

Reviews of Books

BENEDICT IX. AND GREGORY VI. By R. Lane Poole. Pp. 37. Royal 8vo. London: Humphrey Milford. 1917.

IMPERIAL INFLUENCES ON THE FORMS OF PAPAL DOCUMENTS. By R. Lane Poole. Pp. 13. Royal 8vo. London: Humphrey Milford. 1917.

THE modest dimensions of these *tirages à part* from the *Proceedings of the British Academy* give no indication of their value. They form interesting contributions to the study of medieval history, and bear witness to the continued absorption of a well-trained mind in the critical examination of historical material. The number of English-speaking students interested in the chronology of the Popes of the eleventh century and in the history of the Papal chancery is limited, but even readers to whom the subjects of the pamphlets are unfamiliar cannot but benefit by an observation of their method and treatment. The first pamphlet provides an addition to the author's important examination of Papal chronology which appeared in a recent number of the *English Historical Review*, and the second is in the nature of an *excursus* to Mr. Lane Poole's *Papal Chancery*. His study of the reigns of Benedict IX. and Gregory VI. and incidentally of Sylvester III., and of the Synods of Sutri and Rome which the Emperor Henry III. held in 1046 is based on a critical examination of the sources and on an attempt to eliminate and discount the Hildebrandine tradition which was subsequently evolved in consequence of the cult which Gregory VII. professed for the Pope whose name he adopted. 'The history of the Tusculan Popes,' writes Mr. Lane Poole, 'has in truth been contaminated by the fact that their dynasty was followed by a reaction.' The reaction to which he refers followed on a period during which the Papacy was an *appanage* of the Crescentii and the Counts of Tusculum. In an interesting appendix he reconstructs the early history of the latter house, and furnishes a footnote to history which students will place by the side of M. Paul Fabre's *Etude sur le Liber Censuum* and M. Georges Degard's *La fin de la seigneurie de Tusculum*. His examination of what may be described as the constitutional history of Benedict, Gregory, and Sylvester is of negative character, but it clears up some aspects of a confused struggle which has been obscured by the partisan writers of the succeeding generation and by the imperialist tendencies of German historians. To the general reader the most interesting part of Mr. Lane Poole's essay will be found in the concluding pages in which he discusses the relationship between Gregory VI. and Hildebrand, with special reference to their common Jewish origin.

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The maxim *Pecunia non olet* found a characteristic refutation in the experiences of the former.

The second of Mr. Lane Poole's pamphlets deals with *Imperial Influences on the Forms of Papal Documents* during the period from the eighth to the eleventh century. The subject touches points, such as the influence of the Frankish kings, which tempt the student to draw unwarranted generalisations, and the author's reserve is amply justified by the pitfalls which he avoids. He is satisfied to note the changes in the forms of Papal documents during these centuries, and to suggest the possible relations between the development of the Papal chancery and the influence of the Empire, so far as these can be traced from the documents which have been preserved. The regnal year of the Emperor was not replaced by the year of the pontificate until thirty years after the Lombard conquest, and the first reference to the regnal year of the Frankish king is found in a charter of seventeen years later. This new chronology lasted for over a century until the collapse of the Empire under Louis III. It was restored in the time of Otto the Great, and after suffering some limitations was finally dropped by Pope Leo IX., whose pontificate marks an important stage in the history of the Papal chancery. Mr. Lane Poole also finds imperial influence in the employment of the year of the Incarnation, and in the history of this as well as of the foregoing usage he notes the interesting part played by Anglo-Saxon documents. Turning from chronology to the form in which it was expressed, he traces the gradual emancipation of the Popes from the College of Notaries, the history of the *Benevalete* and the *Rota* and of the substitution of the minuscule for the curial land. To a considerable extent the changes which took place were influenced by the practice of the Imperial chancery, but the uncertain fortunes of the Empire and its intermittent influence in Italy safeguarded the growing independence of the Papacy. Leo IX. was thus able to emancipate himself from the traditional influence of the Roman notaries by adopting imperial usages, and at the same time to create a chancery which was free from his day to develop on independent lines.

DAVID BAIRD SMITH.

LANCASHIRE QUARTER SESSIONS RECORDS. Vol. I. Quarter Session Rolls, 1590-1606. Edited by James Tait, M.A. Chetham Society. Vol. 77. New Series. Pp. xlv, 332. Small 4to. Manchester. 1917.

THE latest volume issued by the Chetham Society is a first instalment of *Lancashire Quarter Sessions Rolls*, edited by the President of the Society. It is the first of these Lancashire Rolls to be published, though antiquarian societies in other parts of England have printed some of those for their own counties.

The years covered by this volume are from 1590 to 1606, and only extracts of the rolls in question are included. They are almost as early in date as any now known to exist, for until the seventeenth century the custody of the rolls was evidently of a most haphazard nature. Professor Tait contributes an exhaustive introduction, in which he reviews the

procedure of these courts, and the various kinds of business which came before them. Though chiefly of local interest, the records supply valuable illustrations of the social life of the time on its sordid side; and they also show the working of a method of local government to which the Tudor sovereigns gave so much importance. The following quotation is made in the Introduction: 'In this office (that of justice of the peace) the new monarchy found an efficient and flexible instrument for carrying on the judicial and administrative work necessitated by its consolidating and centralising policy. . . . On the broad foundation of a local class trained in the work of governing, the Tudor monarchs reared their system of absolutism.'

Though not a large county, Lancashire has no obvious centre. Manchester, then as now the largest place, is neither the county town nor the judicial centre. The original idea of four sessions yearly in Lancaster was therefore soon abandoned, and sessions were held at five places, among which the hundreds of the county were distributed. Cases were only occasionally carried outside their own district. There were about fifty justices for the whole county, but it must be remembered that many Lancashire landowners were disqualified by recusancy.

Of the offences which came before the justices, one of the most common was assault, often with a fatal ending. The frequency of forcible entry and trespass shows the roughness of the times, and large numbers of persons were presented for keeping unlicensed alehouses. The lawless clement seems to have displayed some ingenuity in annoying their more peaceful neighbours. Among less grave offences frequently mentioned was that of evading the required service for maintenance of roads and bridges.

The justices were also required to enforce discipline in religious matters. At Lancaster in 1590 six persons were accused of being present at Mass said by an unknown priest at Lea. Presentments for recusancy are common, also for failure to attend church or for disturbing divine service. The vexed question of Sunday sports, which a few years later brought Lancashire into prominence, also appears in these records. The Quarter Sessions Rolls support the view that the policy of repression was not entirely due to the strict Puritans, but that even at this time it was supported by the county justices in the interests of law and order.

ERNEST BROXAP.

THE KING'S MIRROR (*Speculum Regale*—*Konungs Skuggsjá*). Translated from the Old-Norwegian by L. M. Larson, Professor of History, University of Illinois. Pp. xviii, 388. Royal 8vo. New York: The American-Scandinavian Foundation. London: Humphrey Milford. 1917. 12s. 6d. net.

THE thirteenth century was the Augustan age of the Northlands, when most of the historical and social Sagas, in their final written form, presented to the world of letters their wonderful transcript of life and manners in the preceding Heroic Age. It was also the end, as the Sturlunga and Jarla-sögur show, of a sort of secondary Heroic Age of action, adventure, and conflict.

This didactic treatise is, however, a work apart. Written in Old-Norse, it has few points of contact with the Sagas or the Eddas. It contains the accumulated knowledge and the shrewd observations and reflections of a man of ripe experience. Its author remains deliberately anonymous. Many Biblical references and a scholastic turn of reasoning point to his having been a churchman; and the editor, while he holds the authorship to be still unproved, thinks it possible, as conjectured by A. F. Heffermehl, that the author was Ivar Bodde, an influential Norwegian priest belonging to the anti-clerical party which upheld the divine right of kings. The work was originally intended to afford instruction to the well-born, energetic, and ambitious youth of the day in four spheres of human activity—Commerce, the Court, the Church, and Agriculture—but only the first two are embraced in its survey, and it would seem that the writer never accomplished the remaining parts of his enterprise.

The *Speculum*, as it stands, constitutes an interesting contribution to our knowledge of Northern culture in the Middle Age. Cast, like many similar works, in the form of a dialogue between a father and his son, it discourses with remarkable ability on many topics. Physical science, the cause of tides, the shape of the earth, the wonders of Ireland and Iceland, the various species of whales and other denizens of the Arctic deep, the seasons of the year, geography and navigation are subjects of discussion in the first part. The second part treats of the position of king's men of various rank, their duties, weapons, and amusements; military engines; court manners and etiquette; the position of kings, their duties and responsibilities as rulers and judges; capital punishment; the relation of the king to the Church and his supreme authority even over the bishops.

