, Lauer, p. 51.

<sup>20</sup> *Ibid.*, Lauer, p. 52.

<sup>21</sup> For the chronology of Faustus see Gelzer's criticisms, *op. cit.* p. 118.

<sup>22</sup> See above, p. 626 note 6.

<sup>23</sup> A reason for the insertion of these passages has been suggested above, p. 626.

- c. 13—The return of Nerses and his opposition to Arsak.
- c. 14—Incident of Nerses and the master of the Harem Hair.
- c. 15—Arsak puts to death his nephews Gnel and Tirith and marries Gnel's widow against her will. Because of her continued hatred he sends to Rome for a wife and marries Olympias.

At this point we reach a date which we can check from our western authorities : we are at some year subsequent to A.D. 350.<sup>24</sup>

To return then to 339 : Arsak was naturally anxious that his throne should be protected from Persian aggression, and that the friendship of Rome should be a real and effective defence. As soon therefore as Nerses had set on foot his reorganisation of the church, the account of Faustus gives us to understand that the king sent his greatest subject and Rome's pupil on an embassy to the emperor. We might expect that this would take place about 341. Faustus gives us no exact date, but he does tell us that at this time a great church council had been called together and that as a result many of the orthodox bishops were banished and Arian successors appointed in their place ; Nerses shared the banishment of these deposed bishops. This would however be an accurate description of the great synod of Antioch, which after sitting for three years ultimately broke up in the year 341.<sup>25</sup> The detention of Nerses may thus with considerable probability be assigned to this year. What was then the reason which led Constantius to take this step ? It may of course be suggested that Nerses was a more valuable hostage than two princes who would not be the direct successors of Arsak, should he have a son ; but the action of Constantius was probably dictated by more far-reaching considerations. His efforts at this time were directed to securing the victory of the Arian doctrine in the eastern church : Roman influence had been re-established in Armenia : the tie which throughout its history drew Armenia towards Rome was a common faith, but no one can study the subsequent relations of the two countries without perceiving the fatal consequences of a difference in the creeds professed at Dvin and Constantinople. The emperor was not content to protect fellow-Christians ; he felt himself impelled to attempt the work of their conversion.<sup>26</sup> It would seem that the statesmanship of Constantius had already appreciated the support which would be gained for Roman authority in the east if one and the same creed united the church of the empire with that of Armenia. In the latter country the cult and the forms of worship

<sup>24</sup> Probably A.D. 354, see below, p. 632 (cf. Ammianus Marcellinus, xx. 11, Athan *Hist. Ar. ad Mon.* 69).

<sup>25</sup> For a convenient summary of its work cf. Seeck, *sub voce* 'Constantius,' in Pauly-Wissowa, iv. 1.

<sup>26</sup> Compare especially the history of the latter part of the sixth and the first part of the seventh centuries.



had always been imposed upon the people by authority: <sup>27</sup> it was indeed only through the activity of the monks and the work of Mesrob in the fifth century that Christianity became in any real sense a national faith: in the fourth century Christianity in Armenia was a human ordinance and was acquiesced in by the people just as they bowed to any other royal command. <sup>28</sup> If Constantius could convert the catholicos, he had gained Armenia. He could afford to provoke insignificant border forays if this was the price which had to be paid for a great and permanent victory in the sphere of religious diplomacy. Nerses however refused to bow to imperial persuasion: the school of Caesarea had done its work too well.

Nine years, says Faustus, was Nerses in exile, and nine years from 341 take us down to the year 350. Now 350 is the very year of the revolt of Magnentius, when Constantius left Asia for his western campaign. We know from Ammianus Marcellinus <sup>29</sup> that when Constantius was starting in 360 to meet the usurper Julian he summoned Arsak to his court and crowded favours upon him in order to secure his loyalty: in the same way when he set forth in 350 he would seem to have bound the Armenians to the Roman alliance by restoring to them their revered catholicos. The pressing need for present tranquillity in the Roman east drove him to relinquish his wider schemes for Armenia's conversion. If this be the true explanation, it is to Faustus alone that we owe a deeper insight into the emperor's statesmanship and his loyalty to his great trust. <sup>30</sup>

As we have seen from the analysis previously given, after the return of Nerses, which we may provisionally place in A.D. 350, Faustus gives an account of the deaths of Gnel and Tirith and of the forced marriage of Gnel's widow Pharrantsem with Arsak. Her dislike for this union caused the king to ask a wife of the emperor. Ammianus Marcellinus informs us that Constantius complied with the request and sent Olympias to the Armenian court; she was the daughter of the former praetorian praefect Ablabius, and had been *sponsa* of the emperor's brother Constans; the latter however died in 350, and therefore it is only after that date that his betrothed could have become the wife of Arsak. Further we learn <sup>31</sup>

<sup>27</sup> Cf. H. Gelzer, 'Zur armenischen Götterlehre,' in *Berichte über die Verhandlungen der kön. sächsischen Gesellschaft der Wissenschaften zu Leipzig*, Phil.-hist. Klasse, 1896, ii. iii. (1897), p. 122: 'Der Gottesdienst wird also einfach von oben oetroyirt. Im Orient ist es zu allen Zeiten so gewesen.'

<sup>28</sup> Cf. Faustus, iii. 13, Lauer, p. 27: 'Schon längst, von der Zeit an, da [die Armenier] den Namen des Christentums angenommen, hatten sie dieses allein als menschliches Gesetz und nicht mit glühendem Glauben, sondern als einen der Menschheit aufgenötigten Betrug hingenommen, nicht wie es sich gebührt hätte, mit Wissen, Vertrauen und Glauben.'

<sup>29</sup> See below, p. 634.

<sup>30</sup> As already noted (p. 626 note 7) the insertion of the extraneous material in bk. iii. 8-10 which close with the death of Valens has produced a confusion in the resumptive sentence at the beginning of c. 13.

<sup>31</sup> Lauer, p. 95.

that Arsak did not travel in person to fetch his consort, and we therefore naturally expect to find some mention of a mission from Constantius to act as conduct for so distinguished a lady. It is thus a natural conjecture that this was the purpose of the journey into Armenia of Taurus the quaestor, which according to Ammianus took place in 354. The matter is only mentioned incidentally by the Roman historian and no reason is given, but we do know that Taurus was despatched upon his errand directly from the court of Constantius.<sup>32</sup> If this explanation be correct, the marriage of Arsak with Olympias took place in 354. It was not long however before she fell a victim to the craft of Pharrantsem, and the Armenian king might thus naturally expect to have aroused the wrath of Rome and be predisposed to turn to the protection of Persia. King Sapor was absent at this time waging a long and distant frontier war, but the forays of his generals upon Armenia were evidence of his disapproval of Arsak's alliance with the empire.<sup>33</sup> Disunion had rent the Mami-konian house—one of the greatest families amongst the Armenian nobility; the elder brother Wardan favoured alliance with Persia, while the younger, the general-in-chief Wasak, was loyal to the empire. Sapor with the help of Wardan induced Arsak to journey to the Persian court, and there forced him to swear a solemn oath upon the gospel that he would be loyal to Persia and would have no dealings with Rome. But Wasak, envious of Wardan's success, warned the king of Persian treachery, and Arsak fled. Supported by the queen Pharrantsem, whose former husband had been slain by Wardan, Wasak murdered his brother: again Armenia seemed driven into the arms of Rome.

At this point the chronology of Faustus supports our conjectural date for the marriage of Olympias. From the flight of the king down to the time of the peace of Jovian, when hostilities between Armenia and Persia broke out afresh (*i.e.* in 364), eight years elapsed.<sup>34</sup> The flight of Arsak from Persia must accordingly be placed in A.D. 356, which is precisely the period which we might have expected. Between 354 and 356 fell the murder of Olympias and Arsak's consequent fear of the wrath of Rome.

But suddenly the position of affairs in the east assumed a new complexion. Sapor's frontier wars were over and he therefore abruptly terminated the negotiations for peace which had been opened by the praetorian praefect Musonianus.<sup>35</sup> A Persian embassy demanded that Mesopotamia and Armenia should be surrendered by Rome, and an immediate invasion of the empire was threatened

<sup>32</sup> Amm. xiv. 11, 14.

<sup>33</sup> Amm. xv. 13, 4: 'Persici duces vicini fluminibus, rege (*i.e.* Sapor) in ultimis terrarum suarum terminis occupato, per praedatorios globos nostra vexabant, nunc Armeniam, aliquoties Mesopotamiam confidentius incursantes, Romanis ductoribus ad colligendas obedientium exuvias occupatis.'

<sup>34</sup> Faustus, iv. 21.

<sup>35</sup> Cf. Amm. Marcellinus, xvi. 9. 1-4, xvii. 5.

if these terms were refused. Envoys from Constantius professed willingness to conclude an honourable peace but would not hear of the cession of Armenia or Mesopotamia.<sup>36</sup> Thus with every prospect of a renewal of the struggle between the two powers Arsak 'looked forth to see who first of the contending parties would sue for his support in the war. He waited, since his desire was to march to the help of the emperor of Greece, but the Greeks did not invite his assistance and showed him neither regard nor honour.'<sup>37</sup> The explanation is simple: Constantius was far distant in Sirmium; and affairs in Asia were in hopeless confusion, for Ursicinus had been removed and Sabinianus was utterly incapable. There was no statesman in the east to secure the support of Armenia's king. Sapor, on the other hand, sent an embassy courteously requesting alliance: 'If thou art on our side,' wrote the Persian monarch, 'the victory is ours.' Arsak was won, and his general Wasak was ordered to raise an army. An attack on Nisibis was planned, which was to be supported by the troops of Persia, but, as their arrival was delayed, the Armenian soldiers forced their king to take immediate action. The foray upon the country round Nisibis was successful and the booty captured was enormous (A.D. 359). Such is the account of Faustus, and though the part played by Arsak is not mentioned by our western authorities, the latter tend to support the Armenian historian.<sup>38</sup>

Ursicinus had been ordered by Constantius to return to the east, but he could effect little as his position was now that of a subordinate to Sabinianus. The first act of Ursicinus was to hurry with all speed to Nisibis in order to improve its defences, and on the way he was all but captured by marauding parties of the enemy.<sup>39</sup> Further we know that the Persian army was delayed by the magnitude of its preparations: it was midsummer before the Tigris was crossed. Sapor's plan of campaign had been to strike for Syria, but he was detained by the long siege of Amida. He did not intend to attack Nisibis, and the devastation about that city was only committed by *vastatoriae manus* of the enemy.<sup>40</sup> The narrative of Faustus at once elucidates and supplements Ammianus's account.

Persia as a reward for this harrying of the empire offered Armenia alliance and proposed that Arsak should wed Sapor's daughter; a new marriage should consecrate the new loyalty; the celebrations should take place in Assyria. The Armenian troops however refused to leave the country, for each man longed to return to his home;

<sup>36</sup> The references are conveniently collected by Seeck, in Pauly-Wissowa, iv. 1, pp. 1083-4.

<sup>37</sup> Faustus, iv. 20, Lauer, p. 101.

<sup>38</sup> That Wasak acted *against* as well as for Rome is also implied in the figure of the two mountains: Faustus, iv. 54, Lauer, p. 134.

<sup>39</sup> Cf. Amm. xviii. 6.

<sup>40</sup> *Ibid.* 7, 4; 6, 9.

it has always been difficult to hold together for any long period an army composed of feudal levies. Andok, the father of the queen Pharrantsem, fearing that his own daughter might be despised if Arsak married a Persian princess, won over by wholesale bribery a noble of the Sassanid court and a large number of Armenian satraps. One and all professed that the overtures of Sapor were inspired by a treacherous desire to secure the person of Arsak. The Armenian king fled precipitately and the negotiations were fruitless.<sup>41</sup>

Constantius was now himself in the east : he realised the omissions of his agents ; if he were to feel free to leave Asia in order to combat the rebel Julian, the loyalty of Arsak must be regained. The passage of Ammianus, xx. 11, 1-3, is highly important in this connexion :

Constantius adicitum Arsacen Armeniae regem summaque liberalitate susceptum praemonebat et hortabatur ut nobis amicus preseveraret et fidus. Audiebat enim saepius eum temptatum a rege Persarum fallaciis et minis et dolis, ut Romanorum societate posthabita suis rationibus stringeretur. Qui crebro adiurans animam prius posse amittere quam sententiam, muneratus cum comitibus quos duxerat redit ad regnum nihil ausus temerare *postea* promissorum, obligatus gratiarum multiplici nexu Constantio.

It might be suggested that in the word *postea* we have an implicit recognition by Ammianus of the truth of the account of Faustus. The western author in his turn is corroborated by the Armenian historian :

For eight years after the departure and flight of King Arsak of Armenia from the Persian king Sapor (as we have seen A.D. 356) the Persian king spoke no word of enmity. Rather he carried on negotiations adopting quite a humble tone, and besought King Arsak of Armenia to remain in close and friendly ties of alliance with him. For the king of Persia was in pressing danger of immediate and ceaseless armed attacks from the king of the Greeks. Yet King Arsak of Armenia would not yield to his entreaties or meet him, and if the king of Persia sent ambassadors to him he refused either to give presents or draw near to him at all ; he would not even hear the ambassadors' names. Still the king of Persia sent very often to him presents and ambassadors, but came with all speed to terms with the king of Greece.<sup>42</sup>

Thus was Arsak loyal alike to Constantius and Julian, not merely rejecting the overtures of Persia but during the war of 363-4 even ravaging Chilocomum on Julian's instructions.<sup>43</sup> In 364 the peace of Jovian was signed ; the terms are thus given by Faustus :

The emperor of Greece sealed and subscribed a treaty wherein was written ' I have given unto thee the town Mdsbin (Nisibis) which lies in Arorestan,

<sup>41</sup> Faustus, iv. 20.

<sup>42</sup> *Ibid.* 21.

<sup>43</sup> For the ravaging of Chilocomum, cf. Amm. xxv. 7, 12. Why Arsak took no more effective action against Persia during Julian's campaign still remains obscure. Libanius hints at mutual jealousies amongst the Roman commanders, but it is noticeable that during the fourth century we hardly ever hear of unprovoked attacks upon Persia by Armenia. Arsak was forced to depend upon the forces of a feudal nobility

Assyrian Mesopotamia, and the half of Armenia. I permit thee if thou art able to conquer and subdue the same: I will not come to their help.' Forced and in dire distress the king of Greece subscribed to this form of words as his decree and gave it to the king of Persia.

Vengeance for the ravaging of Chilocomum and freedom to invade Armenia at his will were among the ends which Sapor sought to obtain by this treaty.<sup>44</sup>

Ammianus himself seems not to admit<sup>45</sup> that by the terms of Jovian's surrender Persia was allowed a free hand in Armenia, but his history as a whole serves only to confirm the view that Faustus has given us an accurate summary of the treaty.<sup>46</sup> Forthwith in 364

who were deeply influenced by Persian thought and culture. Cf. Gutschmid, 'Über die Glaubwürdigkeit der armenischen Geschichte des Moses von Khoren' in *Kleine Schriften*, iii. p. 282 sqq. at p. 291: 'In Abstammung Sprache und Sage hing das armenische Volk mit Iran zusammen, die Cultur des Adels war eine persische und ist es in Armenien und seinen Nebenländern trotz der Verschiedenheit der Religion bis auf die neueste Zeit geblieben'; and H. Gelzer, 'Zur armenischen Götterlehre,' *loc. cit.* p. 103 sqq. It is further important to notice that the natural difficulties of the march were considerable. These detained Bindoes and John when on their way to join the Roman forces under Narses in 591: they were advancing from Armenia towards the river Zab. Cf. Theophylact, *Sim.* v. 8, 3, De Boor, p. 202, 22: *ὡς δὴ τῆς περὶ τὴν Ἀρμενίαν Ῥωμαϊκῆς στρατοπεδεύσεως διὰ τὴν δυσχωρίαν τῶν τόπων οὐχ ὅσας τε οὐσίας συνάπτεσθαι ταῖς ἐξάις τῶν Ῥωμαίων δυνάμεσιν*; and see H. C. Rawlinson, 'Notes on a Journey from Tabriz through Persian Kurdistan,' &c., *Journal of the Royal Geographical Society*, x. (1840), p. 1 sqq., and his memoir on the site of the Atropatenian Ecbatana, *ibid.* at p. 71 sqq.

<sup>44</sup> Cf. *Amm.* xxv. 7, 12: Quibus exitiale aliud accessit et impium ne post haec ita composita Arsaci poscenti contra Persas ferretur auxilium amico nobis semper (i.e. all through the recent war) et fido. Quod ratione genuina cogitatum est ut puniretur homo qui Chilocomum mandatu vastaverat principis et remaneret occasio per quam subinde licenter invaderetur Armenia. See also Zosimus, iii. 31, 2: *προσαφείλοντο δὲ καὶ Ἀρμενίας τὸ πολλὸν μέρος οἱ Πέρσαι, βραχὺ τε ταύτης Ῥωμαῖοις ἔχειν ἐνδόντες*; and Libanius, Förster, ii. p. 518, l. 12, *Ἀρμενία πᾶσα* was surrendered to the enemy.

<sup>45</sup> Cf. *Amm.* xxvi. 4, 6: Persarum rex manus Armeniis iniectabat, eos in suam dicionem ex integro vocare vi nimia properans sed iniuste causando quod post Ioviani excessum cum quo foedera firmarat et pacem nihil obstare debebit quo minus ea recuperaret quac antea ad maiores suos pertinuisse monstrabat. In this passage Ammianus seems to base the claim of Persia on the fact of the death of Jovian: Persia by his decease was freed from her obligations. This can hardly be intended. Elsewhere Sapor's claim is that he is free to act in Armenia *because of* and not in spite of the treaty of Jovian. Cf. *Amm.* xxvii. 12, 1-2 (quoted below, p. 636).

<sup>46</sup> Cf. *Amm.* xxv. 7, 12, quoted above, note 44.

xxvii. 12, 10: sed pro tempore adiumentis negatis per Terentium ducem Para reducitur in Armeniam recturus interim sine ullis insignibus gentem, quod ratione iusta est observatum ne fracti foederis nos argueretur et pacis.

xxvii. 12, 15. After the arrival of count Arintheus in Armenia the Persians did not at once invade the country, 'hoc solo contenti quod ad imperatorem misere legatos petentes nationem eandem ut sibi et Ioviano placuerat non defendi.'

xxvii. 12, 18, after Roman interference in Hiberia: 'his percitus Sapor pati se exclamans indigna quod contra foederum textum iuarentur Armenii.'

xxix. 1, 2. Trajan and Vadomar are only to act on the defensive, 'hoc observare principis iussu adpositi ut accerent potius quam lacerarent Persas . . . s. 3, operaque consulta retrocedentes ne ferro violarent adversorum quemquam primi et iudicarentur discissi foederis rei, ultima trudente necessitate congressi sunt.'

Sapor began to enforce his conception of his rights,<sup>47</sup> and endeavoured to subject Armenia.<sup>48</sup>

Calcata fide sub Ioviano pactorum iniectabat Armeniae manum ut eam velut placitorum abolita firmitate ditioni iungeret suae. Et primo per artes fallendo diversas nationem omnem renitentem dispendiis levibus adflictabat sollicitans quosdam optimatum et satrapas, alios excursibus occupans improvisis.<sup>49</sup>

Faustus gives us the detailed commentary on these words of Ammianus :<sup>50</sup> between 364 and 369 he chronicles twenty-seven forays into Armenia. For most of these Merushan, an Armenian fugitive who had become a convert to the Magian religion, acted as guide : one expedition was led by prince Dekhan, of the Armenian Mamikonian house ; another by Suren Pahlav, a relative of Arsak ; while two others were captained respectively by Hrevshoghum, of the same race as Arsak, and Aghanaiosan, a Pahlav of the Arsacid house. The history of the Armenian writer is thus a complete corroboration of that which Ammianus says was the result of the peace of Jovian : ' Unde postea contigit ut . . . Armeniae maximum latus Medis conterminans inter dissensiones et turbamenta raperent Parthi.'<sup>51</sup> As a result of the wholesale defections of the Armenian nobility the kingdom fell into utter disorder :<sup>52</sup> the king was distrusted and the counsels of Nerses were disregarded :<sup>53</sup> subjection to a fire-worshipping heathen seemed less terrible than the unbearable sufferings from constant rapine and slaughter. Only Andok, the king's father-in-law, and Wasak his general remained loyal,<sup>54</sup> and ultimately Arsak was compelled against his will to submit to Persia<sup>55</sup> and to journey with Wasak to the court of Sapor.<sup>56</sup> In the thirtieth year of his reign he gave up the long struggle.<sup>57</sup> This is an important point gained for the chronology of the eastern question as it affects the policy of Valens. Reiche,<sup>58</sup> relying only on inferences from Ammianus, had conjecturally placed the capture of Arsaces in the years 364-366 : we now know that it did not occur till the end of 368 or the beginning of 369.<sup>59</sup>

<sup>47</sup> Faustus, iv. 21, Lauer p. 107, Amm. xxvi. 4, 6 (quoted above, p. 635 note 45).

<sup>48</sup> In what follows I presume a knowledge of F. Reiche's *Chronologie der letzten 6 Bücher des Ammianus Marcellinus* (Liegnitz, 1889), and of O. Seeck's 'Zur Chronologie und Quellenkritik des Ammianus Marcellinus' in *Hermes*, xli. (1906) pp. 480-539.

<sup>49</sup> Amm. xxvii. 12, 1-2.

<sup>50</sup> Faustus, iv. cc. 21-49. The numbers of the invaders are doubtless grossly exaggerated, cf. Hans Delbrück, *Geschichte der Kriegskunst*, II. ii. c. iv. Zahlen, p. 298 sqq.

<sup>51</sup> Amm. xxv. 7, 12.

<sup>52</sup> Faustus, iv. c. 50.

<sup>53</sup> *Ibid.* c. 51.

<sup>54</sup> *Ibid.* c. 51.

<sup>55</sup> *Ibid.* c. 52.

<sup>56</sup> *Ibid.* c. 53.

<sup>57</sup> *Ibid.* c. 54, cf. c. 51 *ad init.* Wasak was put to death in Persia.

<sup>58</sup> Reiche, *op. cit.* c. 6, p. 27 sqq.

<sup>59</sup> Arsak's death took place at a considerably later date: Faustus, v. 7. Ammianus, xxxii. 12, 3, in fact anticipates the death of Arsak. *Deinde* (in xxvii. 12, 4) means 'after Arsak's capture,' which is the real subject of xxvii. 12, 3.

With Arsak in his power, the Persian king began the work of the total subjection of Armenia and the establishment of fire-worship in that country. Faustus is only concerned with the history of his own people, but we learn from Ammianus<sup>60</sup> that Sapor took the further step of interfering in the affairs of Hiberia (in 369 it would appear). He drove out Sauromaces, who had been raised to the throne through the influence of Rome, and instated Aspacures, conferring upon him a diadem in recognition of Persia's overlordship. In Armenia the queen with 11,000 men<sup>61</sup> took refuge in the fortress of Artagherk.<sup>62</sup> At this point in his narrative Ammianus tells us that two prominent Armenian renegades, Cylaces and Artabannes, who were besieging the fortress, played Sapor false, and failing in their endeavours to induce Pharrantsem to surrender allowed her son Pap (Para) to escape from Artagherk and take refuge in Roman territory.<sup>63</sup> In view of the many Armenian nobles who acted now for their country and now for the interests of Persia<sup>64</sup> it is hardly surprising that Cylaces and Artabannes are not mentioned by Faustus.<sup>65</sup> He does not however contradict Ammianus's account: we learn from him that while the Persians were ravaging Armenia and the long blockade of the castle of Artagherk continued, Mushegh, son of the murdered general Wasak, joined Pap on Roman soil and appealed to the emperor for his support. But Valens feared to violate the terms of the peace of Jovian; he clearly felt that his right to interfere was doubtful, and considered that he could satisfy his scruples by a compromise: Terentius, the Roman dux, should return with Pap, but the troops of Rome should not oppose Persia; the Arsacid prince should assert his own authority, if he had the power, but the emperor would not confer upon him the insignia of a king.<sup>66</sup> It was a futile step while at the moment Sapor was harrying all Armenia, and it is remarkable that Faustus does not date the accession of Pap from this period, although he recognises the goodwill displayed by Rome.<sup>67</sup> Messages came from Pap<sup>68</sup> to Pharrantsem

<sup>60</sup> xxvii. 12, 4.

<sup>61</sup> So at least Faustus, iv. c. 55.

<sup>62</sup> Artogerassa: Amm. xxvii. 12, 5.

<sup>63</sup> Valens accorded him a residence at Neocaesarea, which naturally incensed Sapor.

<sup>64</sup> Cf. Meruschan, especially at v. 38.

<sup>65</sup> Their names were well known to the Romans, as their subsequent murder by King Pap was one of the arguments against that monarch raised by Terentius at a later date in his despatches to the emperor: Amm. xxx. i. 3.

<sup>66</sup> Amm. xxvii. 12, 10.

<sup>67</sup> Cf. Lauer, p. 136: Während sie (the ambassadors) mit dem Könige der Griechen verhandelten, vermochten sie diese, ihnen Hilfe zu bringen. This embassy, it may be noted, was, it seems, planned by Cylaces and Artabannes after they had permitted the escape of Pap: 'Qua humanitate (Cylaces et Artabannes) illecti (i.e. Valens' welcome of Pap) missis oratoribus ad Valentem auxilium eundemque Param sibi regem tribui poposcerunt,' Amm. xxvii. 12, 9.

<sup>68</sup> 'From her son Arsak,' as Faustus says, iv. 56. This is, of course, only the standing title of all Armenian kings; cf. Professor Bury's note to Gibbon, ii. p. 564.

week after week bidding her be of good hope and not surrender. But Rome would give no military help, and before Sapor's ravages the Armenian prince, with Cylaces and Artabannes, was forced to take refuge in the mountainous district which divided Lazica from the territory of the empire.<sup>69</sup> Faustus gives a terrible picture of pillage and rapine in Armenia (370): at length in the fourteenth month the garrison could hold out no longer; the queen was carried off to her death, and Artashat, Wagharshapat, Sarehavan, and other towns fell into the hands of Persia.<sup>70</sup> Sapor appointed generals to hold the captured forts; Sik and Karen were left in command of the troops, while the Armenian renegades, Wahan and Merushan, were entrusted with the government of Armenia and the introduction of the Magian religion.<sup>71</sup>

At last, in 371,<sup>72</sup> Valens decided that he could not allow the Armenians to suffer unprotected, should the Persian ravages begin afresh; he took effective action, and despatched Count Arinthaëus<sup>73</sup> with an army.<sup>74</sup> Terentius had accompanied Pap to Armenia in the former year. It is precisely at this point that Faustus tells of the successful result of Mushegh's mission and of the accession of Pap. 'The great king of the Greeks made Pap, the son of Arsak, king over the land of Armenia, as Mushegh had prayed of him. The king of Greece became a strong support of Armenia, and sent a general, by name Terentius, and a Count Ade with six million men in the train of King Pap to Armenia.'<sup>75</sup> Count Ade is not mentioned by Ammian,<sup>76</sup> but it can hardly be doubted that this is the Addæus whom we know as *comes domesticorum* under Theodosius I, and who in 393 held the position of *magister utriusque militiae per Orientem*.<sup>77</sup> The army of Rome now occupied the country: the newly erected fire-temples were destroyed, while Nerses left his retirement<sup>78</sup> and supported the restored monarchy; the captured fortresses were

<sup>69</sup> Amm. xxvii. 12, 11.

<sup>70</sup> Faustus, iv. 55. It was in the winter of 370, *sidere flagrante brumali*: Amm. xxvii. 12, 12.

<sup>71</sup> Faustus, iv. 58-59. Wahan was soon after slain by his own son: Lauer, p. 144. On the efforts to set up the Persian religion, compare Moses of Chorene, iii. 36, and thereon Gutschmid, *op. cit.* p. 290. It is interesting to notice that at this time military and civil authority are separated and the former is given to Persian officers. It might be suggested that this was due to the fact of the disloyalty to Persia of the Armenian Cylaces and Artabannes; cf. Amm. xxvii. 12, 5: 'Cylaci spadoni et Artabanni quos olim susceperat (sc. Sapor) perfugas commisit Armeniam—horum alter ante gentis praefectus, alter magister fuisse dicebatur armorum—iisdem mandaratum ut Artogerassam . . . excinderent.' Apparently Armenian renegades were entrusted with the *military* command in the first instance.

<sup>72</sup> Cf. Reiche, *op. cit.* p. 29.

<sup>73</sup> He had recently (at the end of 369) been conducting operations on the Danube.

<sup>74</sup> Amm. xxvii. 12, 13.

<sup>75</sup> Faustus, v. 1, a good example of the Armenian's exaggeration in regard to numbers.

<sup>76</sup> But compare Moses of Chorene, iii. 37.

<sup>77</sup> Cf. O. Seeck, *Die Briefe des Libanius*, p. 48.

<sup>78</sup> Cf. *supra*, p. 626 note 3.



recovered, and the Roman troops were quartered 'in Errand and Bachischu through the whole land of Armenia, through all the cantons.'<sup>79</sup> Persia did not repeat the pillage of the previous year, but resorted to diplomacy: Sapor counselled Pap that Cylaces and Artabannes were plotting against him and they were in consequence beheaded; meanwhile an embassy complained to the emperor that this support of Armenia was in breach of the terms of the peace of Jovian. But Valens had taken action and he did not repent.<sup>80</sup> Hiberia was partitioned, and the Roman nominee was made king over that part of the country which bordered on Armenia and Lazica, Sauromaces being left to rule over the district which adjoined Persia. Once more Sapor protested and prepared for war.<sup>81</sup>

In this year (372) the Armenian general Mushegh invaded the territory of Persia, and attacked the camp of Sapor which was pitched at Thauresh in Atrpatakan. Many captives were taken, among them some of Sapor's wives, who were honourably restored to their master by Mushegh. It is important to notice that Faustus, in entire agreement with Ammian, states that this was a victory of the *Armenian* troops: the Roman leaders only shared the booty.<sup>82</sup> Terentius with his twelve legions was indeed in all probability in Hiberia at the time of this campaign.

Valens had not as yet engaged Persia directly, but in 373 came the battle of Vagabanta (Ammianus) or Bagavan (Faustus), in which the Roman troops were forced to resist the Persian army. Ammianus writes as follows:

Exacta hieme rex Persarum gentis Sapor pugnarum fiducia pristinorum immaniter arrogans, suppleto numero suorum abundeque firmato erupturos in nostra cataphractos et sagittarios et conductam misit plebem. . . [Count Trajan and Vadomar are bidden to act on the defensive] qui cum venissent Vagabanta legionibus habilem locum rapidos turmarum pro-cursus hostilium in se ruentium acriter exceperunt inviti; operaque consulta retrocedentes ne ferro violarent adversorum quemquam primi et iudicarentur discissi foederis rei, ultima trudente necessitate congressi sunt: confossisque multis discessere victores.<sup>83</sup>

The parallelism of the account of Faustus is instructive: he emphasises the magnitude of the enemy's forces: Urnair, king of Aghovia, claimed gifts from Sapor and undertook to oppose the Armenian satraps, the Persian troops were to attack the Romans.<sup>84</sup> Sapor himself marched as far as Atrpatakan and there halted; the main army he sent forward into the heart of Armenia.<sup>85</sup> King

<sup>79</sup> Faustus, v. 1, Lauer, p. 147.

<sup>80</sup> Valens reached Antioch in April 372.

<sup>81</sup> For the details of these measures read Amm. xxvii. 12, 14-18. The operations were carried out by Terentius with twelve legions.

<sup>82</sup> Faustus, v. 2.

<sup>83</sup> xxix. 1, 1-2.

<sup>84</sup> Cf. *conducta plebs* in Ammianus.

<sup>85</sup> Cf. Amm., *misit*.

Pap gave orders to concentrate his own men in Bagavan while the Roman allies marched from Errand and encamped near the Euphrates. Terentius<sup>86</sup> would not allow the Armenian king to fight in person : his master would hold him guilty if any harm were to come to the king. The united forces won a great victory over the Persian host. In this battle, in striking agreement with Ammianus, Faustus tells us for the first time that the Roman legions took part in the actual fighting.<sup>87</sup> Ammianus proceeds : 'inter moras tamen utrimque secus tentatis aliquotiens levibus proeliis varioque finitis eventu pactis induitiis ex consensu aestateque consumpta (A.D. 373) partium discessere ductores etiam tum discordes.'<sup>88</sup> Faustus gives an account of the success of the Armenians and Romans at Gantsak in Atrpatakan<sup>89</sup> and then with him too follows a peace. Mushegh proceeds to subdue the disloyal Armenians and the neighbouring peoples.<sup>90</sup>

Nerses had now resumed his former commanding position in affairs of state, but the catholicos was hated by his sovereign. Fear of Rome alone stayed Pap's hand,<sup>91</sup> but at length he murdered the patriarch ; and when Caesarea refused to consecrate the king's nominee, Pap broke through the long tradition and caused Iusik to be consecrated in Basil's despite. He himself began to reduce the privileges and property of the Christian church and favoured the restoration of the national paganism.<sup>92</sup> Such actions and the unfavourable despatches of Terentius led Valens to extend a kingly invitation to Pap : once on Roman soil the honoured guest became a prisoner (374 ?), while Terentius counselled that Valens should enthrone a new king in Armenia.<sup>93</sup> Fleeing from Tarsus through many dangers and difficulties Pap escaped to his own country with 300 followers.<sup>94</sup> Of this journey into the territory of the empire Faustus says nothing, but he tells us that soon after the death of Nerses the king began by embassies to pave the way for alliance with Persia.<sup>95</sup> We learn that he sent to Valens the astonishing demand : 'Caesarea and ten towns belong to us ; give them up : the city of Urha was also built by our ancestors ; if you do not desire to arouse confusion give them up ; if you refuse then we will fight for them in violent

<sup>86</sup> Terentius, though not mentioned by Ammianus in connexion with this battle, was still in Armenia, cf. Amm. xxx. 1, 3.

<sup>87</sup> I have of set purpose suppressed all mention of those details in the account of Faustus which are more directly concerned with the internal affairs of Armenia : see the whole chapter, v. 4.

<sup>88</sup> Amm. xxix. 1, 4.

<sup>89</sup> Faustus, v. 5.

<sup>90</sup> Faustus, v. 8-20. Sapor retired to Ctesiphon, Valens to Antioch, Amm. xxix. 1, 4 (winter 373-4). The conspiracy of Theodorus engaged the latter's attention.

<sup>91</sup> Faustus, v. 23.

<sup>92</sup> See the highly interesting chapter, Faustus, v. 31.

<sup>93</sup> Amm. xxx. 1, 1-4.

<sup>94</sup> Amm. xxx. 5, 17.

<sup>95</sup> Cf. Amm. xxx. 2, 1 : 'Param (= Pap) sociare sibi impendio conabatur Sapor.' Ammian appears to regard Para as an innocent against whom Rome had sinned without provocation ; not so Faustus. For this claim to Caesarea and Edessa cf. Marquart *Ērānsāhr*, p. 160.

warfare.' Mushegh and the Armenian nobles pleaded with the king that he should remain loyal to Rome; but to no purpose. The story of the order for Pap's murder sent secretly by the emperor and the method of its execution is given by both authors, the only difference of any moment being that the feast at which the king was assassinated was according to Ammianus's version planned by Trajan, while Faustus ascribes the scheme to Terentius and Addaeus. It was probably a concerted plot on the part of all three commanders.<sup>96</sup> The Armenian nobles determined that they could ill afford to make both Rome and Persia their enemies and decided to attempt no revenge for the death of their king.<sup>97</sup> Sapor, in place of Pap, whom he had every hope of winning to his side, saw (A.D. 375) the Roman army of occupation instal with great pomp<sup>98</sup> an Arsacid princeling Warasdat upon the throne as nominee of the empire.

Persia resorted once more to diplomacy. A legate, Arsaces by name, proposed to Valens that Armenia, the apple of constant discord, should be divided between the two empires, or, if this was not agreeable to Rome, let the emperor withdraw his garrisons from Hiberia. The embassy is important as foreshadowing the partition of 387. During the autumn of 375 and through the year 376 it would seem that the negotiations continued. Victor, the *magister equitum*, and Urbicius, the *dux Mesopotamiae*, were sent with an ultimatum: the troops of Sauromaces were to evacuate Hiberia by the beginning of 377. The ambassadors complained that a Persian king who boasted himself to be just and contented with what was rightly his own was yet wickedly coveting Armenia when its inhabitants had been granted permission to live as it pleased them best.<sup>99</sup> The embassy, says Ammianus, performed its duty well, save that it went beyond its scope and accepted some small districts which were offered it in Armenia. This passage of Ammianus would seem to be explained by Faustus, who relates that Warasdat advised 'the Greek princes,' and through them the emperor, that a town or two fortresses should be built in every canton throughout Armenia as permanent garrison centres, and that the nobles and troops of Armenia should be armed at the cost of the empire to be a continual protection against Persia. The emperor willingly agreed to carry the scheme into execution. The small districts mentioned by Ammianus may thus have been intended for occupation by the Roman garrisons.

In the autumn of 376 Suren headed another embassy to the emperor offering to cede to Rome the land thus occupied, but returned with little accomplished.<sup>100</sup> Valens was raising Scythian mercenaries for an expedition against Persia in 377, when the whole position

<sup>96</sup> Faustus, v. 32; Amm. xxx. 1, 18-23.

<sup>97</sup> Faustus, v. 33.

<sup>98</sup> Faustus, v. 34, 'mit grossem Glanze.' Cf. the words of Ammianus, xxx. 2, 1: 'augentique nostri exercitus alacritate formidinem.'

<sup>99</sup> Cf. Amm. xxx. 2, 4.

<sup>100</sup> *Ibid.* sect. 7.

was changed by the news of the Gothic invasion. One highly important fact is mentioned casually by Ammianus—the Roman legions were recalled from Armenia and sent to Europe: <sup>101</sup> this explains the fall of Warasdat before Manuel, which must have taken place in this year (377). Manuel having dethroned Rome's vassal king<sup>102</sup> was forced to ally himself with Persia, and received Suren with a Persian garrison of 10,000 men, agreeing to provide for the support of these troops and to pay tribute to Sapor.<sup>103</sup> The account of the Armenian historian receives striking corroboration from Ammianus's narrative:

Sapor ultra solitum asperatus quod ad expeditionem accingi rectorem conpererat nostrum iram eius conculcans Surenae dedit negotium ut ea quae victor comes susceperat et Urbicius, armis repeteret si quisquam repugnaret et milites Sauromacis praesidio destinati malis adfligerentur extremis. Haecque ut statuerat maturata confestim nec emendari poterunt nec vindicari quia rem Romanam alius circumsteterat metus totius Gothiae, Thracias licentius perumpentis.<sup>104</sup>

In the early months of 378 Valens before leaving for Constantinople sent Victor to Persia *ut super Armeniae statu pro captu rerum componeret impendentium*.<sup>105</sup> The disaster of Adrianople tied the hands of Rome for some years, while in Armenia Merushan<sup>106</sup> sowed discord between Manuel and Persia. The attempts of Persia to defeat Manuel were unsuccessful (378), and for seven years he ruled as regent for Pharrantsem and the sons of Pap (A.D. 378–385).<sup>107</sup> Armenia enjoyed a brief interval of peace and prosperity.<sup>108</sup> Sapor in his extreme old age was content not to interfere. for Roman intrigue in Armenia had ceased to be a danger.

In 384 an embassy arrived in Constantinople announcing the accession of Sapor III to the throne of Persia. (Sapor III, 383–388).<sup>109</sup> On Manuel's death the link of a common faith induced the great protector to commend the young king Arsak<sup>110</sup> to Theodosius the

<sup>101</sup> Amm. xxxi. 7, 2: 'legiones ab Armenia ductas.'

<sup>102</sup> Warasdat fled to the empire and spent the rest of his days in exile; Faustus, v. 37.

<sup>103</sup> Faustus, v. 37–38.

<sup>104</sup> Amm. xxx. 2, 7–8.

<sup>105</sup> Amm. xxxi. 7, 1.

<sup>106</sup> Merushan was ultimately defeated and killed by Manuel: Faustus, v. 43. Cf. Gutschmid, *op. cit.* pp. 293–4 for criticism of the account of Moses of Chorene.

<sup>107</sup> Faustus, v. 39–41.

<sup>108</sup> 'Seine Regentschaft bildete einen Lichtpunkt in der armenischen Geschichte und war vielleicht, die wenig bekannte erste Zeit des Terdat abgerechnet, die glücklichste Periode deren sich die christlichen Armenier je erfreut haben': Gutschmid, *op. cit.* p. 293. 'Die letzte gute Zeit des Reichs war die Regentschaft des klerikalgesinnten Adelhauptes Manuels des Mamikoniers': H. Gelzer, in Hauck, *Realencyklopädie*, vol. ii. p. 66, sub voc. 'Armenien.'

<sup>109</sup> See Karl Güterbock, 'Römisch-Armenien und die römische Satrapieen im vierten bis sechsten Jahrhundert; eine rechtsgeschichtliche Studie' (in *Festschrift der juristischen Fakultät zu Königsberg für ihren Senior Johann Theodor Schürmer zum 1. August 1900*, pp. 1–58) at pp. 11 *sqq.*

<sup>110</sup> Arsak had married Manuel's daughter Wardanducht: Faustus, v. 44. Cf. Gutschmid, *op. cit.* p. 294, on Moses, iii. 41, 2.

champion of orthodoxy. Many of the nobility however appealed to Persia, and Sapor III set an Arsacid prince, Chosroes, to reign in Armenia as his vassal, while the Persian noble Sik undertook the government. Arsak was forced to flee to the protection of Rome, and was supported by the army of Theodosius. But diplomacy and not war decided the claims of the rival sovereigns. An embassy from Sapor reached Constantinople in 386, and Stilicho represented the emperor at the court of Ctesiphon.<sup>111</sup> The former project was revived, and Armenia was partitioned between the powers who had so long distracted the unhappy country with their rivalries. Large parts of Armenia were annexed, and while Chosroes ruled over four-fifths of the remaining territory as the nominee of Persia, Arsak as Rome's protégé was sovereign over but one-fifth of the divided realm (387). 'The kingdom of Armenia,' writes her greatest historian at the close of his work, 'was reduced, partitioned, brought to ruin: it had fallen from its greatness then and for all time.'<sup>112</sup>

Our study is at an end: it has, we believe, served to illustrate and justify Gutschmid's judgment of the high value of the work of Faustus; it has, we hope, proved that his chronology, apart from the one confusion which we noticed at the outset, is consistent and accurate—not one single error have we been able to demonstrate; it has enabled us to appreciate the difficulties with which Rome was faced upon her eastern frontier; and lastly it has given us a new confidence in the splendid accuracy and historical insight of Ammianus Marcellinus.

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<sup>111</sup> Claudian, *De consul. Stil.* 51 *sqq.*

<sup>112</sup> Faustus, vi. 1. I have not thought it necessary to repeat the arguments of Güterbock (*loc. cit.*) which in my judgment have established that A.D. 387 is the correct date for the partition of Armenia. So Hübschmann, *Die altarmenischen Ortsnamen* at p. 221. Nöldeke however (*Aufsätze*, p. 103) places it under Bahram IV (388-9-399) in 390, while Marquart, *Ērānsāhur*, p. 114 thinks that the first division of the land occurred in 384 while the kings remained: the second division occurred in 389 when 'der König Arsak III verzichtete förmlich auf seine Hoheitsrechte und trat sein Land an den Kaiser ab.' Modern historians have blamed Theodosius I for this act (cf. H. Gelzer, 'in äusserster politischer Kurzsichtigkeit,' in Hauck, *loc. cit.*), but during the whole century Armenia had been *perpetua aerumnarum causa* (Amm. xxx. 2, ad init.). Theodosius needed peace in the east for his campaign against Maximus: it was also the empire's need. I believe that in this matter the great Roman emperor has been hardly judged.

## *London and Foreign Merchants in the Reign of Henry VI*<sup>1</sup>

THE first half of the fifteenth century saw a steady increase in the feeling against aliens in England.<sup>2</sup> With the growth of commerce English merchants became more and more jealous of the large share which men of other countries—Italians, traders from the Low Countries, merchants of the Hanse—took in the trade of the country.

<sup>1</sup> In the preparation of this article use has been made of two hitherto unnoticed London chronicles—

(a) A London chronicle in the Library of Trinity College, Dublin (E. V. 9), identified, with its accompanying matter, as the work of Robert Bale, who was (according to John Bale, *Scriptorum Brytanniae Catalogus*, 1557-9, ii. 65) citizen, notary, and civil judge of London in the early years of Edward IV.

(b) A briefer London chronicle in the Bodleian Library, Rawlinson MS. B. 355. The writer, who is indebted to the kindness of the authorities of the Library of Trinity College, Dublin, for permission to use their MS. in Oxford, intends shortly to publish the independent parts of both these chronicles.

<sup>2</sup> It is impossible to gauge with any accuracy the number of aliens engaged in either industry or commerce in England at this time. A valuable guide to the numbers from the Low Countries is contained in the list of those who, on account of the breach with the duke of Burgundy in 1436, were obliged to get licences to remain in the country (*Calendar of Patent Rolls, Henry VI*, vol. ii. 1429-36, pp. 536-88, in part summarised by Mr. C. L. Kingsford, *ante*, vol. xxiii. 1908, pp. 353-5). This gives us the names of well over fifteen hundred aliens settled in the country, about one-third of the number being in London. For the Italian merchants the information is far more imperfect; there is no doubt that the feelings of hostility on the part of the English were strongest against them at this time, and it has been calculated that 'Italians formed the largest class of foreign merchants in England' at this period (M. S. Giuseppi in *Trans. of the Roy. Hist. Soc.* New Series, ix. 94). To aid in carrying out the act of 1439 regarding 'hosting' returns were ordered to be made to the exchequer, by the town officials, of all those who came within the scope of the act. From these we can learn (for example) that in the period between Easter and Michaelmas 1440 two hundred and forty-seven applications were made to the mayor of London by aliens, of whom probably about one hundred and eighty-five were Italians; similarly at Southampton in the same period of time there were nineteen applications (Giuseppi, *ibid.* p. 87). The special rates of taxation for aliens, mentioned above, give us some evidence on the point from the returns made by the sheriffs, but the frequent gaps in these render any exact calculation impossible. In 1448-9 the extra tax of 6s. 8d. was paid by forty-seven Italian merchants in London and nine in Southampton, but in the next few years the numbers drop considerably. The increased subsidies decreed in 1453 were paid, in the year 1455-6—the first for which any returns remain—by thirteen Italian merchants in London as householders (*i.e.* paying 40s.) and fifty-nine non-householders; in Southampton five of each kind paid the tax; in Sandwich, the only other port concerned, five Genoese paid the higher

The *Libel of English Policy*,<sup>3</sup> written in 1436, may be considered as affording the expression of that feeling in current literature. But it showed itself in more active form; the 'alien' or 'merchant stranger' becomes a familiar figure on the rolls of parliament, though not all the petitions against his attempts to 'suck the thrift away out of this land,' as the *Libel* puts it, were successful. And there were occasional appeals to force, as the outbursts which we propose to describe. The feeling grew that alien merchants in England should be treated as English merchants abroad. 'Wolde God,' says the *Libel*,

. . . they myght be put to certeyne  
To go to oste, as wee wyth them doo ;  
It were expediente that they did right soo.<sup>4</sup>

The idea of 'hosting'—that an alien trader in an English port should reside with a native householder, who was responsible for his behaviour—contained, of course, nothing new; it had been made compulsory for aliens in 1327 by the first charter of Edward III to the city of London,<sup>5</sup> and there was frequent legislation on the subject in the early years of the fifteenth century,<sup>6</sup> though the execution of the laws was far from vigorous. But the year 1439 saw a fresh attempt to enforce it in a statute<sup>7</sup> passed by the parliament of that year. Alien merchants coming to English ports were to have 'hosts' appointed for them by the mayor of the town within a week of their arrival. The act was to hold good for eight years, but it was neither enforced for the whole time<sup>8</sup> nor renewed at the end of that period. The same

tax and nine the lower (Giuseppi, *ibid.* pp. 96-8). But this tells us very little, for the completeness of the returns varies from year to year. Further it must be borne in mind that merchants staying but a few days in one port were not liable to these taxes. And numbers of traders are not enough to give us an exact idea of the share of the Italian merchants in English trade. For this the complaints of the *Libel of English Policy*—alone, because of the comparative dearth of popular as of higher class literature at this period,—petitions in parliament (though we must bear in mind the tendency to jeremiads in the commons—and the actual riots against the Lombards furnish the evidence of most value.

<sup>3</sup> *Political Poems and Songs*, ed. Wright (Rolls Series, 1861), ii. 157-205.

<sup>4</sup> *Ibid.* ii. 177.

<sup>5</sup> W. De Gray Birch, *Charters, &c., of London*, 1887, pp. 54-5 (6 March 1327).

<sup>6</sup> In 1404 (*Rot. Parl.* iii. 543, 553). In 1413 it was again laid down 'that all aliens should be placed under hosts, as Englishmen are with them' (*ibid.* iv. 3). This was repeated in 1416 (*ibid.* iv. 105); in 1425 a subsidy was granted on condition of the enforcing of the regulation (*ibid.* iv. 276). Two years later petition was made that the statutes enacted on the subject should be observed (*ibid.* iv. 328-9); and in 1432, as the regulations still were not enforced, it was prayed that mayors and other officials responsible for the hosting should be fined no less than 60*l.* if they failed to do their duty in this respect (*ibid.* iv. 432).

<sup>7</sup> *Rot. Parl.* v. 24-5.

<sup>8</sup> 'Which ordennes toke none effect,' says Bale, MS. p. 190, of this anti-alien legislation of this year. Cf. the epigrams 'Of the Times.'

'Many actes of parlament  
And few kept wyth tru entent.'

*Pol. Poems*, ii. 252.

parliament also received two petitions<sup>9</sup> specifically directed against merchants of Italy. The first, complaining that these traders brought to England the exports of Spain, Portugal, and Brittany; which had formerly been carried by native or English ships, asked that Italians might not be allowed to import goods from any country nearer England than the Straits of Gibraltar, whilst the second declaimed against 'the great deceit . . . used by Lombards, Italians, and other merchants alien . . . in selling all manner of spiceries . . . that beeth not clean cleansed nor clean garbled,' and asked that searchers might be appointed, as they were in London. Neither of these petitions was wholly successful: the first the king would consider; the second was met by the order that the statutes already existing on this subject should be well observed.

The same parliament attacked the aliens on yet another side by imposing additional taxation upon them. Besides the extra customs duties a tax of sixteen pence yearly on alien householders and sixpence on aliens not householders was to be levied, at first for three years, but in 1442 it was continued for a further period of two years.<sup>10</sup> The rates were increased in 1449; <sup>11</sup> merchant aliens were to pay six shillings and eightpence yearly, and their clerks twenty pence, instead of the previously imposed tax. This was to last for three years, and within a year of its expiration a still heavier burden was laid upon alien merchants: <sup>12</sup> those residing in England were to be charged at the rate of forty shillings a year; those who, whilst not residing, stayed more than six weeks in the country, at half the amount. Alien merchants made denizens were to pay for the privilege no less than ten marks yearly, and these rates obtained for the remainder of Henry's reign.

The complaint that merchants of other countries were taking away English gold in exchange for their

' Apes and japes and marmusettes taylede,  
Niffes, trifles that litelle have availede,  
And thynges wyth whiche they fetely blere oure eye,  
Wyth thynges not enduryng that we bye,' <sup>13</sup>

was also a cause of frequent legislation from the time of Richard II onwards. In 1400 <sup>14</sup> it was laid down that half of the money received by alien merchants for their wares should be exchanged for English goods; two years later<sup>15</sup> the half was increased to the whole. In 1420<sup>16</sup> the statutes to prevent the export of the precious metals were ordered to be put in execution, and in the following year and in 1423<sup>17</sup> the acts were reissued, though exceptions were made for exporting gold for the wars and for the ransom of English prisoners. In this last year alien

<sup>9</sup> *Rot. Parl.* v. 31-2.

<sup>12</sup> *Ibid.* pp. 228-9.

<sup>15</sup> *Ibid.* iii. 562.

<sup>10</sup> *Ibid.* pp. 5-6, 38-9.

<sup>13</sup> *Pol. Poems*, ii. 172.

<sup>16</sup> *Ibid.* iv. 123.

<sup>11</sup> *Ibid.* pp. 142-5.

<sup>14</sup> *Rot. Parl.* iii. 468.

<sup>17</sup> *Ibid.* iv. 126, 252.



merchants were required to get surety from their companies that they would not carry bullion out of the country. In 1431<sup>18</sup> and again in 1439<sup>19</sup> the expedient was tried of compelling alien traders to exchange their English gold for goods within a fixed time, three months in the first instance and eight in the second. The year 1449<sup>20</sup> saw a general re-enactment of the preceding measures, as they were not enforced; this was to continue until the next parliament, but no attempt to check the export of bullion was made until the reign of Edward IV. Whilst this legislation was in part inspired, though unconsciously, by the general scarcity of gold in Europe, and was not entirely confined to alien merchants, the outflow of money to Rome also sharing in the attack, it illustrates the growing tendency to restrict the freedom of aliens in the country. An incident of the rebellion of 1450 perhaps gives us a better idea of the popular feeling against aliens than we derive from the more formal proceedings of parliament. Jack Cade, before entering the capital, sent in advance a letter demanding that the Lombards and strangers there should furnish for him harness, brigandines, battle axes, swords, horses, and one thousand marks of ready money, the alternative being, in his own words, 'the heads of as many as we can get of them.' The demand would probably rather increase than diminish his popularity in the city, and may indeed have been meant as a bid for popularity there. Stow<sup>21</sup> says that 'like it is the same was granted and performed, for I find not the false captain . . . to have hurt any stranger.'

There were, finally, the complaints of those engaged in specific trades or industries. In the parliament of 1455-6 two such complaints occurred. The parliament met on 9 July 1455; it was prorogued on the 31st to 12 November, when, after sitting for a month, it was again prorogued on 13 December until 14 January, and was dissolved on 12 March 1456.<sup>22</sup> It is of some importance to mention the dates, because we are specially concerned with the riots which began in this latter year, and in one chronicle<sup>23</sup> the notice of the first riot which took place in May 1456 occurs before the record of the proceedings in parliament, making it look as if the acts of the parliament resulted from the riot, when probably the reverse was the fact. The first petition<sup>24</sup> was against 'divers Lombards and other alien strangers,' who 'bring now daily into this land wrought silk thrown, ribands and laces falsely and deceivably wrought, corses of

<sup>18</sup> *Rot. Parl.* iv. 453-4.

<sup>19</sup> *Ibid.* v. 25.

<sup>20</sup> *Ibid.* v. 155.

<sup>21</sup> *Annals* (1592), p. 631. Kriehn, *English Rising in 1450* (1892), p. 71, also thinks that the aliens complied with the demand.

<sup>22</sup> Bale, MS. p. 216, gives us this date.

<sup>23</sup> Rawlinson MS. B. 355, fo. 112.

<sup>24</sup> *Rot. Parl.* v. 335: Archdeacon Cunningham, *Alien Immigrants in England* pp. 117-8, thinks that the silk-women on whose behalf the petition was made were Italians who had settled in England and organised themselves as a craft, and that the petition affords 'an instance of antagonism to alien merchants on behalf of alien artisans settled in England.'

silk; and all other things touching or belonging to the same crafts and occupations, and no silk will bring unwrought . . . to the great hurt of all such as shall wear or occupy the same and the utter destruction of all the same crafts and occupations . . . and great idleness among young gentlewomen and other apprentices of the same crafts within the said city.' The petitioners asked for the forfeiting of all save one or two such manufactured goods brought in by Lombards and the imposition of a fine for the offence, their request being granted for five years.<sup>25</sup> The other petition<sup>26</sup> was put forward in the interests of the English wool merchants. There too the 'merchant strangers Italians' were the offenders. They had travelled the country buying 'woollen cloths, wool, wool-fells, and tin,' and, what apparently the English merchants could not or would not do, paying ready money for what they bought. The petition asks that after 21 February 34 Henry VI these stranger merchants may be forbidden, on pain of forfeiture, to buy woollen cloth and the other commodities outside London, Southampton, and Sandwich, 'where usually their galleys come,' and in the city of Westminster. In addition it begs that these traders should be compelled to sell their merchandise to 'your liegemen born' within four months of their arrival in port, after which time they must depart or forfeit their goods. But these sweeping proposals failed to obtain the royal assent; *le roy s'advisera*, was the answer. This however was not enough: the feelings which had produced such a crop of petitions and legislation against aliens found vent within a few months in acts of open violence against the Lombards.

Resort to such a course of action seems the more natural if we consider the almost chronic disorder which existed in London at this time—within twelve months of the first battle at St. Albans. From the year of Cade's rebellion, to go back no further, when the men of the southern counties had stalked through London streets and had only been expelled after an all-night contest and at the cost of some bloodshed, the spirit of riot had been abroad. Soldiers returned from France, penniless and without occupation, strengthened it; in 1451<sup>27</sup>

<sup>25</sup> It was renewed in 1464 (*Rot. Parl.* v. 506), 1482 (*ibid.* vi. 222-3), 1483 (1 Ric. III, c. 10) for ten years, and 1503 (19 Henry VII, c. 21).

<sup>26</sup> *Rot. Parl.* v. 334-5. By what is apparently a slip, this petition is assigned by Dr. Cunningham, *Growth of English Industry and Commerce*, i. 428 (4th ed. 1905), to 1445, whereby its close connexion with the outbursts of 1456-7 is lost.

<sup>27</sup> 'This yer the morn after Symond day and Jude the mair rood and all the crafts of the citee to Westminster to take his charge. And at even in his comyng to sent Thomas of Akres to doo his offering, sowdeours to the nombre of xl men well armed for werr w<sup>t</sup> gleves and axes made a countenance to the mair and aldermen all the wey goyng from powles to seint Thomas wher with the mair being agreved comanded them in þe kings name to leve their wepens bering w<sup>t</sup>yn the citee. And þey revylyng the mair and his officers wold not obey his comaundement wherefor the mair w<sup>t</sup> his peple set upon them und toke their wepens from them and sent divers of them to prison. And on þe morn was made a crye in þe citee that if any man bare ax, gleyve, swerd,

some of these 'made a countenance' to the mayor, who was obliged to disperse them by force and imprison the ringleaders; in the same year the archbishop of Canterbury, so Bale tells us,<sup>28</sup> was robbed at Canterbury—probably enough by the same class of marauders. The visits of the barons to the capital with their large retinues of armed men increased the difficulties which the city officers experienced in keeping the peace, for in addition to the scarcely veiled hostility of the nobles to each other there was at times considerable friction between lord's man and citizen. The year 1453, again, witnessed a riot 'at the wrestling at Clerkenwell' between the citizens, with the mayor himself at their head, and the men of the priory of St. John of Jerusalem, the grounds of which adjoined the wrestling-place; 'but howbeit the mayor manfully beat, slew, and took of them divers and put them to shameful rebuke.'<sup>29</sup> The sanctuary of St. Martin-le-Grand was a fertile source of disorders, offering protection, as it did, to all sorts of doubtful characters. In 1455<sup>30</sup> there was a serious conflict between the citizens and the 'sanctuary men.' Certain of the latter emerged from St. Martin's to rob and then again sought refuge there; the Londoners however rose in arms and invaded the sacred ground. The combat is said to have lasted through a whole night, and when day dawned two of the citizens and one of the sanctuary men—a mercer's servant named Pope—had been killed. But victory lay with the citizens, for they were able to seize and lead off to prison the authors of the disturbance. Hereupon the dean of St. Martin's claimed his men, and complained of breach of his privileges; and the recorder and certain aldermen had to plead their case before the king, whose decision was that the mayor should keep his prisoners until he himself should visit the capital and give final judgment. We do not know the issue, but the sanctuary and its occupants played some part in the riots against the Lombards, and three years later a city ordinance<sup>31</sup> was passed 'for the ordering of the sanctuary men in saint Martins,' showing that the evil still existed.

When the city was in this state of ferment, a ferment increased rather than diminished by the hollow reconciliatory processions of the nobles to St. Paul's or the triumphant entry of the Yorkists with the

or bill þt were sowdeours or lordes man should be taken and put in pryson. And soo the peas was kept and the sowdeours avoyed and wer rebuked' (Bale, MS. p. 209).

<sup>28</sup> P. 212.

<sup>29</sup> *Ibid.* p. 213; Stow, *Summary* (1575), p. 373.

<sup>30</sup> Fabyan, pp. 629-30; Rawlinson MS. B. 355, fol. 111 v.; Stow, *Summary*, p. 373.

There had been complaint in the commons in 1402 against similar abuse of the sanctuary (*Rot. Parl.* iii. 503-4), and the year 1440 witnessed a heated quarrel between the city officers and the dean and chapter of the sanctuary as to the rights of the city therein (Stow, *Survey*, ed. Kingsford, i. 308, and note, ii. 342-3); and again in 1451 the city officials tried, and failed, to levy from the inhabitants of the sanctuary a share of the expense of providing soldiers for Calais (*Transactions of the London and Middlesex Archaeological Society*, vii. 1888, pp. 20-2).

<sup>31</sup> Fabyan, p. 633, from Letter Book K among the city records.

king in their midst after the conflict at St. Albans, little was required to excite the passions of the populace into action ; and against no one was the tide of feeling so strong at this time as against the Italians in the capital. Hence came the two risings against the Lombards. That there were two such outbursts may be taken as certain. Dr. Gairdner indeed, when in 1880 he edited *A Short English Chronicle*, which records two risings in consecutive years (1456 and 1457), expressed a doubt<sup>32</sup> whether the relation of the second of these might not be ' a misdated account of the same riot [i.e. that of 1456] copied from another source.' As however the testimony from both of the manuscript chronicles, which we here make use of for the first time,<sup>33</sup> independently supports the *Short English Chronicle*, and the *Calendar of Venetian State Papers* upholds it, the fact that two such riots took place in these years need not be doubted.

About the beginning of May 1456,<sup>34</sup> the servant of an English mercer, walking through Cheapside, saw an Italian merchant's servant wearing a dagger in his belt. Knowing from personal experience that Englishmen were not allowed to wear arms in Italian ports he challenged the foreigner, and receiving no courteous or satisfactory answer broke the weapon over the Italian's head. The foreigner straightway complained to the mayor, who took up the matter in the interests of civic order. The king was staying at the bishop's palace at the time.<sup>35</sup> Next day<sup>36</sup> session of 'oyer and determiner' was held at the Guildhall, where, in addition to the mayor, there sat the dukes of Exeter and Buckingham, the earls of Salisbury, Pembroke, and Stafford, and some judges. The 'young man' was summoned, convicted of assault, and sent to prison. There was however much sympathy among the populace for the unfortunate mercer's servant, and a crowd quickly collected outside the Guildhall in noisy protest against the action of the court. The mayor, when he left the hall with his sheriffs, could neither force his way through the mob, which filled St. Lawrence Lane and overflowed into Cheapside, nor make his voice heard to defend his action ; and, apparently fearing for his life, he gave orders that the prisoner should be released.<sup>37</sup> But this only made matters worse ; it was construed by the excited populace as a sign that the mayor was really on their side<sup>38</sup> ; 'rumour sprang therof

<sup>32</sup> *Three Fifteenth-Century Chronicles* (Camden Society 1880), Pref. p. ix.

<sup>33</sup> See above, note 1.

<sup>34</sup> Fabyan's account, *Chronicle* (1811), p. 630, of this first riot is the best. Hall used Fabyan, and Holinshed took it almost verbatim from Hall. Stowe also used Fabyan, but adds one name not found therein. Fabyan presumably derived his account from a lost London chronicle.

<sup>35</sup> Dr. Sharpe, *London and the Kingdom*, i. 292, says that the king was in Coventry at the time of the riot ; but he did not go there until August.

<sup>36</sup> Bale, MS. p. 216, says 1 May, which would place the assault on 30 April.

<sup>37</sup> According to one account (Rawlinson MS. B. 355, p. 112) the crowd rescued the offender 'manu forti.'

<sup>38</sup> This seems to be the sole mayoral act in this or the following year which would

lightly through the town' and the crowd began to show its feelings towards the Italians. Florentines, Lucchese, and Venetians were robbed, and four houses in Bread Street, inhabited by aliens, were looted. The mayor however had meantime collected a force by whose aid he took prisoner divers of the ringleaders and put them in ward, the original culprit having prudently fled for sanctuary to Westminster. It would seem that the Lombards showed fight, for *Gregory's Chronicle* says that some of them were taken and put in ward, and 'the common talking and noise was that they should never be delivered, but continue in perpetual prison.'

This development was more serious. On Tuesday, 4 May,<sup>39</sup> another court was held at the Guildhall, at which were present all the lords who had previously attended, save, Bale tells us, the earl of Salisbury.<sup>40</sup> The ways and gates round the Guildhall were closely guarded, whilst six inquests were taken. But popular feeling was violently aroused. 'The commons of the city secretly made them ready and did arm them in their houses and were in purpose to have rung Bow Bell.' They were 'let by sad men' from doing this; but they gathered round the Guildhall with intent to rescue the prisoners by force, and so great was the commotion that proceedings were abandoned for the day and the lords returned home, 'for they durst no longer abide.'<sup>41</sup> Next day the mayor held a common council, before which were summoned the wardens of the various crafts; they were bidden to assemble the members of their fellowships at their various halls on the morrow, and give them 'straight commandment' to keep the peace, and, further, to inform against any person who should venture to break it. This course may have been of more avail, for on the 8th (Saturday) Bocking wrote to Paston from London that 'the peace is well kept, but the strangers are sore adread and dare not come abroad.' The trials were proceeded with and finished on the same day. Three men were condemned to be hanged<sup>42</sup>; two of them were

in part explain the statement in *Gregory's Chronicle* (Gairdner, *Collections of a London Citizen*, Camden Society, 1876, p. 199) that 'this year was the rising and wanton rule of the mayor and mercers of London against the Lombards.'

<sup>39</sup> Fabyan, p. 630, says 8 May, but the 4th is more probably the right date. John Bocking, writing to Paston on the 8th, say that trials for the rioting have already taken place. Further, the duke of Buckingham was no longer in London on the 8th; he left on the 5th, Ascension Even, for Writtle, just west of Chelmsford, 'no thing well pleased and somewhat unceased of heart to his purpose' (*Paston Letters*, iii. 86, ed. 1904).

<sup>40</sup> This looks like a genuine contemporary touch by Bale, who alone gives us the names of the lords sitting there.

<sup>41</sup> Add. MS. 10099 (British Museum), a Brut chronicle with an independent continuation to 1461; printed in *The Brut Chronicle*, by F. W. De Brie (Early English Text Society, 1906-8, ii. 522).

<sup>42</sup> Stow, *Annals*, p. 684, adds, for robbing Anthony Mouricine and other Lombards; the name is not given elsewhere. According to Bale one was a 'sherman' and another a lord's man. Fabyan says that 'two, after some writers, were sanctuary men of S. Martins and the third a shipman'—statements not, of course, incompatible. Dr.

executed on Monday, 10 May, the third probably later. Proclamation was made in the city imposing heavy penalties on breakers of the peace: Lombards were to carry on their occupations as before the riot until the council or parliament settled matters.<sup>43</sup> But this first commotion did not end here. News of it reaching Italy, a decree of the Venetian senate<sup>44</sup> concerning 'the extraordinary insult perpetrated by the citizens of London' ordered the reorganisation of the Venetian factory in London, so that 'Venetian merchants may go or remain without any ties on the part of the factory.'<sup>45</sup>

About the middle of August the king left London and travelled to Coventry.<sup>46</sup> Feeling must still have been active in London, for on 3 September the king wrote to the mayor from Lichfield,<sup>47</sup> referring to the disturbances caused by the 'insolence of evil-disposed and misgoverned people of our said city,' and warning him to check any further outbreaks 'as ye will answer to us at your peril'; and shortly afterwards William Cantelowe, alderman of Bread Street ward, in which the disturbance had chiefly taken place, was summoned before the council, which began to sit on 7 October. He was examined and imprisoned in Dudley Castle,<sup>48</sup> presumably for complicity, or at least neglect of duty, in the riot. For a short time the Lombards had respite, though the city was not without disturbance. Early in November Lord Egremont, one of the Percies, who had been imprisoned in Newgate as the result of a conflict with the Nevilles in Yorkshire broke loose, along with some of his fellow prisoners<sup>49</sup>—a further illustration of the prevalent disorder.

The Flanders galleys however were ordered to call at London, as usual, in the spring of 1457,<sup>50</sup> but before they set out a fresh outrage

Sharpe's conclusion, *London and the Kingdom*, i. 292, that the two men recorded by Bocking as hanged on 10 May were Lombards does not seem to be upheld by the evidence; Bocking's phrase is 'ij of the trespassers,' which would more naturally refer to the Londoners. <sup>43</sup> Bocking to Paston, 15 May 1456; *Paston Letters*, iii. 87.

<sup>44</sup> 14 June 1456, *Calendar of State Papers, Venetian*, i. 81.

<sup>45</sup> The statement that all Italian merchants were ordered to leave London this year is certainly mistaken: it rests upon *Gregory's Chronicle*, which only records one rising, or rather fuses the two riots into one, and this account has been generally accepted, e.g. by Dr. Cunningham, *Alien Immigrants to England* (1897), p. 118; Mrs. Green, *Town Life*, i. 239; Schanz, *Englische Handelspolitik*, i. 122, 412.

<sup>46</sup> *Paston Letters*, Intr. p. 172, from the dates of privy seals.

<sup>47</sup> Printed from Letter Book K by Dr. Sharpe, *op. cit.* iii. 376-7.

<sup>48</sup> *A Short English Chronicle*, p. 70. For Cantelowe see Sharpe, i. 292, note.

<sup>49</sup> This event would seem to have taken place at this date rather than October 1457, as Sir J. H. Ramsay, *Lancaster and York*, ii. 207, states. Both Bale and the Rawlinson MS. B. 355 say November, and place it *before* the accounts of the spoiling of Sandwich (August 1457) or the second anti-Lombard riot of the same month, as also do Fabyan, p. 633, the Cotton MS., Vitellius, A. xvi. 167, and Stow, *Annals*, p. 657, although these authorities do not mention the time of year. Egremont had been imprisoned for his failure to discharge the fine of over 15,000 marks, which he had been condemned to pay to various members of the Neville family (Whethamstede, i. 424; Nicolas, *Acts of the Privy Council*, vi. pp. lvi-lvix).

<sup>50</sup> Decree of 15 April 1457, *Calendar of State Papers, Venice*, i. 84.

had been perpetrated upon Italian merchants in London. Certain of these had shipped 'wools, woollen cloth, and other merchandise' in ships of Zeeland, paying the usual duties. But whilst lying in the Thames 'at Tylbery or there nigh' the vessels were attacked and in part plundered by English ships of Calais and Sandwich. Appeal to the king brought a stern letter to the mayor.<sup>51</sup>

Forasmuch as this strange demeaning is committed and done under the bounds of your franchises and in such places where ye have jurisdiction and power . . . it is your part to resist, correct, and reform the said wrongs . . . take the said ships of war and malefactors and commit them to prison, there straitly to be kept and to have as they deserved.

The Zeeland ships were to be released and any goods taken restored.

Letting you wit for certain, [closes the royal mandate]; if ye be remiss or negligent in the punishing of their misgovernance and executing this our commandment, as we think ye have been in other before this,<sup>52</sup> ye shall run into the pain provided by our laws as well in your franchise as otherwise.

The mayor nevertheless failed to do justice upon the marauders; probably they had flown. So the recorder and several aldermen were sent to Kenilworth to protest the loyalty of the city and the zeal of the mayor. The result was another royal letter<sup>53</sup> to the mayor, reassuring him of the king's belief in his fidelity and charging him, 'if it happen that any of the said ships or misdoers repair hereafter unto our said city or unto the franchise thereof,' promptly to arrest and keep them in ward, 'abiding the determination of our laws, the which we will in all wise be executed.' Further, the mayor is again warned to see that the peace is kept in the city and duly to punish any who should dare to break it.

After this ensued, so far as we know, about four months of quiet. The tempest however had not blown over; the clouds had but parted and the summer saw them closing together again in what threatened to be a storm of far greater violence than that of the preceding year. The Londoners had 'sore grudged' at the executions in 1456, and were eager to revenge them on the Lombards. One day near the end of July a crowd of Londoners collected at Bishopswood<sup>54</sup> with the intention of marching to destroy the Lombards,

<sup>51</sup> Printed from Letter Book K by Dr. Sharpe, *op. cit.* iii. 377-9. The title given to the letter, 'Letter from King Henry VI to the City . . . ordering the Seizure of Foreign Ships of War in the Thames,' is not borne out by its contents, for the ships to be seized are not those of the foreigners, which are not war ships, but those of the English.

<sup>52</sup> Possibly a reference to the mayor's action in the previous May.

<sup>53</sup> Kenilworth, 22 March, Sharpe, iii. 379-80.

<sup>54</sup> Bishopswood is now a small wood about a mile west of Highgate, on the north side of the road leading from that place to Hampstead; it would be possibly three miles or more outside the city. The manor of Hornsey, in which it lay, belonged of old to the bishops of London, who as late as the early fourteenth century had a residence and

the mercers' men again being in the forefront of the agitation. The mayor, Thomas Canyngs, however got wind of their meeting, and, warned by the experience of the previous year, acted promptly and firmly. He collected at the Guildhall an armed force, composed of the city officers and the more sober citizens, and warned the Lombards to stay within their houses with doors and gates well barred.<sup>55</sup> But with this our knowledge of the riot itself stops. Of the action of the excited multitude prepared to sweep down on the Lombards' dwellings we hear nothing; one account<sup>56</sup> says vaguely that a 'hurlyng' took place, and the measures which followed on the part both of the city authorities and the Lombards point to something stronger than the assembling of a mob. It may be that a conflict took place between the city forces and the populace, for numerous arrests were made in the restoration of order. Some of the offenders took refuge in the sanctuary of St. Martin-le-Grand—the forces of the rioters were probably augmented from that place—but on 1 August 'divers householders' and many mercers' men and others<sup>57</sup> were attached by writ of privy seal and sent to Windsor Castle. What happened to them is not recorded.

But the Italians in London made a momentous decision. Despairing of being able to pursue their callings in London, probably terrified for their lives, the Venetians, Genoese, Florentines, and Lucchese met together and determined to leave the city with all their goods. The most obvious place for them to look to as a refuge was Southampton, which contained, after London, the greatest number of Italian merchants of any English port and had been a recognised calling-place for Italian vessels since the time of Edward II. Near to it Winchester, rapidly declining from its former greatness, offered ample accommodation, with its many empty houses and almost grass-grown streets,<sup>58</sup> for as many Italians as were likely to need it. There the Lombards decided to settle, and preparations were made to receive them; <sup>59</sup> the old decaying houses were repaired and for a moment

park there, Highgate taking its name from the toll gate which the bishop set up when the road to Barnet was taken over the hill and through his estate. It was about here that the mayor and citizens of London met Edward IV to escort him into the city, and again in the same way Henry VII was greeted here by the Londoners after victory against Scotland, and accompanied into the capital (Norden, *Speculum Britanniae* ed. 1723, pp. 21–2; Lysons, *Environs of London*, 1792–6, ii. 46–8, iii. 39–40).