In the course of much admirable advice, it is odd to find a Northman bracketing chess with dice as a thing to be 'shunned like the devil himself!' (pp. 83, 228).

In his full Introduction, Professor Larson, whose article on 'King's Men' in the *American Historical Review* for April, 1908, was noticed in these pages (*S.H.R.* v. 514, July, 1908), notes the treatises of earlier European scholastic writers from which the author appears to have borrowed facts, legends or arguments, and, by a careful collation of internal and external evidence, fixes the date of the work between 1243 and 1247. The translation he gives is mainly based on the Arna-Magnæan MS. 243 B. (the foundation of the Christiania edition), of which the University of Illinois published a photographic reproduction in 1915.

ROBERT L. BREMNER.

THE CONSTITUTION OF CANADA IN ITS HISTORY AND PRACTICAL WORKING. By William Renwick Riddell, LL.D. Pp. xiv, 170. Post 8vo. London: Oxford University Press. New Haven: Yale University Press. 1917. 5s. 6d. net.

THE aim of this book is to give a popular account of its subject and it succeeds. It commences with a lucid exposition of the system under which French Canada was governed, and we find this was wholly feudal, arbitrary, and military. British rule was introduced after the conquest of

1759, and English criminal law established. But the former was much modified to give a place to the French Canadians, and in 1774 the 'Quebec Act' was passed, which for a time at least conciliated that population. Canada was divided in 1791, but, being subject to an oligarchy, rebellions broke out in both provinces. In 1840 following on Lord Durham's famous Report, the two provinces were united and Responsible Government was granted and a Constitution given. The alterations, improvements and additions to this, made necessary by the changes of circumstances and enormous increase of territory, are well recounted until we come to the present 'nine provinces, all of which have (generally speaking) the same legislative rights and powers.' It is interesting to read the chapters on the written constitution and its practical working, and to notice the fact that 'No province with only one Chamber has ever desired two; while at least one of those with two has groaned under the imposition.' This book should be studied by politicians.

A. FRANCIS STEUART.

ECONOMIC PROBLEMS OF PEACE AFTER WAR. By William Robert Scott, M.A., LL.D., Professor of Political Economy in the University of Glasgow. Pages xii, 122. Demy 8vo. Cambridge University Press. 1917. 4s. 6d. net.

PROFESSOR SCOTT has published the papers which he, as the Jevons Lecturer, read early last year at University College, London. The lectures are naturally rather more idealistic and artistic, than if they had been intended for delivery to prosaic and practically minded business men; and in a very interesting and instructive volume, he suggests problems and tries to foresee where generalizations seem to be tending, rather than attempts to find solutions or to make definite plans for the future after the war.

Professor Scott has always been optimistic as to the economics of this war. 'Unimaginative pessimists,' he says, anticipated the possibility of an exhaustion of our resources with a sinking heart, but he never doubted our ability to furnish all necessary supplies to the longest possible date of the war.

He is also pleasantly optimistic as regards industrial problems. Industry will, he thinks, be less sordid, more free with well ordered freedom and more efficient as regards both men and machines. Production will be greater and the workers will have again more of the old pride of craftsmanship.

There has always been a prevalent idea that agricultural crops are short during a time of war. This phenomena he says has marked the progress of many previous wars, as if Nature was determined to force peace by starving the combatants, and the season 1916-17 was one of short crops. Some authorities think, however, that the shortness of crops is generally only inferred from the highness of prices, and that Nature is therefore less to blame than man and his monies.

Dr. Scott makes a significant and just remark not often found in the writings of Economists, about a fact not always acknowledged. He says that the higher forms of commercial skill remain essentially an art largely

instinctive and almost inarticulate. This is a scientific restatement of the common man's expression, that the head of many a great business is a genius in his own line. Throughout the book there are many similar interesting and shrewd remarks.

There is a valuable chapter and appendix on the Communications of a Maritime State, in which it is pointed out that, paradoxical as it may appear, the strongest naval power loses most ships. There are many to-day who grieve to read our weekly toll of ships lost, who are not aware that during the Napoleonic Wars, our losses were proportionately even greater. Professor Scott mentions that at that time, the French took no less than twelve times as many British ships as the British took French, and the appendix gives full particulars of losses and ships built.

In the chapter on Organization, Dr. Scott indicates that during the last quarter of a century, there has been a disposition on the part of commerce to rely more and more upon the State. Some, however, might prefer to state the tendency as being more that of the State to extend its grasp and to interfere more in the affairs of commerce than commerce likes.

Economics is said to be a dismal science, and many books on the subject are dull and dry. This volume is enlivened and embellished by touches of scholarship, classical quotations and literary allusions which should render it attractive to a wide circle.

ALEXANDER MACINDOE.

INTERAMNA BOREALIS, being Memories and Portraits from an old University Town between the Don and the Dee. By W. Keith Leask, M.A. Pp. xvi, 376. Demy 8vo. 6s. net. The Rosemount Press, Aberdeen. 1917.

To all students who have passed through King's College, Aberdeen, in the last forty years, this is a delightful volume. It is a collection of essays connected with Aberdeen University matters written mostly for the Students' magazine *Alma Mater*, founded in 1883 and still flourishing. And not the least pleasure in handling this book, so full of good things to the old Aberdonian, is the renewal of an acquaintance with the genial author, the best classic of his year, and Assistant Greek Professor in 1881-82. Mr. Leask by his indefatigable labours on behalf of the University and his close association with undergraduate life in all these years, is, though he may not know it, as much a landmark in the affection of old students as the ancient 'Crown' of kings of which he writes so lovingly and so well.

There is not a dull page in the book; even in the most biting sarcasms there is the genial touch of humour. Prose and poetry and classical quotation come with equal facility to Mr. Leask's aid. He knows every phase of student life in the Grey City from the days when George Leybourne, Vance, and the great Macdermot sang *Champagne Charlie*, and *The Chickaleerie Bloke*, when the principal song in the Panto of 1873 was *In her hair she wore a White Camelia*, down to the modern ditties of *Linger Longer, Loo* and *Tell her I love her so*—with bell obligato. He writes of other haunts symposial, The Lemon Tree Hotel, Pegler's, Duffus', still fragrant in memory. Yet he can be serious as well as entertaining, and his estimates of men like Principal Sir William Geddes,

Professors 'Freddy' Fuller, 'Davie' Thomson (and the other and better known 'Davie'—Davie Rennet), Minto and Fyfe, are admirable.

Mr. Leask is the first who has recognised and put in its true place in the somewhat dreary picture of student life in the early eighties the surpassing 'humanity' and loving kindness of William Minto, Professor of Logic and English Literature, and John Fyfe, Professor of Moral Philosophy.

Aberdeen University is fortunate in its historians. Since its academic revival, 1864-1914, much has been written, and there is now a record of *Fasti* unequalled by any other University. For this gift it owes its gratitude to three men who began, carried on and fostered the spirit with rare affection and rarer zeal—Mr. P. J. Anderson, the present Librarian, the author of this volume, Mr. W. K. Leask, and Mr. J. M. Bulloch of the *Graphic*.

A portrait of the author and excellent illustrations of King's College 'Crown' from the old sandpits, the Chanonry, the Brig o' Balgownie, the Spital Brae, and the quaint twin towers of the Powis Gateway complete a book welcomed by all survivors of the academic life of King's College within the last forty years.

P. J. BLAIR.

HISTORY OF THE SOCIETY OF JESUS IN NORTH AMERICA, COLONIAL AND FEDERAL. By Thomas Hughes, S.J. Text. Vol. II. From 1645 till 1773. With six Maps. Pp. xxv, 734. S.R. 8vo. London: Longmans, Green & Co. 1917.

THE latest volume of this magnificent work, previous volumes of which have been noticed in this *Review* (*S.H.R.* v. 229, 362, vii. 308), covers about a century of Jesuit history in North America, and must be regarded as a monument to the learning and industry of its author. If it be true that 'religion is still the key of history,' the story that is here related of missionary activity from the Cromwellian unsettlement to the American Revolution in the middle of the eighteenth century should form a starting-point for a right understanding of developments and their causes which make up the chequered succession of events in that abnormal country. It is a thrilling narrative of the hidden forces which led up to the passing of French Canada to British rule, and the severance of the English Colonies from Great Britain.

The Jesuits were the first missionaries, worthy of the name, in those colonial settlements which afterwards became the United States of America, their missionary sphere in colonial times comprising Maryland, Virginia, New Jersey, Delaware, Pennsylvania, and New York. In Canada, during this period, a large part of the country was brought under Jesuit influence with Quebec as headquarters. There were few points of contact with the British colonies until the Jesuits undertook the evangelisation of the nations of Iroquois Indians, when strain and conflict commenced on sectarian grounds with certain missionary societies bent on the same errand.

The old tales of religious intolerance are reproduced here in startling nakedness, and the tone adopted by Father Hughes deepens the gloom

inseparable from the period under review. Not the least interesting and important chapters in this book are those which set out the efforts of rival missionary agencies, Anglican and Scottish, for the conversion of the heathen Indians. The English societies, still known as the S.P.C.K. and S.P.G., come in for a full share of the author's attention. It is much to be hoped that these chapters will be studied by the ecclesiastical authorities in every land. Mistakes no doubt were made in methods and policies in the early period of modern missions, and as the great propaganda still proceeds, succeeding efforts may perchance learn wisdom from previous misunderstandings. We do not regret the acridity of Father Hughes's style in dealing with the so-called Protestant missions. The picture that he gives may have its usefulness. Gibbon was accused of over-statement when he said that the divisions among Christians suspended the ruin of paganism in the fourth and fifth centuries. Those who study this account of the theological rivalries of Christian missionaries in North America will be apt to revise their opinion of Gibbon's *obiter dictum*.

JAMES WILSON.

BIJDRAGEN EN MEDEDEELINGEN VAN HET HISTORISCH GENOOTSCHAP.

THESE publications of the Dutch Historical Society naturally appeal principally to Dutch national sentiment, but some of the contributions are not without interest to the student of history in this country.

The chief of these is a collection of contemporary letters dealing with events during the second Dutch war against England, and with the famous naval expedition of the fleet of the States-General in 1667, which destroyed the ships of war in the Medway.

The collection, which originates from the Public Record Office, London, falls into two groups: (1) the reports, in English, of Lord Arlington's agents in the Low Countries on the preparations for war; (2) letters, official and private, in Dutch, written on board the men-of-war, prior to their departure from Zeeland, and, later, off the English coast.

That the second group should be preserved amongst our archives is due to the capture of the despatch boat on its way back to Holland.

Whilst disclosing nothing of importance, the documents contain some interesting *obiter scripta*. We note, for instance, that an export trade from Ireland of native woollen products to the Continent was regarded as likely to damage the English wool trade in the Low Countries; that tiles from Holland were extensively used in the rebuilding of London after the great fire; and that numbers of disaffected refugees from England and Scotland, especially members of the 'Godly Party,' were zealous in aiding and abetting the enemies of the restored monarch. Scottish privateers, too, were evidently a thorn in the side of the Admiralty of the States-General, because of their attacks on Dutch westward-bound merchantmen sailing *via* the Orkneys, in preference to running the gauntlet from Dover to Land's End.

The personal touch is not wanting. Writing from his ship, 'The Seven Provinces,' then off Portland (the Dutch fleet had left the Thames for the Channel, in search of prey), Jean de Witte tells his wife that he

had just donned a suit of his new under-garments which fitted him better than any he had ever had before.

The minutes of the meetings of Dutch clothworkers—the so-called ‘Tailors’ Synods’—record how organised industry of that period confronted its labour problems. The Guilds of Masters, embracing both tailors and dealers in cloth, which existed or came into being in the ten chief towns, found that only by united action could they successfully resist the strikes and demands for higher wages of their workmen; and thus originated the meetings of their deputies for the discussion of suitable measures. It is worthy of note that ‘black listing’ was resorted to as a means of defeating workers who, after striking in one town, attempted to ply their trade in another.

The first representative conference took place at Leiden in 1643, and agreed on regulations governing contracts, wages, and overtime. Incidentally, too, it decided to hold biennial meetings in future. These conferences continued till 1793. But gradually various factors combined to weaken the power and alter the character of the Union. With the importation of foreign material, competition from outside superseded internal labour troubles as a cause for anxiety and watchfulness. Local ties and interests succumbed to economic pressure, and the more influential manufacturers removed their works from their native towns to Brabant, where wages were lower. Eventually these Brabant agencies achieved independence, and by the second half of the eighteenth century the Union of Guilds had ceased to represent the Dutch cloth industry. The craft had given place to the capitalist, and the conferences no longer had interest or object. ‘No urgent matter for discussion’ was their death knell.

R. MORRIS STEWART.

THE LOWLAND SCOTS REGIMENTS. Their Origin, Character, and Services previous to the Great War of 1914. Edited for the Association of Lowland Scots by Sir Herbert Maxwell, Bart. Pp. xii, 339. Cr. 4to. With 14 plates. Glasgow: James MacLehose & Sons. 1918.

IN some parts of England the idea still seems to obtain that Scotland is inhabited by a Gaelic-speaking race, the males of which habitually wear a mysterious garment known to the Southron as ‘kilts.’ It is a harmless phantasy, somewhat akin to the idea that no trees are to be found north of the Tweed. Another delusion, which is unfortunately more widely spread, and seems to be shared by many who should know better, is the notion that ‘Scottish’ regiments are represented by the kilted battalions of the British Army. Largely owing to this idea it has been found that the other Scottish regiments, territorially connected with and recruited from the Lowlands of Scotland, are not only popularly ignored, but are actually placed at a disadvantage compared with the Highland regiments in the treatment they receive at the hands of the authorities. They have in consequence suffered in *prestige*, while their regimental customs and traditions have been largely forgotten, and even their claims and wishes in such matters as uniform and equipment disregarded.

The volume before us owes its existence to this state of affairs, having been promoted by the Association of Lowland Scots in order, in the first place, to draw attention to the disadvantages under which they labour, especially in the matter of recruiting, and the grievances they have to complain of, owing to the preferential treatment accorded to the Highland regiments. The matter is fully and ably dealt with in the very interesting introduction contributed by the Editor. This also gives a succinct history of military service in Scotland, with remarks upon arms and methods of service. The 'Soldiers of Fortune' of the sixteenth and seventeenth centuries are referred to, and among other matters touched upon is the disfavour with which for many years military service was looked upon in many parts of Scotland. This, according to the Editor, originated in the savage conduct of the soldiers in the 'killing times,' and was at a later date confirmed by the brutal punishments which were inflicted in the Army until well into the nineteenth century.

While we yield to no one in admiration for the Highland regiments, and recognise that their record and services are unsurpassed in the annals of our Army, it is well to remember :

*Vixere fortes ante Agamemnona
Multi.*

As a matter of fact the regiments whose history is told in this volume were embodied, and had distinguished themselves in numerous campaigns, long before the idea of raising regiments in the Highlands had ever occurred to British statesmen. They comprise The Scots Greys, The Scots Guards, The Royal Scots, The Royal Scots Fusiliers, The King's Own Scottish Borderers, and The Cameronians (Scottish Rifles), regiments that can probably show as many war honours on their colours as any equal number of regiments in the service. The dates of their embodiment are as follows : Scots Greys, 1681 ; Scots Guards, 1661 ; Royal Scots, 1661 ; Royal Scots Fusiliers, 1677 ; K.O. Scottish Borderers, 1689 ; The Cameronians, 1689.

The Scots Guards were formed out of the survivors of the force sent from Scotland to aid the settlers in Ulster in 1642, while the Royal Scots are the direct descendants of a body of infantry raised to assist Henry of Navarre in his war with the League, which ultimately, in 1633, became the Regiment d'Hebron, so called because it was commanded by Sir John Hepburn. It was while in the service of France that it earned its *sobriquet* of 'Pontius Pilate's Bodyguard.' The K.O. Scottish Borderers were raised in Edinburgh by the Earl of Leven, and were originally known as Leven's, or the Edinburgh Regiment. Gen. Wilkinson, who writes the account of this fine old regiment, points out that the name of Borderers was given it owing to their having to defend the borders, not of England and Scotland, but between the Highlands and Lowlands. It has the privilege of beating up for recruits at all times in Edinburgh, and also of marching through that city with bayonets fixed and colours flying. The raising of the Cameronians is an extraordinary story, and is well told by Mr. Andrew Ross, who also contributes a note on the origin of the K.O.S.B. Their 2nd battalion was raised in 1794 by Thomas Graham

of Balgowan (afterwards Lord Lynedoch), and was known as the 90th Foot, Perthshire Light Infantry, until it became, in 1881, the 2nd battalion Cameronians, Scottish Rifles.