<sup>55</sup> *Portis et ianuis bene servatis*, Rawlinson MS. B. 355, fol. 112.

<sup>56</sup> *A Short English Chronicle*, p. 70.

<sup>57</sup> Bale MS. p. 218, says 16; *A Short English Chronicle*, p. 70, says 28.

<sup>58</sup> In 1442 11 streets, 17 parish churches, and 987 messuages were said to have decayed in the last 50 years (*Cal. of Pat. Rolls, Henry VI*, iv. 1441–6, p. 84); ten years later a petition was presented to the king on behalf of the impoverished citizens of Winchester (*Archaeologia*, i. 391–5), and a charter of Edward IV repeated the same story of decline. Cf. Kitchin, *Winchester*, p. 174, Mrs. Green, *Town Life*, i. 326–30.

<sup>59</sup> 'And they took great old mansions, the landlords to do great cost in repairs, and when all was done they came not there, and that caused great loss to the landlords' (*Gregory's Chronicle*, p. 199).



it looked as if a time of prosperity was in store for Winchester. But the Lombards did not come. Possibly they did not all leave London, though there seems no doubt that many of them did so. The Venetian senate, on hearing of the fresh outrage, passed a decree<sup>60</sup> confirming the action of the Italians in London; they forbade any Lombard merchant to go to London to trade at all, on pain of a fine, loss of all goods taken or bought there, and forfeiture of the privilege of trading with England for ten years. The decree was to remain in force for ten years, and the senate demanded judges for Winchester, so that cases of dispute between Lombards and natives there need not be carried to London. But so bold a measure could scarcely hope to be carried out in its entirety. It is true that in 1458 and the following year the Venetian galleys do not appear to have called at the capital, but there certainly were Italians in London in those years. The Venetian consul was confirmed in his position on 1 November 1457, and a decree of 30 June 1459 mentions 'Italian merchants in London.'<sup>61</sup> The next year saw a relaxation of the law: to the decree authorising the sailing of the Flanders galleys was added an amendment<sup>62</sup> ordering them to call at London. Yet within two months an Italian merchant in London was commanded to bring his goods back to Italy, as he had been unable to sell them owing to 'disturbances and customs regulations.'<sup>63</sup> The Italians however returned to their trade in the capital, and for many years we hear nothing of open hostility towards them. Dislike of aliens was indeed far from dying out; legislative action still essayed to protect the native trader and artisan, and, it has been considered, with greater success.<sup>64</sup> But with the growth of prosperity under Edward IV more settled conditions prevailed; and we must look forward for a similar manifestation of feeling against aliens, past the thwarted attempt to spoil the steel yard of the Hanse merchants in 1494, to the more famous 'Ill May Day' of 1517, when occurred a riot of greater moment than the mid-fifteenth-century disturbances, but one which has gained, from the fuller accounts of it that remain, a position of somewhat exaggerated importance in comparison with the less known movements of sixty years earlier.

RALPH FLENLEY.

<sup>60</sup> 23 August 1457, *Cal. of State Papers, Venice*, p. 86.

<sup>61</sup> *Ibid.* pp. 86, 87.      <sup>62</sup> *Ibid.* p. 87.      <sup>63</sup> *Ibid.* p. 89.

<sup>64</sup> Cunningham, *English Industry and Commerce*, i. 430.

## *Luther and Henry VIII*

MARTIN LUTHER was the least politically-minded of all the reformers. Indeed, his carelessness of public affairs sometimes bordered on contempt, as when, immediately after the famous Protest, he wrote to Philip of Hesse 'that he never cared to inquire what was done at Spire and Schmalkalden.'<sup>1</sup> Nevertheless he was forced to take a prominent part in the politics not only of Germany but of other European states. With no monarch did he have a longer or more curious intercourse than with Henry VIII of England. To the reformer this connexion was rich in interest, and to the king it had an importance which has scarcely been recognised. If the first attack on the heretic had no great public significance it is probable that the two subsequent changes in Henry's attitude towards reform were largely influenced, though of course not entirely decided, by his position in regard to Luther—the first change, in favour of the protestants, by his desire to get the reformer's support for his divorce from Catharine; the second, against the Lutherans, by the failure of this effort.

Luther's fame carried his writings rapidly throughout the whole of Europe. Within little more than a year after the posting of the Ninety-five Theses his works had been exported to England.<sup>2</sup> That they attracted the attention of the government may be inferred from a letter of Erasmus stating that they would have been burned but for the intervention 'of a certain humble though vigilant friend. Not that I undertake to judge Luther's works,' he adds with characteristic caution, 'but this tyranny by no means pleased me.'<sup>3</sup> It was perhaps from the same vigilant person that Henry had his first definite impression of the Wittenberg friar. In May 1519<sup>4</sup> Erasmus

<sup>1</sup> 16 December 1529 (Enders, *Luthers Briefwechsel* (1883, ff.) vii. 204).

<sup>2</sup> Froben to Luther, 14 February 1519 (Enders, i. 421). In 1520 a number of Luther's works (including the Answer to Prierias, 1518) are mentioned in the day-book of an Oxford bookseller (Oxford Hist. Soc., *Collectanea*, i. (1885), p. 164).

<sup>3</sup> Erasmus to Oecolampadius, 15 May 1520: *Erasmii Opera*, ed. Le Clerc (Leyden, 1701-6), vol. iii. no. 509.

<sup>4</sup> Le Clerc, no. 317, dates the letter 1518, but the allusion to Hutten's *Febris*, which appeared in February 1519, shows that it was written after this date, and the fact that it was published in the *Farrago* of October 1519 (as Mr. P. S. Allen kindly informs me) gives the later limit.

wrote to Wolsey, gently excusing Luther, but at the same time deprecating the idea that he (Erasmus) was in any way a supporter of the new movement. During the next two years however he did all in his power to heal the schism and to secure a fair hearing for the reformer.<sup>5</sup> By personal interview, by a number of pamphlets, mostly anonymous, and by letters he urged on the public, and especially on men in power, the advisability of using argument rather than force in crushing the suspected heretic. His plan, presented in no less than three memorials, was that Luther should be given a trial before a body of learned and impartial judges, and that these judges should be appointed by the kings of Hungary and England.<sup>6</sup> In order to secure the co-operation of these potentates he took pains to see the envoys of the former in the Netherlands and to interview the latter in person. An opportunity for this occurred in the summer of 1520, when Henry crossed the Channel to see Francis I and Charles V, then on his way to be crowned emperor at Aix. In July Erasmus visited him and discussed the Lutheran question. Myconius's account of their conversation would be interesting if it could be relied on, but all that can be safely asserted is what the great scholar himself wrote 'that they talked of his (Erasmus's) writing against Luther, but more of means of restoring peace.'<sup>7</sup>

That within a year after this conference Henry took so decided a part against Luther must be attributed largely to Wolsey,<sup>8</sup> whose ambition for the papacy gave him a strong bias against the schismatic. When letters came from Leo X<sup>9</sup> ordering Wolsey to burn the books of the obnoxious friar the command was diligently obeyed. On Sunday, 12 May, the king, Wolsey, the foreign ambassadors, and others went to St. Paul's Church to see Luther's works committed to the flames. In a sermon on the occasion Bishop Fisher, of Rochester, commended the king and cardinal, 'reprobating the friar Martin,'

<sup>5</sup> Our knowledge of the position of Erasmus during these years has been made much more precise by a number of learned studies by Dr. Paul Kalkoff, of which the most important are *Die Vermittlungspolitik des Erasmus* (Leipzig, 1903); *Die Anfänge der Gegenreformation in den Niederlanden* (Halle, 1903, 1904); *W. Capito im Dienste Erzbischof Albrechts von Mainz* (Berlin, 1907). His arguments seem to me conclusive, and his results in a neighbouring field—namely, the legal action taken against Luther—have been entirely accepted by the leading catholic and protestant historians alike: see L. Pastor, *Geschichte der Päpste*, vol. iv. pt. i. (1907), 247 ff., and Möller *Kirchengeschichte* (3rd edition, by Professor G. Kawerau, 1907), iii. 15 ff.

<sup>6</sup> See especially Kalkoff, *Vermittlungspolitik*, pp. 17 ff. For the visit to Calais compare Meyer, *Erasmus et Luther* (Paris, 1909), pp. 44 f.

<sup>7</sup> To Laurinus, 1 February 1523: Le Clerc, no. 650.

<sup>8</sup> Froude, *History of England* (London, 1856), i. 87. That the book against Luther was written at Wolsey's desire is mentioned by the cardinal in his congratulatory address to the king.

<sup>9</sup> Rymer, *Foedera* (3rd edition, 1741), vi. 194. They are dated 17 April 1521, but here there is some mistake in the date. They were shown to the king by Pace on 16 April (*Letters and Papers of Henry VIII*, III. i. no. 1233), and their arrival in April is mentioned in Rawdon Brown's *Calendar of State Papers, Venice*, iii. no. 195.

and upheld the authority of the pope; he published the papal brief and announced Henry's (unfinished) book.<sup>10</sup> On 30 May the king wrote to his brother the emperor, who had just heard Luther at Worms (17–18 April), 'begging, admonishing, and conjuring his majesty to root up the poisonous weed of heresy, and extirpate both Luther and his pestilent books with fire and sword for the honour of holy church and the papal see.'<sup>11</sup> Charles replied by sending him the well-known declaration of 19 April, in which he had promised to labour for the suppression of the schism.<sup>12</sup> Henry also wrote to the elector palatine in similar style, but with what result is unknown.

Unprompted by the pope Wolsey had procured Luther's *Prelude on the Babylonian Captivity of the Church* (published in October 1520) and presented it to his royal master with the suggestion that to refute it would be a pious work, worthy of his known learning. When Pace obtained an audience, on 16 April 1521, for the purpose of handing the king Leo's letters, he found him reading the book, which he dispraised, and showed

unto me that it was very joyous to have these tidings from the pope's holiness, at such time as he had taken upon him the defence of Christ's church with his pen, afore the receipt of the said tidings; and that he will make an end of his book within these [few days], and desiring [Wolsey] to provide that within the same space all such as be appointed to examine Luther's books may be congregated together for his highness' perceiving.<sup>13</sup>

The king's work, *An Assertion of the Seven Sacraments against Martin Luther*, was printed at London in July 1521. It was dedicated to the pope, to whom a handsome manuscript copy was presented by the English agent at Rome, John Clerk, on 2 October.<sup>14</sup> Leo replied by granting the readers of the book an indulgence for ten years and ten periods of forty days,<sup>15</sup> and by an effusive letter of thanks, granting Henry the long-desired official title of Defender of the Faith.<sup>16</sup>

<sup>10</sup> *Letters and Papers*, III. i. 485.

<sup>11</sup> Quoted by T. Kolde, *Martin Luther* (1889), i. p. 339. Cf. Henry to Leo X, *Letters and Papers*, III. i. no. 1297.

<sup>12</sup> P. Kalkoff, *Alexander gegen Luther* (Leipzig, 1908), p. 88; A. Wrede, *Deutsche Reichstagsakten unter Karl V.* (1896), II. 594.

<sup>13</sup> *Letters and Papers*, III. i. no. 1233.

<sup>14</sup> Lämmer, *Analecta Romana* (Schaffhausen, 1861), p. 200.

<sup>15</sup> *Librum hunc legentibus decem annorum et totidem XL indulgentia Apostolica Autoritate concessa est.* This bull of 11 October is printed at the beginning of the edition of the *Assertio* used by me in the Bibliothèque Nationale, D 5839. This edition is without year or place on title-page or colophon, but is evidently old. Perhaps it is the one printed at Rome, 1521, mentioned in Luther's *Werke* (Weimar, 1883 ff.), X. II. 175.—Since writing this I have seen the first edition at the Bodleian Library.

<sup>16</sup> Rymer, vol. vi. p. 200. Cf. *Letters and Papers*, III. II. nos. 1500, 1510, 1659. The matter of the title had been brought before a consistory of 10 June and one of the 14th, at the former of which it was proposed that the title of the king of France be taken from him and given to Henry. See the documents printed by Kalkoff, *Forschungen zu Luthers Römischen Prozess* (Rome, 1905), p. 83.

The essay which won such signal favours is an answer to the *Babylonian Captivity*, the second of Luther's three great pamphlets of 1520. In this treatise on the sacraments the reformer excludes from their number orders, confirmation, matrimony, and extreme unction, and points out a number of abuses in the doctrine and practice of the Roman church in regard to the three authentic sacraments, as he calls them, the eucharist, baptism, and penance. The king, in a preface to the reader, states that he has undertaken to refute this work, though conscious of his small ability, because he feels that every one is bound to do his utmost against a public enemy ;

and what pest so pernicious has ever attacked the flock of Christ ? What serpent so poisonous has ever come forth, writing of the Babylonian captivity of the church and twisting Holy Scripture to his own liking against the sacrament of Christ ? . . . What a wolf of hell is he, seeking to scatter Christ's flock ! What a limb of Satan ! How rotten is his mind ! how execrable his purpose !

The defender of the faith rebuts the heretic point by point, showing that he contradicts the Bible, the fathers, and himself. Some of the arguments, to be sure, are a little faulty in point of logic. For example, Luther had denied that the mass was a good work in the sense in which the Roman catholic church had been wont to consider it a meritorious act on the part of all participating. Henry replies : ' He says the mass is a promise, and therefore not a good work, for no promise is a work . . . But he who makes an image out of wood does a work. Christ in making his flesh out of bread does a work.' But what Christ does is good ; therefore the mass is a good work. In view of Henry's divorce and Luther's advice on that occasion, ten years later, it is interesting to notice that the monarch has nothing whatever to say to his opponent's startling assertion<sup>17</sup> that he prefers bigamy to divorce.

Most German historians<sup>18</sup> have followed Luther in suspecting that Henry wrote but little of the *Assertion* himself ; most English scholars,<sup>19</sup> on the contrary, have taken the opposite view. The former appeal to the fact that the *Assertion* is found in an early edition of Bishop Fisher's works, with the note that he helped the king. The latter quote the testimony of Erasmus,<sup>20</sup> the extreme suspiciousness of which, in this connexion, has been recently pointed out by Mr. P. S. Allen in his fine edition of Erasmus's Epistles.<sup>21</sup> Neither the

<sup>17</sup> Luther's *Werke* (Weimar), vi. 559.

<sup>18</sup> Kolde, *loc. cit.* ; Walther, *Heinrich VIII. von England und Luther* (address delivered at Rostock, 1908), p. 7 ; more cautiously, Köstlin-Kawerau, *Martin Luther* (Berlin, 1903), i. 641.

<sup>19</sup> Froude, *Life and letters of Erasmus* (London, 1895) ; Gairdner in article on Henry VIII in *Dictionary of National Biography* ; Pollard, *Henry VIII* (Paris, 1902), p. 92.

<sup>20</sup> Especially in a letter to Cochlaeus, 1 April 1522 : Le Clerc, no. 1038.

<sup>21</sup> *Opus Epistolarum Erasmi* (Oxford, 1906), i. 436.

scholarship nor the Latinity of the polemic make it necessary to suppose an author of uncommon abilities; nevertheless I believe that the help admittedly received by Henry exceeded the amount of his own contribution.

Luther returned from the Wartburg to Wittenberg in March 1522: in June he received and read a copy of Henry's book, and wrote an answer, published in both German and Latin, in July.<sup>22</sup> In the dedication to the Bohemian Count Sebastian Schlick the author, in contempt for Henry's assertion that he intended to take flight to Bohemia,<sup>23</sup> expresses his warm admiration for Huss. In tone the reformer is as angry as his opponent, 'that king of lies, King Heinz, by God's ungrace king of England.' Henry has acted so little like a king that he does not think he need treat him as one; 'for, since with malice aforethought this damnable and rotten worm (*putredo et vermis*) has composed lies against my King in heaven, it is right for me to bespatter this English monarch with his own filth and trample his blasphemous crown under feet.' He ridicules the arguments advanced by his enemy, believing that God has smitten all the papists with blindness, so that when he cries out, 'The gospel and Christ,' they only answer, *Patres, patres, usus, usus, stututa, statuta*. Little ability as the work shows it is plain that the king did not write it, 'but Lee, or one of those snivelling, drivelling sophists bred by the Thomist swine.' Even thus the author's ignorance of his Aquinas is so gross that he ought to be whipped for it, and Luther says he would like to be the man to do it. The pamphlet had the wide and rapid sale accorded to most of its author's works. Many of his friends, including Spalatin, were repelled by its violence. Duke George of Albertine Saxony, Luther's most powerful opponent in Germany, had it on 6 August, and sent it at once with a strong protest to the council of regency sitting at Nuremberg.<sup>24</sup>

Stung by the unquelled violence of his enemy Henry moved every lever to revenge his royal honour. First of all he wrote, on 20 January 1523,<sup>25</sup> to Frederick, John, and George, dukes of Saxony; perhaps he made the mistake, in which many foreigners have followed him, of supposing that these princes all ruled over the same territory. He states that he does not mind the personal abuse of himself, but thinks that for the honour of Germany such a pestilent heretic ought to be suppressed. This despatch, with others, was sent by a special herald, who first visited the council of regency at Nuremberg, and

<sup>22</sup> 'Adversus Henricum Anglicum,' in *Werke* (Weimar), x. ii. 180 ff.

<sup>23</sup> The king may have got this idea, which however was widely spread, from Albert, archbishop of Mayence, who wrote to that effect on 12 May: *Calendar of State Papers, Venice*, iii. 209.

<sup>24</sup> Gess, *Akten und Briefe zur Kirchenpolitik Herzog Georgs von Sachsen* (Leipzig, 1905) i. no. 356.

<sup>25</sup> Wrongly dated 1524 in *Letters and Papers*, iv. 40, as is the answer of Frederick and John, no. 301.

was conducted thence by the envoy of the Saxon elector to Colditz, where, on 27 May, he had a friendly interview with him. A copy of the letter had already been forwarded to the elector, and answered by him on 3 May; the cautious statesman declared that he left Luther to defend himself, and, feeling unable to decide the question of heresy, had referred that to the next oecumenical council. He added many expressions of goodwill 'to his especially dear brother of England.' Duke George answered by expressing his entire willingness to do what he could against the schismatic. Henry's letter and his reply were published at his instigation by Jerome Emser.

Not deigning to refute the heretic again himself, Henry found no lack of persons willing and able to come to his defence. First Thomas Murner published in German *Whether the King of England or Luther is the Liar*, for which he received one hundred pounds from the king.<sup>26</sup> The two most eminent English theologians also replied to Luther—John Fisher, bishop of Rochester, in two works, *Defensio Regiæ Assertionis* and *Assertionis Lutheranae Confutatio*.<sup>27</sup> Sir Thomas More wrote, under a pseudonym, *Eruditissimi viri G. Rossei Opus, quo refellit Lutheri Calumnias quibus Angliæ regi Henrico VIII insectatur*, 1523. Most important of all, the decision of Erasmus, who enjoyed the reputation of being the first scholar of the age, to come out against Luther was probably due largely, if not chiefly, to the latter's quarrel with Henry. The *Assertion* was forwarded to him from Richmond by Dr. William Tate,<sup>28</sup> with a letter dated 4 December, and received by him in February.<sup>29</sup> The violence of Luther had probably alienated him, and when, from this time forth, his English friends ceased not to urge him to take arms against the heretic, he was at last persuaded to do so. Even the subject of his work *On Free Will* was suggested by Henry, for determinism was mentioned as the heretic's fundamental error in the letter of the English king to Duke George, and in the latter's reply, both of which, as just mentioned, had been published, and both of which had been seen by Erasmus.<sup>30</sup> The work, which appeared in September 1524, was sent at once to the king and Wolsey. Henry was much delighted with it. Erasmus's friend Vives wrote to him in November that he had found the monarch reading it.<sup>31</sup>

<sup>26</sup> *Letters and Papers*, iv. no. 3270.

<sup>27</sup> This was in answer to Luther's *Assertio Omnium Articulorum per novissimam Bullam Leonis X damnatorum* (1520), especially to article 36, in which Luther develops his doctrine of the unfree will. From Fisher Erasmus borrowed much. Cf. K. Ziekendraht, *Die Streit des Erasmus und Luther über die Willensfreiheit* (Leipzig, 1909), p. 183.

<sup>28</sup> L. K. Enthoven, *Briefe an Erasmus* (Strassburg, 1906), p. 8.

<sup>29</sup> *Epist.* ed. Le Clerc, no. 590.

<sup>30</sup> Ziekendraht, pp. 10, 16, 49.

<sup>31</sup> Correctly dated 13 November 1524, *Letters and Papers*, iv. no. 828, but calendared again for a year later as no. 1760; *Vivis operu* (Valencia, 1788) vii. 180.

If Henry's efforts, literary and diplomatic, failed to crush his opponent, a few years later he had an extremely good opportunity to humiliate him. Early in 1525 King Christian II of Denmark, now an exile from his realm, informed Luther, whom he knew personally, that Henry was becoming favourable to the evangelical faith, though what gave him this incorrect idea it is impossible to say. Accordingly in May 1525 Luther drew up a naïvely humble letter of apology, which he submitted to his friend Spalatin for an opinion. Spalatin advised him to keep silence, but the reformer could not let slip the chance of winning a convert and on 1 September despatched the letter.<sup>32</sup>

I ought greatly to fear to address your majesty (he writes), knowing that your majesty is deeply offended at the pamphlet which I published foolishly and precipitately, not of my own motion but at the hest of certain men who are not your majesty's friends . . . But I do not believe a mortal can cherish immortal hatred. I have learned from credible authority that the book published under your majesty's name was not written by your majesty, but by crafty men of guile who abused your name, especially by that monster detested of God and man, that pest of your kingdom, the cardinal of York. I am ashamed to raise my eyes to your majesty, because I allowed myself to be moved by this despicable work of malignant intriguers, especially as I am the offscouring of the world, a mere worm who ought to live in contemptuous neglect . . . If your serene majesty wishes me to recant publicly and write in honour of your majesty I shall do so most willingly . . .

It is needless to point out the conspicuous want of tact displayed by this letter in speaking against both the king's book and his favourite minister. Although Luther was certainly sincere in his wish for a reconciliation, one can hardly blame Henry for regarding the letter as a piece of artful hypocrisy. After a delay of eleven months, partly explained by supposing that he wished to consult certain scholars, he answered in a fiercer work than before, which was printed in London in August 1526 and sent around widely to his friends.<sup>33</sup> He prints the humble letter of Luther with mocking comments, and taunts him with having caused the peasants' revolt of the preceding year and with living in wantonness with a nun—for the former friar was then married. Apart from the invective the letter goes into an argument against Luther's errors, which shows more ability and better taste than that of the earlier book, which however he expressly declares is his own. The two cardinal errors attacked are the belief that faith alone justifies and the denial of free-will.

It was doubtless this insistence on free-will that made Luther suspect Erasmus to be the real author of this letter, though perhaps

<sup>32</sup> Enders, v. 231.

<sup>33</sup> *Literarum quibus invictissimus Princeps Henricus VIII Rex Angliæ . . . respondit ad quandam epistolam Martini Lutheri et ipsius Lutheranae quoque epistolæ exemplum*, London, 1526 (Bodleian library).



something in the style aided his suspicion. Judging by this criterion we must confess that there are some things in the epistle which have a distinctly Erasmian sound, but on the other hand there is much which has no parallel in his other writings. It is possible that the king or his advisers consulted the great humanist, but certain allusions in other letters written at the time would point strongly to Vives, a scholar of Bruges and a *protégé* of Henry, as having had much to do with the answer.<sup>34</sup>

To Henry's letter, which was forwarded to Wittenberg in December by the agency of Duke George,<sup>35</sup> Luther did not respond immediately; but early in 1527 the indefatigable Emser translated the king's pamphlet and published it under the title: *Luther's Letter to King Henry VIII of England . . . in which he offers to recant*. It was this twisting of Luther's offer to apologise into a recantation that brought forth a prompt answer early in 1527, *To the Title of the King of England's Libel*, written in German.<sup>36</sup> It begins—

A book has gone out against me, poor sinner, at this new year, under the king of England's name, together with my letter, which I wrote so humbly to the said king, moved thereto by weighty reasons and powerful friends. It is certain and beyond a doubt that this book was not written by the king himself, and although the name of the author is not revealed one may identify him by his words. He insolently attacks my book on free-will, which even Erasmus of Rotterdam, one of the king's best friends, had to leave unrefuted,<sup>37</sup> and must still leave unrefuted, though he has more art and reason in one of his little fingers than the king of England and all his wiseacres . . . But I should not have answered this book had it not alleged that I was ready to recant my doctrine. . . To which I reply: No, no, no, not while I live, let it irk king, emperor, prince, devil, and whom it may . . .

Luther continues by showing how hard he has always tried to keep the peace, and with how little success, as when he left Erasmus alone and was attacked by him. He had written to the king of England at the invitation of the king of Denmark, but sees that his letter is like pearls cast before swine, which they ate (*fressen*) and then turned to rend him. 'I am a sheep, and must remain a sheep, to believe that I can pacify such men!'

Henry did not continue the altercation further, but revenged himself by ruthlessly repressing the evangelical faith in England, and by putting buffoons representing Luther and his wife on the stage at his revels on St. Martin's eve, 10 November 1527.<sup>38</sup> Henry

<sup>34</sup> *Letters and Papers*, iv. ii. nos. 2371 and 3261.

<sup>35</sup> *Ibid.* nos. 2668 and 3697. Cf. *Calendar of State Papers, Venice*, iv. 4.

<sup>36</sup> Weimar edition, xxiii. 17.

<sup>37</sup> *Ungebissen*. Luther cannot mean 'unanswered,' as Erasmus had already replied to him.

<sup>38</sup> *Letters and Papers*, iv. ii. no. 3564; J. P. Collier, *History of English Dramatic Poetry*, i. 108.

might also have the satisfaction of knowing that it was this second reply of the reformer's that induced Erasmus to attack him again. The first answer of this scholar to Luther's *De Servo Arbitrio*, the *Hyperaspistes*, part i., had been written in great haste early in 1526. It promised a more complete refutation when the humanist had leisure, but he was unable to decide to publish this until the allusion to him in Luther's letter urged him to it. The *Hyperaspistes*, part ii., appeared in September 1527, and contained a long and violent attack on Luther for his quarrel with Henry.<sup>39</sup>

The rancour borne by the haughty monarch did not prevent him from seeking the aid of his enemy when the latter might become useful to him. It is not necessary here to enter into the history of Henry's separation from Catharine of Aragon, nor to probe his strangely mingled motives. After a long but vain effort to get a divorce from the pope on the ground that marriage with a brother's widow was forbidden by Leviticus xx. 21, the king decided to take matters into his own hands, and, in order to reassure both his subjects and himself, began in 1529 to solicit the opinions of foreign universities and 'strange doctors' on the delicate point of law involved. The alternative of seeking from the new church what could not be obtained from the old was obvious. In the spring of 1529 the English threatened the catholics with Luther and his sect;<sup>40</sup> evangelical books began to appear at court,<sup>41</sup> and, some months later, Henry took Chapuis, the imperial ambassador, aside, and highly praised the Wittenberg professor, concluding 'that though he had mixed heresy in his books that was not a sufficient reason for reproving and rejecting the many truths he had brought to light.'<sup>42</sup>

The idea of appealing to the Lutherans was momentarily checked by the publication of a book by one of them<sup>43</sup> in 1530, 'very much to the king's disadvantage and in favour of the queen.' On 7 October Henry states in a letter to Ghinucci that he has not yet appealed to the protestants,<sup>44</sup> but it is possible that, notwithstanding the rumour that he intended to 'make short and sharp work of them,' he did so not long thereafter. At any rate Chapuis, who was rarely mistaken, heard that four or five thousand crowns had been spent during 1530 in getting the opinions of German divines.<sup>45</sup> In 1531 the king appealed to most of the prominent reformers. Simon Gryneus, of Basel, was

<sup>39</sup> Zieckendraht, p. 165; 'Hyperaspistes II.,' in *Erasmi Opera* (Leyden 1703), vol. ii. pt. ii. col. 1481 ff. Erasmus denied that he was the author of Henry's letter to Luther in an epistle of 1 April 1527: *Letters and Papers*, iv. iii. no. 5412.

<sup>40</sup> *Ibid.* no. 5417.

<sup>41</sup> *Ibid.* no. 5416. Both of 3 April.

<sup>42</sup> 6 December: *Calendar of State Papers, Spanish*, 1529-30, no. 224.

<sup>43</sup> *Calendar of State Papers, Spanish*, 1529-30, no. 481. The book may have been W. Tindale's *The Practice of Prelotes; whether the King's Grace may be separated from the Queen* (Marburg, 1530).

<sup>44</sup> *Letters and Papers*, iv. iii. no. 6667.

<sup>45</sup> *Calendar of State Papers, Spanish*, 1531-1535, no. 45, 13 January 1531.

employed to solicit the opinion of Zwingli, Bucer, and others.<sup>46</sup> He even ventured to write on the subject to Melancthon, who prepared a memorial, unfavourable to the king, on 23 August.<sup>47</sup>

The appeal to Luther came through a different channel. An English agent, whom I have not been able to identify,<sup>48</sup> sent a copy of the decisions of the universities to Dr. Robert Barnes, a friend of the reformer, then residing at Wittenberg, and requested him to ask for Luther's judgment as to the divorce. He then, to make assurance doubly sure, visited Philip of Hesse, the political champion of the Lutherans in Germany, and urged him to use his influence in getting the desired opinion. Shortly before 22 September this prince wrote to Luther, as requested, recommending that for political reasons a favourable answer should be given.<sup>49</sup> The reformer replied that he had already sent his answer to England.

He had done so with some reluctance after the importunate but secret persuasion of Barnes,<sup>50</sup> formerly an Augustinian prior,<sup>51</sup> who, having fled from home on account of his faith, had found a refuge in Wittenberg and was for several years a guest at Luther's own house. The letter to Barnes, on the subject of the divorce,<sup>52</sup> is dated 2 September 1531. Following the opinion of Louvain in preference to that of the other universities, Luther emphatically denies the legitimacy of dissolving the marriage.

I do not now question (he writes) the worth of a papal dispensation in such matters, but I say that even if the king sinned in marrying his brother's widow it would be a much more atrocious sin cruelly to put her away

<sup>46</sup> On him and his mission see the letters of Zwingli, Bucer, Oecolampadius, and Erasmus: *Letters and Papers*, v. no. 287; T. Schiess, *Briefwechsel der Blauerer* (1908) i. 268, 278, 460.

<sup>47</sup> Gryneus to Melancthon, *Corpus Reformatorum*, ii. 515; Melancthon's memorial, *ibid.* 520 ff. It is not known whether this memorial was sent by Gryneus or Barnes or in some other way, or, indeed, whether it was sent to England at all.

<sup>48</sup> He was certainly not Cranmer, as suggested by Enders, ix. 106. Possibly Vaughan (*Letters and Papers*, v. nos. 246, 303, 532-533), who on 14 November sent to England Barnes's book, translated by the Wittenberg priest Bugenhagen and published at Nuremberg in 1531 under the title *Fürnehmlich Artikel der Christlichen Kirchen*. I have searched in vain for information in F. Kieß's *Politisches Archiv des Landgrafen Philipps von Hessen* (vol. i., Leipzig, 1904). This inventory frequently mentions the bare fact of negotiations between England and Hesse during 1531 (pp. 179, 180, 184), but without giving a single name or definite fact. Nor is there more in A. O. Meyer's *Die englische Diplomatie in Deutschland zur Zeit Edward VI. und Mariens* (Breslau, 1900).

<sup>49</sup> The letter was first published by Dr. Gundlach in the *Festschrift zum Gedächtnis Philipps von Hessen* (Kassel, 1904), p. 64. Luther's answer is in Enders, ix. 105.

<sup>50</sup> *Ibid.* ix. 92 and 105.

<sup>51</sup> It is not the case, as stated in the life of Barnes in the *Dictionary of National Biography*, that he was in England constantly from 1531 to 1534. On 20 June 1533 he matriculated at Wittenberg under the name of Antonius Anglus, Melancthon later writing his true name in the margin: C. E. Förstemann, *Album Academiae Vitebergensis* (Leipzig, 1841), p. 149.

<sup>52</sup> Extant in two forms, variations not explained. The authentic form is in Enders, ix. 80; the second form, *ibid.* p. 92.

now . . . Rather let him take another queen, following the example of the patriarchs, who had many wives even before the law of Moses sanctioned the practice, but let him not thrust his present spouse from her royal position. I pray with all my heart that Christ may prevent this divorce and turn the counsels of that Ahitophel<sup>53</sup> who advises it.

The recommendation of bigamy in preference to divorce shocks modern opinion. The general opinion of the sixteenth century was exactly opposite to that of the twentieth on this point, for the simple reason that while the New Testament discountenances divorce it nowhere expressly forbids polygamy, which was generally practised in the Old Testament. Luther's good conscience in giving this advice is shown by its disinterestedness—for would not a little compliance have won a powerful supporter?—and by the previous statement of the same opinion in the *Babylonian Captivity*. That his views were shared by a large majority of theologians, catholic and protestant alike, has been demonstrated by a very thorough study of the reformer's advice in a parallel case.<sup>54</sup>

Barnes left Wittenberg with this letter the very day after it was written, travelling by way of Magdeburg and Lübeck to London, where he was received by his royal master in December.<sup>55</sup> The king was naturally displeased with his message and sent him away 'with much ill-will.'<sup>56</sup> Nevertheless the very next year he sent Paget to Germany to persuade the Lutheran doctors to write in favour of the divorce.<sup>57</sup> The ambassador, who also visited the landgrave of Hesse and the Rhenish palatinate,<sup>58</sup> arrived in Wittenberg on 12 August 1532, but got no more satisfactory answer than had Barnes.<sup>59</sup> At this time Luther expressly says, 'I advised the king that it would be better for him to take a concubine than to ruin his kingdom.'<sup>60</sup>

Of the king's third attempt to secure a favourable judgment from Luther all that is known comes from a fragment of a letter<sup>61</sup> written from Dover in November by a certain 'Stanislaus, comes.' This nobleman had arrived in London in October with letters from

<sup>53</sup> It is not clear who is meant. Luther knew of Wolsey's fall as early as February 1530: Enders, vii. 228.

<sup>54</sup> W. W. Rockwell, *Die Doppelhe des Landgrafen Philipp von Hessen* (Marburg, 1904), pp. 202-308.

<sup>55</sup> Enders, ix. 99; *Letters and Papers*, v. no. 593: see also *Calendar of State Papers, Spanish*, 1531-1533, no. 865.

<sup>56</sup> *Letters and Papers*, v. no. 737.

<sup>57</sup> *Ibid.* no. 1531.

<sup>58</sup> *Le filz*, i.e. Pfalz.

<sup>59</sup> W. Preger, *Luthers Tischreden nach Schlaginhausens Aufzeichnungen* (Gotha, 1888), no. 454. Cf. *Letters and Papers*, vi. no. 89.

<sup>60</sup> Wrampelmeyer, *Cordatus' Tagebuch über Luther* (Halle, 1885), no. 795. The dating of Cordatus is somewhat complicated, but this saying can be assigned with certainty to August 1532. Luther uses the word 'concubine' of the second wife of Philip of Hesse to designate a lawful but subordinate spouse: Letter to Philip of Hesse, 24 July 1540, in De Wette-Seidemann, *Luthers Briefe* (Berlin, 1856), vi. 276.

<sup>61</sup> *Letters and Papers*, vi. no. 1289. The date, Saturday, 14 October, is wrong, because 14 October 1533 was a Tuesday. It should really be about a month later, as this is the date on which Hubert Thomas left England: *ibid.* no. 1481.

Margaret, regent of the Netherlands,<sup>62</sup> and he was probably Stanislaus Lasco (or Lasky), brother of Jerome Lasco, for many years Polish ambassador at the court of France.<sup>63</sup> Coming to England in October he had fallen in with Hubertus Thomas Leodius,<sup>64</sup> secretary of Frederick the count palatine, who had crossed on 26 October from Calais to Dover in company with a young Englishman, hastening home with news of high import for the king. Hubert and the Englishman returned to France together in the latter half of November, in company with the Pole who condescended to act as spy, and, making the Englishman drunk, extracted from him the confession that he had recently been sent from the king to Luther.<sup>65</sup> Finding that he was unable to conciliate the Wittenberg professor, Henry now repented of nothing more heartily than of the book he had written against him, and even published a translation of the reformer's letter of 1525, saying that he, the king, had been over-persuaded to write by the late Cardinal Wolsey.<sup>66</sup>

The policy of Thomas Cromwell in seeking the alliance of the Schmalkaldic princes incidentally brought his master into close relations with Luther again. In March 1535 Barnes was despatched to Wittenberg, where he discussed the divorce question earnestly, though without success.<sup>67</sup> Hardly had he returned<sup>68</sup> before Henry heard that Francis was about to make a league with the German protestants and had invited Melancthon to Paris. Dr. Barnes was again sent post haste with a similar invitation to Melancthon to come to London and with presents of five hundred gulden for him and fifty gulden for Luther.<sup>69</sup> The latter strongly urged the elector to allow his friend to accept the invitation, and in the same letter<sup>70</sup> adds, 'It is agreed that the other ambassador shall treat with us

<sup>62</sup> *Letters and Papers*, vi. no. 1419. The name of the addressee has perished.

<sup>63</sup> See K. von Miaskowski, *Die Korrespondenz des Erasmus mit Polen* (Posen, 1901), *passim*. On his reason for visiting England see *Letters and Papers*, v. no. 1131 (invitation to Jerome Lasco, June 1532). On his interest in and against Luther see Erasmus to Botzheim, September 1524, *Epist.* ed. Allen, i. 31, 33. Here it is also said that Lasco was an accredited agent to the emperor, which would account for the letters from Margaret and the allusion to the emperor in the letter printed in *Letters and Papers*, vi. no. 1289.

<sup>64</sup> There is an account of his visit in Mrs. H. Cust's *Gentlemen Errant* (London, 1909), pp. 352 ff., and in Eduard von Bülow's *Ein Fürstenspiegel* (Breslau, 1849), ii. 56 ff.

<sup>65</sup> The name of the Englishman cannot be discovered. Vaughan and Mont were busy negotiating with Saxony during this summer: *Letters and Papers*, vi. nos. 1039, 1040, 1082, 1150, 1448.

<sup>66</sup> *Ibid.* no. 1501, and vol. vii. no. 152.

<sup>67</sup> *Corpus Reformatorum*, ii. 860-864. Cf. G. Mentz, *Johann Friedrich* (Jena, 1903-1908), ii. 79 ff.

<sup>68</sup> 13 March. His letters of credence for his second visit are dated 8 July: Mentz, *ibid.*

<sup>69</sup> The amounts are given by E. Kroker, *Luthers Tischreden in der Matthesischen Sammlung* (Leipzig, 1903), no. 100; the date by Melancthon's letter of thanks (January 1536), *Corpus Reformatorum*, ii. 995.

<sup>70</sup> Luther to Chancellor Brück, 12 September 1535: Enders, x. 227.

concerning the king's marriage . . . I am curious to learn why they want to be so well satisfied on this point.' The repeated and persistent attempts of Henry remind one of Wolsey's saying that whatever he once took into his head no one could ever get out.

Before the expected ambassador arrived Luther had a conversation with the papal nuncio Vergerio on 7 November 1535, in which English affairs played a large part.<sup>71</sup> The legate was very inquisitive about the mission of Barnes, but got no satisfaction. He warned the protestants against allowing themselves to be corrupted by English gold into uniting against the pope, and even went so far as to bring up the old claim of the apostolic see to the suzerainty of England. Not, perhaps, because he loved England more, but because he loved Rome less, the reformer vigorously denounced this usurpation.<sup>72</sup> The talk turned upon the recent execution of his old opponents Sir Thomas More and Fisher; he wished that instead of 'two bishops' the king had put to death a hundred. A few years later he expressed the opinion that More was a wicked persecutor of the Gospel,<sup>73</sup> though again he blamed Henry for executing a man 'innocent before his king though guilty before God.'<sup>74</sup>

The embassy announced by Barnes arrived in December. It consisted of no less personages than Edward Fox, bishop of Hereford, and Nicholas Heath, archdeacon of Stafford. Apart from political business with the elector their special mission to Luther was to secure a favourable opinion of the divorce. For a time they had hopes of success,<sup>75</sup> but their importunity finally wearied him,<sup>76</sup> and when they returned they took with them a contrary judgment and a polite letter from the reformer to Cromwell.<sup>77</sup> The Wittenberg theologians again stated that, though divine and moral law prohibited marriage with a brother's widow, and though no dispensation could be given before such a marriage took place, nevertheless after the marriage divorce is not permissible. According to the information of Chapuis Fox informed the king that the real opinion of Luther was in favour of the divorce, but that he dared not express it for fear of the emperor.<sup>78</sup> Whether this idea originated with Fox or with Chapuis it had no foundation in fact. Hardly had the embassy returned to England before Henry had executed Anne Boleyn (19 May) and married his

<sup>71</sup> W. Friedensburg, *Nuntiaturreichte aus Deutschland* (Gotha, 1892), i. pp. 538 ff. Cf. Enders, x. 275.

<sup>72</sup> Luther, 'Articles of the Donation of Constantine' (1537), in *Werke* (Berlin, 1903), i. 182.

<sup>73</sup> 29 May 1538, Seidemann, *Lauterbach's Tagebuch auf das Jahr 1538* (Dresden, 1872), p. 88.

<sup>74</sup> Bindseil, *Lutheri Colloquia* (Lemgo, 1863-6), i. 357. Luther had ordered More's *Utopia* and *Epigrams* in 1518: Enders, i. 157.

<sup>75</sup> Barnes to Cromwell, 28 December 1535: *Letters and Papers*, ix. no. 1030.

<sup>76</sup> Enders, x. 294.

<sup>77</sup> 9 April 1536: Enders, x. 324.

<sup>78</sup> *Calendar of State Papers, Spanish*, 1536-1538, no. 43.

third wife, Jane Seymour. Luther was apprised of this by a letter from Aless (Alesius), a Scotch protestant whom he knew personally, but he made no comment on it.<sup>79</sup> There is no indication that the monarch ever applied to him again.

On 12 May 1538 a retainer of John Thixtoll visited Wittenberg and reported on the state of things in England.<sup>80</sup> On the same day the reformer wrote a friendly letter<sup>81</sup> to John Foxe, which he forwarded by the ambassadors of the German princes to England, Burkhardt, Boyneburg, and Myconius. These ambassadors returned to Germany very doubtful of the orthodoxy of the English.<sup>82</sup> Next year, 19 April, Cromwell informed his master of the arrival from Wittenberg of Jerome Sanese with letters from the reformers to the archbishop of Canterbury and Mr. Thixtoll.<sup>83</sup> The question was soon raised in Saxony of sending another embassy to England to secure the adoption of the Augsburg Confession. The elector referred the question to Luther, who advised strongly against it.<sup>84</sup> The Anglo-German alliance was not however broken. It culminated in the marriage of Henry with Anne of Cleves on 6 January 1540. In July Anne was divorced and Cromwell paid with his life the penalty for the failure of his policy. A violent reaction against Lutheranism set in; and among the martyrs was Dr. Barnes. Luther edited the confession written by his friend just before death with an introduction stating that he had for ever done with Henry VIII 'and such devils.'<sup>85</sup> Melancthon only wished that God would send an able regicide<sup>86</sup> to free the world from such a monster. Luther never went so far as this, but he expressed his opinion with considerable vigour:

This king wants to be God. He founds articles of faith, which even the pope never did.<sup>87</sup>

I believe Henry VIII is not a man but an incarnate devil. In addition to his other crimes he has condemned Cromwell to death.<sup>88</sup>

It is the same King Heinz that I painted in my first book; but he will find his judge.<sup>89</sup>

PRESERVED SMITH.

<sup>79</sup> Enders, xi. 85.

<sup>80</sup> Seidemann, *Lauterbachs Tagebuch*, p. 81.

<sup>81</sup> Enders, xi. 361.

<sup>82</sup> Mentz, ii. 157.

<sup>83</sup> *Letters and Papers*, xiv. i. no. 806. These letters were forgeries.

<sup>84</sup> Elector John Frederick to Luther: Enders, xii. 254; Luther's answers are printed *ibid.* 263, 269.

<sup>85</sup> Luther's *Werke* (Erlangen, 1828 ff.), lxiii. 396 ff.

<sup>86</sup> *Corpus Reformatorum*, iii. 1076.

<sup>87</sup> June 1540: Kroker, no. 207.

<sup>88</sup> August 1540: *ibid.* no. 284.

<sup>89</sup> Bindseil, i. 356.

## *The Court of Faculties*

**B**ENEATH the shadow of St. Paul's Cathedral, on the riverward slope, is a region of warehouses, intersected by narrow streets and alleys, bearing the name of Doctors' Commons. Little more than half a century ago, before there commenced that process of juridical integration which culminated in the Judicature Acts and the erection of the Law Courts at Temple Bar, Doctors' Commons was to the ecclesiastical lawyer what the Temple is to the common law bar and Lincoln's Inn to the chancery bar. It was the local habitation of proctors and advocates, and in common with the Inns of Court it enjoyed the advantage of contiguity to the principal ecclesiastical courts, for in its precincts gathered the Court of Arches, the Prerogative Court of Canterbury, the Court of Faculties, and the Consistory Court of London, to which, in 1666, was added the Court of Admiralty. The history of Doctors' Commons commences in 1568, when Dr. Henry Hervie, dean of Arches, secured a lease of the property from the dean and chapter of St. Paul's and converted it into the College of the Doctors of the Faculty of Advocates, in the common hall of which were held the sittings of the courts of the archbishop and of the lord high admiral. Here for close on three centuries dwelt those learned civilians who gradually built up, chiefly on principles derived from the civil and canon law, a system which is still the basis of our laws of divorce and probate. Then, when in 1857 the church was deprived of her jurisdiction in those matters, the courts were dispersed and the College of Advocates was dissolved. The office of the Court of Faculties alone remains on the old site, untouched by the innovation that has been so busy around. Time indeed has dealt remarkably kindly with this Reformation court, which dispenses in the twentieth century privileges dispensed by Rome before the Conquest. Others of the church courts—the Courts of Peculiars, of Delegates, of Audiences for example—have long since passed away, or else merged their identity in secular tribunals, while the Faculties has been spared to exercise its medieval functions down to our own time. It has had a history: as we shall see its early administrators wished it gone and would have welcomed its despatch; yet it has survived, because on the whole it has performed well the special powers with which it was entrusted.



The natural corollary of Henry VIII's denial of papal supremacy and his claim to the headship of the church was the assumption by the king of powers similar to those exercised by his rival. What Henry could not brook after his breach with Rome was the pope's meddling with the ecclesiastical affairs of his realm. The *imperium in imperio* of the bishop of Rome became nothing less than usurpation so soon as it crossed the royal will, and under Thomas Cromwell it was marked out for early destruction. Parliament set to work with unexampled vigour to drive out this foreign intrusion and to restore the king to the full enjoyment of his prerogative, which had thus, so it was feigned, been wrongfully encroached on. This sentiment finds typical expression in the preamble to the act concerning Peter pence and dispensation, known otherwise as the Archiepiscopal Licences Act of 1533, 25 Hen. VIII, c. 21. Not least among the offences charged to the pope was the vast prerogative of dispensation which he wielded in England, as in all countries attached to his see, and by virtue of which he could release clergy and laity from the obligations of the canon law in all cases that were not contrary to *ius divinum* and even in a few cases that were. Perhaps the cases in which this aid at first hand was most frequently invoked were to enable lay folk to marry or remain in marriage notwithstanding impediments of affinity or kinship, and to enable persons labouring under an irregularity, such as bastardy, servitude, or lack of age, to take orders or become regulars. But besides these there were a host of dispensations, faculties, and indulgences,<sup>1</sup> covering a variety of objects, which the papal curia was ready to grant to applicants who could afford the necessary fees; and there must have been few among its children whom the church could not at one time or another assist by removing some irksome restriction or conferring some substantial benefit.

A cursory perusal of the papal registers shows the activity of the chancery in this department. In the period from 1404 to 1415, for example, dispensations and faculties issued for the following causes: for religious and secular clergy to enter the church notwithstanding lack of age, or defects of birth, delict, or physical blemish; for priors and abbots to pronounce benediction after mass and wear episcopal ornaments; to clergy to defer taking orders, to receive orders *extra quatuor tempora* (the Ember seasons), for non-residence, to hold

<sup>1</sup> These three terms are, according to Coke, synonymous (*4th Inst.* p. 337). In substance they mean a permission or relaxation granted by the pope or his delegate to do some act counter to, or pretermitt some duty enjoined by, canon law, and which act or omission in the absence of such permission would be illegal, if not void (see Godolphin, *Repertorium Canonicum*, p. 112). In English ecclesiastical practice this permission is sometimes styled a dispensation and sometimes a faculty or licence, the chief if not only distinction appearing to be that the term dispensation is reserved to a grant by the archbishop of Canterbury in respect of a more important matter, and carrying with it a higher fee and stamp duty than that charged on a licence: see the Stamp Act, 1891, Schedule, part 2.

two or more benefices simultaneously, or to cure an irregular exercise of office ; to confer degrees ; to choose one's own confessor ; to eat meat in Lent ; to act as a notary ; to go on a pilgrimage ; to marry despite impediments. The preamble of the act of Henry VIII starts by reciting the grievances caused by the

intolerable exactions of great sums of money as have been claimed and taken and yet continually be claimed to be taken out of this your realm and other your said countries and dominions, by the bishop of Rome called the pope and the see of Rome, as well in pensions, censures, Peter pence, procurations, fruits, suits for provisions, and expeditions of bulls for archbishoprics and bishoprics and for delegacies, and rescripts in causes of contentions and appeals, jurisdictions legatine, and also for dispensations, licences, faculties, grants, relaxations, writs called *perinde valere*, rehabilitations, abolitions, and other infinite sorts of bulls, breves, and instruments of sundry natures, names, and kinds in great numbers heretofore practised and obtained otherwise than by the laws, laudable uses, and customs of this realm should be permitted, the specialities whereof be over long, large in number, and tedious here particularly to be inserted.

The exercise of these various powers is treated as a usurpation by the pope and a derogation from the royal authority. The act proceeds to declare the power of the king and parliament to dispense with the laws, and also to authorise some elect person to dispense with the same, and then the enacting clauses, with which we shall deal presently, transfer to the archbishop of Canterbury the powers taken from the pope.

In the papal registers bastardy is an especially common ground for dispensation. The bastards dispensed fall into three classes : (1) simple bastards, i.e. natural children born out of wedlock, (2) adulterine bastards, and (3) children of the clergy. No bastard could legally enter the ministry of the church in any degree without first obtaining the papal sanction dispensing with his defective birth. At first sight it seems strange that the catholic church, which was, during the middle ages, the church of the people in fact as well as in name, should have regarded illegitimate birth as an obstacle in the way of those who were, in common parlance, the sons of the people—*filii populi*. The seeming inconsistency disappears when we remember that the cause of the restriction was the church's horror of incontinence, especially in the ranks of its ministers. Hildebrand's legislation had effectually succeeded in arresting the marriage of the clergy, but it totally failed in its design of imposing celibacy. No sooner had marriage been put down than the church was confronted by the new and greater scandal of concubinage, which took its place, and by the spectacle of the sons of these alliances succeeding to their fathers' livings. In 1102 Anselm, himself a warm partisan of celibacy, actively pursued the campaign, commenced by Lanfranc nearly thirty years before, by carrying at the council of London canons which forbade,

under stern penalties, the marriage of priests. Before taking holy orders candidates were to be required to profess chastity, and the children of priests were forbidden to inherit their fathers' churches. The church however found itself almost as powerless to check what had become an inveterate custom—the devolution of churches from father to son—as to cope with the sin of incontinence. To mitigate these twin evils, which it could not eradicate, the church resolved, in the eleventh century, to close its orders to the offspring of the clergy. Accordingly in 1089 Pope Urban II excluded the sons of priests from ordination unless they belonged to a religious order. Gratian, writing in the following century, says that this bar is confined to sons who emulated their fathers' incontinence, and that purity of life was a passport to the priesthood or preferment outweighing the fault of birth.<sup>2</sup> The council of Poitiers, held under Paschal II, resolved that *fili presbyterorum et ceteri ex fornicatione nati ad sacros ordines non promoveantur nisi aut monachi fiant, vel in congregatione canonica regulariter viventes. Praelationem vero nullatenus habeant.*<sup>3</sup> The same decretal<sup>4</sup> prohibits sons holding churches in immediate succession to their fathers, and provides that a bastard is not to take orders or hold a benefice without procuring a dispensation. These canons make it clear that the mischief aimed at was the ordination of sons of priests, though bastards, born in fornication, are included. The sixth book of the Decretals extended the prohibition to all persons of illicit birth. Thus illegitimacy of any kind was established as a canonical impediment, or irregularity, to the holding of orders or preferment, and so it remains in the catholic church to this day. The only exceptions to the rule arose where the candidate was already a member of a religious order (though to become a member of the order a dispensation was requisite), or where his parents, not being capable of marrying at the time of his birth, had subsequently wedded, and so legitimated him in the eye of the church.

The practice of dispensing for bastardy occurs early in the twelfth century, and during the following centuries rapidly increases until grants were made almost as a matter of course to all who were able to pay the stipulated fees for the privilege, although the form alleging the applicant's purity of life or other merits was still used.<sup>5</sup> The first mention of dispensing for defective birth in England is in 1107, when the pope empowered Anselm to dispense the sons of priests and admit them to holy orders, 'provided they were fitted by education and purity of life.' By a subsequent power he could allow members of the prescribed class already in orders to remain in office, if worthy;<sup>6</sup> for though bastardy did not invalidate the orders of a priest who was

<sup>2</sup> Gratian, *Dist.* lvi. 1; Richter, i. 219.

<sup>3</sup> Greg. *Decr.* i. tit. xvii. c. 1.

<sup>4</sup> Caps. 10, 13, 14, and 18.

<sup>5</sup> H. C. Lea, *History of Sacerdotal Celibacy*, ii. 21.

<sup>6</sup> *Ibid.* i. 335.

admitted without dispensation, yet on subsequent discovery of the defect he was liable to deprivation, a penalty which he could escape by procuring a faculty rehabilitating him.<sup>7</sup> Dispensations could only legally be granted by the pope or his duly authorised mandatory, usually a bishop or legate. We find from a bull of Pope Boniface IX (1390) that that peripatetic poacher on the papal preserve the unlicensed *quaestor*, or pardoner, stocked dispensations for illegitimacy among other fraudulent wares which he passed off on a gullible public. The papal mandate might empower dispensation in a specific case, or a specific number of cases, or in cases of a specific class. For examples I may quote the mandate granted in 1373 to the bishop of London to dispense the natural son of Sir John Hawkwood, 'provided he be not an imitator of his father's incontinency.'<sup>8</sup> In 1382 a commission was granted to the bishop of London to inquire into the character of John Exton, clerk; and since he appeared, after inquiry, not to be an imitator of his father's incontinence, but a man of good conversation and honest life, he was, notwithstanding defect of birth, dispensed by the bishop for ordination.<sup>9</sup> In 1375 faculties were granted to Pileus, archbishop of Ravenna, papal nuncio, enabling him, amongst other things, to dispense during his mission to France and England 'forty persons of illegitimate birth, even the sons of priests and those born in adultery, not being the sons of religious or of bishops, or born of incest, to be ordained and hold a benefice, even with cure of souls.'<sup>10</sup> In 1413 the bishop is empowered to dispense forty persons, defective in body, provided that the defect be not so conspicuous as to cause scandal, to be promoted to all holy and priests' orders and hold a benefice with cure, even if a dignity. Any serious personal blemish, though not actually incapacitating the victim, was a bar to ordination surmountable only by a dispensation. In 1281, for example, the pope dispensed an acolyte, whose left little finger had been shortened while a child by an unskilful surgeon, to hold a benefice. Oughton<sup>11</sup> prints a dispensation, dated 1519, *de Ordinibus suscipiendis oculo amisso non obstante*, dispensing for sacred orders a man who had accidentally lost sight of his left eye.

Dispensations for bastardy vary in degree according as they remove the defect wholly or only in part. A dispensation granted *pro hac vice*, to enable an applicant to take orders or hold or exchange a benefice, was styled *arida et arcta*, from the fact that it did not qualify the person dispensed for a dignity or preferment, but merely for the purpose mentioned.<sup>12</sup> If the party were subsequently promoted to a

<sup>7</sup> There is a case in the Year Book 7 Hen. VI, p. 523 (14), of an incumbent, a bastard, who was instituted to the living of Hougham, and held it thirty years, and was then deprived on account of his defect, no dispensation having been granted.

<sup>8</sup> Bliss, *Cal. of Papal Reg. Letters*, iv. 191.

<sup>9</sup> See the form in Gibson's *Codex*, Appendix, sec. 3, p. 1339.

<sup>10</sup> Bliss, iv. 210.

<sup>11</sup> *Ordo Iudiciorum*, ii. 86.

<sup>12</sup> Ayliffe's *Parergon*, p. 220.

bishopric or other dignity he required a further dispensation before acceptance. The original dispensation might however expressly include a dignity, in which case, of course, no further power was necessary on promotion. The papal registers contain numerous instances of dispensations relieving the applicant from the duty of mentioning his defect in future, and thereby virtually legitimating him for ecclesiastical purposes.<sup>13</sup> An interesting example of this latter kind was granted on 15 January 1412 by John XXIII to Edmund Leboorde, the bastard son, *act.* 11, of Henry IV. It is as comprehensive as possible in character, for it authorises his promotion not only to holy orders, but to all dignities, including those of archiepiscopal, episcopal, or abbatial rank, and excuses him from mentioning his illegitimacy in future.<sup>14</sup>

It was this vast repository of powers that the act of 1533 transferred to the archbishop of Canterbury after disallowing their exercise by the pope. At first sight it may seem strange that these powers were vested in the primate rather than in the crown as head of the church. Henry's arbitrary views as to his sovereignty would, one might think, have made him eager to grasp the jurisdiction for himself, with the archbishop acting only as his deputy. The probable explanation is that, since the king had already, by virtue of his prerogative,<sup>15</sup> powers of dispensing equal to those taken over from the pope, it would have been superfluous, as well as derogatory to his crown, to endow him with powers which he already possessed and exercised.<sup>16</sup>

The Archiepiscopal Licences Act authorises the archbishop of Canterbury for the time being, and his successors, 'to give, grant, and dispose' by an instrument under his seal 'all manner such licences, dispensations, faculties, and other writings for causes not being contrary or repugnant to the Holy Scriptures and laws of God, as heretofore hath been used and accustomed to be had and obtained at the see of Rome' (sec. 3). The archbishop, after duly examining 'the causes and qualities' of the persons applying for licences, has full power by himself, or by his commissary or deputy, to grant such licences and

<sup>13</sup> Bliss, iv. 192, 210, 211, 273.

<sup>14</sup> See *ibid.* vi. 314. The dispensation was printed in full *ante*, vol. xix. p. 97.

<sup>15</sup> 'By the ecclesiastical laws allowed within this realm a priest cannot have two benefices, nor a bastard can be a priest. But the king may, by his ecclesiastical power and jurisdiction, dispense with both of these, because they be *mala prohibita* and not *mala per se*' (Coke's *Reports*, v. p. lviii). In 1537 Henry VIII after his breach with Rome granted a general dispensation allowing white meat to be eaten during Lent, in order probably to show that in his realm he wielded powers as wide as those of his deposed rival (see Gairdner, *Letters and Papers of Hen. VIII*, vol. xii. nos. 746, 755-6, 824).

<sup>16</sup> Besides this by making the archbishop the authority he could dispense the king, which would have been impossible had the powers been vested in the crown. Cranmer in 1536, on the day that Anne Boleyn was beheaded, granted Henry a dispensation to marry Jane Seymour.

dispensations (sec. 4). No licence or dispensation, for which the tax at Rome exceeded 4*l.*, was to operate until confirmed by letters patent under the great seal and enrolled in chancery (sec. 6). Where the archbishop refused a grant without showing reasonable cause an appeal was allowed to the lord chancellor (sec. 16). The functions thus bestowed on the archbishop<sup>17</sup> were exercised by him through the medium of an office erected under the act called, no doubt from the papal curia, which it superseded, the Court of Faculties.<sup>18</sup> This office, Coke tells us,<sup>19</sup> is a court, although 'it holdeth no plea of controversie.' Nevertheless it is more than a court in name only, since its functions are discretionary and not ministerial, and the master occasionally sits *in iudicio* to hear arguments for and against the exercise of his powers.<sup>20</sup> This act did not abrogate the papal bulls and dispensations which were then in force in England, but three years later the statute 28 Hen. VIII, c. 16, declared that these should be void after Michaelmas 1537, unless confirmed in chancery under the great seal prior to that date. Nor does the act enumerate the causes for which dispensations could be granted, though reference is made to a book of taxes payable on all customable dispensations 'wont to be sped at Rome,' and no suitor was to pay more than the fees prescribed by this scale.

There is a document in the Record Office, dated 1536, giving a long list of 38 dispensations, faculties, and licences, with the fees charged for the same by the Court of Faculties,<sup>21</sup> which comprises presumably all the classes of faculties granted at that period. The fees vary greatly in amount; the highest is that charged on a dispensation allowing an abbot or a prior to use mitre, staff, and other episcopal ornaments (*Quod prior vel abbas possit uti mitra, baculo, et aliis ornamentis pontificalibus et dare benedictionem*), which amounts to 47*l.* 10*s.*, while the lowest is that on a dispensation for bastardy (*Dispensacio pro patiente defectum natalem qui possit promoveri et obtinere unum beneficium*),<sup>22</sup> which amounts to the modest sum of 7*s.* 6*d.* only. There is also a licence for election to a priory or abbacy, notwithstanding defect of birth, the fee for this being 35*l.* Several of the instruments in this list relating to abbots, priors, monks, and canons, and to the removal of impediments to marriage between those related—according to the fangled notions of the canon law—by consanguinity

<sup>17</sup> These must not be confused with the powers of the bishops to grant faculties and licences for certain purposes, also of papal origin. A bishop can grant faculties to erect a monument in a church, to alter the structure or arrangement of a church, for the exclusive use of a pew, to act as a chaplain, to eat flesh in Lent, &c. (see Heales, *History and Law of Church Seats*, p. 105, &c.). These powers, as also the dispensing powers of the archbishop of York, are unaffected by the act, which extends however to both provinces.

<sup>18</sup> No mention is made of a Court of Faculties in the act, but its existence has been recognised by later statutes; see, e.g., 41 Geo. III, c. 79.

<sup>19</sup> *4th Inst.* c. 74.

<sup>20</sup> See *In re Champion, Law Reports*, 1906, P. 90.

<sup>21</sup> State Papers, Dom., Hen. VIII, x, Appendix 3, ff. 316-29.

<sup>22</sup> *Sic.*

and affinity were to be shortly rendered unnecessary by the suppression of the monasteries and the change of the marriage law in 1540;<sup>23</sup> but while they lasted they must have been a lucrative source of revenue. The fees payable were divisible between the king, the chancellor, and the archbishop and their clerks, according to an elaborate scale explained in secs. 13 and 14 of the act. If the tax equalled or exceeded 4*l.* it was divisible first into three parts, two of which are again divisible into four parts, of which the king takes three, while the fourth part is subdivisible into three parts, of which the chancellor takes two and the clerk of faculties in chancery, whose duty it was to seal and enrol faculties of this taxable value, takes the third.<sup>24</sup> The remaining third part of the whole tax was divided into three parts, of which the archbishop took two and his commissary and clerk the remaining third in equal moieties. The result, worked out in fractions of the whole fee, gives one-half to the king, one-ninth to the chancellor, one-eighteenth to the clerk of dispensations, two-ninths to the archbishop, and one-eighteenth each to his commissary and clerk. In the early days of the court the archbishop appears to have taken more than his legal due, at the expense of his clerks, for the list already mentioned awards him one-quarter instead of two-ninths, leaving his clerks with proportionately less. Thus the fee of 47*l.* 10*s.* for dispensing a prior or abbot to use mitre and staff is apportioned as follows: 23*l.* 15*s.* to the king, 5*l.* 5*s.* 6½*d.* to the chancellor, 2*l.* 12*s.* 9¼*d.* to his clerk, 11*l.* 17*s.* 6*d.* (instead of 10*l.* 11*s.*, his legal share) to the archbishop, and 1*l.* 19*s.* 7*d.* each to the commissary and the scribe. Different scales of apportionment applied where the fee was below 4*l.*, in which cases the chancellor and his clerk took nothing, since such faculties did not require the great seal. The scale of fees seems to have varied greatly at different periods; for example, in the list of 1536 it is 7*s.* 6*d.*, during the period 1543-9 it decreased to 5*s.* 6*d.*, while in the tariff of charges submitted by Grindal to the privy council in 1576 it had risen to 4*l.*

The early administration of the Court of Faculties caused serious difficulty to two of Elizabeth's archbishops. Parker had, to quote Strype,

much trouble with the Court of Faculties at divers times; having been put upon granting dispensations, which himself liked not of. Insomuch as he had a long time offered in convocation to his brethren, to procure the dispatchment of that offensive court, as he called it. And the same he signified unto the secretary and the privy council.

He was also nettled at the fault found with his management, and he

<sup>23</sup> By the statute 32 Hen. VIII, c. 38.

<sup>24</sup> The office of clerk of the dispensations and faculties was abolished by the act 2 & 3 Wm. IV, c. 3, sec. 1, and his duties transferred to the secretary of dispensations of the lord chancellor. This officer still registers and subscribes notarial faculties.

wished the jurisdiction transferred to others. He made orders for better regulation of the court, though his wish for its 'dispatchment' was not fulfilled.<sup>25</sup> It is not difficult to appreciate the reasons for this strong antipathy. The papal antecedents of the court were not calculated to endear it to a prelate of protestant leanings, while several of the commoner faculties—e.g. for non-residence, to hold a plurality of churches, to allow boys in their teens to take orders, and having taken them to reside from their cures—these and others like them were bound to be deeply offensive to one jealous for the welfare and good name of the church. The archbishop must often have been faced with the alternative of sacrificing his conscience or else of incurring the displeasure of a suitor backed, perhaps, by a powerful relative or wealthy patron.

The granting of dispensations formed one among the numerous grounds of complaint brought against the church by the puritans; and in 1571 the matter was raised in parliament by Mr. Strickland, 'a grave and ancient man of great zeal,' who in an attack on ecclesiastical abuses alleged that boys were dispensed for spiritual promotions, and 'that by friendship with the master of the Faculties either unable men are qualified, or some one man allowed to have too many several livings.'<sup>26</sup> Later in the same year a bill was introduced into the commons to abolish such licences and dispensations as, according to one of its supporters, were contrary to the Word of God. This measure was read a first time and referred to a select committee for examination; further progress was rendered impossible owing to the opposition of the queen, but the debate on the first reading was made the occasion by several members for strongly animadverting on the existing system.<sup>27</sup>

Archbishop Grindal took as great a dislike to the court and gave as much offence in his management of it as his predecessor. At the request of the queen and council, whose notice had been drawn to some abuses,<sup>28</sup> he drew up and presented for their consideration in the year 1576 an account of the court. How scrupulously he exercised his powers appears from the statement that he

rejects more applications for dispensations than he allows, nor will he say nay, if this whole court be abolished, if so it should please the queen and her council, and if they who are offended with this court could so be pacified.<sup>29</sup>

He divides the dispensations into two classes—first, those he was willing to leave to the consideration of the council, and second, those that should be abolished. In the former he classes dispensations for the ordinations of bastards, upon which he remarks—

<sup>25</sup> Strype's *Parker*, bk. iv. ch. 2.

<sup>26</sup> D'Ewes, p. 157; Burnet's *Hist. of the Reform.* (ed. 1681), iii. 310, 335.

<sup>27</sup> D'Ewes, p. 167; Hallam, *Const. Hist. of Engl.* i. 191.

<sup>28</sup> Strype, *Grindal*, p. 324. <sup>29</sup> *Ibid.* p. 300.



This kind of dispensation, which is the enabling of men base-born to take ecclesiastical orders, and promotions, seemeth not convenient to be used, but where there is good proof of great towardness in learning and of godly disposition in the party so dispensed withal, for that bastards seldom prove profitable members of God's church.

This comment goes to show that his doubt was not whether bastards should receive orders without dispensations, but whether it was desirable to permit them to be ordained at all except on the ground of special merit. Appended to this report was a tariff of the charges, apportioned between the queen and the chancellor, archbishop, and officials on the basis provided by the act. Grindal's proposals were received by the privy council in 1576, and apparently allowed. They were registered and entered in the council book on 15 January 1578.<sup>30</sup> These drastic proposals, though favourably received by the council, were not in their entirety at any rate carried out, for amongst the proscribed class is the licence to marry, which has existed to the present. Grindal however by the cautious exercise of his powers must have effected a great reduction in the number of dispensations, for in a return of his official income made about March 1576 his share of the fees is stated to have dropped from 60*l.* to 30*l.*<sup>31</sup>

And now I come to a question regarding dispensations for bastardy that was raised by the late Professor Maitland in an earlier volume of this Review.<sup>32</sup> After discussing the rule of canon law by which a natural son was legitimated *ad sacros ordines* by the subsequent marriage of his parents, he goes on to ask

whether the law which excluded bastards from orders has ever been definitely repealed, and whether our English bishops are actually enforcing it. If a negative answer be given to both these questions, then I think that we have here a valuable hint as to some of the less obvious among the effects of the protestant Reformation. An old rule of catholic canon law was forgotten or ignored, though no one could have laid his finger on any text by which it was expressly abrogated. The modern text-books of ecclesiastical law seem to treat it as obsolete, but I cannot find that it has been repealed or judicially rejected.

The question is an interesting one, and, as it bears on my subject, I propose to deal with it here. The inclusion of bastardy in Grindal's report shows that dispensations were still required in his day for admitting bastards to the priesthood. The canon law rule survived the Reformation, and it met with the approval of Cranmer and the early reformers, who had to consider what changes were necessary in ecclesiastical law. In the *Reformatio Legum Ecclesiasticarum* (1552), cap. 18, the priesthood is closed to bastards, unless their defect of

<sup>30</sup> *Acts of the Privy Council*, xi. 16, &c.

<sup>31</sup> *Cal. of State Papers, Dom.*, Addenda, 1566-1579, p. 499.

<sup>32</sup> *Ante*, vol. xi., 1896, p. 644.

birth is outweighed by the possession of superior talents or eminent virtues, or in case of a shortage of ministers. The *Reformatio Legum*, though twice before parliament in Elizabeth's reign, never received legislative sanction, so to this day the canonical impediment of bastardy remains part of Anglican ecclesiastical law, and this by virtue of the act 25 Hen. VIII, c. 19, which continued the canon law in force, so far as consistent with the secular law, until the proposed revision was carried out.

The most direct and valuable evidence is that contained in the muniments of the Faculty Office. Most of the early registers are in existence, and contain hundreds of entries relating to dispensations, but until they have been carefully searched and indexed it is impossible to state the full extent to which the dispensing power was exercised, just as without their aid it is impossible to give any but an imperfect sketch of the court. I find however, from three of the registers searched, that in the period 1535-1540, i.e. in the first six years of the court's existence, ten dispensations for bastardy were granted; in the period 1543-1549 five, and in the period 1567-1591 nine or ten such were granted. From this evidence, I think, one may safely say that from the year 1535 to the close of Elizabeth's reign bastards were only admitted to orders after dispensation from the archbishop of Canterbury. It is impossible at present to speak with certainty as to the extent to which the practice of dispensing for this defect obtained during the reigns of the first Stuarts. Rymer<sup>33</sup> prints a dispensation, dated 11 February 1625, granted by Archbishop Abbot to Thomas Gray, clerk, master of arts, born out of wedlock, who had held the orders of deacon and priest for five years without being dispensed, allowing him to remain in orders and hold any benefices. This was confirmed by the king's letters patent the same day. The confirmation shows the grant to be one of a special character, and is probably in compliance with sec. 5 of the Archiepiscopal Licences Act, which disallows the issue of any faculty of a kind not before granted without the consent of the king or council. The Court of Faculties, like the rest of the ecclesiastical courts, suffered suppression during the Commonwealth, but was revived at the Restoration, and Juxon, whom Charles translated to the primacy, resumed the full powers exercised by Laud. There is a letter from the king to Juxon (September 1660) leaving to his disposal the office of commissary of Faculties, in order that he might carry out one of Laud's last wishes, namely, that the allowances which he made to his servants out of the office might be confirmed.<sup>34</sup>

Juxon's primacy is further noticeable for a dispensation for illegitimacy granted in 1663 to Edward James, 'clericus legum

<sup>33</sup> *Foedera*, ed. Sanderson, xviii. 672.

<sup>34</sup> *Cal. of State Papers, Dom.*, 1660-1, p. 283.

doctor.'<sup>35</sup> The instrument is entitled *Dispensatio pro illegitimo nato, ut possit obtinere dignitatem aut beneficium*, and permits the grantee *ut quamcumque dignitatem, sive quodcumque beneficium ecclesiasticum, ac si esset legitime et in iusto matrimonio natus libere et licite obtinere et possidere valeat*, with a proviso postponing its operation until confirmed by letters patent. This form is interesting, as probably being the last, or one of the last, dispensations for illegitimacy granted. At any rate we have not been able to discover any later instance, until quite recently, of a person being dispensed for this defect, and when Blackstone wrote in the next century, surmising that the doctrine was obsolete,<sup>36</sup> we believe that the practice had long been in desuetude and that bastards were admitted to the church without let or hindrance. The cause of this lapse in the seventeenth century cannot, it seems to us, be attributed, as Maitland attributes it, to the Reformation. Until the end of the sixteenth century at least bastardy was regularly treated as an impediment, and the evidence we have adduced shows that even after the Restoration the authorities took cognisance of the defect. Probably the explanation of the ensuing neglect to enforce the canon will be found to lie in the laxity of discipline in the church of the Restoration. It was not a time when the bishops were likely to probe deeply or at all into the status of candidates for ordination when they passed without check scores of raw youths whose low origin and personal unfitness excited the ridicule of the worldly, and reduced the social position of the country clergy to the level of menials. Gentlemen too, we are told by a contemporary writer, designed 'not only the weak, the lame, and usually the most ill-favoured of their children for the office of the ministry, but also such as they intend to settle nothing upon for their subsistence; leaving them wholly to the bare hope of church preferment.'<sup>37</sup> It may safely be inferred, we think, that among the ill-favoured sons cast upon the church were some whose treatment arose from the misfortune of illicit birth. Natural children, then as now, usually fared the worst, and their fathers were glad to provide for them in the cheapest and readiest manner. Consequently it is not a matter for surprise if bishops who admitted the halt and the maim, the illiterate and the impecunious, to the ranks of the ministry were not punctilious in enforcing an old canonical impediment of origin. The rule, after being in abeyance for upwards of two centuries, has been revived during the primacy of Dr. Davidson, the present archbishop of Canterbury, and is now being enforced by the bishops.<sup>38</sup>

<sup>35</sup> Printed in Gibson's *Coder*, Appendix, sec. iii., vol. ii. p. 1340.

<sup>36</sup> Blackstone, *Comm.* i. 459.

<sup>37</sup> Eachard's *Contempt of the Clergy*, pp. 128-9.

<sup>38</sup> An interesting piece of evidence of this revival is the licence printed below, granted in 1905 to a candidate for holy orders, enabling him, notwithstanding his illegitimacy, to present himself for ordination. The instrument takes the form of a licence

Another living branch of the papal powers exercised by the court is the grant of notarial faculties empowering persons to practise as notaries public in England or the colonies. In the middle ages the ecclesiastical notary, licensed by the pope, was an important official preparing and attesting deeds and wills, somewhat after the manner of a modern conveyancing solicitor. The notaries of the present day are far more limited and specialised in their functions, a fact testified by the paucity of their numbers. Their chief employment consists in the preparation and authentication of documents for use abroad and the noting and protesting of bills of exchange; yet their ancient association with conveyancing survives in the rule which still requires the London notary to belong to the Scriveners' Company, while their clerical origin more obviously appears in the derivation of their powers from the Court of Faculties. Notarial faculties and marriage licences might be classed as the lay side of the court's jurisdiction, since they are granted to the laity and affect secular concerns.

The principal officials of the Faculties consisted of the master (the commissary or deputy mentioned in the act) and the registrar, or chief clerk. They were appointed by the archbishop, whose servants they were, and as a rule they held their appointments for life. Both offices seem to have been coveted posts, owing to the lightness of the duties and the substantial emoluments derived from the shares of fees to which the holders were entitled. The appointments in the sixteenth and seventeenth centuries went rather by favour than by merit, and seem to have fallen to needy claimants on the archbishop's patronage, not infrequently members of his establishment. There is a letter dated 10 September 1539, from Cranmer to Cromwell on the appointment to the mastership vacant by preferment of Dr.

to escape the heavy duty (30%) payable on a dispensation, but is of course as effectual as if it dispensed *tantisper verbis*.

Stamp  
27.

'RANDALL THOMAS by Divine Providence Archbishop of Canterbury Primate of all England and Metropolitan by the Authority of Parliament lawfully empowered for the purposes herein written To our well beloved in Christ A—— B—— Grace Health and Benediction. Whereas it hath been represented unto us that you are desirous of presenting yourself to the Right Reverend the Lord Bishop of St. Albans for admission into Holy Orders as a Deacon and that you are hindered from so presenting yourself by the impediment of your illegitimacy. We having enquired into and considered the circumstances relating to the said impediment Do hereby Give and Grant to you Our Licence notwithstanding the said impediment but without waiving any other condition or impediment which may be applicable to present yourself for admission into the sacred Orders of the Ministry.



' Given under the Seal of Our Office of Faculties at Doctors' Commons this Thirteenth day of June in the year of our Lord One Thousand nine hundred and five and in the Third Year of our Translation.

' W. P. MOORE,  
Registrar.'

Archbishop Davidson's practice was anticipated by Bishop Wordsworth of Salisbury in his *Ministry of Grace*, p. 236 (1901).

Wotton. The king wished it conferred on Dr. Petre. Cranmer had intended it for his own commissary, Dr. Nevynson. While ready to give way to the king he complains of the many he has to provide for and the little 'to provide them of.'<sup>39</sup> Archbishop Parker in 1562 appointed his secretary, William Drury. At the Restoration Charles II left the mastership to the disposal of Juxon, the newly appointed primate, writing him to the effect that this was 'necessary for the fulfilment of the request of the late archbishop, made in a letter just before he was put to death, that his servants might be confirmed in allowance assigned to them out of the office of Faculties, as he had no other means of providing for them.' The masters during this period were often, but by no means invariably, civilians and members of the College of Advocates. With the possible exception of William Drury, who was one of the civilians appointed by Elizabeth to decide the questions arising in the famous case of the bishop of Ross, they are men of little note. The few whose names have survived obscurity are remembered not for their learning, but for some other accomplishment.<sup>40</sup> Sir Charles Caesar, who was judge of the Court of Audience, master of the Faculties, and master in Chancery, is notorious for his purchase of the mastership of the Rolls from Charles I for the sum of 15,000*l.* when in 1638 that monarch offered the post to the highest bidder to raise money for his Scotch expedition. Dr. Robert Aylett, who succeeded him as master of the Faculties on his death in 1642, claims notice as a maker of moral and religious verse, published under the title of *Divine and Moral Speculations*. Sir John Birkenhead, who for his services to the royalist cause was knighted by Charles II and created master of the Faculties and of the Court of Requests, was the editor and in great part the author of *Mercurius Aulicus*, the journal published during the Civil War as the royalist counterpart to *Mercurius Britannicus*, the parliamentary organ. Sir Charles Hedges, who was master from 1689 to his death in 1714, and succeeded to the judgeships of the Admiralty and Prerogative Courts was secretary of state from 1700 to 1706.

Since the eighteenth century the office of master has been filled by a succession of distinguished civilians and judges, and prior to the year 1858 was conferred almost as a matter of course on a rising advocate as a stepping-stone to preferment to an ecclesiastical or admiralty judgeship. Samuel Halifax, professor of civil law at Cambridge and afterwards bishop of Gloucester and of St. Asaph, held office from 1770 till his death in 1790, when he was succeeded by Sir William Scott, afterwards Lord Stowell. Scott

<sup>39</sup> Gairdner, *Letters and Papers of Hen. VIII*, xiv. (2), no. 146.

<sup>40</sup> From Coote's *Catalogue of English Civilians* I have counted five masters of the Faculties who were advocates—William Drury (d. 1589), William Lewen (d. 1598), Sir Charles Caesar (d. 1642), John Birkenhead (d. 1679), and Sir Charles Hedges (d. 1714).

had previously in 1783 received the sinecure office of registrar of the court, 'a not unemolumentary' place, worth considerably more than 400*l.* a year.<sup>41</sup> From 1841 to 1857 the mastership was held by Sir John Dodson, the last judge of the Prerogative Court and the Court of Arches before the abolition of their jurisdiction in probate and matrimonial causes. Since then the mastership, save for an interval of five years, has been held as a perquisite of the Court of Arches, of which it forms the principal emolument. Dr. Lushington however on resigning the post of dean of Arches in 1867 continued, contrary to custom, master of the Faculties till his death in 1873, during which period Sir Robert Phillimore, his successor at the Arches, discharged the duties of that onerous post at a loss to himself, the salary being insufficient to meet expenses. Phillimore described the duties of the master as 'chiefly formal and very light.'<sup>42</sup> He accordingly recommended that the salary of the judgeship of the Arches should be augmented by annexing to it the mastership of the Faculties. This suggestion was adopted by the Public Worship Regulation Act, 1874, sec. 7, whereby the judge of the Court of Arches is to be *ex officio* master of the Faculties. He is still appointed by the archbishop, subject to the king's approval, and he holds office during good behaviour.

The powers conferred on the archbishop of Canterbury by the act of 1533 extended to Ireland. Lord Chancellor Audeley writes to Cromwell on the question in a letter dated 7 August 1535, advising him that Irish subjects should obtain dispensations from the Court of Faculties, with confirmation under the great seal, since Ireland is a member of the crown of England. He thinks this course preferable to allowing an Irish prelate to grant such dispensations.<sup>43</sup> Recourse was not had to the archbishop, for George Brown, archbishop of Dublin, complained that, as, for lack of dispensations, the Irish 'are compelled to sue to Rome, I think it necessary that we should have dispensations, a vicar-general, and a master of the Faculties.'<sup>44</sup> To remedy this grievance the act of 1533 was in 1537 extended to Ireland by the Irish act 28 Hen. VIII, c. 19, which authorises the king to appoint commissioners to exercise the dispensing powers vested in the archbishop. A commission under this act—apparently the first to be issued<sup>45</sup>—was on 14 March 1547 granted to Sir Anthony Seyntleger, deputy of Ireland, Sir Richard Rede, chancellor of Ireland, and the bishop of Meath.<sup>46</sup> Another commission was granted by Elizabeth in 1568, though it does not appear to have been executed until 1579,

<sup>41</sup> Townsend, *Life of Lord Stowell*, ii. 305.

<sup>42</sup> *A Letter to the Archbishop of Canterbury on Clergy Discipline*, 1872.

<sup>43</sup> Gairdner, *Letters and Papers, Henry VIII*, vol. ix. no. 41.

<sup>44</sup> *Cal. of Carew Papers*, 1515-74, p. 135.

<sup>45</sup> In 1544 the archbishop of Canterbury granted a faculty to the dean of Cashel to hold a vicarage with his deanery (Cotton's *Fasti Ecclesiae Hibernicae*, v. 5).

<sup>46</sup> Hardy's Syllabus of Rymer's *Foedera*, ii. 786.

owing to difficulties that arose in connexion with the newly created Court of Faculties. Notwithstanding Brown's complaint and the passing of this act a Court of Faculties for Ireland was not set up until the year 1576, in which year a commission for passing faculties was issued by letters patent to Dr. George Acworth and Robert Garvey.<sup>47</sup> Acworth, who took the post of master, was an English civilian of some parts and a member of the College of Advocates. He had been in the household of Archbishop Parker, and was in 1575 presented by him to a living in Wiltshire. His career in England had been ruined by his idleness and dissipation, vices which soon broke out in his new post. Two years after his appointment in the Irish Office of Faculties the archbishop of Dublin took exception to the exercise of the dispensing jurisdiction by two lay commissioners, and complained of the inconveniences and abuses that had arisen, and desired them to be restrained from further carrying out the commission. As a result Acworth was removed and a fresh commission was proposed to be granted to the archbishop and Garvey. Garvey however demurred to acting with the archbishop, and he and Acworth still continued to exercise their old commission until restrained by order of the privy council in 1579. Finally the council ordered that the commission for ecclesiastical causes of 1568 should be executed and not that granted to Garvey.<sup>48</sup>

At some time in the course of the century following the Court of Faculties was attached to the archbishop of Armagh. The probability is that a permanent commission was granted to that prelate as primate of all Ireland, in virtue of which he took over the jurisdiction exercised by the Court of Faculties and became its sole head. Certainly he exercised the dispensing power from the year 1690 onwards, for there are records of the faculties granted during that and the following years.<sup>49</sup> In October 1691 trouble arose from the abuse of his powers by Michael Boyle, who then occupied the see of Armagh. The exact nature of the abuses complained of does not appear, but they related particularly to faculties for pluralities. This prelate is known to have had 'an itching palm'; he held no less than six churches with his archbishopric, which probably led him to abuse his powers for the sake of the profit he reaped from them. A number of his brother prelates remonstrated with him against these excesses, but in vain. He refused to listen to their suggestion that his powers should be curtailed or

<sup>47</sup> Possibly a brother or other relation of John Garvey, 1537-1595, dean of Ferns and afterwards archbishop of Armagh. This ecclesiastic was, we are told, a great favourite of Elizabeth (Cotton, ii. 348, iii. 183).

<sup>48</sup> *Cal. of State Papers, Ireland, 1574-1585*, passim. The *Dict. of Nat. Biogr.*, art. on Acworth, queries his death as occurring in 1578. He was certainly alive as late as April 1581, when he was vicar-general to Lancaster, archbishop of Armagh (see *Cal. of State Papers, Ireland, 1574-1585*, p. 302).

<sup>49</sup> Cotton, *Fasti Ecclesiae Hibernicae*, v. 233.

exercised more strictly. Accordingly the archbishops of Dublin and Cashel, with the bishops of Meath, Derry, and Waterford, drafted a letter to the archbishop of Canterbury, calling attention to Boyle's conduct and urging a limitation of his powers. This letter, after being considered for some time, was never sent, apparently on account of opposition from some of the other bishops; but eventually the lords justices were prevailed upon to write to Lord Sidney, requesting him to bring the matter before the king, with a view to his getting the archbishop of Canterbury to convoke a meeting of the bishops and go into the matter.<sup>50</sup>

The commissary of the Irish Court of Faculties was also judge of the Court of Prerogative, and the union of these two offices was made statutory by 7 & 8 Geo. IV; c. 44. The court; like its English prototype, was the authority for admitting Irish notaries. Notarial faculties were granted by the judge to applicants after inquiry into their fitness.<sup>51</sup> On the disestablishment of the Irish church in 1869 the court suffered extinction with the rest of the ecclesiastical courts,<sup>52</sup> and the jurisdiction over notaries was, in the following year, vested in the lord chancellor of Ireland.<sup>53</sup>

WILFRID HOOPER.

<sup>50</sup> Mant's *History of the Church of Ireland*, ii. 51-2.

<sup>51</sup> O'Brien v. Bennett, cited In Re Champion, *Law Reports*, 1906, P. 89.

<sup>52</sup> Irish Church Act, 1869, s. 21

<sup>53</sup> 33 & 34 Vict. c. 110, s. 29.



## *The Last Years of the Navigation Acts*

### II.

A CRITIC of the navigation system, in its last phase, asserted that it was understood only by 'a few official persons and a few inquirers in political economy.'<sup>1</sup> However things may have stood with 'inquirers in political economy,' among official persons the understanding was far from perfect. Foreign secretaries, diplomatic agents, presidents and secretaries of the board of trade, even queen's advocates, were very fallible when the tangled mass of law and treaty had to be interpreted. The treaties differed among themselves, as reciprocity treaties must. 'There are two,' said Lansdowne in the lords in May 1849, 'establishing equality of charges; there are four continuing an inequality of charges. There are three . . . granting liberty to foreign vessels arriving in our ports to engage in voyages from them to other countries.'<sup>2</sup> The law, though codified, was not simple—parts of it inherited unchanged from a world that was dead, parts imperfectly adjusted to a world that was never at one stay. Like most of the offspring of mercantilism, its complexity excludes confident estimates of its achievement. Defenders both of the system and of its abolition have therefore always been tempted to make far too free a use of the argument *post hoc ergo propter hoc*, as did Adam Smith in his well-known apology.

When the debate became keen, in the forties, a dreary and necessarily inconclusive statistical argument turned about the alleged effects of reciprocity on the British mercantile marine since Huskisson's time. 'The case of the free traders,' Stafford Northcote wrote in 1849, 'is that our shipping has increased to an enormous extent since the measures of 1824 . . . the case of the shipowners is that, though the increase in British shipping has been great, the proportionate increase in foreign shipping is still greater.'<sup>3</sup> The free traders generally admitted their adversaries' premiss, but

<sup>1</sup> W. L. Harle, *The total Repeal of the Navigation Laws discussed and enforced in a Letter to Earl Grey*, Newcastle, 1848, p. 27.

<sup>2</sup> Hansard, civ. 1323.

<sup>3</sup> *A short Review of the History of the Navigation Laws of England*, p. 45.

pointed out that foreign shipping had been abnormally depressed during the great wars; that its rapid growth was therefore natural and inevitable; and that there could not be anything seriously amiss with the British mercantile marine, seeing that the number of seamen had grown from 175,000 to 223,000 between 1824 and 1847.<sup>4</sup> The commercial critics of reciprocity dwelt mainly on the growth of American, Scandinavian, and Baltic shipping; though they did not hesitate at times to treat the growth of colonial shipping as a menace to the mother country. No finer vessels were known in Liverpool than the American packet ships, 'liners' as they were coming to be called, and their success seemed to threaten British mercantile power on every sea. It was generally admitted that their captains were more competent than ours; and, apart from their efficiency, the working of the American navigation laws gave them almost a monopoly of the export trade in manufactures from this country. Most cargoes for America were assorted, and contained some goods not the produce of the United Kingdom, which might not enter the United States in British bottoms.<sup>5</sup> Here was a case of the game of navigation laws being played to our disadvantage. Some of the newer Norse ships also were very fine, but the success of Scandinavian and Baltic shipping was attributed less to its quality than to the cheap rates at which it could be built and manned.<sup>6</sup> This was also the grievance against the colonial ships—Nova Scotians and so forth. In 1844 a leading shipowner attributed the glut of tonnage and consequent depression to 'the freedom of admission of North American colonial-built ships to the privilege of British registry.' They were ill-built, he said, and 'remitted as a consignment'; he regarded them 'as the packages in which the timber that is to be imported is to be stowed.' And they came in duty free, whereas the timber which they carried, and we used, paid a duty.<sup>7</sup> The complaints were less loud in 1847; but it is clear that the 'colonial-built,' though by no means durable, were vigorous competitors with the products of British and United States yards in the rougher trades—guano carrying, for example—as well as in the carriage of timber and cotton.<sup>8</sup> In this case the shipowners' grievance

<sup>4</sup> Sir James Graham, 23 April, 1849, in Hansard, civ. 666; Northcote, p. 47. Complications were introduced into the controversy by a change made in the method of reckoning tonnage, during the period under discussion, and by the doubt cast upon the figures issued by G. R. Porter for the Board of Trade. See Hansard, xcix. 573; *House of Commons' Committee on the Navigation Laws, 1847*, q. 7841; Jeremiah Dibbs, *Three Letters to Lord John Russell on the Navigation Laws, 1848*.

<sup>5</sup> For American ships and competition see *Committee on Shipping, 1844*, q. 848 sqq.; *Committee of 1847*, q. 6677 sqq., 7382; J. L. Ricardo in Hansard, lxxxix. 1007. These authorities are confirmed by a merchant still living who went into business in Liverpool in 1847.

<sup>6</sup> *Committee of 1847*, q. 2157, 5243 sqq., 6621 sqq.

<sup>7</sup> Evidence of G. F. Young, chairman of the Shipowners' Society, q. 88–102. See, too, evidence of H. C. Chapman, q. 830, 855, and of other witnesses.

<sup>8</sup> *Committee of 1847*, q. 863, 7661; *Committee of 1844*, q. 830.

was not echoed by any politicians of importance; for parliament had never shown any sign of going back on the policy framed in the seventeenth and early eighteenth centuries, when it had been prepared to sacrifice the home to the colonial builder in the interests of empire.<sup>9</sup>

Those who made most of the growth of these competing mercantile marines seldom stopped to inquire closely how the retention or the reinforcement of the Navigation Laws would have affected the situation. They often contented themselves with an attempt to prove that this growth had coincided with the era of reciprocity, and proceeded to denounce any further relaxation.<sup>10</sup> It is obvious however that the retention of the navigation system was not likely to induce the Americans, for example, to abandon the rule which forbade the import of non-British goods in British bottoms, and so encouraged American shipping. The earlier relaxations had been largely due to the patent absurdities which resulted from a logical enforcement of 'navigation principles' by all parties to international trade—the processions of ships sailing about the world in ballast, because they could not procure legal cargoes both ways. This was the kind of thing upon which the free traders had always fastened. It is a mistake to suppose that as a body they had abandoned Adam Smith's position with regard to the relative importance of 'defence' and 'opulence.' J. D. Hume, for instance, told the 1840 committee on import duties that certain matters were, so to speak, outside the bounds of free-trade principles—matters of power, matters of health, matters of morals.<sup>11</sup> Had complete proof been forthcoming that, as the world stood in the forties, British naval strength really depended on the retention of the navigation system, the system might be living still. Needless to say, one of the most powerful forces working in its favour was the traditional faith in its connexion with sea power. This aspect of the repeal controversy, which has economic as well as political significance, deserves consideration here.<sup>12</sup>

The traditional argument, inherited from the eighteenth century, was that the navigation system preserved the mercantile marine in numbers and efficiency; that the royal navy depended both directly, that is, through the press gang, and indirectly, through the maintenance of shipbuilding and its allied industries, on the merchant navy; that consequently the royal navy needed the navigation system. Naval men, with very few exceptions, regarded this as axiomatic.<sup>13</sup> The discussion became involved with other discussions, as to the equity and expediency of the press gang, and the

<sup>9</sup> Ashley, *Surveys, Historic and Economic*, p. 313.

<sup>10</sup> For their views on the probable effects of repeal, see below p. 704.

<sup>11</sup> Q. 119, 120.

<sup>12</sup> It is not touched upon in Sir W. L. Clowes' *History of the Royal Navy*, vol. vi.

<sup>13</sup> See, for instance, evidence of Sir T. J. Cochrane and Sir T. B. Martin in the third report of the *House of Lords' Committee on the Navigation Laws*, 1848.

wisdom of regulating the conditions of labour and remuneration in the merchant navy. These discussions sprang, so far as the period now under review is concerned, from Sir James Graham's policy when he was at the admiralty in 1830-4. Towards the close of his term of office, impressed both with the need of providing an adequate personnel for the navy and with the desirability of refraining from the use of the press gang, he had proposed to establish a complete register of merchant seamen, on the basis of which a system of balloting, resembling the militia ballot, was to take the place of impressment. His scheme was strongly opposed by the shipping interest; he came to the conclusion that it could not be worked and withdrew it.<sup>14</sup> In March 1835, when no longer in office, he introduced two bills, the first 'To amend and consolidate . . . the laws relating to merchant seamen . . . and for forming and maintaining a register,' the second 'For the encouragement of the voluntary enlistment of seamen; and to make regulations for more effectually manning his majesty's navy.' Both bills became law. The first act regulated agreements between seamen and their employers, and laid down rules for the payment of wages.<sup>15</sup> It also 're-enacted certain laws relative to the employment of apprentices on board of merchant vessels by enforcing, under penalties, the employment of a certain number in each ship, in proportion to the tonnage.'<sup>16</sup> The second act, while retaining the obligation on every seaman to serve in the royal navy in case of need, did all that its author considered possible to render impressment unnecessary, by means of extra bounties on voluntary enlistment and other devices.

Graham and those who agreed with him regarded the special burdens imposed by this legislation on the shipping interest as in part compensated by the privileges which that interest enjoyed under the navigation system. The interest, as is the way of interests, held in later years that the burdens were disproportionate to the privileges. Particularly offensive were the 'paternal' clauses relating to seamen's wages. They demoralised the seamen, it was urged, by making them 'their own masters,' and did incalculable harm to British shipping.<sup>17</sup> These complaints were echoed and supplemented, from a different motive and with a different object, by men of the extreme school of 'laissez faire.' 'The legislative interference with the labourers on the sea' was 'perfectly indefensible. We had a register and tickets for seamen . . . but we had no register and tickets for ploughmen, pitmen, or blacksmiths.'

<sup>14</sup> See his characteristically lucid speech of 17 March 1835 in Hansard, xxvi. 1120.

<sup>15</sup> Parts of it are still in force: White, *Merchant Shipping Acts*, p. 59.

<sup>16</sup> Graham's speech, as above. Encouragement of naval apprenticeship was a very old policy. The strict enforcement of the ratio between tonnage and apprentices was an extension of the policy embodied in 4 Geo. IV, c. 25, s. 2.

<sup>17</sup> Evidence of J. Somes, shipowner, 1844, q. 508; and of W. Phillipps, 1847, q. 6633, 6807.

The whole system of registration smelt of the press gang, and rested on the assumption that 'the mercantile marine of this country consisted of so many slave ships.' Moreover, the apprenticeship clause was a burden to shipowners, led to an artificial glutting of the maritime labour market, and 'nursed' men not for the navy but for the Yankee skippers, who paid high wages to trained Englishmen.<sup>18</sup> This last argument, that the nursery doctrine was a delusion, was very strongly put before the committee of 1847 by Captain John Stirling. His evidence, as well as the conclusions drawn from it, was hotly contested by other naval men and by politicians, but on the whole it stood criticism well. He said that comparatively few men, and these not entirely satisfactory, came into the navy from the merchant service, partly because the navy did not pay enough. Therefore he was prepared to abandon the right of impressment, provided that proper steps were taken for recruiting an adequate body of professional fighting seamen.<sup>19</sup> The latter part of his policy, with its costly 'standing navy,' was less acceptable than the former to many peaceful and economically minded reformers who welcomed his support.

That Graham's apprenticeship system was an appreciable burden to shipowners is beyond question. Even when the ships were laid up the prentices had to be kept and fed. The ratio of prentices to tonnage led, in some cases at any rate, to over-stocking of individual ships with prentices, and tended to overstock the naval labour market with seamen. It was calculated in 1848 that the system put 10,000 men a year on the market;<sup>20</sup> but the figures for the years 1845-8 show that this is an over-estimate, so far as that particular period is concerned. The annual average of indentures expiring, including those cancelled by death or otherwise, was 7300. It rose in the following four years to over 10,000. The average number of apprentices enrolled yearly in 1845-8 was over 12,000; so that if the calculation put forward in 1848 was prospective it would be within the mark. After the repeal of the Navigation Laws and the apprenticeship rules enrolments fell sharply. For 1850-3 the average is 5700. In 1854-7 it rose to 7300. After that it dropped, slowly but steadily, to 5400 in 1867, 4700 in 1877, 2400 in 1887, 1500 in 1897. The fall immediately after repeal may be taken as measuring roughly the extent to which the legal compulsion kept apprenticeship above its 'natural' economic level, with an ultimate view to providing for naval power.<sup>21</sup>

<sup>18</sup> W. L. Harle, *op. cit.* p. 1-14.

<sup>19</sup> *Report of Committee, 1847*, q. 4576 sqq.; 1848, q. 5800 sqq. It appears to be certain that Stirling underrated the number of seamen who came to the royal from the merchant navy. See the speech of Captain Harris, 15 May 1848, in Hansard, xcvi. 988.

<sup>20</sup> Harle, *op. cit.* p. 14.

<sup>21</sup> The figures are in *Tables showing the progress of Merchant Shipping in . . . the principal Maritime Countries*: Board of Trade, 329, 1902.

In the forties shipowners justified their dislike of 'Graham's Act' by pointing to the steady weakening of the navigation system. The Austrian treaty of 1838 and the debates arising out of it two years later<sup>22</sup> brought the question into public notice. The more active representatives of the shipping interest had always disliked the power which the system of reciprocity treaties left with the executive. In 1834 G. F. Young moved the repeal of the Reciprocity of Duties Act (4 Geo. IV, c. 77), with a view to putting commercial treaties more directly under the control of parliament, but he was handsomely beaten.<sup>23</sup> The bungling diplomacy and legislation of the whigs, and their apparent indifference to 'navigation principles,' confirmed his school in their distrust of the executive. Those years of bad trade and distress, from 1838 to 1843, set every interest and every social group a seeking the cause of its particular misfortunes in the policy that it specially disliked. To the League the Corn Laws, to the Chartists an inadequate parliamentary reform, to the representative shipowners reciprocity and Graham's Act, lay at the root of the present discontents. Early in 1844 a select committee sat to inquire into the state of British shipping, and to report on the best methods of encouraging and extending its employment. There was no report, but the evidence was printed in July.<sup>24</sup> G. F. Young set the general tone of the evidence with a sweeping statement that shipping had not generally been a paying investment since 'the first great changes in our navigation system took place.'<sup>25</sup> Some witnesses thought that greater freedom of imports would materially assist the shipping interest,<sup>26</sup> but only one spoke decidedly against the Navigation Laws.<sup>27</sup>

✓ In 1845 the laws were codified for the last time. The bill went through both houses without debate. As the days were stirring and the modifications of existing rules inconsiderable, this perhaps should not cause surprise; but it is interesting to find that no free trader thought fit to raise the question of principle, as Villiers did annually in the case of the Corn Laws. ✓ There seems as yet to have been a tacit assumption that a navigation law was an inevitable part of British polity. But the treaties of 1838-44 had stretched and strained the system cruelly, and Peel's finance was changing its whole environment. These things raised the hopes of the many foreign powers who disliked it. Some had long since shown their dislike even of the revised system by definite acts of reprisal. Both Spain and Portugal levied differential duties on British ships.<sup>28</sup> The

<sup>22</sup> See *ante*, p. 492 sqq.

<sup>23</sup> By 117 to 52: Hansard, xxiv. 185.

<sup>24</sup> The committee asked to be reappointed at the end of the session of 1845, but it was not.

<sup>25</sup> Q. 84.

<sup>26</sup> For instance, B. G. Willcox of the Peninsular and Oriental Company, q. 1247, 1291.

<sup>27</sup> S. S. Hall, a London ship broker. He was prepared to sweep the laws away, if other nations would do the same, q. 3237.

<sup>28</sup> Hansard, lv. 881.

French navigation code, though fairly strict, contained no prohibition of the import of non-European produce from European ports; but as ours did, France made an exception in our disfavour and prohibited such import from the harbours of the United Kingdom.<sup>29</sup> Ever since 1828 the law of the United States had provided for an almost complete removal of restrictions on the shipping of countries whose navigation systems were liberal; but Great Britain was not reckoned of their number.<sup>30</sup> Germany was deeply stirred by List's propaganda, and the air was full of journalistic and diplomatic schemes for a shipping league of her maritime states, which was to extract favourable navigation laws from this country by pressure.<sup>31</sup>

✓In April 1846, while the great Corn Law debates were still undecided, Prussia forced the question of navigation law repeal upon the attention of the English cabinet. ✓It may be assumed that Prussian statesmen thought that the general upheaval of British commercial policy furnished an opportunity that had long been desired. ✓Bunsen handed to Aberdeen a memorandum, in the name of the Zollverein, explaining that the treaty of 1841, which would expire on 1 January 1848, could not be continued on its present basis.<sup>32</sup> But his government, he said, in view of Great Britain's recent 'grand measure . . . for the immense benefit of the British empire,' anticipated that the English cabinet would not wish to adhere to that basis, but would be prepared to 'mitigate her Navigation Laws, or grant exception from those laws in favour of the Zollverein.' The lack of perfect reciprocity in the indirect trade was the chief German grievance. Prussian law imposed no restrictions on indirect trade.<sup>33</sup> To equalise matters it was necessary that Zollverein ships should at least be free to import into the British empire (1) any European produce from any European port, and (2) any non-European produce from any non-European port. Bunsen went on to argue that the Navigation Laws had done their work. England ruled the seas. 'Certainly Prussia . . . never could think of disputing this preponderant power.' Repeal could do shipowners but little harm; and, in any case, was not England abandoning the notion of protecting particular interests?

Indeed, the treaties lately concluded . . . with Hanover, Oldenburg, and Mecklenburg-Schwerin excluded the supposition that a strict maintenance of the Navigation Act was intended. . . . A great principle of that act had been given up in order to conclude them, and, be it observed, this had been done to the direct injury of Prussian shipping.<sup>34</sup>

<sup>29</sup> Northcote, p. 62.

<sup>30</sup> See below, p. 698 sq.

<sup>31</sup> Treitschke, *Deutsche Geschichte*, v. 484 sqq.

<sup>32</sup> Foreign Office, Prussia, 268.

<sup>33</sup> *Ante*, p. 497.

<sup>34</sup> Mecklenburg and Hanover might treat Prussian Baltic ports as their natural outlets; the Zollverein had not the same right over Mecklenburg Baltic ports: *ante*, p. 497 sqq.

It might be asked what would Prussia give in exchange for such concessions? As she already gave all, she could merely promise to continue giving. Might she not lower her customs duties? She could not promise this; she must preserve her autonomy in the matter, but it was probable that her own interests 'would on the whole lead rather to diminution than to an increase of import duties.' She could easily place herself in the position to give a full equivalent—by enacting and then abrogating a navigation law just like that of the United Kingdom. This she had been freely urged to do, but she was too friendly to make a start in such a way.

Aberdeen referred the memorandum to Dalhousie and Gladstone, president and vice-president of the board of trade, and then answered it verbally. The replies from his colleagues are of interest. They are personal, not the work of the permanent officials in the name of 'my lords,' and they show the state of the 'Peelite' mind towards the whole question, as well as its opinion of Bunsen's request. Dalhousie would not maintain that our Navigation Laws could be permanently upheld, but thought this was not the time to begin a negotiation, and that Prussia had 'no fair right to demand such concessions.' She had 'much the best of the bargain' under the existing treaty. Our recent tariff legislation had greatly benefited the Zollverein. 'The measures of the present year were favourable to her beyond every other foreign nation.' For all this we had never had the smallest return. 'Every year brought either heavier imposts [on British goods] or the threat of them.' Under present circumstances repeal of the Navigation Laws would be impossible, and Bunsen's demands meant repeal. Therefore we could hold out no hopes to him. Gladstone was more emphatic. Prussia, like other nations, pursued an 'anti-commercial' tariff policy, 'and only differed from them in that this course of proceedings had been accompanied with constant vapouring about the principles of freedom of trade.' He did not think she would really find it to her interest to let the treaty go. He apprehended that it had benefited her shipping more than ours. 'Her complaints on the score of the favours granted to Mecklenburg were wholly unjust. What we did was simply this, to prevent her using our trade laws as a screw to force them into the Zollverein.' He 'could not express a firm adhesion to the Navigation Law. . . . But as to the time and manner of modifying it, we were,' he thought, 'entirely at liberty to say that we meant to deal with it exactly as Prussia said she meant to deal with her customs duties.' The essence of this close reasoning was presumably communicated by Aberdeen to Bunsen, and there for the time the matter rested.<sup>35</sup>

<sup>35</sup> There is a short and *tendenziös* reference to this episode in Treitschke, v. 485-6. Possibly something in Bunsen's report explains Treitschke's attribution of the failure



✓Irish distress had driven Peel faster, if not further, than he would have wished along the road of tariff revision; ✓now it was to hasten the fall of the navigation system. ✓In January 1847 the whig cabinet suspended both Peel's Corn Law and the Navigation Law, to facilitate the import of food. ✓It is possible that some ministers supported the suspension partly because it might lead to repeal, but there was no official countenance given to such a view.<sup>36</sup> In December 1846 Lord Clarendon, president of the board of trade, told the shipowners' society of London that 'no intention whatever was entertained' of altering the law.<sup>37</sup> ✓But the unofficial free traders now forced the question to the front. ✓On 9 February 1847 J. L. Ricardo presented to the house of commons a petition from Manchester, demanding an inquiry into the operation of the law, and moved for a committee.<sup>38</sup> He attacked the law, on many grounds, also its administration by recent governments. ✓On behalf of the ministry, Milner Gibson, vice-president of the board of trade, agreed to an inquiry, which was also welcomed by Hume, Bright, Peel, Labouchere, and Lord John Russell. The grievances and distrust of the shipowners were strongly expressed by H. T. Liddell, less strongly by Alderman Thompson. ✓Disraeli was critical and generally hostile to the proposed inquiry. ✓When the question came to the lords, the spokesmen of government said that ministers, though ready to welcome inquiry, were on the whole disinclined to alter the existing law.<sup>39</sup>

The later parliamentary history of the question may here be summarised before its international, imperial, and domestic aspects are further discussed. The house of commons committee rapidly issued five volumes of evidence in the spring of 1847.<sup>40</sup> The evidence was reprinted in November, but there was no actual report. Later events showed that the facts published impressed the ministry. ✓In July the Navigation Laws were further suspended until January 1848, after a protest from Lord George Bentinck, who argued that suspension was a deliberate step towards repeal.<sup>41</sup> Friends of the old order were disgusted by an announcement in an American newspaper, in the autumn, that Bancroft, the United States ambassador in London, had suggested to Palmerston the desirability of a mutual abolition of restrictions on navigation, and had been told that something

of the negotiation to Gladstone, *der geschworene Feind Deutschlands*. It would have failed without Gladstone, who had taken no oaths.

<sup>36</sup> Nor have I found any support of it in biographies. Russell said, a month later, that when he suspended the law he did not contemplate a permanent alteration: Debate of 9 February, below.

<sup>37</sup> Quoted by Hardwicke in the lords, 25 February 1848: Hansard, xcvi. 1313.

<sup>38</sup> Hansard, lxxxix. 1007 sqq.

<sup>39</sup> Hansard, xcvi. 1313.

<sup>40</sup> The members of the committee were Ricardo, Peel, Mitchell, Thompson, Villiers, Sir H. Douglas, Admiral Dundas, Lyall, McCarthy, T. Baring, Hume, Liddell, Bright, Sir G. Clerk and Milner Gibson.

<sup>41</sup> Hansard, xciii. 1135.

would be done as soon as parliament met. Something was done. In the speech from the throne, 23 November, her majesty 'recommended to the consideration of parliament the laws which regulated the navigation of the United Kingdom, with a view to ascertain whether any changes could be adopted which, without danger to our maritime strength, might promote the commercial and colonial interests of the empire.'

Before the government had time to develop its case the lords appointed a select committee. The main reason for its appointment was that the commons' committee—upon whose reports the ministers were presumably acting—examined twenty-five repealers and only nine advocates of the law. The lords took care to redress the balance, and issued three more volumes of evidence between March and May 1848. On 15 May Labouchere explained the policy of the cabinet in committee of the whole house. The debates continued into June; a bill was drafted but never discussed,<sup>42</sup> and at the end of the session Labouchere contented himself with securing a resolution on the general principle. His bill repealed the whole of 8 & 9 Vict. c. 88, the last Navigation Act, and parts of very many other statutes, possessions acts, merchant seamen's acts, customs acts, and the like. The only branch of trade not opened to the world was coasting. A British ship need no longer be British built, but three-quarters of its crew, in the coasting trade the whole, must be British subjects.<sup>43</sup> Lascars became British subjects for this purpose. Apprenticeship regulations vanished. Her majesty might restrict the privileges of unfriendly powers, and even impose additional duties on their shipping, by order in council.

In 1849 a fresh bill was drafted. The only important novelty was a complex group of clauses authorising foreign vessels to carry cargoes coastwise, when they arrived from abroad with goods for several British ports, or on the outward journey, when they had to move from port to port to complete a cargo. Coasting trade proper was still secured for British ships, British manned. During February the new bill was read for the first time. There were prolonged debates at every subsequent stage, but the third reading was over before the end of April, the fresh coasting clauses having been dropped in committee. In May the fighting began in the lords. But for a majority of proxies the bill would have been thrown out at the second reading. Even with the proxies the government had only a majority of ten. Amendments in committee were rejected by slightly wider margins. On the third reading Stanley gave up the fight and contented himself with entering a protest. The bill received the royal assent on 26 June.

After what has been said in the present articles, there is no need to emphasise further the importance of the international causes of

<sup>42</sup> It is dated 16 August 1848.

<sup>43</sup> There were certain exceptions to these rules.

repeal. ✓ Every statesman of mark recognised that importance. Peel, for instance, once enumerated the four considerations which led him to favour a complete revision of the law—they were the attitude of the colonies; the offers and demands of foreign powers; the troublesome complexity of the reciprocity treaties; and ‘the mutilated and shattered state’ of the law as it then existed.<sup>44</sup> The foreign nations that he had principally in mind were the Zollverein, the United States, Holland, and Russia. After Bunsen’s failure in 1846 the attacks on British policy in the German press, especially in the *Allgemeine Zeitung*, the organ of the South German protectionists, increased in violence. In January 1847 a printed document, drawn up by John Macgregor, was circulated from the board of trade to enable our agents in Germany to answer these attacks.<sup>45</sup> Macgregor argued that ‘the renewal of the treaty of 1841 was of the least possible value’ to us, and he had no difficulty in showing that, whatever the navigation grievance might be, during the period 1833–46 we had lowered or abolished very many duties on German produce, while the Zollverein tariff had moved in the opposite direction. In May news came from Berlin that the treaty was to be denounced. Palmerston promptly made use of Macgregor’s material in two confident despatches to our ambassador, Lord Westmorland.<sup>46</sup> The right of importing goods from foreign countries into Zollverein harbours, of which the Prussians made so much, had been, he wrote, of singularly little use to us. There were no such harbours on the North Sea, and in 1846 only 530 tons of shipping, engaged in this kind of trade, had entered Prussian Baltic ports.<sup>47</sup> We would let the treaty go with a light heart, as this paltry privilege was all that it secured for us. In the second despatch Westmorland was instructed to assure Mecklenburg that we should be happy to continue our treaty with her, which would become more valuable when that with the Zollverein ran out.

On the day that these despatches were written the denunciation came from Bunsen. He recapitulated the arguments used in 1846, added a few like arguments, and mentioned that his government had seriously discussed the alteration of their navigation laws so as to penalise Great Britain, but refrained for the present, awaiting the result of the house of commons committee. Therefore he offered a provisional continuance of the treaty of 1841, but suggested that all Baltic ports should be treated as natural outlets of the Zollverein. This was not the kind of despatch to move Palmerston. He agreed to the provisional continuance.<sup>48</sup> He would concede to Prussia the

<sup>44</sup> 9 June 1848: Hansard, xcix. 646.

<sup>45</sup> Foreign Office, Prussia, 270.

<sup>46</sup> Both of 11 May 1847.

<sup>47</sup> Prussia disputed these figures: Bunsen to Palmerston, 24 January 1848; Foreign Office, Prussia, 292.

<sup>48</sup> Palmerston to Bunsen, 14 June 1847: Foreign Office, Prussia, 280.

use of all the ports already granted to Mecklenburg, but no more. It was not worth England's while to alter her laws that she might procure a provisional settlement, and the granting of, say, Riga would mean an alteration of the law. After all, the special, unreciprocated, concessions to us in the treaty of 1841 were of no value, and if Prussia insisted on such very strict reciprocity, had she not better lower her tariff as we had lowered ours? In accepting this provisional settlement, some months later,<sup>49</sup> Bunsen reiterated the German grievances about the indirect trade. They were 'deeply felt' as an 'infracton of German honour.' It was the 'universal conviction' that if our Navigation Laws continued the Zollverein must imitate them. There would be no difficulty in imposing differentials on colonial wares coming from foreign countries in British bottoms, even when they came through the Hanse towns, as they mostly did.<sup>50</sup> The position taken up by Bunsen was well known in this country and constantly referred to in debate. Palmerston did not fear a fight, yet doubted whether it was worth while. His critics tried to work on his pugnacity, by pointing out that no injury which Prussia could inflict on us would balance our loss of prestige, should we allow ourselves to be bullied by her into repeal; <sup>51</sup> but they failed.

Our treaty with Russia did not expire until 1851, and she treated us with scant liberality already; so her policy played only a small part in the debates. But as she had intimated that she would not renew that treaty on the old terms,<sup>52</sup> her action had some influence on those who hoped—unwisely may be—to earn liberal treatment by deserving it. Holland, like Prussia, had been stimulated to make fresh demands by our concessions in the matter of 'natural outlets' to Mecklenburg and Hanover. In August 1846 she granted to Belgium privileges in the East Indies denied to us, who were nominally on most-favoured-nation terms with her. When we took the matter up we were met by an awkward counter-demand for the privileges granted to Mecklenburg.<sup>53</sup> The Dutch might well argue that if Dantzig, Königsberg, and Antwerp were natural outlets of Mecklenburg-Strelitz, there was no reason why they should not also be natural outlets of Holland. It was not their business to know that the use of these ports had been granted to the Mecklenburgs to keep them out of the Zollverein. The straining of the Navigation Law was bearing unpleasant fruit.

With America our relations were more comfortable. Bancroft, as has been seen, approached first Labouchere and then Palmerston in the most friendly fashion, during the autumn of 1847. He had

<sup>49</sup> Bunsen to Palmerston, 24 January 1848.

<sup>50</sup> This threat had been made already in 1847: Palmerston's speech of 2 July 1842; Hansard, lxciii. 1133.

<sup>51</sup> Herries, 29 May 1848: Hansard, xcix. 9.

<sup>52</sup> Northcote, p. 57.

<sup>53</sup> Palmerston's reply to Lord George Bentinck, 15 July 1847; Hansard, xciv. 334; Northcote, p. 70.

been authorised to conclude a new commercial treaty with England, and was ready to propose 'that British ships might trade from any port in the world to any port in the United States,' if England would make a like concession. Palmerston replied that the matter had 'already engaged the serious attention of her majesty's ministers,' who 'observed with pleasure that the sentiments which they entertained with regard to it were shared' by the American government.<sup>54</sup> Short of opening her coasting trade, a very important reservation, America was prepared to establish complete freedom.<sup>55</sup> Her tenacity about the coasting trade was much insisted on by the opponents of repeal. They urged, not unreasonably, that in view of the extent of her coasts, it might justify us in retaining the monopoly of imperial trade for British bottoms. Possibly also her tenacity influenced Labouchere's final decision not to open our coasting trade in any way by the bill of 1849, though it is not the reason that he assigned for this decision.<sup>56</sup>

√To the end there was some division of opinion among repealers as to whether repeal should be unconditional or should be made dependent, in the case of each particular country, upon the grant of corresponding privileges. √Gladstone was the ablest critic of unconditional repeal. On 2 June 1848<sup>57</sup> he expressed himself in favour of the immediate abolition of the law in the case of countries like Prussia, whose own law was already liberal. He would give less to illiberal powers like Spain and Holland. With the United States, by far our strongest rival in the carrying trade, he would drive a bargain—access to our imperial trade for access to her immense, and really imperial, coasting trade. She had no colonial trade to give; surely we might ask something in return for ours? He was still of this opinion on 12 March 1849.<sup>58</sup> Government was proposing immediate repeal, but reserving the right to retaliate by order in council on nations who treated us with conspicuous unfairness. √Gladstone thought this a clumsy device. √He preferred a law stating that we would give such and such privileges, by order in council, to all nations who would do the like. √And he maintained that in this way we might get the American coasting trade opened; by unconditional repeal we should not, for America 'was not a lover of free trade in the abstract.' √Unconditional repealers used two main lines of argument on this head.<sup>59</sup> First, the general argument, that we were repealing, as we

<sup>54</sup> Bancroft to Palmerston, 3 November 1847; Palmerston to Bancroft, 17 November 1847: Foreign Office, America, 478.

<sup>55</sup> Bancroft to Labouchere, 10 March 1849, a recapitulation of the course of events: Foreign Office, America, 506.

<sup>56</sup> He ascribed it to technical difficulties connected with the customs. For the original proposal, see above, p. 696.

<sup>57</sup> Hansard, xcix. 251.

<sup>58</sup> Hansard, ciii. 540.

<sup>59</sup> Best seen in James Wilson's speech, 9 March 1849, in Hansard, ciii. 485. Gladstone's speech, three days later, was to some extent a reply to this.

had lowered our tariff, because freedom was good in any case, a fact which we ought to enforce by example. Second, the particular arguments, that one of the chief reasons for repeal was the desire to get rid of the diversity of the existing reciprocity system, and that piecemeal repeal would not meet certain proved hard cases. Their reasoning was sound, if not quite conclusive, and prevailed over that of Gladstone.

Conditional repealers and thorough-going conservatives were alike encouraged by the results of an unfortunate diplomatic effort at the close of 1848. In order to assist ministers and the nation to make up their minds on this matter of reciprocity, Palmerston addressed a circular to the powers, asking them what they would do supposing we did repeal.<sup>60</sup> As replies came in they were laid before parliament. Certainly they were not inspiring. The Austrians reminded us that they had for years left our indirect trade free. It would remain free in case of repeal. What might happen if we delayed much longer Schwartzberg really could not say. He probably did not regret this opportunity of being civilly rude to Palmerston in 1849. Belgium showed no signs of intending to remove her differentials on our ships. France considered the question difficult; Drouyn de Lhuys promised to make people think hard about it. Holland would be prepared to open the indirect trade, but would require 'compensation' if we retained our own coasting trade. The United States would give us precisely what Bancroft had all along been offering. Russia really said nothing. Sardinia was friendly and encouraging. The German states were tolerably sympathetic, but referred inquirers to the national assembly at Frankfort. Of course few continental nations had leisure to discuss hypothetical reforms adequately in the early months of 1849. Perhaps this explains the British government's neglect of these replies. The opposition could not be expected to neglect them, for they were a perfect arsenal of party ammunition.<sup>61</sup>

The connexion between Peel's finance and the repeal of the Navigation Laws is seen at its closest in imperial affairs. From Huskisson's time to 1846 there were very few colonial complaints. When inquiries began in 1847, certain grievances of old standing were revealed, but they were by no means important. Trinidad desired free trade with France, which she could not have so long as reciprocity ruled, since France would not grant us free trade with her own colonies.<sup>62</sup> It was counted a grievance in Australia that foreign-built ships could not be bought, or even foreign built wrecks refitted,

<sup>60</sup> The correspondence is printed in *Accounts and Papers*, 1849, li. Palmerston's circular is dated 22 December 1848.

<sup>61</sup> Herries used them effectively during the second reading debate in March: Hansard, ciii. 472.

<sup>62</sup> See the discussion between Stanley and Grey in the lords, May 1849: Hansard, cv. 95 sqq.

for use in the South Sea whale fisheries.<sup>63</sup> From the same quarter came a complaint that foreign vessels, Hamburg emigrant ships for instance, might not take cargoes of copper ore from the South Australian mines to England. They might however take it to be smelted at Hamburg, which seemed undesirable.<sup>64</sup> The opposition was able to prove that the majority of British ships visiting Australian ports went on in ballast seeking freights; <sup>65</sup> so the grievance cannot have been very great, but it certainly existed.<sup>66</sup> It should be remembered, too, that whereas an 'illegal' ship might bring goods from a foreign port to be warehoused (though not consumed) here, this privilege did not apply to produce coming from a colony in an illegal ship. In the West Indies there was sometimes a shortage of British ships for the sugar cargoes. The inward freights of meat, flour, and lumber came mostly from the United States; so naturally American vessels could offer good terms for the carriage of exports. What the English owners feared was that repeal would throw the whole inward and outward trade into American hands. They preferred to maintain the system under which the ships of both countries often made one voyage in ballast, and of necessity charged heavy freights for the other.<sup>67</sup>

India had also a minor grievance, that of the lascars who were not reckoned British seamen, except for voyages in the Indian Ocean. A lascar-manned ship had to take a British crew, as defined by the law, for the return voyage from England. As to the amount of hardship involved in this, and its probable effects on trade, witnesses differed. But it was undoubtedly at times annoying to some merchants.<sup>68</sup> Others had never felt annoyed by this or any other part of the eased navigation system. So it was in other branches of imperial trade. The house of lords committee in 1848 had no difficulty in finding numbers of East India merchants, West India merchants, Australian and North American merchants who all told the same story. People talked very little about the Navigation Laws abroad, said one; 'there was not the slightest inconvenience in any way,' said another.<sup>69</sup>

Little would have been heard of the West Indian freight grievance and less still of the Canadian grievance, to be discussed shortly, but for the free trade movement. Until 1842 the duties on foreign sugar were almost prohibitive. They remained high when Peel fell. But his successors introduced a scheme whereby the preference would

<sup>63</sup> Evidence of S. Browning, 1847, q. 1064, 1392.

<sup>64</sup> *Report*, 1847, q. 887.

<sup>65</sup> Disraeli's speeches in Hansard, xcix. 635, civ. 693.

<sup>66</sup> F. Boardman and C. Brownell supported Browning, 1847, q. 2622 sqq.

<sup>67</sup> The shipowners' case is put by W. Imrie, 1847, q. 7491. The colonists' case against high freights is set out in various petitions printed in the *Appendix to the Report of the Lords' Committee*, 1848.

<sup>68</sup> *Report*, 1847, q. 3771 sqq., 6641 sqq.

<sup>69</sup> Q. 293, 1163, and abundance of other evidence to the same effect.

be gradually reduced and would disappear in 1852. Hence the not unnatural tears of the West Indies. ✓ If preference was to go, the monopoly freights of the British owners must go with it. ✓ Of course the West Indian interest did not wish preference to go; repeal of the Navigation Law was demanded as a *pis aller*. ✓ When free traders quoted West Indian petitions in favour of repeal, protectionists had no difficulty in turning the weapon against its users.<sup>70</sup> ✓ From August 1846 onwards there was a steady rain of resolutions and petitions from official and unofficial bodies in British North America. The first was from the Montreal free trade association, who begged for the 'removal of all differential duties and restrictions.'<sup>71</sup> But the general will of the provinces, and the forces that had determined it, are better reflected in other documents. On 14 December 1848 a petition was signed by a majority of the Montreal board of trade, maintaining that the cessation of preferential corn duties would ruin the traffic of the St. Lawrence and drive trade to New York, and demanding the repeal of the Navigation Laws together with a 5s. duty on foreign wheat. A dissenting minority repudiated the demand for preference, but endorsed that for repeal.<sup>72</sup> Early in 1849 a petition was sent by the citizens of Montreal, in public meeting assembled, confirming resolutions passed at similar meetings on 15 June and 27 November 1847. ✓ It demanded repeal because 'the mother country had seen fit to abandon her protective policy, and had . . . deprived this colony of many . . . advantages (advantages the loss of which they deeply regret, and which cannot be fully compensated even by a change in the Navigation Laws).' Similar in tone, though not always so explicit, are the resolutions of both houses of the Canadian parliament of July 1847 and January 1849, the petition of the Hamilton board of trade in 1848, and that of the Toronto board of trade the same year. The Quebec board of trade followed the general line in June 1848, but in January 1849 a fresh majority frankly said that they were seeking protection; that they feared repeal might further endanger their timber preference—with which English statesmen were at this time dealing—and that they had no desire to injure British shipping by encouraging the repealers. Probably the same motive lay behind the New Brunswick petition in favour of the existing law.<sup>73</sup> ✓ Throughout British America there was no enthusiasm for change. No one had been much hurt and many had been greatly helped by the revised mercantile system of the nineteenth century. Yet a strong body of opinion favoured repeal under the conditions created by the recent policy of the mother country.

<sup>70</sup> For sugar, see for instance R. M. Martin, *The Sugar Question in Relation to Free Trade and Protection*, 1848.

<sup>71</sup> Appendix to *Lords' Report*, 1848.

<sup>72</sup> *Accounts and Papers*, 1849, li. p. 151.

<sup>73</sup> Most of these resolutions and petitions are in the Appendix and the Accounts and Papers quoted above.



✓ Demonstrable cases of hardship arising out of the navigation system in the home trade were rather curiously rare. This was largely because for nearly two centuries trade had adjusted itself to the law. Men did or refrained from doing many things, unaware that, in the last resort, their action was determined by the constable and the courts. As James Wilson once put it, 'The evils were more real than apparent. The mischief was more accidental than regular.'<sup>74</sup> When trade moved from its accustomed channels, when a harvest failed or a great new demand sprang up, the law began to gall. The adversaries of repeal rightly said that some of the hard cases, which figured over and over again in debate, were in themselves but poor reasons for the abandonment of a great national policy. There was the man who could not ship cochineal from the Canary Islands in Spanish ships, because the Canaries were counted a part of Africa; the man who might not send alpaca from Hamburg to Hull; the men who were prevented from loading United States ships in Cuba, the Brazils, or New York with West Indian or South American produce;<sup>75</sup> John Bright's friend who bought cotton in Havre, but might not import it;<sup>76</sup> and James Wilson's friend who, being in need of indigo, purchased it in Holland and brought it to England by way of the United States.<sup>77</sup> It was easy to make fun of these cases—to show, for instance, that during the week when Bright's friend made his bargain cotton was cheaper than it had ever been, and that it was no great burden that he should be refused the right of depressing an already glutted market.<sup>78</sup> Had the Navigation Law been proved essential on broad national grounds, such things might well have been endured as isolated episodes. But they were samples of what merchants could have done regularly, but for a law whose national value was doubtful, and they added weight to the cumulative argument against it. Nor did they stand alone. Even defenders of the law allowed that it tended to encourage voyages in ballast, and its enemies emphasised the admission.<sup>79</sup> The law said that raw sugar at Rotterdam was non-European produce, but refined sugar a Dutch manufacture. The latter might be imported, the former might not.<sup>80</sup> Here our legislation clearly made business for the Dutch refiner. In like fashion encouragement was given to the Belgian linen manufacturer by the ease with which he could import Russian flax in any ships, while it was in evidence that his English rival often had to endure delay for lack of legal ships in Russian ports.<sup>81</sup> These were considerations whose cogency the protectionist was bound to allow.

<sup>74</sup> 9 March 1849.

<sup>75</sup> For cochineal see *Report*, 1847, q. 3564; for alpaca, *ibid.* q. 3059; for the loading of United States ships, *ibid.* q. 1511, 1717; 1848, q. 3577.

<sup>76</sup> Hansard, lxxxix. 1007 sqq.

<sup>77</sup> Speech of 9 March 1849.

<sup>78</sup> Aylwin, June 1848, in Hansard, xcix. 637; W. S. Lindsay, *Letters on the Navigation Laws*, 1849, p. 16.

<sup>79</sup> Above, p. 701, and 1847, q. 834, 6564.

<sup>80</sup> Northcote, p. 60.

<sup>81</sup> 1848, q. 6548-9.

But both parties looked forward, and fought their last battle on the field of the unknown. Had reciprocity checked the relative growth of British shipping and would repeal endanger its absolute growth? Pessimistic expert witnesses prophesied disaster. Perhaps repeal might for a time lower freights, said one, but it would ruin British shipowners; the 'foreigner' would win a monopoly and freights would again rise.<sup>82</sup> The power of this country would be utterly destroyed, navy, colonies, all would go,<sup>83</sup> said a second. A third believed that 'shipbuilding . . . would be completely annihilated.'<sup>84</sup> A fourth, Lloyd's surveyor at Sunderland, was almost equally emphatic.<sup>85</sup> The General Shipowners' Society passed the most despairing resolutions.<sup>86</sup> Their despair was based on the conviction that Great Britain could not build and sail vessels so cheaply and efficiently as the United States and the northern powers.<sup>87</sup> All agreed that the best British workmanship was unsurpassed, but then it was dear.<sup>88</sup> How dear would it be in the future? There was no certain answer.

The shipowners argued from an experience acquired under protection. They were reminded that Peel's reforms appreciably reduced the cost of provisioning, or might be expected to do so; that the apprenticeship burden would be removed, when their privileges were taken away; and that the reduction of timber duties was cheapening their chief raw material. They admitted a fall in the prices of provisions, but were disposed to minimise the importance of the lowered timber duties.<sup>89</sup> Then they were told, among others by Cobden, that a ship was not made all of wood 'like a box,' but that half its cost lay in cables, sailcloth, metal work and manufactures of all kinds, in the production of which we admittedly excelled, goods which our foreign competitors frequently bought here.<sup>90</sup> They remained pessimistic, pointed to the high wages of shipwrights, and denounced the shipwrights' union. The retort was that wages were certainly high, but labour as certainly good, and therefore not dear.<sup>91</sup> When the owners bewailed an hypothetical decline in the bulk of our carrying trade, repealers answered that at least free trade encouraged the movement of bulky cargoes.<sup>92</sup>

<sup>82</sup> D. Dunbar, chairman of Shipowners' Society, 1847, q. 4214.

<sup>83</sup> J. Macqueen, who was interested in the West Indian trade, 1847, q. 6230.

<sup>84</sup> J. Lockett, Liverpool owner and underwriter, 1847, q. 7226.

<sup>85</sup> T. B. Simey, 1848, q. 4112.

<sup>86</sup> See Liddell's speech, 9 February, 1847: Hansard, lxxix. 1007 sqq.

<sup>87</sup> Lindsay, *op. cit.* p. 6.

<sup>88</sup> Many hundred pages of evidence in the *Reports* of the Committees of 1844, 1847, 1848 are devoted to details of shipbuilding costs.

<sup>89</sup> See *Report*, 1847, q. 3455; 1848, q. 6717, 7003.

<sup>90</sup> 9 June 1848: Hansard, xcix. 605.

<sup>91</sup> For the question of the shipwrights see 1847, q. 1200 sqq., 6089, 8003 sqq. (the reply of J. P. Grieve, shipwright); W. L. Harle, *op. cit.* p. 25; Cobden's speech, quoted above.

<sup>92</sup> James Wilson's speech.

So from point to point the discussion ran. It was allowed by well informed repealers that second-rate ships, those below A1 at Lloyd's, were probably cheaper to build abroad than in England, but in this case 'abroad' included our American colonies.<sup>93</sup> Satisfactory though this might be on imperial grounds, it did not soothe the Thames and the Mersey.

No amount of argument shook the fear of United States competition. Repealers put out figures to show that the building of first-rate ships in America was not cheaper than in London.<sup>94</sup> They attributed American success to alterable causes, the better education of her merchant skippers, and the greater sobriety of her crews.<sup>95</sup> They urged that the breath of competition would stimulate invention. The shipowners continued their lament. 'The Americans would become the great carriers of the world.'<sup>96</sup> So some Americans also believed, quite independently of the prospect of repeal. The president's message to congress in 1847 contained a significant passage: 'Should the ratio of increase in the number of our merchant vessels be progressive, and be as great for the future as during the past year, the time is not distant when our . . . commercial marine will be larger than that of any other nation in the world.'<sup>97</sup> There was some reason for President Polk's optimism. In 1840 the tonnage of United States shipping, registered for the foreign trade, was just under a third of the merchant navy of the United Kingdom. In 1850 it was about four-ninths; in 1860 it was just over one-half.<sup>98</sup> During the same period the tonnage of United States shipping entered and cleared with cargoes, at ports in the United Kingdom, increased from under one-sixth to between a fifth and a quarter of the British tonnage similarly entered and cleared.<sup>99</sup> The keener competition after repeal, which these figures imply, was without doubt not merely good for the British merchant, but wholesome for the British ship-building industry; yet it had its dangerous side. A delay in the outbreak of the American civil war and in the operation of certain economic forces might have brought on an agitation for a new Navigation Act.<sup>100</sup>

In the forties very few experts or politicians seem to have foreseen

<sup>93</sup> John Macgregor, 1847, q. 642 sqq. Macgregor had lived in New Brunswick.

<sup>94</sup> James Wilson, as above.

<sup>95</sup> *Report*, 1847, q. 3166 sqq. and the 1848 debates, *passim*.

<sup>96</sup> J. Lockett, 1847, q. 7316.

<sup>97</sup> Quoted by Lord Hardwicke: Hansard, xevi. 1313.

<sup>98</sup> *Tables showing the Progress of Merchant Shipping*, 1902, p. 46. If the British empire is taken, the United States does not show up quite so well, but the relative rate of growth is not appreciably altered.

<sup>99</sup> The combined tonnage of the three Scandinavian powers grew from one-tenth to nearly one-sixth of the British.

<sup>100</sup> As it was, the Shipowners' Society wished to have the question of repeal re-opened before an impartial parliamentary committee in 1860: Lindsay, *Our Merchant Shipping* (1860) p. 65.

how these economic forces would work. Amid masses of evidence given before the parliamentary committees about the cost of live-oak, and tree-nails, and 'twelve year' teak ships, lie but a few scattered references to steam and iron shipbuilding. One witness even seemed to doubt whether the commons knew what a steamer was: 'The ships employed in the butter and cheese trade are of a peculiar description; they are steamers, or vessels propelled by steam,' and so on.<sup>101</sup> The man who saw farthest, and that as early as 1844, was B. G. Willecox, shipowner and managing director of the Peninsular and Oriental Company. Their steamers, like all the early steamers, were mail and packet boats, not boats for bulky cargoes, but they were in regular use. One was built of iron and another was building. Willecox thought that 'eventually almost all steam vessels would be built of iron.' He was 'rather favourably impressed' with 'the archimedean screw.' He saw no reason why sailing ships should not also be iron-built. He knew one that had run six years and was as good as new, and she was ten to fifteen per cent. cheaper than a first-class oak ship. 'And this country can beat the rest of the world so far as iron is concerned?—Decidedly.'<sup>102</sup> Three years later iron ships were still so rare that Lloyd's had laid down no rules for their classification; they were granted the A1 rating from year to year, not for a fixed period of years like the wooden ships.<sup>103</sup> In 1848 a witness hostile to repeal thought the iron ships were as yet hardly successful, and that even if they did come in, the Americans could build them as well as we.<sup>104</sup> But a second, and more authoritative, hostile witness agreed with Willecox, that iron building was cheaper here than elsewhere;<sup>105</sup> while a third, from Liverpool, who was very melancholy about American competition, owned that for many years in his trade they had not been able to compete with the Americans 'until our steamers latterly have taken a portion of the goods,'<sup>106</sup> an admission most significant for the future.

¶ All agreed that the fortunes of the fighting navy were bound up with those of the mercantile marine. Whether the press gang ever went out again or not, it was essential that there should be a large and growing population at home on the sea. It was this consideration which made Graham, who approached the question from an admiralty point of view, test the value of reciprocity by its effect on the numbers of merchant seamen.<sup>107</sup> Being satisfied on this head he did not hesitate to go forward. ¶ Like most repealers, he argued that British shipping could not really be dependent for its life and growth upon the mutilated remains of the navigation system. So

<sup>101</sup> J. Braysher, customs collector in London, 1847, q. 2324.

<sup>102</sup> 1844 *Report*, q. 1124 sqq.

<sup>103</sup> *Report*, 1847, q. 3383.

<sup>104</sup> J. Booker, of Liverpool, 1848, q. 2285 sqq.

<sup>105</sup> Money Wigram, 1848, q. 6191.

<sup>106</sup> W. R. Coulborn, 1848, q. 6315.

<sup>107</sup> Above, p. 687 sq.

long as shipping prospered, he was prepared to abandon rules which he had himself elaborated, with a view to keeping up the number of trained British seamen. ✓ Apparently the majority of whigs and liberals faced the future of the navy with a light heart. Many of their opponents would have been less hostile to repeal, had it been accompanied by some new scheme for manning the fleet.<sup>108</sup> Lord George Bentinck in particular was never weary of asking 'the economists' whether they were prepared for the plan of Sir John Stirling, the chief naval authority on their side, with its permanent establishment of some 40,000 able seamen, not to mention landsmen and marines? He got no very precise answer. If Graham did not share Bentinck's anxiety at the time, he learnt to do so three years later, the Navigation Law having been repealed and no proper provision for the navy made in the interval. When he took office in 1852 'his mind was much occupied . . . by the question of national defence' and he was particularly anxious about the supply of seamen.<sup>109</sup> He set to work at once, initiated important reforms in 1853,<sup>110</sup> proved that the navy was far better prepared for war in 1854 than some had feared, and on leaving the admiralty in 1855 received from one of his leading admirals congratulations on his 'many salutary regulations,' and his success 'in fitting out two strong fleets without resorting to compulsory service.'<sup>111</sup>

By that time the transformation of both the royal and the merchant navy was at hand. Before the Crimean war broke out, the regular carriage of cheap bulky cargoes in iron steamers had begun with the screw collier 'John Bowes,' built by Palmers on the Tyne. During the war, the two remaining fragments of the navigation system, the rules for the coastwise trade and for manning with British subjects, were dropped.<sup>112</sup> Before the war was over, government had placed its first order for armoured ships, the floating batteries that were intended to operate against Kronstadt.<sup>113</sup> In the sixties came the collapse of the American sea-going mercantile marine, during the war of secession. Owing mainly to economic causes, that collapse was followed by no revival. It ushered in the generation during which British maritime ascendancy was more conspicuous than it had ever been before, when, consequently, the Navigation Laws and all that pertained to them were almost forgotten.

J. H. CLAPHAM.

<sup>108</sup> Especially Lord George Bentinck, 15 May 1848 and 9 June 1849: Hansard, xcvi. 988 sqq., xcix. 602. See also the speech of Admiral Bowles in the latter debate.

<sup>109</sup> Parker, *Graham*, ii. 202.

<sup>110</sup> Clowes, *Royal Navy*, vi. 207.

<sup>111</sup> Sir W. M. Parker to Graham, 3 May 1855: Parker, ii. 277.

<sup>112</sup> 16 & 17 Vict. c. 107; 17 & 18 Vict. c. 120. The wisdom of the abandonment of the manning rules has, of course, been often called in question of late years.

<sup>113</sup> C. M. Palmer, *Industrial Resources of the Tyne, Wear, and Tees*, 1864, p. 242.

## Notes and Documents

### *Early Fines.*

MR. ROUND, in his *Feudal England* (pp. 509 sq.),<sup>1</sup> prints as the first known true fine one of 1175, but refers (p. 515) to a fine apparently dating from the early part of 1163, adding that 'the form is very different from that of the true fine, which is fully developed in our example of 1175.' In the record of a plea of 1222,<sup>2</sup> I have found a copy of a fine dating apparently from the same year, 1163, but closely corresponding to the form of that of 1175 :

Hec est finalis concordia facta in curia domini Regis die Iouis proximo post festum Sancte Trinitatis anno regni regis Henrici secundi vij (*sic*) apud Norhampt' coram domino Rege Henrico et Hillario episcopo Cicestr' et Willelmo fratre Henrici Regis Anglie et Gaufrido Archiepiscopo (*sic*, *recte* archidiacono) Cant' et Comite Gaufrido, Willelmo de Breause, Reginaldo de Warenne, Walkelino Maminot, G. de Ver, Fulcone Painell, Reginaldo de Curtenay et Roberto de Muntford, Reginaldo fil' Ursi, Henrico de Berneuille et aliis baronibus et fidelibus domini Regis qui tunc ibi adherant (*sic*). Inter Hamonem fil' Herefridi et Radulfum de Den ; scilicet quod Hamon fil' Herefridi dedit et reddidit Radulfo de Dene manerium de Gatton cum omnibus pertinentiis suis, scilicet totam terram quam predictus Hamon habebat in Surreia, sicut predictus Radulfus de Dene clamavit in liberum maritagium de donacione Hamonis cum filia eiusdem Hamonis seniore, Iohanna scilicet, ita etiam quod quum Radulfus de Dene fuit seisitus de eodem manerio de Gatton Radulfus de Dene reddidit et concessit predicto Hamoni in vita ipsius Hamonis medietatem manerii tenendam et supra medietatem ipsam xx solidatas terre in eodem manerio, et sic quod Hamon fil' Herefridi debet habere totum hospitamentum suum et medietatem pomarii, et aliam medietatem pomarii debet Radulfus de Den habere et escambium hospitamenti in competenti loco in tantum quantum hospitamentum continet, post decessum vero Hamonis fil' Herefridi debet ipsa medietas pomarii quam Hamon in vita sua tenuit ad manus Radulfi de Dene vel heredum suorum redire et illis remanere.

<sup>1</sup> Cf. *ante*, vol. xii. (1897) 293-302.

<sup>2</sup> Curia Regis roll 72, m. 10. This fine, like that of 1175, was confirmed by royal charter, and the charter was produced in court, but unfortunately not transcribed.

The date given, 7 Henry II, i.e. 1161, is in a manner confirmed by the defendant's replication that all this happened *lxii annis transactis*, but it is certain that the king was not in England in that year. Moreover Geoffrey did not become archdeacon of Canterbury till late in 1162. But no exception was taken to either the fine or the charter, and the former bears every mark of being genuine; only the year has been incorrectly given. Now, as the first Trinity term after Geoffrey's appointment to the archdeaconry was that of 1163, and as William the king's brother died in January 1164, it is clear that the fine must have been levied in 1163. Eyton<sup>3</sup> does not mention the king's presence at Northampton at this time, his movements after the Welsh expedition in the spring being unrecorded until the first week in July, when he was at Woodstock, though a suggestion is made of a visit to the northern counties about June, which would fit in very well with presence of the royal court at Northampton at the date to which we have attributed this fine. Further confirmation of the date assigned is given by the Pipe Roll of the ninth year, in which, under the *Nova Placita et Convenciones* for Northamptonshire, Ralph de Dene appears as paying 20s.

It will be seen that this early fine follows very closely the lines of the normal fine, as laid down by Glanville, except for the omission of the phrase 'unde placitum fuit inter eos,' or its cognates; if this omission is not merely due to the carelessness of the copyist it can at any rate be paralleled from the fine of 28 Henry II between the abbot of Ramsey and Thomas de Tanton.<sup>4</sup> It seems therefore clear that the formula of the fine was already established at least as early as 1163. But it does not follow that the fine as the termination of a fictitious suit brought for the purpose of registering a transfer of property existed so early. So far as I know there is no evidence that any fines prior to the reign of John were anything more than the composition of genuine suits; it was only after they had become common that the idea of using them as a means of securing permanent legal evidence of the transference of property gradually grew up.

I may here add another fine of earlier date than that given by Mr. Round, though not so early as that just recited. This fine, which dates from 1172, is transcribed on the Yorkshire Assize Roll (1040, m. 7d) of 1218, as follows:

[Hec est finalis] concordia facta in curia domini Regis apud Oxon' die dominica proxima post exaltacionem Sancti Crucis anno regni Regis Henrici secundi xviii<sup>o</sup> coram Ricardo de Lucy, Ricardo de Caunull, . . . de Verdun, Hugone de Morewic, Ricardo Barre, Ricardo Breton, Willelmo Torell, et Willelmo fil' Rad. iustic' etc. et aliis etc. Inter C. abbatem et

<sup>3</sup> *Court, Household, and Itinerary of Henry II*, pp. 62 f.

<sup>4</sup> *Feet of Fines, Divers Counties*, file i. no. 2.

monachos Sancte Marie de [Eboraco et] Robertum fil' Radulfi de Ruddesteyn, de advocacione ecclesie de Ruddesteyn, unde recognicio summonita fuit inter eos per preceptum domini Regis, Scilicet quod predictus [Robertus recognovit] advocacionem predicte ecclesie esse ius predictorum abbatis et monachorum et eam remisit et quietam clamavit predictis abbati et monachis et successoribus suis in perpetuum de se et heredibus [suis; et predicti] abbas et monachi receperunt eum in beneficiis et oracionibus etc.

L. F. SALZMANN.

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*The Pleas of the Crown in the Avranchin.*

M. LÉOPOLD DELISLE, whose death on 22 July was a heavy blow to the world of scholars, recently published, in the introductory volume to his *Recueil des Actes de Henri II*,<sup>1</sup> a statement of ducal rights &c., in the Avranchin at the end of the twelfth century. The use of the words *placita regis* instead of *placita ensis* or *placita spatæ*, suggests that the document was not originally drawn up by a Norman official; but the phrase is not uncommon in Norman records. M. Delisle prints the statement from a contemporary copy written on the last leaf of a manuscript from the abbey of La Luzerne. It is the result of a sworn inquest into the condition of the ducal domains, and the editor suggests that it probably formed part of a full inquiry;<sup>2</sup> that such inquiries were not unknown in Normandy is clear from Robert of Torigny's account of the investigation ordered by Henry II in 1171.<sup>3</sup> The fragment under discussion belongs, at least in its present form, to the years after Henry's death. This is clear from the phrase which describes the castle of Avranches: *Turris Abrincensis dominica regis. Gislebertus de Abrincis custodiebat eam tempore regis H[enrici] per ipsum regem.* On the other hand, it includes some data which had been investigated before 1180. For example, we are told: *Terra que est inter castaneariam et aquam de Maloe, dominica regis, recuperata per iuream, et reddit x quarteria frumenti.* Among the accounts of Geoffrey Duredent in 1180 is the following: *Et de xl so. hoc anno pro x quarteriis frumenti de terra iuxta Castaneariam.*<sup>4</sup> Items like this may go back to the inquiry of 1171. As a whole, however, the inquest may be connected with the investigation in the early years of Richard, of which there are traces in the Exchequer roll for 1195.<sup>5</sup>

One entry throws a ray of light upon the origin of the coroner, and also shows that, like every other important institution which was not the result merely of local custom, the practice of 'keeping

<sup>1</sup> Pp. 345-7.

<sup>2</sup> P. 333.

<sup>3</sup> Ed. Delisle, ii. 28.

<sup>4</sup> *Rot. Scacc. Norman.* ed. Stapleton, i. 11.

<sup>5</sup> *Rot. Scacc.* i. 146, 167, 271.



the king's pleas' was introduced into Normandy as well as into England.