The story of these regiments is told in considerable detail by the various writers. Many episodes of engrossing interest are included, such as the defence of Huogomont by the Scots Guards, then the 3rd Foot Guards, and the Homeric contest of the same regiment at Inkerman. A graphic account is given of the Scots Greys at Waterloo, and of the prowess of Sergeant Ewart and others of that regiment on :

‘that great day of Milling, when blood lay in lakes,
when Kings held the battle, and Europe the Stakes.’

In this battle the Greys lost 164 killed and 60 wounded of their

‘Terrible grey horses, that woke Napoleon’s fears.’¹

Among other outstanding incidents we may refer to the Cameronians’ defence of Dunkeld, the R.S. Fusiliers’ ‘desperate valour’ at Blenheim, and the services of the 90th at Lucknow.

In addition to the histories of the existing regiments there is a very interesting chapter, by Mr. Andrew Ross, on ‘Scottish Regiments Disbanded.’ Most of those who read this will no doubt be surprised at the extraordinary number of regiments, both cavalry and infantry, that were raised in the latter part of the seventeenth and earlier years of the eighteenth century. Most of these had but a short career, while a few have been absorbed into still existing units of the British Army. Among the latter we may mention the Scots Brigade which, after many years of service in Holland, formed the nucleus of the old 94th Foot, now the 2nd battalion of the Connaught Rangers. Another feature of the book is the chapter giving the music of the old regimental marches, with notes by Mr. A. W. Inglis.

The story of the regiments is on the whole well told, though occasionally the style helps to remind us that some of the contributors may have been more accustomed to wield the sword than the pen. We have noticed a few *errata* that might be corrected in a later edition. *Three Millions*, on p. 28, is evidently a slip for one million. The Seven Years’ War began in 1756, though it is stated (p. 144) that it ‘came to an end in 1748,’ while the Battle of the Boyne was fought on 11th July, not 13th August, 1690.

The book is well got up, and is illustrated by a number of coloured prints showing the uniforms worn at different periods by the several regiments.

T. F. DONALD.

¹What Napoleon really thought about them may be gathered from his remark when he was watching the Greys on the morning of Waterloo: ‘Regardez ces chevaux gris. Qui sont ces beaux cavaliers? Ce sont de braves troupes mais dans un demi-heure je les couperai en pièces.’ (*Waterloo: A Narrative and Criticism*, by E. L. S. Horsburgh, p. 182, London, 1895.)

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CHURCH AND STATE IN ENGLAND TO THE DEATH OF QUEEN ANNE. By Henry Melville Gwatkin, D.D., late Dixie Professor of Ecclesiastical History, Cambridge. Pp. viii, 416. London: Longmans, Green & Co. 1917. 15s. net.

THIS is an excellent and interesting work; but, the period covered being a very long one, the volume cannot be said to treat the subject exhaustively. No attempt, for example, is made to theorise upon the origin of the connection between Church and State. But as a chronicle of events similar in its object to Green's *Short History* it is admirable, and characterised, on the whole, by a fair and judicial tone. Any extreme expression of party views is absent from this volume, but party feeling in the Church of England is so strong that it is difficult for any Anglican to treat its history unaffected by the prejudices of the party to which he may belong. A High Church historian would wish to prove that his Church did not come into existence at the Reformation together with mere Protestant sects, but has been one and the same institution all along. A Low Churchman would treat the Reformation as an escape from darkness into light, while the Broad Churchman would write of the breadth of the foundations on which his Church rests. Dr. Gwatkin (whose lamented death occurred before this book was published) was well known as a writer upon Church history and a distinguished professor, and the character of his work is well described by Professor Watson in his preface when he says, 'An informed and intelligent student will find in it what, so far as I know, has never been published in England on a scale both modest and comprehensive—a survey of our secular and ecclesiastical development, in due co-ordination and proportion.'

The sympathies of the author seem to lie with the moderately Erastian or Latitudinarian party. He is inclined to judge every system by its fruits. 'Latitudinarian and Deism,' he says, 'both stood for the principle which Puritans and High Church were more and more forgetting, that practice is more than orthodoxy.' He is opposed to priestcraft whether exhibited by Romans, Anglicans or the 'priests writ large' of the Puritans. No High Churchman will accept Dr. Gwatkin's standpoint, since he looks upon the Reformation as justifiable and its martyrs as deserving the title, and he has no objection to the term Protestant. Above all, they would consider him unsound on the subject of marriage. 'It was not right,' he says, 'to make it a sacrament without warrant from St. Paul, to make it indissoluble in direct defiance of Christ himself.'

As to Dr. Gwatkin's views of the necessity for Episcopacy the following sentence may suffice: 'Episcopacy in England, like Presbyterianism in Scotland, was historically necessary and therefore the power ordained of God.' The history of Church and State in England up to the Reformation is largely one of conflict between the powers temporal and spiritual within the kingdom, to which a third and foreign agency, that of the Pope, sometimes contributed. The king might hang the bishops, but the bishops could damn the king, or at least said they could, for the Church traded on the superstition of both king and people as a valuable source of wealth and influence. After the Reformation the king got the upper hand, and

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although every attempt was subsequently made to suppress dissent a complete unity of religious belief ceased to exist.

The State connection is a very ancient one. Thus we find King Oswy calling a council or conference as early as the year 664. It arose from the force of circumstance, for the infant Church, struggling with Pagans at home and from across the seas, could only maintain her footing by converting the king, who in turn insisted upon having his say in matters ecclesiastical. There are occasional references to Scotland. It is usual amongst Anglicans to attribute the Puritanical element in Scottish religion, now fast becoming a thing of the past, to Knox and his contemporaries, but Dr. Gwatkin rightly points out that the extreme Calvinism and hatred of Episcopacy grew up later, and was due to English influence and Stuart tyranny. He is, however, hardly correct in describing the Westminster Confession as that of the Scottish Church, drawn up with English help; it was rather an English Confession, in the composition of which some Scotsmen assisted. He is severe upon Mary Queen of Scots, whom he considers to have been implicated in the murder of her husband, and characterises as 'an archplotter' against Elizabeth. In dealing with the Civil War, his sympathies are with Cromwell rather than Charles. While he considers the trial of the latter to have been wholly illegal, and his execution 'the most disastrous mistake imaginable,' he says, 'No fair minded person will find it easy to deny that his indictment as a tyrant, a traitor, and a public enemy was absolutely true in every item.' On the other hand, he will have it that the general temper of Cromwell was noble and unselfish, always leaning to mercy except on two occasions. Moreover, his 'religion was as genuine as that of any saint, and, if we measure it by his intense belief in prayer, we must rank it very high.'

Those who are interested in the subject will find a valuable note on the Ornament Rubric. In the author's opinion 'the general conclusion that the Ornaments have been illegal since 1559 seems past all reasonable doubt.'

W. G. SCOTT MONCRIEFF.

THE GUARDIANS OF THE GATE. Historical Lectures on the Serbs.

By R. G. D. Laffan, C.F. With a foreword by Vice-Admiral

E. T. Troubridge, C.B., C.M.G. With 22 Illustrations and 3 maps.

Pp. 297. Cr. 8vo. Oxford: Clarendon Press. 1918. 5s. net.

THIS history of Serbia, to which Vice-Admiral E. T. Troubridge contributes a short foreword, is compiled from a series of lectures which were happily given to some British soldiers attached to the Serbian Army. The writer does not hark further back than Kossovo in 1389, when Serbian independence was destroyed by the Turk. We are glad to see he does not spare the latter, beginning his indictment thus, 'There has been and is now a tendency in England to regard the Turks as a race of honourable gentlemen, clean fighters, and even, when left to themselves, very tolerable governors. The nations whom they have ruled have thought very differently.' The Kara George struggles with the Obrenovitch dynasty takes up the chapter in 'the past.' The assassination in 1868 of Prince

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Michael (of the latter family) is stated to have been an irreparable loss, as, had he survived, a Yugo-Slav state might have come into being. As it was, his cousin the worthless Milan—later king—succeeded, and sold Serbia to Austria; and by the Treaty of Berlin Serbia, though enlarged in territory, was cut off from all Yugo-Slav expansion. Like all writers on Serbia the author tells us that the murder of King Alexander and Queen Draga did not shock the Serbians much. They, he says, 'felt that what had been done had been done, and, however it had happened, they were well rid of the Obrenovitch.' The improvement of Serbia under King Peter is shown and the success during the Balkan war narrated. Serbia had then recovered all the historic shrines of Old Serbia and prospects seemed fair. Then came the Sarajevo murder, the Austrian ultimatum and the present war and the awful 'execution of Serbia' by the Central Powers. The plight of the Serbs was hopeless. They were 'attacked by three Powers, betrayed by the Greek Government, unsupported by their western allies' and were helpless. The writer tells us of the downfall and flight to Corfu and the return of the exiles to Salonica, and writes very sympathetically of the fine qualities of the Serbian fighting man. The Austrian reign of terror in the Yugo-Slav provinces and in Serbia is also exhibited to us. Yet the author hopes for Serbia's future, though he sees the difficulties before the battle-tossed people, and one cannot think that a nation who for five hundred years have never been content to submit to slavery, and have 'unceasingly struggled towards the light' will not gain it at last.

A. FRANCIS STEUART.

OUR RENAISSANCE. Essays on the Reform and Revival of Classical Studies. With a Preface by Sir Frederic Kenyon, K.C.B. By Henry Browne, S.J. Pp. xviii, 281. Demy 8vo. London: Longmans, Green & Co. 1917. 7s. 6d. net.

It is the desire of the author in these Essays to revitalize classical education. He instances his own case, where, though taught the Greek language perfectly scientifically he was not taught that the language was that of a living people whose thoughts and ideas have lasted through all the ages and the recurrence of which have always played a great part in the forwarding of civilisation. Two chapters on the 'Pursuit of Beauty' and the 'Cradle of Democracy' show the æsthetic spirit and the political enlightenment (if we omit slavery) of the Greeks, while in a chapter on the Greek religious spirit attention is drawn to the fact that the magnificence of their Temples indicates very vividly that there must have been a strong religious force that caused them to be built. In the second part Professor Browne insists on wider humanistic teaching—he points out that the old days when the classics were 'aristocratic' are past, or should be—by every means, however new. Eye teaching, he recommends. This includes numismatics and all relics of the life of the past. He does not scorn photographs, and he insists on the educational value of Museums. To this appeal to Educationalists Sir Frederick Kenyon supplies a short preface giving emphasis to the special endeavour of this work.

ILLUSTRATIONS OF CHAUCER'S ENGLAND. Edited by Dorothy Hughes, M.A. With a Preface by A. F. Pollard, M.A., Litt.D. (University of London Intermediate Source Books of History No. 1.) Pp. xiv, 302. Post 8vo. London: Longmans, Green & Co. 1918. 7s. 6d. net.

PROFESSOR POLLARD in his introduction pays a tribute to the knowledge Miss Hughes possesses of the Sources of this period, and we do not wonder. There is hardly a portion of Chaucer that this book does not illustrate, and therefore this first example of 'Source-books selected and arranged according to recognised principles of historical science' will, we hope, encourage the Board of Studies in History in the University of London to go on with further happy experiments. The French war naturally takes up the major part of the book, but social history and ecclesiastical affairs are not neglected, nor are politics and constitutional points. We have insight into budding heresy, the peasants' war, and disputes with the Pope. All these come from sources of great historical value, so that the usefulness of this book to students is difficult to appraise too highly.

THE BOOK OF THE CRAFT OF DYING AND OTHER EARLY ENGLISH TRACTS CONCERNING DEATH. By Frances M. M. Comper. With Preface by Rev. George Congreave, S.S.J.E. Pp. xlv, 173. Square fcap 8vo. London: Longmans. 1917. 6s. net.

THE eight portions of this book are short treatises from the medieval work *De Arte Moriendi*, Susos' *Horologium Sapientias*, the *Toure of all Toures*, a Bodleian MS., R. Rolles' *The Form of Living*, and the *Lamentation, or Complaint of the Dying Creature*, curious tracts on death and dying which repay study. The last is perhaps the most picturesque. It is a drama. 'Cruelty' comes to warn the 'Dying Creature' to be ready, the 'Angel Guardian' cannot help, nor can 'Reason,' 'Dread,' or 'Conscience.' 'Faith,' 'Hope,' and 'Charity,' at last called in, encourage her to make an appeal to the Blessed Virgin, Mother of Mercy, and the piece ends with the reconciliation of his Sinful Soul. The whole of the tracts show the intimacy with the idea of Death and the necessity of preparation for it which was a product of the time in which they were written, and which passed away when the thought of death was, as the writer of the introductory note says, 'something of which it was not good manners to speak, even in illness.'

THE HISTORY OF LEGISLATIVE METHODS IN THE PERIOD BEFORE 1825. By Ralph Volney Harlow. Pp. xvi, 269. Med. 8vo. Yale University Press; London: Humphrey Milford. 1917. 10s. net.

THIS book traces the process of legislation in America and discusses the two types of its genesis, 'the formal, provided by the rules, and the informal, supplied by the political party.' It begins with the history of the Committee systems in the legislative colonial bodies from 1750 to 1790, and later in the federal House of Representatives. The Committee systems seemed to be then as distinguished a feature of American as it is now (for the moment) of Russian government. The author acknowledges his indebtedness to Professor Allen Johnston, of Yale.

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THE READJUSTER MOVEMENT IN VIRGINIA. By Charles Chilton Pearson, Ph.D. Pp. xiv, 191. Med. 8vo. Yale University Press; London: Humphrey Milford. 1917. 8s. 6d. net.

THIS book might justly be called either 'the Romance of the State Debt' or else 'the Restoration of Credit'; the former covering the period of 1784-1867, the latter from 1870-1871. The 'Readjuster' Convention which gives its title to the work came in 1879 and ended in 1885. It is a difficult chapter in American financial history, but it is well told here.

Professor Firth's Creighton Lecture for 1917, under the title, *Then and Now, or, A Comparison between the War with Napoleon and the present War* (London: Macmillan, 1917, 8vo, pp. 30) contrasts the situation of to-day, mercantile, military and economic, with the parallel struggle. The facts, simply but convincingly marshalled, leave no doubt that our crisis has been and is far sterner and greater than that which our ancestors encountered. Professor Firth extols the persistent spirit which in 1815, after twenty-two years of diverse fortune, sealed and secured its success. He bids us equal the endurance of our forebears.

Professor T. F. Tout's brightly interesting lecture, *Mediaeval Town Planning* (Manchester: The University Press, 1917, demy 8vo, pp. 35, 1s. 6d. net), shows that he has found a new subject worth further pursuit. His best instances are Edward First's remaking of what we now call Hull, his founding of *bastides* in Gascony, and his abortive design to reconstitute Berwick-on-Tweed. Almost all the cases are military. Plans given are good, but late. A missing chapter on the misty origins of the type might have included some such ancient and odd romance examples as the castle-town of Gautdestroit in *Messire Gauvain*, written by the twelfth-thirteenth century trouvère, Raoul.

Much history in small compass appears in *The Commemorative Medal in the Service of Germany*, by G. F. Hill (demy 8vo, pp. 32. London: Longmans, 1917, 6d. net), which briefly comments on the outbreak of medallions expressive of German ideals, animosities and hero-worships. No fewer than five hundred and eighty medals had reached foreign countries last year, and probably the list still grows. This pamphlet describes in the seventeen medals excellently illustrated, typical instances of our enemy's ideas about the work of his submarines, and the portraiture of his Emperor and Crown Prince, as well as of Tirpitz and Zeppelin.

The new volume of the *Proceedings of the Royal Irish Academy* (vol. xxxiv. Section C, Nos. 1-5) opens with an elaborate paper by the Rev. Patrick Power on the Place Names and Antiquities of S.É. Cork (No. 1), in which his archaeological observations seem to be of more value than his philological speculations.

Two studies on the old silver plate belonging to Trinity College, Dublin, are of considerable interest. Mr. Dudley Westropp, while making a catalogue of it for the College authorities, discovered that the date of gift on

several of the pieces was much earlier than the date indicated by the hallmark, a discrepancy which arose, he explained, either from re-making or from delayed purchase. Either supposition is inadequate according to Dr. Mahaffy (No. 2), who maintains that hallmarks are of secondary importance when confronted with inscribed dates. In No. 5 Mr. Westropp defends his original explanation.