Isti tenent in civitate de rege in capite, scilicet: heres Roberti de Abrincis totum feodum suum. Gaufridus Peile vilain feodum suum, qui est inde dominicus serviens regis ad custodienda placita regis.<sup>6</sup>

Geoffrey Peilevilain belonged to a local family. A charter in favour of a Richard Pelevilain, of the year 1194, was printed by the abbé Desroches in his *Histoire du Mont Saint-Michel*.<sup>7</sup> Geoffrey obviously held his fief permanently as a demesne servant of the king; his function was permanent. His position is an illustration of the fact that the office of coroner was, as it appeared in 1194, a generalisation of various local practices which had been due to special causes. So Henry I had sold the right of keeping the pleas in Norfolk to Benjamin, in all probability a Jew, apparently in order to make a greater profit.<sup>8</sup> Geoffrey Peilevilain performed a duty rather than enjoyed a right in the Avranchin. There was peculiar need of such a person in that district. The viscounty of the Avranchin was, as the document published by M. Delisle reminds us, in the hands of the earl of Chester, who paid a net farm of 60 pounds a year. The bailiwick of Avranches, in which was included the demesne of the duke, the pleas of the sword, and other dual property not contained in the fief of the viscounty, brought nothing into the exchequer save special rents and the proceeds of the pleas of the sword.<sup>9</sup> The castle, the chestnut grove, bits of land 'recovered' by jury, &c., were either held freely, or retained in the duke's hands, or accounted for separately on the rolls.<sup>10</sup> The pleas of the sword therefore were naturally entrusted to a special servant. There is no record of the manner in which Geoffrey Peilevilain accounted for the pleas. In the few rolls which remain, the bailiff accounted for them at Caen. In 1180 the bailiff of the Avranchin, Geoffrey Duredent, was chiefly occupied in Condé-sur-Noireau; in 1198 the bailiwick was added to the prepositura of Pontorson.<sup>11</sup>

F. M. POWICKE.

<sup>6</sup> *Recueil des Actes de Henri II*, p. 346.

<sup>7</sup> i. 361. Cf. Roger Peilevilain in the bailiwick of Falaise, in 1180 (*Rot. Scacc.* i. 42), Andrew Peilevilain in the Oximin 1195 (i. 244).

<sup>8</sup> *Et debet* (Benjamin) *xxviiij s. et viij d. Et facere proficuum Regis de D marcis argenti* (Pipe Roll 31 Hen. I, p. 91). Maitland, in disagreement with Gross, rejects this evidence.

<sup>9</sup> *Rot. Norm.* 4 Joh. ed. Hardy, p. 87, borne out by the exchequer rolls.

<sup>10</sup> See Stapleton's *Observations*, i. pp. lxxviii, xcii, for Gilbert of Avranches and his successors.

<sup>11</sup> *Rot. Scacc.* i. 11, 17; ii. 289 seqq. Since the only returns from the bailiwick were the proceeds of the pleas of the sword, one might suppose that the keeper and bailiff were identical; but this conclusion is precluded by the terms of the grant of the bailiwick in *Rot. Norm.* p. 87, and by the references upon the exchequer rolls.

*Castle-guard and Barons' Houses.*

IN his paper on Castle-guard in the *Archaeological Journal* for 1902,<sup>1</sup> Mr. Round has dealt with the payments in lieu of castle-guard, and has shown that most of them were calculated on a unit of 8*d.* a day, which was the recognised rate of payment to knights in the reign of Henry II; but there were some other incidents of this service to which attention may be here directed.

The Red Book of the Exchequer (p. 712) shows that there were eleven fees that owed castle-guard to the New Castle upon Tyne, Baylliol, Copum (or Werk), Bolum, Laval (or La Vale), Waltone, Caugi, Herun, Bothale, Divelestun and Gosford, Bolbek and Merley. The Testa de Nevill (p. 392) shows that as early as the reign of William Rufus, Bywell was held by Hugh de Balliol in chief by the service of five knights' fees, and by finding thirty soldiers for the ward of the New Castle; but two inquisitions of 1334 and 1336 show that other services were rendered by the baronies that owed castle-guard. A jury was summoned in 1334 to view the state of the castle and to specify the necessary repairs: among other things it reported:

Item, la Mesone de la Baronie de Bolbek q est en la meyne Sire Rauf de Neuill' & Sire William de Hercle poet estre redresse des xx li.

Item la Mesone qe de itestre sustenue de la Baronie de Baliol quele Baronie est en la meyn la Countesse de Penebr' poet estre redresse des c s.

This last presentment is repeated in exactly the same words (*mutatis mutandis*) for the baronies of Werk, Gosford and Diveleston, Caugi, Walton, Herun, la Vale and Bothale; but there were no houses for the fees of Bolum or Merley. Two years later, a second commission, headed by the archbishop of Canterbury, viewed the state of the castle and also reported on the necessary repairs: *inter alia*, it reported:

Item dicunt quod dominus de Bothall edificabit infra dictum castrum unam domum.

And similarly, they reported of the other lords mentioned in the previous return, substituting Haddeston for Herun and adding that the house of the baron of Bolbek was called the Bolbeckball, and that the house of the baron of Werk was situate 'supra posternum.'<sup>2</sup> After this second commission had reported, the king on 28 January 1336-7 ordered the Sheriff of Northumberland to distrain on the lord of Bothale, Robert de la Vale, the lords of Haddeston and Walton, Robert de Clifford (for the barony of Caugi), the lords of North Gosford and Deulston, the lord of Werk, and the lords of the baronies of Balliol and Bolbek, each of whom was liable to

<sup>1</sup> *lxi*. 144.

<sup>2</sup> Both Inquisitions are printed in *Arch. Aeliana*, iv. 46-8.

repair and maintain and if necessary reconstruct a certain house within the castle of Newcastle upon Tyne.<sup>3</sup>

Hence we see that in the fourteenth century the barons who owed castle-guard to Newcastle upon Tyne kept houses in the castle, in the same way as the landowners, who in the eleventh century owed burh-bot to Oxford, kept 'mural mansions' within the city.<sup>4</sup> And these barons' houses were not merely temporary lodging-houses for their soldiers, but part and parcel of the manors which were liable for their support; for Mr. Hodgson quotes an undated conveyance of the manor of Gosford 'and the land of the stable of Newcastle with the aforesaid land in fee and inheritance' by the service of one-third of a knight's fee and fifteen days' guard at Newcastle.<sup>5</sup>

Several parallels can be found: the manor of Bradeford in Northumberland was held (temp. Hen. III) of the king in chief by service of one knight's fee, and its lord also paid one mark yearly to the guard of Bamburgh Castle, and 14*d.* for cornage, and maintained one house of his own in the said castle.<sup>6</sup> A second parallel is in the extreme south of England: in 1235 a writ was addressed to the sheriff of Kent, ordering him to require all those who ought to have houses in the castle of Dover, for performing their castle-guard (*ad wardam eiusdem castri faciendam*), and have not houses, and also those who have houses there for this purpose (*occasione predicta*), which are in bad repair, the first to provide houses fit for the performance of their guard, and the others to repair their houses.<sup>7</sup> In 56 Hen. III William de Say died seised of the manor of Burgham in Kent which he held of the king by barony, service unknown, 'but he ought to maintain part of the bridge of Rochester, and a certain house in the Castle of Dover.'<sup>8</sup> Tirlingham in Kent was held by paying to the ward of Dover Castle, and by the service of repairing and maintaining the moiety of a hall and chapel in the castle, and Ashford in Kent by ward of Dover castle, and by repairing a tower there called the Ashford tower.<sup>9</sup> In 51 Hen. III, Alexandra de la Haye died seised of land at Somerton and Coggs in Oxfordshire by performing at Dover castle all the service due from 1½ knight's fee, and by providing the moiety of the cost of the maintenance of a certain house in the castle for ever.<sup>10</sup> Somerton and Coggs were part of the great Arsik fee, and even to-day one of the towers of Dover castle bears the name of Arsik: in fact, as Mr. Round has pointed out, the names of the nine baronies, held

<sup>3</sup> *Cal. of Close Rolls*, 1333-7, p. 646.

<sup>4</sup> D. B. i. 154 a 1.

<sup>5</sup> *Hist. of Northumberland*, ii. 127.

<sup>6</sup> *Cal. of Inquis.* i. no. 838.

<sup>7</sup> *Close Rolls*, 1234-7, p. 164.

<sup>8</sup> *Cal. of Inquis.*, i. no. 813. On 22 December 1235 William de Say had respite until the following Lent *de domo sua facienda in castro Dovr'*: *Close Rolls*, 1234-7, p. 218.

<sup>9</sup> Elton, *Tenures of Kent*, pp. 210, 218.

<sup>10</sup> *Cal. of Inquis.* i. no. 653.

by service of castle-guard to Dover, are 'all reproduced in the names still attached to the towers.'<sup>11</sup> Lyons<sup>12</sup> even says that the towers were built by the barons whose names they bore. Herein he follows Lambarde, who, in his *Perambulation of Kent* (1570), after quoting the names of the eight knights, who, according to the old tradition exploded by Mr. Round,<sup>13</sup> were summoned by John de Fiennes to assist him in the defence of the castle, goes on to say: 'Each of all which had their several charges in sundry Towers Turrets and Bulwarks of the Castle, and were contented of their own dispense to maintain and repair the same: in token whereof divers of them bear the names and titles of these new chosen captains even till this our present time.'<sup>14</sup> In his *History of Dover Castle*, William Darell, chaplain to Queen Elizabeth, gives a list of the towers of the castle and the names of the estates that were bound to maintain each; and this list appears to be copied from a list which, in its turn, was copied by William Lambarde in 1572 from a book in the possession of the archbishop of Canterbury.<sup>15</sup> But this list omits the names of the four estates that the other authorities above quoted state were liable for the repair of certain houses and towers in the castle.

The alleged liability of certain estates for the repair of the fortifications of Dover castle can be paralleled from records relating to other castles, and we find that in the south-west of England certain lands were liable for the repairs of the walls and battlements of certain castles. An inquisition of 11 Edw. III reported of Launceston: 'There is a certain castle there, the walls of which are very ruinous, and ought to be repaired, as it is said by the tenants of the military fees belonging to the Honour of the said Castle,'<sup>16</sup> of which there were 233.<sup>17</sup> A few years earlier, in 1312, Richard de Waumforde had died seised of the manor of Efford which was held for one half of a knight's fee of Mortain as of the honour of Launceston by the service of preparing half a battlement there in time of war, which service was worth 1*d.*<sup>18</sup> In 1314 Karkelle was held of the king in chief as of the barony of Trematon by the service of repairing a battlement there when necessary,<sup>19</sup> and in 1489 a knight's fee in South Ludbrook and other places was held of the king as of the castle of Trematon by the repair of three battlements.<sup>20</sup> In 1336, Wodeford was held as of the manor of Totnes by service of 8¼ knights' fees, and doing suit of court of the castle and repairing two battlements of the said castle whenever necessary.<sup>21</sup>

<sup>11</sup> *The Commune of London*, p. 279.

<sup>12</sup> *Hist. of Dover*, ii. 87.

<sup>13</sup> *The Commune of London*, p. 281.

<sup>14</sup> *Perambul. of Kent*, 3rd edit. p. 158.

<sup>15</sup> Brit. Mus. Cotton MS. Vesp. A. v.

<sup>16</sup> Peter, *Hist. of Launceston and Dunheved*, 248.

<sup>17</sup> *Ibid.* p. 250.

<sup>18</sup> *Cal. of Inquis.* iii. no. 382.

<sup>19</sup> *Ibid.* no. 453.

<sup>20</sup> *Cal. of Inquis.* Henry VII, i. no. 546.

<sup>21</sup> *Cal. of Inquis.* vii. 494.

A similar service, known as 'heckage,' was due from many of the knights who owed castle-guard to Pevensey: Mr. Salzmänn was the first to point out that this word 'was connected with *haga*, a hedge, hay, or palisade, and implied the obligation of keeping up a certain portion of the palisades on the ramparts of Pevensey.'<sup>22</sup> In proof of this interpretation, he quotes a plea of 4 John in which Hugh Dyve, lord of the manor of East Haddon in Northamptonshire, claimed against Henry Dyve, his mesne tenant, the service of erecting a certain hay upon the vallum of the king's castle of Pevensey, as pertaining to a knight's fee which he held in Brampton, Northamptonshire.<sup>23</sup> But this service was commuted in 1254 when Peter of Savoy, as lord of Pevensey, made an agreement with John of Gatesden and others by which they compounded for their heckages at the rate of twelve marks for each heckage.<sup>24</sup>

It seems probable that a service of a somewhat similar nature was due to another Sussex castle; for there is an interesting series of fines, dated 1266-7, by which in consideration of payments at the rate of twelve marks from every knight's fee William de Breuse released to his knights the castle-guard and murage that they owed to his castle at Bramber.<sup>25</sup> Of course, it may be that the Bramber murage was like the murage of certain towns, a payment for the repair of the walls, but, even so, it is an unusual incident of castle-guard.

It is possible that further investigation may show the existence of 'barons' houses' in other castles, and also of other castles where those who owed castle-guard were also responsible for the repairs of the walls; it is sufficient, however, to call attention to the support given by the cases of Newcastle, Bamburgh, and Dover to the 'garrison theory' of the origin of the non-dominical burgesses in the boroughs of the eleventh century.

A. BALLARD.

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### *Sir William Oldhall.*

SIR WILLIAM OLDHALL was a staunch adherent of the House of York in the Wars of the Roses. The Oldhalls were a Norfolk family, owning manors in and around East Dereham and Fransham. Edmund Oldhall, father of Sir William, was on the commission of the peace for Norfolk and much employed in county business; when he died in 1417, William Oldhall was abroad serving under Thomas Beaufort, duke of Exeter, and administration of Edmund's estate was granted to a certain William Shelton, who, spreading reports that William Oldhall had died abroad, succeeded in

<sup>22</sup> *Sussex Archaeol. Collections*, xlix. 3.    <sup>23</sup> Salzmänn, *Hist. of Hailsham*, p. 177.

<sup>24</sup> *Sussex Archaeol. Collections*, xlix. 4.

<sup>25</sup> *Feet of Fines*, Sussex Record Soc., p. 721 &c.

alienating two manors of his and appropriated the proceeds. It was not till 1421, when Henry V returned to England after the Treaty of Troyes, that Oldhall was able to petition<sup>1</sup> for redress, and his manors were then restored to him. Oldhall went back to France and served under Thomas Montacute, earl of Salisbury, at the battle of Crevant in 1423 and at Verneuil in 1424, where he was knighted; he distinguished himself in the invasion of Anjou and Maine in 1425, and was sent to Flanders in 1426. He was for a while seneschal of Normandy and was captain of various castles at different times, and altogether gained a considerable reputation as a soldier, in view of which, no doubt, he was summoned to the great council at Westminster in April and May 1434, and again in February 1439, to discuss the war. In 1440 Oldhall became chamberlain and a member of the 'discreet council' of Richard, duke of York, who had been put in command in France, and he thus began a connexion which lasted for the rest of his life. About 1447 apparently Oldhall acquired from the duke of York the manor and park of Hunsdon, Hertfordshire, and added to the estate by purchasing in 1448 the adjoining manor of Eastwick. The duke had had licence<sup>2</sup> in 1447 to build an embattled tower of stone at Hunsdon, and Oldhall proceeded to build there a brick tower 80 feet square with 7 buttresses of great width on each side and measuring in height 100 feet with the 'ovyrstoyre' called an 'oryell' with gilt vanes; the total length of all the buildings with the stables was 80 paces, and, according to Sir William's keeper of the wardrobe, Humphrey Paris, the total cost was just over seven thousand marks.<sup>3</sup>

In August 1450 York, who was accused of having instigated Cade's insurrection, left Ireland, where he was lieutenant, and, accompanied, it would appear, by Oldhall, made his way in spite of some opposition to London, where he complained to the king that certain persons 'had in charge, as I am informed, to take me and put me in your castle of Conway, and to strike off the head of Sir William Oldhall, knight, and to have put in prison Sir William Devereux, knight, and Sir Edmund Malso, knight.'<sup>4</sup> The king however denied any such intentions. Early in the following October

Sir William Oldhall was with the king at Westminster more than two hours and had of the king good cheer. And the king desired of Sir William Oldhall that he should speak to his cousin, York, that he would be good lord to John Penycok and that my lord of York should write unto his tenantry that they would suffer Penycok's officers go and gather up his rents fermes within the said duke's lordships. And Sir William Oldhall answered again to the king and prayed him to hold my lord excused, for, though my lord wrote under his seal of his arms, his tenants will not obey

<sup>1</sup> *Rolls of Parliament*, iv. 158 b.

<sup>2</sup> Patent Rolls, 25 Hen. VI. pt. 2, m. 10.

<sup>3</sup> *Itinerary of William of Worcester*, ed. J. Nasmith (1778), p. 89.

<sup>4</sup> See Gairdner, intr. to *Paston Letters*, i. 80 f., ed. 1904.

it, insomuch that, when Sir Thomas Hoo met with my lord of York beyond St. Albans, the western men fell upon him and would have slain him, had [not] Sir William Oldhall have been [there], and therefore would the western men fall upon the said Sir William and have killed him. And so he told the king.<sup>5</sup>

In the unsettled state of the kingdom, unscrupulous persons had acquired great influence in the country districts; two such in Norfolk, Sir Thomas Tuddenham and John Heydon, now sought to make friends among York's party, and certain persons, we hear, 'labour sore for Heydon and Tuddenham to Sir William Oldhall and proffer more than two thousand pounds for to have his good lordship.'<sup>6</sup>

Meanwhile a parliament had been summoned and on 15 October 1450 Oldhall was chosen one of the representatives for Hertfordshire. Parliament met on 6 November, and, being favourable to the duke of York, chose Oldhall as Speaker. It was dissolved on 10 June 1451, and the duke of Somerset came into power. Later in the year there was a robbery of some of Somerset's goods at the Black Friars. An officer of the court, Walter Burgh, accused Oldhall of the deed, and Henry, at Somerset's instigation, issued a mandate forbidding him to quit the city of London under heavy penalties. Oldhall, seeing that his enemies were too strong for him, and being, it seems, embarrassed by monetary obligations (in connexion perhaps with his building at Hunsdon), took sanctuary on 30 November at St. Martin's-le-Grand, which had special privileges. Somerset's party, contending that Oldhall was a traitor (alleging presumably that he was an accomplice of Cade) and as such not entitled to sanctuary, persuaded the king to demand him of the dean of St. Martin's. Dean Cowdray however asserted St. Martin's privileges, and proved that it would be a violation of them to insist on Oldhall's surrender; Henry's piety would not go to such a length, and for the time Oldhall's enemies were foiled. But a few weeks later Oldhall's accuser, Walter Burgh, was set on in the public street and wounded, and they were not slow to accuse Oldhall of instigating this outrage. Thereupon, on 18 January 1452 certain lords of Somerset's party broke into St. Martin's by night in the absence of the dean, seized Oldhall, and carried him on horseback to Westminster palace. To Oldhall his case must have seemed desperate, but the dean, hearing what had occurred, returned to London in great haste and made urgent representations to the king, with the result that after two days' detention Oldhall was surrendered to him 'in the gate of the Friars Preachers by the servants of the king in the presence of the duke of Somerset and others and thus,' in Cowdray's words, 'we led him back in midday in his proper person in the sight of many people.'

<sup>5</sup> *Paston Letters*, ii. 174-5, ed. 1904. I have modernised the spelling.

<sup>6</sup> *Ibid.* p. 175.

A further investigation of St. Martin's privileges was made, but no flaw was found in them, and the enemy had to content themselves with deputing four yeomen of the crown and five servants to watch Oldhall in sanctuary and prevent his escaping or communicating with his friends. Again however the dean stood on his rights, and caused these guards to be withdrawn, and furthermore the lords who had broken into the sanctuary had to make submission to the dean and purchase absolution.<sup>7</sup>

In March 1452 the duke of York made an armed demonstration in Kent, in which Oldhall was later accused of taking part. On 26 June 1452 Oldhall took advantage of the king's offer of a general pardon to all guilty of acts of disloyalty, and was granted a pardon. This did not however avail him long. His enemies got him indicted of divers high treasons and felonies, to answer which he was unable to put in an appearance for the good reason that he was once more in sanctuary at St. Martin's, closely guarded by two yeomen of the crown, specially told off for the purpose by the king.<sup>8</sup> A writ of exigent was issued in November 1452, and, after being proclaimed at five successive county courts, according to law, Oldhall was outlawed in March 1453.<sup>9</sup> His goods and chattels were granted to his old enemy, Walter Burgh, his Hunsdon estate to Somerset, and his Norfolk estates to Jasper Tudor, earl of Pembroke.

On 22 June 1453 the king granted a petition of the commons<sup>10</sup> praying him,

in consideration of the false cursed and traitorous disposition of William Oldhall, knight, the which unnaturally and against the duty and faith of his allegiance hath of long time laboured by subtle false and untrue imagined and traitorous means against your most royal person and estate, the weal of you and of this your realm in all that in him was, and by his false untrue counsel and aid giving as well to those persons in the field at Dertford in your county of Kent against your said most royal person late assembled, as at several times unto the great traitor John Cade, John Wilkyns,<sup>11</sup> and now late one John Halton, and thus daily continueth in his said cursed and traitorous purpose, which God defend if it should in any wise accomplish, and how that he of divers treasons standeth indicted and attainted by outlawry after the course of your law, for the which his goods and chattels, lands and tenements owe to be unto you forfeited and seized, to ordain and establish that the said William Oldhall . . . be taken, deemed, reputed and had as a traitor and a person attainted of high treason.

<sup>7</sup> The dean recorded the whole of this incident in an instrument drawn up before a notary, which is printed in A. J. Kempe's *Historical Notices of St. Martin's-le-Grand*, London, 1825, p. 140.

<sup>8</sup> A payment to one of the yeomen for this service was made in May 1453 Devon's *Issues of the Exchequer* (1837), p. 476.

<sup>9</sup> Coram Rege Roll, Trin. 33 Hen. VI, Rex Roll 3.

<sup>10</sup> *Rolls of Parliament*, v. 265 b.

<sup>11</sup> This man was hanged after York's demonstration at Dartford. See *Paston Letters*, i., Intr. App. v.



In October 1454, when York was Protector during Henry's imbecility, Oldhall obtained a writ of error for the annulling of his outlawry, but this was not then given effect to, for at the end of the year the king recovered and Somerset was soon reinstated in power. After the battle of St. Albans on 22 May 1455, however, where Somerset was killed, York was once more in the ascendant. A parliament was summoned and in the interval before it assembled the earl of Warwick stayed at Hunsdon House, near the king, who was at Hertford, and York, who was at Ware Friary. One of the *Paston Letters* of this time says: 'Sir William Oldhall abideth no longer in sanctuary than the Chief Judge come, for that time he shall go at large and sue all his matters himself.'<sup>12</sup> Early in June 1455 Oldhall surrendered to the king's marshal and submitted his writ of error to the court, pleading that it had been impossible for him to appear in his own defence, since during the whole period from before November 1452 till after March 1453 he had been forcibly detained in St. Martin's. William Notyngnam, attorney general, acting for the king, admitted this and said that he had consulted the lords of the council sitting in the Star Chamber, who confirmed Oldhall's plea; and after the usual formalities the outlawry was revoked and annulled.<sup>13</sup> At the opening of parliament on 9 July Oldhall presented a petition calling to mind his services in France and declaring that he had never been guilty of disloyalty and that the charges against him were false, as he had never known or had communication with Cade or the other persons alleged, that his conviction had been secured by intimidation of the jury (or, in his own words, by 'great menaces and dreadful language given to twelve men'), and that now another jury had acquitted him and his outlawry was annulled: he prayed for reversal of his attainder and for reinstatement in his possessions. This was granted and his vindication was exemplified in the *Rolls of Parliament*.<sup>14</sup>

Oldhall had married in or before 1431 Margaret, daughter of William, Lord Willoughby of Eresby, and had by her a daughter, Mary, who married Walter Gorges, son of Sir Theobald Gorges of Wraxall, Somerset. Lady Oldhall was buried in the Greyfriars Church, London. It would probably be soon after Oldhall's vindication in 1455 that there was a proposal on foot for him to marry Elizabeth Paston. John Paston's mother wrote to her son:

Your wife . . . let your sister and me wit of a letter which you sent her that you have belaboured too for Sir William Oldhall to have your sister . . . . Your sister . . . prayeth you that you will do your devoir to bring it to good conclusion, for she saith to me that she trusteth that you will do so, that it shall be both for her worship and profit. And as for me, if

<sup>12</sup> *Paston Letters*, iii. 33.

<sup>13</sup> *Coram Rege Roll*, Trin. 33 Hen. VI, Rex Roll 3.

<sup>14</sup> *Rolls of Parliament*, v. 451 a.

ye can think that his land standeth clear, inasmuch as I feel your sister well willed thereto, I hold me well content.<sup>15</sup>

However nothing came of it. It was probably in 1458 that, according to one of the *Paston Letters*, 'my Lord of Canterbury [Thomas Bourchier] and my Lord Bourchier shall be this week at Hunsdon and hunt and sport them with Sir William Oldhall.'<sup>16</sup>

In 1459 hostilities broke out afresh between the two parties, and in November York and many of his adherents, including Oldhall, were attainted.<sup>17</sup> Oldhall's lands were then granted to Humphrey, duke of Buckingham, who was however killed at the battle of Northampton in the following July, and Oldhall's attainder was apparently reversed or at any rate disregarded. He did not live, it would seem, to hear of York's death at Wakefield on 30 December: he made his will<sup>18</sup> on 15 November 1460, with a codicil dated two days later; and he must have died shortly after, for Stow records his burial in 1460 in the church of St. Michael Paternoster Royal, London, to which Whittington's College was attached. He seems to have been aged about seventy at his death. By his will he directed that he should be buried under a plain tomb of grey marble in the chapel of St. John the Evangelist in St. Michael's church called 'Whitinton College.' To this church he left an old cloth of gold for the lectern, a cloth of baudekin covered with flowers for 'heres' [i.e. a pall cloth], and all his pennons, banners, and guidons, and a stipend of ten marks for two chaplains to celebrate for his soul there. To Whittington College he left 10 copes, some vestments and an altar-cloth, frontal, and reredos of russet velvet embroidered with his device 'a bowshawe' otherwise called a 'rate.'<sup>19</sup> His other bequests were:

12*d.* to every chaplain, 6*d.* to every clerk and 4*d.* to every choirboy present at his funeral; 15 marks to lazars and other paupers; 2 marks to every brother of the Friars Minor and Augustinians of London; 100 shillings to the Carmelite Friars in Fleet Street, London, where his father was buried, and also a gold herse cloth with '*volneribus et rotis.*'<sup>20</sup>

<sup>15</sup> *Paston Letters*, ii. 301.

<sup>16</sup> *Ibid.* iii. 132.

<sup>17</sup> *Ibid.* p. 129.

<sup>18</sup> Prerogative Court of Canterbury, 21 Stokton. It has not, to my knowledge, been printed anywhere.

<sup>19</sup> Usually called a float (flote), a bowyer's tool with teeth underneath and an arched handle on the top, borne in the arms of the Bowyers' and the Fletchers' Companies. A plasterer's smoothing tool is also called a float. 'Rate' is perhaps a Latinised form of float from *ratis*. Sir William Oldhall's device appears in the ancient stained glass headlights of a Perpendicular window in the chancel of Hunsdon Church; in the lower part of this window are the York badges, the fetterlock, white rose, and suns, on a groundwork of fleur-de-lys. He is said to have rebuilt this church, which adjoins Hunsdon House, and this may well be from its style. Among fragments of ancient glass in the nave windows is his wife's name 'Margaret.' In *Archaeologia*, vol. xxxvii., there is an account of him with illustrations of his signature, his seal, and his signet: the latter shows a flote surrounded by the legend *mien l'ŷy atain*.

<sup>20</sup> 'Volneribus' presumably means 'golpes,' an heraldic term for purple roundlets; while 'rotis' would be wheels, unless it is a mistake for 'ratis,' the Oldhall device.

To Hunsdon Church 13s. 4d. to the high altar and a chasuble of blood velvet with orphreys of cloth of gold tissue for his soul and that of Sir Thomas Kyngeston.

To the high altar of Little Fransham Church, Norfolk, 20s., and the proceeds of the sale of his coats and other apparel, to buy vestments and velvet copes for the churches of Great and Little Fransham, Norfolk, and Dytton Valence, Cambridgeshire, and 20s. to the building of the nave of the latter.

To the high altar of St. James, Garlickhithe, 20s. and an entire vestment.

To Wellyng [? Wendling] Monastery, Norfolk, a vestment, made from his *cote armure*, of red velvet embroidered with silver.<sup>21</sup>

To Bermondsey Monastery an entire vestment.

To Edward, Earl of March, his grey trotting horse, and a gift of equal value to Edmund, Earl of Rutland.

To his sister, Margaret Lexham, and to his niece, Lady Agnes Cheyne, silver plate worth 20 marks.

To his kinsman [? nephew], William Lexham, 100 shillings.

To his chaplain 10 marks; 40*l.* to one servant and 20*l.* to another, and small bequests to five others; a mark each to two of his cooks.

To Richard Osworth 100 shillings and his tenement at Hunsdon.

To Thomas Yonge 200*l.* due from Richard, Lord Willoughby, and Sir Theobald Gorges.

To the archbishop of Canterbury [Thomas Bourchier] his great *ciphus* of silver worked with *rotis*, to be called 'the bolle of Caunterbury.'

His manors of Oldhall in East Dereham and of Dytton Valence he left to his daughter, Mary Gorges, and his manors of Great and Little Fransham and Draytonhall in Scarning and the advowson of Great Fransham to William Lexham; his manor of Belhoushall in North Tudenham, Norfolk, he left to the prior of Penteney to provide a chaplain to celebrate for his soul in Penteney conventual church. All his other manors and lands were to be sold and the residue of his estate to be applied to pious uses; his executors were the archbishop of Canterbury, Sir William Yelverton, a justice of the king's bench, Thomas Yonge, John Heydon, William Lexham, and Thomas Prytewyn. It appears however that the manors of Belhoushall and of Great and Little Fransham afterwards passed to Mary Gorges, whose husband died possessed of them in 1466. It will be noticed that no mention is made of the manors of Hunsdon and Eastwick; perhaps therefore these were sold by his executors; in any event they certainly seem to have passed to the crown, and Hunsdon House was afterwards one of the residences of Henry VIII's children.<sup>22</sup>

<sup>21</sup> His arms were 'Gules, a lion rampant ermine.' The field is sometimes given as 'Per pale azure (or gules) and purple.' His crest was a lion's head issuing out of a coronet.

<sup>22</sup> In Chauncy's *Antiquities of Hertfordshire* there is a story, which has no foundation in fact, that a son of Sir William Oldhall succeeded to these manors and was killed at Bosworth Field in 1485, when his estates passed to the crown on attainder.

There is an echo of Oldhall's attainder, when in 1489 his grandson, Sir Edmund Gorges, successfully petitioned that a confirmation to Jasper Tudor, duke of Bedford, of all letters patent of Henry VI to him might not apply to the manors of Much and Little Fransham, Oldhall, Brookhall and Dytton Valence, which Sir Edmund had inherited from his mother and which were among the lands granted to Jasper Tudor on Oldhall's attainder in 1453.

C. E. JOHNSTON.

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*The Fifth Monarchy Insurrections.*

ABOUT the year 1653 certain people in London began publicly to maintain that the Millennium was at hand, when Christ should rule as King over all the kingdoms of the earth. This new monarchy was to be ushered in, if necessary, by forcible means, and because in the history of the world there had already been four world monarchies, the Assyrian, the Persian, the Grecian, and the Roman, this final world kingdom was appropriately to be styled the Fifth Monarchy. The title 'King Jesus,' however, which was a favourite expression among those who espoused this cause, had been in use for several years before 1653, and had appeared upon the title-page of a tract by Francis Cornewell as early as 1644.<sup>1</sup> Indeed, there is no doubt that a good many peaceable English people had held some of the Fifth Monarchy views since 1642, when John Archer published *The Personall Reigne of Christ vpon Earth*, but the conditions after 1650 must have greatly helped to develop the particular opinions of the men who were willing to fight under the leadership of Thomas Venner<sup>2</sup> in 1657 and 1660-1. At the close of 1653 the Fifth Monarchy movement was already well started in London, and regular meetings in that interest had begun to be held at Blackfriars. On Monday

<sup>1</sup> *The Vindication of the Royall Commission of King Jesus . . . against the Anti-christian Faction of Pope Innocensivs the third, and all his Favourits*, London, 4<sup>o</sup>, pp. vi, 17.

<sup>2</sup> Thomas Venner first appears in New England in Salem, and was admitted to the church there 25 February 1637-8, and became a freeman the next month. He was a jurymen 1638 and 1640, and was sworn as a constable the "10 of 6 mo., 1642." He had a lot of forty acres in the town, and pursued there the trade of cooper, . . . Perhaps, finding himself in the ecclesiastical frying pan at Salem, he had the temerity to tempt the puritanical fire at Boston, into which he jumped about 1644, and from thence he may be found at his "new house" on the water front, on land purchased of Edward Tyng, near the present Custom House at the foot of State street. He describes his house as a "mansion sixty-two foot long and twenty foote wide" on the "high street." He became a member of the Artillery Company in 1645, where he perhaps gained his first knowledge of the art of warfare which he put into execution sixteen years later. . . . And so Master Venner, in October, 1651, sailed away to England: Dr. Charles E. Banks' *Thomas Venner, The Boston Wine-Cooper and Fifth Monarchy Man*, reprinted from the *New England Historical and Genealogical Register* for October 1893 (Boston, Massachusetts).

night, 19 December 1653, such a gathering took place, when Christopher Feake, Vavasor Powell, and Mr. [George ?] Cokaine were the chief speakers. Powell delivered two addresses at that time, the second immediately succeeding the first. In the second, according to the report by Marchamont Nedham, dated 21 December 1653, Powell discoursed in part on the following three points, in which, it should be noticed, 'a Fifth Monarchy' is spoken of as already in the process of formation.<sup>3</sup>

Then he fell vpon a new discourse, and told vs, that ther were 4 things at which people are now much offended ; but wee here (said he) are ready to iustifie them before all the world, and they are these : 1. That there is such a thing as a Fifth Monarchy which Christ is now setting vp. Touching this point I remember little or nothing of his discourse. 2. That there is now such a thing as a spirit of prophecy in the Saints, whereby they are inabled to foretell things to come. I call to mind little concerning this, saue that he himself vndertook to foretell the downfall of the present power. 3. That the great designe of Christ is, to destroy all antichristian forms, churches, and clergy. Vpon this third particular he was somewhat copious, and said they must downe, though they were neuer so strongly protected ; . . .

Even at this early date good order was not a characteristic of Fifth Monarchy meetings, as is shown by the following incident :<sup>4</sup>

Thus Mr. Powell hauing done, one seated at a corner of the gallery began to speak, and would haue gone on to oppose somewhat that had been spoken ; which the man pressed, and strained his voice with vtmost violence to ouercome the out-cries ; but after half an hours tumult, Mr. Cokain getting into the pulpit, they cried down the other.

In the interval between 1653 and January 1656-7 there was a steady development of Fifth Monarchy ideas, and the English people in several counties had become familiar with them. Secretary Thurloe, in a hastily prepared paper,<sup>5</sup> relating to the rise of the Fifth Monarchy insurrection attempted in 1657, gives some interesting particulars concerning the movement. From this account it appears that until about 1655 Thomas Venner had held a post in the Tower of London, and had been removed because among other reasons he was suspected of having designs to blow it up. In the winter of 1655 and 1656, or thereabouts, says Thurloe, frequent meetings were held in London by men who desired to overthrow the government, and who to this end provided horses and arms. Among

<sup>3</sup> State Papers, Dom., Interregnum, vol. xlii. (no. 59), fol. 2. The use of capital letters in our quotations has been normalised and the punctuation has often been entirely altered. In two or three cases, it has been found advisable to divide an extremely long and involved sentence into two sentences. The original spelling of the words has been retained, but abbreviations have generally been extended.

<sup>4</sup> *Ibid.* fol. 3, recto.

<sup>5</sup> Written about April or May 1657, and published in 1742 in the *Thurloe State Papers*, vi. 184-7. Professor Firth has kindly called my attention to this paper.

them were Fifth Monarchists. Five<sup>6</sup> meetings of a somewhat secret nature, he says, were accordingly set up in and about the city. It was planned that each meeting should consist of twenty-five men, only one of whom was to know of the existence of the other meetings. The five persons from these congregations who were aware of the real magnitude of this movement were to communicate with each other, and thus keep the five separate meetings secretly in touch with one another. From these bodies members were sent into various counties, and such success resulted from their efforts that it eventually seemed desirable to reconcile the Fifth Monarchy and the Commonwealth parties. To further this object a gathering of twelve persons from the two parties was held, including vice-admiral Lawson, colonel Okey, captain Lyons, captain Crispin, captain Dekins, one Portman, Venner, Mr. Squib, and others. These twelve men were pledged to secrecy, but were allowed to communicate any matters of importance to major-general Harrison and colonel Rich. One group of persons among them was not in favour of taking any definite step except with the approval of 'a visible authority'; another, evidently represented by Venner, wished to act on their own initiative. These meetings are said to have been held until Cromwell called a parliament and arrested some of the leaders. Venner was sought, but could not be found. Thereupon, he and his party resolved to secure horses and arms, and to make an insurrection at the earliest opportunity. According to Thurloe the time of John Pendarvis' death was selected as a favourable occasion for this rising, and many letters were written inviting members of the party to meet at Abingdon; but the plan was frustrated by timely intervention.

Soon meetings undoubtedly began again to be held in London in the interest of a Fifth Monarchy rising. By the beginning of January 1656-7 there appear to have been two congregations of the movement in London, one of which seems to have held most of its meetings in Swan alley, in Coleman street. Closely allied to these was a congregation of Anabaptists, who were styled by the followers of Venner 'the (private marke) rebaptized bretheren,' or 'the bretheren of the (private marke) rebaptized meeting.'<sup>7</sup> The congregation

<sup>6</sup> It is doubtful whether all five of these congregations can now be identified.

<sup>7</sup> The expression 'the (private marke) rebaptized meeting' manifestly requires some explanation, but only a suggestion of its meaning can be now offered. At the beginning of the sixteenth section of Venner's Journal (below, p. 728) it is suggested that every member of his congregation had a 'principle (a private marke).' The members of Portman's Anabaptist meeting evidently employed a similar private mark. In the deposition of William Ashton (below, p. 737) he stated that the persons comprising the Venner party were 'very shy of mak[e?]ing their names knowne.' In fact, a good deal of secrecy was observed in the actions of all who were in any way connected with the movement. Perhaps those associated with Venner, including the Portman Anabaptists, found it of advantage to wear some inconspicuous badge or mark, which distinguished them from other Fifth Monarchy men or other

in Coleman street, of which Venner was a member, was evidently somewhat more aggressive in spirit than either of the other societies. Fortunately, a considerable portion of what appears to be a deciphered transcript of a journal compiled in cipher by Thomas Venner, describing the internal affairs and deliberations of the congregation in Coleman street, has been preserved, and gives an illuminating narrative of the activities of the advanced Fifth Monarchy men during the three months immediately preceding the attempted insurrection of 1657.<sup>8</sup> From this account we learn that at the beginning of January 1656-7, Venner's followers were already busy preparing for the rising. A committee composed of ten members of the congregation had been appointed to draw up a programme, which might speedily be put into operation. Before 11 January Christopher Feake, who had been attending the earlier meetings, and two loyal adherents, Livewell Chapman and one Mr. Hudson, had been excluded from the deliberations of the society. From this point we may take up the story as given in Venner's Journal:

The time being gonne with this [discussion relating to the withdrawal and subsequent exclusion of Chapman and Hudson] the bretheren appointed a night (the third day night following) wherein they proposed to seeke the Lord, & to gather vpp their incom's & see what resolucion they would amount vnto.<sup>9</sup>

#### 15th Seccion.

The worke so hastens upon us now and multitude of buisines by reason therof, that I shalbe able but to touch upon things I shall hereafter mencion.

Vpon the 4th days night[?] which followed our last meetinge, and next Anabaptists. Such a secret mark also would make their sentiments sufficiently manifest to one another. The use of their names, which they desired to conceal, would thus become less necessary and less frequent.

<sup>8</sup> British Museum, Add. MS. 4459, fol. 111-122. The name of the author of the MS. is not given, but from internal evidence it appears that he was one of 'the 4 officers,' i.e. probably one of the following four men—Thomas Venner, John Greene, John Browne, and Thomas Craig. It once seemed to me that John Browne was probably the author, but as I have now found a passage in the MS. which evidently forbids that conclusion, I am inclined to believe that the Journal was the work of Venner himself (see especially below, p. 733 f.). I fancy that the Journal was originally written in cipher by Venner or by his scribe and son-in-law, William Medley, and that our text was probably deciphered and hastily written out for Thurloe or for the use of the government by two or three persons. This would account for the various words omitted, the different styles of handwriting, and the generally unfinished state of the MS. (compare below, 730 n. 16). Venner's Journal is manifestly the most important and extended MS. relating to the Fifth Monarchy movement of 1657 now known to exist, and has been long lost to view. Probably it was once included in Secretary Thurloe's collection of papers. As has been stated in the text, the Journal is not complete. The first eleven sections, apparently covering forty-four leaves, are wanting. The surviving portion, however, though contained on twelve leaves, comprises sections 12-27, and is historically the most valuable part of the MS.

<sup>9</sup> This sentence is inserted from the margin.

tyme of meetinge, the proposic[i]ons which the 10 brethren were appointed to prepare, and now in a readyne[s ?] (by nine of them,<sup>10</sup> wherin Bro: Spencer, who had [? at] the meeting before opposed the way of choice by us, was dissentinge, and meeting with us at the tyme of [?] drawing them up, did much oppose us, and was much inraged in the meeting that we were for selfe and had a designe) were read in the meeting, and are as followeth :

Propos: 1. That those brethren, that are at first chosen and appointed by the company to the place of office & command [?] in the army, be continued in ther respectiue places & powers from highest to lowest untill the end of 3 months, and then (if the prouidence of God concurr and the state of affaires be in a safe and fitt postur[e]?) their power falling into the body, that they be renued, or others most [i.e. more] fitt be chosen and intrusted in their place and power by the body of the Saintes in the army, tryed and approved by the Gospell rule, and that their Comissions be accordingly giuen forth unto them or those of them that were to haue Comissions, by the Counsell then in beinge, for the manngement of publike affaires, and afterwarde, when the Lordes whole Flocke comes to a consistency in their nacions, and theis powers raised up as in the [blank space] [illegible word] of our [published] Stander [Standard] or principalls.

2. That the body agree upon a forme of Commission, & that they giue them forth (either under the hand of the publike officer & common seale, or els by some brethren chosen for that purpose, and the same seale) unto each respectiue [?] officer chosen as before, unto whome it is meant Commission should be giuen.

3. That the publike seale be a lyon couching with this motto round it, Who shall rowze him up ?

4. That the number that first ingages in the work be diuided into 3 companyes or bodyes, as Abraham, Iacob, Gideon, and David did their men, and that officers be chosen for those seuerall companyes, and with respect to those limitations.

5. That for each company or body the brethren choose 3 officers by name, of those officers, to be Cheiftaine, or Captaine, of the Front ; Captaine of the Rere, or Bringer up ; & Ensigne Bearer.

6. That each respectiue company be kept in 3 diuisions in march, and fight under those respectiue officers, who are to take a naturall care to the good order and manngement of their companyes.

7. That the officers of each company once chosen meet apart by themselues, or jointly with their brethren of other companyes, and (knowing their seuerall numbers and names) doe make choice of all other officers and [blank space], and according to rule, and that they putt their bodyes into good order and a ready posture by appointing file leaders and halfe file leaders, and doing any other thing necessary in order to any ingagement.

8. That 3 captaines being chosen according to this patterne, one of them (by consent of the whole body) be chosen and appointed to the place of Cheife Captai[ne ?] or chiefe of the 3, & one of the 3 ensigne bearers

<sup>10</sup> Thomas Venner, Michaell Spencer, John Browne, Thomas Gibs, Edward Grove, Thomas Crag (Craig), Richard Martin, Walter Symons, and William Medley.



appointed to th[e] place of Standard Bearer for the whole; the 3 companies distinguished (for order sake) by the 1. 2. & 3. to be denoted in figures upon their Colours; the Cheife Captaine & Standard Bearer in the first company, w'ch may be distinguished according to this proposition upon the choice of those 2 officers.

9. That each particular brother in the meeting giue an account to some of the bretheren chosen to the particular mannaigeing of the worke, of his ability in respect of outward provision, that care may be taken therein accordingly.

The proposic[i]ons read, the bretheren discust and debated upon them one by one.

But assoone as wee had entered the worke, brother Spencer, being filled with passion and troublesomness of spirit, did oppose the meeting about the matter of lott as before, and tyme of choyce, which he would haue lett alone till the very tyme of our going out.

The thing was againe and againe largely spoken to, and many reasons given for choyce at this tyme (which may be an evident good in the eyes of rationall men), with which our tyme was well spent.

Then wee went on in the thing contayned in the proposic[i]ons, and upon due consideracion it was ordered as to the thing it selfe, that officers be now chosen;

2dly, that they be contynued for 3 months, and if in the meane tyme they shall not answer their trust, others be chosen in their places, if providence favour herein, otherwise as in the 1st proposicion [blank space];

3dly, that the authority given vnto the officers be signed and confirmed as in the 2d and 3d proposalls, and given from the whole body vnder the hand of the publike officer

(Herein brother Spencer [blank space] Gregson did not consent);

4thly, as in the 5 proposicion;

5th, as in the 7 proposicion;

6, that 3 commanding [?] officers be chosen for one companie according as in the 5 proposall. [blank space] Also / [blank space]

Vpon the passing those things, a very vnsavory and vnerucified spiritt appeared in the dissenting brethren, espetiall[y] brother Spencer, who goinge from the table resolving before the bretheren to speake not a word more that night, as he sayd, but to lett us goe on in the roome among the bretheren, whilst wee were in consultacion, did stirr up much strife, sayd that 3 or 4 of vs did what wee would, and wee had interest in the people, and they would chewse vs, and that he knew and could name who would be chosen beforehand, and that wee had a design to lead them out within 4 dayes, and that he would make it more publike.

Hereupon, there was much amurmoring and note, that it was wonderfull wee were not all broken. Wee bege'd and besought him to leaue it, he told vs he knew our designe, wee told him wee much layed the breach of the meeting at his doare, he sayd he thought it was a good worke to breake the meeteing.

Wee then desired a brother to goe to prayer, that the Lord would appeare against that spiritt and still the meeteing (the lotes being then given in by the bretheren for the choyce of a Captaine of the Front).

That done, wee thought it not safe to goe on for to avoyd that which

was threatned, and therefore burning the lottes and with going to the Lord, wherein much groanes and teares went to heaven, that indeed was healed by the Lord, and he was pleased to<sup>11</sup> dash and trample vpon that spirit, as then appeared even when wee were together, and then wee broake up and dissolved the meeteing, morneing appeareing without any further appoyntment.

## 16. Sect.

The same morneing whilst wee were yet in the streetes, wee agreed upon the appoyntment of another meeteing, the tyme of it, and the place, and so to goe to euery particular brother, and know whether his principle (a private marke) would carry him on to the worke it selfe, aswell as to choyce of officers, before wee would acquaint them with this meeteing now appoynted, and to leaue those out for the present that haue not courage to the particuler carrying on and manngement of those matters, aswell as wisdom from God, till wee were come to such a stacion that wee cannot be hindred by their doubttes and scruples, and then to receive them with vs to the worke. Hereon there was 8 that was left.

The tyme wee met apart was the 1st dayes night followeing, and 15th of the 1st month.<sup>12</sup>

This same day wee also sent out 3 bretheren (i.e. brother Greene, Durden, Heyward) to view and espie out townes and countrey, principally east & west, within 10 myles of this city of London, to [see] what souldyers lay therein, [and] how they were dispersed, that a convenient place (with respect to our thoughtes of falling upon a troop of their Horse in our 1st ingagement) to ingage in [might be found], and within some myle of that <sup>13</sup> another [place], where wood is for randivouze.

The report they brought was, that there was noe troopers neere, or within 40ty miles of, the City they could here of, save at Islington one troop with 2 foote companies, and a troop at Barnett and Enfeild Chace, but that they lay farther of in the countrey round about, and came up one in euerie halfe yeare to relieve those in London; but that there was Foote in euerie towne, soe that, now lett vs begin where wee will or may, wee shall be much betweene the Horse farther of in the countreys and those in London, and much among the Foote; that those Horse in Islington lye in 4 inns.

## 17. Sect.

About this tyme whilst those thinges were in agitation, wee laboured to be forwarding others to the worke with vs, and particularly those of the (private marke) rebaptized bretheren, that they might be in like forwardness with vs, by which wee hoped to gett together another meeteing of the same nature, and upon the same account with our night meeting. Wherefore wee invited some of the bretheren of the (private marke) rebaptized meeting that we tooke to be the most forward, and wee propounded to them our thought of the worke and tyme, and gaue some generall hintes to lett them vnderstand wee were in some forwardness, and withall desired to know what was upon their spirittes, which they spoke to one by one.

<sup>11</sup> At this point the word ' and ' has been removed and ' to ' supplied in its place.

<sup>12</sup> Sunday, 15 March 1657.

<sup>13</sup> At this point the word ' of ' has been omitted.

Which amounted to thus much in our judgments, that they are engaged one to another in their meeteing, and ioyntly or to a ioynt goeing on in the worke, and are there in a posture like that wee are now upon, and their officers among them and a paper of groundes, and that they waited for a doare and call to the worke. Indeede some of them did judge the tyme was not yet vpon vs, but that they expect more vnity among the Saintes, soe that wee had noe further hopes to seperate those of them that are free, from others of them that are as backward vnto vs, for the workes good.

After this Major Generall Harrison, Mr. Carew, and the rest of the prisoners desired a meeting with vs 4, if our occasions would permitt, by a messenger which they sent to vs, upon such a day which they named.

Wee agreed to send 2 to heare what they would say, i.e. brother Craig and brother Greene, who meeteing with him [?] them] had a large discourse wherein they complayned of strangeness betweene vs, and what should be the reason, and that wee thought hardly of the prisoners, and some other things not worthy here to be menc[i]oned, save that Mr. Carew yet mayntayned that wee were not of a Gospell spiritt (and Mr. [John] Rogers had given out to one from whose mouth wee had it, i.e. our Sister Hardye, that he would be hanged before he would goe out with this spiritt, and that he had received letters from the Church at Abbington and the Church at Ipswich to bid him beware of our spiritt and from the bretheren of the Church against vs), and that if wee should goe out, he would submitt to the mercy of the adversary before he would follow vs, or to that purpose. Major Generall Harrison and the rest desired another meeting with vs all togeather. They seemed to be troubled or vexe'd wee 2 were not present.

#### 18. Sect.

. . . Now brother Spencer submitted willingly vnto this, that the meeting should chuse their officers as they had agreed, and he would submitt to their choice [blank space], and then goe on with vs in our other appointments as before. This was accepted by vs.

#### 19. Sect.

Vppon the first day & the <sup>14</sup> IIth appeared for our night meeting & for the choice of officers. It was carried thorough, hauing sought the Lord till midnight, and brother Venner <sup>15</sup> was chosen to the place of Chefetaine, or Captaine of the Front; brother Cragg to the place of Captaine of the Reare; & brother Green to the place of Ensigne Bearer; by the lot of the company.

After this, the meeting agreed as in our last proposic[i]on, that the suerall brothers should giue an account to vs, the 4 officers, of their prouisions & what they wanted. Withall, vppon a proposic[i]on, it was assented & ordered, that liberty is given to the bretheren in the particuler

<sup>14</sup> This date is not clear. Perhaps IIth is intended for II<sup>d</sup> (second), but the decipherer first read this place as 'Vppon the first dayes night meeting,' and then crossed it out.

<sup>15</sup> This place might be interpreted as supplying evidence against Venner's authorship.

management of the worke to reueale things with vs so farre as is for the aduantage of the worke and the carrying on of others therein.

Ordered that our next meeting [be] the 6th day of this weeke.

20. Sect.

The 6th day of the weeke & 20th of the first moneth [i.e. Friday, 20 March 1657], in the night, in our consultacions, it was ordered by the bretheren, that the 5 bretheren, formerly chosen to draw vp proposalls, be againe added to vs to consider of those weighty particulers which remained to be donne, in respect of those that are free, yet not in our meeting &c., and to act herein.

This meeting together vppon the 23th of this moneth did agree :

1.<sup>16</sup>

That the time [for the insurrection] with submission to the will and prouidence of God be the third day of the weeke & 7th day of the second moneth next following [i.e. Tuesday, 7 April], in the night.

2.

That the seuerall persons of whom we haue hopes with vs in the work, aswell others as those of the Church meeting, be spoken with either by themselues, and knowing their freedome, be desired [blank space] to fitt & prepare them selues & set their affaires & families in order, and that shortly they will be called vppon in the worke, [blank space] withall that their abilityes be knowne for prouisions.

3.

That notice be given to those that shalbe willing to goe with vs & accept this call vppon the second day before we goe, & to meete at some convenient place in or neere this City at the same time with vs, but by themselues apart, that is vppon the third day in the evening, & that they giue vp their names in this worke as to the Lord, & that a Covenant of faithfullnes be administred to them at this tyme of meeting, and that they [I] doe manage this matter, and that brother Bourne [Browne] & Spencer be added for assistants therein.

4.

Our present apprehension is, that hauing a convenient place & prouidence, we fall vppon a troupe of Horse & execute their officers & all others of the guards or private souldiers that shall oppose vs, and take their horses to horse our men, because the Lord hath need, and to receiue to mercy those of the souldiers that shall submitt themselues.

<sup>16</sup> A paper neatly written in cipher, which our author probably used in compiling sections 20-4, and which gives most of the material included in those sections with some additions, but evidently in an earlier and less finished form, exists among the Thurloe Papers in the Bodleian Library, Rawl. MS. A. 47 (fol. 36-7). Together with this paper is a deciphered copy which is not quite complete (fol. 38-9). The copy was published by T. Birch in the *Thurloe State Papers*, vol. vi., 1742, pp. 163-4, as has been pointed out to me by Professor Firth.

## 5.

That such gaine & spoile as is due to the Lord, and to the treasury and worke of the Lord according to the rule & practize of the Scriptures, both of gold, siluer, brasse, & precious things, &c. be brought into a common stock & treasury, & that officers be appointed to that charge to receiue & ouersee that accompt, and that that which is for the brothers, for their particuler encouragement, be equally distributed to the whole that hath engaged & those that stay with the stuffe. Besides respect is to be had to others in the worke over & aboue their wages and hire.

## 6.

That due care be taken by those officers to administer to all those families & relations of the bretheren that are with vs in the worke according to their necessityes, vppon informacion from the bretheren, as the Lord shall please & carry vs on.

## 21. Sect.

At our night meeting of prayer & advice on the 24th day of the first moneth night [i.e. 24 March 1657].

Then ordered and agreed, that three bretheren so chosen & appointed to [i.e. do] receiue & keep an account of all the game & substance that is to be consecrated to the Lord, & that it be onely disposed by the Councell in the army for the vse of the bretheren & freemen & their families & relations, & to the carrying on of the worke.

That brother Spencer, brother Wood, and brother Browne are chosen to this trust for the first three moneths with prouiso[?], as in the choice of the officers.

## 22. Sect.

Whiles these things were thus going on, the meeting of the baptized bretheren sent fower of their number to vs, i.e. Portman,<sup>17</sup> Wells, Woodley, and the Trumpetter,<sup>18</sup> who proposed that for that they had receiued light in the worke and was waiting for it, & because of those reports of our suddennes in the worke that now were in the mouths of many in this City, to [i.e. that they should] be satisfied therein, and to [i.e. should] know the ground of our worke and our Declaracion, the manner, the time, & our Call of and to the worke, and the persons we engage with. . . . But Mr. Portman desired then to speake to vs as a private person, & began with a charge :

1. That we had printed our Declaracion<sup>19</sup> & had not taken their advise, neither the prisoners.

<sup>17</sup> Evidently John Portman, who on February 3, 1657-8, was committed to the Tower for 'endeavouring to subuert the Gouverment by raising comotions and sedition.' He was imprisoned for eleven months and two weeks, and very likely longer: Rawl. MS. A. 57, fol. 191.

<sup>18</sup> This must have been 'Cornet Day' mentioned in *A True Catalogue, or, An Account of the severall Places and most Eminent Persons* etc. [1659?], p. 13.

<sup>19</sup> The printed Declaration of the Fifth Monarchy rising of 1657 bore the following title: 'A Standard Set Up: Whereunto the true Seed and Saints of the most High may be gathered into one, out of their severall forms: For the Lambe against the Beast,

2. That we had endeavoured to draw their bretheren to vs from them in our [blank space] conferences with them, which his owne bretheren cleared against him, because we left it to him to be spoken what we had said, to as many as they could iudge free, yea to their whole meeting, yf they thought meete.

3. That we were [blank space] in our Church meetings, and drew persons out of them, and carried on things without our bretheren.

At this time also John Jones did very much revile vs behind our backs and did affirme to some of vs, that we had not the Spirit of God, and that we shalbe blasted, because 1. the auncient wise Christians are not with vs, as Mr. Harrison, Carew, Mr. Rogers; 2ly because this time is not come by two moneths.

Mr. Rogers also doth now much reproach vs to our freindes, that we did dissemble and iuggle with Maior Generall Harrison, that we were not of a Gospell spirit. Besides both of them bore their testimony against vs in Coleman street meeting, where Jones compared vs to Corah, Dathan, & Abiram (the Lord remember & thinke on him).

### 23. Sect.

At our day of prayer the 31th of the first moneth.<sup>20</sup>

A proposition was with [i.e. before] vs, that we should leaue all the church meetings without excuse & vse some meanes to warne them yet further, but at last it was ordered to the contrary :

1. From what is donne in taking out, & speaking with, the willing people in the seuerall meetings.

2. Because we cannot receiue their plaine answeere without they knew all the principles & secrets of our worke without any ingagement from them, and we fall so to weaken our hands & dispose vs, as Sampson was dealt with when his locks were shauen, and not cordially to receiue satisfaction & to ioyne with vs.

3. Because there is seuerall persons in the meetings that haue declared against vs and our spirits as not of God.

### 24.

The ten bretheren met for the more full and particular [blank space] of the worke the 2 day of the second moneth.<sup>21</sup>

And the bretheren hauing notice the last meeting to prepare themselves against the next time of meeting, then appointed the first dayes night following, & due care taken to all those that were then absent to

and False Prophet in this good and honourable Cause. Or The Principles & Declaration of the *Remnant*, who have waited for the blessed Appearance and Hope. *Shewing, how Saints as Saints, men as men, and the Creation shall have their blessings herein, as in the Deliverance of the True Church out of Babylon, and all Confusion; as in the most Righteous and Free-Common-Wealth-State; As in the Restitution of all things.* Subscribed W. Medley, Scribe. Gen. 49, 9. *Who Shall Rouse Him up? . . .* Isai. 60. 10. *Lift up a Standard for the People. . .*' (4<sup>o</sup>, p. ii, 26). This is not an especially interesting document except for its scarcity, for although over five hundred, and probably as many as a thousand, copies were printed, but very few apparently remain in existence. Most of them must have been destroyed after the suppression of the insurrection.

<sup>20</sup> 31 March 1657.

<sup>21</sup> Thursday, 2 April.

know the case and to warne them for the next time. It was now determined :

1. That brother Greene and Beuerly be the spyes to goe & view the countryes for a place in which<sup>22</sup> to randevouz and to begin our worke.

2. That brother Browne buy a mapp of England and Wales together, and a mapp of euery particuler shire in England by itselfe at large, for discovering all bridges, woods, & high wayes, and that they also buy also [*sic*] some prospectiue glasses.

3. That the two spies take some little house, or a roome in a house, neere the place they find for randevouz, and that we send our long armes before our going out to that place in some country carts or otherwise.

That we meete againe vppon the brothers retorne the next day following.

#### 25. Sect.

The bretheren brought this report home the 7th day of the weeke and 4th of the second moneth,<sup>23</sup> that there is not any troopes of horse neither troopers either at Epping Forest or any of those rodes, neither elsewhere in their iourny as directed, saue about 12 troopers at Barnet & the townes thereabout to keepe the Chaces of Enfield, neither any they could heare of within 30 or 40tie miles of London.

Vppon the hearing of this report we had some considerac[i]ons, but came to no conclusion therein. We did therefore appoint the 2d morning before the first day of the weeke to meete at 6 of the clock.

At this tyme wee daily mett with great difficultyes by reason of the [blank space] and opposition of bretheren.

Brother Jones at this tyme reports, that I under the notion of giving up my name to the Church with Mr. Rogers, had gott the stocke and accounts of the Church, and was now runn away with it. Upon this, I with some of my bretheren of the 3 Churches went to Mr. Rogers, supposing he had given out this report, *having* before made the account to appear to the brethren to a farthing, but I goeing first with two spoake with him. He told [me ?] he had heard enough of reports, was vexed and wearied by th[em ?], & would not have his spiritt disturbed, and soe went away, and when the breth'ren came, his wife answered their desire of speakeing with him, that he durst not speake with us. Soe afterwards she reported that for ought she knew wee came to murther her husband.

The next morneing, comeing together as wee had appointed, something was upon our hearts further as to the manner of the worke.

And now wee began to thinke that surely the Lord had not a purpose that wee should now begin the worke, as wee had hetherto proposed.

Soe then, that which was with us being gath'ed into one amounted to this :

That the manner of the worke may be like the case of Israell in their comeing from Egypt, and as the visible preaching of the Gospell (and herein they *giveing* the testimony from this City) to his people, and a heightning our testimony, and for the gathering together into one the Lords people in the countries that were not risen out of their holes till

<sup>22</sup> The MS. has 'and.'

<sup>23</sup> Saturday, 4 April.

some such call as this, and then that the worke may be carried on by them, [that ?] wee may know the mynd and will of God more particularly.

That wee appoynt a place of randevouz, and being there ready appoynted and fitted in order, a number of bretheren may be sent forth well horsed and armed to publish and proclaime our Declaration in some great market towne, at and on the markett day, and that done to invite all to stand up for Christ and their owne liberties, and soe to dispose and disperse the Declarations among the countrey people, who will carry and spread them abroad, soe that it will be as a seed sowne, and soe without doeing violence to any to returne, save in case of opposition, and soe in all our moveings to publish as<sup>24</sup> before, and soe returne to the body that staves with the stuffe.

The place then that was hitt on for randevouz was Epping Forrest, and that part of it that is nearest Chelmsford, and because that is the shire towne and a great markett, to proclaime there first on the 6th day next<sup>25</sup> if the Lord will, and soe to march for Suffolke and Norfolke, because their is most Churches and Christians of this faith, and the countrey generally enclosed, and soe most fitt for our purpose.

Therefore brother Beverly and brother Green was ordered to goe forth and fynd a place, discover the wayes, and to take a room to send our necessaries unto, as before, the next day.

Iones at this time stickles much to brand us with deceit, and ly[es ?], & hipocrisy, and me in particular to the bretheren.

#### 26. Section.

The fifth day of the 2d month [i.e. 5 April 1657].

The effect of those devisions and that spirit of icalousy that were in the two *Church* meetings and in some of their members by reason of our meeting apart from them, now appeared by their breaking to peices. I tould them that opposed us in ours [i.e. in our meeting], that as now there appeared 2 partyes in the meeting, so was I perswaded, that one of them should not be used in the beginninge of the worke, neither did desire, nor were they free, except they should be a great multitude and some visible call beyond what we expect. This was largely discoursed and argumentes given. They also proceeded to charge us very highly *by name* Browne and Iones, and that we did [blank space] (not) walk according to our professions & principles, neither would the gravest & wisest Christians in the three nations, or any of them, judge us as those qualified for this worke, and . . . . .<sup>26</sup> if wee went out in that spiritt we did then manifest, (Mr. Chapman said) he was confident wee should stumble,<sup>27</sup> and that wee should serve the comon enemy, give them advantage, and bury the cause. At last they and Mr. Playford and brother Atwood desired their names to be blotted out of our list, and the rest as young [blank space] and others stood with them, and soe they went off from us.

And Mr. Chapman after the meeting was done called mee aside and<sup>28</sup> said to mee, he wished I was right, and [I] charged him in the presence of the Lord and as he professed himself a Christian, that he would tell mee

<sup>24</sup> MS. 'and.'

<sup>26</sup> These dots are in the text.

<sup>25</sup> Evidently Friday, 10 April, not 6 April.

<sup>27</sup> In margin, 'jumble.'

<sup>28</sup> MS. 'soe.'



wherein, and he said that I carried *not* on the designe of Cromwell, and I asked him wherin, and he said he would not tell mee, but said he would leave that with mee, and that he beleived I was under temptation, and had caused many to forsake their callings, and had received a stocke of money and now some of it was spent, and that was another temptation. In the other *Church* meetings, Iones said that wee had bought horses, and they had eaten their heads *out*,<sup>29</sup> and rather then wee would sell them off to loss, wee would hurrey and venter our lives in the field.

## 27. Sect.

The two brothers sent forth to discover the waies found out a convenient place in the woods about eight miles hence for rendevouz, and tooke a roome in a house for storing armes in, neare that place.

But when they came home, they thought that that way would be very dangerous and lyable to discovery, and, therefore, that wee might carry our long armes, soe many as wee have use off, to brother Wilsons house, and appoint the brethren to be armed there, and from whence they might goe [by] back lanes from the roade to the place wee thinke off.

Wee fower, therefore, agreed in order to our [?] goeing out, that early the 3d day morning,<sup>30</sup> our night meeting being that night, wee break up, and that the brethren, soe many as came there, if the Lord will, remove the armes to brother Wilsons house by parcells, and that brother Craigg<sup>31</sup>

<sup>29</sup> In margin, 'off.'

<sup>30</sup> Evidently, Tuesday, 7 April.

<sup>31</sup> Some additional details are given in the following paper concerning the final preparations for the insurrection:

'The loose paper marked — \* —'

'To give notice to the brothers for the meeting at brother Craigs house:

'That the horses we have, be disposed to some of the brothers with sadles and all furniture, and every one of them a paire of pistolls with powder and bullets in bag's.

'That to every footeman a belt with a bag of bullets and another of powder be delivered there in the City according to the armes they are to carry.

'That the long armes with the head pieces and [blank space] that shall r[e]maine undisposed, be packt up together in some safe way, and removed to some place for that end of the towne we shall goe out at, where a cart may take them up, if they be soe sent.

'That the belts and bags of powder and bullets that shall remaine, and the pistolls, and the store of powder, and two hundre[d] of bullets yet to buy, and 500 of Declarations, which wee may carry to th[e] rendevouz, be packt together in the panniers, and carried on th[e] sumpter horses.

'That some way be taken to carry them out safe.

'That the Declarations be left with the sisters that meet together [?] to be sent into the countries, all opportunities after wee are gone an[d] [?] to be delivered to the churches and meetings in this City, and published t[o?] all upon the 6th day of the weeke.

'upon the same paper,

'Pannells and their apparthen[ances.(?)]

'The Panniers.

'The bag's at Crisps.

'The Declarations.

'The pistolls at sister *Kerwit*.

'and at Will's.

'The powder at Mr. Billiers.

'The bag's and other things at Gibb's[es] [?].'

binde them up in sacks and matts for that purpose, as alsoe the [blank space] and head peices and bullett and powder.

That the Declarations wee [i.e. be ?] left with the meeting of the sisters, and that those which wee have made up for the Churches and meetings in this City, be disposed by them according to the directions on the sixth day in the afternoone, and the rest then published in this Citty, or the day after, and on the sixth day and 7th day<sup>32</sup> and all opportunities after, the others directed into the countries be sent by carriers and Posts, and that the sisters consult together in this worke on the fif[?]th day afternoone next, that the belts and baggs of powder and bulletts that shall remaine, and the pistolls, and the store of powder, and bullett, and five hundred of our Declarations for the rendezouz be packed up in the panyers and carried on the sumpter horses.<sup>33</sup>

The second daies night, and 6th of the second moneth,<sup>34</sup> wee had a meeting with those brethren not of our night meetings, which<sup>35</sup> brother Browne, Spencer, and I was to mannage, and wee declared as to the worke and time, how neare it was upon us, and they remained soe well satisfied, that they made a Covenant with us in the worke, and then wee read our Declaration to them, and they did approve it, and gave up their names to us upon that bottome, as wherein to venter their lives thereon.

Vpon which wee appointed a meeting with them the 4th day evening next,<sup>36</sup> where and when they should have directions in the worke, and desired [them] to prepare themselves against that tyme and be in a readiness.

Wee had alsoe the same night a meeting with two brothers sent to us from<sup>37</sup> the baptized meeting with this message, to know in all humility (wherein they would lye at our feete) whethe[r] wee had any thing against any in their meeting in the worke, and who they were, that it might be discovered to them if they should be hinderers of the worke, and if wee should name any, they would not tell us who were of their meeting and who not, but wee replied, wee had not wherewith to charge any, but that our greatest trouble was that we feared some would not goe [on] in the worke, but if they should be free, wee could freely signe with them and passe by what had bene said or done against us, and that it was not proper to charge any for the matter of their judgements, neither if wee had any thing against them, would wee declare it save to their faces.

Wee alsoe propounded to them, as they were single persons, [and] because they expressed how they longed and waited for the worke, that if they would gett together soe many as they should judge free, whether of their meeting or others (because wee were altogether sadded to leave them out [from joining] with vs), wee would, if they would ingage to be private and ingage to us herein, read our grounds to them, and give them what light wee had in the very manner of the worke, and tell them plainly what was upon our spiritts. This they received kindly, and named three more besides themselves, and appointed to meet us the night following.<sup>38</sup>

written in cipher before him. Some of the details were omitted by him in his extended narrative.

<sup>33</sup> This word is indistinctly written.

<sup>35</sup> MS. 'with.'

<sup>37</sup> Marginal note, 'for.'

<sup>32</sup> 10 and 11 April.

<sup>34</sup> Monday, 6 April.

<sup>36</sup> Wednesday, 8 April.

<sup>38</sup> Thursday, 9 April.

Here the manuscript ends abruptly in the middle of the page. From the deposition of one William Ashton, a silkweaver of White-chapel, taken on 10 April 1657, however, the narrative may be carried on somewhat further.<sup>39</sup> He says,

that being not formerly of any congregacion, he did on saboth day last<sup>40</sup> apply himself to a society meeting at one Mr. Vennors house in Katherines Lane neare Katherines staires by the Tower, with a desire to be received into Church Fellowship with them, and upon some questions demaunded of him, was admitted accordingly, and his name entered. At which tyme the said Mr. Vennor and diuers others spake to the congregacion. And he further saith, that on Wensday last about one of the clocke in the afternoone the said Mr. Vennor and one Craig came to this examinantes house, and brought with them (by porters whose names he knowes not) six hampers couered with leather, two barells of the size of gunnpowder barrells, a trunk, 3 pair of pistolls in holster[s], a [?] sword [?] of Mr. Vennors (he alledging it to be his), a hatt, and a sacke wherein was a coate of male (which sack either Vennor or Craig disposed to one of his childrens beddes feet, but with out the examinantes privity or knowledge, for he knew not of it till it was found upon search this morning), and he further saith that upon the bringing in of the premisses [?] to this examinantes house, the said Vennor and Craig desired of the examinant that they might stand there till the night followinge, at which tyme they said they would fetch them towardes evening and carry them into the country by horse or other carriage. But the examinant saith he did not know what was contayned in the said hampers, trunk, or barrells, onely haueing occasion to goe abroad while Vennor & Craig were there to drinke with a freind, he found at his returne the said two barrells emptyed into the said hampers (as he belieued), and that they were gunnpowder barrells, and that he heard the said Vennor say (at their being a[t] his house) that the said pistolls w[ere] for their owne defence, they not knowing what difficultyes they might receiue in [?] their jouny. And he further saith, that at their being at his house as aforesaid, the said Vennor and Craig moved the examinant to goe with them into the country, pretending [?] the occasion of such their goeing to be that they might haue liberty to declare the mynd and will of the Lord, and that the tyme of such their goeing was to be on the ni[ght] last, being the 9th of Aprill instant. A[nd] the examinant consenting to goe, there was p[aid] [?] the examinant forthwith by the said Vennor the so[mme] of xxx shillings on this accompt, that he m[ight] leaue part of it with his wife, and tak[e] the r[est] with him into the country toward[es] [?] bearing his charges. And being [asked] [?] what persons were at the said meeting saboth day last, he sayes there were very many there, but he knowes none [of] their names other then the said Vennor [and] Craig, he observing the persons relate[d] [?] to that society to be very shy of mak[e]ing their names known.

In another Fifth Monarchy paper<sup>41</sup> written in the Venner cipher and evidently of the date 1657, is a list of the names of twenty-four

<sup>39</sup> Rawl. MS. A. 49, f. 110, somewhat incorrectly printed in *Thurloe State Papers*, vi. 194.

<sup>40</sup> 5 April.

<sup>41</sup> Rawl. MS. A. 54, p. 221.

insurgents and of the weapons which they, no doubt, intended to carry with them in the uprising. The following names are given: Meeke, Tuffnell [Tufnay], [Thomas] Gibbs, Wood, [Samuel] Morris, [Henry] Hubard [Hubbard], Durdning [Durden], [Walter] Simons [Symons], Rutter, Hancock, Rowe, [Edward] Groue, Wilson, [Cornet or Trumpeter ?] Day, Glaze [? Glare], Rabonett, Morrells, [John] Gifford, [Denis] Brooker [Broker], Chadwell, [Thomàs] Barnard [Bernard], [Robert] Hopkins, [Jonas] Allen, and [Leonard] Guler [Gowler]. If we add to these the names of Thomas Venner, Michael Spencer, John Browne [Bourne], Thomas Craig or Crag, Richard Martin [Marten], William Medley, Gregson, [John] Greene, Heywood, Beuerley [Brierley ?], Robert Howard, Richard Horsham, William Ashton, John Crisp, John Doxson, John Elston, and William Kirby Kirkby, Kerby, or Corbet ?, we shall doubtless have an almost complete list of the insurgents of 1657.

All the preparations for the rising had now been made, and the greatest care had been taken concerning every detail. No suspicion apparently had entered Venner's mind, that their plan could now fall through without an engagement. Nevertheless, all their efforts to avoid detection were of no avail, for Secretary Thurloe tells us <sup>42</sup> that information concerning the movements of the insurgents came to the knowledge of the Government two or three hours before the time appointed for the insurrection. The sequel is vividly told in the following extracts :

This evening [9 April 1657] about 7 of clock came to notice to Whitehall of some people who was assembled together towards Bishops gate street, men of the Fift Monarch-principle[.] A party of horse seized them. They was all ready to gett on horseback and goe to some appointed place in the country, as is supposed. About 25 are iust now brought in, and some vnder examinacion . . . <sup>43</sup>

There was a designe amongst the Fift Monarchy men to make an insurrection, & they were soe ready that they had appointed their ran-devoux this night [9 April] at a place called Milend Greene neere London, but it haueinge pleased God to giue vs some notice thereof, & where some of their ringleader[s] were, wee seized vpon xx <sup>44</sup> of them as

<sup>42</sup> *Thurloe State Papers*, vi. 291. Birch, the editor, dates this MS. over a month too late.

<sup>43</sup> *State Papers, Foreign, France*, vol. 154, f. 135, a letter of W. W[alker] to Ambassador Lockhart.