Mr. T. J. Westropp, whose contributions are always welcome, attempts to identify some prehistoric sites in Co. Limerick as pagan sanctuaries (No. 3), and the interments found near Ardee are pronounced by Dr. Macalister and Mr. Holtby as of pre-Christian date (No. 4).

In the *English Historical Review* for January Mr. Murray Beaven revises the story of King Edmund I. and the Danes of York. Incidentally he offers fresh views not only as to the general struggle with the Danes, but also as to the careers of the variously surnamed leaders styled Anlaf, whose separate individualities are hard to disentangle.

Mr. E. Armstrong sketches the content of the Medici archives, the recently announced sale of which has been suspended, if not countermanded. Dr. Moore Smith has found matter both of poetry and history in the *Quodlibets* and other writings of Robert Hayman, 1575-1632, urging the colonial exploitation of Newfoundland. Mr. Edward Salisbury edits an imperfect but important memorandum of a council held in June, 1318, to advise on proceedings for the salvation of the realm against the malice and iniquity of the Scots, 'who had entered England with great hosts as far as Yorkshire, destroying holy church' and generally wasting the land.

History for January has the conclusion of Professor Firth's scrutiny of the story of the expulsion of the Long Parliament, illustrating the mythical element fostered by an imperfect contemporary record. Mr. C. W. Previt -Orton edits a very nebulous Elizabethan prophecy, mostly carried over from early dates.

In *The American Historical Review* for January the Presidential address to the American Historical Association by Washington C. Ford shows the advance in editorial method in the publication of historical memoirs since the early days of the Republic, but points out the difficulties of reaching dispassionate presentment at the very best, and the obstacles to procuring the most trustworthy evidence. A side of the same subject is well seen in James G. Randall's lively discussion of the newspaper problem during the Civil War. The game of dodging the censor was pursued with great energy, but more successfully by northern editors. Some secrets of the evolution of the alliance between the Emperors of Germany and Russia have emerged in the revolutionary upturn of Petrograd, and in consequence Sergo Goriainov has been enabled to present a new narrative of the negotiations by which Bismarck led up to the confidential agreement of June 1887, which Bismarck's successor, Caprivi, refused to renew in 1890, thus terminating that alliance, although after Bismarck's super-session the Emperor had assured the Russian Ambassador, Shuvalov, of his regard for the Czar, and his desire to continue the treaty. A batch of

letters from Andrew Jackson Donelson, the American Minister in Berlin during March 1848, gives his official reports of the revolution. Then, as now in the Russian revolution, the position and attitude of Poland were regarded as vital problems of the changed situation, which, however, proved to be less permanent in effect than the Ambassador anticipated.

The number of the *Revue Historique* for November-December, 1917, opens with the concluding instalment of M. Desdevises' important study of the *Vice-rois et capitaines généraux des Indes espagnoles*, which is followed by the final portion of M. Halphen's *Etudes critiques sur l'histoire de Charlemagne*, devoted to an examination of Einhart's *Vita Karoli*. The cumulative effect of M. Halphen's discriminating discussion of Einhart and his work goes far to relegate his *Vita* to the position of a secondary authority. H. André Piganiol's *L'Impôt de capitation sous le Bas-Empire romain* and M. Babelon's *Le Rhin dans l'histoire*, ii., receive very critical examination. Mr. Harold Begbie's *apologia* for Lord Haldane is treated with a deliciously portentous irony by M. Bémont. Reference is made to the publication of the last *fascicule* of the *Dictionnaire* of Daremberg and Saglio and to the deaths of MM. Paul Meyer, Louis Liard, and Maxime Collignon. Students of scholastic philosophy will learn with interest that M. François Picavet has arranged to edit for the *Société d'histoire générale et comparée des philosophies médiévales* complete texts of the most important treatises of the medieval philosophers.

In the number for January-February, 1918, M. M. Wilmotte, the distinguished professor of the University of Liège, deals with the *local* of the *Waltharius*, the most important of medieval Latin poems. His article is devoted to a criticism of the conclusions which Jacob Grimm enunciated in 1838 as to the Germanic origin of the poem. These conclusions have been generally accepted by subsequent writers *e.g.* by Professor Ker in his *Dark Ages*. Until the present war seemed to justify an exposure of the nationalist tendencies of German scholarship, it was probably of little moment to historians of literature to determine whether the poem was produced within the spiritual orbit of modern France or not, but recent events have altered our perspective. The independent investigations of MM. Jacques Flach and M. Wilmotte have produced interesting results which merit serious attention. The author of *Waltharius* threatens to assume the proportions of a continental *Huchown of the Awle Ryale*. In an interesting article M. Georges Weill deals with Julien Ouvrard, the financier of the Revolution, Empire and Restoration, who revived the tradition of Law, and M. Eugène Griselle furnishes some important documents on the Clèves-Juliers succession which occupied the attention of the diplomatists of Europe at the beginning of the seventeenth century. For many readers the most important contribution to the number is the third and concluding instalment of Mm. Luchaire and Alazard's survey of recent Italian historical studies, a critical examination of an abundant output which will be appreciated even by the most attentive student. Among the *Notes bibliographiques* attention may be drawn to the publication by Champion of a Latin chronicle dealing with the Divorce of Henry VIII., edited by M. Bémont.

Communications

TESTE MEIPSO. In the treatise, *Commentatio in tit. x. libri secundi institutionum de Testamentis ordinandis*, which Edward Henryson, one of the most distinguished of Scottish civilians, dedicated to Michael de l'Hopital in 1555, there is an interesting reference to a practice which he claims as distinctly Scottish.¹ In his commentary on the new form of Wills introduced by the praetor he quotes, with reference to the words of the Institutes, *Sed septem testium signa sufficiebant*, a passage from the Roman jurist, Venuleius Saturninus: *Curent magistratus cujusque loci testari volentibus et se ipsos et alios testes vel signatores praebere, quo facilius negotia explicentur et probatio rerum salva sit.*² Further, with reference to the words of Venuleius, *et se ipsos*, he writes: 'Item quod ait, *et seipsos*, admonet me Regis Scotiae, nostrae, qui ipse rogatus res in Testationem suam, hoc est, se solo teste redigere solibat, *cap. cum dilectus 9 de fide instru.* Magistratus autem ut privatos testificari Arcadius quoque scripsit, *l. Ob 21 ff. de Testib.* Verum parum perite mihi videtur respondere Papa de Rege, *l. 1. de constit. l. 3 in fine de offic. Praeto, l. 1. a quib. appell non licet. l. quidam 57 fin ff. ulti, Institut. quib. mod. Testa. infir l. omnium 19 Cod. de Testa.* vbi et haec quaestio tractatur.'³

It will be observed that Henryson's first reference is to the ninth Chapter of the twenty-second title of the Second Book of the Decretals of Gregory IX. This chapter forms part of a letter of Innocent III. addressed in 1207 to the Bishop of St. Andrews and others with reference to a dispute between the Augustinian Abbey of Cambuskenneth and the Benedictine Abbey of Dunfermline. The dispute concerned the ownership of lands and teinds in the valley of the Forth. The Bishop and other ecclesiastics, to whom the dispute had been referred, consulted the Pope on four legal points involved, and the Papal solution of the third question is cited by Henryson.⁴ As contained in the *Corpus Juris Canonici* the finding of Innocent does not disclose the exact point involved, and one can only conjecture that it concerned the validity of a Royal grant. 'Super tertio vero articulo taliter respondemus,' wrote Innocent, 'quod inquiratis diligentius veritatem, et, si consuetudo illius patriae obtinet approbata, ut instrumentis illius regis fides adhibeatur in talibus, vos ea secure poteritis admittere, praesertim quum supradictus rex tantae

¹ Meerman, *Thesaurus*, iii. 426.

² D. xxii. 5, 23.

³ Meerman, *Ibid.* 431.

⁴ For the other questions v. *Decretal*, Greg. IX. i. 43, 6, and ii. 12, 6,

fuerit honestatis, quod ipsius instrumenta maximae auctoritatis sint in partibus Scoticanis.' Is the 'rex tantae honestatis' David I., who founded the Abbey of Cambuskenneth?

On referring to the *Regesta* of Innocent III. we find the question and a more detailed answer.¹ 'Ex quo, autem,' wrote the Pope, 'scrupulus tertiae dubitationis emersit, quod monachi supradicti excipientes contra canonicos supradictos asseruerunt controversiam super praefatis decimis tempore inclytæ recordationis regis David fuisse per concordiam terminatam, super compositione inita instrumentum in medium producentes praefati regi sigillo munitum. Super quod nostrum postulastis responsum, utrum instrumentum illud, testibus sublatis de medio, per se sufficere valeat ad probandum propositum, cum hinc inde fuerit allegatum. . . . Super tertio vero capitulo taliter respondemus, quod inquiratis diligentius veritatem. Et si consuetudo illius patriae obtinet approbata ut instrumentis illius regis fides adhibeatur in talibus, vos secure poteritis praefatum admittere instrumentum; praesertim cum saepedictus rex tantae fuerit honestatis quod ipsius instrumenta maximae auctoritatis sint in partibus Scoticanis.' The question was, therefore, as to the validity of a charter by David I. sealed with his seal and 'testibus sublatis de medio.' Can this charter be identified?

On referring to the Chartulary of Cambuskenneth,² transcribed by Alexander Mylne, Abbot and the first President of the Court of Session, in 1535, we find that it contains a *compositio inter nos et Dunfermeling super diversis decimis et de celdra farine de Polmas Regis Kirketoun* which Sir Wm. Fraser dated 24th October, 1215.³ This *compositio*, which is also found in the Register of Dunfermline,⁴ contains a narrative of the dispute, but it does not refer to the legal questions involved and the findings of Innocent. It furnishes, however, a clue to the charter in dispute, for it provides: 'et preterea terra illa que dicitur terra canonicorum, juxta molendinum, quam rex David dedit ad fundationem abbacie de Cambuskenneth, remanibit libera et quieta canonicis de Cambuskenneth . . .'. Now the Cambuskenneth Chartulary contains two Charters by David which Fraser dated 'c. 1147' and 'ante 1153.' Neither of these refers to the 'terra canonicorum' and both are fully witnessed.⁵ No guidance can therefore be obtained from documents, and we are left to conjecture. The *Regesta* of Innocent III. were not available to Henryson when he identified the question submitted to the Pope as one connected with the authentication of a Royal signature, and the *Decretalia* of Gregory do not provide the information. Was Henryson in his youth associated with Mylne? The latter died in 1548, and the treatise of the former, from which the passage is taken, was dated from Bourges seven years later. Had the former heard of some monastic tradition preserved at Cambuskenneth regarding the disputed Royal charter? The

¹ Migne, *Patrologia Latina*, ccxv. p. 1126, cf. 1134.

² *Registrum monasterii de Cambuskenneth* (Ed. Fraser, ed. 1872). ³ P. 149.

⁴ *Registrum de Dunfermelyn* (Bannatyne Club, 1842), 128.

⁵ *Registrum*, pp. 71 and 77.

prudent student will ignore the curious coincidence, and conclude that Henryson simply quoted Innocent in support of the general proposition that local customs must be recognised. It is difficult to connect the situation indicated by the phrase *testibus sublati de medio* with the absence of witnesses.

Henryson's other citations are from the *Corpus Juris Civilis*. He cites the title *De testibus* in the Twenty-second Book of the Digest: 'Illud quoque incunctabile est, ut, si res exigat, non tatum privati, sed etiam magistratus, si in praesenti sint, testimonium dicant. Item senatus censuit praetorem testimonium dare debere in iudicio adulterii causa.'¹ The *autem*, with which this reference to the Digest is introduced, indicates that he was not satisfied with the attribution of the practice by Innocent to *consuetudo illius patriae*, and that he wished to found it on the *ius scriptum*. The conclusion is confirmed by the words which follow: 'Verum parum perite mitri videtur respondere Papa de Rege,' and by the reference which follows to the title *De constitutionibus Principum*.² 'Quodcumque igitur imperator per epistolam et subscriptionem statuit,' wrote Ulpian, 'vel cognoscens decrevit vel de plano interlocutus est vel edicto praecipit, legem esse constat.' The following references add nothing to the argument, all having reference to the plenitude of imperial power.³ It is possible that they are given to meet the difficulties involved in the view that the term *instrumentum publicum* did not include Royal letters.⁴

Until M. Léopold Delisle opened up the question afresh, the weight of authority was against the view that an authentic charter of David I. could contain the form *teste meipso*. Mabillon's judgment was as follows: 'Lapsu temporis inventa est ab Anglicanis regibus compendiosior via, ut non aliis testibus quam teste Rege ipso litteras quasdam suas roborarent. Hujusci ritus originem Ricardo primo antiquiorem esse non puto, cujus Richardi complures litterae, hac formula, *teste meipso*, vel consimili praedictae reperiuntur apud Rogerium Hovedenum.'⁵ He noted that the practice never spread to France, in spite of the existence of a few doubtful *diplomata* of St. Louis, in which it is found. M. Giry deals with the question shortly and accepts the conclusions of Mabillon, adding, 'On a fait remonter l'origine de cette mention à Henri II., voire à Guillaume le Conquerant, mais les documents allégués sont plus que suspects.'⁶

Turning to Scotland, we find in the Register of the Bishop of Aberdeen a Charter of 1137 by David I. which concludes with the phrase 'teste meipso apud Forfar, anno regni mei decimo tertio, trecesimo die mensis Junii.'⁷ Cosmo Innes in his Preface described these words as spurious, the scribe having 'stupidly affixed the conclusion and mode of testing

¹ D. xxii. 5, 21.

² D. i. 4, 1.

³ D. i. 14, 3. *De officio praetorum*: '... quod jus multo magis in imperatore observandum est.' D. xlix, 2, 1, *A quibus appellari non licet*. D. xlii. 1, 57, *De re iudicata*. Instit. ii. 17; C. vi. 23, 19, *De testamentis*.

⁴ Vide e.g. Van Espen, Pars. iii., tit. vii., cap. vii. 7.

⁵ *De re diplomatica*.

⁶ *Manuel de diplomatique* (Paris, 1894), 796.

⁷ *Reg. Ep. Aber.* i. 3, cf. Lawrie, *Early Scottish Charters*, 354.

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which were in fashion in the Charters of his time.' He added a reference to Mabillon, and concluded: 'We do not meet with it in Scotland in ascertained genuine Charters earlier than the reign of Alexander II.'

In his important introduction to the collection of the *Actes* of Henry II. M. Delisle wrote in the year 1909: 'J'ai relevé la formule *teste meipso* dans la subscription de neuf chartes de Henri II. et, quoique plusieurs de ces chartes soient d'une authenticité douteuse, le nombre en est trop considérable, et elles viennent d'établissements trop divers, pour qu'on puisse soupçonner que des faussaires, disséminés dans les provinces françaises soumises à Henri II., aient pu s'entendre pour fabriquer des actes renfermant une locution assez peu usitée et trouver le moyen de les faire entrer dans un certain nombre d'archives.'¹ He noted that Sir Thomas Duffus Hardy had adopted the view that the practice went back to Henry II., in 1833, and had abandoned it four years later.²

The observations of Henryson add nothing to the solution of the problem, but they are not without interest. DAVID BAIRD SMITH.

A HOLOGRAPH RECEIPT OF EDWARD RABAN. Before he became the first printer in Aberdeen, Edward Raban is known to have printed one book in Edinburgh, and at least eight, if not ten, in St. Andrews. In Edinburgh he dwelt 'at the Cowgate Port, at the signe of A B C'; and in St. Andrews his 'printing-house' was 'in the South-street of the citie, at the signe of the A B C.' His Edinburgh volume was dated 1620, and his St. Andrews ones, 1620, 1621 and 1622. No fewer than five works issued from his press at Aberdeen in 1622. The titles of all these works, and bibliographical descriptions of them, will be found in Mr. J. P. Edmond's, *Aberdeen Printers, Edward Raban to James Nicol, 1620-1736*. On five of his St. Andrews books Raban designates himself as 'printer to the universitie,' in one as 'academiæ typographus,' and in another as 'universitatis typographus.' Of St. Andrews, Mr. Edmond said: 'It is very much to be regretted that the municipal records of this ancient city are very deficient—those for the years during which Raban worked there are lost.' The existing minutes of the Town Council do not go further back than 1656, but other records do, and I was fortunate enough to find among them, several years ago, one of Raban's holograph receipts, which runs thus:

'I Edward Raban, printer in St. Androes, grant mee to have received from Simon Greggor, the sum of 20 ll. Scots, concerning the tearme of Martinmes 1620, and the tearme of Whitsonday 1621, which was granted unto me by the senate and counsell of the sayd citie: Therefore, I say, I most thankfully discharge the senators foresayds, and Simon Greggor their treasurer, of the two tearms foresayds, this 12 March 1622

'By me Edward Raban.'