<sup>44</sup> The names of these twenty (twenty-one) are given in *A True Catalogue, or, An Account of the several Places and most Eminent Persons* . . . [1659], p. 14, as follows :

<i>Tho. Venner.</i>	<i>John Brown.</i>	<i>Hen. Hubbard.</i>
<i>Rich. Martin.</i>	<i>Robert Hopkins.</i>	<i>John Gifford.</i>
<i>William Kirby.</i>	<i>Rich. Horsham.</i>	<i>Wil. Ashton.</i>
<i>Sam. Morris.</i>	<i>Leo. Gowler.</i>	<i>Wil. Oxnel [Orman].</i>
<i>Tho. Barnard.</i>	<i>John Green.</i>	<i>John Crisp.</i>
<i>Wil. Medley.</i>	<i>The [? Tho.] Crag.</i>	<i>John Doxson.</i>
<i>Robert Howard.</i>	<i>Denis Broker.</i>	<i>John Elston.</i>

It is noticeable that Spencer, Gibs, and Grove are not mentioned in this list. Perhaps Spencer was the person who informed the Government of the insurgents' plans.

they were ready to take horse, tooke with them many arms & some amunition, as alsoe their Cheife Standard which is a lyon couchant with this motto, Who shall rouse hym vp. With them likewise was taken a Declaration, wherein they sett forth a new Gouvernement. Wee are sending vp & downe to apprehend many other persons who are engaged in this designe, & wee hope to breake it. . . .<sup>45</sup>

Vpon this last late plot discovered [a]gainst his Highnesse, Major General Harrison, Coll. Rich, Captaine Lawson (late Vice Admiral), & Coll. [Henry ?] Danuers haue been, & are still, secured in the custody of the Sergeant att Arms attending the Councill, and one Venner, Richard Martin, William Kirkby, Samuel Morris, Thomas Bernard, & William Madey [Medley], their scribe, in the Tower, and others in Lambeth House & Gate House. The sayed Anabaptists & Quakers were chiefly actiue in the conspiracy. . . .<sup>46</sup>

Of the Fifth Monarchy prisoners Thomas Venner, William Medley, and Richard Martin were kept in the Tower from 9 April 1657 until 28 February 1658–9,<sup>47</sup> and apparently somewhat longer. The prisoners were not ordered to be kept close, and no cause of, or limit of time to, their commitment was communicated to the Lieutenant of the Tower. These circumstances undoubtedly favoured their release several months before the king's return. Their imprisonment had not caused them to alter their intentions, and they quickly made use of their freedom to put their plan of nearly three years before into speedy operation.

Of the inner history of the second attempt of Venner's party to bring their hopes to a successful issue, little is now known, but a fairly complete account of the rising itself may be composed from various contemporary sources. The preparations made for the insurrection are briefly described in a pamphlet entitled *A Relation of the Arraignment and Trial of those who made the late Rebellious Insurrections in London, 1661*:<sup>48</sup>

at the *Meeting-house in Swan-alley in Coleman street Venner, Tufnay, and Cragg* (which two latter were slain in this Rebellion) did several times persuade their congregation to *take up arms for King Jesus against the Powers of the Earth, . . . they were to kill all that opposed them, . . . they had been praying and preaching, but not acting for God . . . divers arm'd themselves at the Meeting-house in Coleman-street, with musquets, blunderbusses, pistols, back, breast, and head-piece, with powder and bullet, and other warlike weapons : . . . in the streets they cried out against the King, and said they would fetch out the Lord Mayor of London : . . . Venner and Pritchard were the chief that led them in their engagement, . . .*

<sup>45</sup> State Papers, Foreign, France, vol. 154, f. 134, a letter of Secretary Thurloe to Ambassador Lockhart.

<sup>46</sup> State Papers, Foreign, France, vol. 154, f. 157, copy of a letter of P. W. to —, dated 23 April 1657, London.

<sup>47</sup> See Rawl. MS. A. 57, f. 191 and 413.

<sup>48</sup> The title and text of this pamphlet are here cited from the *Somers Tracts*, iv, London, 1748, pp. 520–23.

Venner and his followers had again printed a Declaration, which no doubt they intended to distribute as their insurrection progressed. The title of this second manifesto was, *A Door of Hope. Or, A Call and Declaration for the gathering together of the first ripe Fruits unto the Standard of our Lord, King Jesus.*<sup>49</sup> It is a document of some interest on account of certain curious millennial and socialistic opinions therein contained. It will be seen from the following passages that these daring men had a large plan before them :<sup>50</sup>

And when we consider the great opinions of this year, the wonderfull effects it is like to produce, the sweet harmony and agreement of the prophecies, the visibility of those things therein foretold to fall in the time of the witnesses death, the great likelihood of the witnesses resurrection, the great New Covenant-promise of the Spirit made to this work, the wonderfull, undeniable signs of the times, and how miraculously we have been cut out, and preserved for this work, . . . and also having our hearts broken with the love of Christ and boiling over, and having tasted through choice distinguishing grace, the preciousness, power, and love of a soul-endearing Jesus ; we are mightily awakend and stirred up, and that fire that has been hid under our ashes will break out into flames, and that fountain of the rivers of living waters into streams, as the bubbling springs that searcheth the ground, and finding entrance gusheth out. Our lives, and every thing else that is dear unto us upon a worldly account, we despise as a mean thing in comparison of the glory of that Name, which is to us as precious oymntment, and we lay all down at the feet of our Lord Jesus, resolving if we perish to perish there.

We therefore freely, of a ready minde, and with a most chearful heart (accounting it an honour too great for us, . . . to gird on a sword for Christ) give up our lives and estates unto our Lord King Jesus, and to his people, to become souldiers in the Lambs Army, abhorring mercenary principles and interests. And for this works sake we desire not to love our lives unto the death, neither will we ever (if we may speak so great a word with reverence in the fear of God) sheath our swords again, untill *Mount Zion become the joy of the whole earth, . . . untill Rome be in ashes, and Babylon become a hissing and a curse . . .* For that we are not purposed, when the Lord shall have driven forth our enemies here in these nations, and when we shall in a holy triumph, have led our captivity captive, to sit down under our vines and figg-trees, but to go on to *France, Spain, Germany, and Rome, to destroy the Beast and Whore, to*

<sup>49</sup> London, 4<sup>o</sup>, 1660-1, pp. 16 (no separate title-page). The two following pamphlets among others were written against this manifesto : The 'Phanatiques Creed, or A Door of Safety ; In Answer to a bloody Pamphlet Intituled A Door of Hope : or, A Call and Declaration for the gathering together of the first ripe Fruits unto the Standard of our Lord, King Jesus. Wherein the *Principles, Danger, Malice, and Designe of the Sectaries, are Impartially Laid open,*' London, 4<sup>o</sup>, pp. ii, 14. The other bears the title : 'Hell broke loose : or, An Ansvver to the Late *Bloody and Rebellious* Declaration of the Phanatiques *Entituled, A Door of Hope, &c.* Wherein Their horrible Conspiracy and Designs against our Gracious Sovereign, and the City of London, in their late Rebellion is discovered. *Together With a brief View of the Lives, Manners and Malice of those desperat and unparallel'd traytors,*' London, 4<sup>o</sup>, pp. ii, 21.

<sup>50</sup> Pp. 2-3.

burn her flesh with fire, to throw her down with violence as a mil-stone into the sea, . . .

We may now pass on to the events of the insurrection as described in contemporary narratives :

Our great news here is, that since his Maiesties departure to Portsmouth there have been two great alarmes.—Upon Sunday night [6 Jan. 1660–1] about 50 Fifth Monarchy men at 10 of the clock came to Mr. Johnson a bookseller at the north gate of St. Pauls, and there demanded the keys of the church, which he either not having, or refusing, they broke open the dore and setting their sentry's examined the passengers who they were for, and one with a lanthorn replying that he was for King Charles, they answered they were for King Jesus, and shot him through the head, where he lay as a spectacle all the next day. This gave the alarm to the main Gard at the Exchange, who sent 4 files of musketeers to reduce them, but the Fifth Monarchy men made them run, which so terrified the City that the Lord Mayor in person came with his troop to reduce them. Before he arrived they drew off, and at Aldersgate forcing [forced] the constable to open the gate, and so marched through White Cross street, where they killed another constable, and so went into the woods near Highgate ; where being almost famished, on Wednesday morning about 5 of the clock [they] fell again into the City, and with a mad courage fell upon the Gard and beat them ; which put the City into such confusion that the King's Life, and all the City, regiments advanced against them. These 40 men beat the Life Guard and a whole regiment for half an hour's time. They refused all quarter : but at the length Venner, their Captain, a wine cooper, after he had received three shots was taken, and nine more, and 20 slain. Six got into a house, and refusing quarter and with their blunderbusses defending themselves were slain . . . <sup>51</sup>

A more extended account of the second day's engagement is given in the following narrative : <sup>52</sup>

*January* the ninth, the seditious Fifth Monarchy-men at six a clock in the morning [again] broke forth in furious and publick hostility with a party from *Bishopsgate* and another from *London-bridge*, and very excellent well accoutred both for musquets, blunderbusses, carbines, and halbirds, with buff-coats, and helmets, both back and brest [pieces ?]. Being thus compleatly armed, they marched in order, ranck, and file down *Canon-street*, cleering the way as they went ; they were led by Collonel Okey <sup>53</sup> who was seen by a gentleman th[at] knew him very well, so they came up *Watling street* and thorow *Soper lane* into *Cheap side*, saying to some of their gang, Make haste, make hast, the day is our own : so being come into

<sup>51</sup> State Papers, Dom., Charles II, vol. 28, no. 42. The original of this MS. is in the library of the Marquis of Hertford.

<sup>52</sup> In 'The last farewell to the Rebellious Sect Called the Fifth Monarchy-Men on Wednesday *January* the Ninth. Together with their Treacherous Proceedings, Attempts, Combats, and Skirmishes at *VVoodstreet*, *Bishopsgate-street*, *Leaden-Hall*, and several other places. With the total Dispersing, Defeating, and utter Ruining of that Damnable and Seditious Sect in General,' London, 1661, 4<sup>o</sup>, pp. 4–8.

<sup>53</sup> The man who thought he saw Colonel Okey must have been mistaken.

Cheapside they were met by a [?] company of the train bands, who encountered with them, and gave them the first charge, and beat them into *Wood-street*, where the rebels did sturdily ingrapple with them, and very stoutly maintained the passage for above a quarter of an hour with bold, impudent, and audacious spirits, fiercely shooting one at another, but then came one Major *Cox* with another company and gave them a volley, by which, as 'tis related, foure of the rebels dropt (observe, these were but eight that maintained the passage). Their main body lay nearer the lower end, but in this conflict there was a gentleman in Major *Cox* his company that knew Collonel *Okey*, and said, Well Collonel *Okey*, we shall know you, where immediately upon the word speaking he was shot through the body. It is reported his name was *Snow*, a chandler living at *Dowgate*. He was put in the church for the present, after brought in a chair home; the rebels that were kill'd were carryed away upon mens shoulders, the residue fled up *Cateaten street*,<sup>54</sup> where they had another party of their own, met with them armed with firelocks and holberds and coats of male on, and passed up *Frogmorten-street*, intending to take *Leaden Hall* for th[e]ir refuge, but at the upper end of *Bishopsgate street* neer the Standard in *Cornwell*<sup>55</sup> they had another bloody conflict, for there they met with another company of the train-bands, and about six or eight files of the Duke of *Albemarles* r[e]giment of Foot, who had not the patience to stand at distance with them above two vollies, but furiously and valiantly ran in upon them, and knockt them down with the butt end of their musquets. Yet the rebells stood it out with such bold, impudent spirits, that they repulc'd[?] them again, and had them at a distance. Then the trained bands charged, and ordered, and gave them another volley, whereby five of the traytors dropt, and one shot thorow the thigh, whom they would willingly have brought off, but the valiant citiz[e]ns and warlike souldiers ply'd them so hard with powder and bullet, that they were fain to leave him and quit the place, and ran down *Leaden Hall* and *Gracious street*. So they totally routed that party, none of the train band men hurt as we can h[e]ar of, but they clos[e]ly pursued them and took three at that time, and stript them of their buff-coats and shining helmets, and disposed of them to the souldiers, and conveyed them to *Newgate*, and the rest of their scattering gang.

Our most famous and ever renowned Lord Mayor [now came up] with a company of the City Horse, himself in his buff coat, and his sword drawn in his hand,<sup>56</sup> where he met with a party of those seditious fellows and charged through them very valliantly, but did no great execution in regard of their coats of<sup>57</sup> male, yet he left them not off till he took some of them, and defeated all the rest; by which time the *Middlesex* regiment and all the oxilliaries were together in a ready posture, and the trained bands stood in a publick, brave hostility, which did shew a great deal of loyalty, and true allegiance to their Prince, whereby they have got such a mark of honour, that will remain upon their posterities unto futune [future] generations.

The City gates were all shut up, and no passing in nor out from seven a clock till ten, likewise all the shop doors and windows were shut up and

<sup>54</sup> Now called Gresham Street.

<sup>55</sup> Cornhill.

<sup>56</sup> This sentence is incomplete in the pamphlet.

<sup>57</sup> The pamphlet reads 'o' instead of 'of.'



kept close all day long, and the trained bands wheeling and traversing up and down the streets, and making search over all the City both for arms, armer, and traytors, which for arms they found a considerable number, and in *Bishopsgate-street* in one house they found a whole cart load of armer, helmets, and both back and brest [pieces?]. At *Bishopsgate* there was a skirmish, and a captain of the *militia* slain, and one boy near *Bedlam* by a party seen to come from *Moore-fields*, but not long they had been there but my good Lord Mayor came and saluted them with powder and bullet, and they stood against him with such audacious impudence, that even rebellion itself might stand amaz[e]d at it: yet nevertheless through the heroical courage and brave behaviour of our prudent, famous, and ever renowned Lord Mayor, these merciless and cruell tygers were soon dispersed and totally rounted [*sic*], some fled, and some taken to the number of six.

In *Billiter-lane* there came a party to one *Gibbs* his house, a joyner, and bad him, Come away, come away, for the day is our own. This *Gibbs* was amongst them, but he escaped and came home, which immediately the trained bands search'd for him, and took both him and his wife and some others in the house, and carried them to *Newgate*.

About ten of the clock strong guards were placed about *White-hall*, which being done, Prince *James* of *York* mounted and prepared for the City. His attendance was the Life-guard to the number of seven hundred gallant, substantial Horse, two silver trumpets, and twelve noble gentlemen rid before him bare headed, . . . The City trained band continued searching phannatick parties. In the afternoon there was a woman in *Cheapside* speaking most horrible and malicious speeches against his Majesty and people, for which high piece of impudence she was cruelly maul'd with stones in th[e] street by the boyes. Their great and ancient meetinghouse, the Bull and Mouth at *Aldersgate*, was searcht, and they found there a chest of money which was layd [layd] up for a reserve to maintain their mischievous, horrid, and detestable villany; the people of the *Inne* were likewise carried to *Newgate*. The unparalleled traytor and merciless [?] tyrant that murdered the constable in *Chizel street* was taken amongst the rest of <sup>58</sup> these seditious rebels and carried to *Newgate*. . . . Several other prisoners were secured in *Legg-ally*, *Newstreet*, *White-friers*, and other places to the number of twenty seven, as also one *Bare-bones*, a prime instigator, and four or five more in his house, and numourous more in other places, and arms almost in every house, this being the barbarest insurrection that ever hapned in any Kings government, . . . Ian. 9. 1661.

Samuel Pepys, in his *Diary*, under 9 and 10 January 1661, has the following notices among others relative to this rising:

9th. Waked in the morning about six o'clock, by people running up and down in Mr. Davis's house, talking that the Fanatiques were up in armes in the City. And so I rose and went forth; where in the street I found every body in armes at the doors. So I returned and got my sword and pistol, which, however, I had no powder to charge; and went to the door, where I found Sir R. Ford, and with him I walked up and down as far as the *Exchange*, and there I left him. In our way, the streets full of train-

<sup>58</sup> 'Of' is repeated in the pamphlet.

bands, and great stir. What mischief these rogues have done! and I think near a dozen had been killed this morning on both sides. The shops shut, and all things in trouble.

10th . . . Mr. Davis told us the particular examinations of these Fanatiques that are taken: and in short it is this, these Fanatiques that have routed all the train-bands that they met with, put the King's life-guards to the run, killed about twenty men, broke through the City gates twice; and all this in the daytime, when all the City was in armes; —are not in all above 31. Whereas we did believe them (because they were seen up and down in every place almost in the City, and had been in Highgate two or three days, and in several other places) to be at least 500. A thing that never was heard of, that so few men should dare and do so much mischief. Their word was, 'The King Jesus, and their heads upon the gates.'<sup>59</sup> Few of them would receive any quarter, but such as were taken by force and kept alive; expecting Jesus to come here and reign in the world presently, and will not believe yet.

Sir John Finch wrote to Lord Conway on 11 January 1660-1:

These things have produced three effects: that no man shall have any armes that are not registerd; that no man shall live in the City that takes not the Oath of Allegiance; that no person of any sect shall out of his own house exercise religious duties, nor admit any into his house, under penalty of a riott; . . .<sup>60</sup>

The attitude of the Government as here expressed may have been responsible for an attempt at a further rising, which was to have occurred during the night of 12 January, but which appears to have been averted. The plan for this undertaking shows that the so-called 'private marke' Anabaptists were really interested in Venner's insurrection, though they did not as a body take part in it.<sup>61</sup>

In this rising more than twenty prisoners were taken, including Venner. We have the names of twenty of them as follows:

Thomas Venner, Roger Hodgkin, Leonard Gowler, Jonas Allen, John Pym, William Oxman alias Orsingham, William Ashton, Giles Pritchard, Stephen Fall, John Smith, William Corbet, John Dod, John Elston, Thomas Harris, John Gardner, Robert Bryerly [Beverley?], Richard Marten, John Patshall, Robert Hopkins, and John Wells.<sup>62</sup>

<sup>59</sup> This motto evidently took the place of that employed in 1657, 'Who shall rowze him up!'

<sup>60</sup> State Papers, Dom., Charles II, vol. 28, no. 42. This is a copy.

<sup>61</sup> This may be gathered from the following note, partly written in shorthand, and dated 12 January 1660-1, three days after the last day's skirmish of Venner's insurrection:

'Mr Ratcliff [blank space] (that ?) a confidante . . . the wief of an Anabaptist, tells (him that the ?) Anabaptistes were against (the ?) rising Sunday [Jan. 6] & Tuesday night, (but that they are ?) all resolved to rise (this ?) night, & (that ?) one of (the ?) activest [?] of them sent to her to speak to all of her acquaintance, (that ?) are (?) of (the ?) godly, to be redde to rise (this ?) night when [?] both Anabaptistes & 5th Monarchy men resolve to rise. He is gon . . . & (will ?) send me word what [?] (he ?) heares. . . .': State Papers, Dom., Charles II, vol. 28, no. 43. The words enclosed in round brackets are written in shorthand in the MS.

<sup>62</sup> 'A Relation of the Arraignment . . .' 1661, *Somers Tracts*, iv. 520-23.

These twenty were all tried together as traitors on 'Thursday (January 17.) . . . at Justice-Hall in the Old Baily,' while 'the rest being dangerously wounded, were put off by the Court for a future trial.' All who appeared at the first trial were found guilty except Richard Martin, John Patshall, Robert Hopkins, and John Wells. Pym and Bryerly [? Beverley] were for some time reprieved. The condemned men were ordered to be executed in various specified places. Samuel Pepys saw Venner going to his death on 19 January, two days after the trial:

19th. To the Comptroller's, and with him by coach to White Hall; in our way meeting Venner and Pritchard upon a sledge, who with two more Fifth Monarchy men were hanged to-day, and the first drawn and quartered.

21st . . . This day many more of the Fifth Monarchy men were hanged.

Thus ended Venner's insurrection, and thus the Fifth Monarchy movement received a blow from which it never fully recovered. Nevertheless, it did not at once entirely succumb, as must have been hoped. Indeed, it was reported, and perhaps with some foundation, that the Anabaptists and Fifth Monarchy men were plotting a further insurrection to take place on Monday, 15 April 1661, when Charles II was to be at Windsor.<sup>63</sup> Accordingly on Sunday, 14 April, a raid was made under the king's special warrant upon several suspected houses, in which probably the innocent fared as badly as any possible traitors.

The fact that the Fifth Monarchy movement was as yet by no means dead, is made manifest in a letter of William Pestell to Sir Edward Nicholas, dated 28 November 1661:<sup>64</sup>

I shal acquaint you, that since the late disturbance in the west, of which I so often acquainted you with, I haue heard that the Fifth Monarchy men haue their agents strongly at worke in Yorkshire, about Durham, about Yarmouth, & also in Deuonshire, & I am certaine they reioice in hope of their successe, they are so besotted & blinded. And the great preachers which blow up the coules of rebellion are Mr. Palmer, Mr. Elmes, Mr. Belchar,<sup>65</sup> Mr. Feake, Mr. [John] Cann & Mr. [John] Rogers, who trauell from county to county & are hardly a month in a place. Besides they haue their disciples who keepe up their meetings now at this tyme at Mr. Andrews, a rich brewer in Lymehouse, & in other houses in that

<sup>63</sup> *The Traytors Vnuailed*, . . . Vpon Svdny the 14th. of April 1661, in *Nevigate* . . . , 1661, 4<sup>o</sup>.

<sup>64</sup> State Papers, Dom., Charles II, vol. 44, no. 135.

<sup>65</sup> Pestell, in a letter to Nicholas, dated 26 September 1661, says that Mr. 'Belchar' was the principall preacher at Colman street, & should haue joynd with Venner, had they not differed about rising in the City. His buisnesse is to goe from country to country & seduce the people, & now he practiseth the same thing. & in the same way, as he did before Venners rising': State Papers, Dom., Charles II, vol. 42, no. 38.

towne where Belchar was not long agoe, . . . There is Mr. Medley in Seething[?] lane, that married Venners daughter, who is as right as his father[-in-law] for rebellion. He is the scribe & accountant for that faction, & he hath not only a list of their party, but he had, & I conceiue hath now, the keeping of all the letters & papers of correspondence betwene that party in euery county, as also what stocke of money they haue; & this I was certainly informed off by my ould freind, Mr. Pugh, but lately before he went to Holland; & if he were suddenly & secretly surprized, I am confident some papers would be found to your content. There is also one Coates, a scriuener in Lyme house that is uery much employed by them, which if his house was searcht, as also Mr. Andrewes his house, there would be a preuention of further designes, & I doubt not but a discouery of what is already in motion. There is also a widdow in little Woodstreete. Hir name is Harding,<sup>66</sup> is a uery uiolent woman, & is much intrusted with papers & letters, because shee liueth obscurely, but a strictt [?] inquiry after hir & a secret surprisall would find them out, if not remoued, for I heard they were there three weekes agoe.

The Fifth Monarchy men, therefore, were still active, but their preachers can never again have had the influence they had enjoyed before 9 January 1661, though for a time they seem to have been just as busy as ever in their work. As late indeed as 22 September, 1663, fears were entertained that yet another rising might take place, for on that date one Peter Crabb wrote to Sir Henry Bennet, secretary of state, as follows upon that subject:<sup>67</sup>

The Fifth Monarchy men are now in the same mind that they were in (Veners busines), and as I am assured by Mr. Bellsham [?Belchar], who is a very eminent man amongst them, that they are to meete in Dukes Place at one Mr. Stockdales, a silkthroster (a man very well knowne) one night this weeke, and so to conclude vpon the tyme when to finish the Lords worke, as they call itt, . . .

Vigilance on the part of the government was undoubtedly of great value in bringing about a calmer state of affairs. But even after 1663 Fifth Monarchy views must have been widely prevalent; indeed as late as about 1670 one Nicholas Cox said concerning the movement:<sup>68</sup> 'Many hundreds I [k]now that will be true[?] to King Jesus, the King of all Kinges, in this cause of the Lords batell in the Golspell[?].' No doubt the appearance of the Declaration of Indulgence in 1672 tended, at least for the time, to make the further proclamation of Fifth Monarchy views undesirable, as well

<sup>66</sup> Evidently 'our Sister Hardye,' mentioned in Venner's Journal, section 17, and very likely the 'woman in *Cheapside*' who is reported to have spoken 'most horrible and malicious speeches against his Majesty and people' in 1661 (above, p. 743).

<sup>67</sup> State Papers, Dom., Charles II, vol. 80, no. 101.

<sup>68</sup> *Ibid.* vol. 275, no. 134, II.

as unnecessary ; and after the withdrawal of the Declaration the Fifth Monarchy, as a movement of any influence, appears to have been dying, or dead.

CHAMPLIN BURRAGE.

*Sir William Howe and General Burgoyne.*

SOME letters calendared in the second volume of the Stopford-Sackville Papers<sup>1</sup> put the case of Sir William Howe in the controversy regarding the surrender of Saratoga more clearly than it is stated elsewhere. Sir William Howe wrote to Sir Guy Carleton from New York on 5 April 1777 :

Having but little expectation that I shall be able from a want of sufficient strength in the army to detach a corps in the beginning of the campaign to act up Hudson's River consistent with the operations already determined upon, the force your Excellency may deem expedient to advance beyond your frontiers, after taking Ticonderoga, will, I fear, have little assistance from hence to facilitate their approach, and, as I shall probably be in Pennsylvania when the corps is ready to advance into this country, it will not be in my power to communicate with the officer commanding it so soon as I could wish ; he must therefore pursue such measures as may, from circumstances, be judged most conducive to the advancement of his majesty's service consistently with your excellency's orders for his conduct.

A copy of this letter was forwarded to Lord George Germain, who, on 18 May, wrote to Sir William Howe :

Your secret letter of 2 April received with its two inclosures. . . . As you must, from your situation and military skill, be a competent judge of the propriety of every plan, his majesty does not hesitate to approve the alterations which you propose ; trusting however that, whatever you may meditate, it will be executed in time for you to co-operate with the army ordered to proceed from Canada and put itself under your command.

Finally, on 22 October, Howe wrote to Germain :

I am surprised to find the General's (Burgoyne's) declaration, in his message to Sir Henry Clinton by Captain Campbell, 'that he would not have given up his communications with Ticonderoga had he not expected a co-operating army at Albany,' since in my letter to Sir Guy Carleton, a copy of which was transmitted to your lordship in my despatch of 2 April 1777, No. 47, and of which his majesty was pleased to approve, I positively mentioned that no direct assistance could be given by the Southern army. This letter I am assured was received by Sir Guy Carleton and carried by him to Montreal, before General Burgoyne's departure from thence.

H. E. EGERTON.

<sup>1</sup> Historical Manuscripts Commission, *Report on the MSS. of Mrs. Stopford-Sackville*, 1910, vol. ii. pp. 65, 67, and 80.

*Papers relating to the Irish Rebellion of 1798.*

MR. W. J. FITZPATRICK, in his *Secret Service under Pitt*, has added to the information collected by Froude<sup>1</sup> as to the sources of information which led to the detection of the plans of the Irish conspirators for a second expedition from France to Ireland. In particular, he has pointed out the importance of the news forwarded to the British government from Hamburg by an anonymous informer whom he believes to be Turner, the accredited agent of the United Irishmen at that city. The evidence adduced in his work<sup>2</sup> seems to trace to that source the arrest of Father O'Coigly (known in England as Quigley), Arthur O'Connor, and an Ulsterman named Binns, at Margate on 28 February 1798, while seeking to make their way to France. As is well known, the evidence against the two latter was deemed inconclusive; but O'Coigly was hanged for high treason at Maidstone on 7 June 1798.

In the Pitt Papers, No. 324, I have discovered copies of the following letters, which gave another clue to the British ministry. I cannot find anything about H. Ross or J. Parish. Probably they were government agents. Parish seems to have been well known at Hamburg; and it is possible that the earlier information which led to the arrest of O'Coigly and his associates may have been due to him rather than to Turner. In any case it is certain that government was now once more warned of the existence of plans for a French invasion of Ireland. One of the O'Finns, described in the American's letter printed below, is probably the same as the O'Finn referred to by Wolfe Tone, when in Paris in June 1798, as 'a mere adventurer.'<sup>3</sup> They are not named by Lecky, Froude, or Mr. Fitzpatrick. Perhaps it was an assumed name.

(Copy)

*Gower St., 18 March 1798.*

Sir,—Owing to my absence, the enclosed packet has but this moment come to my hands, which I think it my duty to instantly forward to you, and likewise the letter which accompanied it to me. I have &c.,

H. Ross.

(Copy)

*Hamburg, 9 March 1798.*

Sir,—I have the honour to address you on a subject which may be of some importance for you to know, and I hope that my direct Information will not be considered as either presumptuous or improper. It is a duty I owe to my country; and my only wish is that it may help to lead to the detection of a plot which has an evident tendency to the injury of its government. I have only this moment received this intelligence, and I hasten to lay it before you.

It is from a friend of mine, an American for some time resident at Brussels, and a man whose veracity I have no reason to doubt. He informs

<sup>1</sup> *The English in Ireland*, vol. iii. bk. ix. sect. iii.<sup>2</sup> Ch. iii.<sup>3</sup> Wolfe Tone, *Autobiography*, ii. 329. See, too, *Castlereagh Corresp.* i. 306, ii. 5.

me that on the 22nd ultimo there arrived at that place two Irishmen, charged with a traitorous correspondence—they were on their way to Paris, had come by Holland, after passing through England on their route from Ireland. All this you will find more clearly explained in the copy of my friend's letter which I beg leave to enclose. You have it in his own words. The difficulty of passing from France and Holland into England may lead these men to Cuxhaven. I have therefore thought it proper to send to Mr. Bowers, agent for the General Post Office there, a description of one of their persons and both their names, in order to his making such use of it as his office may entitle him. At any rate I have desired him to give intimation to your office if any such persons should take their passage in the Packets for Yarmouth.

Rt. Hon. H. Dundas, &c., &c.

I have &c.

J. PARISH.

(Copy)

Brussels, 22 February 1798.

I beg leave to communicate to you a piece of Intelligence, which, if it can frustrate the design of two infamous traitors, it will give me infinite pleasure, as I am sure it will you.

When I was yesterday at the municipality of this place to obtain our passports, two young men came in to present and have their passports verified.

I soon found from their dialect that they were Irishmen. I had the curiosity to know by what means they came hither and therefore got as near the bureau as possible, where I had an opportunity of seeing both their passports, which was (*sic*) as follows: Their Description—Edmund O'Finn, member of the secret committee of United Irishmen of the County (*sic*) of Munster, resident at Cork, aged 27 years, black hair, blue eyes, small mouth, visage oval. Francis O'Finn of the same committee, but I could not get his description taken off, as a number of people were pressing forward to see them. They were charged with a large packet for the Directory, their passports signed by Charles De la Croix, the French Minister at the Hague. The packet he had also examined and sealed, and sent them forward with it to Paris. By their account it contains the plans of the different places in Ireland, the number of troops and marine force in that island, and also the number of those deluded people who are impatiently awaiting the arrival of the enemy. They stated their amount to be 70,000 men, all of whom were already furnished with French cockades. It appears that those people came through England and landed at Flushing, they had also with them a list of the marine force between Dungeness and the North Foreland. Of all this they informed the commissary of the Bureau who appeared to receive them with great joy. You may suppose how I felt on seeing two such traitors about to sell their native country to the present unprincipled party on this side of the water, who would rivet the chains of slavery on them under the name of Liberty. They have deluded thousands in this country who are now absolutely in the greatest misery.

I most sincerely hope measures will be taken to apprehend these men, should they return by the way of England; and if this information can in any manner serve to discover the rest of the committee, you have my full permission to use it where you think it will have the best effect. But as

you know that for two months to come I shall not be out of the reach of the Directory, I wish my name not to be mentioned. But you may safely vouch for the authenticity of what I have communicated. This goes by a private conveyance, and I hope it will soon reach you.

P.S. The two Irishmen are brothers.

(Copy)

(To Mr. H. Ross.)  
Newnstedden, 9 March 1798.

My dear Friend,—I have just received a letter from Brussels of an interesting nature ; it struck me instantly as proper that it should be made known to Ministry. This has led me to write a few lines with it to Mr. Dundas. My despatch is sealed but a copy goes along with it. The whole under this cover to you. When you have read it and that you judge it proper, in that case send my letter to his office, otherwise you may destroy it. My intention is good, and by the last paper I see that some of the gang have been apprehended at Margate. This may throw some more light on it. I have wrote fully to Bowers, and I know he will keep a sharp look after our chaps, should they happen to come that way. What an infamous set ! I send this under cover to John in case you should not happen to have reached London by the time this gets there : in that case I have desired him to deliver it.

*Endorsed.* Copy of letters from Mr. J. Parish to Mr. Dundas and Mr. H. Ross—forwarded by Mr. Ross.

Another document of some importance is the following. It refers to a curious incident which can be fully understood only by a reference to the *Castlereagh Papers*, First Series, i. 347–353, and *Cornwallis Papers*, ii. 379 *et seq.* The facts were briefly as follows. Some of the State prisoners apprehended in Ireland during the rebellion of 1798 desired to make an explanation and an appeal for mercy to the authorities at Dublin and sent in a requisition to the lord lieutenant, Lord Cornwallis, through Lord Castlereagh. The latter had an interview with Arthur O'Connor,<sup>4</sup> Dr. McNevin,<sup>5</sup> and Addis Emmet,<sup>6</sup> who, on certain conditions, agreed to make a written statement of their past conduct. The government however deemed their 'Memoir' to be a vindication of themselves rather than a statement of facts, and returned it to them, on the understanding that they would soon be examined by the privy council or secret committee. Nevertheless, being loosely guarded, they succeeded in sending their Memoir<sup>7</sup> to the Dublin newspapers, which published it on 27 August 1798, along with an 'advertisement.'<sup>8</sup> The aim of the prisoners evidently was to encourage a revolt now that news had arrived of the landing of the French in Killala Bay

<sup>4</sup> A. O'Connor was arrested with Quigley at Margate in February 1798, but was released. He had edited a seditious paper, the *Press*: see Lecky, viii. 5.

<sup>5</sup> McNevin was delegated by the United Irishmen to the French Directory early in 1797.

<sup>6</sup> Father of Robert Emmet, author of the plot of 1803.

<sup>7</sup> See *Castlereagh Papers*, i. 353–372.

<sup>8</sup> *Cornwallis Papers*, ii. 392, 401.



on 22 August. On the next day Mr. Marsden, under-secretary to Lord Cornwallis, had an interview with them, which, as not being included in the *Cornwallis* or *Castlereagh Papers*, may be published here :—Roger O'Connor, elder brother to Arthur, afterwards declared that there was a 'treaty' between government and the prisoners.<sup>9</sup> But (apart from hasty expressions of the marquis of Buckingham) I have found no evidence that it was anything more than a private understanding, from which, in the particular named above, the three prisoners themselves departed. Along with nearly eighty others, they agreed to go into perpetual banishment in order to save the life of one of their number, Oliver Bond.<sup>10</sup> Singularly enough, this man died suddenly of apoplexy on September 5.<sup>11</sup>

J. HOLLAND ROSE.

(Copy)

Minutes of a Conversation between Mr. Marsden and Dr. McNevin, Arthur O'Connor, and J. A[ddis] Emmet, State Prisoners.

29 August 1798.<sup>12</sup>

I saw each of the Prisoners—separately,—and told them that Government was much displeased at the advertisement; that the House of Commons had taken it up warmly; and that the People had expressed much indignation at it. Each answered that the only object was to do away the misrepresentations of their Examinations which had appeared in the Newspapers.—By their *friends* they meant not the political connections, but a few individuals who they wished should think they had not acted dishonorably in giving evidence contrary to what they had engaged with Government to give, and each expressed concern at the misunderstanding which had been occasioned. I said that such an advertisement at this time had much the appearance of another design, and that certainly the mode they had chosen was a most improper one. That Government had acted with good faith to them, and if they had any complaint to make they ought to have stated it in a letter to Lord Castlereagh,<sup>13</sup> who would, I made no doubt, have taken some public opportunity of noticing the misrepresentation. Emmet was very desirous of being examined at the Bar of the House that he might disclose his motives. He could not have any design, he said, of encouraging his friends to join the French, for, whatever he might do if 15 or 20,000 were to land (of this he said he made no secret), yet when so small a force as 800 was sent he would certainly not recommend to his friends to come forward.<sup>14</sup>

I asked each what the misrepresentations were of which he complained. Emmet said it was stated in the Newspapers that the military organisation

<sup>9</sup> *Cornwallis Papers*, ii. 460.

<sup>10</sup> *Ibid.* ii. 428. For the views of the marquis of Buckingham (then at Dublin) see *Dropmore Papers*, iv. 289 *et seq.*

<sup>11</sup> *Beresford Correspondence*, ii. 183.

<sup>12</sup> Chatham MSS. 325.

<sup>13</sup> Acting as secretary to Lord Cornwallis; he became chief secretary in November 1798, on the retirement of Mr. Pelham.

<sup>14</sup> A French force of 1100 men under General Humbert landed in Killala Bay on 22 August.

had commenced in 1795, whereas it had commenced in 1796.—That several names had been given, as mentioned by him to the committee, as Tone, Lewins, Lord Edward [Fitzgerald], which they had not disclosed, and that he was reported to have said that the People did not care a feather for Catholic Emancipation or Parliamentary reform, whereas he had qualified the latter expression [as in the Report].

McNevin complained that he was made to say that the Loan borrowed from France was to be paid out of the confiscated Church Property &c.—that his answer to the question which was asked him by the committee of the Commons was that the Revenues of the Country would easily discharge the debt, and that the Pension list would more than pay double the Interest.—He likewise said that the Statement was wrong that the French had refused the Loan because it was not agreed to that they should send a large force to invade Ireland.—The Newspapers also made him say upon his oath that he had given a most exaggerated statement of the situation of Ireland. The money also to be borrowed was said to be 1,500,000, whereas it was only half a Million.

O'Connor could not recollect any particular misrepresentation in the Newspapers. He said that in his Examination he had not mentioned the name of Valence, who was an *émigré*, and one that the Irish were particularly cautioned against as not to be trusted.<sup>15</sup> The rest of his examination as stated in the Report he said was perfectly correct, and that he was willing to confirm it by more particulars if the committee chose.—All that he had said, had not been given, but nothing he had said, save the one, had been misstated.

McNevin likewise said that his examination, as published by the committee, was, with very trifling exception, not worth mentioning, perfectly correct.

Emmet said he had not read the Examination and made no comment upon it, but O'Connor, who had the Report, and read Extracts from it, said that the two others had seen it.

O'Connor said that it was by his sole exertion that Leinster was organised. When he got out of prison he found that everything had gone back, and for five months he stuck to it and effected more than all the others put together. He had conferences with the Generals in France so early as 1793; and at the time of his speech he knew and alluded to what the French meant to do. No one in Ireland had done so much in this way, but it was then as an individual. He had not been in France since he was an United Irishman. It was in the heart of France that the interview was which had occasioned the invasion. He had not, nor, he was sure, had any other, been introduced to Hoche by General Valence.

He said he suspected the channel through which a copy of the *Mémoire* had been procured. If he was right, it was a person in that very department who had written the letter in the winter of 1796, which said that the French were not to come until the spring, and prevented the United Irishmen from being prepared for them. When the French fleet arrived in Bantry Bay, he was certain it was Elphinstone's squadron.

(Signed) ALEXANDER MARSDEN.

<sup>15</sup> General Valence went over to the Austrians with Dumouriez in April 1793.

## *Reviews of Books*

### *Hammurabi und das Salische Recht : eine Rechtsvergleichung.*

VON HANS FEHR. (Bonn : Marcus & Weber. 1910.)

THE laws of a Mesopotamian monarchy set forth about three thousand years ago, when it already had a long settled civilisation, do not seem at first sight to present an extensive or favourable field for comparison with the customs of a loosely organised Frankish tribe, governed by a royal authority still young, as recorded in barbarous Latin in the early part of the sixth century after Christ. Not that the distance in time is of the first importance ; for there is no fixed limit to the survival of archaism, and many things in European medieval law find their nearest parallels in the very oldest traces of Roman or Greek institutions. But the difference in political conditions and (so far as can be divined) social traditions is fundamental. Professor Fehr of Jena has however undertaken the comparison ; he has performed it in a workmanlike manner, with command of every resource short of being himself able to read the Babylonian original, and with sound judgment and self-restraint in the face of temptations to paradox ; and he has obtained better positive results than might have been expected. The value of these results is not due to luck, but to the deliberate choice of two specimens of Germanic tribal and Semitic monarchical customs, which are so widely separated as to eliminate any reasonable chance of imitation, direct or indirect. Whatever material resemblance may be discovered between the Lex Salica and the dooms of Hammurabi (we follow the spelling of previous writers *salvo meliore iudicio*) may be taken to belong to a stock of ideas deeply rooted in archaic legal institutions in general, and therefore in archaic human nature. And such ideas, as Professor Fehr justly points out, cannot be ascribed to any specially national character or process. When we say archaic, we speak of a stage in which there is already some recognised social order and some public authority, claiming and on the whole receiving obedience. There is nothing to be said here of any preceding state except that so far all attempts to dogmatise about it have failed. One who is so much beholden to Maine as the present writer may be allowed to rejoice in passing at the summary fashion in which Professor Fehr, on the Semitic as well as the Germanic evidence, dismisses the great dogma of universal matriarchy, fashionable about twenty-five years ago. There is no trace of *Mutterrecht* in Hammurabi's Babylon.

The main coincidences noted by Professor Fehr are as follows : The lawgiver affects to declare the rules by way of concrete instances : *ein*

*typischer Tatbestand ist herausgegriffen.* But surely this has not ceased to be modern practice. If Professor Fehr's work were intolerably disturbed by rowdy students or others in the street he might have to rely on a section of the German Penal Code beginning, if I remember right, *Wer ruhestörenden Lärm erregt.* And like forms are familiar to English draftsmen. Archaic or not, it is a very good form. Let us take off our hats to Hammurabi and Chlodwig. The really archaic mark is the statement of a case, probably taken just as it has occurred in practice, with a mixture of typical and accidental circumstances. Then the claim of a divine origin for formulated law is Germanic as well as Semitic, for we read *inspirante deo* in the Lex Salica. Here, if anywhere, there is the risk of 'contamination.' The Salian Franks did not quote Exodus at large, like King Alfred, but they had heard of the Ten Commandments. On this head however there is such a mass of evidence from all quarters that the particular case is not worth dwelling on. Coming to more practical governing ideas, we have the conception of acts in the law as essentially public; meaning not merely that law cannot 'try the thought of man,' but that facts must be solemn or notorious before it will take notice of them. What is to be well done must be done with good witness. This implies absence, in a general way, of anything like our modern weighing of evidence and judicial discretion. Real or apparent exceptions may no doubt be found (H. 168 looks like an administrative rather than a strictly judicial provision; under the most strictly formal system a public officer must often have to satisfy himself of facts as best he can before exercising his authority). But it remains true that the only proof known to the law is formal proof. Oath, for example, is decisive if admitted at all. Side by side with formalism of proof goes formalism in responsibility. A man answers for his voluntary acts and their consequences, intended or not intended, without distinction. Even modern law preserves traces of this view, which on the other hand is discarded in some of its more obviously unjust results at a pretty early stage. Hammurabi's laws had made greater advances towards a rational rule about negligence than the Salic law, as might be expected from the much greater development of business. Whether archaic methods of proof remained in full force, for commercial purposes, among people who had banks, trading companies, and negotiable instruments is perhaps a question to be reserved for the further consideration of Assyriologists. Symbolic delivery is recognised in both systems; indeed Babylon seems (though the word is not quite certain) to offer a counterpart of the Germanic *festuca*.

In family law there is, naturally, much more difference than resemblance to be found. I incline to think that Professor Fehr underrates the variety and complexity which marriage settlements, to use the English term, had attained under Hammurabi. H. 150 goes, for an English conveyancer, into the rubric not of 'gift' but of 'post-nuptial settlement.' The rules as to personal injuries, again, are widely divergent, flowing as they do from the wholly different and all but irreconcilable notions of retaliation and compositions. But on one matter touching the public peace Hammurabi and the rulers of the Salian Franks agree heartily: they both forbid self-help, especially in the form of extrajudicial cattle-driving; Hammurabi, one suspects, with the greater success.

A student of comparative jurisprudence may possibly say that these general features of archaic law do not contain anything novel to him, though he may be a little surprised at some of them having persisted in a state of such advanced civilisation as that of the Babylonian monarchy about 2500 B.C. But a man is not always ready to give chapter and verse for impressions derived from the sum of prolonged and wide study, and Professor Fehr has put good weapons of chapter and verse ready to our hands at need. *Hoc non potest deducere*, we may now say (with thirteenth-century records) of any blundering antiquary who continues, as some probably will, to drag inapplicable modern sentiments and reasons into the discussion of ancient institutions. *Ideo suspendatur*, but only *naso adunco*, for we have mitigated penalties everywhere. Once more we have to thank Professor Fehr for a piece of sound and unpretentious work. So far as he formulates conclusions they are directed against excessive tendencies of the German historical school, by which we are little affected in England.

F. POLLOCK.

*Les Finances des Cités Grecques.*

Par HENRI FRANCOTTE. (Liège : Vaillant-Carmanne. 1909.)

THIS volume consists of ten essays dealing with various branches of Greek state finance. Some are now published for the first time, while those which have already appeared have been subjected, according to the preface, to a thorough revision. The author has obtained for himself a considerable reputation in these matters, but the present volume, far from adding to it, seems much more likely to undermine it. At the beginning of the first essay we read :

Les anciens considéraient comme des sources de revenus très importantes, les droits d'entrée et de sortie et les droits sur les ventes, spécialement sur les ventes au marché : Périandre à Corinthe (Heracl. FHG. II, p. 213), plus tard les Thébains (Xen. Hell. V, 2, 16) et les Thessaliens (Dem. I, 22) en tiraient les principales recettes de leurs budgets.

Here is a definite statement, very important if correct, and supported by references ; would any reader think of questioning it, coming as it does from a writer of M. Francotte's standing ? Yet the simple process of verifying his quotations will throw an unpleasant light upon his methods of using the ancient authorities. We find Heraclides quoted without a shadow of hesitation as proving beyond question that Periander's chief source of revenue consisted of taxes on imports, exports, and sales. Heraclides is so dubious an authority for anything that we need not lay particular stress upon the point that the quotation in question should have been given as from Ps.-Heracl. ; but it is very unfair to quote as certainly true a statement of which so great an authority as Busolt says (i. p. 649 n. 1), ' it contradicts Aristotle and Theophrastus,' and is ' unhistorical.' The second reference is to Xenophon's *Hellenica*, V. 2, 16, quoted as proving for the Thebans what Heraclides proved for Periander. In fact, Xenophon is not referring to the Thebans at all, but to the Olynthians, and M. Francotte, in allowing himself to be misled by the mention of Boeotia a few

lines before, must be pronounced guilty of culpable negligence. Furthermore, Xenophon does not mean that the harbour-dues were the main source of the wealth of Olynthus, but that they formed an extraordinary and peculiar source of revenue in the case of this city; the passage, therefore, should not be quoted in support of a statement referring to the Greeks in general. The third reference is erroneous in a different way. What we really learn from Demosthenes is that 'the Thessalians had granted Philip their harbour and market dues in gratitude for his services, and in compensation for the cost of his aid against the tyrants of Pherae' (Sandys *ad loc.*). We cannot believe that Thessalian gratitude was so powerful as to make them surrender the source from which they drew 'les principales recettes de leurs budgets'; and this very improbable notion is rendered still more unlikely by a remark that Demosthenes goes on to make—that the loss of these dues would merely result in causing Philip to have some difficulty in paying his mercenaries. M. Francotte's assertions surprise us the more since he had one really sound and established fact to point to—namely, that after the Sicilian catastrophe the Athenians replaced the *phoros*, which had been raised to the highest possible figure, by a tax of 5 per cent. on all exports and imports carried by sea to or from the harbours of their confederacy, in the belief that they would thus obtain an increased revenue (Thuc. 7, 28). Taken in conjunction with the statement about Olynthus, this justifies us in declaring that a state controlling numerous harbours might derive a large revenue from harbour and market dues, but not in laying down any more unqualified rule.

M. Francotte proceeds to consider the levying of export and import duties. He says:

Où est-il perçu ? A l'entrée et à la sortie par mer, nous le savons.

Mais qu'en est-il pour la voie de terre ?

Le traité entre Gortyne et Lappa (SGDI 5018—Michel 17, l. 15), celui de Priansos et des Stalites et celui d'Olonte et de Latos (cf. Mémoire X) donnent aux citoyens des deux états la libre entrée par la voie de terre, mais pour la voie de mer, les soumet au paiement des droits de port. Cela suppose donc une douane à la frontière. Mes ces témoignages sont exceptionnels. Je croirais volontiers qu'en général, l'entrée par la voie de terre se faisait en franchise; elle était de faible importance à cause de l'absence de bonnes routes et les droits n'auraient donné qu'un produit insignifiant.

Here M. Francotte displays a new weakness. He will not bring out the full force of his authorities even when they are genuinely in his favour as far as they go; he does not lay stress on the fact that these three treaties, presumably all that are to be found, are all three Cretan, and all three late. The very frequent omission of dates, indeed, is an extremely reprehensible practice which vitiates not only M. Francotte's various works, but also those of almost every writer on Greek and Roman life. As regards the three treaties, it appears from Mémoire x, p. 276, that the author is really referring to a treaty between Priansos and Hierapytna (C. I. G., 2556=Hicks 172=Michel 16). He is again inaccurate, for the treaty provides that a Hierapytnian may bring his property into and out of Priansos (and *vice versa*) free of duty both by sea and by land, and need only pay duty when he exports it by sea for sale. The same mistake

is made in referring to the treaty between Olunta and Lato (not Latos, by the way) : it imposes a duty only on goods taken *out* and not intended for the owner's private use. Similarly, the treaty between Gortyn and Lappa said nothing about imports. All three treaties, then, regard it as a privilege that goods may be exported from the city by land free of export duty. 'Cela suppose donc une douane à la frontière,' says M. Francotte. Why so ? The export tax could have been levied at the city gate with the greatest ease, and a frontier custom-house was quite unnecessary. It is only because the author has got it into his head that, in the first place, a frontier custom-house was indispensable, and that it was, in the second place, not worth the expense and trouble of keeping up, that he has pronounced imports by land to have been free of duty.

Yet the only point in M. Francotte's favour is the scarcity of references, and this is really no argument at all. For the treaties do exist, even though they are all late and all Cretan, and they imply that imports by land were as a rule liable to duty. It is not in the least surprising that these references are scanty ; we do not possess many commercial treaties, and a large proportion of these deal with relations between distant states, when the mention of any privilege for land commerce would have been an absurdity. The preponderatingly maritime character of Greek trade would also tend with much effect to keep down the number of references, but this affords no proof that an enterprising small trader could land his goods in Smugglers' Creek and take them into the city through the gates free of duty. From [Dem.] 35, 28 f. we learn that he could do nothing of the kind. Furthermore, there was the *διαπίλιον*. Hesychius tells us that this was an *ad valorem* duty imposed at the gates of Athens, and we know that it existed elsewhere. It was imposed in Caria under Mausolus : cf. Ps.-Arist. *Oec.* 2, 14. The point of the story there seems to be generally misunderstood : it does not imply that there was anything extraordinary about this Carian *διαπίλιον*, but simply that the ingenious finance-minister Condalus extended its scope so as to include dead soldiers (cf. the extension of *ἐπικαρπία* in the previous sentence). Again, this impost was regularly levied in Egypt under the Ptolemies (cf. Wilcken, *O.G.* i. pp. 354-360). A noteworthy point about the Athenian *διαπίλιον* was that the percentage imposed varied according to the goods brought in—thus, honey paid more than barley (Zenob. *Prov.* i. 74, p. 249 Gaisf.). Altogether, it is clear that in this matter commonsense and the evidence are at hopeless variance with willing belief.

On the second page of his first essay M. Francotte says :

le taux paraît être en règle générale de 2% de la valeur. Cette uniformité du droit est étrange : c'est que la grande masse des marchandises importées a peu de valeur ; sans cela, on eût relevé le tarif pour les objets de prix. C'est ensuite que l'on n'introduit guère de produits fabriqués ou du moins pas en concurrence avec l'industrie locale ; sans cela, avec leurs idées sur la cité parfaite qui doit se suffire à elle-même, les Grecs n'eussent pas manqué de donner dans le protectionnisme.

The question is : Why was the import duty fixed as a rule at one figure, viz. 2 per cent. ? M. Francotte replies : (1) Most of the merchandise imported was of small value—otherwise, the duty would have been raised for valuable articles ; (2) manufactured articles were practically never

imported into any city which also manufactured these articles. The first answer is meaningless as an argument and incorrect as a statement. Small though the body of Greek commerce appears in comparison with modern times, it was large and important for the circumstances of the age, and any list of imports (such as that given by Blümner in *Die gewerbliche Thätigkeit der Völker des klassischen Altertums*) will show that the most valuable articles known were among its objects. Indeed, if most of the merchandise imported was of little value, how does it come that several states, according to M. Francotte's words on the previous page, drew from the duties on them 'les principales recettes de leurs budgets'? And would 2 per cent. on articles for the most part valueless have brought in a million drachmae per annum to Rhodes? The amazing statement that practically only raw material was imported need not be discussed; M. Francotte himself abandons it hastily in favour of the view that manufactured articles were not imported in rivalry with local industries, since otherwise the Greeks would have adopted protection. As for 'the Greek idea of the perfect self-sufficing city,' it was a mere idle notion of the philosophers, who scorned to be practical or businesslike—in their writings at any rate. M. Francotte has no proof that the absurdity was shared by the everyday sensible Greek: 'von den Griechen,' says H. Nissen, 'habe ich Böckh schmunzelnd sagen hören, sie hätten mit Geld sehr gut Bescheid gewusst.'

M. Francotte states that the sovereigns of Bosporos imposed an export duty of a thirtieth on wheat, but granted a reduction of one-half to some of their best clients, among them being the Athenians. The reference given is Dem. 20, 32. Demosthenes, however, states in the clearest language that the Athenians received, not a reduction of one-half the export tax, but complete immunity, and actually works out a sum in arithmetic showing how much this meant to Athens yearly. Nor is this all, for even with this blunder corrected M. Francotte's statement of what the Bosporan princes did is still inaccurate. Both in Dem. 20, 31 and in [Dem.] 34, 36 f.—an important passage which should also have been quoted—it is made perfectly clear that the privilege in question was granted, not to Athenians as such, but to those exporting corn for the Athenian market:

κῆρυγμα γὰρ ποιησαμένου Παιρισάδου ἐν Βοσπόρῳ, εἴν τις βούληται Ἀθήνας εἰς τὸ Ἀττικὸν ἐμπόριον σιτηγεῖν, ἀτελεῖ τὸν σίτον ἐξάγειν, κ.τ.λ.—[Dem.] 34. 36.

When the first two pages of his first essay yield such alarming evidence against M. Francotte's trustworthiness, it is obvious that every statement he makes, from the most important to the most trivial, requires to be examined with scrupulous care before it is accepted.

W. A. GOLIGHER.

*Studien zur Byzantinischen Verwaltung Ägyptens.* Von MATTHIAS GELZER, Dr.Phil. (*Leipziger Historische Abhandlungen.* XIII. Leipzig: Teubner, 1909.)

THE administration of Egypt in the Byzantine period has hitherto remained practically unexamined. The present work, carried out under the editorship of Professor Wilcken, triumphs over the extreme difficulty of the



subject in a manner that augurs well for the future of these studies. Dr. Gelzer's achievement is the result of a thorough and scholarly mastery of authorities rarely combined, the Codes of Theodosius and Justinian, the ecclesiastical and general literature, and the papyri. He has given us a picture not complete in all details, but entirely trustworthy in its main lines. He has moreover established a number of important individual points. The work in fact will be the starting point for subsequent students, and the courage and perseverance of its author will not be thrown away.

It is divided into three chapters. Chapter i. deals with the provincial subdivisions of Egypt, showing in detail the continuous process of splitting up the country into ever smaller administrative districts, and ending with a careful study of Justinian's reorganisation.<sup>1</sup> The results, not yet complete, are summarised in a table (p. 36). The author incidentally shows that Diocletian's principle of separation of military and civil power was only occasionally violated in the fifth century, but finally abandoned in the sixth. Perhaps the most interesting part of this chapter is the last, where the author deals with the motives and date of Justinian's Edict 13, which has been assigned by Schöll-Kroll to 538-9, by Zachariä von Lingenthal to 553-4. We learn that the former is to be preferred both on circumstantial grounds and because a papyrus dating from before 553 (P. Aphr. Cairo 1) is addressed to the *Dux et Augustalis Thebaici limitis*, a title which could only have been used after Edict. 13 c. 23.

Chapter ii. attacks the problems of tax-collection in the fourth century, and municipal organisation. We find in the fourth century a system differing sensibly from that of the third. The old *νομός* organisation, headed by the *strategus*, has disappeared, and in its place we have a completely municipal system headed by the *exactor*. *De facto*, the area of the *πόλις* corresponds to the old nome, just as the functions of the *strategus* are taken over by the *exactor*; and accordingly the older names are still occasionally found late in the fourth century. An example, unpublished when Dr. Gelzer wrote, is P. Oxyr. vii. 1057, 2 of the year 362. But legally nome and *strategus* had ceased to exist. The disappearance of the *strategus* in the course of the fourth century had already been noted by Professor Wilcken<sup>2</sup>; it remained for his pupil in the present work to fix a more exact date. Space does not permit us to reproduce the convincing arguments (pp. 42, 52, 57) for attributing to the reign of Maximinus (305-313) the substitution of the *exactor* for the *strategus*, and other connected changes—substitution of *pagus* for toparchy, abolition of *decaprotia*. The author is at his best in his treatment of the personnel of tax-collection (p. 42 ff.), particularly in his identification of the terminology of the papyri with that of the Codex Theodosianus. Thus *ἐπιμελητής* = *procurator*, *ὑποδέκτης* = *susceptor*, *ἀπαιτητής* perhaps = *compulsor*. There are some good pages also on the course of tax-collection; in particular we would call attention to the delicate, but certain, inference drawn (p. 62) from the words of *Cod. Theodos.* i. 14, 1: . . . *omnia tributa exigere, suscipere, postremo compellere iubemus.* The word *postremo* shows that we have before us not a rhetorical pleonasm, but a description of three stages of collection—*exactio, susceptio, compulsio*.

<sup>1</sup> Just. Edict. 13.

<sup>2</sup> *Hermes*, 27, 297 ff. 1 Ostr. 435 n. 3.

Chapter iii. is devoted to the economic and political development of Egypt after the fourth century. The author's general thesis is that, at the end of the fourth and at the beginning of the fifth century, the system of great territorial lordships, exempted from the ordinary municipal system, arose in Egypt, as it had risen long before in the other provinces. In course of time the lords increased both the extent of their possessions and their independence of the central government; moreover they absorbed the chief state and municipal offices. The result was that in the years before the Arabian conquest the whole government of the country was in their hands. The development of these great lordships was resisted in its earlier stages by the state: see *Cod. Theodos.* 11, 24, and *Cod. Justin.* 11, 54. To these laws against patronage as applying to Egypt Dr. Gelzer devotes some learned pages. We think that he might have given more attention to the influence of the very ancient theory of *origo* or *ιδία*, and of the example of forced tenancy of public lands, upon the evolution of peasant serfdom. Still the former of these omissions is only partial (see p. 70), and the latter deliberate (see p. 69). The fullest treatment is, very properly, given to the constitution of 415, *Cod. Theodos.* 11, 24, 6, which is virtually a compromise between the central government and the patrons. The present reviewer differs from Dr. Gelzer's interpretation of this law in various points, notably the explanation of the term *homologi coloni*.<sup>3</sup> These points, important as they are, are matters of detail which cannot be argued here, and they do not affect Dr. Gelzer's main thesis, which is that the constitution was the charter of the patrons, the first legal recognition of private serfdom in Egypt. The paucity of published fifth-century papyri makes it rather difficult to test the results of the constitution, but we think that the author's conclusions require some qualification. The constitution is limited in its scope, and legislation against patronage continued under later emperors.<sup>4</sup>

Dr. Gelzer carries his study through to the end of the sixth century, and it is interesting to observe what striking results he obtains by rigidly adhering to Zachariä von Lingenthal's doctrine of the survival of a free element in the peasantry—*coloni liberi* as opposed to *coloni adscripticii*. His closing pages contain a thorough analysis of the documents relating to the patron house of Flavius Apion. He notices that its γεωργοὶ ἐναπόγραφοί are described as ἀπὸ ἐποικίου διαφέροντος τῇ ἡμετέρᾳ ὑπερφυείᾳ, not as ἀπὸ κόμης παραρχουμένης ὑπὸ τῆς ἡμετέρας ὑπερφυείας (pp. 84-5). Then later (p. 92), to the question who were the subjects of the pagarchs (sixth century) he answers that they must have been the free peasantry, since they can have been neither πολῖται nor ἐναπόγραφοι. He discusses finally the very interesting material of some of the Aphr. Cairo papyr which deal with the claim of certain free villages to αὐτοπραγία, i.e. to collect their own taxes without the oppressive intervention of the pagarch.

F. DE ZULUETA.

<sup>3</sup> See *Oxford Studies in Social and Legal History*, i. 2, pp. 22 ff. and 51 ff.

<sup>4</sup> *Cod. Justin.* 11, 54.

*Französische Verfassungsgeschichte von der Mitte des neunten Jahrhunderts bis zur Revolution.* Von R. HOLTZMANN. (Munich: Oldenbourg. 1910.)

ALL students of French history and teachers generally will welcome Professor Holtzmann's volume, which has been added to the *Handbuch der Mittelalterlichen und Neueren Geschichte*, edited by Professors von Below and Meinecke. Authoritative works upon the constitutional history of medieval France are more or less accessible, thanks especially to M. Viollet, but the extensive inquiries into later history are fast getting beyond the control and are largely out of the reach of the ordinary reader. Professor Holtzmann, of Strassburg, whose own studies on the court of peers is known to specialists, has come to the rescue in this handbook of five hundred pages. The necessity of compression has prevented the author from indulging in much criticism or in general surveys of the state of political institutions at important periods. The treatment of the subject is both according to subject and chronological; the book is divided into three parts, covering respectively the periods 843-1180, 1180-1437, 1437-1789; within each part the chapters deal with different subjects. The feudal relation occupies the chief place in the first section, the king in the other sections. It is obvious that a treatise of this kind will be more valuable as a companion to other books and as a work of reference than as an independent guide; for example, the wide period covered in each brief chapter of the third part prevents any consecutive discussion of the constitution on the eve of the Revolution. But Professor Holtzmann has, we think, done the right thing and made the best use of his space. It is unnecessary, even if the reviewer were competent to do so, to examine the whole of the book; every reader will test it for himself, but so far as we have been able to judge small fault is to be found with the author so long as his aim is kept in mind. The range is exhaustive and the compilation exact and minute. Technical terms are carefully explained, and the author has not tried to avoid dullness by omitting details which any student who consults the book with a special object in view would expect to find. The index is good.

Naturally the most important part of a book like this, which is put out as a scientific compilation, is the bibliography. Professor Holtzmann is of great help to us here, since he adds a special index of the authors referred to in his lists of books. A general bibliography is prefixed to each section of the book, and this deals more particularly with works on general history (e.g. a useful list of the writers on the *ancien régime*, p. 308). In addition a list of books is prefixed to each chapter. These lists will be of great help to teachers and to students. The author has not quite escaped the danger of being arbitrary in his selection, and on the whole we think he has tried to give too much. Here and there he seems to have referred to books and articles upon special points, because he happened to know of them, and again his desire not to repeat himself causes him to omit books in places in which they would be quite as useful to the reader as in the place where they are found. For example, there is a general reference to the *cahiers de doléances* on p. 372, but no specific reference to the *cahiers de paroisses* at the head of the chapter upon the

various orders of society in town and country (p. 481), which deals with the peasant. In the part of the book in which the present writer feels most at home it is surprising to find Professor Brunner's studies on Anglo-Norman law and Richard's *Les Comtes de Poitou* omitted from the list of authorities on the provinces; also all reference to the works of M. Boissonade. M. Lucien Valin's *Le Duc de Normandie et sa Cour* (1910) appeared after Professor Holtzmann's book was ready (it well deserves insertion), but the first volume of *Le Cacheux's Actes de la Chancellerie d'Henri VI*, which deals with the English in Normandy, appeared in 1907. It is omitted, as also is Stevenson's *Wars of the English in France*, the collection of documents published in the Rolls Series. Some at least of these books are essential.

F. M. POWICKE.

*Domesday Tables.*

By F. H. BARING. (London: St. Catherine Press. 1909.)

THIS most laborious and valuable contribution to the elucidation of Domesday Book falls into two unequal sections. The larger section comprises elaborate tabular statistics for six counties, Surrey, Berkshire, Middlesex, Hertford, Buckingham and Bedford, each with what is over modestly termed a preliminary note. In the shorter section are reprinted articles from this Review on the making of the New Forest, on the march of William the Conqueror from Hastings to London as traced in the Domesday valuations, and on the battle of Hastings. Mr. Baring's tables form the most comprehensive and thorough piece of Domesday analysis since Eyton's volumes, and are of course free from the misconception of some of the terms of the survey which mars that scholar's work. The arrangement of the tables has been very carefully thought out, and as compared with Eyton's the smaller double-page and bolder type offer obvious advantages. It is much easier to take in the important particulars at a single view, though the gain in concentration and clearness is to some extent counterbalanced by the necessary abbreviations and by the close crowding of figures. The difficulty of carrying the eye over the details of an entry which extends across two opposite pages, without repetition of names, is ingeniously surmounted by the frequent repetition of a letter in Clarendon type. The insertion of 'hides,' 'teamlands,' and 'valets' in successive columns facilitates comparison of assessment with taxable capacity, and clear cases of the use of the five-hide unit are specially emphasised. At the same time, warning is given that, though the hides of adjoining vills may add up to a multiple of five, it is not safe to infer that they once formed a single vill in view of proved cases of adjustment of taxation between adjacent manors.

The most original feature of Mr. Baring's Domesday researches, apart from the investigations contained in the republished papers at the end of this volume, is the complete conception he has formed of the various processes which the facts obtained from the Domesday juries went through before they attained the shape in which they have come down to us. Without such power of reconstruction those who attempt to work back from the fief arrangement of Great and Little Domesday to the original returns by vill and hundred are constantly being brought up against obstacles which they cannot remove. Thus the order in which the compilers took

the hundred returns, a point of great importance in the identification of doubtful villis, may seem to be securely established from the rubrics of certain fiefs and then thrown into doubt by a different sequence in others. In nearly all such cases Mr. Baring is able to account quite naturally for these exceptions to the usual order of the hundreds. The most striking divergencies are on *Terra Regis*, and the explanation here is that the compilers had before them returns made by royal bailiffs who had adopted a hundred sequence of their own. In some cases of divided villis the names of which recur in different fiefs the original sequence of the villages can also be determined, and the neat way in which this can be used to distinguish Domesday villis of similar name is illustrated on p. 97 from the Hertfordshire hundred of Broadwater. The suggestion for this latter method of identification came, it should be said, from Mr. Ragg, to whom also the author acknowledges his indebtedness for the main part of his tables for Bedfordshire. His clear grasp of the methods of the compilers also enables Mr. Baring to suggest an explanation of the erratic and puzzling way in which the manor rubric and the phrase '*pro uno manerio*' are introduced in different counties. He agrees, we may add, with Maitland in believing that the term *manerium* must have had a technical meaning, but does not attempt an interpretation. The advantage of dealing with a number of adjacent counties on the comparative method is well brought out in the prefatory 'notes.' It thus appears, for instance, that, while Middlesex, Hertfordshire, and Buckinghamshire were probably dealt with by the same group of commissioners, the compilation of the survey of the last county in Great Domesday cannot have been entrusted to the clerk who was seemingly responsible for the final shape of the other two. Comparison also shows that in 1065 those parts of Hertfordshire, Buckinghamshire, and Bedfordshire which had been within the Danelagh were full of small owners of land while on the Mercian side of the old border large manors were the rule. Mr. Baring makes the interesting suggestion that the high proportion of bordars twenty years later, in just those districts where ownership had been much sub-divided 'may be partly due to the men under the smaller holders of 1065, being neglected in the T.R.E. figures but appearing as bordars in 1086' (p. 178). If space allowed many similar instances of new light cast upon old problems could be adduced.

In reprinting at the end of the volume three of his articles from this Review the author has taken the opportunity to revise and where necessary expand them. That on the footsteps of the Conqueror as visible in the Domesday record of wasted manors in 1067 appears without much alteration, but those on the making of the New Forest and the battlefield of Hastings have been considerably enlarged and improved. Mr. Baring's demonstration that between those who allege that the creation of the New Forest involved the dispossession of a large population and those who aver that nothing of the kind occurred, the truth lies somewhere short of midway, is now made clearer by a diagram of the New Forest district and by tables giving the Domesday statistics of villages partly absorbed in the forest. The republication of the Hastings article is more than justified by the inclusion of the admirable map of the battlefield with

contours at ten feet intervals prepared in 1907 by Major-General James, which supersedes that made by him more than thirty years ago for Freeman's *Norman Conquest*.  
JAMES TAIT.

*Geschichte der Hohenstaufen und ihrer Zeit.* Von HEINRICH GERDES.  
(Leipzig: Duncker und Humblot. 1908.)

*Charakteristik der inneren Kirchenpolitik Friedrich Barbarossas.* Von  
Dr. ULRICH PETERS. (Greifswald. 1909.)

*Die äussere Kirchenpolitik Friedrich Barbarossas bis zum Tode Rainalds von Dassel.* Von ULRICH PETERS. (Hamburg. 1910.)

DR. GERDES' book is the third volume of a history of the German people and their culture in the middle ages. It covers the years 1125-1250, and the author hopes to publish a fourth volume extending to the close of the fifteenth century. We have not seen the first and second volumes, which began to be published in 1891; but we understand that they were well received. The third volume has the merit of a clear, although somewhat mechanical, scheme. Political history is treated first in a section of rather more than four hundred pages. The second part, entitled *Innere Geschichte*, deals with social and economic development, law and institutions, the church and intellectual culture. We have found the sketch of political history a serviceable guide to the authorities and to secondary works of larger scope. Dr. Gerdes, as a pupil of Waitz, inherits a tradition of sound scholarship. His narrative is based on the primary sources and is fortified with references which are not the less valuable for their conciseness. The grouping and the selection of the facts are admirable. There is a want of life and colour in the style; and Dr. Gerdes bows too unreservedly before the opinions of the chroniclers in cases where he might legitimately form his own judgment. But his conservatism makes him a safer pilot than the more ambitious and subjective manual-writers of the modern school. In the second part he attempts a difficult task with qualified success. He still turns to good account his knowledge of the chroniclers, using them to corroborate and correct the results of the monographs which he epitomises. Of recent researches on such topics as the towns he gives a careful summary. But his horizon is too restricted. In dealing with ecclesiastical history he ignores the work of French and Italian scholars on the papacy, the religious orders and the heretics. He does not attempt to correlate German institutions with those of other medieval states. Apart from a useful appreciation of the chronicles, his treatment of literature is jejune and uninteresting.

Dr. Peters, like his master, Professor Bernheim, has devoted special attention to the history of the concordat of Worms; and the first part of his essay on Frederick's internal church policy is devoted to a review of the more recent controversies relating to that treaty. Following Bernheim and Hauck, Dr. Peters argues that on both sides the concordat had been intended as a permanent settlement, and was legally in full force during the reigns of Lothar and Conrad III; but that these emperors had been afraid to exercise consistently any of the rights conceded under the concordat except that of investiture, and that the twenty-eighth canon of the Lateran Synod of 1139 was intended to prevent the emperor from appearing, either

in person or by deputy, at ecclesiastical elections. Frederick I reasserted the rights of the crown, but on the whole was careful to observe the letter of the concordat. He intended to make use of episcopal sees and abbacies, as the Ottos had used them, to reward political services. But the concordat gave him opportunities of influencing the electors and of setting aside an undesirable bishop-elect. His most remarkable claim was that of the *Devolutionsrecht*, the right of nominating when the electors could not agree; but the claim was a mere threat, used to intimidate the Hildebrandine party. On the other hand he showed no hesitation in deposing or otherwise punishing a disloyal bishop. In his second essay Dr. Peters examines and dismisses the theory of Ficker, that Frederick proposed to make the German church independent of the papacy. He also argues that it is impossible to distinguish the personal views of the emperor from those of Rainald von Dassel. This study of Frederick's relations with Hadrian IV and Alexander III is cast in the form of narrative, and has a slightly rhetorical character which to some extent disguises its real merits as a work of historical scholarship. Both essays are useful, but rather as summarising the present state of our knowledge than because of any striking originality in their conclusions.

H. W. C. DAVIS.

*Legenda Sanctae Clarae Virginis.* Tratta dal MS. 338 della Biblioteca Comunale di Assisi, edita per cura del Professore FRANCESCO PENNACCHI. (Assisi: Tipografia Metastasio, 1910.)

*The Life of Saint Clare ascribed to Fr. Thomas of Celano.* Translated and edited from the earliest MSS. by Father PASCAL ROBINSON, with an Appendix containing the Rule of Saint Clare. (Philadelphia: Dolphin Press, 1910.)

THE ascription of the life of St. Clare to Thomas of Celano rests almost entirely on internal evidence. The introductory letter shows that it was written by a friar minor at the command of Alexander IV, but the only manuscript which contains a prologue mentioning the name of Thomas of Celano is Magliabecchi cl. xxxviii, no. 135 in the Biblioteca Nazionale at Florence, an Italian version written in the seventeenth century. The internal evidence however is very strong, as may be seen from Professor Pennacchi's introduction. The close parallel which he points out as existing between the *Legenda S. Clarae* and the sketch of the history of the Poor Ladies in Celano's *First Life of St. Francis* is particularly noteworthy (p. xxvii). Professor Pennacchi's edition is based on the well-known Assisi manuscript, which appears to be the oldest; he has collated, or had collated, six other manuscripts, and he mentions twelve more manuscripts of the Legend. In the introduction he discusses the authorship of the Legend, the genealogy of St. Clare, the position of the monastery of S. Angelo de Panzo, the first Rule of the Poor Clares, and the relations of Frederick II to the city of Assisi. The text is furnished with critical notes giving the various readings, and with historical notes and references to the frequent Biblical quotations. The *Bulla canonizationis S. Clarae* and other documents are printed in the appendix. The volume, which is issued by the Società internazionale di Studi Francescani, deserves a hearty welcome from all students of Franciscan

history. A more detailed description of the manuscripts would have been useful, with some account of their *provenance* and their relations to each other. The variants of the British Museum manuscript<sup>1</sup> are not given accurately; but it must be remembered that Professor Pennacchi did not collate this manuscript himself.<sup>2</sup> The text seems remarkably free from errors, but in one or two places we think it requires emendation; thus on p. 5, l. 14, *lumen* is surely a mistake for *mundum* (as in the Cotton manuscript and in *Acta Sanctorum*).

In the appendix the editor prints from the British Museum manuscript the two famous chapters on St. Francis and St. Clare eating together at the Portiuncula and on St. Clare blessing the bread at the command of the pope (probably Gregory IX in 1235). These chapters occur in a somewhat different form in the manuscript used by the Bollandists as well as in Cleopatra B. ii. where they are inserted before the chapter 'De ferventissimo crucifixi amore' (p. 42).<sup>3</sup> There is no doubt that these stories, which are found in the *Actus*, *Fioretti*, and elsewhere, do not come from Thomas of Celano. He was not writing the biography of a woman but drawing the picture of a saint for the veneration and imitation of the present and the future; he was not likely to insert an episode which involved a breach of the strict *clausura* which Gregory IX imposed on the Poor Clares. Father Paschal Robinson goes too far in declaring the Portiuncula story (he does not, we think, mention the blessing of the loaves) 'wholly devoid of historical foundation.' Celano has said enough to show how steadily St. Clare resisted the rule of Ugolino and adhered to the vow of poverty. It is Celano who has preserved her courageous retort to the pope. 'If thou fearest thy vow, we release thee from the vow.' 'Holy Father,' she said, 'never do I wish to be released in anywise from following Christ for ever.'

Father Paschal Robinson's edition is an excellent piece of work. The translation is none the worse that the editor has not always succeeded in retaining Celano's continual plays upon words. He has shrunk with perhaps unnecessary fastidiousness from putting into English one remarkable passage (p. 24, and n. 113). Father Robinson has added a translation of the rule of St. Clare (1253). A translation of the rule which Ugolino drew up for the Order of St. Damian (preserved in the Bull *Cum omnis vera religio*, 24 May 1239) would have afforded some interesting comparisons. The notes are well chosen and full of well-digested

<sup>1</sup> Cotton MS., Cleopatra B. ii.

<sup>2</sup> Thus the heading is: *Incipit prohemium super legendam beatissime Clare Virginis*. P. 1, l. 10, *et providit . . . fulcitatem* (for *fulcimentum*); p. 2, n. *b*, *sitis* (not *satis*); n. *g*, the manuscript does not add *parvitas*; and, p. 3, n. *i*, does not omit *Amen*. P. 6, l. 2, *Adita* (for *Edita*); l. 4, *ac infra* (for *atque intra*); p. 7, l. 8, *judicabat . . . praedocta*; l. 15, *commendabat* for *committēbat*. P. 8, n. *f*, 'B.M.' has the reading ascribed to 'B' (= Brussels MS.). P. 9, l. 19, *ei* for *jam*. P. 10, l. 4, *contendit* for *contendens*, and *Ex tunc* for *Et tunc*; l. 9, *arbitratur*. P. 11, l. 10, *praeradians*. P. 12, l. 1, *ut ceteros ad palmos concurrentibus*. P. 13, l. 7, *aula* for *arula*; l. 9, *relictis* for *reiectis*. P. 14, n. *a*, after *perseverancia* add *et constancia*. P. 17, l. 5, *spernenda* for *adspersanda* (!).

<sup>3</sup> A few errors in the printed text of these chapters should be noted: p. 99, l. 7, *Ex quo vobis fratres carissimi* (not *quo vobis, eo*); p. 100, l. 22, *multimode*; p. 101, l. 4, *remansit*. P. 102, l. 3, *Tantae*, (the rubricator has painted a Q, disregarding the *t* which was inserted for his guidance). P. 103, l. 11, *cui* (not *cum*); l. 18, *Et Papa: Et hoc, inquit, ut . . .* P. 103, l. 25, insert *signum* after *panibus*. P. 104, l. 1, *ostenso*; l. 4, *primo*, not *potentissimo*; l. 6, *Ortulana*.



learning, and the illustrations add to the attractiveness of a very attractive volume. We must add that the printers have made sad havoc of the text of the *Privilegium Paupertatis* (p. 143).

A. G. LITTLE.

*Essai Economique sur les Mutations des Monnaies dans l'ancienne France de Philippe le Bel à Charles VII.* Par ADOLPHE LANDRY, Maître de Conférences à l'École Pratique des Hautes Etudes. (Paris: Champion. 1910.)

THE history of French currency during the thirteenth, fourteenth, and fifteenth centuries is a subject of peculiar interest and difficulty, and in spite of the many books devoted to it, neither the aims nor the results of the policy pursued are in all cases clear. In all probability they were not clear even at the time; the condition of France during the period was one of civil war and foreign invasion, and financial expedients must often have seemed more important to her rulers than obedience to strict monetary theory. It is not therefore surprising that writers on this topic should have occasionally discussed the monetary policy of the French government as though it had been dictated by the demon of avarice to despots without scruples. This tone belongs to the past; even the action of Philip the Fair has now been explained and in part justified by M. Borelli de Serres, whose works and those of others have cleared the way for a general critical study of policy and results. The difficulty of this study is increased by the fact that the actual accounts of the working of the French mints do not exist. The student of English medieval currency can find in existing documents the exact amounts issued of money of any weight; in France such information is too often lacking. But in other respects the ground is now fairly clear, and a work like that of M. Landry, which considers currency questions with the critical eye of the trained economist, is therefore timely. With the actual history he is of course not directly concerned, though his familiarity with it and with its literature is apparent at every turn; his special object is to discover the motives that produced the policy of the French kings and to explain its results.

If we look at the history of the French currency during the period under consideration as a whole, we shall notice two contrary movements in action: from time to time we shall see the metallic content of the coins diminished in various ways, by lowering the standard weight or fineness or both, and from time to time we shall find the metallic content increased in the opposite way. In some cases these alterations are accompanied by a crying down of the existing currency, in other cases no such crying down took place. In England during the same period there is no instance of an increase in the metallic content and none of a decay, and the amount of debasement here was much smaller than in France. For in this country in spite of occasional increases the final result was a considerable diminution in the metallic content of the coins.

The first three chapters of M. Landry's treatise are mainly descriptive, but in the fourth chapter he begins a discussion as to the motives of currency policy which is continued in the two chapters following. Only a brief sketch of his argument can here be given with a few criticisms on

his method and its results. The kings of France, says M. Landry, were continually anxious that their mints should be at work, and he adds with justice that the natural tendency of the French mints—as indeed of all others—was to sink into inactivity. Two methods of stimulation were open to the king: by altering the currency, and especially by crying down the coins in circulation, he might compel bullion to flow to the mint; or in various ways he might attempt to prevent it from being used elsewhere. Various measures of the latter kind were put in force. The importation of bullion was favoured, its exportation forbidden; the employment of gold and silver in the arts was restricted by sumptuary laws, which M. Landry has rightly seen to form a portion of the monetary code; various attempts were made to prevent the market price of bullion from rising above the mint price, and in certain cases gold and silver were even seized and coined by force. The main motive of all these measures is to be looked for in the king's desire for revenue from his seigniorage, but M. Landry does not omit to note that the king might often desire an increased activity in his mints for the purpose of repairing the defects of the current coin, though here, as elsewhere in his book, he seems to attach far too little importance to this question.

In chapter v the author deals with debasements of the currency. With great justice he refuses to admit that the kings of France debased their coins either to increase the value of accumulated treasure, or to evade paying their debts in full, or to diminish their expenditure, and he points out that in all probability any attempts of the kind must have resulted in failure, or have probably, if not certainly, diminished the king's revenue as well as his expenditure. The author's own view is that the debasements of the currency aimed at a double purpose, namely to bring bullion to the royal mints and so secure the king a large, if temporary, revenue from the seigniorage, and to enable the mint authorities to make the ratio of the gold and silver coin correspond with the ratios of the market prices of those metals. In the same spirit the author deals with the problem of the occasional increases effected in the metallic content of the currency. Here, too, he refuses to admit dishonesty as a general motive and prefers to refer these increases partly to a desire to regulate the ratio of the gold and silver coin, and more commonly to a desire to comply with the popular cry for a return to 'good money.' In those cases in which the increases were accompanied by a crying down of current coins, he supposes the main motive to have been a desire to make profit from the seigniorage upon the new issues. Here, too, as in the case of debasements, he finds real causes in the financial and economic needs of the time without attributing to the government a cynical and stupid dishonesty. In an important chapter he discusses the actual results of alterations in the coinage and their remoter consequences.

The book is not entirely easy reading. The lucidity of French writers has made their readers exacting, probably too exacting, when the subject is technical and difficult in itself and complicated by the perversities of medieval arithmetic. It is therefore possible for the reader to believe that he has discovered a flaw in M. Landry's argument or an omission in his collection of facts, when closer reading might show that neither flaw nor omission existed. In spite of this possibility the following criticisms

seem not unfounded. It has already been suggested that M. Landry has attached insufficient importance to the influence of the general condition of coin in circulation. In the fourteenth century in England the wear and tear of circulation appear to have reduced the coins in circulation on the average to less than seven-eighths of their face value. It is probable that in France the difference was at least as great. May it not be suggested that this is at any rate one cause for the continual idleness of the mints and the concomitant rise of the market price of bullion above the mint price? The same factor may be suggested as an influence in producing the difficulties found in regulating the ratio of the gold and silver coins. The silver was more in circulation than the gold, and therefore wore more rapidly. It may be noted in this connexion that M. Landry in dealing with the question of *cours volontaires* (p. 151) points out that the gold coinage was current at a value higher than its face value more often than the silver; this can easily be understood if it was less worn, but M. Landry's own treatment of *cours volontaires* is based upon other and more complicated considerations, to which of course due weight must be allowed. Other lines of criticism might be suggested. The effect of the heavy indemnities paid by France during the fourteenth century is not discussed, though the loss of actual money in this manner must have been considerable, if we may judge from the fact that the influx undoubtedly affected English monetary history. Again, nothing is said of the effect upon currency of the action of the international financial houses, which played so large a part in the history of the time. But here M. Landry might reply that this was no part of his subject. And if it were pointed out that M. Landry has paid little heed to English evidence bearing upon his subject, he might retort by inquiring what English students since Ruding had done to make the archives of the English mint accessible to inquirers.

C. G. CRUMP.

*Calendar of the Patent Rolls of Richard II.* Vol. VI: 1396-1399.

(London: H.M. Stationery Office, 1909.)

THE publication of the sixth volume of this Calendar completes the work for the reign. It is to be hoped that a calendar of the Close Rolls for the same period will now be taken in hand. The mass of the documents summarised in the volume before us are of the usual routine character, but occasional sidelights are thrown upon the great events which were happening in the three years covered by it. The murder of William de Laken by a Cheshire knight, in the presence of the king and the whole parliament of September 1397 (p. 427), seems to have been a piece of private vengeance, but more direct information about the work of that notorious parliament is not lacking. For a time the rolls are full of grants from the forfeited possessions of the former lords appellants, of which Bushy, Green, and Bagot obtained a fair share, though the two former had to secure a formal pardon for their adherence to the duke of Gloucester and his party in 1386-7. It is worth noting that during the two sessions of this parliament Richard raised loans to the total amount of £20,000 (pp. 178-182). Incidental illustrations of the arbitrary government that followed are the condemnation of Henry Bowet in 1399, by

authority of the parliament of 1397-8, and cases of treason tried in the court of chivalry (pp. 433, 505), both of which figured among the offences for which Richard was shortly afterwards deposed. Another aspect of his autocracy is recalled by the mention of a *sagittarius vigiliarum nostrarum* and of the foreign magnates and knights retained for his service. The magnates in question included Pierre de Craon, lord of La Ferté Bernard, who received a grant of £500 and the use of the royal manor of Havering atte Bower for life (pp. 572, 576). He is curiously entitled 'knight (and) merchant.' Richard's attempt at absolutism does not leave any reflection in the forms of the rolls. Important grants continued to be made 'with the assent of the council,' and there is no evidence that the king made any effort to revive that use of the royal signet which had been suppressed by the appellants in 1386. In the last weeks of the reign, when Richard was a mere nominal king, it is interesting to observe the gradual transition from the 'advice' to the 'assent' of the duke of Lancaster.

Richard's liberality to the church, especially to the Carthusians and the Friars, is well illustrated. The declension of the latter from their early principles is clearly marked when the friars of Chiltern Langley, 'precluded by their rule from acquiring lands in perpetuity,' are provided with a dozen manors by the device of granting them to the convent of Dartford for their use (p. 563). Some light is cast upon the economic state of England by grants of exemption to the men of Lancashire from import dues on provisions, complaints from Bristol of the disastrous effects of the king's Irish expeditions upon their trade with that island, and new regulations for the London fishmongers. An important composition relating to the election and duties of the bailiffs of Shrewsbury is printed in full (pp. 472-5). Among entries of a more miscellaneous character we may notice a commutation at Bibury, in Gloucestershire, of a number of ancient services, which look as if they went back to some 'rad-knight' of the eleventh century. Mr. G. J. Morris has done the calendaring with his usual care, and his long index offers but little scope for criticism. We have noted the following *corrigenda*. Adam Hush on p. 28 must surely be Adam Usk, the chronicler, but is separately indexed. Hepp or Shap abbey has no cross-reference under Shap. Thomas Ammerose of Aughton, *alias* Thomas Fitz Ammerose of Whryghtyngton (p. 222), was of Aughton or Wrightington, townships near Leyland in South Lancashire, not of Aughton in Halton and Whittington in the north of the county, as the indexer conjectures. Chadderton is a township near Oldham, not in Prestwich, and John de Legh of *Bothus*, who had a grant of Sutton in Macclesfield in 1398, was of Booths, near Knutsford, not of 'Bothus' in Clun, co. Salop.

JAMES TAIT.

*In the Days of the Councils; a Sketch of the Life and Times of Baldassare Cossa.* By EUSTACE J. KITTS. (London: Constable. 1908.)

*Le Cardinal Louis Aleman, Président du Concile de Bâle, et la Fin du grand Schisme.* Par GABRIEL PÉROUSE. (Lyons: Legendre. 1904.)

The main interest of Mr. Kitts's book is in its biographical part, which is written vividly, but the introduction of some 100 pages on the empire and the Roman church is out of place. The conclusions might have been stated,

or the general reader might have been referred to other books where the wide period covered was adequately discussed, and in this way some mistakes and blemishes would have been escaped. 'Cardinal Dieudonné' (p. 9) and Saluces (p. 340) look odd in English, and the *Liber ad Amicum* of Bonizo is strangely referred to through 'Janus.' It is too sweeping to say broadly that Nicholas I made no use of the False Decretals (p. 4); they may not have had any great influence upon his conceptions, and they 'did not play an ecumenical rôle' (to quote Professor Bury) until the days of Gregory VII, but the controversy upon the point is one to be noticed in an adequate survey; and it is unjust to the eleventh century to say (p. 5) that 'before the second half of the thirteenth century there was no political thought.' Nor can the election of Urban VI be dismissed as without doubt canonical (p. 109) although perhaps tainted with irregularity. All these are faults which arise out of making too wide a sweep before approaching the main figure of Baldassare Cossa. By greater concentration the author would have been able to make (as he is capable of doing) more thorough use of the primary authorities, and we would have been spared the too frequent references to secondary writers and the occasional weighing of their comparative authority (e.g. p. 170): sometimes, too, although rarely the authorities are not well chosen, as when Robertson's *Charles V* is referred to for the Council of Trent (p. 331). Baldassare himself comes in on p. 142, and his whole personality is vigorously sketched; but the book ends with the death of Rupert of the Palatinate. A complete biography within such limits would have been not only more interesting but more trustworthy; where he keeps closer to his primary authorities and more strictly within definite limits Mr. Kitts is at his best, and nowhere is such work more useful than in the days of the councils. The author hints at a continuation of his labours, which we trust he may carry out. Greater concentration would greatly help him, and the biographical part of this first volume might then serve to make an adequate and manageable study of a character whose interest the author does not overestimate and is well able to convey to his readers.

An excellent example of suitable biographical work in the same period is to be found in another volume which has waited far too long for a recognition of its merits. M. Pérouse's work is a full biographical treatment, adequate in all its parts, of an interesting and important ecclesiastic; it is pleasingly and clearly written; it shows the influence exercised upon the cardinal by the traditions of Avignon, the detachment of the locality, and of curialistic officialism. None of these factors appear to us now of first-rate importance, and yet they were strong enough at the time to form the career of a man of high character, great energy, and wide experience. Louis Aleman (or d'Allemand) was no great theologian, but he was an eminent official, pure enough and devoted enough to merit beatification, first by pilgrims and populace in his cathedral of Arles, and then (9 April 1527) by Clement VII. It was he who inspired the council of Basel in 1438 to persist in its sessions, and even to elect Felix V a year later. The author sees here a policy formed by the tradition of Avignon and the instinct of a papal official. In his theology and in his views of spiritual independence Aleman agreed with the extreme supporters of the papacy; his deviation from them as regards the papal power was due

to these elements out of the past. There is no need to assume a repentance in his later life for these sins of his youth, and equally little can we suppose complete sympathy between him and the supporters of Gallican liberties. But Aleman's work was not confined to Basel, where he showed great qualities of diplomacy, persistence, and leadership. Until his quarrel with Eugenius IV in 1431 he had been vice-chamberlain of the Apostolic Camera (1417-1424), and had administered the legation of Bologna (1424). Both these parts of his life are well treated of in this book, and his biography illustrates larger matters. The effect of the reforming programme of the council is illustrated by the fact that before he went to Basel to urge forward church reform Aleman felt it necessary to go to Arles (where he had been non-resident archbishop since 1423) and first of all get his own house into much-needed order. As official, and as archbishop, resident and non-resident, his life illustrates many little-known sides of church life, and the adequate use of local materials makes many parts of the book peculiarly interesting. He was abbot of Montmajour, and thus the local charm due to Arles (where Aleman did much for his cathedral) is intensified by other local associations of equal interest.

The activity of Aleman at Basel is peculiarly interesting, and we see that he had at last found there a field for which his talents and training alike fitted him. Not all leaders of opposition to the papacy have had the advantage of such training, and this has often been one of their disadvantages. Even in his final defeat, and in the negotiations which preceded the abdication of Felix V, Aleman kept his dignity and his cool-headedness. And in the end his administration of his diocese—where the situation had been a peculiar one, as he was excommunicated although not effectually superseded—for the short time remaining until his death on 16 September 1450 shows the power of a diligent ruler. Alike in the realms of higher politics and of local life the book has great value as illustrating a tangled period. Such works help to soften the censure to which an impatient study may give rise, and they also show us that the lines of party delimitation were no more strictly or irrevocably drawn then than they are now. But apart from his illustration of his day Aleman deserves some notice if not great praise for himself and his capacities, possibly for his merits.

J. P. WHITNEY.

*Statute Rolls of the Parliament of Ireland, Reign of King Henry the Sixth.*

Edited by HENRY F. BERRY under the direction of the Master of the Rolls in Ireland. (Dublin: H.M. Stationery Office. 1910.)

THE series of Irish Statute Rolls commences in the reign of Henry VI, and the surviving rolls belonging to his reign, fourteen in number, are all published in this, the second, volume of the new edition of the statutes. They contain about 448 chapters, of which only 36 had previously been printed. A few additional enactments obtained from other sources are also included. There are however several statutes of the reign mentioned in subsequent statutes and elsewhere which apparently are not forthcoming. The text of the statutes seems to have been carefully transcribed, and the rendering of the French, in which they are written, is well done. We

miss the 'legal index' which accompanied the former volume, and marginal cross-references would have been an assistance to the student. Certain terms too might with advantage have been explained. Thus with reference to the statement that divers English succour thieves and rebels, because the latter 'put them into their grith and comrick' (p. 31), it should have been stated that 'grith' was a Saxon word meaning 'peace,' and that 'comrick' represented the Irish *comairce*, 'protection.' So the word 'keryaghtes' (p. 34), rendered by the Anglo-Irish 'creaghts,' calls for explanation: it is the Irish *caoraighecht*, a word generally used to denote either a cattle foray, or the cattle-drivers in a foray, or, as probably here, simply cattle with their herdsmen. The word 'alterages' (p. 30) should have been explained as the fostering of children, Irish *altar*, *altram*, more especially as the word *auterages*, used along with *dismes*, 'tithes' (p. 480), seems to have a different meaning and is rendered 'altarages.'

Though no very important legislative changes were effected in this reign this volume will materially assist the historian of the period both in following the course of events and in gauging the weakness of the English government. The reign of Henry VI saw the English power at almost, if not quite, the lowest ebb. In 1435, according to the Dublin privy council,

there was not left in the nether parts of the counties of Dublin, Meath, Louth, and Kildare, out of the subjection of the king's enemies and rebels, scarcely thirty miles in length and twenty miles in breadth, as a man may surely ride or go to answer to the king's writs and to his commandments.

This oft-quoted statement however should probably be to some extent discounted as the exaggeration of persons seeking to obtain assistance and supplies from England. At any rate it must not be inferred that the rest of Ireland was in the hands of the Irish. The greater portion of the whole south of Ireland, as well as the eastern coast of Ulster, was still dominated by persons of English descent, but they had in greater or less degree conformed to Irish usages and paid little or no heed to the authorities in Dublin. The law courts were powerless to make them amenable, and a vast number of parliamentary enactments took the form of proclamations summoning offenders to appear under penalty of outlawry. Indeed a great many acts of parliament at this time concern matters which in a better ordered society would have been dealt with by the courts of law. No serious attempt was made to coerce the Irish into order and obedience, or even to punish them for their raids into 'the land of peace.' More often was peace obtained for the moment by the fatal plan of 'buying off the barbarians' by the payment of 'black rent.' Thus in 1423, as we learn from the Irish annalists, the northern chieftains made a raid into Louth, defeated the deputy, and left the English of Dundalk 'under tribute.' There were other raids into West Meath and Louth, with similar results, in 1430. The statute rolls contain echoes of these raids. In 1428 the sheriff of Louth was ordered to raise a subsidy to assist any person willing to build a castle or tower of prescribed dimensions. In 1430 this order was extended to the four counties, and in the ensuing year provision was made for obtaining forced labour for the purpose. The sea was no safer than the land. Merchants trading with the sea-port towns, fishermen, and ordinary travellers were from time to time robbed by French, Breton, Spanish, and Scottish

pirates (p. 313). Even the archbishop of Dublin, Michael Tregury, was captured and held to ransom by Bretons (p. 319)—not Welshmen, as O'Donovan mistranslates the record of the same event in the 'Four Masters' (1453). The only remedy devised by the parliament in Dublin was to give volunteer protectors a right to levy certain contributions from the merchants (pp. 313, 673). This indeed was the principle generally adopted. The government had no resources of its own, and all it could do was to authorise private individuals to perform its primary functions.

There can be little doubt that had any considerable number of the Irish combined they could have swept the last vestiges of English rule out of the country. But there is no sign of any such attempt. The activity of the border chieftains was confined to plundering raids, and their ambition was satisfied by the payment of black rent. The greater Irish tribes were too busy fighting against each other to think of their country as a whole, and indeed most of them were generally divided into rival factions, each seeking the chieftainship for its own nominee. Even in 'the English county,' soon to be known as the Pale, there was disunion, and in the early part of Henry's reign no continuous policy could be adopted, owing to the disputes between the Talbots and the Butlers. If the chain forged by Strongbow and his successors was not actually snapped, the links which bound Ireland to civilisation were worn to a thread. One strong viceroy came to Ireland, Richard, duke of York, and he was fairly successful for the time both in conciliating Irish chieftains and in winning the good-will of the English colony; but he too was active mainly with a view to his own interests. In the last parliament held by him early in 1460 was made the declaration (strangely unnoticed by Molyneux) that Ireland was bound only by laws of its own parliament, and that no one in Ireland should be compelled to obey any mandate save under the seal of Ireland. But this declaration was only part of the parliamentary armour put on by the duke for his own protection against the Lancastrian parliament at Coventry, by which he had been proclaimed a rebel.

GODDARD H. ORPEN.

*Opus Epistolarum Des. Erasmi Roterodami denuo recognitum et auctum*  
per P. S. ALLEN, M.A., Collegii Mertonensis Socium. Tom. II. 1514–  
1517. (Oxford: Clarendon Press. 1910.)

It is a pleasure in noticing this second volume of a really great work (the first volume appeared only four years ago) to congratulate Oxford no less than the author upon the recognition of his achievement signified by the change in his title. It would be enough to say that the second volume is worthy of the first; the labours of the editor have been increased by the fact that many of the letters in this volume are printed only from rough drafts, while for others rough drafts exist along with fair copies. In nearly every note examples could be found of the editor's diligent use of all possible light; one writing from Cambridge may instance the notes on pp. 247 and 329, the former referring to a little-known paper by that admirable scholar Hermann Hager on Croke at Leipzig, and the latter utilising G. J. Gray's *Cambridge Stationers* on the Cambridge printer



G. Godfrey. On pp. 8-9 we have typical notes on Sturmius, Rappius, Aucuparius, Rudalgingius, Gebulerius, Othmarus, and others, each of which is a condensed biography representing much and careful work able to save other readers much labour and probably some mistakes.

Where all is excellent the note on pp. 181-4 calls for special notice. It refers to the manuscript containing parallel copies of Erasmus's version of the New Testament, and of the Vulgate, made by that useful one-eyed scribe and letter-carrier Peter Meghen, at Colet's command. The manuscript (which is in three parts, one in the University Library at Cambridge, and two in the British Museum) dates itself 1506-9. It is thus clear that Erasmus's work was contemplated some years before its publication. Here Mr. Allen sees a confirmation of Dr. Seebohm's views about the influence of Colet on Erasmus. That such an influence was exercised may be true: Colet could influence a man much less receptive than Erasmus was; but Dr. Seebohm's view seems to make Colet's influence the starting point of Erasmus's spiritual work, and no such extreme inference can be supported by the facts marshalled in this very interesting note. Erasmus's early interest in Jerome (as shown in letters in vol. i.) had laid the foundation of his love 'for sacred letters'; Colet's influence strengthened this foundation and added to it scriptural elements. But Colet ought not to be regarded as turning the mind of Erasmus for the first time to true theology. Along with this note on pp. 181-4 should be taken that on pp. 164-6. Among other interesting matters may be cited the indications as to learning in England, especially as compared with Italy: Epp. 456, 457 and 540 (the first a long letter to Henry Bullock, whose correspondence with Erasmus is full of significant details). The heartfelt admiration of Fisher for Reuchlin (as expressed in Epp. 324, 413 incidentally, and 432 and 457) is also well worth notice. One would gladly know the author of the flattering note to Ep. 471 by an unknown writer enumerating as '*amici Reuchlino in Anglia doctissimi*' Grocinus, Linacrus, Cutbertus Dunstanus (*sic*), Latamerus, Coletus, Morus, and Ammonius, and adding '*omnes sciunt Graece excepto Coletio.*'

The correspondence with More and Colet would alone make this volume important: so again would the long letters to Grunnius and Martin Dorp, Epp. 447 and 337; the introductory note to the former letter is very illuminating, and the conclusions are thoroughly satisfactory; the letter which biographically is most important has been often discussed, but this note (pp. 291-3) seems decisive. Erasmus wished for leave to hold benefices, and for this needed relief from the disqualification of his birth, while yet he wished to allude to this as little as possible; his original dispensation from his proper dress may have applied to Italy only, and it is probable that while in England he outstept its provisions. But more likely than any other explanation of Erasmus's anxiety in this matter is, Mr. Allen thinks, that which finds the reason for it in probable attempts made to enforce his return to Steyn. There are also other difficulties in the letter which in the note referred to find full and satisfactory discussion. The charm of Erasmus won him many friends in his lifetime, and many students since, but he has surely been peculiarly fortunate in the ingathering of Mr. Allen.

J. P. WHITNEY.

*Cromwell.* Von WOLFGANG MICHAEL (*Geisteshelden*, 50, 51).  
(Berlin: E. Hoffmann. 1907.)

THIS *Life of Cromwell* by Professor Michael of the University of Freiburg in Breisgau, is intended for the general public in Germany, but deserves to be read by specialists also. English historians of the period will find it a necessary addition to their libraries. The book contains a number of small items of new information carefully collected and utilised, and the opinions of the author on obscure and disputed points, as well as the views he expresses on general questions, should be carefully weighed. No one is better acquainted than Professor Michael with the mass of modern monographs directly or indirectly touching Cromwell's career, and with the recent collections of documents illustrating the events of the time. For instance, in the account of the Dutch war the books of Oppenheim and Clowes and the papers published by Dr. Gardiner for the Navy Records Society have been consulted and used, and in other sections of the work there is equal care to employ the very latest sources and special studies. On the question of the readmission of the Jews the different conclusions of Mr. Lucien Wolf and Mr. Henriques are discussed, and a verdict is given in favour of the first (ii. 91, 211). The chapters relating to Cromwell's foreign policy are of special importance. Professor Michael judges Cromwell's German policy much more favourably than Dr. Gardiner did. The true character of a statesman, he says, cannot be learnt solely from his speeches and declarations. The judgment must be based on his acts as well. Considered in this way it is clear that Cromwell pursued a thoroughly practical national policy, but that he constantly endeavoured to combine with the pursuit of national ends the common interests of Protestantism. This general conception, stated in pp. 119, 120 of volume ii., is worked out in detail in the following chapters. In the discussion of Cromwell's foreign policy, Professor Michael makes great use of the letters of Schlezer, the agent of the Great Elector. Extracts from some of these were published by Erdmannsdörffer in vol. vii. of *Urkunden und Actenstücke zur Geschichte des Kurfürsten Friedrich Wilhelms*, but many passages relating to English affairs were omitted there. Quotations from these omitted letters are frequently given by Professor Michael, who also prints in an appendix Schlezer's narrative of the battle of Santa Cruz, and promises to publish letters relating to the question of kingship (*cf.* vol. ii. 116, 157, 218, 225). Another valuable document published for the first time is George Fleetwood's account of Cromwell's speech explaining his reasons for desiring to obtain the duchy of Bremen (ii. 223).

There are two short excursions of considerable interest. One relates to the portraits of Cromwell, and in particular to a portrait said to have been given by Cromwell to Christina of Sweden, now preserved in the castle of Gripsholm in Sweden. A photograph of this portrait is the frontispiece to the first of these two volumes. The appendix to vol. i. contains an extremely interesting and curious German ballad printed at Hamburg in 1651. It is a dialogue between Cromwell and Charles I in which Cromwell explains to the king the reason why he is to lose his head (i. 273, 278). There is an English ballad of a somewhat similar kind—a discussion between Cromwell on the throne, King Charles in his coffin, and the people in the pit, which is reprinted in Thomas Wright's *Political*

*Ballads published in England during the Commonwealth* (p. 117), but it is not so good as the German ballad.

In conclusion there is one point on which it is impossible to agree with Professor Michael. In his account of Cromwell's expulsion of the Long Parliament (vol. i. p. 256) he quotes the speech printed as Cromwell's in the *Annual Register* for 1768. For reasons given in the *Academy* (1890, p. 206), I find it impossible to regard this speech as genuine. Professor Michael's arguments in defence of its genuineness (i. 275-277) do not touch what appears to me the most conclusive proof of its fictitiousness, viz. the language and phraseology. It is not seventeenth-century English.

C. H. FIRTH.

*Calendar of State Papers, Colonial Series, America and West Indies, 1699 and 1700.* Edited by CECIL HEADLAM. Two volumes. (London: H.M. Stationery Office. 1908, 1910.)

THE appearance of a new editor for the *Colonial Series* of the *State Calendars* should not be noted without a word of cordial recognition for the work accomplished by the former editor, the Hon. John Fortescue. Mr. Fortescue may not always have preserved an attitude of stern impartiality. He may once or twice, in his summaries of State Papers, unconsciously have taken care, like Dr. Johnson, that the whig dogs should not have the better of the argument, but, in the important points of an editor, the completeness of his index, and the fulness of his extracts from the papers dealt with, he brought the volumes to a pitch of excellence which subsequent editors have merely to continue.

The years treated in these volumes were of no little importance in colonial history. The story of the ill-fated Darien expedition, with its attempt to found a colony on the isthmus already recognised as the 'door of the seas and Key of the Universe,' and of the capture of the pirate, Captain Kidd, belong to the 1699 volume. At this time, it must be remembered, the board of trade was still in the bloom of its youth, anxious to find work, and not yet chilled by the indifference with which its proposals were received by secretaries of state and the privy council. 'The council,' writes Mr. Headlam, 'as a rule, were on the side of the angels, supporting good governors and checking bad governors, fostering and regulating trade and shipping, upholding British claims, adjusting boundaries, rebuking injustice, inculcating business-like habits in the new countries, and even occasionally exercising the kindly function of a diplomatic schoolmaster in reconciling a governor with an angry resident.' We may note, in passing, the difficulties placed in its way by physical causes. Thus we find Lord Bellomont again and again complaining bitterly that he has had no answers to his letters; whereas the papers here published prove conclusively that the board approved warmly of his proposals; and did its utmost with the executive authorities to have them carried into effect.

Moreover, during these years, on the continent of America at any rate, the English government was singularly fortunate in its colonial governors. The figure of Lord Bellomont especially, touchy, prejudiced, and self-assertive, but hard-working, clear-headed, and far-seeing, stands out in prominence. The somewhat grudging estimate of him given by Mr. Doyle

should be reviewed in the light of these letters. The despatches from New York have already been published in O'Callaghan's *Documents relating to the Colonial History of New York*; but those from Boston are even more graphic and vigorous. Take, for example, Bellomont's account of the scene in the Massachusetts council, when he suggested that their laws should be made to conform with those of England. 'Whereupon three or four Councillors stood up at once, and one or two asked me, with some warmth, what the laws of England had to do with them, and one of 'em said they were much too cramped in their liberties already, and they must pass for great fools should they abridge the liberty that was left 'em by an act of their own.' No wonder that Bellomont complained: 'The governing men here have not a public spirit, and so long as they can sleep securely in the town of Boston, they think, nor look, no further.' The council claimed to nominate the judges. 'Sir W. Phipps was weak enough to let the Council gain that point of him. Mr. Stoughton yielded timorously but with protest. I told the council I could not be so imposed. It was plain the right of nomination was in the governor, and they had a negative on my nomination. . . In conclusion they yielded.' Whether urging the necessity of a bold policy towards the French and safeguarding the interests of England among the Indians, or laying stress upon his own private wrongs and grievances, Bellomont is equally to the point and vigorous. 'Your Lordships know the value of these plantations to England, though I am confident 'tis what is known but by few besides. I am every day more and more sensible of it, and 'tis a great pity the king is not made to have a right notion of their usefulness and advantage to the crown.'

Bellomont as a genuine whig was also a genuine aristocrat. He heartily believed in *Noblesse oblige*. Colonial governors, he urged, should be 'men of undoubted probity and well-born; not men of the country but Englishmen, and men of some fortune in England to be a tie upon 'em to behave themselves honourably in their respective trusts.' To set a carpenter to preserve woods was like setting a wolf to keep sheep. On the somewhat sordid subject of the non-payment of salaries Bellomont is equally trenchant. 'Tis high time this thing of a governor's salary should be settled, for the king's honour and interest. Few men are honest out of pure principle: 'tis best therefore that governors of Plantations have competent salaries and certain, that they may find their account in being honest. A good and upright administration of justice in New York and New Hampshire would do a wonderful service to the crown by the influence it would have on the people there, and in the neighbouring plantations, who would seem to be out of conceit with the laws and government of England, because they know not the blessings of either, and because those pettifoggers who practise the law among 'em are rooks and pickpockets, having no skill in the law, but put people upon litigating and then take fees from both sides, so that right or wrong the issue goes for him that has the better purse.' Space forbids to deal with Bellomont's elaborate scheme for the supply of naval stores by means of the English soldiers in the province of New York, or the striking picture which he draws of these soldiers, with their pay in America deducted 30 per cent. and the cost of living about twice

as dear as at home, starving in rags and tatters, to the wonder and derision of the Indians ; while their commander lived at his ease in England, leaving his wife and children to starve in America. There is indeed hardly a point in the American colonial history of the eighteenth century which is not illustrated by some one or other of Bellomont's despatches.

Another governor whose reputation will be increased by a study of this *Calendar* is Francis Nicholson of Virginia. When a report came to hand of a large pirate ship hovering off the coast, the governor himself went on board an English vessel, and by his presence and 'plenty of gold' caused the crew to engage the pirates. After a hard-fought action, lasting nearly twelve hours, over a hundred pirates surrendered. 'I am in hopes,' modestly wrote Nicholson, 'that my being there on board was nowadays contrary to my duty.'

The courtier quaker William Penn is very much to the fore in these volumes, giving evidence of his general political insight, and of his desire to comply with the wishes of the crown, regarding the navigation acts, without irritating (more than was inevitable) the people of Pennsylvania, on whom he was dependent for his revenue.

Here too the ever green, so far as dislike of colonial ways could secure freshness of mind, Edward Randolph still utters his familiar jeremiads over colonial depravity. In former days he had suffered much at the hands of Massachusetts, it is now the governor of the Bermudas who presumes to clap into prison the king's surveyor general of the customs. The whole story is interesting as showing the extreme forbearance of the English government. After a careful inquiry by the board of trade, Samuel Day was found guilty of various malpractices ; but, though he was deposed from his government, he was not arrested or prevented from acting, until the arrival of his successor. Yet more flagrant were the doings of the notorious Nicholas Trott ; evidence of whose infamies, while governor of the Bahamas, is found in abundance in the earlier of these volumes. It would certainly seem that Sir William Beeston, the governor of Jamaica, was well justified when he spoke of men 'getting into these places to avoid their debts [who] take on them the titles of excellency and captain-general, which to support they squeeze and prejudice his majesty's subjects and authority.' Beeston himself was at hot enmity with the admiral commanding in the West Indies. Altogether the doings in the West Indies compare unfavourably with those during the years of war. Much valuable information will be found in these volumes regarding the rival claims to St. Lucia and Tobago. In short it is impossible to do justice to the importance of this *Calendar* within the limits of a single article. Mr. Cecil Headlam well maintains the tradition of lively, as well as illuminating, introductions.

H. E. EGERTON.

*Selections from the Records of the Madras Government ; Dutch Records*  
Nos. 1-10. (Madras : Government Press. 1908-1910.)

THE archives of Madras contain numerous official records and other documents written in the Dutch language dating from the years 1664 to 1825, a legacy from the time of the Dutch East India Company's settlements upon the Malabar coast. An English catalogue of these papers was issued a few years ago. From a short preface in Dutch prefixed to the first of the series

of documents which form the subject of this notice it appears that the Madras government has undertaken the useful office of preserving them in printed form before the ravages of time can work further destruction. Many of them, as was to be expected, have become partly, some wholly, illegible. The total number of existing documents is given as 1632. Whether the whole or how many of these will be worth printing is not stated. Meanwhile a beginning has been made with some of the more extensive or historically important. The text is printed from copies made by the Rev. P. Groot, S.J., A. J. Van der Burg, and J. Fruitier. Little or no editing is attempted unless the word may be applied to the occasional interpolation of a mark of interrogation or a 'sic' to indicate an error in the original. Nor has the text been consciously altered. There results an exuberant variety of spelling and punctuation, which, coupled with an involved style of narration, makes one or two of the documents difficult reading. Here and there the copyist has apparently misread his original. More often the compositor has taken liberties with the text.

The documents already printed have issued from the press without regard to historical sequence. Collectively they cover a period extending from 1714 to 1793. It will be convenient to give a brief account of each of them in the order of the events to which they relate. The earliest in date (no. 8) is described as a 'Diary kept during the Expedition against the Zamorin from 4 December 1716 to 25 April 1717.' In face of this description it is surprising that the first entry is dated 9 October 1716. The explanation seems to be that the copyist, as a footnote imports, has 'contaminated' three several documents relating to the same campaign. Perhaps a title applicable to one of these has been inadvertently transferred to the combined whole. The resulting document of 183 folio pages is one of the most extensive yet printed. The narrative begins at sea on board the flag-ship 'Ellemeet,' which was conveying his Honour Admiral Willem Backer Jacobzoon, extraordinary member of the council of Dutch India and commander-in-chief by sea and land on the coast of Malabar, from Batavia to Cochin, where he was to assume direction of the operations against the Samorin, one of the petty potentates of this region, with whom the Dutch found themselves involved. Hostilities had begun in the year 1715, and had been so unsuccessful for the Dutch that it was deemed necessary—the more so that the Company was at the same time carrying on war in Java—to press matters forward as vigorously as possible. The very full record contained in this diary enables the reader to follow the course of the campaign in great detail. An assault upon the enemy's position at Palponetty resulted in a general massacre of the defending force. This was the only signal success that befell the Company's arms during the campaign, which ended with the breaking of the monsoon, but not before the Dutch had suffered severe loss from sickness and armed attack. Peace was concluded in the following year.

The next record (no. 10) contains the diary of Captain Johannes Hackert, written during the campaign against the king of Travancore, from 18 October 1739 to 8 June 1740. Captain Hackert was himself in command, but the record is meagre and of no great interest. Desertions from the Dutch army are recorded almost daily. In this war, as in the last,

the English Company lent a scarcely veiled support to the enemies of the Dutch.

The remaining documents are all, with two exceptions, of the same general character. The commanders of the Dutch settlements were expected and often enjoined on vacating office to compile a detailed memorandum for the guidance of their successors. Many of these records exist. One of the earliest and most systematic was the memoir of Commander Hendrik van Rheede, dated 17 March 1677, addressed to his successor, Jacob Lobs. The original of this is in the Madras archives, but is unfortunately quite illegible. We have, however, (no. 1) the valuable memoir of Commander J. V. Stein van Golleneese, addressed to Commander Reinicus Siersma in the year 1743. This paper contains a summary account of the kingdoms and principalities of Malabar, together with a detailed statement of the Company's activities, assets, and domestic economy. That the writer was a man of shrewd insight appears, *inter alia*, from a searching estimate of the native character with which he prefaces his work, and also from his comments upon the Company's policy in respect of the pepper trade. Things were going badly for the Dutch. The system of exclusive trading had broken down. Two alternatives presented themselves, either to 'follow the market' in equal competition with other traders or to resort to armed force to compel the native princes to carry out their contracts. It was Hobson's choice. The writer of the memoir saw clearly enough that permanent occupation of the pepper zone was the only satisfactory solution, but one which the Company was not in a position to undertake. The course actually adopted was distinct from any of these. In 1748 instructions issued from Batavia that the petty rulers of the coast should be left to their own devices or fate, and relations maintained with the king of Travancore alone. With this potentate, accordingly, a new treaty was concluded in the year 1753. The result was immediate. The king of Travancore proceeded to extend his dominions at the expense of his neighbours, who appealed in vain to the Company for assistance, while the terms of the pepper treaty were disregarded. The Company was powerless to save even its old ally the king of Cochin from hostile aggression. Such is the state of things described (no. 3) in the memoir of Commander Frederik Cunes, left to his successor Caspar de Jong, dated 31 December 1756.

At the date of the document last mentioned the Samorin was still a power in the land. The then occupant of the throne had been increasingly troublesome to the Dutch, as appears from Cunes' narrative. Punishment came, but from another quarter. Less than ten years later, in 1766, Hyder Ali had overrun the Samorin's kingdom and made him prisoner. The unhappy king set fire to his prison and perished in the flames, thus escaping the further cruelty of his conqueror and securing for his body what his religion and his rank demanded. These and subsequent events are fully described in a separate document (no. 5), entitled 'An historical Account of Nawab Hyder Ali Khan' from the year 1763 to the year 1774.

Of all the material yet printed the most complete is (no. 2) the memoir of Governor Adriaan Moens, left for his successor in the year 1781. This is a document of great historical, political, and economic

interest. A special feature of the work is the writer's account of the native Christians, more particularly of the so-called St. Thomas Christians, about whom he had taken particular pains to obtain correct information. The memoirs of Commander Cornelius Breekpot to Christian Lodewyk Senff, dated 28 February 1769 (no. 7), and of Johan Gerard van Angelbeek to Jan Lambertus van Spall, dated 30 December 1793 (no. 4), may be dismissed with a passing mention. Of the remaining documents that have come to hand one (no. 6) contains a list of Dutch manuscripts, letters, and official documents, compiled, apparently, in 1795, when Cochin was taken by the English; the other (no. 9) consists of extracts from inventories and establishment lists of the years 1743, 1761, and 1780.

R. W. LEE.

*La Duchesse du Maine, Reine de Sceaux et Conspiratrice.*

Par le Général de PIÉPAPE. (Paris: Plon. 1910.)

GENERAL DE PIÉPAPE has hitherto confined his historical work to subjects either purely military or connected with the province of Franche Comté; but in this volume he has launched out on to the sea of national history, and considers the Duchesse du Maine in her double aspect of queen of the literary coterie of Sceaux and instigator of the Cellamare conspiracy. The subject gives an opportunity for an entertaining study, nor has General de Piépape missed it. He has made good use of the printed materials for the life of the duchess, and has ransacked the arsenal manuscripts and the documents in the foreign office in Paris, but, considering the number of authorities he has used, a bibliography might well have been added to explain the numerous contractions, and save the student the labour of searching back through the book for titles. For example, on p. 105 there is absolutely no clue as to the meaning of the reference given in n. 2, 'A. C.'

The story of the Cellamare conspiracy is an extraordinary burlesque. Undoubtedly the heart and soul of the whole business was the tiny Duchesse du Maine, whose object was, as she herself expressed it, *Mettre tout le royaume en feu, plutôt que de perdre ses prérogatives*. In this she showed herself a true daughter of the house of Condé and forerunner of those stubborn upholders of a system that had run its course, the princes of Condé of 1789. And yet at the same time, as General de Piépape well points out, she had no hesitation in advancing against the regent all the arguments of the revolutionaries of 1789. The states-general must be summoned, the monarchy is declared to be merely the result of a contract, appeal is made to popular sovereignty and all in order to prove that the regent had no right to quash the will of Louis XIV. The duchess is a good example of the truth of the saying that there is nothing so dangerous as a revolutionary aristocrat. Enthusiastic, violent, and reckless, she undertook a task far beyond her powers, and that without the slightest equipment. Discretion was a quality unknown to her, and she had absolutely no capacity for judging character. The instruments she and her accomplices chose were ludicrous: the duc de Richelieu, an empty-headed fop; the Pompadour, a courtier soured by disappointment and a scarred visage; Walef, a selfish adventurer; Brigault, a needy ecclesiastic—such are some



of the instruments which the duchess thought fit to employ. That the management of the conspiracy should be restricted to a few persons does not seem to have entered the conspirators' heads; all Paris talked about it, and even the regent himself in disguise attended some of the *conciliabules* of Mademoiselle de Launay, the duchess's secretary. No wonder that Villars and all the sensible men of the court of Louis XV refused to have anything to do with a plot conducted on such principles. Naturally this carelessness bore its fruit. The mistress of Dubois, reproaching the young abbé de Porto Carrero for being late at his tryst, received the answer that he had been delayed copying out important despatches. This news was immediately brought by her to her other lover, and the despatches, written not in cipher but *en clair*, were found at Poitiers. Not only this, but the despatches were copied not merely by Porto Carrero and other Spaniards at the embassy, but by a needy *employé* at the royal library, who also kept Dubois informed of the plans for raising Languedoc, Guienne, and Normandy, debauching the garrison of Bayonne, and spending some hundred thousand livres a month in undermining the loyalty of the other French provinces. By these means full justification was obtained for arresting the Spanish ambassador, and the duchesse du Maine, with her cipher of a husband, was sent to prison, lucky to escape the fate of Cinq-Mars. Immediately after, a plot far more formidable, because it was more sensibly planned, broke out under the leadership of Pontcallec, in Brittany. Although Madame du Maine denied having any relations with the Breton nobles, General de Piépape is able to convict her out of the mouth of Brigault and other agents.

In 1720 the duchess was completely released from prison. She had learnt her lesson, and meddled no more in politics. She returned to her former *dilettante* life, surrounded by writers of epigrams. But the 'court of Sceaux' was now not the brilliant gathering that it had been in the great days of the 'order of the honey-bee.' The duchess herself was ageing, and though she was as sleepless as ever at night, she no longer had any of those *nuits* which were the wonder, and perhaps the scandal, of Louis XIV's last years. In 1736 the duke died, and although in 1746 Voltaire reappeared at Sceaux, the revival under him was but a pale reflection of former glories. In 1747 the 'court' dispersed, and early in 1753 the duchess died, entirely forgotten by the French public and leaving an unhealthy progeny, who died out in the second generation. Of the buildings connected with the duchess all have disappeared save the pavillon de l'Aurore at Sceaux; even her prison can barely be traced in its ground-plan.

L. G. WICKHAM LEGG.

*Luise Ulrike, die schwedische Schwester Friedrichs des Grossen.* Ungedruckte Briefe an Mitglieder des preussischen Königshauses. Herausgegeben von FRITZ ARNHEIM. II: 1747 bis 1758. (Gotha: F. A. Perthes. 1910.)

A BRIEF notice must suffice of the second volume of the unpublished letters of Louisa Ulrica, the Swedish sister of Frederick the Great, edited with consummate care by Herr Arnheim, although it undoubtedly surpasses in interest the first volume, which was reviewed in this journal in July of last

year. The new volume<sup>1</sup> covers the period from January 1747 to the summer of 1758; and, beginning in a tone of confident hopefulness (*je puis me flatter d'être aimée de la nation, et d'avoir beaucoup d'influence dans les affaires*), it ends in almost unmitigated gloom. *Il me semble*, Louisa Ulrica had written at the end of 1753, *que je suis une brebis égarée et oubliée de tout le monde*; but this complaint had reference only to her separation from her brothers and sisters. So long as her political hopes were still unquenched, her life though dull was not unhappy; she had many literary, artistic, and quasi-scientific tastes; she kept her likes and her dislikes (the latter including a strong aversion from the Lutheran *prêtraille*) under reasonable control; and she adored her husband and believed in his military genius. But in the meantime, the consistent advice of her great brother notwithstanding, she was steadily helping to bring on the crisis which exposed her husband's throne to serious risk.

In 1751 King Frederick I ('the old Saturn,' as she calls him) had died at last in general disrespect, though, if his daughter-in-law's account is to be trusted, few things in his life better became him than the manner of leaving it. Not long before this, a change had taken place in party politics, the old contention between 'Hats' and 'Caps'—adherents of the Franco-Prussian and of the Anglo-Russian 'system' respectively—having been exchanged for that between 'Royalists' and 'Patriots.' The 'Patriots,' who controlled the senate and easily secured a large majority in the diet, became the declared adversaries of the pretensions and policy of the new king, Adolphus Frederick, and his high-spirited consort, though neither Russian nor Danish intrigue had been able to prevent his succession. The latter part of this volume contains the story of the conflict, in which the senate proved completely victorious and in which the royal pair, the queen in particular, were subjected to cruel humiliation. It cannot be said that the treatment which she experienced was unprovoked, for she had sought to bring about a *coup d'état*, and had sent her own and some of the crown jewels to Hamburg to be pawned through the agency of her favourite brother the prince of Prussia (Augustus William). Two of the chief supporters of her policy had to lay down their lives; many others were severely punished. The king, whose authority had before the crisis been already reduced to the lowest level—in the case of a royal veto the royal 'assent' might by order of the senate be given by a stamp—was by an act of the diet literally placed on his good behaviour; as for the queen, who had been publicly sermonised in the name of the whole order of clergy, the same act extended forgiveness to her on condition that her husband would henceforth make clear to her the way in which she should go. But her cup was not full yet. At heart she was (so she frequently declares) as true a Brandenburger as were any of those of her blood whom she had left at Berlin. In the spring of 1757, the year of the 'reversal of alliances,' Sweden and France joined in a declaration for upholding the peace of Westphalia, and in the autumn a Swedish army crossed the Prussian

<sup>1</sup> Attention has already been directed (*ante*, p. 314) to a letter from Queen Louisa Ulrica contained in this volume, which throws unexpected light on the way in which the portion of the correspondence between Sophia Dorothea and Count Königsmarck contained in the Berlin Archives reached the hands of Frederick the Great.

frontier. Louisa Ulrica's correspondence with Berlin was at an end. Since however her '*digne et respectable*' mother, the queen dowager Sophia Dorothea, died in June of the same year, and her dearly loved brother, the unfortunate Augustus William, a year later, there remained only her eccentric sister Amalia (Lili), whom Louisa Ulrica no longer had the heart to tease, and her eldest brother and 'master,' for whose advice the day had likewise passed.

A. W. WARD.

*Personal and Party Government, 1760-1766.* By D. A. WINSTANLEY.  
(Cambridge: University Press. 1910.)

THAT 'Newcastle was right and Pitt was wrong,' Newcastle in upholding and Pitt in discarding the principle of government by party, is the judgement with which Mr. Winstanley concludes this admirable narrative of the political struggles of the first six years of the reign of George III. As an abstract proposition it may be admitted that government by party is less likely to lead to evil than government by a single man, and in the special case of George III personal government certainly brought evil on the country. Yet the respective aims of Newcastle and Pitt must be judged neither according to abstract rules of political science nor by the light of future events, without making full allowance for the circumstances of their time. Newcastle hoped for a revival of the old whig domination, Pitt for government by a king resting on the support of the commons and inspired by his own lofty ideas. Pitt's hopes were shattered by his illness; in themselves they seemed capable of fulfilment: the oligarchy which Newcastle desired again to see in power had split up and could never again have existed as a united party. That Pitt was 'guilty of a grave political blunder' in his relations with the duke, and specially, as seems to be meant here, in refusing to join the Rockingham administration, implies that he had not sufficient reason to distrust a system which had been used to thwart his policy while in office and finally to drive him from it, and that by entering the Rockingham administration as a recruit and not as its recognised head he could have kept it united and have directed its course. The condition of the whigs, broken up into groups constantly varying in number and strength as men transferred their adherence from one to another, often for private reasons, makes the political history of these years peculiarly difficult. Mr. Winstanley has founded his account of it on the best and surest basis, using mainly the Newcastle Papers and supplementing them from other original sources both in manuscript and print; he has everywhere given his authorities; and he has shown care and critical skill in his use of them. His narrative, though not devoid of interest, derives it rather from its subject than from his presentment of it, and would have been more attractive if he had endowed its personages with some degree of life. A complete review of the politics of the period does not lie within the plan of his book, and so it would not be fair to complain of omissions generally; yet it is to be regretted that he has not included a criticism of the Peace of Paris or some notice of 'Dashwood's loan,' for both are closely connected with his main subject. It is a small matter, but it is strange to find so scholarly an author confusing Frankenstein with the monster of his creation.

In more than one place Pitt's conduct with respect to the whigs is

condemned in terms which will not meet with universal assent. The remark that in his famous speech on the preliminaries of the peace he did 'nothing to assist those who were struggling in the same cause as himself' seems true only in so far as it means that, while attacking the ministers, he refused to connect himself with men whom he had cause to distrust. If we are to credit the whigs of the opposition with a desire to maintain the country at that pitch of greatness to which he had raised it, and to abase those who in their view were throwing away the advantages he had gained for it, he assisted them towards that end as far as was possible; if, however, we are to regard their objections to the preliminaries as an effort to gain a mere party triumph, he certainly gave them no assistance at that time. No doubt with most of them the ends in view were mixed: in so far as they were noble Pitt did what man could towards their attainment. Some interesting information will be found respecting Bute's temporary alliance with him and its rupture; that the earl used both Pitt and his opponents 'for his own ends' seems a better explanation of his conduct than that he was at any time 'more in sympathy' with him than with them. Bute's resignation was, as is pointed out here, determined on some weeks before it took place; as regards the causes which seem to have decided its date, Mr. Winstanley rejects the suggestion that 'his position was rendered untenable by the alliance between Pitt and Newcastle,' or, to speak more accurately, the union between Pitt and the opposition. Newcastle however, no bad judge of such a matter, distinctly says that this was the case; he retired when Pitt and Temple joined the opposition, because he feared the effect that it would have on the lords.<sup>1</sup> That it is probable that he did not entirely approve of the appointment of George Grenville as his successor is contrary to what Fox believed to be the case; for in writing to Bute himself he said that he reluctantly gave Grenville the preference over other possible heads of the treasury, 'knowing Lord Bute's good opinion of him.'<sup>2</sup> He doubtless chose Grenville because he hoped with him as first lord 'to retain influence out of employment.'<sup>3</sup>

With reference to Pitt's refusal of office in May 1765, Mr. Winstanley argues with much ability that it was mainly caused by his perception that what was intended was, that he should merely lend strength to a whig administration with some member of Newcastle's following at its head. This is possible; but in view of the influence then exercised by Bute, the part that he had taken in the negotiation of the previous August, and the fact that on this occasion his son-in-law Northumberland had been suggested as first lord of the treasury, it seems at least as likely that Newcastle was right in believing that, in spite of Cumberland's assurances, Pitt feared that 'my Lord Bute's real design was to be master of the whole.'<sup>4</sup> In any case it is certain that he did not decide against taking office until after an interview with Temple, who, according to the Duke of Grafton's belief, 'made such use of the mention of the Earl of Northumberland for the treasury as to stagger Mr. Pitt himself, as I conjectured.'<sup>5</sup> Pitt's refusal to accept office in June was, Mr. Winstanley contends, caused by his belief that, without Temple at the treasury, office would be

<sup>1</sup> Add. MS. 329349, f. 15.

<sup>2</sup> Fitzmaurice, *Shelburne*, i. 197.

<sup>3</sup> Add. MS. 329348, f. 82.

<sup>4</sup> *Newcastle's Narrative*, pp. 13, 14.

<sup>5</sup> *Memoirs of Duke of Grafton*, p. 49.

impossible for him, for he would have no one in high position and unconnected with party to represent and maintain his policy in the cabinet when ill health prevented his attendance. This belief however by no means excludes what are called here 'sentimental considerations,' and Newcastle gives both as Pitt's reasons; indeed, considering the sort of man that Temple was, we think it highly probable that Pitt's idea of his importance to him at that time was largely due to friendship and association. While it seems allowable to differ from some of Mr. Winstanley's conclusions, there can be no question as to the value of his work. WILLIAM HUNT.

*Książę Józef Poniatowski, 1763-1813.* Przez SZYMONA ASKENAZY. 2nd edition. (Warsaw: Gebethner i Wolff. 1910.)

*Żukasiński.* Przez SZYMONA ASKENAZY. 2 vols. (Warsaw: Wende. 1908.)

*Monografie w zakresie dziejów nowożytnych.* Edited by S. ASKENAZY. III. *Rządy rosyjskie w kraju Tarnopolskim 1809-1815.* Przez J. LESZCZYŃSKIEGO. IV. *Jan Henryk Dąbrowski: I. 1755-1795.* Przez A. SKALKOWSKIEGO. V. *Biskup Kajetan Sołtyk 1715-1788.* Przez K. RUDNICKIEGO. VI. *Pierwsza Politechnika Polska 1825-1831.* Przez A. J. RODKIEWICZA. VII, VIII. *Polska w dobie wojny siedmioletniej I. 1755-1758.* Przez W. KONOPCZYŃSKIEGO. XII. *Kościół Katolicki a Katarzyna II 1772-1784.* Przez M. LORETA. (Warsaw: Gebethner i Wolff. 1903-1910.)

PROFESSOR ASKENAZY'S name is known to English readers as that of a contributor to the *Cambridge Modern History*, and, since translations into French and German of the first two of the works mentioned above are to appear shortly, a wider circle of students will have an opportunity of benefiting by his labours. There can be few subjects more interesting and instructive than the later history of Poland, perhaps none in which the feeling that lessons of practical value for modern statesmen are furnished is so persistent. The ruin of the republic was due more to external cupidity than internal decay, and the virtues of the people had no small share in bringing misfortunes upon them, while efforts at reform withdrew some of the energy needed for defence. Poland at her worst was no worse than some states which have kept their seats at the councils of Europe; she need fear comparison with none in her devotion to freedom and her benevolent toleration of creeds and races; and she has profited by the lessons of her history. The Poles are great readers of history, and their keen interest in the subject keeps up the standard of writing.

The first of the books before us is a life of Prince Joseph Poniatowski, the nephew of the last king of Poland. Born and brought up in Vienna, and in more senses than one 'ein Wiener Kind,' he shed his first blood in the Austrian army at Sabacz and his last as a French marshal at Leipzig; his services to his country made him honoured as a patriot, and his handsome features and charm of manner won the hearts of the people, more especially of womankind—'toutes les femmes plaident vivement pour vous,' says King Stanislaus-Augustus. It is idle to speculate on the course Polish history might have taken had Joseph, on settling in Warsaw, become king instead of the amiable, weak, irresolute, opportunist Stanislaus whom

he often addressed in vigorous words of blame, but who called him the apple of his eye; matters had gone so far before any such substitution was within the range of practical politics that the end would probably have been substantially the same in any case, but some of the bitterest humiliations might have been avoided. It is, perhaps, the highest proof of worth in this gay soldier and man of fashion that the popular memory finds a place for him beside the stern hero Kosciuszko, and that, despite their great difference of character, they could still work loyally together. It is a pleasing picture that of Joseph, the man about town, standing in his cab driving an eight-in-hand through the streets with the rugged Kosciuszko behind him. Napoleon described him as 'le vrai roi de Pologne,' and bore testimony to his military talent, and Davout said that no Polish general would have made a better commander-in-chief. This second edition has been augmented by materials from the archives of the Russian general staff and the papers of Prince Andrew Poniatowski in Paris. The portraits and other plates from contemporary prints and from photographs add to the interest of the book, which has the advantage of being a matter-of-fact narrative, ending simply with the words 'So lived and died Prince Joseph Poniatowski,' without any attempt at a rhetorical panegyric. There is a useful index, but some brief summaries of the chapters might have been given, and the proof-reader has dealt carelessly with the supplementary notes.

The life of Major Waleryan Łukasinski had not hitherto, so far as we know, formed the subject of a special biographical study, though his name is cherished by his countrymen as that of a patriot and martyr. Born in 1786, he died in the fortress of Schlüsselburg in 1868, after solitary imprisonment for nearly half a century. It is rather his sufferings than his deeds which have made him famous; he was not a born leader of men, but a devoted worker for what he believed to be the welfare of his country. The story of his endeavours to use the machinery and methods of freemasonry for political ends throws a good deal of light on the state of society in Poland during the reigns of Alexander I and Nicholas I, the events which led up to the revolution of 1830, and contemporary liberal movements in Germany, France, Italy, and Greece.

Of the seven volumes of monographs, those of most interest to the general reader of history deal with Poland during the Seven Years' War and the life of General J. H. Dąbrowski, the hero of the passage of the Beresina.

OLIVER WARDROP.

*Letters and Papers of Charles, Lord Barham.* Edited by Sir JOHN KNOX LAUGHTON, M.A., D.Litt. Vol. II. (Printed for the Navy Records Society. 1910.)

ALTHOUGH this volume is not so interesting as the first, it contains much that an historian of the period, and especially a naval historian, will be glad to have, and it illustrates still further the place that Barham held as a reformer and administrator from 1778 to 1790, when as Sir Charles Middleton he was comptroller of the navy. Between the board of admiralty and the navy board over which he presided difficulties were in any case likely to arise; with a

comptroller so keenly anxious for the reform of abuses and the efficiency of the navy they were certain. This volume opens with some extraordinarily plain-spoken remonstrances addressed by him to Sandwich in 1779, in which he accuses the first lord of idleness and mismanagement, and declares the whole system of the admiralty to be rotten. Among the abuses against which he contended were an utter want of plan in the proceedings of the admiralty board, the promotion of unfit men to dockyard posts, in spite of the recommendations of the navy board, the dishonest practices of those charged with the sale of stores, the fees levied by admiralty clerks, and the abuse of the 'indulgence of chips,' the dockyard men spending the last half-hour of their working time in cutting up useful timber to complete bundles which they afterwards sold. Unpreparedness and waste were alike hateful to him : they were of course closely connected in many matters of naval administration ; one of these was impressment, for he shows how the practice of neglecting to make arrangements for a press until the need of men had actually arisen led to an expense that was out of all proportion to the gain. A curious illustration of Rodney's proceedings after his seizure of St. Eustatius is afforded by his attempts to make the dockyard at Antigua receive as naval stores a heterogeneous mass of goods comprising ' 197 scrubbing brushes and 706 hanging locks, with other articles not in use or demand with us,' and his request that the commissioner in charge should send him bills for the purchase of them.

In spite of Middleton's rebukes to Sandwich we find him writing in 1789, when a change of ministers was expected, urging Sandwich to accept the admiralty, and ascribing to him the improvements which had been effected in the dockyards. The letter cannot perhaps be defended completely : as Sir John Laughton remarks, it may mean that he preferred the earl's easy temper and courteous ways to the greater activity of less agreeable men, such as Howe, who was autocratic and rude in his dealings with him. When he resigned the comptrollership in 1790 he was able to declare that he left the fleet ' in the best possible state.' This change from its condition in 1778 was largely his work, work done in the face of constant discouragement and with not less constant courage and perseverance. His resignation was fully justified by the ministers' neglect of his recommendations. The occasion of his resignation of his seat at the admiralty in 1795 was the recall of his friend Sir John Laforey from his command in the Leeward Islands ; but that was perhaps only the climax of other acts that he held to be wrong, for he complains to Spencer, the first lord, that his opinion was habitually treated at the board as unimportant. The work that he had already done for the navy should have saved him from such treatment ; but his tendency to dwell upon it and his love of giving advice may have somewhat irritated his colleagues.

W. HUNT.

*England and the French Revolution (1789-1797).* By WILLIAM THOMAS LAPRADE, Ph.D. (Baltimore : The Johns Hopkins Press. 1909.)

THIS volume contains a series of studies in the relations between French democracy and the social and political life of Great Britain. The subject is perhaps too vast to be treated in a comparatively small monograph, at least in the minute way here followed, on some of the possible lines.

But the effort, so far as it goes, is at least suggestive. Dr. Laprade has carefully read the pamphlets and newspapers of the time; and beginning with Dr. Richard Price's 'Discourse on the Love of our Country' and following the well-known sequence, through Burke's rhetorical reply, he launches on the open sea of controversy. He discusses many incidental topics such as the causes and the course of the famous Priestley riots at Birmingham, the influence of Thomas Paine, the rise of Jacobin clubs, and the first proposals of the Pitt ministry for a coalition with the old whigs (May-June 1792). In this last the author assumes, on insufficient evidence, that Pitt's sole desire was to weaken the whig party. Surely that is an incorrect explanation. In view of the outbreak of war on the continent and the spread of seditious societies in England, Scotland, and Ireland, Pitt desired to form a truly national party. He never had been a mere tory; and now, when Portland, Burke, and Windham had broken with Fox, it was surely time to have their alliance, which came to pass two years later. Here (p. 67) Dr. Laprade errs from seeing only the duke of Leeds's side of the story.

The same tendency to decry Pitt's conduct and general policy is observable elsewhere, the democratic version being too often adopted without a complete knowledge of the facts. Equally biassed is the treatment of the Anglo-French disputes of the close of 1792. In a curious sentence on p. 82 Dr. Laprade states that the Pitt cabinet sought to secure popular approval for hostilities against France by convincing the people that the French were endeavouring to overthrow British institutions; also that Pitt desired *carte blanche* 'to carry out an aggressive program on the Continent.' This, of course, is the Foxite view, which was endlessly repeated in speeches and pamphlets. But a perusal of the Foreign Office archives would, I think, convince Dr. Laprade that it is groundless. There is no evidence to show that Pitt and Grenville regarded war as in the least degree likely until they heard of the aggressive French decrees of 16 and 19 November, which, coming after the occupation of Brussels, brought about a very threatening situation. The action of British democratic societies in presenting congratulatory addresses to the French Convention even after those decrees, of course aroused the resentment of ministers. The author does not allow for these considerations, though a wider survey of affairs would have revealed their importance.

In fact the chief defect of the book is the acceptance of the acrid estimates of Pitt given out so plentifully by democratic speakers and pamphleteers. These last (for example Francis Place) always presumed that Pitt and his colleagues knew what was about to happen, and intrigued so that it should happen. Continually they asserted that Pitt in 1792 prepared for war, and after that gave out alarmist reports of invasion merely in order that he might establish his power. Dr. Laprade is too ready to accept these verdicts of very biassed and ill-informed observers; and it is further strange to find him endorsing the now discredited view that the disorganised state of France in 1792 tempted Pitt to attack her. What are we to say of a sentence like this? 'The attempt of the French Republic to open the Scheldt in November 1792 afforded a plausible pretext for provoking war,' &c. (p. 185). The narrow and perverted view of that question presented in this volume is consonant with the assertion (p. 152):



‘His [Pitt’s] method was to manipulate the men on the political chess-board in a manner that would give him the appearance of acting in accordance with the popular wish while in reality he was carrying out his own plans.’ Insinuations like this, unsupported by evidence, are far too common in this volume, which affords an instructive example of the manner in which the acceptance of the statements of newspapers and pamphlets may mar an otherwise creditable effort.

J. HOLLAND ROSE.

*Le Club des Cordeliers pendant la Crise de Varennes et le Massacre du Champ de Mars.* Par ALBERT MATHIEZ. (Paris: Champion, 1910.)

THE  *journée*  of 17 July 1791 was, as M. Mathiez says, that on which the French Revolution in Paris saw the first ‘martyrs of liberty.’ It is to the study of this event that M. Mathiez has mainly devoted this book. The first portion indeed reprints the acts of the Cordeliers Club on the days subsequent to the king’s flight to Varennes, and there is a chapter sketching the history of the club prior to that event. M. Mathiez inclines to the belief that it was founded a little earlier than 27 April 1790, while the date usually given is that assigned by M. Aulard—namely, July 1790—subsequent to the suppression of the district of the Cordeliers. M. Mathiez does not attempt to explain what relation, if any, there was between the club and the district during the last weeks of the latter’s existence. Presumably there was none very close, and this would fall in with the opinion enunciated by M. Mathiez that Danton had little to do with the Cordeliers Club, whereas in October 1789 it would seem he was president and all-powerful in the district.

But the bulk of the book is devoted to documents connected with the ‘massacre’ of the Champ de Mars. M. Mathiez has added yet more to the debt which historians already owe to him by printing the evidence given at the secret and public inquiries into the affair. He also prints the accounts of those sittings of the Cordeliers Club after the fateful  *journée* , with an account of the events of the day itself. M. Mathiez belongs to the Robespierriest school of historians of the French Revolution, and he has no sympathy with Lafayette and Bailly, the representatives of the odious  *bourgeoisie* . In discussing the ‘massacre’ he is perhaps not quite fair to the national guard. Was it necessary to declare ‘martial law’ at all on 17 July? Possibly not; the evidence seems to show that the meeting for the signature of the petition, which was presided over by members of the Cordeliers Club, was certainly conducted peaceably until the arrival of the municipality. On the other hand persons at the Champ de Mars earlier in the day had undoubtedly murdered two men, while others had stoned two of Lafayette’s aides de camp. Moreover the situation in Paris was exceedingly dangerous. Under these circumstances the information that reached the municipality was such as to justify the red flag being hoisted. That Bailly said later he had been deceived as to the meeting held in the afternoon, when martial law was proclaimed, is scarcely to the point; he had to act on information received. Where his action is least defensible is that he made no attempt to make the three statutory declarations, and the firing began before these declarations had been made. But that this occurred is not due to Bailly or Lafayette. The aggressors

were undoubtedly the mob and not the authorities. There is not the slightest evidence that the national guard fired until after they had been fired at themselves, and also stoned. With so ill-disciplined a body as the national guard it was only to be expected that they would retaliate on the crowd. And, be it noted, the guard acted spontaneously, not under orders, so that the municipality may be said to have lost all control over events during those moments. The fact is there were faults on both sides, not on the side of the municipality only: the latter may very likely have been inconsiderate and hasty; but that the mob brought the massacre upon themselves stands out plainly from the evidence given.

As to the number of persons who lost their lives from the fire of the national guard, M. Mathiez will not commit himself. He says it was 'considerable,' and quotes Coffinhal and Chaumette, who placed the number at some fifty odd. Anyhow Marat's number, 400, is a manifest exaggeration. How many, if any, were killed in the crush of leaving the Champ de Mars is, again, entirely an open question. The only evidence worth relying on is that of Filleul, who says that thirteen bodies were carried into the hospital of the Gros-Caillou, but this does not take any account of bodies which were left on the ground, or which were carried away elsewhere.

L. G. WICKHAM LEGG.

*Essai Politique sur Alexis de Tocqueville.* Par R. PIERRE MARCEL.  
(Bibliothèque d'Histoire Contemporaine.) (Paris: Alcan. 1910.)

THIS meritorious study of Tocqueville cannot be termed light reading. M. Marcel has been unlucky in his printer, to whom we must in courtesy ascribe Foreign Office, Shlegel, polytechnicum, and who has made dire havoc among dates. But M. Marcel does not write like a countryman of Pascal or Voltaire. Often we have had to read a sentence twice or thrice in order to grasp its meaning, and a few sentences we have found even then unintelligible. Locutions, too, we have found most un-French in their clumsiness: *démago-bonapartistes*, *antiétatistes*, *antiinterventionnisme*. On the other hand, M. Marcel has availed himself of a number of documents hitherto unpublished, although he does not appear to have found any which materially alter our conception of Tocqueville.

He begins with a study of that class of politicians among whom Tocqueville was one of the most illustrious, the French Liberals of the generation following Waterloo. Why, notwithstanding all their high gifts of talent and character, were these men so ineffective? Why did they leave no successors, and why are they almost forgotten in their own country? M. Marcel thinks that they had not enough historic sense to understand French politics, that they were too much swayed by admiration of things English, that they were cramped by a belief in orthodox political economy and that they neglected social reform for pure politics. Thus even Tocqueville, who felt the importance of social questions, professed implicit faith in the doctrine of the wage-fund, so discouraging to the hopes of the labouring class.

Tocqueville's own career, as M. Marcel shows, was a constant struggle against difficulties within and without. He lacked the physical vigour

to enjoy life or to sway the crowd. Although an aristocrat by race and by instinct, he was convinced that democracy must prevail throughout the civilised world, and therefore thought it his duty to make the best of democracy; but he was not sanguine as to the result, and his hopes were not strengthened by experience of politics. Far more a man of thought than a man of action, he yet was intellectually timid and could not decide between opposing tendencies. His writings, M. Marcel observes, do not reveal any definite philosophy of history. Their language implies by turns belief in universal necessity, belief in divine intervention and belief in the freedom of the human will. But the same is true of almost all historical writers. M. Marcel seems gravely to exaggerate in saying that Tocqueville's conception of history approaches more nearly to that of Bossuet than to that of Montesquieu, with whom he is so often compared. Tocqueville's intellectual interests were almost wholly political. He was not a good classical scholar, he cared little for art, and shrank from probing ultimate questions, philosophical or religious. His style, though luminous, strikes M. Marcel as cold and wanting in variety. It is strange nevertheless, to learn that he is no longer read in France, that the *Démocratie en Amérique* and even the *Ancien Régime et la Révolution* are almost unknown there, although so carefully studied in other lands. On the *Démocratie en Amérique* M. Marcel passes criticisms sensible but already familiar. That Tocqueville ascribed too much to a single cause, such as democracy, that he did not know enough of England and of English history when he began his book on the United States, that he was not enough a jurist for a thorough analysis of institutions, all this we have heard before. With the *Ancien Régime* M. Marcel also has faults to find. Tocqueville, he thinks, unduly disparaged the literature of the eighteenth century as a source of information in contrast to official documents, misunderstood and misrepresented the physiocrats, and did not study with adequate care the prejudices and passions of the different orders in old France. But he acknowledges that the *Ancien Régime* is a book of extraordinary merit.

As a statesman Tocqueville was hardly successful. Entering public life under Louis Philippe, he wished to keep the constitution intact but to renovate political morality. He disliked and distrusted all the leading men of the time, the king himself, Thiers, Molé, and Guizot. Scrupulous, sensitive and proud, he was not an adroit parliamentary hand. His speeches, the work of a student interested rather in expounding ideas than in swaying men, were applauded but had little effect. His attempt to found a journal which should express the convictions of himself and his friends resulted in heavy loss. In France, he said, there are only two great parties: the Have Nots, who hoist republican colours, and the Haves, who want to keep the actual government. He foresaw the revolution of 1848 somewhat earlier than other statesmen, yet it came upon him as a heavy blow; not that he cared for the house of Orleans, but that he feared too justly a time of anarchy issuing in despotism. After the revolution he was placed on the committee which prepared a draft constitution. He has left a vivid account of his labours and disappointments in this committee, where M. Marcel thinks that he showed a lack of commanding qualities. Thenceforward Tocqueville exerted himself less

in the hope of doing good than of averting evil. He soon penetrated the character of Louis Napoleon, whom he feared and hated. Before the end of 1849 the president dismissed the ministry of which Tocqueville was a member. Tocqueville was thus condemned to an opposition which he recognised as useless. The overthrow of the republic closed his political career and gave us the *Ancien Régime et la Révolution*.