As will be seen from the accompanying reproduction of Mr. Fairweather's full-size photo, Raban wrote a clear, bold hand. The receipt has been

¹ *Recueil des Actes de Henri II.* (Paris, 1909), 225.

² *Rotuli chartarum*, xxxi.; *Rotuli litterarum clausurarum*, xvii.

Edward Zaban, printer in St Andrews, grant mee to
have received from Simon Greggor, the summe of 20^l
scots, concerning the termes of Martinmas. 1620. and the
termes of nightsonday, 1621. which was granted unto me by the
Senate and councill of the sayd Citie: Therefore, I say, I
most thankfully discharge the Senators foresaid, and Simon
Greggor their Tresurers, of the two termes foresayd,
this 12 Marche. 1622

By me Edward Zaban.

thus indorsed by Simon Greggor or his clerk: 'Aidvartt Rabans dis-chairge of Mertimis 1620 and Vitsindy 1621 hes hous maill, 20 lib.' This shows that the Town Council paid his rent. The only specimens of Raban's handwriting known to Mr. Edmond were his signatures to the lease of his Aberdeen printing office and to an entry in one of the Aberdeen registers. Of the latter he gave a facsimile. His reading of that entry (*Aberdeen Printers*, pp. xxvi, xxvii) is inaccurate—'paper ust' should be 'papier coft,' and 'acts publest' should be 'actit & oblest.' Mr. Edmond not only described the very rare Raban horn-book of four leaves, but gave a fac-simile of it. He also stated that Dr. Laing bought for three shillings the copy which, at the sale of the first portion of his library (lot 1540), realised £15. That was in 1879. The late Mr. John S. Gibb's copy, at the sale of the first portion of his library (lot 460), realised £15 15s. That was in 1912, not at Sotheby's, but at Dowell's. This was surely a record price for four small leaves printed on one side of the paper only.

D. HAY FLEMING.

A SCULPTURED COAT OF ARMS AT BEWCASTLE.

Dr. Evans of Newcastleton has sent me a photograph of an old stone, now built into the wall of a barn at Bewcastle, with the request that if possible I might identify the coat of arms sculptured upon it. The charges are much worn by long exposure to the weather, and the accompanying engraving shows how they now appear. With the concurrence of Dr. Evans I am sending you the outline with observations.

The barn belongs to the homestead of Demesne Farm, which forms a group with the church and ruined castle of Bewcastle on the Border. The name of the farm is interesting, being in such close proximity to the castle and lying at the head of a stretch of ground still known as the Park. These names recall their feudal relations. It was the home farm, the demesne of the manor in the hand of the lord.

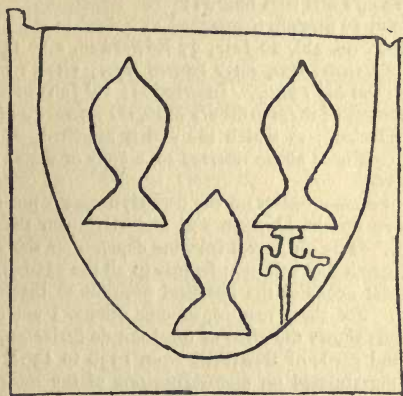
The feudal ownership is as important as the geographical position of the site. The manor of Bewcastle was parcel of the barony of Gillesland, but the baronial oversight did not alter its feudal status. It was always owned by a free tenant when not seized for some cause by the Crown. That being the case, it is not necessary to go back beyond the fourteenth century for a declaration of ownership. It may suffice to say that Adam de Swinburne, lord of Bewcastle, died in 1318: Sir John de Strivelyn was married to Barnaba, one of his co-heiresses, before 1330 and thereby obtained the manor as part of her inheritance. By a deed of enfeoffment in 1361 the manor was entailed in such a way that when Sir John de Strivelyn died in 1378 it did not pass out of Strivelyn possession till 1391 when it came to the Middletons of Belsay Castle in Northumberland. The Strivelyn tenure of Bewcastle, therefore, in rough figures embraced the period from 1330 to 1391.

When Dr. Evans sent me the photograph, I was not aware of the existence of the stone: no notice of it in print was known to me. Later, however, I came across a manuscript description of it, made in 1688, which is of considerable interest. Thomas Denton, writing of Bewcastle in that year, says:

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'There is a Coat of arms cutt in stone upon ye Castle gate of ye Vaulxs with a Daggar pendant in the side of ye Escutcheon whereby it seems that Robert de Vallibus did finish it, who killed Gills Bueth with a Dagger.'

From this it is clear that the monument was at that time a decoration of the castle and was afterwards transferred to the barn of the home farm. Denton's explanation of the coat of arms need not be taken seriously. The family of Vallibus or Vaux, lords of Gillesland, never owned the castle or manor, except as overlords in the twelfth and early thirteenth centuries, and the arms of the family in all its principal branches are fairly well known. The coat of Vaux of Gillesland was *checky*, but late descents



in minor branches had three *garbs* on their shields, never, however, without a *checky fesse* or bend. Denton's 'dagger pendant in the side of ye escutcheon' only recalls the very old legend about the foundation of the priory of Lanercost. But unless the *checkers* are seen on the stone, the venture of assuming Vaux for the arms may be dismissed. The arrangement of the charges on the Bewcastle shield renders the introduction of fesse or bend impossible.

The three principal figures in my belief are not *garbs* but *covered cups*, and Denton's 'dagger,' which fortunately still remains distinct, is one of the cross-crosslets which go to make up the coat of Sir John de Strivelyn, lord of the manor of Bewcastle in the fourteenth century—*crusilly of cross-crosslets, three covered cups*. There is no need to determine whether there were two Sir John de Strivelyns in succession or only one: so far as the arms on this stone are concerned, it is immaterial. My suggestion is that the remnants of the sculpture show unmistakably the Strivelyn coat. I think I see in the photograph another cross-crosslet on the field, but as it is not clearly discernible I do not put it in as evidence. The stone is decayed in some parts more than in others, though strange to say it can have altered little since Denton observed it at the castle in 1688.

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If we compare the photograph of the Bewcastle shield with a similar monument over one of the doorways at Belsay Castle, we see it quartered with that of Middleton which shows the arms of Strivelyn as *crusilly of cross-crosslets, three covered cups*. In the Durham treasury there are examples, not only of the seal of Middleton quartering Strivelyn as sculptured above the Belsay Castle doorway, but also of the seal of Sir John de Strivelyn with the arms shown on the Bewcastle stone. Photographic reproductions of the Belsay Castle shield and of the Durham seals are given by Sir Arthur E. Middleton, Bart., in his charming little *Account of Belsay Castle*, printed for private circulation in 1910. Sir Arthur's description of Sir John de Strivelyn's seal is as follows:

'Seal of Sir John de Strevelyn attached to a deed in the Durham muniments (1^{ma} 6^{ta} Spec. no. 48), 20 July, 35 Edward iii. A.D. 1361. A shield bearing *crusilly of cross-crosslets, three covered cups*. Crest: on a helmet, a covered cup between two bull's horns. Inscription: 'S^t Johannes de Strevelyn.' The heraldic tinctures of these arms are *Sable, the crosslets and cups argent*.'

The deed at Durham, to which the seal is attached, is, I believe, the actual deed of enfeoffment above referred to, a copy of which is preserved in our national records.

The number of cross-crosslets on the Strivelyn coat is not constant. Six or seven are shown on the Durham seal and eleven on the Belsay extramural monument. The number I imagine depends on the relative size of the cups. But there is one common feature in all the examples I have seen, that a cross-crosslet occupies the identical position as that shown on the Bewcastle shield. For these reasons, among others, I am persuaded that the Bewcastle stone shows the arms of Sir John de Strivelyn, whose family held the manor and castle of Bewcastle from 1330 to 1391, and if so, Dr. Evans is to be congratulated on discovering one of the most ancient coats of arms, sculptured in stone, in existence in the county of Cumberland.

It is well known that Sir John de Strivelyn and the Middletons and Swinburnes took a prominent part in Border affairs in the fourteenth century, as may be seen from the documents calendared by Mr. Joseph Bain and such-like sources.

JAMES WILSON.