F. C. MONTAGUE.

*Johann Gustav Droysen. I Theil: Bis zum Beginn der Frankfurter Tätigkeit.* Von G. DROYSEN. (Leipzig: B. G. Teubner. 1910.)

IT is impossible to suppress a regret that the two volumes to which this work is designed to extend could not have been published together. To be sure, the cynical observation concerning biographies in two volumes—to the effect that the first of them is wont to show how a man rose to fame and the second who invited him to dinner—could have but a very modified application to the life of a German professor of high genius and most extraordinary intellectual activity, and a true type of his class in what may be called its heroic age. Moreover, the published first and the promised second volumes of this biography of Johann Gustav Droysen will be actually differentiated by circumstances beyond the control of those concerned in its production. Of the narrative now before us nearly the whole was written by the late Professor Gustav Droysen, himself an historian of eminence, though with claims to the title quite diverse from his father's; whereas for the volume that is to follow, though the materials in the shape of letters are ample and were indeed, according to the son's intention, to have formed the body of the remaining portion of his work, the editor of the entire published biography, Dr. Rudolf Hübner, will have to make himself responsible. Yet, extraordinary as was the activity of the elder Droysen in its manysidedness as well as in its volume—in certain periods of his life his designs were almost as many and as comprehensive as Milton's, and his actual productivity hardly knew rest from the day when as a schoolboy of seventeen he accomplished a metrical translation of the *Antigone*—it is almost due to the most enduring and effective of all the inspirations of his life of self-devoted labour that it should be viewed as a whole. Droysen, after he had consciously transformed himself from a classical scholar into an historian, and after as an historian he had in a spirit of perfect ingenuousness blended this character with that of a politician, made no secret to himself of the limits of his own influence, and of that of others like himself. 'Fine words,' he once wrote, 'will not enable us to pull the waggon out of the mud—the more's the pity.' (His one brief day of direct political action at Rendsburg, and afterwards in a wider sphere at Frankfort, was to come and to pass away.) But of all those who as professors and publicists put their shoulder to the wheel in the long series of efforts which only blood and iron were to prove capable of bringing to an issue, not one—from first to last—wrought with more single-minded devotion or more conspicuous contributory effect than he; while in his case (as afterwards in that of Treitschke) the consistency of the point of view was not less remarkable than was the energy with which the contest was carried on. At whatever judgment we may, as students, have arrived with regard to the theory of Prussia's historical vocation, Droysen

was its prophet—in the days when he was writing the story of Alexander of Macedon as in those when he was the accredited historiographer of Prussia and of Prussian policy.

Droysen's Prussian patriotism was inborn and inbred in him; he was born at Treptow in Vorpommern, as the son of the chaplain of the garrison, who had himself formerly been attached to a fighting regiment and was present at the siege of Kolberg. The associations of the boy's youth were largely military and patriotic, and the beginnings of the rise of Prussia against the Napoleonic dominion were enacted very visibly before his childish eyes. The wars of Liberation became, so to speak, the capital clause of his historico-political creed; and when, in 1846, he put forth a species of *apologia* (in two volumes) for the period hitherto called the revolutionary period, but viewed by him as that of 'the struggle of the peoples for active participation in the state,' he treated these wars as the climax of his narrative, and called his book by their name. On his father's death he was by means of a friendly subscription sent to the gymnasium at Stettin, and thence, having done excellently well in all his school subjects *except history* and Hebrew, passed in due course to the university of Berlin. Privations and hard work were his daily lot in both places; but the former were of no consequence to him (he was fain to keep his study-lamp alive with the lard sent him as a condiment by his good mother), and without hard work he could at no time have lived. His history teaching had been bad at school; at Berlin historical work proper was still in an undeveloped stage, though Ranke's genius (with which Droysen's had little in common) was already casting into the shade the old-fashioned labours of Wileken and the romantic displays of Raumer. Droysen began as a student of philology and archæology—studies on the basis of which were really founded the epochal works of the great historical masters whose influence was predominant over the young Berlin student and teacher. Of these, though he shared Niebuhr's ardour and courage in reconstruction, and though he was afterwards accounted Otfried Müller's only living compeer in true productivity, Boeckh was the only teacher at whose feet Droysen actually sat. For the veteran professor's single-minded and unadorned exemplification of original research really deserving of the name the pupil always exhibited a thorough respect, even when he broke loose from his guidance; and to Boeckh's disciple F. G. Welcker, whose freer and ampler manner was in natural sympathy with his own, Droysen owed much of the encouragement which is as the dew of heaven to the early growths of creative power. Other scholars, such as Westermann of Leipzig and Karl Friedrich Hermann, then of Marburg, the latter a singularly acute critic, were of great service to Droysen in his earlier years of authorship. But few eminent scholars or historians have ever been more distinguished by self-reliance—though it was a self-reliance kept in bounds by the natural piety which he had brought with him from home.

After taking his doctor's degree he was, in 1832, appointed to a mastership at the famous Greyfriars gymnasium at Berlin; his habilitation soon followed, and in 1834 he was appointed extraordinary professor of classical philology and ancient history (without salary) in the university. During all this time he never relaxed his habits of hard work, except when he was

perforce laid on the shelf, and continued to eke out his scanty professional income by extensive private tuition. Yet his acquaintance with the Mendelssohn family (Felix was his pupil and became one of the firmest of his friends) had familiarised him with the *aisance* of wealth, while at the same time it supplied him with abundant opportunities of indulging in music, the chief enjoyment of his life. In 1836 he was happily married to Marie Friedländer, a daughter of another of the highly cultured Jewish families which at that time played so prominent a part in the intellectual life of Berlin. But it was not till 1840 that he accepted an ordinary professorship (of history) at Kiel, the Prussian government having declined, till it was too late, to offer a modest remuneration for his academical services, and the city authorities to reduce his hours of teaching at the Greyfriars. It may be added that his power as a school teacher is fully attested; to his sympathetic eloquence in the academical chair, the present writer is able himself to bear witness, though only with reference to his Jena days. At Kiel he remained till the rising of the Duchies in 1848, with which the present volume concludes.

Within this simple framework of general duties and employment was developed one of the most astonishing series of literary activities of which a record remains even in the history of the German professoriate. Before taking his doctor's degree he published, in 1832, the German *Aeschylus*, which was at the same time a metrical translation of rare merit and (quite apart from the daring *tour-de-force* of a reconstructed satyr-drama *Proteus*) a contribution of high importance to the theory of the Attic tetralogy. In 1834 followed his *Alexander*, an historical work of high interest and marked originality of treatment, being designed to vindicate the unification of Greece as well as the Hellenisation of Asia. This theme was carried on in the *History of Hellenism* (1836)—a term (afterwards made to cover the earlier as well as the later volume) which may in this sense be said to owe its origin to Droysen—and in the *History of the Epigoni* (1843), an undertaking—considering the theme and the authorities—of extraordinary courage. In the meantime a metrical translation of the *Birds* had in 1835 and the following years developed into a version of the whole of Aristophanes (except the *Fragments*) and had been accompanied by a controversy with Süvern, going to the root of the theory of Attic comedy, which Droysen insisted on dissociating from conscious political partisanship. And in 1839 he had by his inquiry into the genuineness of the documents in the *De Corona* opened a controversy which raged for many years between Berlin and Leipzig, and in which Droysen's negative position, although in the first instance maintained against the authority of Boeckh himself, was in the end made good all along the line.

It was not till after the publication of the *Epigoni* at Kiel that Droysen, then a man of not more than thirty-five years of age, finally passed out of the sphere of ancient into that of modern, and more especially of German, history. Beyond a doubt the environments among which his life was now spent ultimately determined this choice; but the national point of view had always been in his mind—certainly not least when he was writing the history of Alexander. When he came to Kiel, the Schleswig-Holstein question was more or less asleep. Neither he nor any German agency can

be charged with having rudely awakened it and forced it into the forefront of European politics. But no man contributed more to make it a German question rather than a quarrel between the rights of the Duchies and the efforts of the Eider-Danes, encouraged as these were by the futile and not less unhistoric conceptions of the *Neuholsteiners*. This is not the place in which to comment on the results of Droysen's labours in the Schleswig-Holstein crisis of 1848, any more than on his efforts in the years immediately preceding to solve the Prussian constitutional question by the 'merging' of Prussia in Germany. The middle period of his life was one of storm and stress, and his historico-political lectures and 'politico-historical' *Übungen* may not have been in conformity with accepted academical ideals. But he never faltered, and he was never either inconsistent with or unworthy of himself.

A. W. WARD.

*The Political Development of Japan, 1867-1909.* By G. E. UYEHARA.  
(London: Constable. 1910.)

DR. UYEHARA'S interesting book comes very opportunely at a time when there seems to be a desire to know more about a country which has made such rapid progress. Speaking of the condition of Japan and its development under feudalism, the author points out that extreme poverty was unknown and that the evil of overcrowding in large cities never existed. This is undoubtedly correct. There was no wide-spread pauperism, and there were no slums, because feudalism discouraged the concentration of population in a few places, because agriculture was specially favoured, holdings were small, and the peasant was fixed to the land which he tilled. Other causes worked in the same direction: the low standard of living, the communal structure of society, and above all, perhaps, the family system, with its doctrine of mutual support, now incorporated into Japan's civil code. The author's views as to the main causes of Japan's astonishing progress are not altogether convincing. What he says of the influence of the family system in the moulding of character is true enough. The conception of individualism, as understood in Europe, is not possible to a person brought up in the atmosphere of submission to the family will. No mention, however, is made of military service or educational reform, two factors which had certainly much to do with the bewildering change from particularism to national unity; nor are we told by what process the clan loyalty of forty years ago became the strong feeling of loyalty to the throne which is seen in the Japan of to-day. It is not easy for foreigners to enter quite fully into the feelings which inspire the author's treatment of the difficult question of the sovereign's position in Japan. The attitude of the people towards the throne is a product of several things: the adoption and absorption, at an early date, of Chinese ideas, which furnish the basis; what may be called the cloister aspect of Buddhism; religion in its other, and more curious, Japanese form of Shinto, which was so blended with prehistoric tradition as to favour the claim of Japanese monarchs to divine descent; feudalism and the dual system of government, under which the crown for several centuries never exercised any administrative authority, and was therefore never brought into direct conflict with the people. The result is a sentiment of unreasoning reverence, which, if it defies exact

analysis, still makes of the most advanced Japanese thinker a submissive and devoted subject.

From an instructive sketch of the Restoration of 1867 we pass on in these pages to a detailed account of the movement in favour of a constitution. To the imperial oath, the Magna Charta of Japan, the greatest importance is rightly ascribed. But we prefer Baron Kikuchi's translation to the one here given, and the author will not, we think, obtain much support for his contention that the ultimate concession of representative government was not foreshadowed in this remarkable document. The best authorities agree in the view that the first article of the oath was intended to refer to popular government, and this opinion is confirmed by the independent testimony of foreigners who were at the time in Japan, and in close relations with some of the leading reformers. The idea was not new, and had already, before the Restoration, found expression in the manifesto in which the Tycoon announced his resignation. The development of constitutional government in more recent times is described with great accuracy; and its many aspects, including the growth and development of the constitutional agitation, the formation and proceedings of political parties, the circumstances under which the business of elections is carried on, the relations between the two chambers, the position of the ministry, and the working of parliamentary institutions generally, are explained with much ability and insight.

J. H. GUBBINS.

*Peerage and Pedigree.* By J. H. ROUND, LL.D. 2 Vols.  
(London: Nisbet. 1910.)

MR. ROUND'S studies in peerage law and family genealogy are written with such fullness of knowledge and with such powers of clear and attractive exposition that these volumes will no doubt appeal to an even wider circle of readers than his *Peerage and Family History*. His efforts to enforce clear thinking, accuracy, and honesty in fields where obscurity, carelessness, and imposture have been too long rampant have already borne some fruit, and this excellent work will now be carried a stage further, though the tares will continue to spring up here and there among Mr. Round's wheat so long as lawyers ignore history and *nouveaux riches* desire ancestors. Without in the least undervaluing his scathing exposures of the 'muddle of the law' and the fabrication of pedigrees, one may be allowed to express a hope that he will not permit himself to be entirely diverted from those severer and less popular problems on which students of history have taken him as one of their guiding lights.

The methods and decisions of peerage law and peerage lawyers rouse all the historian in Mr. Round. He cannot sufficiently away with their slavish worship of mere 'books of authority,' their failure to grasp the historical facts with which they profess to deal, their fatal refusal to admit that the law was ever different from what it now is. The peerage cases of the last twenty-five years have afforded only too many openings to the author's trenchant criticism. In the case of the lord great chamberlainship Mr. Haldane gravely argued that this office was held by grand serjeanty and even identified petty serjeanty with knight service. In the earldom of Norfolk



case the lords actually decided that Bigod's surrender of the earldom in 1302 and the subsequent creation of Thomas of Brotherton as earl of Norfolk were invalid, because modern peerage law does not allow the surrender of dignities and 'the law has always been the same.' Again, after Montfort's parliament of 1265 had been recognised for centuries as the first valid parliament in regard to baronies by writ, the house in the Mowbray and Segrave case suddenly disallowed the writs of 1264 and accepted those of 1283 without argument, though the status of a hundred baronies was thereby affected. This at least cannot be defended on the ground that for practical reasons the law cannot recognise differences of usage at different periods. In 1841 and again in 1856 it was held (contrary to decisions as late as 1807) that unless there was proof of a sitting in parliament by the receiver of a writ there was no barony created. Yet in the Mowbray and Segrave case a son's sitting was 'referred' to his father's writ as sufficient evidence of creation.

There is indeed reason for believing that the necessity of proof of sitting is a lawyer's invention of comparatively modern date. There is no trace of such a doctrine before Coke, who insisted that 'the direction and delivery of a writ did not make a baron or noble until he did come into parliament and there sit'; and even Coke, despite an apparent passage to the contrary in his First Institute, does not seem to have required that proof of sitting by 'record of parliament' which is now the law. It might be argued indeed, though Mr. Round does not appear to take this view, that Coke did not demand more than the attorney-general in the Frescheville case (1677) and chief justice Holt in the Banbury case (1694), viz. absence of disproof of sitting by cessation of summons, evidence of previous death or a writ of *supersedeas*. In the Abergavenny case (1610) as reported by Coke, who rested upon it the doctrine under discussion, the only question was whether a person who received a writ to parliament, but died before the parliament met, was a baron or no. But even if Coke did not lay on a claimant the *onus probandi* he still cannot be acquitted of tampering with the law. For Mr. Round offers evidence that the question put to the judges (of whom Coke was one) in the Abergavenny case was an entirely different one, and that he bolstered up the fictitious decision by the concoction of a writ palpably impossible. It sounds incredible, but the charge, it must be confessed, seems fully made out. And Coke has no unstained record. This 'oracle of the lawyers,' whose works enjoyed for two centuries intrinsic authority in our courts of justice, was long ago convicted of very cavalier treatment of the cases he professed to report. Some of Coke's errors, however, were made in perfect good faith, and argue nothing worse than carelessness. His distinction between an ordinary castle and a 'castle for the necessary defence of the realm' which found its way into the letters patent creating the barony of Lucas of Crudwell, and in 1902 was dragged into the argument for the impartibility of the lord great chamberlainship, is, as Mr. Round shows, a pure misreading of his authorities. Again, Coke's oldest evidences for his doctrine of abeyance in dignities are two thirteenth-century cases, the better known being the earldom of Chester case (1237), neither of which had really anything to do with dignities, but only with lands. Yet the 'law' so evolved has been definitely recognised in the case of baronies, and

may at any moment be held to justify the calling of earldoms out of abeyance.

Besides exposing the 'muddle of the law,' Mr. Round in his first volume shows the important bearing of the Willoughby case (1572, 1580) on the desuetude of baronies *iure uxoris*, discusses the difficult questions raised by the Delawarr case (1597), where again Coke darkens counsel, and by firmly establishing the fact that the recognised court for questions relating to titles of honour, as late as the beginning of the seventeenth century, was the court of Chivalry proves that the lords' jurisdiction in peerage claims is 'delegated,' not inherent, and also that James I is unjustly charged with failing to provide a court for the trial of claims to baronetcies. The volume closes with a reprint of articles on the 'Origin of the House of Lords,' which we presume (though the author withholds the information) to be those which appeared in the *Antiquary* in 1884 and 1885.

Severe as Mr. Round is with the unhistorically minded lawyer, he applies his critical lash (in his second volume) with even greater gusto to the fabricator of pedigrees and to the school of heraldry represented by Mr. Fox-Davies. His *Tales of the Conquest* and *Some Saxon Houses* play havoc with much genealogy that is periodically exhumed from 'Burke' by the daily papers. But the most slashing attack is reserved for the notorious 'Carington imposture' by which three (totally unconnected) families of Smith in succession, equally discontented with their plebeian name, have boldly affiliated themselves to a knightly Cheshire house. The difficulty of eradicating pretensions which rest upon a strong foible of civilised human nature is illustrated by the fact that the third assumption was made even after the second family, raised to the peerage in 1796, had dropped the Carington story (except in their title) in deference to a fierce printed exposure by a member of their own house. Mr. Round's dissection of the late Dr. Copinger's *History and Records of the Smith-Carington Family* is even more ruthless and convincing, but we shall be surprised if the story thus exposed is henceforth finally killed.

In dealing with these weeds of the genealogical garden a certain amount of acrimony is pardonable and useful, but Mr. Round's crusade would be followed with more sympathy if he did not so often turn his scourge suddenly on persons whose offences, be they mortal or venial, are not particularly to the point on the matter in hand.

JAMES TAIT.

*The Records of Blackburn Grammar School.* Edited by A. STOCKS, M.A.

In Three Parts. (Chetham Society, Vol. 66, 67, 68. Manchester, 1909.)

AFTER a short introduction treating of the foundation, government, management and finance, discipline and teaching, buildings, and masters and ushers of the Blackburn Grammar School, Mr. Stocks gives us in the rest of his work transcripts of original documents connected with the school. The foundation deed of the chantry and school endowed by Thomas second earl of Derby dates back to 1514. The incumbent of the chantry was to be 'an honest seculer prest and no regular suffyciently lerned in gramer and playn song if any such can be gettyn that shall kepe contenually a Free Gramer Scole.' Provision was made that if one man could not be

found who would combine the two functions, then the churchwardens were to elect a chantry priest who should keep either a grammar school or a song school. The chantry was disestablished and disendowed by King Edward VI, but re-established by Queen Elizabeth in a charter of 1567, given in full by Mr. Stocks.

The number of scholars, soon after the foundation, appears to have been 140 at a time when there were 2000 'houseling' people in the parish. In a memorandum of 12 September 1590, the common seal and a box to contain the same, together with the indentures of 'bargayne and sale of the rente to the Governors,' was delivered to be kept for the use of the school, and of this Mr. Stocks provides us with an illustration. Scholars from outside the parish could be taken at a fee of 8*d.* a quarter. The memorandum also contains the decision that 'henceforth there shalbe noe butcheringe or killinge of flesshe within the same schoole,' and that no English interludes or plays were to be permitted in the school. The statutes and orders dated 1597 are transcribed in full, and are of great interest. School, as was usual at the time, began at six o'clock or soon after, when prayers were said, and teaching was to begin at or before seven o'clock and to be continued till eleven; afternoon school began at or before one o'clock and was to continue till after five o'clock, and prayers were to be said before the scholars were dismissed.

Arrangements were to be made for 'petties' not to be taught by the master or usher but by 'grammarians,' under the supervision of the master and usher. The scrivener or writing-master was not to teach for longer than a month in the year 'without urgent cause.' No child was to be admitted under five years of age, and only those 'fit to conceive learning.' The 'forms' or 'sieges,' it was suggested, should be seven in number. An interesting list of Latin authors is given. The authors in Greek proposed were, for grammar, Camden or Clenard; for Epistles, Basil; for Orations, Isocrates, together with Hesiod, Homer, Theocritus, Pindar, the *Olynthiacs* of Demosthenes, and the Greek Testament. Hebrew might be taught if it were found desirable, as far as the Grammar and Psalter. But perhaps the most remarkable provision of the statutes is the following: 'The principles of Arithmeticke, Geometric, and Cosmographie with some introduction into the sphere are profitable.' The exercises suggested are: 'Englishes,' speaking Latin, variations, double translations, disputations, verses, epistles, themes, and declamations in Latin and Greek. It is also enjoined that once a year the scholars shall exercise themselves 'in verses or other exercises,' in praising God for the benefactors of the school. Beyond the transcription of the statutes and orders, Mr. Stocks has not been able to supply much material for the study of the internal working of the school, but there is a valuable collection of documents on the administrative side. There is only slight knowledge obtainable about the first school-building separate from the church, probably erected about 1567, but there is at times copious though casual information in the memoranda, about the 'repairs' to the later school, about governors and their election, arrangements with master and ushers, and, from time to time, about books presented to, or bought by, the school. Mr. Stocks's book is of special local interest, as the index shows, in the names of those connected with the administration of the school. It is, of course,

valuable for the historian of education, in details revealed in the memoranda as to payments and in the history of the administration generally. A list of masters of the chantry school and of the grammar school is given continuously from 1514 and of ushers of the grammar school from 1597. The chairman of the governors has provided several illustrations for the book. It is regrettable that it was impossible to give an illustration of the old school, but there is a plan showing the position of the grammar school before 1819. Mr. Stocks deserves our gratitude for the labour involved in making these documents accessible, and it is to be hoped that other headmasters will be attracted into performing the same desirable work for their schools wherever there is a grammar school with such an old and continuous history as the Blackburn Grammar School.

FOSTER WATSON.

*The Records of the City of Norwich.* Vol. II. Compiled and edited by J. C. TINGEY, M.A., F.S.A. (Norwich: Jarrold. 1910.)

THE first volume of this valuable selection of Norwich records, published under the authority of the corporation, was noticed in this Review in October 1907 (vol. xii. 782). It was limited to documents relating to the government and administration of the city, and was edited, with an elaborate introduction, by the Rev. William Hudson. The second and final volume, which has been prepared by the honorary archivist of the city, Mr. Tingey, contains a wide selection of records illustrating its social and economic progress, which is very fully traced in the editor's introduction. That the city has not always shown such a commendable interest in its archives as these substantial volumes attest is unfortunately evident from the not infrequent mention of records which were examined by the Norwich antiquary Kirkpatrick in the eighteenth century, but have since been lost, along with most of the manuscript materials which Kirkpatrick himself accumulated and bequeathed to the corporation. It is to be hoped that the unexpected recovery of the *Book of Customs* five years ago may be followed by others.

In the review of the first volume we expressed some fear that the reservation of the financial side of the town administration for treatment in the second might withhold a valuable clue to the process by which the 'town' came into existence. As no chamberlain's accounts are extant before those of Peter Flint, for the years 1293-8 and 1301-5 (pp. 30-38), these fears were premature, but the student of the municipal constitution even in the fourteenth century will do well not to neglect the city accounts. The documents selected by Mr. Tingey are in some cases given in the original Latin or French with an English version or summary, sometimes in translation only. An examination of the former class inspires one with confidence in the translator's general accuracy, though some of the items in the difficult Old French list of goods and tolls from the *Book of Customs* have been too much for him. Curiously enough, he once or twice suggests the correct interpretation tentatively in a note while retaining a clearly inadmissible one in the text. The index of special words, though useful, is incomplete both in the words included and in the references given. Mr. Tingey's introductory survey of social and economic changes at Norwich during the best part of a millennium keeps well up to

the standard set by the editor of the first volume. As an instance of the sound critical spirit in which moot questions are dealt with we may cite his treatment of the numbers of the population of the city in the middle ages and the mortality caused by the Black Death. Abbot Gasquet, while quoting the opinion of many that Blomefield's figure for the latter of 57,374 was altogether impossible, makes no attempt to estimate the actual population at that date. Mr. Tingey, on the contrary, not only shows that the city can hardly have had more than 6000 inhabitants before the pestilence—more than two centuries later it was under 18,000 in 1579 after the great influx from the Netherlands—but he convicts Blomefield of quoting his figure from a city record no older than 1524 and supporting it with a passage from the *Book of Pleas* which is really part of the Louth Park Chronicle, and has no reference to Norwich.

A very full and interesting account is given of the great textile industry for which Norwich was famous until it sank before the superior coal and water power of Lancashire and Yorkshire. Its incipient decay in the first half of the sixteenth century and its subsequent revival first by the importation of foreign processes and workmen and afterwards by the wholesale immigration of Dutch and Walloon artisans already alluded to (the alien settlers at one time amounting to little less than half the total population) are clearly brought out. There is some reason to believe, Mr. Tingey points out, that the establishment of russell-weaving in Norwich, which Dr. Cunningham regards as the first case in England of a new trade imported by capitalists, was slightly anticipated by the introduction of the hat-making industry from France, which seems to have been established for some years prior to 1543. An interesting point is raised by the general agreement of modern writers on the subject that worsted-weaving did not become the staple manufacture of Norwich itself until well on in the fourteenth century. This naturally leads them to regard with scepticism Jordan Fantosme's statement that most of its citizens were weavers in 1174. Yet Fantosme, though he may have exaggerated, is a contemporary authority, and one cannot but wonder whether there is not some truth after all in an assertion made by the citizens about 1578 that the worsted manufacture had been preceded by the weaving of cloths known as Norfolk whites. It is true that there is no earlier mention of such a product, but the medieval evidence is fragmentary, and there were certainly some weavers in Norwich in the thirteenth century.

JAMES TAIT.

## *Short Notices*

The *Orbis Latinus* of J. G. T. Graesse has for fifty years served a useful purpose as a convenient though admittedly uncritical dictionary of place-names in their Latin forms, as found in medieval histories and in the imprints of modern books. We are glad therefore that a second edition of it should have been brought out by Professor Friedrich Benedict (Berlin: Schmidt, 1909). The new book is better printed and on better paper than the old, and is altogether a pleasanter book to use. But in some ways we prefer the old. It was, we think, more practical, for instance, to group all the places beginning with 'Colonia' under that prefix than to send us to 'Agrippina' for Cologne, and we regret the omission of the German-Latin index. Besides, the work called for a good deal more revision than Dr. Benedict has given it. He was quite right to retain spurious names which have literary authority, such as 'Calena' for Oxford; but if Calena is admitted the equally fictitious 'Rhedecina' should appear too. But positively wrong identifications, such as Corinium for Wantage, Dorobernia for Dover, Rossa for Rochester, should have been corrected; nor should Saint-Maurice (under 'Bergintium') be placed in Haute-Savoie, the Great St. Bernard (under 'Jovis, Mons') in the Lepontine Alps, or 'Dean Forest' in 'Lancaster.' The identification of Brennacum with Braisne is generally abandoned. Some of the Latin forms of Duisburg appear to be incorrectly attributed also to Doesburg. There are many omissions of just the sort of words which cause difficulty to students; for instance, Rascia (Servia) and Rages (Edessa). Many entries are given which are quite unnecessary, such as 'Wodehamum' for Woodham and 'Antilia' for Anthill [*sic*] in Bedfordshire; and other names are placed under the obvious forms, and not under those which are less evident (thus 'Brennburgum' under 'Brandeburgum'), but in these cases there are cross-references. The cross-references are, indeed, if anything too abundant, but occasionally they fail; thus under 'Treveri' we are referred to 'Augusta Trevirorum,' which we seek in vain. X.

Mr. Charles Trice Martin has brought out a second edition of his well-known *Record Interpreter* (London: Stevens, 1910). Its title page describes it as 'a collection of abbreviations, Latin words and names used in English historical manuscripts and records'; and the book is so familiar to workers among manuscripts that it is almost sufficient to leave this description to speak for itself. In the course of his long experience Mr. Martin has naturally been able to make considerable additions to what originally

appeared in a briefer shape in 1879. The glossary however needs further revision: thus *alba firma* is wrongly explained; *batellarius* in its academic sense is spoken of as though limited to Oriel College; *gregarius miles* is omitted; *litura* is confused with *litera*; *manca* is a copyist's mistake for *mancusa* (from the Arabic *mankūs*); *mitta* is specially a measure of salt; *oppidanus* should not be 'the keeper of a town,' but alternatively 'a townsman' or 'a member of the garrison of a castle'; the *scabinus* was not found only at Lynn. But these are small points. Y.

In reviewing Dr. Gisbert Brom's *Archivalia in Italië belangrijk voor de Geschiedenis van Nederland* (*ante*, pp. 390 *seq.*) we specially commended his 'detailed account of the various classes of which the Vatican Archives consist' and of the means of reference to each class. 'There is probably,' we said, 'no book likely to be more useful to the beginner at the Vatican Archives . . . than this book of Dr. Brom's, which tells the inquirer where to look and what classes to submit to a thorough search.' It is therefore matter for congratulation that the author should have translated this portion of his Dutch work into French and thus made it accessible to a larger circle of readers. In the process he has naturally excluded the special Dutch references and otherwise modified his text, and his *Guide aux Archives du Vatican* (Rome: Loescher, 1910) will take its place as a very serviceable handbook, containing as much carefully arranged information as could possibly be comprehended in the space of ninety-six pages. Z.

Professor C. Sanford Terry has followed up his *Index to Papers relating to Scotland* in the Reports of the Historical Manuscripts Commission, which we noticed in 1908 (vol. xxiii. 812) by a much more considerable *Catalogue of the Publications of Scottish Historical and Kindred Clubs and Societies and of the Volumes relative to Scottish History issued by His Majesty's Stationery Office, 1780-1908* (Glasgow: MacLehose, 1909). The title explains itself, and we have only to say that the author has performed a very laborious task admirably, as well in the fulness of his entries and the clear and workmanlike way in which they are set out as in the discrimination with which the varied contents of the publications of field clubs, &c., have been selected. An ample index adds to the value of this useful and excellently printed book. A.

Dr. A. Hulshof's *Verslag van een Onderzoek te Rostock naar Handschriften, Drukwerken en Bescheiden belangrijk voor de Geschiedenis van Nederland* (The Hague: Nijhoff, 1909) contains the results of a month's work at Rostock in search of materials, and though the university archives proved disappointing, the library and the town archives produced a good deal of interesting matter. Greifswald was also visited, since the university of Rostock was transferred to that town from 1437 to 1443. The material examined relates mostly to the Brethren of the Common Life, which had a celebrated house in Rostock; the *Congregatio Hollandica* of the Dominican order; and the fortification of Rostock in 1613 by Dutch engineers. There is moreover a considerable quantity of correspondence of the Dutch economist, J. J. Becher, from which Dr. Hulshof prints an interesting

report on the Silesian woollen and linen cloth industries in 1673, and the effect upon them of the war between England and Holland. He also prints a Latin epigram on the marriage of Mary, daughter of Charles I, to the prince of Orange, and reports the existence of a copy of the oration of Jacob Cats before the English parliament, 29 December 1651. C. J.

Mr. Arthur Hassall's tables of *European History chronologically arranged* have appeared in a new edition continued to 1909, not 1910, as stated on the title-page (London: Macmillan, 1910); but hardly any attempt has been made to submit the medieval part of the book to the 'severe revision' which we recommended in 1898 (*ante*, vol. xiii. p. 396). Few even of the errors which we then pointed out have been corrected, and new ones have been introduced. The book is useful for reference in its later parts, though the omission of the years of the French revolutionary calendar is to be regretted. The end of Mr. Balfour's administration is mentioned, but not the beginning. B.

*The Dictionary of English History* (London: Cassell, 1910) has since its first compilation in 1884 been a useful addition to the resources of teachers of English history, and with adequate and drastic revision, which would necessarily involve the complete rewriting and resetting of the book, might still continue to do good service in a field which it still has practically to itself. We have just received for review what purports to be a 'new and revised edition' of this 'valuable work.' In its present form it makes a pride of including a summary of the reign of King Edward VII, and other references to the latest phases of our history. A very superficial examination of this so-called revised edition is enough to convince anyone that the 'revision' is of the most inadequate character. It is so careless that printer's errors and obvious blunders which have been regularly reprinted since 1884 still survive. It is least perfunctory in dealing with quite modern history, and at its worst in early and medieval history. As regards the latter, it is not too much to say that nineteen articles out of twenty remain exactly as they were written in the early eighties, and that the results of the last generation of scholarship are absolutely ignored. Thus, for instance, we are told, what was quite true when the book was written, that the view 'now universally accepted' as to folkland is the doctrine of Stubbs that folkland was the public land of the nation. In the same way the Romans in Britain are treated of without any reference to the works of Professor Haverfield, and the canon law in England is expounded as though Maitland had never been born. The offence is all the more grievous since the names of the unlucky writers are still affixed to these obsolete articles, so that they are all open to the reasonable reproach of gross ignorance of all modern work. Very occasionally, as in the Domesday article, a somewhat tame attempt is made to bring things up to date. In this instance there is a rough summary of the conclusions, including the most disputable ones, of Maitland in *Domesday Book and Beyond*, though not a word is said on the work done on Domesday in the various volumes of the *Victoria County Histories*. It naturally results that the bibliographies



of nearly thirty years ago are now most misleading, and that the once valuable article on authorities on English history is hopelessly out of date. Nor are these scandals confined to the middle ages. Professor Firth's article on Cromwell is reprinted without the least suggestion that the author has himself written anything bearing on that subject since 1884. Altogether this so-called revision should be severely let alone by all prudent teachers, though even now the book is not useless, if it is accepted as a book written in 1884. But it is difficult to condemn too severely this attempt to pass off an old book as a new one. We are quite sure that neither of its so-called editors, Mr. Sidney Low or Mr. F. S. Pulling—the latter of whom died seventeen years ago—had any hand in its production.

C.

Dr. Gustav Wolf's *Einführung in das Studium der Neueren Geschichte* (Berlin: Weidmann, 1910) is a methodical guide for students of modern as distinct from medieval history. It contains some sections which treat of the development and the first principles of historical criticism; but the author's purpose is thoroughly practical. The keynote of the volume is sounded in the chapter which explains the procedure of the typical chancery in drafting official documents (pp. 644–64), and in some brief but instructive advice on the subjects of record-searching and note-taking (pp. 725–9). It must be owned that Dr. Wolf does not spare the conscientious student in the matter of preliminary studies. We doubt the practical wisdom of burdening every beginner with details as to the history of postal systems, the printing press, and the book-trade (pp. 29–75). But on the whole the volume is well planned; and the few sections which appear otiose will no doubt be skipped by the discreet learner. Following the conventional distinction between records and literary sources, Dr. Wolf devotes a separate book to each of these classes of material. Under the heading of literary sources (*Tradition*) he pays particular attention to memoirs (pp. 324–401), the newspaper press (pp. 243–323), and secondary works of reference (pp. 404–73). Among records (*Überreste*) he concerns himself chiefly with treaties (pp. 482–500), ecclesiastical concordats (pp. 507–24), legislative acts (pp. 525–78), and diplomatic correspondence (pp. 605–43). His scheme naturally includes some account of the leading European libraries and archives; but the pages devoted to these subjects are unsatisfactory, even from the German point of view. He gives less than the necessary minimum of information about such institutions as the Hofbibliothek at Vienna, the Bibliothèque Nationale, the British Museum, the Public Record Office, and the Historical Manuscripts Commission. In regard to English historians and archives he is exceptionally weak. So far as we can discover he does not inform his readers who are the chief writers on modern English history. Macaulay and Gardiner are mentioned incidentally, without any reference to their principal works. Creighton (disguised as 'Colighton') only appears as a former editor of this Review; Lord Acton only as the author of *German Schools of History*, and as the projector of the *Cambridge Modern History*. It is a venial error that a foreigner should describe the last-named publication as the work *einer Reihe jetziger oder ehemaliger Cambridge Professoren*. But why are such names as those of Lecky, Seeley, and Spencer Walpole entirely

ignored? Several pages are devoted to the description of English memoir-writers. But Dr. Wolf breaks off in his enumeration at the commencement of the nineteenth century, referring us for further information to the *Cambridge Modern History*, which on principle abstains from distinguishing between good and bad, important and trivial authorities. For the earlier period Dr. Wolf is by no means abreast of modern literature. His note on Bacon as an historian makes no reference to the criticisms of Busch; that on John Knox omits the biography by Professor Hume Brown; and that on Burnet's 'History of His Own Times' is silent as to the editorial labours of Dr. Airy and Miss Foxcroft.

H. W. C. D.

*Die alttestamentliche Wissenschaft in ihren wichtigsten Ergebnissen mit Berücksichtigung des Religionsunterrichts* (Leipzig: Quelle u. Meyer, 1910) comprises a small series of addresses which Professor Rudolf Kittel delivered last year with the object of giving a plain account of the literary, historical, archaeological, and other aspects of modern Old Testament study for the benefit of persons engaged in religious teaching. He brings together much useful and interesting material—there are also a few illustrations—and very simply and forcibly shows how research has compelled a change of attitude towards the writings. Professor Kittel is well known to Biblical students for his work on the Old Testament, and his position, as may be seen in his *History of the Hebrews*, which appeared in an English dress about fourteen years ago, is a 'moderate' one. He is among the somewhat 'mediating' scholars who combine a fairly critical attitude towards the Pentateuchal and other sources with a relatively conservative estimate of their value for Israelite history and religion. Indeed, in these lectures he takes a very sanguine view of the degree to which external evidence has undermined the conclusions familiar to readers of Wellhausen, Kuenen, and Stade; and he propounds, somewhat dogmatically, views which, though they may be confirmed by the tradition, are not logically supported by other older evidence. In his endeavour to point out that some of the once 'sure results' are now far from probable, he unfortunately confuses the appearance of ancient elements in the undated Biblical sources with the great antiquity of Oriental history and culture, much in the same way that the points of contact between Talmudic and old Babylonian law might be supposed to prove that the Talmud dated from the time of Hammurabi. This however is merely one of the fallacies now prevailing among many Biblical scholars. Within the last ten years especially the 'critical' school has manifested the most divergent tendencies, but it is impossible that they can ultimately converge to the somewhat conservative position which Professor Kittel represents. None the less his lectures are undoubtedly of distinct value for the very clear proof they give both of the necessity of adopting a critical as against a traditional attitude to the Old Testament, and also of the indisputable fact that its permanent value is not thereby affected.

S. A. C.

K. J. Neumann's *Entwicklung und Aufgaben der alten Geschichte* (Strassburg: Heitz, 1910) consists of a speech delivered, as the title-page says, *am Stiftungsfest der Kaiser Wilhelms-Universität*, on

1 May 1909, together with a closely printed but quite readable appendix of notes and explanations, filling seventy-eight out of 103 pages. Professor Neumann gives us in the speech itself a masterly survey of the changes which have befallen the attitude of scholars towards ancient history from Montesquieu to Mommsen. The appendix develops the pronouncements of the oration, and contains a great quantity of useful bibliography into the bargain. The judgments are sound, sane, and virile, and the writer is perfectly fair towards the few English historians who can enter into rivalry with the scholars of Germany. His accounts of Gibbon and Grote are excellent. Mommsen naturally occupies a good deal of space, and it is here, if anywhere, that readers will not altogether agree with Professor Neumann. His enthusiastic admiration for his great countryman leads him, for instance, to praise the unsatisfactory *Strafrecht*, the work of Mommsen's old age, in a way that it does not deserve, and actually to describe it as '*fast noch origineller als das Staatsrecht*' (*sic leg.*, p. 64). Particularly valuable are the many brief but sufficient characterisations and notices of half-forgotten writers and works on ancient history belonging to the last century. W. A. G.

In *Die politischen Theorien des Altertums* (Wien: Heller, 1910), Professor Hans von Arnim publishes six lectures in which he outlines, for the benefit of a popular audience, the political theories of Plato and Aristotle. In such compositions we do not look for novel interpretations, and prefer that the lecturer should efface himself. It ought to be his aim to interpret rather than to criticise, to supply the data for future reflexion, and to indicate the lines on which independent reading may be advantageously pursued. Professor von Arnim takes this view, and his little book can be recommended to all teachers of political philosophy as a model of serious and lucid exposition. He is at his best where the problem presented to him is most difficult. Nothing could be more skilful than his introductory sketch of the historical antecedents—the *πόλις* of actual life, the dogmas of the democrats and oligarchs, the queries and the postulates of the sophists. He rises to the same level in his analysis of the *Republic*, which explains the philosophic position of Plato just as far as is necessary to emphasise the deductive character of his political thought. In his anxiety to demonstrate the practical, inductive character of the *Politics*, Professor von Arnim appears, for once, to err on the side of excessive detail. We should have preferred a fuller treatment of Stoic theories which are too briefly characterised. Possibly however his object was to focus attention on two books which might be thoroughly studied within the limits of a vacation course. H. W. C. D.

In the *Bullettino dell' Istituto Storico Italiano*, no. 29 (Rome, 1908), we note a paper by Count Cipolla on the '*Annales Veronenses antiqui*,' in which he prints extracts from a thirteenth-century manuscript in the capitular archives at Sarzana, with a comparative study of other texts. Signor P. Egidi contributes a supplement to his edition of the charters of the cathedral at Viterbo, published in no. 27; and Professor L. Schiaparelli continues his work on the documents of the kings of Italy by a diplomatic

study of those of the emperor Lewis III. In no. 30 (1909) he proceeds to the examination of some charters of Rodolf II. Professor G. B. Siragusa gives additional notes and corrections to his edition of the poem of Pietro da Eboli ; but we are surprised to find no reference to the strictures on the *bona fides* of that edition which appeared in the *Archivio Muratoriano*, no. 5 (1908), and which have led some critics to revise their opinion of the editor's merits. Signor Schiaparelli begins a new series of studies on Lombard charters by a paper on those in the capitular archives at Piacenza. Signor A. Muñoz describes the miniatures of the 'Chronicon Vulturense.' Lastly, Professor S. Pirani gives variety to the contents of the *Bullettino* by an essay entitled 'Sistema curtense,' in which he surveys the course of recent inquiry as to early modes of land-holding, with special reference to the continuity of the old imperial system in Italy. D.

Miss Ellen Jörgensen, whose prize essay on foreign influence in the early Danish church was noticed in this Review last year (vol. xxiv. p. 396), has continued her researches in ecclesiastical history, and gives the results in a dissertation on the worship of the saints in Denmark from the middle of the eleventh century to the Reformation (*Helgendyrkelse i Danmark*, &c. Copenhagen, 1909). In the opening chapter of this the foreign saints are taken in the order in which they appear to have become known, or at least popular, in Denmark, and the connexion between their appearance and other historical facts is frequently indicated. Early influence from England, for example, is shown by the honours paid to various English saints, as St. Botulf (to whom at least six churches were dedicated), St. Alban, St. Oswald, and St. Thomas. In later times the Scottish colony in Copenhagen had an altar of St. Ninian in Our Lady's Church ; while in Elsinore there was one of St. Andrew and St. Ninian. The chapter as a whole is full of information on many points, often not exclusively relating to Denmark ; but a clearer separation of the various sub-sections would have made it easier to follow the course of development which Miss Jörgensen has endeavoured to trace. Compared with the foreign saints, the native ones, to whom the second chapter is devoted, are few and comparatively unimportant, and of most of them very little is known. The concluding and by far the longest chapter is an attempt to present the medieval mind in its relation to the worship of the saints, and incidentally to some other aspects of religious belief. For this purpose Miss Jörgensen has made extensive studies in the religious literature of Denmark prior to the Reformation, and succeeds in making her account both interesting and sympathetic. An appendix gives a list of the patron saints of the older Danish churches, so far as these can be ascertained, and a brief *résumé* in French makes the main results of the work available for those who do not read Danish. It may be mentioned as an indication of the value of Miss Jörgensen's studies in this field, that a highly appreciative review of her work, by Professor Steenstrup, appeared in a recent part of the Danish *Historisk Tidsskrift*. W. A. C.

Another work bearing on the same subject, though of a different character, is the *Vitae Sanctorum Danorum*, edited by Professor M. C. Gertz, of which the first part appeared in 1908. Only two lives are included

in this portion of the work—those of St. Theodgar and St. Knut. The former was a native of Thuringia, who successively visited England and Norway, and died in Denmark. The life, which exists in two versions, is very brief, and gives but few details of the saint's life. Of St. Knut, king and martyr, there are also two lives, of which the earlier and shorter appears to have been composed about 1095 by an English cleric attached to St. Alban's church in Odense. The longer one is also the work of an Englishman, Ailnoth, from Canterbury, who had lived some twenty-four years in Denmark when he presented his work to King Niels in 1122. It belongs to the least attractive type of saints' lives—that in which the biographical or historical facts are almost lost in a mass of conventional verbiage. Several minor documents are appended to the lives of both the saints, and Professor Gertz supplies introductions in which a full account is given of texts and manuscripts, the editing of which bears every trace of the greatest thoroughness and sound scholarship. W. A. C.

To most people the countess Matilda of Tuscany is best known for the famous will which plunged Europe into strife, or rather, perhaps, maintained and embittered a strife which lasted for centuries. Miss Nora Duff has with much care collected and elaborated, largely from Donnizo, the somewhat scanty material for her life (*Matilda of Tuscany, La Gran Donna d'Italia*. London: Methuen, 1909), and has offered a sufficiently distinctive picture of a woman who made an enormous impression on her age. The countess Matilda was probably only an advanced type of the great feudal heiress enjoying in close alliance with Holy Church an amount of power and independence of which later days robbed her. Educated in a good deal, at any rate, of the learning of her time, and endowed with most of its accomplishments, the countess conversed in four languages, wrote Latin like the clerks, was a collector of manuscripts, and a compiler of Roman law, or, at least, was the patron of Irnerius and, in this way, one of the founders of the school of jurisprudence at Bologna. She learnt 'to ride like a lancer, spear in hand, to bear a pike like a foot soldier,' and, as became the feudal lady of such wide territories, took the field at the head of her forces and was 'prudent and sagacious in the council-chamber.' Matilda's marriages were not fortunate. Friendship played the chief part in her life, and among her friends were the greatest churchmen of the age, from Hildebrand himself to St. Anselm of Canterbury. The significance of her share in the stirring and dramatic events of her time, including the famous scene at her castle of Canossa between Henry IV and Gregory VII, and her steadfast, lifelong partisanship of the papacy with its important consequences are well brought out by Miss Duff. The defect of the book is its lack of grip in dealing with the general history of the time with which Matilda's life is so closely bound up. A. M. C.

As the relation of clerical immunities, or as we should say franchises or liberties, in certain medieval German cities to the town and its constitution is at present under discussion, an elaborate study of *Die Naumburger Freiheit* (Leipzig: Quelle u. Meyer, 1909), by Dr. Paul Keber, appears at an opportune moment, though the particular institution which it investigates is shown to be exceptional among such liberties. Naumburg owes its origin to the margraves of Meissen, who planted a fortress

on rising ground near the Saale, and a market town at a lower level. Early in the eleventh century however the margraves transferred their interests to the bishops of Zeitz on the removal of their see to Naumburg, where the 'burg' became their palace and a cathedral and canons' quarter rose under its shadow. The immunity or special jurisdiction in civil cases and over lesser criminal offences extended to the canons was at first limited, as at Bamberg and elsewhere, to what we may call the canons' close; this was the original *Herrenfreiheit*. But it was peculiar in occupying a site apart from though close to the town below: the canons were able to extend their rights over adjoining agricultural land, and in the fourteenth century this wider *Freiheit* was surrounded by a wall which confronted the town wall across a deep ditch. This extension led to a long struggle between the chapter and the townsmen. The 'Liberty' ceased to be merely agricultural and became a rival urban area, for which the canons, favoured by the return of the bishops to Zeitz in 1286, gradually won equal rights of trade. The burgesses of the *Freiheit* were subject to lighter taxation than those of the town, but on the other hand had less influence in their own government, which remained chiefly in the hands of the chapter. The duality thus established lasted down to 1832, when the consolidation of the *Freiheit* with the town was effected by the Prussian government. Its evolution is traced with much skill by Dr. Keber from evidence which is often far from easy to interpret, and an appendix of documents and a good plan complete a useful little monograph. J. T.

Professor Alexander Cartellieri has issued for the use of teachers an extract from the seventh book of the chronicle of Guy of Bazoches (*Ex Guidonis de Bazochiis chronographie libro septimo*. Jena: Kämpfe, 1910). The text has been prepared by Dr. Wilhelm Fricke of Brunswick and occupies nineteen pages. An index of names is added. There is little of special interest in the subject-matter (which contains a very brief account of the Third Crusade) except the narrative of the author's journey to Marseilles and the short history of that city. From this point of view we prefer Dr. Cartellieri's former venture in this series, extracted from the anonymous chronicler of Laon (see *ante*, vol. xxiv. 824). But the style of Guy of Bazoches is an excellent example of the learned kind of medieval Latin, made up of antitheses, pedantic and yet not lacking in dramatic swiftness, and under the guidance of a skilful teacher this text would make a good starting-point for a study of the Third Crusade, for Guy leaves very little in contemporary history untouched. F. M. P.

Don Antoni Rubió y Lluch has recently brought out three pamphlets entitled *Atènes en temps des Catalans* (Barcelona: Institut d'Estudis Catalans, 1909), *Els Castells catalans de la Grecia continental* (Barcelona: Institut d'Estudis Catalans, 1910), and *Tradicions sobre la caiguda del comtat català de Salona* (Barcelona: 'L'Avenc,' 1910). The author of these important studies upon the castles of Catalan Greece may be said to have created the history of the Catalan duchies of Athens and Neopatras during a considerable part of the fourteenth century. Before he published, a quarter of a century ago, his first monographs on this subject with the invaluable collection of Aragonese documents

attached to them, our knowledge of the Catalans in Greece was mainly confined to fragmentary notices of Byzantine historians and Italian writers, and to the few documents published from the archives of Palermo by Rosario Gregorio. Now however, entirely owing to the self-sacrificing labours of this distinguished Catalan scholar and to the munificence of the city of Barcelona, we have not only a large and trustworthy collection of original documents, upon which history can be based, but a study of the chief Catalan castles, illustrated by admirable photographs. We only trust that the author may ere long give us that complete history of the Catalans in Greece for which his various monographs have been a worthy preparation. The chief novelty in the first of the three pamphlets now before us is to be found in the two hitherto unknown documents of April 22, 1388, in which Juan I of Aragon, in his capacity of Duke of Athens, promises the castle of Athens to the Countess of Salona, in case she could deliver it from the attack of Nerio Acciajuoli. Given the great importance of Salona at that period and its tragic fall, the photographs and traditions of that noble castle are of special interest. The author, like the present reviewer, heard on the spot from the mouth of K. Stournarâs, the learned numismatist of Salona, the romantic legend of how 'the princess' was thrown over the rocks at the place still known as 'the pomegranate tree.' Livadia, Lamia, and Neopatras are all adequately described and illustrated; there is an historical account of Siderocastron; and a map of Greece in 1330 completes the third of these monographs. At last the Catalan monuments of Greece have been scientifically photographed and all that is known about them collected by the most competent living authority, to whom students of this period cannot be sufficiently grateful.

W. M.

The tenth volume of the *Calendar of Patent Rolls for the reign of Edward III* and the eleventh of the *Calendar of Close Rolls* for the same reign, which were published almost simultaneously (London: H.M. Stationery Office, 1909), cover respectively the years 1354-1358 and 1360-1364. The former is still the work of Mr. R. F. Isaacson, but the calendaring of the Close Rolls has been entrusted to Mr. W. H. B. Bird, who assisted Mr. Hinds with the last volume, and the indexing to Mr. A. Story Maskelyne. Mr. Maskelyne's index is fuller and more accurate than its predecessors. In two respects he gives the searcher more assistance even than Mr. Isaacson. Yorkshire places are always referred to their Riding, and when a small place is identified by mention of a larger district in which it lies, the latter is also indexed with a cross-reference. This latter practice will often be very helpful, especially where the smaller place is an obscure manor or hamlet, but it may be doubted whether it is not a waste of space to extend the same treatment, as is done here, to townships which can be found in any good gazetteer. There is a further drawback attaching to an excessive use of this device, which is due to the fact that the Rolls Office indexers employ the ancient parish as the larger area for the purpose of these identifications. Now in certain areas the ancient parishes have long been broken up, and the special circumstances of some of the more extensive of them would at any date have made such a

reference to them as apt to mislead as to help. We take two illustrations from Mr. Maskelyne's index. Broughton, which he identifies as 'in Manchester,' was certainly within the old parish of Manchester and is actually a suburb of that city. Nevertheless it is and has always been part of the still independent borough of Salford. It is quite misleading again to describe Chadderton, near Oldham, as in 'Prestwich,' though at some distant date it was situated in a remote and isolated portion of Prestwich parish. The truth is that the old topographical dictionaries of Carlisle and Lewis which are turned to for such identifications are largely out of date, and a new *Villare Anglicum* embodying the changes of the last hundred years is now required. Meanwhile it is desirable that antiquated authorities should not be used more than need be. Of more obvious errors we have only noted the following in the Close Roll index: 'Hayton' for Huyton, the attribution of Barnack to Lincolnshire instead of Northamptonshire, and the identification of Middleton on p. 202, which is clearly Middleton, near Manchester, with Middleton in Lonsdale. They are rarer still in Mr. Isaacson's index: 'Clumbury' should be Clunbury, Aldingham (in Furness) is by a pure slip described as in Cheshire on p. 755, and the *Lideberia* of one of the interesting series of Hereford charters exemplified for the bishop in 1355 and printed here in full (pp. 194-8) is probably the episcopal manor of Lydbury (North) in Shropshire, rather than Ledbury in Herefordshire. The charters in question include six of Henry I and four of Stephen, among which is a copy of his second 'Charter of Liberties.' The earliest of Henry I is to bishop Reinhelm (1107-1115), and the others include the royal confirmations of the temporalities of the see to Richard (1121-1127) and Robert de Bethune (1131-1148). The list of witnesses to Richard's charter raises a difficulty because among them appears 'Gurgano, Landavensi episcopo.' Urban was bishop of Llandaff in 1121, and the question is whether we have to do with a mere misreading or with some confusion with a later bishop, Nicholas ap Gurgant (1149-1183). R. de Sig, one of the witnesses of the later confirmation, should have been extended R[oberto] de Sig[illo] not de Sig[oniis]. Earl William de Mandeville, who attests a charter of Henry II, is indexed without mention of his comital status.

J. T.

The fourth and last volume of Mr. R. C. Fowler's *Calendar of Patent Rolls for the reign of Henry IV* (London: H.M. Stationery Office, 1909) covers the years 1408-1413. The task of summarising these masses of documents with clearness and accuracy is laborious and demands expert knowledge, but without comparison with the originals it is not usually possible to appraise the degree of skill shown by the calendarer. The execution of the index, a part of the work even more exacting in some respects, is easier to judge. On the whole Mr. Fowler's stands the test well. We have noted some defects, but they are mere exceptions to the standard usually preserved. 'John des Isles, lord of Dunwage and Elyns,' should have been more definitely identified as John of Islay, brother of Donald, lord of the Isles; and a reference to Mr. Wylie's history of the reign might have enabled the indexer to identify Dunwage and Elyns. We may note here that the marriage contemplated in 1410 between John's daughter and a son of the well-known Janico Dartas is not men-



tioned by Mr. Wylie. Entries on different pages, without cross-reference, of an Alfonso and an Alphonse not further described prove to refer to one and the same person, Alfonso, son of the count of Denia, who as hostage for his father figured in the famous Hawley and Shakell case. Sir Hertonk van Clux is indexed under V, while Swethe van Bent and Gerard van Rys appear respectively under B and R. 'Vosc' de Balclio' (et B. in the text) in a charter of Henry II should of course be Jose[elin] de Balolio. 'St. Serchius' of Angers is more familiar as St. Sergius. Some place-names which could have been identified with little trouble are left without localisation. The alien priory of St. Sever, vaguely placed in 'France,' was in the diocese of Coutances; 'Ingleton' (p. 279) is surely the Yorkshire place of that name. The omission to refer Kirkstall to the same county may be a mere accident. Less comprehensible is the identification of 'Duddelbury' in Shropshire with an imaginary 'Delbury,' instead of the obvious Diddlebury. In the case of French places the department is usually given, but there are occasional relapses to the province and even to 'France.' 'Spain,' 'Italy,' and 'Almain' are references which might conveniently be made more precise. A small omission in another kind is the failure to give a reference to the *Monasticon* for the foundation charter of Canwell Priory (p. 269).

J. T.

The fifth volume of Mr. A. E. Bland's *Calendar of Patent Rolls, Henry VI* (London: H.M. Stationery Office, 1909), extends from 1446 to 1452. The period is an eventful one, especially for the death of Humphry of Gloucester and for Cade's rebellion. Both events have left their mark on the rolls. The former appears only incidentally through the pardons granted to his followers and the distribution of his lands. Arthur, the duke's bastard, is styled 'Artus de Cursy' (p. 68). Several entries throw light on the alleged deprivation of Knolles Almshouse or the hospital of St. John at Pontefract by Eleanor Cobham; one of them describes certain lands of the hospital as having been unjustly occupied by the duke of Gloucester during sixteen years (p. 34). The entries relating to Jack Cade (or John Mortimer) and his imitator, William Parmenter, are naturally more numerous. Of greatest interest is the long list of pardons to Cade's adherents, which fills thirty-seven pages. The list is valuable as showing how widely supported the movement was. The list for Kent alone has close on 800 names, and gives thirty constables of hundreds and nearly fifty instances of such and such persons and 'all of that parish'; there are twelve esquires, forty-eight gentlemen, and ninety-six yeomen. For both Surrey and Sussex there are over 200 names, the lists being of similar character to that for Kent. Other political events are not prominent. For Suffolk's death there is a solitary reference (p. 475), which seems to implicate Richard Lenard, late of Bosham, Sussex, and Thomas Smyth, late of Calais, 'shipmen.' A long entry on p. 234 is of interest for the history of St. Olave, Old Jewry, and St. Stephen, Coleman Street. Other London entries are for Pulteney's Inn in the possession of the duke of Suffolk (p. 122), and for the gild of the parish clerks in the Guildhall chapel (p. 263). On p. 276 there is an order for the arrest of Thomas Malcry, knight, and John Appelby, his servant, and to cause them to find mainperners that they will do no harm to the Charterhouse of Axholme; it

is tempting to identify him with the author of the *Morte Arthur*, whose personality is so obscure. 'Kirton, Devon,' on p. 9, probably means Crediton, as 'Kirton' in Bishop Bekynton's Itinerary<sup>1</sup> certainly does: the spelling closely represents the local pronunciation. The manor called 'Meues' on p. 115 seems to be the king's mews at Charing Cross; it is not entered in the index, which is however for the most part of the excellence to which users of the Calendars have become accustomed.

C. L. K.

Dr. O. Rubbrecht's essay on *Trois Portraits de la Maison de Bourgogne par Memlinc* (Bruges: L. de Plancke, 1910) is intended to form part of a future work on *L'Origine du Type familial de la Maison de Habsbourg*. Its object is to demonstrate that three of the accessory figures in the two famous pictures, the triptych of Jan Floreins and the triptych of the high altar of St. John, completed by Memlinc in 1479 and now in the hospital of St. John at Bruges, were intended for portraits of members of the ducal house of Burgundy. Dr. Rubbrecht's contention is that the head of one of the Magi in the former picture is a portrait of Charles the Bold, and that St. Barbara and St. Catherine in the second altarpiece are represented with the features of Margaret of York and Mary of Burgundy. There is no documentary evidence to support this theory, which is based solely upon a comparison of the authentic likenesses of those historical personages with the features of the ideal figures created by Memlinc. It is natural that as the minute and painstaking imitation of nature, evident in many parts of the works of the early Flemish painters, is accompanied by a rigid adherence to certain fixed types in the representation of the holy personages, so these types reflect to some degree the general appearance of persons living at the time when they became fixed. Dr. Rubbrecht's tests may be applied more widely than he has ventured to carry them. Thus the two female saints in the triptych of the high altar are repeated almost exactly in the picture formerly in the possession of the late Mr. G. F. Bodley; countenances so similar as to be almost indistinguishable recur in others of the artist's works; and the face which Dr. Rubbrecht believes to be that of Charles the Bold does duty with the addition of a slight beard for the type of St. John the Baptist in the triptych of Sir John Donne of Kidwelly, 1469, and in several subsequent paintings by Memlinc. But if we are unable to accept the principal contention of Dr. Rubbrecht's thesis, his pamphlet is nevertheless of value, as it contains very elaborate lists of the portraits of Charles the Bold, his third wife, and his daughter-in-law, accompanied by a wealth of photographic illustrations taken from paintings, illuminations, sculpture, and medals. The author has cast his net afar and does not strengthen his evidence by dwelling upon such works as the engraving of Charles after Soutman and the picture of Margaret belonging to the Society of Antiquaries. The duke's portrait is to a great extent a fancy piece of the kind acceptable in the seventeenth century, when it was concocted; the details of the costume are sufficient to show how little reliance can be placed upon its veracity. Of hardly more iconographic value is the picture of the duchess of Burgundy; the age of the original work is dubious,

<sup>1</sup> *Correspondence of T. Bekynton*, ii. 240; where 'Okynnton' is of course Okehampton, and not Walkhampton, as the editor conjectures.

and nothing is now visible but coarse repainting of a comparatively recent period, probably applied not long before the panel became the property of the Rev. Thomas Kerrich, by whom it was bequeathed to the society in 1828.

C. F. B.

A poetical welcome offered to Prince Arthur in 1498, and a copy of a curious bond 'wherein the city of Coventry and diverse other cities standeth bound for the marriage of my lady Mary to the duke of Burgoyne' in 1507, are the only exceptions to the municipal character of the third instalment of Miss M. D. Harris' edition of the *Coventry Leet Book* (Early English Text Society, 1909). The interest of this final section of the record covering the years 1496-1555 is no less than that of the earlier portions already reviewed, and the survey of the whole which is to occupy a fourth issue promises to be a contribution of exceptional value to English municipal history. There are many records of constitutional development. At the leet of 1500 it is ordained that the mayor keep council weekly, once in the week, specially on the Wednesday; and the next mayor by advice of the council orders a common box to be made with five keys, one to be held by the mayor and the other four by four commoners who are to be chosen by ten commoners, one from each ward, nominated by the mayor and council. The council is composed apparently of the mayor's brethren, the aldermen, two of whom are appointed in 1506 to sit with him in turn in the king's court, and there are several references to aldermen in relation to particular wards. In 1510 the mayor is instructed to call ward councils of eight from each ward separately to discuss ways and means, and in 1538 a body of fifty of the commonalty was chosen by the mayor and aldermen to deal with the ever recurring question of the common lands. In 1536 every householder is required to be associated with some craft. The most numerous entries are those relating to trades and guilds. The control by the town of the religious activities of the guilds is now fully established. The obligation to maintain pageants, chapels, and priests is shifted about in accordance with the changing capacity of the several trades to bear the burden. The regulation of the victuallers, butchers, bakers, chandlers, etc., in their relations to each other, to the consumer and to the outside trader, show the same fluctuations here as elsewhere in the sixteenth century. A greater interest attaches to the detailed regulations of the clothing and capping industries, in which the guild traditions are found struggling with the necessities of industrial expansion: whilst on the one hand the town removes all restrictions on the number of journeymen and apprentices, and permits the capitalist in the clothing trade to set up workshops in any branch of it, the cappers are authorised to suppress the independent small master, the wages and hours of workers are fixed from above, and the town makes itself responsible for the sale of cloth, whilst forbidding the export of yarn. The fact that the journeymen of every craft are ordered in 1524 to bring in their books of their 'caves' points to a wide prevalence of journeymen's guilds. Of unique interest is a census taken in 1520 'on occasion of a dearth,' when the whole population is recorded as 6601.

G. U.

Dr. Jacob Salevza Schapiro's contribution to the *Columbia University Studies in History on Social Reform and the Reformation* (New York :

Longmans, 1909) will be of some service to those who are interested in the economic changes of the sixteenth century. The writer traces the growth of monopolies and the influence of Roman lawyers in depressing the peasantry. He discusses Luther's activity, and though he has little that is novel to tell us and might have done well to use Professor Pollard's chapters in the *Cambridge Modern History*, he manages to put his views clearly, if a little harshly, before the reader. He hardly seems to realise the full strength of Luther's belief in divine right or his influence in putting it forward. One main ground for Luther's attitude is surely that the movement he inaugurated typified that 'advent of the middle class' and growth of capitalism against which the peasants were protesting. A glance at Dr. Carlyle's first volume would show him that the belief that civil society was needful owing to the Fall and is yet a divine institution goes right back to the Fathers, and is not specially medieval. The documents given in translations at the end are very useful. There is also a bibliography, rather prodigious for so slight a work. The writer seems unaware how much the Christian church had done to improve and moralise the economic relations of men: it was this that broke down in the sixteenth century.

J. N. F.

Dr. T. Huges, in his thesis on *Het Leven en Bedrijf van Mr. Francois Vranck* (The Hague: Nijhoff, 1910), has not used any substantially new material, but his biography of the Dutch patriot brings out very well the general political tendencies prevalent at the making of the Dutch republic. For a long time after the Union of Utrecht 1579 the national conceptions of constitutional law were still in a state of confusion. The fruitless offers of the sovereignty over the Netherlands to Henry III of France and to Queen Elizabeth were much more than baits for efficient foreign alliances. They proved that it was impossible for the Provinces, after the loss of William of Orange, either to grasp the idea or to contrive the machinery of corporative republican government. Political life in Holland for a time reverted to the constituent cells of the body politic, the corporations (*vroedschappen*) of the towns. Hence on 19 February 1585 the States of Holland passed a resolution which bound their members to the instructions of the *principalen*, i.e. the delegating nobles and corporations. It was fortunate that at the same time the corporations had begun to employ in their political services the best trained lawyers of the country as paid syndics (*pensionarissen*). It was they who succeeded in building from the communal foundations the final structure of the federal constitution. Among them Vranck, the pensionaris of Gouda, 1583-9, was the companion and equal of men like Paulus Buys and Oldenbarnevelt. He reached his height in his career when writing in 1587 his famous 'Justification' of the States of Holland against the attacks of Leicester's councillor, Wilkes, who had theoretically expressed the English policy of appealing from the States to the people at large. In treating Vranck's last period, his activity as a member of the *Hooge Raad*, the supreme court for Holland and Zeeland (1589-1617), Dr. Huges endeavours to show that his misunderstandings with Oldenbarnevelt, in spite of the suggestions of the contemporary pamphlet literature against the *advocaat van den lande*, did not go further than his opposition to the *Bestand* of 1609, while in the religious

controversies he remained true to a neutral attitude not at all rigid towards the Remonstrants.  
C. B.

Miss K. A. Patmore's *Court of Louis XIII* (London: Methuen, 1909) is a compilation for the general reader rather than a serious contribution to history, but it contains many interesting facts, gathered from various sources, and vividly depicts the court of France as it existed in the first half of the seventeenth century (1601-1643). The central figure, the neurotic, melancholy king, endowed with 'all the points admirable in a valet but none belonging to a master,' is described with elaborate care and detail in all his different circumstances and relations, in all his changeful moods and phases. Slighter sketches portray the two queens, Marie de Médicis and Anne of Austria, the members of the royal family, Richelieu, and the leading courtiers of both sexes. Separate chapters are devoted to such subjects as 'Religion,' 'Literature and Art,' and 'Meals, Modes, and Manners,' the last of which relentlessly reveals all the arid discomfort and painful lack of refinement incident to the 'luxurious' French court. While drawing largely from the numerous contemporary memoirs, the author has not confined herself to these sources of information. She tells us that her work has entailed research at the British Museum, the Bodleian Library, and the Bibliothèque Nationale, and it is to be regretted that she has omitted to indicate the result of these researches either by footnotes or by a list of authorities. Such references, with a greater degree of restraint and concentration, would have considerably enhanced the value of the book. Undoubtedly the chosen title gives scope for discursiveness, but the author digresses overmuch and appears occasionally overwhelmed by the weight of her material. The style is curiously uneven, descending too often to modern colloquialisms and even to clumsy, ungrammatical constructions which seriously mar the dignity of the work. The book is however well indexed and well illustrated and affords, on the whole, pleasant and entertaining reading.  
E. S.

The third volume of Professor James Mackinnon's *History of Modern Liberty* (The Struggle with the Stuarts, 1603-1647. London: Longmans, 1908) deals with one connected drama. As it on the whole resembles the earlier volumes it calls for less detailed notice. But it may be doubted whether liberty is not too much identified with parliamentary liberty. From one point of view—that which looks towards intellectual freedom—Laud and his school did something for the great cause of liberty, and forgetfulness of this sometimes makes the tyranny of parliament in its triumph somewhat of a surprise. But the volume gains greatly from its unity; some parts of it, such as the character of James I (p. 68 *seq.*) and the description of the hampering of England by the parliament of its own creation while Scotland, with a less elaborated constitution, was really freer (p. 197), are excellently put. But the firm resolve of the parliament to rule in ecclesiastical matters, and the effect of this in bringing on the war, are perhaps hardly emphasised enough. On the other side the advance made by the independents towards religious toleration is recognised, and further the result of the parliamentary triumph in checking liberty is to some degree admitted. The volume has thus the

merit of showing that in the many-sided growth of that delicate plant of freedom checks may be received from many sides. The Civil Wars, and especially the Scottish episodes, are treated with sufficient fulness, but one would have been glad to see more chapters like the first, on the political significance and effects of the English Reformation; in this the illustrations from Ponet's *Treatise of Politique Power* are specially useful when the growth of political theory, often quite independent of constitutional progress, is too little studied. Finally some misprints (p. 18 Lupret for Lupset, p. 58 Eildon for Eldon) may be noted, and *morbis gallicus* (p. 84) was not the plague.

J. P. W.

Mr. Thomas Willing Balch has edited *The New Cyneas* of Emeric Crucé, with an introduction and an English translation from the original French text of 1623 (Philadelphia: Allen Lane & Scott, 1909). The work was long attributed to Emeric de la Croix, but M. Nys, of the court of appeal of Brussels (to whom this edition is dedicated), has proved that it was written by Emeric Crucé, who died in 1648. Crucé was the author of a work on *Status* which was severely criticised by his contemporaries: J. F. Gronovius described him as *monachus et nescio in quo collegio Parisiensi paedagogus*. *The New Cyneas* is not a treatise on international law, but is one of those schemes for the better government of the world which from time to time have issued from the closets of thinkers. It is important chiefly in three ways. First, it contains an interesting discussion, from a contemporary point of view, of the causes and evils of war. Secondly, it points out how these evils might be avoided by the institution of an international tribunal or council at Venice, and by the policing of Europe through a general constabulary. Thirdly, it takes great pains to prove that both the harmony of the world and the wealth of nations would be securely promoted by free and unhampered exchange of commodities. In addition to these points, Crucé has sound views on the effect of taxation, the need for compulsory education, and the theory of coinage. In a very lucid introduction, Mr. Balch assigns to Crucé's work an immediate influence which cannot be proved. He believes that Grotius, whose work *De Iure Belli et Pacis* was published two years after *Le Nouveau Cynée*, gained his ideas on international arbitration from this (p. xxvi). He agrees also with a writer in the *Revue Historique* (1894) that the 'Great Design of Henry IV,' as given in Sully's *Œconomies Royales*, published in 1638, was based upon the scheme of Crucé for a hierarchy of States (p. xviii). Leibnitz, in a letter to the Abbé de Saint-Pierre, remarks that as a young man he had been influenced by the *New Cyneas* (p. xxii). The editor says he has 'aimed to render rather the author's meaning than to give a smooth English style' (pp. i and ii); but this will not excuse such phrases as 'helped to *evolute* the science of the Law of Nations' (p. xxxi), 'I should not address this discourse to the *Vulgarian*' (p. 16), 'would still be furious *the ones against the others*' (p. 174), 'it is an honor, they say, to *down* one's enemy' (p. 22).

R. B. M.

The new volume of Mr. W. Foster's *The English Factories in India* (1630-1633) (Oxford: Clarendon Press, 1910), whilst it is of great interest

from the point of view of the student of comparative trade and of the manners and customs both of the native rulers and of the English residents in India, is of less importance from the point of view of political history. 1630 and 1631 were years of famine and of misery, and trade was consequently at a low ebb; but in spite of bad times, or perhaps because of them, attempts were made in 1631 and 1632 to set up a station in Bengal, which were repeated with better success in the following year. Although the treaty of 1635, which put an end to the prolonged state of war between England and Portugal in the East, belongs to a later volume, we have here some account of the negotiations which led to it. Its author, William Methwold, went out as President to Surat in 1633. Alike in character and ability he stood 'head and shoulders above both his immediate predecessors and his colleagues. No danger daunted him, no emergency found him wanting; his cool judgment at once pointed out the course to be pursued, while his energy and fixity of purpose wrested success from even the most adverse conditions.' Amongst the mediocrities, of whom these letters are for the most part the record, it is pleasant to meet with such a man. In the present volume we find an example of the king's encouragement of Interlopers in the voyage of the *Seahorse* to the East in 1631; which however was fortunately not attended by difficulties to the East India Company. During these years relations with the Dutch did not become more friendly, though the latter bore cordial witness to Methwold's merits. While the English were in no mood for offensive measures, they were willing to support the Shah of Persia in attacking Muskat rather than that he should be assisted by their Dutch rivals.

H. E. E.

Professor F. J. Zwierlein has published his doctoral dissertation at Louvain on *Religion in New Netherland* (Rochester, New York, 1910). The main purpose of the book seems to be to prove that the Dutch in the New World, as in the Old, were by no means the enlightened, tolerant people that they are generally represented. Mr. Zwierlein as a Roman Catholic may be suspected of some bias; but his conclusions are based on a very large amount of documentary material.

H. E. E.

In *Le Compagnonnage des Chapeliers Bruzellois* (Bruxelles: Lamerin, 1909) Professor G. des Marez, the archivist of Brussels and the chief authority on the guilds of that city, applies his special knowledge of earlier phases of organisation to the elucidation of the origins of trade unionism. His recent work on *L'organisation du travail à Bruxelles au XVIème siècle* supplied much new evidence of the widespread efficiency of journeyman organisation at the end of the middle ages and strengthened the theory of continuity. The present essay attacks the problem from the modern side with the help of recent studies of the French *compagnonnage* by M. Hauser and others. It does not provide any new links for the intervening period 1550-1650, but the journeymen hatters of Brussels are found in 1682 with a form of organisation under *Busmeesters* closely corresponding to that of the English yeomen or German *Gesellen* in the fifteenth century, and from that date onwards the development into the trade union can be continuously traced. The account of the various crises in the eighteenth century and of the persistence of the organisation

through the prohibitions and reconstructions of the revolutionary and Napoleonic epochs is of great interest to students of English trade unionism. The scope of the association was not merely interurban, as between the cities of the Austrian Netherlands, but also international, and involved a regular correspondence with Paris and Lyons. On the other hand, the exclusion on gild principles of workers from the country or from small towns like Lokeren was one of the main points of the organisation and the most frequent subject of disputes in the pre-revolutionary period. Professor des Marez would find many striking parallels in the history of the London hatters. The book has many interesting illustrations.

G. U.

The diary of the mission of Cunaeus to Persia on behalf of the Dutch East India Company is published for the first time by Mr. A. Hotz for the Historical Society of Utrecht (*Journal der Reis van den Gezant der O. I. Compagnie Joan Cunaeus naar Perzië in 1651-1652 gehouden door Cornelis Speelman*. Amsterdam: Müller, 1908). Cunaeus himself was in no way remarkable, and his mission, the purpose of which was to arrange terms on which the Company could import goods freely into Persia and buy silk, met with no great degree of success; but the diary shows in detail the difficulties with which the Company had to contend in securing what was a very profitable trade. The diary was written, and, the editor does not doubt, composed, by Cornelis Speelman, who acted as secretary to the mission, and, being then only twenty-three years old, was too young to exercise much influence upon the conduct of it. Speelman subsequently rose to be one of the greatest of the governors-general of the Dutch Indies. The style is superior, says the editor, to what is found generally in the Company's Persian records, and no other member of the expedition, certainly not Cunaeus, seems a possible author. The diary is not confined to official matters but is remarkable for the full account given of Persepolis. No previous servant of the Company had troubled to visit or at any rate to describe Persepolis and it is suggested that Speelman's interest in the ruins was aroused by another member of the party, Angel, an artist who in 1642 wrote a book called 'Lof der Schilderkonst,' and probably drew the picture of Persepolis, ascribed hitherto to De Jager. A reproduction of this picture, with other plates to illustrate the diary, is given, with a map of the route of the expedition from Bunder Abbas (Gamron) to Isfahan. The introduction is full and clear, and the diary is well supplied with notes.

H. L.

Two publications by J. Levin Carlbon, *Tre dagars slaget vid Warschau den 18, 19 och 20 Juli 1656, ett tvåhundraårigt minne* (Stockholm: Aktiebolaget Varias Boktryckeri, 1906) and *Karl X Gustav, fran Weichseln till Bält 1657, taget över Bält och freden i Roskilde 1658, 250-åriga Krigs- och Segerminnen* (Stockholm: Fahlerantz, 1910), are chiefly interesting from the point of view of military history. They contain, especially, very detailed lists and histories of the forces composing the Swedish army at the time of its greatest glory. In the first work, which forms a kind of appendix to the same author's book on Charles X's Polish war (Göteborg: Ericson, 1905), the contemporary battle plans of Erik Dahlberg and the Brandenburg engineer Memhardt are for the first time authentically reproduced.



The book on the Swedish war, though also a great deal occupied with a 'tablå' of the king's military establishment between 1655 and 1658, at the same time aims at giving an account of the general political situation of Europe so far as it was concerned in the North Sea and Baltic questions. Chapter x., on 'Karl X och Oliver Cromwell under senare hälften av året 1657,' is the continuation of Carlbom's dissertation on *Sverige och England, 1655-1657* (Lund, 1900). Chapter xvi. succeeds in fixing, from the Stockholm archives, the immediate occasion which moved the king to the much disputed sudden breach of the peace of Roskilde: it was the news of the election of Leopold of Austria as Roman emperor which at last made the king and Riksråd unite in the resolution of a new attack upon Denmark.

C. B.

In *A Lady of the Old Régime* (London: Bell, 1909) Mr. Ernest F. Henderson professes to give us an account of the life of Elizabeth Charlotte, duchess of Orleans, daughter of the Elector Palatine Carl Ludwig and grand-daughter of James I of England. Whether the book is the life of the duchess of Orleans or a description of the court of Louis XIV is uncertain. Confusion in plan leads to confusion in execution, and this seems to us the cardinal defect in the book. We hear little about the early life of his heroine, yet her father, Carl Ludwig, and his clever sister Sophia, afterwards electress of Hanover, exercised much influence on her youthful mind. Carl Ludwig gave his daughter vague and tepid religious instruction in order that she might be ready for any alliance which seemed politic. The romping and free-spoken German girl of eighteen came to the court of Louis XIV to succeed Monsieur's first wife, the charming and hapless Henrietta of England, her own kinswoman. From the correspondence of the second 'Madame' Mr. Henderson gives some interesting extracts. She describes minutely all the doings of the court of Versailles; we see once more how closely the king kept all his family and his courtiers in connexion with himself, so that they no longer had any fellowship with the rest of their countrymen, and absolutely no knowledge of public opinion. When Madame de Maintenon became supreme, Madame's friendship with the king died out. The second war in the Palatinate was undertaken nominally to support her claims to her father's inheritance, in reality to further French policy. She felt horror and anger when Louvois made a desert of her native land. Heidelberg Castle, the home of her childhood, was left a ruin, which we still see. Her later life is inadequately told by Mr. Henderson.

R. H. M.

Under the affected title *A Rose of Savoy*, Mr. H. Noel Williams (London: Methuen, 1909) treats of Marie Adélaïde, daughter of Victor Amadeus II of Savoy and duchess of Burgundy; presumably he calls her so because she was a very charming young lady, and because, like a rose, she faded after too brief a bloom. The book is one of the numerous results of the modern taste for society memoirs, historical, but not too technically so, with a certain amount, but not too much, of the *chronique scandaleuse*. How abundantly the French court and its delightful memoir-writers provide for this taste can be gathered from the list given of similar works by the same author. He has, however, made good use of his experience and has skill in handling

his material pleasantly. Marie Adélaïde makes an agreeable heroine : she seems to have had the gift of bringing out all that was best in those with whom she came in contact, so that through her eyes we are shown Louis XIV, Madame de Maintenon, and their court in the most favourable light. More accuracy might have been shown in revision, especially with regard to dates. In the first sixty pages only the following slips occur : on p. 6, 1571 should be 1671 ; on p. 10, 1629 should be 1679 ; on p. 47, 1674 should be 1690 ; on p. 34 both the daughters of Victor Amadeus are called 'the elder' ; on p. 54, Victor Amadeus is spoken of as the nephew of Louis XIV.

K. D. V.

The successive volumes of the abbé P. Feret's work on *La Faculté de Théologie de Paris et ses Docteurs les plus célèbres* have been so frequently noticed in our columns that we need do no more on the present occasion than congratulate M. Feret upon its completion by the publication of the seventh volume of the *Epoque Moderne* (Paris : Picard, 1910) of his laborious work. The names of the Sorbonnist and other doctors dealt with in it are, of course, less known to the ordinary student of history or of theology than is the case with the volumes relating to the middle ages or the classical period of the seventeenth century. The work will no doubt be all the more valuable to those who wish to acquaint themselves with the history of French theology in the eighteenth century. The book is not one which can expect a large circle of continuous readers, but it will have an enduring value as a work of reference.

E.

The second volume of M. E. Bourgeois's *La Diplomatie secrète au XVIII<sup>e</sup> Siècle, ses Débuts (Le Secret des Farnèse, Philippe V et la Politique d'Alberoni)*. Paris : Colin, s.a.), of which the previous volume was noticed on p. 368, is based mainly on the correspondence of Alberoni and Count Rocca, which the author edited some years ago, and on the Farnese documents in the Neapolitan archives. Others have been beforehand in ransacking these latter, and M. Bourgeois's labour on the former has been freely utilised by all subsequent writers. Consequently there is little in the present work that is absolutely new to those who have kept abreast of the subject. It is, however, none the less welcome to have the documentary evidence welded in a full and agreeably written narrative. It should be added that there is no book in English which contains any very appreciable information on Alberoni's career down to the death of Marie Louise of Savoy, and the two short works of Signor A. Professione, *G. Alberoni agli assedi di Vercelli e di Verrua* and *G. Alberoni dal 1708 al 1714*, are perhaps the only other available authorities on this period. From the chapters on this subject the reader will gain a far clearer idea of the position and character of Alberoni ; he will realise that he was never the mere adventurer that he has so often been represented as being. His loyalty to Vendôme was creditable both to his heart and to his head, even though his propitiatory methods may have been rather culinary than romantic or intellectual. Incidentally the volume serves as a wholesome corrective to Saint-Simon, who has been the chief source for the depreciation alike of Vendôme and of Alberoni. M. Bourgeois bears his load of learning very lightly ; his book is eminently readable.

E. A.

By his edition of the *Kaskaskia Records* (vol. ii. of the *Virginia Series* of the *Illinois State Historical Library Collections*, Springfield, Illinois, 1910) Professor C. W. Alvord has thrown further light on the dark places of the beginnings of American rule in the Great West. The volume is largely taken up with the doings of an enigmatic person, one Thomas Bentley, who seems to have succeeded admirably in being false both to the British and to the American cause. The general effect of the papers here dealt with is to support the conclusion that, while the inhabitants of Illinois had no great love of English rule, they disliked still more the American military government which succeeded it. In justice to the policy of the Quebec act of 1774, which had made the western districts a part of Canada, it should be noted that as late as 1787 it was reckoned that there were at Port Vincennes 520 French and only 103 Americans; at Kaskaskia there were 191 French and the number of Americans was uncertain. At Cahokia there were 239 French, and the supposed number of the Americans in the different districts of Illinois was not more than 137. Dissatisfaction with the American system of government caused a considerable exodus of French to the Spanish colonies; but in 1774 there was a plausible case for treating the country as an extension of French Canada. Those interested in the history of the Roman Catholic Church in America will find valuable material in the ecclesiastical letters referring to the years 1780 to 1792. Mr. Alvord is a high authority on the subject he deals with, and the papers throughout show evidence of careful and efficient editing.

H. E. E.

The late Mr. R. Nisbet Bain's *The Last King of Poland and his Contemporaries* (London: Methuen, 1909) is a companion volume to his work *Gustavus III and his Contemporaries*. It runs on parallel lines, and the author's sketches of Catharine II and her chief advisers here reappear, though of course in a somewhat different setting. The early life of Stanislaus, the rise of the Czartoryski family and of Felix Potocki, the decay in the life of Poland, the attempt at reform in 1773-87 are pleasantly set forth; but the critical period 1790-1 is handled too briefly to satisfy serious students, the influence of the fortunes of Turkey on those of Poland being insufficiently treated. There was a good opportunity in those years of forming a league of the threatened States (Turkey, Poland, and Sweden) in connexion with the Triple Alliance of England, Prussia, and Holland. The despatches of Daniel Hailes (not Hayles) at Warsaw and of Joseph Ewart at Berlin should have been drawn upon in order to illustrate that important scheme, which the obstinacy of the Poles respecting Danzig doomed to failure, so far as it concerned Poland.

J. H. RE.

The Société des Etudes Robespierristes, having resolved upon a complete edition of the works of Robespierre, has entrusted to M. Eugène Déprez the editing of those which appeared before 1789. Robespierre's writings in early years were partly professional, partly literary, and his literary effusions included verse as well as prose. In the first instalment of vol. i (*Œuvres Complètes de Maximilien Robespierre*, I; *Robespierre à Arras*, Fascicule I (Paris: Leroux, 1910) we have the *Discours sur les*

*Peines Infamantes* which Robespierre delivered on his reception as a member by the Academy of Arras, and which he afterwards tendered in competition for a medal offered by the Royal Society of Sciences and Arts of Metz. It gained the second prize, the first going to another barrister, then well known, Pierre-Louis Lacretelle. The *Discours* was printed at the end of 1784, and a new edition, altered and enlarged, came out in 1785. In the *Discours* Robespierre argues against the infliction of such criminal punishments as were held to set a stigma of dishonour on the family of the offender. Thus he holds that in capital cases hanging should be replaced by beheading, the penalty of criminals nobly born. Capital punishment itself he appears to regard as quite admissible. The *Discours* is a performance characteristic rather of the age than of the individual. Robespierre shows himself acquainted with the writings of those eminent men who in the eighteenth century laboured for the reform of the criminal law. He cites Montesquieu with marked deference. But he does not add much that we can call his own. He writes in that correct and flowing but singularly colourless and impersonal style which seems to have been the common property of all educated Frenchmen under Louis XVI. The most curious thing in the *Discours* is perhaps the observation that England 'notwithstanding the name of monarchy, is none the less by its constitution a real republic.' The editor has taken the utmost pains. A copious introduction sets forth all that can be known about the history of the *Discours*. Every variation in the edition of 1785 is carefully noted. A facsimile of Robespierre's handwriting at this period is given. It is neat and legible. Experts must determine whether it reveals the philanthropist or the terrorist.

F. C. M.

The diaries and correspondence contained in the volume entitled *Peeps into the Past, being Passages from the Diary of Thomas Asline Ward*, edited by Messrs. A. B. Bell and R. E. Leader (London: W. C. Leng), cover the period from 1800 to 1860 and deal with the history of Sheffield and its neighbourhood. Though their interest is mainly local, they contain useful information as to trade and trade disputes, the distress which followed the conclusion of the Napoleonic wars, and the movement for parliamentary reform. Mr. Ward was intimate with Francis Chantrey and Joseph Hunter, both of whom are frequently mentioned in these pages. He describes the acting of 'the infant Roscius' (p. 49) and gives a good account of one of John Thelwall's lectures (p. 70). Sheffield, like Birmingham, petitioned against the orders in council in 1812, and there is a good deal about the organisation of the opposition to these measures (p. 183). A military historian will find the very detailed account of the organisation and discipline of the volunteer corps raised in 1803 of considerable value (pp. 14, 81, 144). As materials for the social history of the first half of the nineteenth century the miscellaneous jottings of the diary will often prove more serviceable than biographies of more distinguished persons.

C. H. F.

The tour in France in 1814, published by Sir Henry Ogle under the title of *Paris in 1814* (Newcastle-upon-Tyne: Andrew Reid, 1909), is a charming diary kept by an Englishman, Dr. William Roots, a traveller

of strong anti-Bonapartist prejudices, vehemently patriotic, who when shown a picture at the Luxembourg of a British frigate striking to a French one, 'felt at the moment an inclination to cut the picture in pieces.' There is much delightful reading in the journal, and it gives a clear picture how the Bourbons, by favouring the English at every possible turn, and giving them precedence over the French, were doing what they could to make themselves unpopular. The illustrations are extremely pleasing; especially so are the *maître d'hôtel* at Montreuil, 'M. Martin,' the bear in the Jardin des Plantes, and 'Monsieur the Angora Cat.' Dr. Roots kept his accounts at each place where he stayed, and the expenses of travelling in his time afford an instructive comparison with those of our day.

L. G. W. L.

*A Narrative of the Siege of Delhi*, by Captain C. J. Griffiths, edited by Captain H. J. Yonge (London: John Murray, 1910), has its interest like most books of reminiscences. It tells of the experiences of the 61st regiment from the outbreak of the mutiny to the end of the siege, and does not wander to describe scenes at which the author was not present. He is indignant at any criticism of Hodson. He accuses the government of ungenerous treatment of the soldiers in the matter of prize money, and offers ideas about looting. Otherwise we have nothing but a picture of part of a great war from a subaltern's point of view.

J. E. M.

In *Die Deutsche Presse und die Entwicklung der Deutschen Frage 1864-66* (*Leipziger Historische Abhandlungen*. Leipzig: Quelle und Meyer, 1910), Dr. Otto Bandmann has essayed a task differing in its conditions from that, for instance, on which Mr. L. G. Wickham Legg is engaged with regard to the journalism of the great French Revolution. The German press of the critical period which intervened between the termination of the last Schleswig-Holstein war and the outbreak of the conflict in arms between Austria and Prussia not only contributed little to the actual solution of the great political problem of the period, but very imperfectly reflected the real conditions of that problem. Taken as a whole, it was without sufficient organisation as a party press, and its political news was largely supplied—directly or indirectly—by the governments whose action it criticised. There were other methods of influencing the papers, which moreover were on a relatively small scale as to size and in which daily leading articles were still an exception. (The summary survey of the German, including the Austrian press of that day, at the close of Dr. Bandmann's treatise is very welcome; had the *Deutsche Allgemeine Zeitung*, Brockhaus's Liberal paper, come to an end thus early?) But, though the opinions of the journals were to a great extent individual opinions, or those of small groups or coteries of writers, this, in a sense, adds to their interest, provided that a student of Dr. Bandmann's intelligence and width of knowledge undergoes the infinite trouble of comparison and digestion. Nothing could accordingly be more instructive than the review which he is able to present of the judgments passed by the contemporary German press on the peace which handed over Schleswig-Holstein to the two German great powers, on the *modus vivendi* adopted at Gastein, on Bismarck's war policy as it became

more and more palpable, and on his scheme of German constitutional reform which formed an integral part of the policy in question. The appendix on 'Bismarck in the Press from 1864-66' will no doubt be read with special curiosity, but it was hardly needed to complete the demonstration. No one who was familiar with German academical and middle-class sentiment—the feeling of those classes from which more than nine-tenths of the journalists sprang—in that anxious *biennium* will hesitate before accepting the concluding sentence of Dr. Bandmann's text: 'There was but one fixed point in the dangerous tangle of the German, the Schleswig-Holstein, and the war question—and this fixed point was the common hatred of Bismarck.' In the preceding pages may be read how, among the voices which were brought round to the war with Austria and to the German parliament elected by universal suffrage was that of the *Kreuzzeitung*—but not the voice of President von Gerlach.

A. W. W.

The late Professor J. R. Ficklen gave the last ten years of his life, so far as his other duties allowed, to an elaborate study of the reconstruction period in the state of Louisiana after the American civil war. *The History of Reconstruction in Louisiana (through 1868)* (Johns Hopkins University Studies in Historical and Political Science, xxviii. 1, Baltimore, 1910) required, as its editor tells us, 'immense patience and tact, for the mists of party strife have not yet cleared away; many of the actors in the great contest for control of the State are still living, their accounts, as well as most of the documentary material for the work . . . needed the most careful readjustment before it was possible to present a record at once clear and fair.' Born in Virginia and arriving in Louisiana just at the close of the period of reconstruction, Mr. Ficklen is at once an impartial judge of the facts and vitally interested in them. It is a pity that an excellent and exhaustive narrative should only go down to the success of the democrats in Louisiana at the presidential election of 1868.

H. E. E.

In *Le Haut Commandement des Armées Allemandes en 1870* (Paris: Plon, 1908), Lieutenant-Colonel Rousset endeavours to show from German sources that the success which attended Moltke's operations against Bazaine was chiefly the result of a phenomenal good fortune, which can hardly be reckoned upon as likely to recur in the next war between the two nations. The writers on whose evidence he relies are Colonel Verdy du Vernois, Colonel Cardinal de Widdern, and Captain Hoenig. From their narratives he proves that the actual course of events from the 6th to the 18th August was very far from fulfilling Moltke's anticipations. He deals solely with the operations near Metz and his contention is that the battles of Spicheren, Borny, Rezonville, and Gravelotte were fought not as planned by the German general staff, but in direct contradiction of the orders issued. They were all brought on by the initiative of subordinate commanders, and in all four the French had an excellent opportunity of striking a blow, which would have deranged the strategical combinations of their foe and in the last two might have changed the whole course of the war. On the day on which Spicheren was fought the German headquarters had not even quitted

Mainz. At Rezonville Bazaine had an opportunity of winning a decisive victory, such as has rarely presented itself to any commander, and at Gravelotte if he had 'put in' the Guard on either wing the Germans would have been beaten; but he was preoccupied with the idea of taking shelter under the walls of Metz, and in that position of fancied security waiting for the fortune of the war to be decided in some other theatre of operations. Under Colonel Rousset's searching criticism the mistakes of the German staff are clearly exposed. The failure of their cavalry to make the necessary reconnaissances is noted. The impracticable character of Steinmetz is emphasised, and the proper and improper discharge of staff duties by individual German officers illustrated. The theory that the Germans deliberately took liberties because they knew that such would go unpunished, is pronounced inapplicable, until the result of Gravelotte had furnished unmistakable proof of Bazaine's *inertia*, which is without parallel in the history of war. The boldness with which the subordinates on the German side shouldered the burden of responsibility is highly commended. The ruling principle in their armies was to fight the enemy wheresoever found, and the units of one army did not hesitate to go to the help of the other without waiting for orders from its own commander-in-chief.

W. B. W.

In *Frederic William Maitland, a Biographical Sketch* (Cambridge: University Press, 1910), Mr. H. A. L. Fisher analyses with practised skill the mind and work of the greatest English medieval scholar of his generation, the mere outward events of whose life occupy but a very few pages. Full justice is done to the historical insight and veracity as well as to the humour and charm of a rare personality. A trained lawyer or a specialist in the problems to the solution of which Maitland chiefly devoted himself might indeed have produced an estimate of his achievement in some respects more discriminating, but it would almost certainly have been much less finished and interesting. That Mr. Fisher is rather encomiast than critic may be in part set down to the narrowness of the canvas on which he paints his portrait, nor does he wholly fail to note that some of Maitland's views have not met with complete acceptance. But something more than a general warning was called for in dealing with such disputable hypotheses as his explanation of the Domesday *manerium* as a taxable unit, or his 'garrison theory' of the origin of boroughs. It is perhaps hardly sufficiently recognised by his biographer that Maitland's Domesday researches were of a more hurried and tentative character than his work on legal history, and that his interpretations, though always suggestive, are sometimes hazardous. We may add that in attempting to give a concise summary of them Mr. Fisher occasionally omits necessary qualifications. Maitland never said without reservation that 'the Saxon land-book does not transfer land but superiorities over land,' or that 'Every Saxon grant of immunities reserves the *trinoda necessitas*.' Over-compression is perhaps responsible too for the apparent suggestion on p. 100 that Stubbs consciously twisted the evidence 'to exhibit the continuity of the English Church before and after the Reformation.' A few misprints may be noted for a future edition: 'Crome' for Croom Robertson (p. 27); 'modestly *disdained* expert paleographical knowledge'

(p. 55) for modestly *disclaimed*; 'formless *arguments*' (p. 59) for formless *agreements*. There are also a few incorrect dates. Seebohm's 'English Village Community' first appeared in 1883, not in 1876 (p. 88). The date of publication of 'Domesday Book and Beyond' was 1897, not 1896 (p. 89). More unfortunate is the dating of Maitland's Rede Lecture in the summer of 1907 (p. 162), six months after his death. J. T.

M. Marcel Sibert's *Etude sur le Premier Ministre en Angleterre* (Paris : Rousseau, 1909) is an intelligent piece of work, partly historical and partly descriptive. English readers will be entertained by the curious scraps of information which relieve the more serious side of the subject. We may instance the sections which deal with the prime minister's emoluments and patronage, with the history of cabinet dinners and the procedure of cabinet meetings, with letters written to or received from the sovereign. Foreign readers are likely to complain that such secondary points of interest have been accorded a disproportionate amount of attention; and it must be allowed that Dr. Sibert has something to learn in the art of literary exposition. His quotations and his references to secondary books are too numerous, and show a certain want of discrimination. He labours obvious points, and appeals to authorities of dubious value. His work would have benefited by a closer study of modern English politics. It is significant that he confuses Mr. Arthur Balfour with Lord Balfour of Burleigh. Naturally he is dependent for his generalisations upon the works of English publicists; even when he compares the English with the French prime minister his treatment is without actuality. In his historical chapters he is seen to greater advantage. He has devoted special attention to the reign of Anne and to the ministerial career of Newcastle; the position of the latter is illustrated by some useful references to unpublished correspondence. But the field is too vast to be adequately covered in such an essay. Dr. Sibert has not touched bottom in many parts of his work. Such a note as that in which he discusses Walpole's use of corrupt influence (p. 85) is a proof that he needs further training in the sifting of evidence. H. W. C. D.

The *Native States of India*, by Sir William Lee Warner, K.C.S.I. (London : Macmillan, 1910), is a second and revised edition of the author's *Protected Princes of India*. He has done a great public service by explaining clearly and accurately the existing relations between the government of India and the many native states of Hindustan, and the history of those relations. Attention to the affairs of British India is being forced very slowly upon the public of Great Britain, and the more that the work done by our fellow countrymen in the East is explained to homestayng Britons, the more they ought to appreciate not only the difficulties of that work, but also the zeal and capacity which have hitherto overcome such difficulties. Although many historical works have related the rise of the British empire in India and the administration of British India, little has been written with regard to the policy of the government in its dealings with the native states. There are in Hindustan about 680 native states recognised by the Indian Foreign Office, ranging from the position of independent kingdoms to the estates of comparatively small landowners enjoying some sovereign rights.



As the author shows very clearly, it is impossible to expect the government of India to have acted in accordance with a defined code of rules. Varying circumstances have given rise to a variety of actions. At one time in the history of India the policy of non-interference was carried to a dangerous extreme, whereas there have been occasions when, in the interests of the general peace or in consequence of intolerable misrule, interference became imperative. The wisdom of several generations of rulers of India has now built up a system of co-operation between the British government and the native states in the interests of the rulers and subjects of those states. The great knowledge and experience of the author has produced a book worthy of the subject.

E. J. T.

Dr. Charles Meyerholz's *Zwei Beiträge zur Verfassungsgeschichte der Vereinigten Staaten* (Leipzig: Voigtlander, 1908) forms the sixth volume of Professor Lamprecht's *Beiträge zur Kultur- und Universalgeschichte*, and contains two studies, one in German on the Philadelphia convention of 1787 which shaped the constitution of the United States, and one in English on 'Federal Supervision over the Territories of the United States.' The study of the convention of 1787 is lucid and interesting, but contains nothing new; that on federal supervision is much more important, but not so well written. Nowhere has the doctrine of the 'implied powers' given by the constitution to congress—the doctrine that, if the end be within the scope of the constitution, then all means adapted to that end and not expressly prohibited, are constitutional—played so important a part in American history as in legitimising the control of the president and of congress over territory acquired, but not yet admitted into the Union as a State. Dr. Meyerholz's discussion of this doctrine, and his statement of the present powers of congress over the territories, are both of value.

W. L. G.

In the *Biographical Study of the Constitution* (New York: Putnam, 1910) Professor E. Elliott, of Princeton University, makes an attempt to picture, through the lives of some of the more conspicuous men who have taken part in the constitutional struggles of the United States, the process of development. The series of biographical essays begins with the fathers of the constitution; and ends with Mr. Roosevelt. Mr. Elliott's attempt was well worth making; but it may be doubted whether the essays do not rather fall between two stools; having too little interest for biographical studies and being of too sketchy a character to lay the foundation of much constitutional knowledge. However an appendix of leading documents may supply what seems lacking in the text.

E. E.

The essays included in Sir Cyprian Bridge's *Sea Power, and other Studies* (London: Smith, Elder & Co., 1910) cover a variety of subjects connected with naval history and strategy, and are full of useful and suggestive points. The two articles on 'Sea Power' and 'The Command of the Sea,' reprinted from the *Encyclopaedia Britannica*, provide admirable explanations of the true meanings of those often misunderstood and misused terms, while the essay on 'Naval Strategy and Tactics at the Time of

'Trafalgar' could hardly be bettered as a simple and lucid statement of the main facts connected with the question. The essays on 'Invasions of the British Isles' and on 'Raids,' though rather slighter, are well worth reading, but one does not feel particularly convinced by Sir Cyprian's attempt to whitewash Queen Elizabeth's naval administration or by the two essays on the press gang. Undoubtedly a 'prest' man was a man who had received earnest money on engaging to serve, but surely Sir Cyprian unduly minimises the importance of the press gang, and one would want a good deal more evidence before one could accept his conclusion—as to the relatively small proportion of 'pressed' men.

C. T. A.

To compile intelligently from the books already published on the Near East 'a short history of the Balkan states' needs a profounder knowledge of that complex subject than seems to be possessed by Mr. W. Howard-Flanders, the author of *Balkania* (London: Elliot Stock, 1909). Even in a 'popular' summary we do not expect to find allusions to the 'Patriarch of Athens,' to Hildebrand as living towards the end of the twelfth century, and to the Turkish conquest of Athens sixty years before the real date. Nor do we look for such strange examples of spelling as 'Philopolis,' 'Montenegrian,' 'Pogorica,' 'Herzogovina,' 'Krushelav,' 'Petrovitz,' 'Atilla,' or for such a formation as 'Maria Palæologus.' It is now known that Stephen Uroš V. was not murdered in 1367, but died on 4 December 1371.

W. M.

*The Statesman's Year-Book for 1910* (London: Macmillan) appeared very late, and probably earned the distinction of being the only annual publication for this year which included the record of the accession of King George V. His Majesty, we notice, is described as belonging to the house of Hanover; but that line, in Great Britain, ceased with the death of Queen Victoria through her marriage into a different family. The present reigning house may be described alternatively as that of Saxony or of Coburg and Gotha. Two of the maps may be mentioned here, one marking the changes in population in the United Kingdom between 1801 and 1910, and the other showing the extent of the Union of South Africa and the neighbouring regions.

F.

The editor of the *Legitimist Kalendar for 1910* (London: Royalist Club) looks at history from an unusual point of view, and on this account gives a great deal of curious information not easily to be found elsewhere. Among these are elaborate legitimist pedigrees, lists of names, and documents; a catalogue of persons 'attainted and convicted of high treason for adherence to their rightful sovereigns' since 1558; a list of ministers of the exiled sovereigns and another of the non-jurors.

G.

In writing his *History of Abingdon* (London: Frowde, 1910), Mr. James Townsend has consulted a wide range of authorities, both published and in manuscript. The result of his work is a continuous history of the town from the earliest times to the present day, and therefore an interesting addition to the small number of monographs which deal with the entire development of individual boroughs. The first portion of the

book is inevitably occupied, in the main, with the fortunes of the great Benedictine abbey; but a judicious proportion is kept between the monastic and secular aspects of the history, and in the later sections of his work Mr. Townsend is able to relate much that is new, and at times of more than local interest. The most serious difficulties presented by the history of Abingdon arise in connexion with the Old English period, and receive a somewhat meagre treatment in the present work. It is evident that when the *Historia Monasterii de Abingdon* was written no real tradition existed of the history of the abbey before the time of its re-foundation by Æthelwold; most of the charters which relate to this period are spurious, and the narrative of the origin of the house is clearly a late invention, although probably based upon earlier authorities. Mr. Townsend is in general content to follow the narrative without any attempt to investigate its date or sources. In this connexion, the note on the beginnings of Abingdon abbey in this Review (xx. 693) might well have been cited. It is going too far to say that 'there is no accepted derivation' for the name of Abingdon; it is an undoubted combination of the old English personal name Abba and *dūn*. It should have been noted that the passage in William of Malmesbury which describes the reception by Æthelstan of an embassy from *Hugo rex Francorum* at Abingdon is drawn from the tenth-century writer whose work is incorporated in the *Gesta Regum* at this point. The passage constitutes the earliest reference to Abingdon in a text unconnected with the abbey, and supports the statement made by Ælfric in his life of Æthelwold, that in the time of Eadred the king possessed the greater part of the place *iure regali*. Some exaggeration may be suggested in the statement that the early abbey, a house of twelve monks, 'served as a bulwark on the Mercian frontier.' But these matters of detail scarcely detract from the general accuracy of the book.

F. M. S.

*London in the Nineteenth Century* (London: Black, 1909) forms the seventh and last volume of a ponderous work, the unsatisfactory character of which has been repeatedly pointed out in this Review. The present volume, though described on the title-page as 'by Sir Walter Besant,' is really of composite authorship, and it alternates solid collections of statistics with light articles, such as appear in newspapers. The two chapters on temporal government and 'the City' will be found useful for reference, and many facts are put together about museums and theatres, squares and parks. But the book as a whole is too desultory and too much of a patchwork of 'cuttings' to justify its bulk, which cannot fall far short of half a hundredweight.

H.

*Southend-on-sea and District: Historical Notes* (Southend: Standard Printing Works, 1909), by Mr. J. W. Burrows, the editor of a local newspaper, is an artless but conscientious compilation, which contains more material than is usual in works of its class, and deserves a word of notice, if only for the modern history, constitutional and general, of the place. The rise of Southend, which was fashionable before railways brought crowds, makes an entertaining story; but Mr. Burrows is not equally competent to deal with earlier periods.

I.

A monograph dealing with a single public building often suffers from the difficulty of detaching the events immediately connected with it from the general history of the time. M. E. Rodocanachi's handsome and richly illustrated volume on the Castle of St. Angelo (*Le Château Saint-Ange*. Paris: Hachette, 1909) is from this point of view a very fairly successful compilation, giving the story of the building in its various transformations as the imperial tombhouse, fortress, place of refuge and at one time an actual residence of the popes, treasury, 'Archivio,' and state prison. The notes show that a wide use has been made of the sources, printed and unprinted. The treatment is generally adequate, though we might have wished for a fuller and clearer account of the monument from the architectural and archaeological side. The most interesting and, perhaps, the most valuable part of the book is the account of the prisoners confined here from the fifteenth to the nineteenth century, which gives a good idea of the very various categories of offenders, from cardinals down to the humblest type of criminals, on whom the vigorous and, on the whole, impartial papal government of the day laid its heavy hand. G. McN. R.

Travellers who can give more than a few hours to the wealth of interest contained in the place will be grateful for Miss E. Coulson James's *Bologna, its History, Antiquities, and Art* (London: Henry Frowde, 1909), which may be safely commended to such, and also to those who would revive their impressions of past visits. The historical sketch is, on the whole, sufficient, though it sometimes suffers from compression, as, for instance, when so important an event as the re-establishment of the papal sovereignty in the city by Martin V in 1429 is only referred to incidentally at a later period. Miss James's knowledge does not appear to go much beyond her Italian sources. We find forms such as 'Aistolfo' and 'Arduino'; barbarian invaders are described as 'Ungari,' and the *Corpus Iuris Civilis* as *Corpo del Gius Civile*. But even this does not explain 'Luitprand.' And why does Cesare Borgia, duc de Valentinois, appear as 'Duke Valentino'? A good deal of space is devoted to local art and archaeology, and the illustrations are numerous and generally good. G. McN. R.

*The Cradle of New France*, by Dr. A. G. Doughty (London: Longmans, 1909), is a pleasantly written account by the well-known archivist of the dominion of Canada of the history and historic buildings of the city of Quebec. It contains an excellent map of the city, and some not very valuable coloured illustrations. Though the book is written in a popular style, the latest manuscript evidence and the latest explorations upon the sites of the battlefields are made use of. There is however a tendency to extreme statement, as when we are told that, with the completion of the fortifications of 1832, 'Quebec had now become the strongest fortress in the world' (p. 204), or that at present the city has a 'unique position as a model of civic administration' (p. 215). W. L. G.

In *Writings on American History, 1908* (New York: The Macmillan Company, 1910), Miss Grace Gardner Griffin continues her useful bibliography of books and articles on United States and Canadian history which is being published under the auspices of the Carnegie Institution of Research at Washington. H. E. E.

# INDEX

TO

## THE TWENTY-FIFTH VOLUME

### ARTICLES, NOTES, AND DOCUMENTS

- ANTIOCHUS STRATEGUS' account of the sack of Jerusalem [614]: by F. C. Conybeare, 502
- Armenia and Rome in the fourth century: by N. H. Baynes, 625
- Avranchin, Pleas of the crown in the: by Professor Powicke, 710
- BLACK Friars, the, of London, Bequests to, during the fifteenth century: by the Rev. B. Jarrett, 309
- Brandenburg.—Religious toleration under the Great Elector and its material results: by Professor O. H. Richardson, 93
- Bulgarian treaty, The, of A.D. 814, and the Great Fence of Thrace: by Professor Bury, 276
- CANTERBURY monk, A, at Constantinople, c. 1090: by Professor Haskins, 293
- Castle-guard and barons' houses: by A. Ballard, 712
- Chouans, An English sailor among the: by Miss D. K. Broster, 129
- Court of Faculties, The: by W. Hooper, 670
- DANES, The horsing of the: by J. H. Clapham, 287
- Dionysius of Alexandria, Newly discovered letters of, to the Popes Stephen and Xystus: by F. C. Conybeare, 111
- EDWARD Balliol's Scottish expedition [1347]: by Sir J. H. Ramsay, 307
- Edward the Confessor, A myth about: by Professor K. Pearson, 517
- Elizabeth, Queen, The coronation of: by Professor A. F. Pollard, 125  
— by C. G. Bayne, 550
- England and Denmark, 1660-1667: by H. L. Schoolcraft, 457
- Erasmus, A dispensation of Julius II for: by P. S. Allen, 123
- FIFTH Monarchy insurrections, The: by C. Burrage, 722
- Fines, Early: by L. F. Salzman, 708
- GENOA and the Fourth Crusade: by J. K. Fotheringham, 26 (cf. 416)
- Germain, Lord George, and Sir William Howe: by Professor Egerton, 315
- HENRY of Blois and Brian Fitz-Count: by H. W. C. Davis, 295
- Henry IV, A point in the itinerary of [1076-7]: by C. W. Previt e Orton, 521
- Henry V, The early biographies of: by C. L. Kingsford, 58
- Howe, Sir William, and General Burgoyne: by Professor Egerton, 747

- IRELAND, The clan system among English settlers in: by E. Curtis, 116  
 Irish rebellion, the, of 1798, Papers relating to: by J. Holland Rose, 748  
 'Itinerarium peregrinorum,' The, and the 'Song of Ambrose': by Miss K. Norgate, 523
- KNIGHTS Templars, The, in the British isles: by Professor C. Perkins, 209
- LONDON and foreign merchants in the reign of Henry VI: by R. Flenley, 644  
 Luther and Henry VIII: by Preserved Smith, 656
- MALET, Jean, seigneur de Gravelle, and Edward IV [1475]: by Miss C. L. Scofield, 547  
 Marie de France: by J. C. Fox, 303  
 Montenegro, The founder of: by W. Miller, 308
- NAVIGATION Acts, The last years of the: by J. H. Clapham, 480, 687
- OATES, Titus, The origin of the story of: by Professor W. C. Abbott, 126  
 Oldhall, Sir William: by C. E. Johnston, 715
- PARLIAMENT, The first, of Edward I: by C. H. Jenkinson, 231 (cf. 416)
- Pleas of the crown in the Avranchin: by Professor Powicke, 710  
 Prize jurisdiction, Early, and prize law in England: by R. G. Marsden, 243
- RICHMOND, The duke of, on the conduct of the war in 1793: by J. Holland Rose, 554  
 Roe, Sir Thomas, The mission of, to Vienna [1641-2]: by R. B. Mowat, 264  
 Rome and Armenia in the fourth century: by N. H. Baynes, 625
- SAINTE-GENEVIÈVE, The serfs of: by Miss C. H. M. Archibald, 1  
 Secretaries in the thirteenth and fourteenth centuries: by Miss L. B. Dibben, 430  
 Serfs, The, of Sainte-Geneviève: by Miss C. H. M. Archibald, 1  
 Shirwood, Bishop, of Durham and his library: by P. S. Allen, 445  
 Sophia Dorothea and count Königs-marck, The Berlin letters of: by the Master of Peterhouse, Cambridge, 314  
 Stephen, A charter of, of Jan. 1139: by the Rev. H. E. Salter, 114  
 'Suede de Prisone': by Miss B. H. Putnam, 307  
 Syon library, an ordinance for [1482]: by R. J. Whitwell, 121
- TINCHEBRAI, The battle of; a correction, 295  
 Trasimene, Lake, The battle of: by M. O. B. Caspari, 417

## LIST OF REVIEWS OF BOOKS

- ABRAM (A.) *Social England in the fifteenth century*, 611  
 Addleshaw (P.) *Sir Philip Sidney*, 406  
 Aléandre (J.) *Lettres familières*: by P. S. Allen, 334  
 Alvord (C. H.) *Kaskaskia records*, 825  
*Anglo-American legal history, Select essays in*, iii., 397  
 Anson (Sir W. R.) *Law and custom of the constitution*, i. (4th ed.), 415  
 Ardasheff (P.) *Les intendants de province sous Louis XVI*, i.: by W. E. Rhodes, 369  
 Arnheim (F.) *Luise Ulrike, die schwedische Schwester Friedrichs des Grossen*, ii.: by the Master of Peterhouse, Cambridge, 783  
 Arnim (H. von) *Die politischen Theorien des Altertums*, 809  
 Ashburner (W.) *Rhodian sea law*, 395  
 Askenazy (S.) *Książę Józef Poniatowski* [1763-1813]; *Lukasiński, &c.*: by O. Wardrop, 787  
 Atchley (E. G. C. F.) *History of the use of incense in worship*: by the Rev. W. H. Frere, 560  
 Aventinus. See Turmainr

- BAIN (R. N.) *The last king of Poland and his contemporaries*, 825
- Baldock, Radulphi, *Registrum*, i., 609
- Bandmann (O.) *Die Deutsche Presse und die Entwicklung der Deutschen Frage* [1864-6], 827
- Baptist Historical Society, *Transactions of the*, 1-4: by the Rev. Professor Watson, 350
- Baptists, *General, Minutes of the general assembly of the*, i. ii. [1654-1811]; by the Rev. Professor Watson, 350
- Barbour (J.) *The Bruce*, ed. by W. M. Mackenzie, 611
- Barham, Charles, lord, *Letters and papers of*, ii.: by the Rev. W. Hunt, 788
- Baring (F. H.) *Domesday tables*: by Professor Tait, 762
- Baty (T.) *International law*, 207
- Bazochii (Guido de) *Chronographia* lib. vii., ed. by A. Cartellieri and W. Fricke, 812
- Bedwell (C. E. A.) *Brief history of the Middle Temple*, 415
- Beeching (H. C.) *Francis Atterbury*: by L. G. Wickham Legg, 584
- Belloe (H.) *Marie Antoinette*, 620
- Besant (Sir W.) *London in the nineteenth century*, 833
- Besnier (M.) *Les catacombes de Rome*, 606
- Bigg (C.) *The origins of Christianity*: by Miss A. Gardner, 141
- Birch (U.) *Anna van Schurman*: by the Master of Peterhouse, Cambridge, 351
- Bittner (F.) *Chronologisches Verzeichnis der österreichischen Staatsverträge*, ii.: by C. G. Robertson, 335
- Björkman (E.) *Nordische Personennamen in England*: by Jón Stefánsson, 594
- Blackburn grammar school, *The records of*: by Professor F. Watson, 800
- Blancard (E.) *Les Mavroyéni*, 616
- Blok (P. J.) *History of the people of the Netherlands*, Engl. and Germ. tr.: by Professor Firth, 574
- Blommaert (S.) *Brieven aan Oxenstierna* [1635-41]: by C. Brinkmann, 347
- Bologna, *Studi e memorie per la storia dell' università di*, i. 1: by the Rev. H. Rashdall, 330
- Bosworth Psalter, ed. by F. A. Gasquet and E. Bishop: by the Rev. H. M. Bannister, 148
- Bouillé (marquis de) *Souvenirs et fragmens pour servir aux mémoires de ma vie et de mon temps*, ii. [1792-1803]: by J. Holland Rose, 189
- Bourgeois (E.) *La diplomatie secrète au xviii<sup>e</sup> siècle: ses débuts*, i.: by L. G. Wickham Legg, 368; ii., 824
- Brand (R. H.) *The union of South Africa*, 414
- Brasenose College *quatercentenary monographs*: by the Rev. A. Clark, 599
- Brasenose College register [1509-1909]: by the Rev. A. Clark, 599
- Breuil (Guillaume du) *Stilus curie parlamenti*: by C. Johnson, 332
- Bridge (Sir C.) *Sea power and other studies*, 831
- Brom (G.) *Archivalia in Italië belangrijk voor de geschiedenis van Nederland*, i. *Vaticansch Archief*: by C. Johnson, 390
- *Guide aux archives du Vatican*, 805
- Brown (P. H.) *History of Scotland*, iii.: by R. S. Rait, 364
- Brüdergeschichte, *Zeitschrift für*, 617
- Bruton (F. A.) *Excavations at Toothill and Melandra*, and *The Roman fort at Manchester*, 606
- Bryan (J. W.) *The development of the English law of conspiracy*: by H. D. Hazeltine, 146
- Buckland (W. W.) *The Roman law of slavery*: by P. V. M. Benecke, 318
- Bullettino dell' Istituto Storico Italiano, no. 29, 30, 809
- Burrows (J. W.) *Southend-on-Sea*, 833
- Burton (E.) *Life and times of Bishop Challoner*, 618
- Byzantinische Zeitschrift, xviii., 193
- Calendar of close rolls, Edward III [1360-4], 813
- Calendar of patent rolls, Edward III [1354-8], 813
- Richard II, vi. [1396-9]: by Professor Tait, 770
- Henry IV [1408-13], 814
- Henry VI [1446-52], 815
- Calendar of state papers, colonial, America and West Indies [1699-1700]: by Professor Egerton, 777
- domestic [1694-5]: by Professor Firth, 185
- Ireland [1666-9]: by R. Dunlop, 580

- Calendar of state papers, Venice* [1617-9]: by Professor Firth, 344
- Calvi (E.) *Bibliografia di Roma nel medio evo*, Suppl., 193
- Cambridge history of English literature*, iii., iv., 403
- Carl bom (J. L.) *Tre dagars slaget vid Warschau* [1656] and *Karl X Gustav*, 822
- Carlyle (R. W. & A. J.) *History of medieval political theory in the West*, ii.: by the Rev. J. N. Figgis, 561
- Carré (H.) *Le règne de Louis XV*, 408
- Cavaignac (E.) *Etudes sur l'histoire financière d'Athènes au V<sup>e</sup> Siècle*: by the Rev. T. Nicklin, 317
- Chalvet-Nastrac (vicomte) *Projets de restauration monarchique et le général Ducrot*, 412
- Chance (J. F.) *George I and the Northern War*: by C. G. Robertson, 585
- Chartularium studii Bononiensis*, i.: by the Rev. H. Rashdall, 330
- Chauvet (P.) *La religion de Milton*, 201
- Chetham Miscellanies*, ii., 624
- Christiansen (V.) *Christian den VII's Sindssygdøm*: by W. F. Reddaway, 188
- Clay (R. M.) *The medieval hospitals of England*: by the Rev. H. E. Salter, 596
- Clinch (G.) *English costume from pre-historic times to the end of the eighteenth century*, 208
- Cockersand Abbey, Chartulary of*, ed. by W. Farrer, iii. 3, 198
- Cockshott (W.) *The pilgrim fathers*, 406
- Collingwood (W. G.) *Scandinavian Britain*: by Professor Ker, 326
- Corney (B. G.) *The voyage of captain Don Felipe Gonzalez to Easter Island in 1770-1*, 617
- Cory (G. E.) *Rise of South Africa*, 621
- Courteault (P.) *Blaise de Monluc*, 406
- Coventry lect book*, iii., 817
- Craster (H. H. E.) *A history of Northumberland*: by F. W. Dendy, 597
- Crees (F. H. E.) *Claudian as an historical authority*, 395
- Cromer (lord) *Ancient and modern imperialism*, 393
- Crucé (Emeric) *The new Cyneas*, ed. by T. W. Balch, 820
- Curtler (W. H. R.) *Short history of English agriculture*, 399
- Cussy (F. de) *Souvenirs*, i. ii.: by P. F. Willert, 378
- DÄHNHARDT (O.) *Natursagen*, i. ii., 392
- Davey (R.) *The nine days' queen*, 406
- Davidson (J.) & Gray (A.) *The Scottish Staple at Veere*: by Professor Unwin, 165
- Delachenal (R.) *Histoire de Charles V*, i. ii. [1338-64]: by Professor Tout, 156
- Des Marez (G.) *Le compagnonnage des chapeliers Bruxellois*, 821
- Diaz (B.) *History of the conquest of New Spain*, tr. by A. P. Maudslay, i., 404
- Dictionary of English history*, new ed., 806
- Dictionnaire d'histoire et de géographie ecclésiastiques*, 1: by the Rev. Professor Watson, 143
- Doughty (A. G.) *The cradle of New France*, 834
- Driault (E.) *Napoléon en Italie*, 205
- Droysen (G.) *Johann Gustav Droysen*, i.: by the Master of Peterhouse, Cambridge, 794
- Duff (N.) *Matilda of Tuscany*, 811
- Dunin-Borkowski (S. von) *Der junge De Spinoza*: by Sir F. Pollock, 575
- Dunn-Pattison (R. P.) *The Black Prince*, 610
- East India Company, Court minutes of the* [1640-3], 407
- Eccleston (Thomas de) *De adventu fratrum minorum in Angliam*, ed. by A. G. Little: by J. P. Gilson, 331
- *Chronicle*, tr. by Father Cuthbert, 196
- Elliott (E.) *Biographical study of the constitution*, 831
- Erasmî, Desiderî, Roterodami *Opus Epistolarum*, ii. [1514-7], ed. by P. S. Allen: by the Rev. Professor Whitney, 774
- Esterhazy (comte V.) *Nouvelles lettres à sa femme* [1792-5]: by Professor Montague, 371
- Evans (A. W. W.) *Welsh medieval law*, 607
- FALKINER (C. L.) *Essays relating to Ireland*: by G. H. Orpen, 603
- Fayen (A.) *Lettres de Jean XXII*, ii. 1, 610



- Fehling (F.) *Die europäische Politik des Grossen Kurfürsten* [1667-88], 616
- Fehr (H.) *Hammurapi und das Salische Recht*: by Sir F. Pollock, 753
- Feret (P.) *La faculté de théologie de Paris, Epoque moderne*, vii., 824
- foulkes (C.) *Armour and weapons*, 415
- Ficklen (J. R.) *The history of reconstruction in Louisiana*, 828
- Firth (C. H.) *The last years of the Protectorate* [1656-8], i. ii.: by F. Harrison, 177
- Fisher (H. A. L.) *Frederic William Mailland*, 829
- Fleischmann (H.) & Esparliés (G. d') *L'épopée du sacre*, 411
- Flete (John) *History of Westminster Abbey*: by A. G. Little, 385
- Flick (A. C.) *The rise of the mediæval church*, 605
- Foster (W.) *The English factories in India* [1630-3], 820
- Francotte (H.) *Les finances des cités Grecques*: by Professor Goligher, 755
- Frémcaux (P.) *Sainte-Hélène; les derniers jours de l'empereur*, 621
- Friedländer (L.) *Roman life and manners under the early empire*, ii., Engl. tr., 191
- Funk (P.) *Jakob von Vitry*, 608
- GEER (L. de) *Brieven &c.*: by C. Brinkmann, 347
- Gelzer (H.) *Byzantinische Kulturgeschichte*: by Miss A. Gardner, 320
- (M.) *Studien zur Byzantinischen Verwaltung Ägyptens*: by F. de Zulueta, 758
- George (H. B.) *Historical evidence*, 392
- Gerdes (H.) *Geschichte der Hohenstaufen und ihrer Zeit*: by H. W. C. Davis, 764
- Gertz (M. C.) *Vitæ sanctorum Danorum*, 810
- Graesse (J. G. T.) *Orbis Latinus*, ed. by F. Benediet, 804
- Green (Mrs. J. R.) *The making of Ireland and its undoing*, 2nd ed., 399
- Green (M. A.) *Elizabeth, queen of Bohemia*, 614
- Greenwood (A. D.) *Lives of the Hanoverian queens of England*: by I. S. Leadam, 365
- Griffin (G. G.) *Writings on American history*, 1908, 834
- Griffiths (C. J.) *Narrative of the siege of Delhi*, 827
- Guerri (F.) *Lo statuto dell'arte degli ortolani* [Cornetani] dell'anno 1379, 198
- Gwatkin (H. M.) *Early church history to A.D. 313*: by P. V. M. Benecke, 559
- HAINES (C. G.) *Conflict over judicial powers in the United States to 1870*, 206
- Hall (H.) *Studies in English official historical documents, and Formula book of English official historical documents*, i. ii., 194
- Halphen (L.) *Paris sous les premiers Capétiens* [987-1223], i. ii., 397
- Hannay (D.) *A short history of the royal navy*: by C. T. Atkinson, 183
- Hardy (E. G.) *Studies in Roman history*, ii., 191
- Hartland (E. S.) *Primitive paternity*, 623
- Hassall (A.) *European history chronologically arranged*, new ed., 806
- Hauser (H.) *Les sources de l'histoire de France*, i. ii.: by Professor Brandin, 167
- *Études sur la Réforme Française*, 405
- Hayes (C. H.) *Introduction to the sources relating to the Germanic invasions*, 396
- Headlam (A. C.) *History, authority, and theology*, 395
- Henderson (E. F.) *A lady of the old régime*, 823
- Henderson (G.) *The Norse influence on Celtic Scotland*: by Jón Stefansson, 594
- Henriques (H. S. Q.) *The Jews and the English law*: by H. D. Hazeltine, 322
- Herre (P.) *Barbara Blomberg*, 614
- *Der Kampf um die Herrschaft im Mittelmeer*, 394
- Hertz (G. B.) *British imperialism in the eighteenth century*: by J. Holland Rose, 186
- Higgins (A. P.) *The Hague peace conferences, &c.*, 414
- Hill (G. F.) *Historical Roman coins*: by Professor Goligher, 140
- Historical Society. Transactions of the Royal, N.S.* ii. iii., 416

- Historisk Tidsskrift*, ser. viii. 1, 195  
Holtzmann (R.) *Französische Verfassungsgeschichte von der Mitte des neunten Jahrhunderts bis zur Revolution*: by Professor Powicke, 761  
Howard-Flanders (W.) *Balkania*, 832  
Huges (T.) *Het leven en bedrijf van Mi. Franchois Vranck*, 818  
Hulshof (A.) *Verlag van een onderzoek te Rostock naar handschriften, belangrijk voor de geschiedenis van Nederland*, 805  
Hulton, (S. F.) *The clerk of Oxford in fiction*, 413  
Hyamson (A. M.) *History of the Jews in England*: by H. D. Hazeltine, 322
- Ireland, Statute rolls of the parliament of, Henry VI*: by G. H. Orpen, 772  
Irving (L. H.) *Officers of the British forces in Canada during the war of 1812-15*, 621
- JAMES (E. C.) *Bologna*, 834  
Jean XXII, *Lettres*, ed. by A. Fayen, ii. 1, 610  
*Jewish Historical Society of England, Transactions of the*, v. vi.: by H. D. Hazeltine, 322  
Jörgensen (E.) *Helgendyrkelse i Danmark*, 810
- KEBER (P.) *Die Naumburger Freiheit*, 811  
Kelly (B. W.) *Short history of the English bar*, 415  
Kennedy (W. M.) *The 'Interpretations' of the bishops*, 199  
Kern (F.) *Analekten zur Geschichte des 13. und 14. Jahrhunderts*, 197  
Keir (J.) *Scottish education*: by Professor F. Watson, 601  
Kirk (J.) *Biographies of English Catholics in the eighteenth century*, ed. by J. H. Pollen and E. Burton, 408  
Kittel (R.) *Die alttestamentliche Wissenschaft in ihren wichtigsten Ergebnissen*, 808  
Kitts (E. J.) *In the days of the councils; a sketch of the life and times of Baldassare Cossa*: by the Rev. Professor Whitney, 770  
Knox (W. K.) *The court of a saint*, 609
- Kooperberg (L. M. G.) *Margaretha van Oostenrijk*: by E. Armstrong, 569  
Korb (J. G.) *Diarium itineris in Moscoviam*, ed. by F. Dukmeyer: by O. Wardrop, 582  
Krehbiel (E. B.) *The interdiction, its history and its operation*, 398  
Küntzel (G.) *Bismarck und Bayern in der Zeit des Reichsgründung*: by the Master of Peterhouse, Cambridge, 592
- LA FOREST (comte de) *Correspondance*, ed. by G. de Grandmaison, ii. iii.: by J. Holland Rose, 372  
Landry (A.) *Essai économique sur les mutations des monnaies dans l'ancienne France, de Philippe le Bel à Charles VII*: by C. G. Crump, 767  
Lang (A.) *History of Scotland*, iv.: by R. S. Rait, 364  
— *Sir George Mackenzie*: by Miss M. Croom Brown, 181  
Laprade (W. T.) *England and the French Revolution [1789-97]*: by J. Holland Rose, 789  
Lavissee (E.) *Histoire de France*, viii. 2, 408  
Le Braz (A.) *Au pays d'exil de Chateaubriand*, 410  
Legg (L. G. W.) *Diplomatic representatives and agents, England and France [1689-1763]*, 202  
*Legitimist kalendar for 1910*, 832  
Lehndorff (A. H. von) *Dreissig Jahre am Hofe Friedrichs des Grossen*, ed. by K. E. Schmidt-Lötzen: by the Master of Peterhouse, Cambridge, 587  
Lemoine (J.) & Lichtenberger (A.) *Trois familiers du Grand Condé*, 615  
Lieblein (J.) *Recherches sur l'histoire et la civilisation de l'ancienne Egypte*, i., 605  
*Lincoln, A subsidy collected in the diocese of [1526]*, ed. by H. Salter: by Miss R. Graham, 168  
Lindeboom (J.) *Erasmus; onderzoek naar zijne theologie*, 613  
*Liverpool committee for excavation and research in Wales and the Marches, first annual report*, 607  
Lot (F.) *Mélanges d'histoire bretonne*, 193  
Lowndes (M. E.) *The nuns of Port-Royal*: by Miss C. Maxwell, 342

- Luchaire (A.) *Innocent III, Les royautés vassales du saint-siège; and Le concile de Latran*, 196  
 — *La société française au temps de Philippe-Auguste*: by Professor Powicke, 564
- McCLEURE (E.) *British place-names in their historical setting*: by H. Bradley, 382
- Machray (R.) *Life of Robert Machray, archbishop of Rupert's Land*, 622
- Mackinnon (J.) *History of modern liberty*, iii., 819
- Madras government, *Selections from the records of the; Dutch records*, i.-x.: by Professor R. W. Lee, 779
- Maitland (F. W.) *Equity*, 398
- Malmesbury (countess) *Life of Sir John Ardagh*, 413
- Marcel (R. P.) *Essai politique sur Alexis de Tocqueville*: by Professor Montague, 792
- Marcks (E.) *Bismarck, eine Biographie*, i., 622
- Marle (R. van) *Le comté de Hollande sous Philippe le Bon*, 612
- Marriott (J. A. R.) *Second chambers*, 624
- Martin (C. T.) *The record interpreter*, 2nd ed., 804
- Mathiez (A.) *Le club des Cordeliers pendant la crise de Varennes et le massacre du Champs de Mars*: by L. G. Wickham Legg, 791
- Maxwell (Sir H.) *A century of empire*, i. ii.: by G. B. Hertz, 590
- Maxwell Lyte (Sir H. C.) *A history of Dunster*: by H. W. C. Davis, 386
- Mayer (E.) *Italienische Verfassungsgeschichte von der Gothenzeit bis zur Zunft Herrschaft*: by E. W. Brooks, 144
- Meinecke (F.) *Weltbürgertum und Nationalstaat*: by the Master of Peterhouse, Cambridge, 374
- Mélanges d'histoire ancienne*, i.: by Professor Goligher, 556
- Meyerholz (C.) *Zwei Beiträge zur Verfassungsgeschichte der Vereinigten Staaten*, 831
- Michael (W.) *Cromwell*: by Professor Firth, 776
- Mommsen (T.) *Provinces of the Roman empire*, revised Engl. trans., 191
- Morigny, *Le chronique de* [1095-1152], ed. by L. Mirot, 195
- Moris (H.) *L'abbaye de Lérins*, 192
- Mulhall (M. M.) *Explorers in the New World before and after Columbus*, 198
- Müller (K. A. von) *Bayern im Jahre 1866 und die Berufung des Fürsten Hohenlohe*: by the Master of Peterhouse, Cambridge, 592
- Mumby (F. A.) *The girlhood of Queen Elizabeth*, 406
- Mundy (P.) *Travels* [1608-67], 407
- Munford (B. B.) *Virginia's attitude towards slavery and secession*, 412
- Murat (prince) *Lettres et documents pour servir à l'histoire de Joachim Murat*, iii., 621
- Murdoch (W. G. B.) *The royal Stuarts in their connection with art and letters*, 200
- NEILSON (G.) *Brunanburh and Burnswork*: by Professor Ker, 326
- Neumann (K. J.) *Entwicklung und Aufgaben der alten Geschichte*, 808
- Newett (M. M.) *Canon Pietro Casola's pilgrimage to Jerusalem* (1494): by Horatio F. Brown, 567
- Norwich, *The records of the city of*, ii., ed. by J. C. Tingey: by Professor Tait, 802
- Nouaillae (J.) *Villeroy*: by E. Armstrong, 170
- OXENSTIERNA (A.) *Skriften och Brefverling*, ser. I. iv.: by C. Brinkmann, 347
- Oxford studies in social and legal history*, ed. by P. Vinogradoff, i.: by Professor Tait, 380
- PALTSITS (V. H.) *Minutes of the commissioners for detecting conspiracies in the State of New York; Albany County* [1778-81], 409
- Pastor (L.) *Geschichte der Päpste*, iv. v.: by the Rev. Professor Whitney, 570
- Patmore (K. A.) *The court of Louis XIII*, 819
- Patterson (M. W.) *History of the church of England*, 397
- Peacock (Reginald) *The Book of Faith*: by the Rev. Professor Whitney, 163
- Pennacchi (F., ed.) *Legenda sanctae Claræ virginis*: by A. G. Little, 765
- Pérouse (G.) *Le cardinal Louis Aleman, président du concile de Bâle*: by the Rev. Professor Whitney, 770

- Perroud (C.) *Roland et Marie Philpon*, 203
- Peters (U.) *Charakteristik der inneren Kirchenpolitik Friedrich Barbarossas* and *Die äussere Kirchenpolitik Friedrich Barbarossas bis zum Tode Rainalds von Dassel*: by H. W. C. Davis, 764
- Phillips (J.) *History of Pembrokeshire*, 414
- Phillips (M.) *A colonial autocracy; New South Wales under Governor Macquarie* [1810-21], 411
- Phillipson (C.) *The effect of war on contracts*, 208
- Piépape (général de) *La duchesse de Maine, reine de Sceaux et conspiratrice*: by L. G. Wickham Legg, 782
- Pierce (W.) *Historical introduction to the Marprelate tracts*: by the Rev. W. H. Frere, 338
- Pipe Roll, 26 *Henry II*: by G. T. Lapsley, 154
- Pisani (abbé) *L'église de Paris et la Révolution*, ii., 410
- Poyntz (S.) *Relation*, ed. by A. T. S. Goodrick: by Miss E. Scott, 175
- Pribram (A. F.) *Oesterreichische Staatsverträge; England*, i. [1526-1748]: by C. G. Robertson, 335
- Prou (M.) *Recueil des actes de Philippe I<sup>er</sup>, roi de France* [1059-1108]: by Professor Powicke, 151
- Putnam (B. H.) *Enforcement of the statutes of labourers* [1349-59], 401
- RACKHAM (R. B.) *The nave of Westminster*: by A. G. Little, 385
- Rhodes (J. F.) *Historical essays*, 416
- Robert (G.) *Les écoles et l'enseignement de la théologie pendant la première moitié du XII<sup>e</sup> siècle*: by C. C. J. Webb, 328
- Robespierre (M.) *Œuvres complètes*, i. I, 825
- Robinson (C.) *Was King Edward II a degenerate?* 610
- Robinson (J. A.) & James (M. R.) *The manuscripts of Westminster Abbey*: by A. G. Little, 385
- Robinson (P.) *The life of St. Clare attributed to Thomas of Celano*: by A. G. Little, 765
- Rodocanachi (E.) *Le château Saint-Ange*, 833
- Roots (W.) *Paris in 1814*, 826
- Round (J. H.) *Peage and pedigree*: by Professor Tait, 798
- Rousset (lieut.-colonel) *Le haut commandement des armées Allemandes en 1870*, 828
- Rubbrecht (O.) *Trois portraits de la maison de Bourgogne par Memline*, 816
- Rubió y Lluch (A.) *Atènes en temps des Catalans; Els Castells catalans de la Grecia continental, & Tradicions sobre la caiguda del comtat català de Salona*, 812
- SAHLER (L.) *Princes et princesses en voyage*, 203
- Sands (P. C.) *The client princes of the Roman empire*, 394
- Schapiro (J. S.) *Social reform and the Reformation*, 817
- Schoengen (M.) *Jacobus Traiecti, alias de Voecht, Narratio de inchoatione domus clericorum in Zwollis*: by P. S. Allen, 161
- Schuyler (R. L.) *Transition in Illinois from British to American government*, 202
- Schuyler van Rensselaer (Mrs.) *History of the city of New York in the seventeenth century*: by Professor Egerton, 346
- Shearer (T. E.) *Fact and fiction in the story of Bannockburn*, 198
- Sibert (M.) *Etude sur le premier ministre en Angleterre*, 830
- Smith (J.) *Junius unveiled*, 620
- Smith (V. A.) *The edicts of Asoka*, 393
- Soitau (R. H.) *The duke de Choiseul*, 619
- Speelman (C.) *Journal der Reis van den gezant der O. I. Compagnie Joan Cunaeus naar Perzië in 1651-2*, 822
- Statesman's year-book for 1910*, 832
- Stephens (F. J.) *The transition period in the government of the United States* [1788-9], 205
- Stieve (F.) *Ezzelino von Romano*, 401
- Stokes (H. P.) *Outside Trumpington Gates*, 197
- Strong (J.) *History of secondary education in Scotland*: by Professor F. Watson, 601
- Sussmann (S.) *Das Budget-Privileg des Hauses der Gemeinen*, 402

- TACITUS, *Annals*, tr. by G. G. Ramsay, ii., 192
- Terry (C. S.) *Catalogue of the publications of Scottish historical clubs and societies, &c.*, 805
- Townsend (J.) *History of Abingdon*, 832
- Trevelyan (G. M.) *Garibaldi and the Thousand*, 206
- Turmair (J., genannt Aventinus) *Sämmtliche Werke*, vi., 199
- UYEHARA (G. E.) *The political development of Japan [1867-1909]*: by J. H. Gubbins, 797
- VANDERKINDERE (L.) *Choix d'études historiques*: by H. W. C. Davis, 138
- Voecht, Jacobus de. See Schoengen (M.)
- WALISZEWSKI (K.) *Le berceau d'une dynastie; les premiers Romanov*: by O. Wardrop, 173
- Ward (B.) *The dawn of the catholic revival in England [1781-1803]*, 204
- Ward (T. A.) *Peeps into the past, being passages from his diary*, 826
- Warner (Sir W. L.) *The native states of India*, 830
- Watson (Sir C. M.) *Life of Sir Charles Wilson*, 206
- Webb (S. and B.) *English local government, i. ii.*: by A. L. Smith, 353
- Welsford (J. W.) *The strength of England*, 623
- Whitebrook (J. C.) *London citizens in 1651*: by the Rev. A. B. Beaven, 578
- Wilkinson (M.) *The last phase of the League in Provence [1588-98]*, 200
- Williams (H. N.) *A rose of Savoy*, 823
- Winstanley (A. P.) *Personal and party government [1760-6]*: by the Rev. W. Hunt, 785
- Wolf (G.) *Einführung in das Studium der neueren Geschichte*, 807
- Wood (W.) *Logs of the conquest of Canada*, 202
- ZOEFF (L.) *Das Heiligenleben im 10. Jahrhundert*: by the Rev. Professor Watson, 147
- Zwierlein (F. J.) *Religion in New Netherland*, 821

LIST OF WRITERS

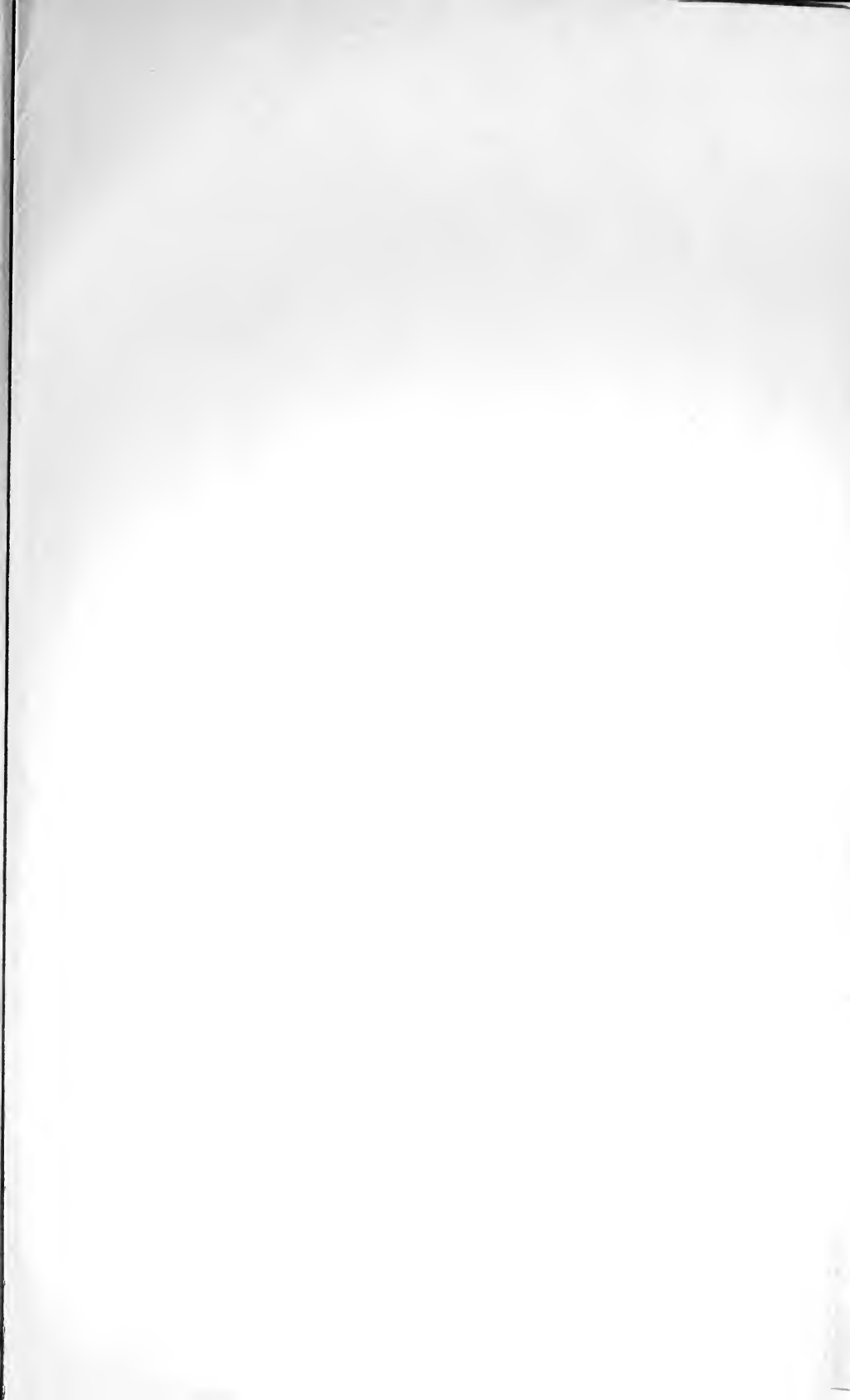
- ABBOTT, Professor W. C., 126
- Allen, P. S., 123, 161, 334, 445
- Archibald, Miss Constance H. M., 1
- Armstrong, Edward, 170, 569
- Atkinson, C. T., 183
- BALLARD, A., 712
- Bannister, Rev. H. M., 148
- Bayne, C. G., C.S.I., 550
- Baynes, Norman H., 625
- Beaven, Rev. A. B., 578
- Benecke, P. V. M., 318, 559
- Bradley, Henry, 382
- Brandin, Professor L. M., 167
- Brinkmann, C., 347
- Brooks, E. W., 144
- Broster, Miss D. K., 129
- Brown, Horatio F., LL.D., 567
- Brown, Miss Mary Croom, 181
- Burrage, Champlin, 722
- Bury, Professor J. B., LL.D., 276
- CASPARI, M. O. B., 417
- Clapham, J. H., 287, 480, 687
- Clark, Rev. Andrew, LL.D., 599
- Conybeare, F. C., D.Th., 111, 502
- Crump, C. G., 767
- Curtis, Edmund, 116
- DAVIS, H. W. C., 138, 297, 386, 764
- Dendy, F. W., D.C.L., 597
- Dibben, Miss L. B., 430
- Dunlop, R., 580
- EGERTON, Professor H. E., 315, 346, 747, 777
- FIGGIS, Rev. J. Neville, Litt.D., 561
- Firth, Professor C. H., LL.D., 185, 344, 574, 776
- Flenley, Ralph, 644
- Fotheringham, J. K., D.Litt., 26
- Fox, John Charles, 303
- Frere, Rev. W. H., D.D., 338, 560
- GARDNER, Miss Alice, 141, 320
- Gilson, J. P., 331
- Goligher, Professor W. A., Litt.D., 140, 556, 755
- Graham, Miss Rose, 168
- Gubbins, J. H., C.M.G., 797

- HARRISON, Frederic, D.Litt., 181  
 Haskins, Professor Charles H., 293  
 Hazeltine, H. D., D.Jur., 146, 322  
 Hertz, Gerald B., 590  
 Hooper, Wilfrid, 670  
 Hunt, the Rev. W., D.Litt., 785, 788
- JARRETT, Rev. Bede, O.P., 309  
 Jenkinson, C. Hilary, 231  
 Johnson, C., 332, 390  
 Johnston, C. E., 715
- KER, Professor W. P., LL.D., 326  
 Kingsford, C. L., 58
- LAPSLEY, G. T., 154  
 Leadam, I. S., 365  
 Lee, Professor R. W., 779  
 Legg, L. G. Wickham, 368, 584, 782,  
 791  
 Little, A. G., 385, 765
- MARSDEN, R. G., 243  
 Maxwell, Miss Constantia, 342  
 Miller, William, 308  
 Montague, Professor F. C., 371, 792  
 Mowat, R. B., 264
- NICKLIN, Rev. T., 317  
 Norgate, Miss Kate, 523
- ORPEN, Goddard H., 603, 772  
 Orton, C. W. Previté, 521
- PEARSON, Professor Karl, F.R.S., 517  
 Perkins, Professor Clarence, 209  
 Pollard, Professor A. F., 125  
 Pollock, Sir Frederick, Bt., LL.D.,  
 575, 753  
 Powicke, Professor F. M., 151, 564,  
 710, 761  
 Putnam, Miss B. H., 307
- RAIT, R. S., 364  
 Ramsay, Sir J. H., Bt., LL.D., 307  
 Rashdall, Rev. Canon H., D.Litt.,  
 330  
 Reddaway, W. F., 188  
 Rhodes, W. E., 369  
 Richardson, Professor Oliver H., 93  
 Robertson, C. Grant, 335, 585  
 Rose, J. Holland, Litt.D., 186, 189,  
 372, 554, 748, 789
- SALTER, Rev. H. E., 114, 596  
 Salzmänn, L. F., 708  
 Schoolcraft, H. L., 457  
 Scofield, Miss Cora L., 547  
 Scott, Miss Eva, 175  
 Smith, A. L., 353  
 Smith, Preserved, 656  
 Stefánsson, Jón, 594
- TAIT, Professor James, 380, 762, 770  
 798, 802  
 Tout, Professor T. F., 156
- UNWIN, Professor George, 165
- WARD, A. W., Litt.D., Master of  
 Peterhouse, Cambridge, 314, 351,  
 374, 587, 592, 783, 794  
 Wardrop, Oliver, 173, 582, 787  
 Watson, Rev. Professor E. W., D.D.,  
 143, 147, 350  
 Watson, Professor Foster, 601, 800  
 Webb, C. C. J., 328  
 Whitney, Rev. Professor J. P., 163,  
 570, 770, 774  
 Whitwell, Robert Jowitt, 121  
 Willert, P. F., 378
- ZULUETA, F. de, 758











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